



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
Planning and Building Department



DATE: April 12, 2010
BOARD MEETING DATE: April 27, 2010
SPECIAL NOTICE/HEARING: 500 Feet
VOTE REQUIRED: Majority

TO: Honorable Board of Supervisors

FROM: Jim Eggemeyer, Interim Director of Community Development 

SUBJECT: Consideration of: (1) Certification of the Re-Circulated Draft EIR and the Final EIR, pursuant to the California Environmental Quality Act (CEQA) for the proposed Highlands Estates Subdivision; (2) Adoption of the ordinance to amend the County's non-coastal Resource Management (RM) District Regulations, pursuant to Section 6550 of the County Zoning Regulations; (3) Adoption of the ordinance to rezone two portions of the project site, pursuant to Section 6550 of the County Zoning Regulations; and (4) Approval of the proposed Lot Line Adjustment (pursuant to Section 7124 of the County Subdivision Regulations), Major Subdivision (pursuant to the Section 7010 of the County Subdivision Regulations), RM Permit (pursuant to Sections 6313 and 6318 of the County Zoning Regulations), and Grading Permit (pursuant to Section 8600 of the San Mateo County Ordinance Code).

County File Number: PLN 2006-00357 (Ticonderoga Partners, LLC/Chamberlain Group)

STAFF REPORT RECOMMENDATION

Consider the following actions:

1. Certify the Re-Circulated Draft Environmental Impact Report (DEIR) and the Final EIR (FEIR), pursuant to the California Environmental Quality Act, subject to the required findings listed in Attachments A and B.
2. Adopt the ordinance included as Attachment X of this report to amend the County's non-coastal Resource Management (RM) Zoning District Regulations by adding a provision allowing a reduction in front yard setbacks to a minimum of 20 feet and side yard setbacks to a minimum of 10 feet for projects that meet specified criteria, subject to the required findings listed in Attachment A.

3. Adopt the ordinance included as Attachment V of this report to rezone an approximately 27,000 sq. ft. portion of APN 041-101-290, corresponding to the boundaries of Lots 9 and 10 of the Vesting Tentative Map from RM to R-1/S-81 zoning designation, subject to the required findings and conditions of approval listed in Attachment B.
4. Approve of a Lot Line Adjustment between APN 041-072-030 and APN 041-101-290 which would retain the number of existing legal parcels but which would result in a new parcel configuration (Lot 10), subject to the required findings and conditions of approval listed in Attachment B.
5. Adopt the ordinance included as Attachment W of this report to rezone a 2,178 sq. ft. area (formerly APN 041-072-030) from R-1/S-8 to RM, subject to the required findings and conditions of approval listed in Attachment B.
6. Approve a Major Subdivision of APN 041-101-290 to create ten new residential parcels (Lots 1 through 9 and Lot 11), with appropriate development restrictions on the remainder parcel (as allowed by Section 6318 of the Zoning Regulations), subject to the required findings and conditions of approval listed in Attachment B.
7. Approve a Resource Management Permit to subdivide and develop nine lots located in the RM-zoned portion of the property (Lots 1 through 8 and Lot 11), including granting two bonus density credits and the approval of a reduction in the minimum front and side yard setback requirements per the proposed Zoning Text Amendment, subject to the required findings and conditions of approval listed in Attachment B.
8. Approve a Grading Permit to perform approximately 6,700 cubic yards of cut and approximately 7,400 cubic yards of fill for the development of eleven residential lots, subject to the required findings and conditions of approval listed in Attachment B.

BACKGROUND

Project Summary: The proposed project includes all actions associated with the development of two contiguous parcels, totaling 96.97 acres (approx. net) (gross: 99 acres), located in the unincorporated San Mateo Highlands area of San Mateo County. The project site contains two island parcels owned by the California Water Service. These two parcels total approximately 2.08 acres and are not part of this project. The larger of the two subject parcels (APN 041-101-290) is approximately 96.92 net acres in size and carries two zoning designations: Single-Family Residential (R-1/S-81) for a 9,000 sq. ft. portion at the base of Cobblehill Place, and Resource Management (RM) for the remaining area of the parcel. The smaller of the two parcels (APN 041-072-030) is 2,178 sq. ft. in size and carries a zoning designation of Single-Family Residential (R-1/S-8). Existing parcel boundaries and zoning districts are illustrated in Attachment I of this report.

The applicant, Chamberlain Group, proposes a series of actions including a Rezoning, a Lot Line Adjustment, and a Major Subdivision. As proposed, parcel sizes range from approximately 9,100 sq. ft. to approximately 18,000 sq. ft., with the exception of Lot 8 (20,904 sq. ft.) and Lot 11 (28,600 sq. ft.). The proposed preliminary designs for the homes are multi-level structures, ranging in size from approximately 2,800 sq. ft. to approximately 3,900 sq. ft. The remaining area of the project site will be restricted to open space uses in compliance with the requirements of Sections 6317A (*Conservation Easement for Subdivisions*) and 6318 (*Development Bonuses*) of the RM Zoning District Regulations, with potential development as a passive use park to serve the neighboring community. The proposed Rezoning, Lot Line Adjustment and Major Subdivision are illustrated in Attachment J of this report.

All actions necessary for project implementation are proposed by the applicant, except for the Zoning Text Amendment, which is proposed by the County. The proposed Zoning Text Amendment would modify the County's non-coastal Resource Management (RM) Zoning District Regulations in order to allow for reduced setbacks for residential projects in unincorporated urban areas that preserve open space.

Report Prepared By: Camille Leung, Planner III, Telephone 650/363-1826

Applicant: Chamberlain Group

Owner: Ticonderoga Partners, LLC

Location (Highland Estates): Two contiguous parcels of property (APN 041-101-290 and APN 041-072-030), consisting of approximately 99 acres (gross), located in the unincorporated area of San Mateo County known as the San Mateo Highlands. See "Setting" below for additional information.

Location (Zoning Text Amendment): There are currently 93 existing RM District parcels within urban, unincorporated areas of San Mateo County. As shown in Attachments D and E, these parcels are concentrated in six primary areas within San Mateo County: the San Mateo Highlands neighborhood, San Bruno Mountain, areas owned by Stanford University, the Los Trancos Woods Area, Edgewood Park Area and in the San Bruno County Jail Area.

APNs: 041-101-290 and 041-072-030 (Highlands Estates)

Size: APN 041-101-290 is approximately 96.97 acres (net). APN 041-072-030 is approximately 2,178 sq. ft. in size.

Existing Zoning: As shown in Attachment I, APN 041-101-290 currently carries two zoning designations: one of Single-Family Residential (R-1/S-81) for a 9,000 sq. ft. portion at the base of Cobblehill Place, and the other of Resource Management (RM) for the remaining area of the parcel. APN 041-072-030 carries a zoning designation of Single-Family Residential (R-1/S-8).

General Plan Designation: All of APN 041-101-290 is designated General Open Space, except for a 9,000 sq. ft. portion of APN 041-101-290 (near Cobblehill Place) zoned R-1/S-81 that is designated for Medium Low Density Residential (2.4 – 6.0 dwelling units/acre). APN 041-072-030 is also designated for Medium Low Density Residential use.

Sphere-of-Influence: City of San Mateo

Existing Land Use: Vacant

Water Supply: Domestic water service would be provided to the project site by California Water Service Company (Cal Water). Upon approval of the project, the applicant would be responsible for securing permits with Cal Water to extend the water lines from their existing termini in Ticonderoga Drive and Bunker Hill Drive to the proposed parcels.

Sewage Disposal: Sanitary sewer service would be provided to the project site by the Crystal Springs County Sanitation District (District). The homes would connect to existing sewer lines that run along Ticonderoga Drive and Bunker Hill Drive. Currently, the sewer collection system is over capacity during the wet seasons, with the majority of sewer system overflows occurring in the Town of Hillsborough and the City of San Mateo collection systems. Per Condition 4.y (Mitigation Measure UTIL-1), the applicant would be required to mitigate the project-generated increase in sewer flow such that there is a “zero net increase” in flow during wet weather events, by reducing the amount of existing Inflow and Infiltration (INI) into the District sewer system. Further discussion is provided in Section 4.4.2.6 of the Re-Circulated DEIR.

Flood Zone: Zone C (Area of Minimal Flooding); Community Panel No. 060311-0140B; effective date July 5, 1984.

Environmental Evaluation: A Re-Circulated DEIR was issued with a 57-day public review period from September 14, 2009 to November 9, 2009. A FEIR was issued with a 10-day public review period from January 4, 2010 to January 14, 2010. Please see Section II.H of this report for further discussion.

Setting: The property is undeveloped. The project site is bordered by Bunker Hill Drive to the north and northeast; Polhemus Road to the southeast; Ticonderoga Drive and Cobblehill Place to the south; and Ticonderoga Drive, Lexington Avenue, and Yorktown Road to the west. The project site is predominately surrounded by single-family residential uses. Other surrounding land uses in the project area include the Crystal Springs United Methodist Church and the Crystal Springs Shopping Center east of the site; and the Hillsborough West Apartments southeast of the site and the Highlands Recreation Center west of the site. The Highlands Elementary School is approximately 200 feet northwest of the project site. Two parcels, owned by the California Water Service Company, are located off Yorktown Road and are surrounded by the project parcel. These two parcels are not part of this project. The slope on the project site ranges from 0 percent to 50 percent in some areas (the average overall slope is 40 percent). Numerous sandstone rock outcrops are visible on the site, especially along the upper

slopes and ridges. The site is predominately characterized by coast live oak, woodland, coastal scrub, riparian forest and valley needlegrass grassland. The soil types that exist on the site include clayey soil, greywacke sandstone, sheared bedrock and bedrock of the Franciscan formation. Soils associated with previous landslides are also present on the portion of the project site proposed for development along Ticonderoga Drive.

Livable Communities 2025 Shared Vision: Project approval will result in the creation of eleven new parcels for single-family residential use to be located adjacent to existing residential development and accessible from existing roadways.

Chronology:

<u>Date</u>	<u>Action</u>
Prior to 1958	The entire property and adjacent 3-acre site on Polhemus Road, ultimately developed as Hillsborough West Apartments (800 Polhemus Road, now in the City of San Mateo), were zoned R-1, allowing single-family residences with a minimum parcel size of 7,500 sq. ft. or approximately six parcels per acre.
January 1958	The Board of Supervisors rezoned the adjacent 3-acre parcel (Hillsborough West Apartments) from R-1 to R-3, allowing multiple-family development.
June 1958	The Board of Supervisors rezoned the entire 99-acre parcel to R-E/BD, a residential estates zoning designation allowing for one unit per five acres. The "BD" zoning overlay district was later changed to "SS-107," but it did not change the minimum 5-acre parcel size.
April 16, 1963	The San Mateo County Planning Commission approves a 4-lot subdivision resulting in the creation of APN 041-101-290 and three parcels located on the Hillsborough West Apartments site.
1976	The Board of Supervisors rezoned the property, with the exception of the 11.78-acre area to the RM District. The 11.78-acre portion was retained in the R-E/SS-107 zoning district.
November 15, 2005	Certificate of Compliance (Type A) for APN 041-072-030 is recorded, included as Attachment Y, making the parcel legal (PLN 2005-00350).
September 2007	The San Mateo County Board of Supervisors approved a County-initiated rezoning of the 11.78-acre portion of the

parcel from an R-E/SS-107 zoning to an R-1/S-81 zoning over a 9,000 sq. ft. portion and an RM zoning over an 11.57-acre portion. The County also amended, by ordinance, the RM District Regulations to add a provision requiring, after any land division(s), that a permanent conservation easement be granted to the County that limits the use of lands to uses consistent with open space.

December 19, 2008

Public release date of DEIR. Public comment period end date is February 17, 2009.

January 14, 2009

Planning Commission informational public hearing of the DEIR. The Planning Commission: (1) added an additional informational Planning Commission public hearing on February 11, 2009, to be held at the Highlands Elementary School; and (2) extended the EIR public comment period by two weeks to February 17, 2009.

February 11, 2009

Planning Commission informational public hearing of DEIR held at the Highlands Elementary School. At the hearing, the Community Development Director announced that the DEIR will be revised and re-circulated to include the full geotechnical scope authorized by the Board of Supervisors on September 30, 2008.

March 16, 2009

Project meeting between Treadwell and Rollo, Inc., Cotton Shires and Associates, Impact Sciences (County's EIR Consultant), San Mateo County staff, including the County Geologist and the project geotechnical consultant. During that meeting, all parties came to a consensus to further evaluate the landslides impacting the Ticonderoga lots by performing additional subsurface exploration in the area of the landslide and by conducting additional geologic mapping and evaluations for all of the four building sites, utilizing updated topographic surveys.

May 5, 2009

The Board of Supervisors adopted a resolution authorizing a third amendment to the agreement between the County of San Mateo and Impact Sciences for the preparation of an Environmental Impact Report (EIR) for the project, in order to analyze additional technical issues, account for a change in the project description to include a proposed text amendment to the Resource Management (RM) District Regulations, perform additional geotechnical investigation and re-circulate the DEIR.

September 14, 2009	Public release date of the Re-Circulated DEIR, which addresses the geotechnical investigation and additional analysis, as appropriate in order to respond to the comments received on the December 2008 DEIR. The DEIR shows changes to the December 2008 DEIR in redline/strikeout format. Public comment period end date is October 28, 2009.
October 28, 2009	Planning Commission informational public hearing on the Re-Circulated DEIR.
November 9, 2009	End of Re-Circulated DEIR public comment period (extended from October 28, 2009).
January 4, 2010	Public release date of the FEIR, which includes all comments on the Re-Circulated DEIR received during the public review period and response to comments.
January 13, 2010	<p>At the Planning Commission public hearing of the DEIR, FEIR, and proposed project, the Commission continued the item to January 27, 2010 to allow more time for community groups to continue to work with the County and the applicant to address concerns voiced by the public, including, but not limited to, land disturbance within the open space parcel, the applicant's request for additional grading on Lots 1 through 4, the large size of Lot 8, finalization of the proposed conservation easement. The Commission also expressed concern regarding the proposed design of the homes, the need for further screening along the front of the proposed Ticonderoga homes, and incorporation of green building features.</p> <p>Subsequently, staff requested a continuance to February 10, 2010, in order to fully address the above items.</p>
February 10, 2010	<p>At the Planning Commission public hearing, the Commission recommended that the Board of Supervisors certify the FEIR, adopt the ordinances amending the Resource Management (RM) Zoning District Regulations, and rezoning two portions of the project site, and approve the proposed project, subject to the revised findings and conditions of approval (discussed in further detail in Section I of this report).</p>
April 2, 2010	Project meeting between Alan and Catherine Palter of the Baywood Plaza Community Association, Lennie Roberts of

the Committee for Green Foothills, Cary Weist of the Highlands Community Association, and San Mateo County staff to discuss community concerns regarding details of the conservation easement and conditions of approval (discussed in further detail in Section I.C of this report).

April 27, 2010

Board of Supervisors public hearing of the Draft EIR, FEIR, and proposed project.

DISCUSSION

I. KEY ACTIONS

A. PLANNING COMMISSION ACTION

On February 10, 2010, the Planning Commission recommended that the Board of Supervisors certify the FEIR, adopt the ordinances amending the Resource Management (RM) Zoning District Regulations, and rezoning two portions of the project site, and approve the proposed project, subject to the revised findings and conditions of approval in Attachments A and B (decision letter included as Attachment H).

Based on information provided by staff and the testimony presented at the hearing, the Planning Commission directed staff to make various revisions to the findings and conditions of approval for the proposed project, including those summarized below¹:

- Revised Environmental Review Finding 1 for the County-Proposed RM Zoning District Text Amendment and the Proposed Project: The Planning Commission found that the Re-Circulated DEIR and FEIR are complete, correct and adequate, and prepared in accordance with the California Environmental Quality Act and applicable State and County Guidelines, adding a clarification regarding “Alternative 3: Alternate Project Scheme” of the Re-Circulated DEIR (Page 6.0-10). The Commission added that implementation of the alternative would reduce the number of homes located within an area where two land-slides have been identified and could potentially minimize aesthetics impacts to off-site views of the homes along Ticonderoga Drive.
- Revised Condition 4.b for the Proposed Project: Initially, this condition required specific placement of 17 of the 22 trees in order to soften and screen views of the new homes on Ticonderoga Drive, Cowpens Way and Cobblehill Place, with the planting of five of the remaining required trees in an unspecified on-site location. The Planning Commission specified that the five trees should be planted in the right side yard of Lot 8 in order to provide screening of this residence and other residences on Ticonderoga Drive as viewed from Lakewood

¹ In addition to the revisions listed, the Planning Commission made other revisions to provide clarity.

Circle. The Planning Commission also required future property owners to maintain all required trees (or their replacements) in perpetuity.

- Revised Condition 6.a for the Proposed Project: Initially, this condition regarding project color, materials and lighting applied only to residences on parcels in the RM Zoning District (Lots 1 through 8 and Lot 11). The Planning Commission made this condition applicable to all of the proposed residences (Lots 1 through 11).
- Revised Condition 6.b for the Proposed Project: This condition requires the applicant to construct the homes on Lots 9 through 11 such that the rear facades have details to reduce the massing of the structures. The Planning Commission added that the applicant shall visually “break up” the vertical rear facade by utilizing architectural articulation, color variation, and brick or stone treatment for retaining walls supporting the residences.
- New Condition 50 for the Proposed Project: Based on concerns expressed by the public that the location of the bio-retention planter on Lot 8 may impede the ability of the Crystal Springs County Sanitation District (CSCSD) to access existing sewer improvements on the open space parcel, the Planning Commission added a condition requiring the access easement on Lot 8 meet CSCSD’s access requirements.

B. MINOR REVISIONS TO THE CONDITIONS OF APPROVAL MADE BY PLANNING STAFF

Since the hearing, Planning staff has made further minor revisions to the project conditions of approval. Staff has added Condition 33 to require project compliance with Local Agency Formation Commission (LAFCo) requirements. Staff has added Condition 34 in order to ensure perpetual compliance with the development standards and other criteria that constitute the basis of the setback reduction for the RM-zoned lots. These minor revisions provide clarity and additional applicant accountability for project requirements imposed by the Planning Commission. Revisions to the project conditions of approval are shown in track changes in Attachment B. These revisions are minor in nature and are consistent with the Planning Commission’s recommendation of approval for the project.

C. REVISIONS TO THE CONSERVATION EASEMENT AND CONDITIONS OF APPROVAL BASED ON DISCUSSION AMONG COUNTY STAFF, NEIGHBORHOOD ASSOCIATIONS, AND COMMUNITY ORGANIZATIONS

On April 2, 2010, Planning staff and County Counsel met with Alan and Catherine Palter of the Baywood Plaza Community Association, Lennie Roberts of the Committee for Green Foothills, and Cary Weist of the Highlands Community Association, to discuss community concerns regarding details of the conservation easement and conditions of approval. Based on this discussion, staff has made the following additional changes to project documents:

- Revised Draft Conservation Easement: County Counsel has revised the Draft Conservation Easement to clarify the following: (1) the types of improvements that could occur on a flat section of the open space parcel on Lexington Avenue (adjacent to the Highlands Recreation District offices), (2) that improvements determined to be necessary under the Americans with Disabilities Act (ADA) must also comply with the conservation purpose of the easement, and (3) the level of review necessary for amendments to the conservation easement. County Counsel also made other minor edits to this document. These revisions to the Draft Conservation Easement do not require review by the Planning Commission, as the easement is only subject to review by the Board of Supervisors.
- Revised Condition 4.u for the Proposed Project: Neighborhood association representatives expressed concern that while the San Mateo County Fire Protection Ordinance requires a firebreak not less than 30 feet and up to a distance of 100 feet around each improvement, Condition 4.u requires a firebreak of “not less than 100 feet.” The neighborhood association representatives are concerned that this would result in more vegetation removal than is necessary under the County Fire Protection Ordinance and may result in reduced screening for the eleven proposed homes. Staff has changed the language of the fuel break requirement from “not less than 100 feet” to “up to 100 feet.” County Fire Department staff supports the revised language. In addition, language has been added to clarify that the fuel break requirement does not authorize the removal of “major vegetation” requiring an RM Permit. Specifically, “major removal” would be defined as the removal of trees² or other vegetation that provide screening of the eleven residences, such that the residences are made significantly more visible from public viewing location(s). The revision is minor in nature and complies with the San Mateo County Fire Protection Ordinance.
- Revised Conditions 8 and 9 for the Proposed Project: These conditions identify “no-build” areas on Lots 8 and 11, as shown on the Final Map. Neighborhood association representatives expressed concern that the large size of these lots may result, in the future, in an expansion of the homes to a size that is out of scale with other homes in the area. To further restrict the homes sizes on these parcels, staff has added language to require measurement of setbacks from (not to include) no-build areas and to exclude the no-build areas from lot coverage calculations. The language has also been added to the new Condition No. 34 added by staff with regard to the application of development standards to the project parcels, as contained in the RM Zoning Text Amendment. The revision is consistent with the concerns expressed by the Planning Commission regarding lot size and their recommendation of approval for the project.

² RM Regulations only protect trees greater than 55 inches in circumference.

As stated above, the revisions to the project conditions of approval are minor in nature and consistent with the Planning Commission’s recommendation of approval for the project. The revised conditions of approval for the project described in Sections I.B and C of this report are shown in track changes in Attachment B.

II. **DISCUSSION OF KEY ISSUES**

A. **PROPOSED LOT LINE ADJUSTMENT AND MAJOR SUBDIVISION**

Lot Line Adjustment (Recommended Action No. 4)

The Subdivision Regulations define a Lot Line Adjustment as a shift, rotation, or movement of an existing line between two or more adjacent parcels, where the land taken from one parcel is added to an adjacent parcel and where the adjustment does not result in a greater number of parcels than originally existed.

As illustrated in Attachment J, the applicant proposes a Lot Line Adjustment between APN 041-072-030 (Parcel A), currently 2,178 sq. ft. in size, and APN 041-101-290 (Parcel B), currently 96.92 acres in size. The proposed Lot Line Adjustment would move the southern property line of Parcel A in a southeasterly direction to form the rear and side property lines of proposed Lot 10 at the base of Cobblehill Place. The Lot Line Adjustment transfers 96.51 acres from Parcel B to Parcel A, resulting in a much larger Parcel A (96.56 acres) and a much smaller Parcel B (17,995 sq. ft.). Parcel A would be subsequently subdivided into ten residential lots and one remainder parcel as described below. Parcel B would carry the designation of Lot 10 on the Vesting Tentative Map. The Lot Line Adjustment would result in the same number of parcels that currently exist (two).

Table 1			
<i>Proposed Lot Line Adjustment</i>			
<i>Existing Parcel</i>	<i>Existing Lot Size</i>	<i>Amount Transferred</i>	<i>Proposed Lot Size</i>
Parcel A (APN 041-072-030)	2,178 sq. ft. (0.05 acres)	+96.51 acres	96.56 acres
Parcel B (APN 041-101-290)	96.92 acres	-96.51 acres	17,995 sq. ft. (0.41 acres)
Total	96.97 acres		96.97 acres

Major Subdivision (Recommended Action No. 6)

Subsequently, the applicant proposes to subdivide the resulting 96.56-acre Parcel A to create eleven (11) new parcels, including ten new residential parcels (Lots 1 through 9 and Lot 11) and a remainder parcel, as shown on the Vesting Tentative Map (Attachment K). Including the newly configured existing legal parcel at the

base of Cobblehill Place (Lot 10), this would result in a total of eleven residential parcels for all of the properties. Table 2 below describes the locations and sizes of the proposed parcels.

Table 2 <i>Proposed Subdivision</i>		
<i>Parcel No.</i>	<i>Street</i>	<i>Lot Size</i>
1	Bunker Hill Drive	9,841 sq. ft.
2	Bunker Hill Drive	9,842 sq. ft.
3	Bunker Hill Drive	9,843 sq. ft.
4	Bunker Hill Drive	9,161 sq. ft.
5	Ticonderoga Drive	10,246 sq. ft.
6	Ticonderoga Drive	10,991 sq. ft.
7	Ticonderoga Drive	11,150 sq. ft.
8	Ticonderoga Drive	20,904 sq. ft.
9	Cobblehill Place	17,996 sq. ft.
10*	Cobblehill Place	17,995 sq. ft.
11	Cowpens Way	28,600 sq. ft.
Total Area of Residential Use		156,571 sq. ft. (3.58 acres)
12	Open Space Use Only	93.43 acres
Total Area		96.97 acres
*Lot 10 results from the proposed lot line adjustment.		

To meet the requirements of Sections 6317A (*Conservation Open Space Easement*) and 6318 (*Development Bonuses*) of the RM Zoning District Regulations, the applicant proposes a conservation easement (Attachment S) over the remainder parcel limiting uses on the parcel to uses consistent with the California Open Space Lands Act (Section 65560 of the California Government Code) (Attachment T). Discussion of the conservation easement is provided in Section II.C of this report, below.

1. Compliance with the General Plan

The County General Plan designates APN 041-101-290 for General Open Space and APN 041-072-030 for Medium Low Density Residential (2.4 – 6.0 dwelling units/acre) uses. The General Open Space land use designation allows for single-family residential uses. As proposed, the land division has a

density of 3.07 dwelling units/acre over the area of Lots 1 through 11. In conformance with Policies 8.14 (*Land Use Compatibility*) and 8.35 (*Uses*), the project is consistent with surrounding single-family residential land uses and existing open space uses to remain under this proposal. The proposed project also complies with Policy 8.29 (*Infilling*), which encourages the infilling of urban areas where infrastructure and services are available. Each of the eleven proposed residential lots would adjoin existing homes and be served by existing roads and utilities, including overhead electrical, television and cable lines, provided by Pacific Gas and Electric Company, Pacific Bell, and TCI Cablevision of California, respectively. The project sites would also be served by the California Water Service Company (Cal Water), which would extend water lines from their existing termini in Ticonderoga Drive and Bunker Hill Drive to the proposed parcels. Sanitary sewer service to the parcels would be provided by the Crystal Springs County Sanitation District (District) using existing sewer lines that run along Ticonderoga Drive and Bunker Hill Drive.

2. Compliance with Zoning Regulations

As shown in Attachment I, three zoning districts cover the project parcels. The larger of the two parcels (APN 047-101-290) is zoned Resource Management (RM) over a 96.71-acre portion and zoned R-1/S-81 over a 9,000 sq. ft. (or 0.21 acres) portion. The smaller parcel (APN 047-072-030) is zoned R-1/S-8.

Table 3 <i>Existing Zoning By Parcel Number</i>	
<i>Existing Zoning</i>	<i>Total Land Area (Acres)</i>
APN 047-101-290	96.92
RM	96.71
R-1/S-81	0.21
APN 047-072-030	0.05
R-1/S-8	0.05
Total Property Size	96.97

After the proposed Lot Line Adjustment and Rezoning actions, the property will have only two zoning districts, R-1/S-81 over the areas corresponding to Lots 9 and 10 and RM zoning over the remaining area. The portion previously zoned R-1/S-8 (APN 047-072-030) will be rezoned to RM to be consistent with the RM zoning over a majority of the remainder parcel.

Required Minimum Parcel Size

The RM Zoning District sets forth a system for determining the maximum density of development, but does not require a minimum parcel size. The

R-1/S-81 Zoning District sets a minimum parcel size of 9,000 sq. ft. As shown in Table 2 (above), each of the eleven proposed residential parcels (Lots 1 through 11) exceed 9,000 sq. ft. in size. Parcel sizes range from approximately 9,100 sq. ft. to approximately 18,000 sq. ft., with the exception of Lot 8 (20,904 sq. ft.) and Lot 11 (28,600 sq. ft.). As shown in Attachments M and O, Lots 8 and 11 include sizable “no-build” areas that restrict the buildable area on these lots to be compatible with parcels in the area. Per Conditions 8 and 9, the “No-Build Zones” shall be shown on the Final Map for the subdivision and excluded from lot coverage calculations and setback measurements.

Required Minimum Setbacks

The required minimum setbacks (shown in gray) and the proposed setbacks for development on Lots 1 through 11 are listed in the following table.

Table 4 <i>Proposed Setbacks Lots 1 through 11</i>						
<i>Zoning District</i>	<i>Lot No.</i>	<i>Front Setback (feet)</i>	<i>Right Side Setback (feet)</i>	<i>Left Side Setback (feet)</i>	<i>Rear Setback (feet)</i>	<i>Total Floor Area</i>
Existing RM		50	20	20	20	None
Proposed RM Text Amendment*		20	10	10	20	None
	Lot 1	20 ^x	10 ^x	18 ^x	46	3,727
	Lot 2	20 ^x	18 ^x	10 ^x	46	3,727
	Lot 3	20 ^x	10 ^x	10 ^x	51	3,874
	Lot 4	24 ^x	10 ^x	10 ^x	20	3,874
	Lot 5	22 ^x	12 ^x	10 ^x	46	2,789
	Lot 6	28 ^x	11 ^x	17 ^x	55	2,789
	Lot 7	40 ^x	10 ^x	10 ^x	56	2,789
	Lot 8	61	36 ¹	10 ^x	58	2,789
	Lot 11	61	23 ¹	74	28	3,518
R-1/S-81		20	5	5	20	
	Lot 9	40	25	16	52	3,390
	Lot 10	24	39	25	44	3,431

*The setbacks are proposed and have not been adopted.

^x Proposed setbacks that do NOT meet current RM Regulations, but comply with the proposed RM Text Amendment.

¹ Lots 8 and 11 contain “No-Build Zones.” Per Conditions 8, 9, and 34, setbacks as shown in this table are measured from the edge of “no-build” areas. Right side setbacks would be 36 feet (Lot 8) and 23 feet (Lot 11) for these lots but would still comply with the minimum 20-foot side setback.

As shown in the above table, absent approval of the proposed RM Zoning Text Amendment, the homes for Lots 1 through 8 do not comply with the required minimum front and/or side setbacks of the RM Zoning District. Approval of the County-proposed RM Zoning Text Amendment (Attachment X) would, however, provide an exception to the minimum setback requirements for projects that preserve open space (described in detail in Section II.C of the this staff report), allowing a minimum 20-foot front setback and minimum 10-foot side setbacks. The project would comply with the setbacks of the proposed Zoning Text Amendment. Furthermore, for Lots 8 and 11, setbacks would be measured from the limits of the buildable portion of the parcels and would exclude “no-build” areas, per Conditions 8, 9 and 34. Further discussion of project compliance with the RM Zoning District Regulations, including Development Review Criteria, is provided in Section II.C of this report, below.

3. Compliance with Subdivision Regulations

The Planning Commission and Planning staff have reviewed the proposed Major Subdivision for consistency with the County Subdivision Regulations. The County’s Building Inspection Section, Environmental Health Division, Geotechnical Engineer, Department of Public Works and Cal-Fire have reviewed the project. As conditioned, the project is in compliance with their standards and the requirements of the County Subdivision Regulations. Conditions of project approval have been included in Attachment B of this report. The following contains a discussion of project compliance with eight specific findings required to approve this subdivision application:

- a. **Find that, in accordance with Section 7013.3.b of the County Subdivision Regulations, this tentative map, together with the provisions for its design and improvement, is consistent with the San Mateo County General Plan.**

The Planning Commission and Planning staff have reviewed the tentative map and found it, as proposed and conditioned, to be consistent with the County General Plan as discussed in Section II.A.1 of this report, above.

- b. **Find that the site is physically suitable for the type and proposed density of development.**

As discussed in the Re-Circulated DEIR, the project, as proposed and mitigated, would not result in any significant impacts to the environment. As described in Sections II.A.1 and II.A.2 of this report, the project complies with both the General Plan land use density designation and the Maximum Density of Development of the RM Zoning District. The project intends to minimize grading and comply with mitigation measures in the Re-Circulated DEIR and FEIR (as incorporated as conditions of approval) with the intention of minimizing geotechnical impacts to the project site and immediate vicinity.

- c. **Find that the design of the subdivision and the proposed improvements are not likely to cause serious public health problems, substantial environmental damage, or substantially and avoidably injure fish or wildlife or their habitat.**

Implementation of mitigation measures in the Re-Circulated DEIR and Final EIR (as incorporated as conditions of approval) would reduce project environmental impacts to less than significant levels. Specifically, potential impacts to public health, including the potential release of asbestos in the serpentine bedrock during project grading, air quality and noise impacts from project construction, and risk of wildland fire after project occupancy are discussed with recommended mitigation measures, reducing the potential impacts to a less than significant level.

Potential impacts related to Geology and Soils, discussed in Section 4.3 of the Re-Circulated DEIR, include exposure of people and structures to landslide hazards; instability of underlying units due to differential settlement, soil creep, increased peak discharges, surface runoff, or the triggering of localized slumps or landslides; substantial soil erosion; and exposure of people and structures to strong seismic ground shaking. Treadwell and Rollo, the geotechnical consultant retained by Impact Sciences, has concluded that the proposed residential development is feasible from a geologic perspective with the implementation of proposed mitigation measures to require, among other things, mitigation/repair of active landslides that pose a potential hazard to the development of Lots 5 through 8 along Ticonderoga Drive and the selection of foundation systems for all proposed residences that should result in satisfactory building performance. These geotechnical mitigation measures have been included as conditions of approval in Attachment B.

Proposed biological resource mitigation measures will minimize project impacts to the dusky-footed woodrat, native bird and bat species, California red-legged frogs, and the willow-scrub habitat bordering Lot 11. Mitigation measures also require the replacement, at a 2:1 ratio, of the seven (7) protected trees proposed for removal through out the project site, and the purple needle grass which will be removed on Lot 8 (Conditions 4.b and 4.I, respectively).

- d. **Find that the design of the subdivision and the proposed improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.**

Existing easements are shown on the Vesting Tentative Map (Attachment K). These include an access easement along Bunker Hill Drive to benefit an adjacent parcel (not owned by the applicant), water line easements

from the two California Water Service Company parcels surrounded by the larger project parcel, and storm drain easements from Yorktown Road and New Brunswick Drive. An existing 120-foot sanitary sewer easement extends from Ticonderoga Drive to Cobblehill Place. At the Planning Commission hearing of February 10, 2010, members of the public stated that the location of the bio-retention planter on Lot 8 may impede the ability of the Crystal Springs County Sanitation District (CSCSD) to access existing sewer improvements on the open space parcel. Staff has added Condition 50 that requires the proposed access easement on Lot 8 to meet CSCSD's access requirements. As proposed and conditioned, the project would not change the boundaries of or impede access to these existing easements.

- e. **Find that the design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities.**

Future development on the parcels could make use of passive heating and cooling to the extent practicable because the parcels will have unobstructed solar access to the southwest, thereby allowing morning sun to passively or actively (using rooftop solar panels) heat the proposed houses.

- f. **Find that the discharge of waste from the proposed subdivision into an existing community sewer system would not result in violation of existing requirements prescribed by a State Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the State Water Code.**

Sanitary sewer service would be provided to the project site by the Crystal Springs County Sanitation District (District). Currently, the sewer collection system is over capacity during the wet season and sewer system overflows have occurred within the jurisdictions of all three collection entities, with the majority of the overflows occurring within the Town of Hillsborough and the City of San Mateo collection systems. The San Francisco Regional Water Quality Control Board (RWQCB) has prepared a final Administrative Civil Liability and Cease and Desist Order³ that includes the District, the Town of Hillsborough, and the City of San Mateo to address sewer system overflows. The proposed project would add eleven single-family homes to the District's service area. These homes are expected to generate approximately 220 gallons of wastewater per residential home, per day, or a total of 2,420 gallons per day for the project. Per Condition 4.y (Mitigation Measure UTIL-1), the applicant would be required to mitigate the project-generated increase in sewer flow

³ At the time of the release of the Re-Circulated Draft EIR, only the tentative Cease and Desist Order had been available.

such that there is a “zero net increase” in flow during wet weather events, by reducing the amount of existing Inflow and Infiltration (INI) into the District sewer system. This shall be achieved through the construction of improvements to impacted areas of the sewer system, with construction plans subject to District approval. Construction of these improvements, as approved by the District, must be completed prior to the start of construction of the residences. Therefore, as proposed and conditioned, the project would comply with requirements of the State Regional Water Quality Control Board.

- g. **Find that the land is not subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (“the Williamson Act”) and that the resulting parcels following a subdivision of that land would not be too small to sustain their agricultural use.**

The property is not subject to a Williamson Act contract, does not currently contain any agricultural land uses, and is located within a single-family residential district with existing single-family residential uses.

- h. **Find that, per Section 7005 of the San Mateo County Subdivision Regulations, the proposed subdivision would not result in a significant negative effect on the housing needs of the region.**

The project would result in the construction of eleven (11) new single-family residences where only vacant land exists. Therefore, the project would not result in a negative effect on regional housing needs.

4. Compliance with Land Dedication Requirement

Section 7055.3 of the County Subdivision Regulations requires that, as a condition of approval of the tentative map, the subdivider must dedicate land or pay an in-lieu fee. The applicant is proposing a conservation easement over the 93.39-acre remainder parcel, as required by the RM Zoning District Regulations. The applicant has expressed an intent to donate the remainder parcel to a public entity, such as the Highlands Recreation District. However, at the time of the writing of this report, no specific entity has been identified. Therefore, Condition 14 of Attachment B requires that, prior to the recordation of the Final Map, the property owner shall either produce a deed showing the donation of the land to a park service provider or pay an in-lieu fee. The in-lieu fee for this subdivision is \$236.50. Said fee is for the purpose of acquiring, developing or rehabilitating County park and recreation facilities and/or assisting other providers of park and recreation facilities in acquiring, developing or rehabilitating facilities that would serve the proposed subdivision. A worksheet showing the prescribed calculation has been included as Attachment U.

The donation of the 93.39-acre remainder parcel to a park service provider would comply with the land dedication requirements of the Subdivision Regulations, as the recreational policies of the General Plan support the location of a park or recreational facility in this location. Specifically, Policy 6.9 (*Locate Suitable Park and Recreation Facilities in Urban Areas*) encourages all park providers to locate active park and recreation facilities in urban areas, taking advantage of existing service infrastructure systems and maximizing the recreational use of limited available land. Due to the project's urban location, access to existing services, on-site sensitive habitat, and forested character, use of the parcel as a park is consistent with this policy.

B. PROPOSED REZONING (Recommended Actions No. 3 and No. 5)

As Action No. 3, the applicant requests the County rezone a RM-zoned portion of the larger project parcel (APN 041-101-290 prior to the Lot Line Adjustment) that corresponds to the boundaries of proposed Lots 9 and 10 of the Vesting Tentative Map, from RM to the R-1/S-81 zoning designation (shown in Attachment V). The proposed rezoning to the R-1/S-81 zoning designation would allow for the subsequent Lot Line Adjustment resulting in the creation of Lot 10 (while maintaining the existing number of parcels) and the subsequent creation of Lot 9 through subdivision.

As Action No. 5, the applicant is also requesting the rezoning, from R-1/S-8 to RM, of the 2,178 sq. ft. portion of the larger parcel that, prior to the Lot Line Adjustment, made up the smaller parcel (APN 041-072-030). The proposed rezoning is shown in Attachment W. This action is necessary to make the zoning of this area consistent with the RM zoning of the rest of the open space parcel.

Compliance with the General Plan

The proposed Lot Line Adjustment and Rezoning (Actions No. 3 and No. 5) are intended to facilitate the preservation of an urban-zoned parcel which should be reserved for open space use (due to on-site sensitive habitat) and the development of an RM-zoned area that is adjacent to urban residential uses and does not contain any sensitive habitat. Action No. 5 would result in preservation of on-site sensitive habitat and facilitation of open space uses on the smaller parcel (formerly APN 041-072-030) through the establishment of the proposed conservation easement, which is consistent with the General Open Space land use designation. Action No. 3 would introduce residential use in the area of Lot 10 at the end of Cobblehill Place, an allowed use under the General Open Space land use designation. The General Plan identifies the Highlands/Baywood Park neighborhood as an existing urban neighborhood and the project complies with the applicable General Plan policies relating to urban residential development. Specifically, Policy 8.14 (*Land Use Compatibility*) calls for the protection and enhancement of existing single-family areas from adjacent incompatible land use designations, which would degrade the environmental quality and economic stability of the area. The land use designation of Lot 10 would not change and the proposed residential use is compatible with

adjoining uses, including open space and existing single-family residential uses. Action No. 3 also complies with Policy 8.29 (*Infilling*), which encourages the infilling of urban areas where infrastructure and services are available. As previously stated in Section II.A.1 of this report, both roads and services exist to serve Lots 9 and 10.

C. RESOURCE MANAGEMENT (RM) PERMIT

Per Section 6313 of the Zoning Regulations, all development proposed for location within an RM Zoning District shall require the issuance of an RM Permit. “Development” includes the construction of any significant structure on land, the division or subdivision of land into two or more parcels, and any major removal of vegetation. Therefore, the proposed subdivision to create Lots 1 through 8, Lot 11, and the open space parcel, grading and land disturbance, construction of residences, and associated tree removal constitute development and require the issuance of an RM Permit. The RM Permit application includes a request for two bonus density credits, as allowed under Section 6318 of the RM Zoning Regulations and the granting of a reduction to the required setbacks for projects that preserve open space (as allowed under the proposed Zoning Text Amendment discussed in Section II.D of this report). Development of Lots 9 and 10 would be zoned R-1/S-81 and, therefore, are not discussed in this section as no RM Permit is required.

This proposal complies with zoning regulations applicable to the RM District, including Chapter 20.A (*Resource Management District*), Section 6324 (*General Review Criteria for RM District*), and Section 6451.3 of Chapter 23 (*Development Review Procedure*). The following is a discussion of project compliance with these regulations:

1. Subdivision

On RM-zoned portions of the property (shown in Attachment I), the applicant proposes nine residential lots, Lots 1 through 8 and Lot 11, as well as a remainder parcel reserved for open space uses. The following are the applicable regulations relating to the proposed subdivision:

Section 6451.3 of Chapter 23 (*Development Review Procedure*) requires a Master Land Division Plan (MLDP) to be prepared, delineating how the parcel will be ultimately divided according to the maximum density of development permitted and consistent with the findings and conclusions of the Environmental Setting Inventory. The applicant has submitted a Vesting Tentative Map meeting these requirements, including proposed development within the maximum available density credits (eleven total density credits, including nine existing credits and two requested bonus credits). Analysis contained in the Re-Circulated DEIR and Final EIR complies with CEQA and the Environmental Setting Inventory requirements.

Section 6317A (*Conservation Open Space Easement*) requires, after any land division, that the applicant grant to the County (and the County to accept) a

conservation easement limiting the use of land which is not designated for development to open space uses. The applicant proposes a conservation easement over the 93.39-acre remainder parcel to comply with this subdivision requirement (Draft Conservation Easement included as Attachment S). The timing and order of the recordation of the conservation easement and Final Map would be handled by Department of Public Works and Planning staff working cooperatively as described in Condition 11 to ensure the proper recordation of both documents. The proposed conservation easement has been reviewed by Planning staff and County Counsel for compliance with this regulation. As discussed in Section II.F of this report, the Draft Conservation Easement has also been reviewed by representatives of local neighborhood associations, community organizations, and the Highlands Recreation District. The attached draft addresses comments from the Planning Commission and interested parties.

Once the easement is granted and accepted by the County, this requirement has been satisfied. At the time of the granting of the conservation easement to the County, the property owner will still retain ownership of the remainder parcel. While the applicant has stated his intent to donate the land to a non-profit organization or a local government agency, donation of the land is not a County requirement for project approval. However, at the time of the writing of this report, the applicant has been in contact with the Highlands Recreation District (HRD) representatives, as discussed further in Section II.G of this report. No further details regarding land donation are available at this time.

Section 6317 (Maximum Density of Development) and Section 6318 (Development Bonuses) establish a system for determining the maximum total number of dwelling units permissible on any parcel. The section states that the sum of densities accrued under applicable listed categories shall constitute the maximum density of development permissible under this section. The section advises that, if the fractional portion of the number of dwelling units allowed is equal to or greater than 0.5, the total number of dwelling units allowed shall be rounded up to the next whole dwelling unit. If the fraction is less than 0.5, the fractional unit shall be deleted.

For RM-zoned areas of the property, the current maximum density of development for APN 041-101-290 is eight dwelling units (illustrated in Attachment I). The maximum density calculation for this area was derived by the County through the following process:

- a. A density analyses for APN 041-101-290 was performed and accepted by the County in 2006. The analysis covered an 85.47-acre site and was limited to RM-zoned areas of the parcel and excluded areas once zoned R-E/SS-107. The County accepted a calculation of 6.128 density credits for this area.

- b. In 2007, the San Mateo County Board of Supervisors approved a County-proposed rezoning of the 11.78-acre portion of the parcel from R-E/SS-107 to R-1/S-81 zoning over a 9,000 sq. ft. portion and RM zoning over an 11.57-acre portion. The County acknowledged two (2) density credits for the 11.78-acre area, as the area would have accommodated two (2) parcels under the R-E/SS-107 zoning.

Table 5 <i>Density Credit Calculation Under RM Zoning and Non-RM Zoning</i>			
<i>Description</i>	<i>APN</i>	<i>Area Size</i>	<i>Density Credits</i>
Existing Density Credits Under RM Zoning			8.128
Areas zoned RM (2006)	041-101-290	85.47 acres	6.128
Portion of the parcel formerly zoned R-E/SS-107 (2007)	041-101-290	11.78 acres	2
Bonus Density Credits Under RM Zoning			2
<u>Preservation of 80% of parcel area: Up to 10% Density Bonus (0.8 rounded to 1)</u>			1
<u>Building and site design which minimize land alteration and preserve natural appearance of area: Up to 10% Density Bonus (0.8 rounded to 1)</u>			1
Density Credits Under Non-RM Zoning			1
Legal parcel (R-1/S-8 zoning) (2005)	041-072-030	2,178 sq. ft.	1
Total Density Credits with Bonus Under RM and Non-RM Zoning			11.128

As shown in Table 5 above, the proposed project is contingent on the granting of two 10 percent density bonuses at the time of RM Permit issuance. Section 6318 permits an increase in the maximum allowed density where it is demonstrated that a development meets the specific criteria. There are eight existing density credits over the areas currently under RM zoning. The applicant asserts that the project meets two of the density bonus criteria (discussed further below) thus resulting in 1.6 density credits, which rounds up to two whole credits. Therefore, with the addition of two (2) bonus density credits, the maximum potential density of development for the RM-zoned areas of the property is ten (10) units. An additional density credit from APN 041-072-030 in the R-1/S-8 Zoning District, a legal parcel with an approved Certificate of Compliance from 2005, brings the total density credits for the two project parcels to eleven (11) dwelling units.

Density Bonus Criteria

Project compliance with two of the density bonus criteria is discussed below:

- a. The project preserves over 80 percent of the contiguous and compact parcel area that will remain as permanent common open space through appropriate forms of restrictions or public dedication. For the purpose of complying with the conservation easement requirement for land divisions, the applicant proposes a conservation easement to cover a 93.39-acre remainder parcel containing 96 percent of the contiguous and compact parcel area. The proposed conservation easement is included as Attachment S.

- b. The project employs building and site design, structural systems and construction methods which both reduce the land area to be altered from a natural state and preserve the overall natural appearance and scale of the area. The applicant proposes to minimize land alteration and grading by reducing minimum front setbacks from 50 feet to 20 feet as allowed by the County-proposed RM Zoning Text Amendment (discussed in Section II.D of this report). The setback reductions will minimize grading by reducing driveway lengths and placing the homes on portions of each parcel that are flattest. The applicant also proposes to minimize grading through the use of shared driveways for Lots 7 and 8 as well as Lots 9 and 10, and the design of multi-level homes that follow the existing terrain.

Section 6324.1 (Environmental Quality Criteria). As proposed and mitigated, the project complies with the Environmental Quality Criteria. The project will cluster development and reduce overall land disturbance, removal of vegetation, and total area covered by paving and by reducing required minimum setbacks as allowed by a County-proposed RM Zoning Text Amendment. The RM Regulations prohibit the removal of living trees with a trunk circumference of more than 55 inches (17.5 inches in diameter), except as may be required for approved development. The applicant proposes to remove seven (7) trees that meet or exceed this size threshold, as the trees are located within the proposed building footprints. The proposed tree removals are included in this RM Permit application. Additionally, with the implementation of Mitigation Measures BIO-1 through BIO-11 (incorporated as conditions of approval), significant adverse environmental impact upon primary wildlife resources would be reduced to a level that is less than significant.

Section 6324.2 (Site Design Criteria) and Section 6324.6 (Hazards to Public Safety Criteria). These criteria prohibit development from contributing to the instability of a parcel or adjoining lands, as well as the placement of structures in areas that are severely hazardous to life and property. As discussed in Section 4.3 (Geology and Soils) of the Re-Circulated DEIR, the project, as mitigated, will be designed to adequately compensate for adverse soil

engineering characteristics and other subsurface conditions. Potential fire hazards associated with the project are discussed in Section 4.4.2.4 (Hazards and Hazardous Materials Impacts) of the Re-Circulated DEIR. As proposed and mitigated, the project complies with applicable Hazards to Public Safety Criteria.

2. Construction of Proposed Residences

Section 6319A (*Maximum Height of Structures*) limits residential and commercial structures to a maximum height of three stories or 36 feet, except as allowed through the issuance of a use permit. All proposed residences are two (2) stories in height and comply with the height limit, as shown in the table below:

Table 6 <i>Proposed Heights of Residences Under RM Zoning</i>	
<i>Lot Number</i>	<i>Maximum Height</i>
RM Regulations	36'
Lot 1	32'
Lot 2	32'
Lot 3	32'
Lot 4	32'
Lot 5	28'
Lot 6	28'
Lot 7	28'
Lot 8	28'
Lot 9*	29'
Lot 10*	26'6"
Lot 11	26'
*Lots 9 and 10 are in the R-1/S-81 zoning district and are included for reference purposes.	

Section 6319B (*Minimum Yards*) requires a minimum front yard of 50 feet and minimum side and rear yards of 20 feet. The section also requires a minimum distance of 30 feet between main and accessory buildings. As previously discussed, the project does not comply with the minimum front and side yard requirements. As discussed in Section II.D below, the applicant has included a request for a setback reduction that would be allowed under the County-proposed Zoning Text Amendment to the RM Regulations. If adopted, this amendment would allow 20-foot front and rear yard setbacks and 10-foot side

setbacks for attached main structures. Setbacks for detached structures would be regulated according to the Detached Accessory Structure Regulations.

Section 6324.2 (Site Design Criteria) also requires development to employ colors and materials which blend in with the surrounding soil and vegetative cover of the site, discourages highly reflective surfaces and colors, and requires the replacement of vegetation removed during construction. Condition 5 requires the applicant to utilize colors and materials for the residences approved by the Board of Supervisors (color board to be presented at the hearing) and prohibits highly reflective surfaces and colors. Condition 6 requires future development on all residential parcels to utilize exterior colors and materials that blend with the surrounding soil and vegetative cover of the open space parcel, as well as minimal and earth-toned lighting. For Lots 1, 2, 3, 4 and 11, the condition limits homes to one-story on the front curbside, requires home design to be compatible with the area's contemporary, mid-20th century modern style, and requires the rear facades of homes on Lots 9 through 11 to incorporate architectural details to reduce the massing of the structures.

D. COUNTY-PROPOSED ZONING TEXT AMENDMENT

The County proposes an amendment to the County's non-coastal Resource Management (RM) Zoning District Regulations that would allow for reduced setbacks for residential projects in urban areas that preserve open space (see Attachment X). There are currently 93 RM District parcels within urban areas of the non-coastal Resource Management Zoning District. These parcels, as shown in Attachments D and E, are concentrated in six areas within San Mateo County: the San Mateo Highlands neighborhood, San Bruno Mountain, areas owned by Stanford University, the Los Trancos Woods Area, the Edgewood Park Area, and in the San Bruno County Jail Area. The analysis of the environmental impacts of the proposed Zoning Text Amendment is provided in Chapter 4.5 of the Re-Circulated DEIR.

As discussed previously, current RM District Regulations require the following minimum property setbacks: front yard, 50 feet; side yards, 20 feet; and rear yard, 20 feet. Current regulations also specify that main and accessory buildings shall be located at least 30 feet apart. The proposed text amendment would allow a reduction in existing setbacks and accessory building setbacks for properties that meet all of the criteria as outlined in Attachment X (proposed Section 6319C of the RM Regulations). In general, proposed criteria require preservation of open space, project conformance to existing development in the immediate vicinity, minimization of grading, and compliance with development standards (including a 75-foot minimum lot width and maximum 40 percent lot coverage). The applicable decision-maker would grant the setback reduction, if requested, at the time an RM Permit is granted or approved. The following is a discussion of the proposed criteria for the granting of a setback reduction:

- Contiguous to an Existing Developed Area: The setback reduction would only be granted for project sites that are contiguous to existing development, as a primary goal of the proposed text amendment is to increase compatibility between urban residential and RM development.
- Preservation of Open Space: In addition to the density bonus incentive and the conservation easement requirement, the proposed setback reduction would be an additional incentive to preserve open space. It would be granted if it helped facilitate the preservation of a larger area of undisturbed open space.
- Project Conformance to Existing Development: For RM-zoned properties adjoining urban residentially-zoned properties, a difference of 30 feet in the minimum front setback requirements can create a visual boundary between the two adjoining districts. The goal of the setback reduction is to better integrate RM residential development with adjacent R-1 zoned residences.
- Minimization of Grading: In addition to the density bonus incentive and the site design criteria, a setback reduction would be an additional incentive to minimize project grading and would only be granted under this condition.
- Compliance with Development Standards (including a 75-foot minimum lot width and maximum 40 percent lot coverage): Development standards have been proposed as criteria for granting of a setback reduction in order to minimize potential visual impacts of bringing development closer to roadways. The RM District Regulations do not contain a lot coverage limit nor a minimum lot width requirement, as do most urban residential districts. As many urban residential districts do not have a floor area limit, it would be appropriate to restrict the size and bulk of RM development using these criteria in order to increase the compatibility of RM development with existing urban residential development.

Requested Setback Reduction for Project Site

Regarding the project site, application of the required 50-foot front yard setback and 20-foot side yard setbacks under the existing regulations would result in homes being located on extremely steep portions of the property along Ticonderoga Drive and Bunker Hill Drive, resulting in additional grading and a greater area of land disturbance to provide for home sites and driveways. In addition, the applicant has proposed lots that are similar in size to adjacent urban residential lots in order to preserve open space. The proposed lots cannot accommodate the 30-foot minimum distance between the main house and any accessory structures as required under the standard RM zoning. Based on the foregoing, the applicant supports the proposed zoning text amendment. As described in Section I.C of this report, per Conditions 8, 9 and 34, for Lots 8 and 11, the front and side setbacks would be measured from the edge of any “no-build” areas, rather than from the property lines.

The proposed Zoning Text Amendment would also require the proposed residential parcels to comply with select urban residential development standards to increase compatibility with surrounding urban residential development, such as minimum lot width and maximum lot coverage requirements. For example, proposed development standard criteria establish a maximum lot coverage of 40%. Per Conditions 8, 9, and 34, for Lots 8 and 11, the calculation of lot coverage would exclude “no-build” areas on these lots. Under this calculation, lot coverage would increase from 11.9% to 15% for Lot 8 and from 11.3% to 14.2% for Lot 11, but both parcels would still comply with the maximum lot coverage.

Table 7 <i>Project Compliance with Lot Width and Lot Coverage Development Standards</i>			
<i>Zoning District</i>	<i>Lot No.</i>	<i>Lot Width</i>	<i>Lot Coverage</i>
Existing RM		None	None
Proposed RM Text Amendment*		75	40%
	Lot 1	82.3	27.8%
	Lot 2	82	27.8%
	Lot 3	82	20.7%
	Lot 4	85.4	22.2%
	Lot 5	85	24%
	Lot 6	80.9	22.6%
	Lot 7	75	22.3%
	Lot 8	128	15%*
	Lot 11	220	14.2%*
R-1/S-81		50	40%
	Lot 9	100	20.5%
	Lot 10	110	20.9%
<p>Note: While there is no minimum lot width or maximum lot coverage set by the RM Regulations, the proposed RM Text Amendment would limit Lot Width to a minimum of 75 feet and Lot Coverage to a maximum of 40%.</p> <p>*Lots 8 and 11 contain “No-Build Zones.” Per Conditions 8, 9, and 34, the table shows the calculation of lot coverage excluding the “No-Build” areas.</p>			

Available Setback Reduction for Six Unincorporated Areas of the County

As stated previously, the proposed Zoning Text Amendment would allow a setback reduction for projects meeting outlined criteria for 93 RM District parcels located

within urban areas of the non-coastal Resource Management Zoning District. Properties affected are identified on maps and listed by Assessor's Parcel Number in Attachment F. As discussed in Chapter 4.5 of the Re-Circulated DEIR, the proposed Zoning Text Amendment would not result in any significant impacts and, therefore, does not require any mitigation. Instead, the proposed criteria would narrow the field of eligible projects such that the granting of a setback reduction would result in a positive impact on the environment, resulting in increased open space, clustering of new development with existing development, and minimization of grading and land disturbance.

Compliance with the General Plan

The proposed Zoning Text Amendment complies with applicable General Plan Urban Land Use policies, including protecting and enhancing the character of existing single-family areas (Policy 8.14), encouraging efficient and effective infrastructure (Policy 8.31), and regulating height, bulk, and setbacks such that proposed and future development of the parcels would be compatible with parcel sizes (Policy 8.38).

E. GRADING PERMIT

Compliance with Grading Regulations

The project would involve approximately 6,700 cubic yards of cut and approximately 7,600 cubic yards of fill for the development of the eleven residential parcels. The applicant proposes to import approximately 900 cubic yards. As discussed in the FEIR, the grading quantities have changed from those amounts presented in the Re-Circulated DEIR. The quantities reported in the Re-Circulated DEIR accounted for the amount of cut and fill required for the development of driveways and other subdivision improvements but did not include the amount of grading required to construct building pads to the sub-floor elevations shown on the Vesting Tentative Map. The changes to the cut and fill quantities, including grading for the building pads, driveways, and other subdivision improvements, are reflected below in Table 8, below.

Table 8						
<i>Changes to Proposed Earthwork</i>						
<i>Area</i>	<i>Originally Proposed Cut (cy)</i>	<i>Revised Cut (cy)</i>	<i>Change</i>	<i>Originally Proposed Fill (cy)</i>	<i>Revised Fill (cy)</i>	<i>Change</i>
Lots 1 - 4	500	500	0	200	2,300	+2,100
Lots 5 - 8	1,000	4,700	+3,700	1,000	700	-300
Lots 9 and 10	900	300	-600	2,900	2,900	0
Lot 11	1,300	1,200	-100	1,300	1,000	-300

Table 8 <i>Changes to Proposed Earthwork</i>						
<i>Area</i>	Originally Proposed Cut (cy)	Revised Cut (cy)	<i>Change</i>	Originally Proposed Fill (cy)	Revised Fill (cy)	<i>Change</i>
Total	3,700	6,700	+3,000	5,900	7,600	+1,700
Import	2,200	900*	-1,300			

*Includes 200 cubic yards of drain rock.

As the table shows, the total amount of proposed cut for the project has increased by about 3,700 cubic yards, primarily because of landslide mitigation on Lots 5 through 8. This additional grading is necessary to remove the existing unconsolidated landslide material on these lots.

The total amount of proposed fill for the project has increased by about 2,100 cubic yards, mainly for constructing building pads and driveways on Lots 1 through 4. It should be noted that the proposed import for the project under this design has decreased from 2,200 cubic yards to 700 cubic yards (not including 200 cubic yards of drain rock).

In order to approve the requested grading permit, the Board of Supervisors must make the required findings contained in the Grading Regulations. The findings and supporting evidence are outlined below:

1. That the project will not have a significant adverse effect on the environment.

The proposed grading has the potential to result in air quality impacts including the generation of pollutants and potential release of asbestos contained within the serpentine bedrock, substantial soil erosion and impacts to the dusky-footed woodrat, native bird and bat species, California red-legged frogs, and the willow-scrub habitat bordering Lot 11. Implementation of proposed mitigation measures (as incorporated as conditions of approval) would reduce these impacts to a less than significant level.

2. That the project conforms to the criteria of Chapter 8, Division VII, San Mateo County Ordinance Code (Grading Regulations), including the grading standards referenced in Section 8605.

The applicant has submitted Grading and Detention Plans as well as Erosion Control Plans for the eleven residential parcels. Potential impacts related to geology and soils are discussed in Section 4.3 of the Re-Circulated DEIR. Treadwell and Rollo, the geotechnical consultant retained by Impact Sciences (County's EIR Consultant), has concluded that the proposed residential development is feasible from a geologic perspective with the implementation of

proposed mitigation measures which require, among other things, mitigation/repair of active landslides that pose a potential hazard to the development of Lots 5 through 8 along Ticonderoga Drive and the selection and building of foundation systems for all proposed residences that would be expected to result in satisfactory building performance. The County's Department of Public Works and the Planning and Building Department's Geotechnical Engineer have reviewed the Re-Circulated DEIR as well as submitted plans. Applicable requirements of these agencies have been incorporated as conditions of approval in Attachment B. In addition, mitigation measures placed on the project (now incorporated as conditions of approval) include project compliance with the State's National Pollution Discharge Elimination System (NPDES) General Permit, including preparation of a Stormwater Pollution Prevention Plan (SWPPP), and implementation of the Bay Area Air Quality Management District's (BAAQMD) Particulate Matter (PM) reduction practices during grading and construction. In addition, Condition 20 in Attachment B prohibits grading within the wet season (October 15 through April 15) unless approved by the Community Development Director. Therefore, the project, as proposed and conditioned, conforms to the standards in the Grading Regulations.

3. That the project is consistent with the General Plan.

As proposed and conditioned, the project complies with the policies of the Soil Resources Chapter of the General Plan, including policies requiring the minimization of erosion (erosion control measures discussed in detail above).

F. MEETINGS WITH NEIGHBORHOOD ASSOCIATIONS AND COMMUNITY ORGANIZATIONS

Through the course of the preparation of the Re-Circulated DEIR and the County's review of this proposal, Planning staff has worked together with the applicant and representatives of neighborhood associations and other interested parties/organizations, including the San Mateo Highlands Community Association, Committee for Green Foothills, and Baywood Plaza Community Association, as well as representatives of the Highlands Recreation District, to address various concerns.

In general, community concerns focused on the following areas: potential environmental impacts (focusing mainly on geological hazards and visual impacts), land disturbance associated with project construction within the open space parcel, compatibility of the proposed parcel sizes to parcels in the area, compatibility of the proposed home designs with homes in the area and with the natural landscape of the open space parcel, and the conservation easement to apply to the open space parcel. At the public hearing on February 10, 2010, the Planning Commission addressed the concerns expressed by neighborhood associations and members of the public with changes to the conditions of approval as described in Section I.A of this report. In general, the public agreed with the changes and thanked Planning staff for working with representatives of the neighborhood groups and the applicant to achieve a considerable consensus.

Since the Planning Commission public hearing on February 10, 2010, representatives of neighborhood associations and community organizations requested a meeting with County staff to address additional suggested revisions to the conservation easement and conditions of approval. Planning staff and County Counsel met with Alan and Catherine Palter of the Baywood Plaza Community Association (BPCA), Lennie Roberts of the Committee for Green Foothills, and Cary Weist of the Highlands Community Association on April 2, 2010, to discuss their concerns described in Section I.C of this report. County staff has revised the Draft Conservation Easement (Attachment S) and the conditions of approval (Attachment B) to address these concerns.

G. REVIEW BY THE HIGHLANDS RECREATION DISTRICT (HRD)

At the time of the granting of the conservation easement, which applies to the open space parcel, to the County, the property owner will still retain ownership of the remainder parcel. The applicant has stated his intention to dedicate the open space parcel (Lot 12) to a public entity or non-profit organization for open space purposes, with potential development as a passive use park. The applicant anticipates that the land will be donated when the time for bringing all legal challenges of any nature to the residential development has expired, approximately three (3) years. At this time, no recipient for the donation has been confirmed, although the applicant has expressed an intent to donate the land to the Highlands Recreation District (HRD). In the summer of 2008, the County hosted three public meetings at the HRD offices to encourage public input and discussion of the potential community benefit of the dedication of the open space parcel to the HRD. Notes prepared by the Peninsula Conflict Resolution Center from these meetings are available for review at the Planning Counter. The applicant is currently discussing the potential donation with HRD representatives. It should be noted that donation of the land is not a County requirement.

A previous version of the Draft Conservation Easement was reviewed by representatives of various neighborhood associations and community organizations, the HRD, and the Planning Commission. Since the Planning Commission public hearing on February 10, 2010, County Counsel has revised the Draft Conservation Easement (Attachment S) to address comments from the Planning Commission as well as additional comments received after the public hearing from neighborhood associations, community organizations, and the HRD. Revisions to this document are discussed in Section I.C of this report and are shown in track changes in Attachment S. These revisions to the Draft Conservation Easement do not require review by the Planning Commission, as the easement is only subject to review by the Board of Supervisors.

H. ENVIRONMENTAL REVIEW

Impact Sciences, the County's EIR consultant for this project, released the initial DEIR for the project on December 19, 2008, with a public comment period end

date of February 17, 2009. On February 11, 2009, the Planning Commission held an informational public hearing on the DEIR. In response to public comments regarding the geotechnical analysis in the DEIR, the Community Development Director announced that the DEIR would be revised and Re-Circulated to include the full geotechnical scope authorized by the Board of Supervisors on September 30, 2008. A Re-Circulated DEIR (DEIR) was made available to the public from September 14, 2009 to November 9, 2009. The Re-Circulated DEIR addresses the geotechnical questions raised by the comments received on the December 2008 DEIR.

The FEIR was made available to the public on December 31, 2009 and includes all comments on the Re-Circulated DEIR received during the public review period and responses to those comments. The FEIR public review period ended on January 14, 2010.

REVIEWING AGENCIES

Bay Area Air Quality Management District
Baywood Plaza Community Association
California Department of Conservation
California Department of Transportation
California Department of Fish and Game
California Department of Forestry and Fire Protection
California Integrated Waste Management Board
California Regional Water Quality Control Board
City of Belmont
City of San Mateo
Committee for Green Foothills
Crystal Springs County Sanitation District
Highlands Recreation District
Local Agency Formation Commission (LAFCo)
Los Trancos Woods Community Association
Midpeninsula Regional Open Space District
Pacific Gas and Electric Company
Polhemus Heights Community Association
SamTrans
San Bruno Mountain Watch
San Mateo County Building Inspection Section
San Mateo County Department of Parks
San Mateo County Department of Public Works
San Mateo County Environmental Health Division
San Mateo County Medical Center
San Mateo County Sheriff's Office
San Mateo-Foster City School District
San Mateo Highlands Community Association
San Mateo Union High School District
Ticonderoga Court Homeowners Association

FISCAL IMPACT

Nominal cost to Planning and Building Department to monitor compliance with conditions of approval for the project.

ATTACHMENTS

The Highland Estates Re-Circulated DEIR is not included in the attachments for this report. Copies of the document are available at the following locations: (1) the Planning and Building Department's website at <http://www.co.sanmateo.ca.us/portal/site/planning> and (2) the County Planning and Building Department, 455 County Center, Second Floor, Redwood City, California (the Final EIR is included as Attachment G).

- A. Recommended Findings and Conditions of Approval for County-Proposed Resource Management (RM) Zoning District Text Amendment
- B. Recommended Findings and Conditions of Approval for Highlands Estates Project
- C. Vicinity Map for Highlands Estates Project
- D. Map of Urban RM-Zoned Properties Countywide
- E. Maps Showing Parcels within Urban Areas of RM Zoning Districts that will be Affected by the Zoning Amendment
- F. Index for Maps in Attachment E
- G. **Highland Estates Final Environmental Impact Report (FEIR)**
- H. Letter of Planning Commission Decision, dated February 12, 2010
- I. Illustration of Existing Zoning and Density Credits for Highlands Estates Project
- J. Illustration of Proposed Rezoning, Lot Line Adjustment and Subdivision
- K. Vesting Tentative Map – Site Plan
- L. Proposed Lot Plans, Preliminary Grading and Utility Plans, and Preliminary Erosion and Sediment Control Plans (Lots 1 through 4)
- M. Proposed Lot Plans, Preliminary Grading and Utility Plans, and Preliminary Erosion and Sediment Control Plans (Lots 5 through 8)
- N. Proposed Lot Plans, Preliminary Grading and Utility Plans, and Preliminary Erosion and Sediment Control Plans (Lots 9 through 10)
- O. Proposed Lot Plans, Preliminary Grading and Utility Plans, and Preliminary Erosion and Sediment Control Plans (Lot 11)
- P. Preliminary Erosion Control Details; Clearing, Construction, and Grading Limits Plan
- Q. Storm Drainage Plan and Construction Detail
- R. Conceptual Exterior Plans for Proposed Homes
- S. Draft Proposed Conservation Easement (Revised on March 29, 2009)
- T. CA Open Space Lands Act or Section 65560 of the CA Government Code
- U. In-Lieu Park Fee Worksheet
- V. Ordinance: Applicant-Proposed Rezoning Amendment (from RM to R-1/S-81)
- W. Ordinance: Applicant-Proposed Rezoning Amendment (from R-1/S-8 to RM)
- X. Ordinance: County-Proposed RM Zoning District Text Amendment

- Y. Certificate of Compliance Type A (APN 041-072-030)
- Z. Revised Grading Quantities, dated December 7, 2009

COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT

REVISED
FINDINGS FOR COUNTY-PROPOSED
RESOURCE MANAGEMENT (RM) ZONING DISTRICT TEXT AMENDMENT

Permit File Number: PLN 2006-00357

Board Meeting Date: April 27, 2010

Prepared By: Camille Leung

For Adoption By: Board of Supervisors

RECOMMENDED FINDINGS

Regarding the Environmental Review, Find:

1. That the re-circulated Draft Environmental Impact Report (EIR) and Final EIR, as clarified by the Planning Commission at its meeting of February 10, 2010, are complete, correct and adequate, and prepared in accordance with the California Environmental Quality Act and applicable State and County Guidelines. The public review period for the Draft EIR was September 14, 2009 to November 9, 2009. The public review period for the Final EIR was January 4, 2010 to January 14, 2010.
2. That, on the basis of the Draft and Final EIR, no substantial evidence exists that the project, as proposed, mitigated, and conditioned, will have a significant effect on the environment. The prepared Draft and Final EIR reveal that the project may only result in impacts considered "less than significant."
3. That no mitigation measures were included in the Draft and Final EIR for the Zoning Text Amendment, as the proposed amendment would not have a significant effect on the environment.
4. That the Draft and Final EIR reflects the independent judgment of San Mateo County.

Regarding the Zoning Text Amendment to the Resource Management (RM) District Regulations, Find:

5. That the Board of Supervisors has reviewed and considered the information contained in the Draft and Final EIR prior to approving the project.
6. That the amendment is required by public necessity, convenience, and general welfare, and that the amendment has followed the procedure specified in Chapter 27 (*Amendments*) of the San Mateo County Zoning Regulations. The proposed

amendment would allow setback reductions in other urban RM-zoned properties, in order to promote the preservation of open space, reduce associated land disturbance and grading, and allow the location of homes in a manner conforming to the existing pattern of development within an urban residential neighborhood.

Regarding the Zoning Text Amendment to the Resource Management (RM) District Regulations:

7. Adopt the ordinance included as Attachment X to amend the RM District Regulations by adding a provision that would allow a reduction in existing setbacks and accessory building setbacks for properties that meet specific criteria for preservation of open space, project conformance to existing development, minimization of grading, and compliance with development standards.

COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT

REVISED
FINDINGS AND CONDITIONS OF APPROVAL
FOR THE HIGHLANDS ESTATES PROJECT

Permit File Number: PLN 2006-00357

Board Meeting Date: April 27, 2010

Prepared By: Camille Leung

For Adoption By: Board of Supervisors

RECOMMENDED FINDINGS

Regarding the Environmental Review, Find:

1. That the re-circulated Draft Environmental Impact Report (EIR) and Final EIR, as clarified by the Planning Commission at its meeting of February 10, 2010, are complete, correct and adequate, and prepared in accordance with the California Environmental Quality Act and applicable State and County Guidelines. The public review period for the Final EIR was January 4, 2010 to January 14, 2010.
2. That, on the basis of the Draft and Final EIR, no substantial evidence exists that the project, as proposed, mitigated, and conditioned, will have a significant effect on the environment. The prepared Draft and Final EIR reveal that the project, as mitigated, would only result in impacts considered "less than significant."
3. That the Mitigation Monitoring and Reporting Program incorporated within the Final EIR, which monitors compliance with mitigation measures intended to avoid or substantially lessen environmental effects that would be significant absent such mitigation, has been adopted. Compliance with the conditions of approval listed below shall be monitored and confirmed according to implementation deadlines as specified within each condition.
4. That the Draft and Final EIR reflects the independent judgment of San Mateo County.

Regarding the Major Subdivision and Lot Line Adjustment, Find:

5. That, in accordance with Section 7013.3.b of the County Subdivision Regulations, this tentative map, together with the provisions for its design and improvement, is consistent with the San Mateo County General Plan, specifically, Policies 8.14 (*Land Use Compatibility*) and 8.35 (*Uses*), requiring consistency of proposed parcels with surrounding residential land uses, and Policy 8.29 (*Infilling*) which encourages the infilling of urban areas where infrastructure and services are

available. As proposed and conditioned, the Lot Line Adjustment and Subdivision would result in home sites compatible with surrounding home sites which are zoned R-1/S-8 (minimum parcel size of 7,500 sq. ft.). Also, each of the eleven proposed residential lots would adjoin existing homes and be served by existing roads and utilities.

6. That the site is physically suitable for the type, and proposed density of, development. As described in Sections A.1 and A.2 of the staff report accompanying these findings, the project complies with both the General Plan land use density designation and the Resource Management (RM) Zoning District Maximum Density of Development. As discussed in the re-circulated Draft EIR and Final EIR, the project, as proposed and mitigated, would not result in any significant impacts to the environment.
7. That the design of the subdivision and the proposed improvements are not likely to cause serious public health problems, substantial environmental damage, or substantially and avoidably injure fish or wildlife or their habitat. Implementation of mitigation measures in the re-circulated Draft EIR and Final EIR would reduce project environmental impacts to less than significant levels.
8. That the design of the subdivision and the proposed improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. Existing easements include an access easement along Bunker Hill Drive to benefit an adjacent parcel (not owned by the applicant), water line easements from the two California Water Service Company parcels surrounded by the larger project parcel, storm drain easements from Yorktown Road and New Brunswick Drive, and a 120-foot sanitary sewer easement from Ticonderoga Drive. The project would not change the boundaries of or impede access to these existing easements.
9. That future development on the parcels could make use of passive heating and cooling to the extent practicable because parcels have unobstructed solar access to the southwest, thereby allowing morning sun to passively or actively (using rooftop solar panels) heat the proposed houses.
10. That, subject to the mitigation measures contained in the DEIR and FEIR, the discharge of waste from the proposed subdivision into an existing community sewer system would not result in violation of existing requirements prescribed by a State Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the State Water Code. Sanitary sewer service would be provided to the project site by the Crystal Springs County Sanitation District (District).
11. That the land is not subject to a contract entered into pursuant to the California Land Conservation Act of 1965 ("the Williamson Act") nor does the property currently contain any agricultural land uses.

12. That, pursuant to Section 7005 of the San Mateo County Subdivision Regulations, the proposed subdivision would not result in a significant negative effect on the housing needs of the region. The project would result in the construction of eleven (11) new single-family residences where only vacant land currently exists.

Regarding the Rezoning Map Amendments, Find:

13. That the Board of Supervisors has reviewed and considered the information contained in the Draft and Final EIR prior to approving the project.
14. That the amendments are required by public necessity, convenience, and general welfare, and that the amendments have followed the procedure specified in Chapter 27 (*Amendments*) of the San Mateo County Zoning Regulations. The proposed amendments would facilitate the preservation of an urban-zoned parcel which should be reserved for open space use due to on-site sensitive habitat (APN 041-072-030) and the development of an RM-zoned area (portion of APN 041-101-290) that is adjacent to urban residential uses and does not contain any sensitive habitat. The proposed action would result in increased preservation of on-site sensitive habitat and in uses that are more compatible with the surrounding environment.

Regarding the Rezoning Map Amendments:

15. Adopt the ordinance included as Attachment V to this report to rezone a portion of APN 041-101-290, shown within the boundaries on the map identified as Exhibit "A" from "Resource Management (RM)" to an "R-1/S-81" zoning designation.
16. Adopt the ordinance included as Attachment W to this report, to rezone a 2,178 sq. ft. area (formerly APN 041-072-030) shown within the boundaries on the map identified as Exhibit "A" from "R-1/S-8" to "Resource Management (RM)."

Regarding the Resource Management (RM) Permit, Find:

17. That this project has been reviewed under, and found to comply with, zoning regulations applicable to the Resource Management (RM) District, including Chapter 20.A (*Resource Management District*), Section 6324 (*General Review Criteria for RM District*), and Section 6451.3 of Chapter 23 (*Development Review Procedure*). Specifically, as proposed, mitigated, and conditioned, the project complies with the maximum density credits (plus requested bonus credits), requirement for a conservation easement over the remainder parcel, as well as applicable Environmental Quality Criteria and Site Design Criteria requiring minimization of grading and an RM Permit for tree removal.

Regarding the Grading Permit, Find:

18. That the project will not have a significant adverse effect on the environment. The proposed grading has the potential to result in air quality impacts, substantial soil

erosion and impacts to special-status plants and wildlife species. However, as discussed in the re-circulated Draft EIR and Final EIR, implementation of proposed mitigation measures would reduce these project impacts to less than significant levels.

19. That the project conforms to the criteria of Chapter 8, Division VII, San Mateo County Ordinance Code (*Grading Regulations*), including the grading standards referenced in Section 8605. The applicant has submitted Grading and Detention Plans as well as Erosion Control Plans for the eleven (11) residential lots. As discussed in Section 4.3 of the re-circulated Draft EIR (Geology and Soils), the EIR geotechnical consultant has concluded that the proposed development is feasible with the implementation of proposed mitigation measures. These include (1) the stabilization of existing landslides on the project site, (2) the use of appropriate foundations, (3) compliance with the State's National Pollution Discharge Elimination System (NPDES) General Permit, including preparation of a Storm-water Pollution Prevention Plan (SWPPP), and (4) implementation of the Bay Area Air Quality Management District's (BAAQMD) Particulate Matter (PM) reduction practices during grading and construction. In addition, staff is recommending a condition of approval that prohibits grading within the wet season (October 15 through April 15) unless approved by the Community Development Director.
20. That the project is consistent with the General Plan. As proposed, mitigated, and conditioned, the project complies with the policies of the Soil Resources Chapter of the General Plan, including policies requiring the minimization of erosion.

RECOMMENDED CONDITIONS OF APPROVAL

A. PLANNING AND BUILDING DEPARTMENT

1. This approval applies only to the proposal, documents and plans described in this report and submitted to and approved by the Board of Supervisors on April 27, 2010. Minor revisions or modifications to these projects in compliance with Condition No. 5 may be made subject to the review and approval of the Community Development Director. Revisions or modifications not in compliance with Condition No. 5 shall be deemed a major modification and shall be subject to review and approval by the Planning Commission at a public hearing.
2. This subdivision approval is valid for two years, during which time a Final Map shall be filed and recorded. An extension to this time period in accordance with Section 7013.5.c of the Subdivision Regulations may be issued by the Planning and Building Department upon written request and payment of any applicable extension fees (if required).
3. The Final Map shall be recorded pursuant to the plans approved by the Board of Supervisors; any deviation from the approved plans shall be reviewed and approved by the Community Development Director. Revisions or modifications not in compliance with parcel size and configuration as approved by the Board of

Supervisors and applicable conditions of approval (including but not limited to) Condition Nos. 8, 9 and 11 shall be deemed a major modification and shall be subject to review and approval by the Planning Commission at a public hearing.

4. The property owner shall comply with all mitigation measures as revised and listed below (based on the Mitigation Monitoring and Reporting Program (MMRP) incorporated within the Final EIR and made available to the public on January 4, 2010). When timing has not been specified below, then Mitigation-timing and monitoring shall be as specified in the MMRP, when timing has not been specified below. The applicant shall enter into a contract with the San Mateo County Planning and Building Department for all mitigation monitoring for this project prior to the issuance of any grading permit "hard card" for the project. The fee shall be staff's cost, plus 10 percent, as required in the current Planning Service Fee Schedule. Planning staff may, at their discretion, contract these services to an independent contractor at cost, plus an additional 10 percent for contract administration.
 - a. **Improvement Measure AES-1a:** The Project Applicant shall provide "finished floor verification" to certify that the structures are actually constructed at the height shown on the approved plans. The Project Applicant shall have a licensed land surveyor or engineer establish a baseline elevation datum point in the vicinity of the construction site. Prior to the below floor framing inspection or the pouring of concrete slab for the lowest floors, the land surveyor shall certify that the lowest floor height as constructed is equal to the elevation of that floor specified by the approved plans. Similarly, certifications of the garage slab and the topmost elevation of the roof are required. The applicant shall provide the certification letter from the licensed land surveyor to the Building Inspection Section.
 - b. **Improvement Measure AES-1b:** The Project Applicant shall plant a total of eight (8) native trees (minimum 24-gallon each), two directly in front of each home on Lots 5 through 8 to soften and screen views of the new homes from off-site locations. These trees will be in addition to the fourteen (14) required ~~15-gallon required-replacement trees (15-gallon size)~~. Of the 14 replacement trees, three (3) trees shall be planted at the back of each of the homes on Cowpens Way and Cobblehill Place (three homes, nine (9) trees total). The applicant shall plant the remaining five (5) trees in the right side yard of Lot 8 in order to provide screening of this residence and other residences on Ticonderoga Drive as viewed from Lakewood Circle. All trees or replacement trees required by this condition shall be maintained in perpetuity by the respective property owner in order to maintain screening of the project.
 - c. **Improvement Measure AES-2:** Construction contractors shall minimize the use of on-site storage and when necessary store building materials and equipment away from public view and shall keep activity within the project site and construction equipment laydown areas.

- d. **Mitigation Measure BIO-2a:** No earlier than 30 days prior to the commencement of construction activities, a survey shall be conducted to determine if active woodrat nests (stickhouses) with young are present within the disturbance zone or within 100 feet of the disturbance zone. If active woodrat nests (stickhouses) with young are identified, a fence shall be erected around the nest site adequate to provide the woodrat sufficient foraging habitat at the discretion of a qualified biologist and based on consultation with the CDFG. At the discretion of the monitoring biologist, clearing and construction within the fenced area would be postponed or halted until young have left the nest. The biologist shall serve as a construction monitor during those periods when disturbance activities will occur near active nest areas to ensure that no inadvertent impacts on these nests will occur.

If woodrats are observed within the disturbance footprint outside of the breeding period, individuals shall be relocated to a suitable location within the open space by a qualified biologist in possession of a scientific collecting permit. This will be accomplished by dismantling woodrat nests (outside of the breeding period), to allow individuals to relocate to suitable habitat within the adjacent open space.

- e. **Mitigation Measure BIO-2b:** No earlier than two weeks prior to commencement of construction activities that would occur during the nesting/breeding season of native bird species potentially nesting/roosting on the site (typically February through August in the project region), a survey for nesting birds shall be conducted by a qualified biologist experienced with the nesting behavior of bird species of the region. The intent of the survey would be to determine if active nests of special-status bird species or other species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code are present in the construction zone or within 500 feet of the construction zone. The surveys shall be timed such that the last survey is concluded no more than two weeks prior to initiation of construction or tree removal work. If ground disturbance activities are delayed, then an additional pre-construction survey shall be conducted such that no more than two weeks will have elapsed between the last survey and the commencement of ground disturbance activities.

If active nests are found in areas that could be directly affected or subject to prolonged construction-related noise, a no-disturbance buffer zone shall be created around active nests during the breeding season or until a qualified biologist determines that all young have fledged. The size of the buffer zones and types of construction activities restricted within them will be determined through consultation with the CDFG, taking into account factors such as the following:

- Noise and human disturbance levels at the construction site at the time of the survey and the noise and disturbance expected during the construction activity;
- Distance and amount of vegetation or other screening between the construction site and the nest; and
- Sensitivity of individual nesting species and behaviors of the nesting birds.

Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or other appropriate barriers and construction personnel shall be instructed on the sensitivity of nest areas. A qualified biologist shall serve as a construction monitor during those periods when construction activities would occur near active nest areas of special-status bird species and all birds covered by the Migratory Bird Act to ensure that no impacts on these nests occur.

- f. **Mitigation Measure BIO-2c:** Prior to the commencement of construction activities during the breeding season of native bat species in California (generally occurs from April 1 through August 31), a focused survey shall be conducted by a qualified bat biologist to determine if active maternity roosts of special-status bats are present within any of the trees proposed for removal. Should an active maternity roost of a special-status bat species be identified, the roost shall not be disturbed until the roost is vacated and juveniles have fledged, as determined by the biologist. Once all young have fledged, then the tree may be removed. Species-appropriate replacement roosting habitat (e.g., bat boxes) shall be provided should the project require the removal of a tree actively used as a maternity roost. The replacement roosting habitat shall be subject to the approval of the CDFG.
- g. **Mitigation Measure BIO-2d:** Immediately preceding initial ground disturbance activities on Lot 11, a pre-construction clearance survey shall be conducted by a qualified biologist for California red-legged frogs. The survey shall be conducted to determine whether individual California red-legged frogs are present within the disturbance boundary. Should a California red-legged frog be observed during the clearance survey, all construction activities on Lot 11 shall be immediately halted and the USFWS shall be immediately contacted. Under no circumstances shall a California red-legged frog be collected or relocated, unless USFWS personnel or their agents implement the measure. Construction-related activities may resume once the frog has naturally left the lot or has been relocated by a permitted biologist (authorized by the USFWS).

- h. **Mitigation Measure BIO-3:** Tree replacement shall occur at a minimum 2:1 ratio for all protected trees removed with a circumference of or exceeding 55 inches (17.5 inches diameter at breast height). Therefore, the seven (7) trees proposed for removal shall be replaced with fourteen (14) trees. The replacement of indigenous trees shall be in kind (i.e., live oaks removed shall be replaced by live oaks) and exotic trees to be removed shall be replaced with an appropriate native species on the tree list maintained by the County of San Mateo Planning Department. Replacement trees shall also be maintained for a minimum of three years.

To facilitate the successful replacement of trees, a tree replacement plan shall be prepared and shall meet the following standards:

- Where possible, the plan shall identify suitable areas for tree replacement to occur such that the existing native woodlands in the open space are enhanced and/or expanded.
 - The plan shall specify, at a minimum, the following:
 - The location of planting sites;
 - Site preparation and planting procedures;
 - A schedule and action plan to maintain and monitor the tree replacement sites;
 - A list of criteria and performance standards by which to measure success of the tree replacement; and
 - Contingency measures in the event that tree replacement efforts are not successful.
- i. **Mitigation Measure BIO-5a:** Prior to the commencement of construction activities on Lot 11, the outer edge of the willow scrub habitat (facing Lot 11) shall be delineated by a qualified biologist. Temporary fencing shall be installed that clearly identifies the outer edge of the willow habitat and that identifies the willow scrub as an “Environmentally Sensitive Area.” Signs shall be installed indicating that the fenced area is “restricted” and that all construction activities, personnel, and operational disturbances are prohibited.
- j. **Mitigation Measure BIO-5b:** Prior to the issuance of a grading permit, the Project Applicant shall develop an erosion control plan. The plan shall include measures such as silt fencing to prevent project-related erosion and sedimentation from adversely affecting the creek zone and other habitats on and near Lots 1-11. The erosion control plan shall be subject to approval by the County of San Mateo Planning Department.

- k. **Mitigation Measure BIO-5c:** Prior to the issuance of the first building permit for any of the eleven (11) homes, the Project Applicant shall develop a lighting plan. The lighting plan shall require that all lighting be directed and shielded as to minimize light spillage into nearby willow scrub habitat, as well as adjacent oak woodland habitats. The lighting plan shall be subject to approval by the County of San Mateo Planning Department.
- l. **Mitigation Measure BIO-6:** Prior to the commencement of construction on Lot 8, the occurrence of purple needlegrass shall be mapped, including all stands on the lot with 20 percent or greater cover of native grasses and having a diameter greater than 10 feet. The area of purple needlegrass to be lost due to development of the lot shall then be calculated.

As part of the proposed project, approximately 92 acres of open space would be maintained as open space under a conservation easement. This open space contains a serpentine grassland (on the slope west of the water tanks) that is dominated by native grasses (including purple needlegrass) and other native plant species. These native grasses, including purple needlegrass, would be permanently protected by the conservation easement. In addition, non-native plant areas adjacent to the serpentine grassland shall be restored to support native grasses over an area twice the acreage (2:1) of the stands of purple needlegrass to be lost on Lot 8.

- m. **Mitigation Measure GEO-1:** A design-level geotechnical investigation of the site shall be performed prior to any project grading including static and seismic slope stability analysis of the areas of the project site to be graded and developed. The specific mitigation measures to be utilized in order to stabilize existing landslides and areas of potential seismically induced landslides shall be presented in the report. The specific mitigation measures shall include some of the following measures or measures comparable to these:
- Landslide debris on Lots 7 and 8 shall be excavated and replaced with a fully drained conventional buttress fill that is founded in the underlying Franciscan mélange, as recommended by the project geotechnical engineer. (Lots 7-8)
 - Retaining walls shall be designed to withstand high lateral earth pressure from adjoining natural materials and/or backfill shall be installed at the rear of Lots 5 through 8. In addition, retaining walls shall be built in the front of Lots 5 and 6 to aid in maintaining the slopes behind the lots and the more extensive cut required for Lots 5 and 6. (Lots 5-8)
 - A surface drainage system shall be installed for each lot to mitigate new landslides developing within the thin veneer of soil mantling the bedrock on the slope below Lots 1 through 4. (Lots 1-4)

- Subsurface drainage galleries may be installed to control the flow of groundwater and reduce the potential for slope instabilities from occurring in the future. (All lots)
 - Over-steepening of slopes shall be avoided. Horizontal benches shall be constructed on all reconstructed slopes at an interval of 25 to 30 feet. New fill shall be compacted to at least 90 percent relative compaction (as determined by ASTM test method D1557). (All lots)
 - Drilled piers and grade-beam foundations shall be used to support foundations in accordance with recommendations of the project geotechnical engineer. (All lots)
- n. **Mitigation Measure GEO-2a:** Materials used to construct the buttress fill should have effective strength parameters equal to or better than the parameters used in the Treadwell and Rollo 2009 study. (Lots 7 and 8)
- o. **Mitigation Measure GEO-2b:** The following mitigation measures shall be implemented to ensure the stability of proposed structures that are located on deep fill soils:
- A site-specific, design-level geotechnical investigation shall be completed during the design phase of the proposed project, and prior to approval of new building construction within the site for specific foundation design, slope configuration, and drainage design. (All lots)
 - The geotechnical investigation shall provide recommendations to prevent water from ponding in pavement areas and adjacent to the foundation of the proposed residences, and to prevent collected water from being discharged freely onto the ground surface adjacent to the residences, site retaining walls, or artificial slopes. The project geotechnical engineer shall identify on site areas downslope of the homes where the collected water may be discharged utilizing properly designed energy dissipaters. (All lots)
 - Fills used at the project site shall be properly placed with keyways and subsurface drainage, and adequately compacted following the recommendations of the final geotechnical report and Geotechnical Engineer, in order to significantly reduce fill settlement. (All lots)
 - Underground utilities shall be designed and constructed using flexible connection points to allow for differential settlement. (All lots)

- Foundation plans shall be submitted to the County for review prior to issuance of a building permit. All foundation excavations shall be observed during construction by the project Geotechnical Engineer to insure that subsurface conditions encountered are as anticipated. As-built documentation shall be submitted to the County. (All lots)
- Drilled pier and grade-beam foundations or other appropriate foundations per the recommendations of the design-level geotechnical investigation shall be developed for lots that are determined to likely experience soil creep. (All lots)

All work shall be completed in accordance with requirements of the 2007 California Building Code and the San Mateo County Building Code. (All lots)

- p. **Improvement Measure GEO-3:** In compliance with the NPDES regulations, the Project Applicant shall file a Notice of Intent with the State Water Resources Control Board (SWRCB) prior to the start of grading and prepare a SWPPP.

The SWPPP shall include specific best management practices to reduce soil erosion. The SWPPP shall include locations and specifications of recommended soil stabilization techniques, such as placement of straw wattles, silt fence, berms, and storm drain inlet protection. The SWPPP shall also depict staging and mobilization areas with access routes to and from the site for heavy equipment. The SWPPP shall include temporary measures to reduce erosion to be implemented during construction, as well as permanent measures.

County staff and/or representatives shall review the SWPPP to ensure adequate compliance with State and County standards.

County staff and/or representatives shall visit the site during grading and construction to ensure compliance with the SWPPP, as well as note any violations, which shall be corrected immediately. A final inspection shall be completed prior to occupancy.

- q. **Mitigation Measure GEO-4:** The Project Applicant shall be required to use the seismic design criteria listed below to design structures and foundations to withstand expected seismic sources in accordance with the California Building Code (2007) as adopted by the County of San Mateo.

Site Class: C

Soil Profile Name: Very Dense Soil and Soft Rock

Occupancy Category: II

Seismic Design Category: E

Mapped Spectral Response for Short Periods- 0.2 Sec (S_s): 2.226 g

Mapped Spectral Response for Long Periods- 1 Sec (S_1): 1.273 g

Site Coefficient - Fa, based on the mapped spectral response for short periods: 1.0
Site Coefficient - Fv, based on the mapped spectral response for long periods: 1.3
Adjusted Maximum Considered EQ Spectral Response for Short Periods (SMS): 2.226
Adjusted Maximum Considered EQ Spectral Response for Long Periods (SM1): 1.655
Design (5-percent damped) Spectral Response Acceleration Parameters at short periods (SDS): 1.484
Design (5-percent damped) Spectral Response Acceleration Parameters at long periods (SD1): 1.103

- r. **Mitigation Measure GEO-5:** During site grading, soils in each lot shall be observed and tested by the project Geotechnical Engineer to determine if expansive soils are exposed. Should expansive soils be encountered in planned building or pavement locations, the following measures shall be implemented under the direction of the Geotechnical Engineer in order to mitigate the impact of expansive soils:
- Expansive soils in foundation areas shall be excavated and replaced with non-expansive fill to the specifications of the geotechnical engineer.
 - A layer of non-expansive fill soils 12 to 24 inches in thickness shall be placed over the expansive materials and prior to the placement of pavements or foundations.
 - Moisture conditioning of expansive soil shall be applied to a degree that is several percent above the optimum moisture content or lime treating of the expansive soil.
 - Foundations shall be constructed to be below the zone of seasonal moisture fluctuation or to be capable of withstanding the effects of seasonal moisture fluctuations.
 - Specific control of surface drainage and subsurface drainage measures shall be provided.
 - Low water demand landscaping shall be used.
- s. **Mitigation Measure AQ-1:** The Project Applicant shall require that the following BAAQMD recommended and additional PM₁₀ reduction practices be implemented by including them in the contractor construction documents:

The first phase of construction shall require 30 percent of construction equipment to meet Tier 1 EPA certification standards for clean technology. The remainder of construction equipment (70 percent), which would consist of older technologies, shall be required to use emulsified fuels.

- The second phase of construction shall require 30 percent of construction equipment to meet Tier 2 EPA certification standards for clean technology and 50 percent to meet Tier 1 EPA certification standards. The remaining 20 percent of construction equipment, which would consist of older technologies, shall use emulsified fuels.
- For all larger vehicles, including cement mixers or other devices that must be delivered by large trucks, vehicles shall be equipped with CARB level three verified control devices.
- Water all active construction areas at least twice daily.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- Pave, apply water three times daily, or apply non-toxic soil stabilizers on all unpaved access roads, parking areas, and staging areas at the construction sites.
- Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at the construction sites.
- Sweep public streets adjacent to construction sites daily (with water sweepers) if visible soil material is carried onto the streets.
- Hydroseed or apply non-toxic soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.). Limit traffic speeds on unpaved roads to 15 miles per hour.
- Limit traffic speeds on unpaved roads to 15 miles per hour.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as soon as possible.
- Install wheel washers for all exiting trucks or wash off the tires or tracks of all trucks and equipment leaving the construction site.

- Install wind breaks at the windward sides of the construction areas.
 - Suspend excavation and grading activities when wind (as instantaneous gusts) exceeds 25 miles per hour.
- t. **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:
- 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.
 - 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.
 - 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.
 - 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.

- u. **Mitigation Measures HAZMAT-2:** As required by the San Mateo County Fire Protection Ordinance, Section 3.84.100, individual property owners for Lots 1-4 and 9, 10, and 11 shall be responsible for maintaining a fuel break by removing all hazardous flammable materials or growth from the ground around each home for a distance of ~~not less than~~ up to 100 feet from its exterior circumference, for the life of the project. Property owners of lots listed above shall arrange with the property owner of the open space parcel to obtain legal access to the open space parcel for the purpose of vegetation clearance. This would not include the authorization of tree removal for trees protected by the RM zoning regulations or “major removal” of vegetation requiring an RM Permit. For the twelve parcels that constitute the project site, the removal of trees or other vegetation providing screening of the eleven residences such that the residences are made significantly more visible from public viewing location(s) shall constitute a “major removal” requiring an RM Permit. This requirement shall be recorded as a deed restriction on Lots 1 through 4, and 9, 10, and 11 when the lots are sold.

- v. **Mitigation Measure HAZMAT-3:** During the design level geotechnical investigation, representative soil samples shall be obtained for each lot proposed on an area underlain or potentially underlain by serpentine bedrock. These samples shall be tested for the presence of naturally occurring asbestos by a state certified testing laboratory in accordance with requirements of the CARB and the BAAQMD and the results shall be provided to the County Planning Department.

If naturally occurring asbestos is identified at the site, a site health and safety (H&S) plan including methods for control of airborne dust shall be prepared. This plan shall be reviewed and approved by the County of San Mateo prior to grading in areas underlain by serpentine-bearing soils or bedrock and naturally occurring asbestos. The H&S plan shall strictly control dust-generating excavation and compaction of material containing naturally occurring asbestos. The plan shall also identify site-monitoring activities deemed necessary during construction (e.g., air monitoring). Worker monitoring shall also be performed as appropriate. The plan shall define personal protection methods to be used by construction workers. All worker protection and monitoring shall comply with provisions of the Mining Safety and Health Administration (MSHA) Guidelines, California Division of Occupational Safety and Health (DOSH), and the Federal Occupational Safety and Health Administration (OSHA).

If naturally occurring asbestos is found at the site, a Soil Management Plan shall be developed and approved by the County Planning Department to provide detailed descriptions of the control and disposition of soils containing naturally occurring asbestos. Serpentine material placed as fill shall be sufficiently buried in order to prevent erosion by wind or surface water runoff, or exposure to future human activities, such as landscaping or shallow trenches. Additionally, the BAAQMD shall be notified prior to the start of any excavation in areas containing naturally occurring asbestos.

- w. **Improvement Measure TRANS-1:** The Project Applicant shall prepare and submit a Construction Management Plan that will, among other things, require that all truck movement associated with project construction occur outside the commute peak hours.
- x. **Mitigation Measure TRANS-2:** The Project Applicant shall be required to pay for the installation of advisory traffic signs on Ticonderoga Drive in the vicinity of the proposed homes if determined necessary by the County of San Mateo Department of Public Works.
- y. **Mitigation Measure UTIL-1:** The Project Applicant shall mitigate the project-generated increase in sewer flow such that there is a “zero net increase” in flow during wet weather events, by reducing the amount of existing Inflow and Infiltration (INI) into the Crystal Springs County Sanitation District (District) sewer system. This shall be achieved through the construction of improvements to impacted areas of the sewer system, with construction plans subject to District approval. Construction of improvements, as approved by the District, shall be completed prior to the start of the construction of the residences. In addition, as project sewage will be treated by the City of San Mateo’s Wastewater Treatment Plant, the Project Applicant shall submit payment of the City of San Mateo Wastewater Treatment Plant Expansion development impact fee to the City of San Mateo. This fee is based on the number of bedrooms in each residential unit and is calculated at the time of the final plans, using the City’s fee schedule in effect at the time of the building permit application.

The following conditions of approval document points of discussion among the County, the applicant and neighborhood groups:

- 5. This project will be implemented as proposed, mitigated, conditioned, and approved by the Board of Supervisors, regarding parcel size and configuration, home sizes, home locations, architectural design, style and color, materials, height and foundation design. Prior to the issuance of a Certificate of Occupancy for any residence, the applicant shall provide a copy of recorded deed restrictions and photographs to the Current Planning Section staff to demonstrate utilization of the approved colors and materials. Materials and colors shall not be highly reflective.

6. For all parcels (Lots 1 through 11): Colors and Materials: The following language shall be recorded as a deed restriction on the applicable parcels when they are sold:
- a. Lots 1 through 11: The “dDevelopment shall employ colors and materials which blend in with, rather than contrast with, the surrounding soil and vegetative cover of the siteopen space parcel. All exterior construction materials shall be of deep earth hues such as dark browns, greens, and rusts. The applicant shall utilize roof materials that perform as a “cool roof.” Roof colors shall be of a medium tone, subject to the approval of the Community Development Director. Exterior lighting shall be minimized and earth-tone colors of lights used.”
 - b. Lots 1, 2, 3, 4 and 11: All hHomes on Lots 1, 2, 3, 4 and 11 shall be no more than one-story high on the front curbside. Home design will be compatible with atthe area’s contemporary, mid-20th century modern style, as shown in conceptual drawings approved by the Board of Supervisors. Rear facades of homes on Lots 9 through 11 shall have details to reduce the massing of the structure, specifically architectural articulation to break up the vertical facade, color variation, and brick or stone treatment for retaining walls supporting the residences.
7. Grading and Construction Staging Limits: Grading and construction activities shall be limited to the grading and staging limits presented in the approved Clearing, Construction, and Grading Limits Plan. The construction drawings associated with the subdivision improvement plans and the individual site development plans for Lots 1 through 11 shall include a Clearing, Construction and Grading Limits Plan (Limits Plan). The Limits Plan and all associated documents must utilize **current topographic data (2009)** for all parcels, as mapped by Chris Hundemer at Treadwell and Rollo. The Limits Plan shall depict the fencing and protection of the adjacent open space parcel in conformance with the approved Vesting Tentative Map. This plan shall be subject to review and approval of the County Planning and Building Department and the Department of Public Works. The applicant shall install orange fencing, staked securely at intervals, along all staging limits prior to the issuance of any Grading Permit “hard card.”
8. Development Restriction Over Lot 8: Only a portion of Lot 8 would beis developable. The rest of the parcel (shown as hatched on Attachment L) would is in be contained in a “No-Build Zone.” The “No-Build Zone” shall be shown on the Final Map for the subdivision.— All setbacks shall be measured from the limits of the buildable portion of the parcel (i.e., excluding any “No-Build” areas on the Final Map). For the purpose of calculating the Maximum Building Site Coverage Ratio of 40%, the Building Site Area shall exclude any “No-Build” areas as shown on the Final Map for the subject property.
9. Development Restriction Over Lot 11: All areas of Lot 11 are developable as allowed by the County Zoning Regulations, with the exception of a “No-Build Zone”

on the right side of the parcel, as illustrated in the approved Clearing, Construction, and Grading Limits Plan. The "No-Build Zone" shall be shown on the Final Map for the subdivision. All setbacks shall be measured from the limits of the buildable portion of the parcel (i.e., excluding any "No-Build" areas on the Final Map). For the purpose of calculating the Maximum Building Site Coverage Ratio of 40%, the Building Site Area shall exclude any "No-Build" areas as shown on the Final Map for the subject property.

10. Storm Drainage Plan: Project implementation shall comply with the approved Storm Drainage Plan.
11. Conservation Easement: Lot 12, the open-space parcel, will be subject to a conservation easement in perpetuity, and to a deed restriction, each in forms to be approved by County Counsel and the County Board of Supervisors. The easement will be noted on the Vesting Tentative Map and on the Final Map. Recordation of the Final Map and conservation easement shall be handled by an escrow the Department of Public Works (DPW) working cooperatively with Planning staff to ensure the proper order and timing of the recordation of both documents. The escrow DPW and Planning staff shall not record the Final Map until it is prepared ensure that the Final Map is recorded and ensure recordation of the approved conservation easement immediately following (allowing no other documents to be recorded on the project parcels between the recordings of the Final Map and the conservation easement)., immediately to record the document creating the perpetual easement, together with this County's acceptance of it.
12. The Final Map will include a note stating that "any development of the project parcels will need to must comply with the conditions of approval, as approved by the Board of Supervisors on April 27, 2010."

Conditions of Approval for Certification of Draft and Final EIR

13. Per CEQA Section 15095, the applicant shall provide a copy of the final certified Final EIR to all responsible agencies. **The applicant must complete this requirement within fourteen (14) days of the final approval of this project.**
14. **The applicant shall coordinate with the project planner to record the Notice of Completion and pay an environmental filing fee of \$2,792.25 (or current fee), as required under Fish and Game Code Section 711.4(d), plus a \$50 recording fee to the San Mateo County within four (4) working days of the final approval date of this project.**

Conditions of Approval for Major Subdivision and Lot Line Adjustment

15. The applicant shall record the conservation easement, as approved by the Board of Supervisors, prior to or subsequently with the recordation of the Final Map according to the process described in Condition 11.

16. Prior to the recordation of the Final Map, the property owner shall either produce a deed showing the donation of the land to a park service provider or pay an in-lieu fee, meeting the requirements of Section 7055.3 of the County Subdivision Regulations. A worksheet showing the prescribed calculation appears as Attachment U of the staff report for the January 13, 2010 hearing. As of the date of this report, the in-lieu fee for this subdivision is \$236.50. The fee shall be re-calculated at the time of Final Map recording as indicated in the County Subdivision Regulations.

Conditions of Approval for Grading Permit and Tree Removals

17. Twelve (12) separate Grading Permit hard cards are required, one for the subdivision improvements and one for each of the eleven homes. "Hard cards" shall be issued according to the following schedule:
 - a. The "hard card" for grading of improvements related to the subdivision (including a sidewalk for Lots 5-8 and all shared access ways) may be issued after the final approval of this project, subject to the approval of the Planning and Building Department's Geotechnical Engineer, Department of Public Works and the Current Planning Section, **and subject to the conditions below**.
 - b. The "hard card" for grading of improvements related to the residences (the preparation of building sites and yard areas) can only be issued simultaneously or after the issuance of a building permit for the construction of each new residence, subject to the approval of the Planning and Building Department's Geotechnical Engineer, Department of Public Works and the Current Planning Section.
18. Lots 1-4: Prior to issuance of grading permits, BKF shall prepare cross sections through each lot illustrating existing slopes, proposed final slopes, areas of fill placement and the stepping of houses across the slope. No fill placement will be permitted downslope of proposed residences (with the exception of fill as shown on the grading plans as approved by the Board of Supervisors).
19. Per the mitigation measures in the MMRP, tree removals and grading shall proceed as specified:
 - a. Grading Permit hard card cannot be issued until a design-level geotechnical investigation of the site has been performed and submitted to the Planning and Building Department's Geotechnical Section and evidence of completion of Mitigation Measures GEO-3; TRANS-1; BIO-2a through 2d, 5b and 5c; and HAZMAT-3 has been submitted and approved by the project planner.
 - b. Grading Permit hard card cannot be issued for Lot 8 until evidence of completion of Mitigation Measures BIO-6 has been submitted and approved by the project planner.

- c. Grading Permit hard card cannot be issued for Lot 11 until evidence of completion of Mitigation Measures BIO-2d and 5a has been submitted and approved by the project planner.
 - d. Trees shall not be removed until after evidence of completion of implementation of Mitigation Measure BIO-2c has been submitted and approved by the project planner and the Grading Permit hard card has been issued.
20. No grading shall be allowed during the winter season (October 15 to April 15) to avoid potential soil erosion unless approved, in writing, by the Community Development Director. The property owners shall submit a letter to the Current Planning Section, at least two weeks prior to commencement of grading, stating the date when grading will begin.
21. This permit does not authorize the removal of any additional trees with trunk circumference of more than 55 inches beyond those approved by the Board of Supervisors. Such activity would require application for and issuance of a separate Resource Management (RM) Permit. All trees not approved for removal under this permit shall be protected during grading operations. Prior to the issuance of the Grading Permit hard card, the applicant shall implement the following tree protection plan:

The applicant shall establish and maintain tree protection zones throughout the entire length of the project. Tree protection zones shall be delineated using 4-foot tall orange plastic fencing supported by poles pounded into the ground, located as close to the driplines as possible while still allowing room for construction/grading to safely continue. The applicant shall maintain tree protection zones free of equipment and materials storage and shall not clean any equipment within these areas. Should any large roots or large masses of roots need to be cut, the roots shall be inspected by a certified arborist or registered forester prior to cutting. Any root cutting shall be monitored by an arborist or forester and documented. Roots to be cut should be severed cleanly with a saw or topplers. Normal irrigation shall be maintained, but oaks should not need summer irrigation. The above information shall be on-site at all times.

22. Prior to the issuance of the grading permit "hard card," the applicant shall schedule an erosion control inspection by Current Planning Section staff to demonstrate that the approved erosion control plan has been implemented. The applicant is responsible for ensuring that all contractors minimize the transport and discharge of pollutants from the project site into local drainage systems and water bodies by adhering to the San Mateo Countywide Water Pollution Prevention Program's (SMCWPPP) "General Construction and Site Supervision Guidelines," including:

- a. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 15 and April 15. Stabilizing shall include both proactive measures, such as the placement of straw bales or coir netting, and passive measures, such as minimizing vegetation removal and revegetating disturbed areas with vegetation that is compatible with the surrounding environment.
 - b. Storing, handling, and disposing of construction materials and wastes properly, so as to prevent their contact with stormwater.
 - c. Controlling and preventing the discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, wash water or sediments, and non-stormwater discharges to storm drains and watercourses.
 - d. Using sediment controls or filtration to remove sediment when dewatering site and obtaining all necessary permits.
 - e. Avoiding cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained and treated.
 - f. Delineating with field markers clearing limits, setbacks, and drainage courses, per Condition 6.
 - g. Protecting adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.
 - h. Performing clearing and earth-moving activities only during dry weather.
 - i. Limiting and timing applications of pesticides and fertilizers to prevent polluted runoff.
 - j. Limiting construction access routes and stabilizing designated access points.
23. While the applicant must adhere to the approved erosion and sediment control plan during grading and construction, it is the responsibility of the civil engineer and/or construction manager to implement the Best Management Practices (BMPs) that are best suited for this project site. If site conditions require additional measures in order to comply with the SMCWPPP and prevent erosion and sediment discharges, said measures shall be installed immediately under the direction of the project engineer. If additional measures are necessary, the erosion and sediment control plan shall be updated to reflect those changes and shall be resubmitted to the Planning and Building Department for review. The County reserves the right to require additional (or entirely different) erosion and sediment control measures during grading and/or construction if the approved plan proves to be inadequate for the unique characteristics of each job site.

24. Prior to the issuance of a Grading Permit “hard card,” the applicant shall submit a schedule of grading operations, subject to review and approval by the Department of Public Works and the Current Planning Section. The submitted schedule shall include a schedule for winterizing the area and details of the off-site haul operations, including, but not limited to: export site(s), size of trucks, haul route(s), time and frequency of haul trips, and dust and debris control measures. Per the City of San Mateo Department of Public Works, use of De Anza Boulevard is prohibited, as De Anza Boulevard is not a designated truck route. The submitted schedule shall represent the work in detail and project grading operations through to the landscaping and/or restoration of all disturbed areas. As part of the review of the submitted schedule, the County may place such restrictions on the hauling operation, as it deems necessary. During periods of active grading, the applicant shall submit monthly updates of the schedule to the Department of Public Works and the Current Planning Section.
25. The applicant shall file a Notice of Intent (NOI) with the State Water Resources Board to obtain coverage under the State General Construction Activity NPDES Permit. A copy of the project’s NOI and Stormwater Pollution Prevention Plan (SWPPP) shall be submitted to the Current Planning Section, prior to the issuance of any Grading Permit “hard card.”
26. Replacement of vegetation removed in areas within the parcels during grading and construction activities:
 - a. Vegetation removed in areas outside of building footprints, driveways, and construction access areas shall be replaced with drought-tolerant, non-invasive plants, immediately after grading is complete in that area. Prior to the issuance of any building permits, the applicant shall submit photographs demonstrating compliance with this condition to the Current Planning Section, subject to review and approval by the Community Development Director.
 - b. The applicant shall replace all vegetation removed in all areas not covered by construction with drought-tolerant, non-invasive plants, once construction is completed. Prior to the Current Planning Section’s final approval of any building permit, the applicant shall submit photographs demonstrating compliance with this condition, subject to review and approval by the Community Development Director.
27. The provision of the San Mateo County Grading Regulations shall govern all grading on and adjacent to this site. Per San Mateo County Ordinance Code Section 8605.5, all equipment used in grading operations shall meet spark arrester and fire fighting tool requirements, as specified in the California Public Resources Code.

28. Upon the start of grading activities and through to the completion of the project, the applicant shall be responsible for ensuring that the following dust control guidelines are implemented:
 - a. All graded surfaces and materials, whether filled, excavated, transported or stockpiled, shall be wetted, protected or contained in such a manner as to prevent any significant nuisance from dust, or spillage upon adjoining water body, property, or streets. Equipment and materials on the site shall be used in such a manner as to avoid excessive dust. A dust control plan may be required at anytime during the course of the project.
 - b. A dust palliative shall be applied to the site when required by the County. The type and rate of application shall be recommended by the soils engineer and approved by the Department of Public Works, the Planning and Building Department's Geotechnical Section, and the Regional Water Quality Control Board.
29. Final approval of all Grading Permits is required. For final approval of the Grading Permits, the applicant shall ensure the performance of the following activities within thirty (30) days of the completion of grading at the project site:
 - a. The engineer shall submit written certification that all grading has been completed in conformance with the approved plans, conditions of approval/ mitigation measures, and the Grading Regulations, to the Department of Public Works and the Planning and Building Department's Geotechnical Section.
 - b. The geotechnical consultant shall observe and approve all applicable work during construction and sign Section II of the Geotechnical Consultant Approval form, for submittal to the Planning and Building Department's Geotechnical Engineer and Current Planning Section.

Other Planning and Building Department Project Conditions

30. The color and materials of the bio-retention planters for all homes shall match the surrounding native landscaping, such that planters will blend with the surrounding environment.
31. Building plans for each residence shall demonstrate compliance with the California Water Efficient Landscape Ordinance (AB 1881), prior to the Current Planning Section's approval of the building permit application for each residence.

32. The applicant and contractors must be prepared to carry out the requirements of California State law with regard to the discovery of human remains during construction, whether historic or prehistoric. In the event that any human remains are encountered during site disturbance, all ground-disturbing work shall cease immediately and the County coroner shall be notified immediately. If the coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within 24 hours. A qualified archaeologist, in consultation with the Native American Heritage Commission, shall recommend subsequent measures for disposition of the remains.
33. The property owner is responsible for the annexation of the project site to County governed special districts that will provide utility or other service. The project applicant is responsible for application and fees to the San Mateo Local Agency Formation Commission.
34. For Lots 1 through 8 and Lot 11 (lots with the RM Zoning District), all present and future site preparation activity and development shall comply with Section 6319C.2.F (Development Standards) and Section 6319C.2.G (Minimization of Grading). All setbacks shall be measured from the limits of the buildable portion of the parcel (i.e., excluding any "No-Build" areas on the Final Map). For the purpose of calculating the Maximum Building Site Coverage Ratio of 40%, the Building Site Area shall exclude any "No-Build" areas as shown on the Final Map for the subject property. The above statement shall be added as a deed restriction to the respective lots when the lots are sold.

B. PLANNING AND BUILDING DEPARTMENT - GEOTECHNICAL SECTION

35. The grading for this project will require submission of a revised geotechnical report that includes detailed recommendations for grading, erosion control, and foundation design and construction.
36. Building permit applications for Lots 7 and 8 will be required to depict as-built subdrain system alignments for the underlying stabilization buttress on the house foundation plans. The intent is to adjust foundation pier layout (as-needed) so that installed subdrain systems are not damaged by foundation construction.
37. Documentation to be submitted for the Lot 10 building permit shall include proposed construction/design measures to provide stable temporary excavations west of the residence so that the stability of an existing fill prism is not adversely impacted during site grading.
38. (All Lots) Prior to issuance of building permits, the Project Geotechnical Consultant shall field inspect (and investigate, as needed) all proposed drainage discharge locations and verify that proposed drainage designs are acceptable from a slope stability/erosion perspective or recommend appropriate modifications.

39. Lots 9 and 10: Future construction in areas outside of the building envelope may require supplemental geotechnical evaluation. Lot 11: Future building construction within the delineated Geotechnical-No-Build Zone on the approved Vesting Tentative Map is prohibited. The above statements shall be added as a deed restriction to the respective lots when the lots are sold. Recorded deed restrictions shall be produced prior to the issuance of a Certificate of Occupancy for any residence on these lots.
40. Lot 11: Grading limits, building footprint and building envelope shall be restricted to those boundaries depicted on Lot 11 Exhibit 1 prepared by BKF dated January 27, 2010. These boundaries shall supersede any conflicting boundaries presented on other recently prepared development documents. Construction staging shall not include grading beyond the grading limits.

C. PLANNING AND BUILDING DEPARTMENT - BUILDING INSPECTION SECTION

41. Building permits may be required for all areas of construction. Contact the Building Inspection Section prior to ANY construction for permit requirements.
42. All new residences shall comply with the current Green Building Ordinance, applicable at the time of permit application.
43. Per Section 1404 of the Green Building Ordinance, the applicant is encouraged to incorporate green building features in the construction of the eleven homes, such that the project achieves 75 points or higher or LEED for Homes Certified. Such projects will receive expedited building permit processing.

D. PACIFIC GAS AND ELECTRIC COMPANY

44. Developers will be responsible for the costs associated with the relocation of existing PG&E facilities to accommodate the project.

E. DEPARTMENT OF PUBLIC WORKS

Conditions of Approval for Major Subdivision and Lot Line Adjustment

45. The applicant shall install a sidewalk along the front of Lots 5 through 8 on Ticonderoga Drive, subject to review and approval by the Department of Public Works (DPW) and the issuance of an encroachment permit by DPW.
46. The applicant shall install a crosswalk and ADA ramp at the intersection of Ticonderoga Drive and Allegheny Way prior to recordation of the Final Map.
47. The applicant shall submit a permanent stormwater management plan in compliance with the County's Drainage Policy (including stormwater detention requirements) and applicable NPDES requirements (particularly Provision C.3) for review and approval by the Department of Public Works, prior to the Current

Planning Section's approval of any building permit for residences. Individual operation and maintenance agreements for each residence to include all permanent stormwater treatment measures, as approved by the Community Development Director and the Department of Public Works, shall be executed prior to the Current Planning Section's final approval of any building permit for residences.

48. The applicant shall submit a Final Map to the Department of Public Works for review and recording.
49. Prior to recordation of the Final Map, the subdivider shall either construct all improvements required for shared access or enter into a written agreement with the County for future construction of the improvements. Prior to recording the Final Map, the applicant will be required to submit to the Department of Public Works a complete set of improvement plans including all provisions for roadways, driveways, utilities, storm drainage, and stormwater treatment, all in accordance with the County Subdivision Regulations, County Standard Details, County Drainage Policy and NPDES Permit, plus applicable plan review fee.

Upon the Department of Public Works' approval of the improvement plans, the applicant may be required to execute a Subdivision Improvement Agreement and post securities with the Department of Public Works, if applicable, as follows:

- a. Faithful Performance - 100% on the estimated cost of constructing the improvements;
- b. Labor and Materials - 50% of the estimated cost of constructing the improvements.

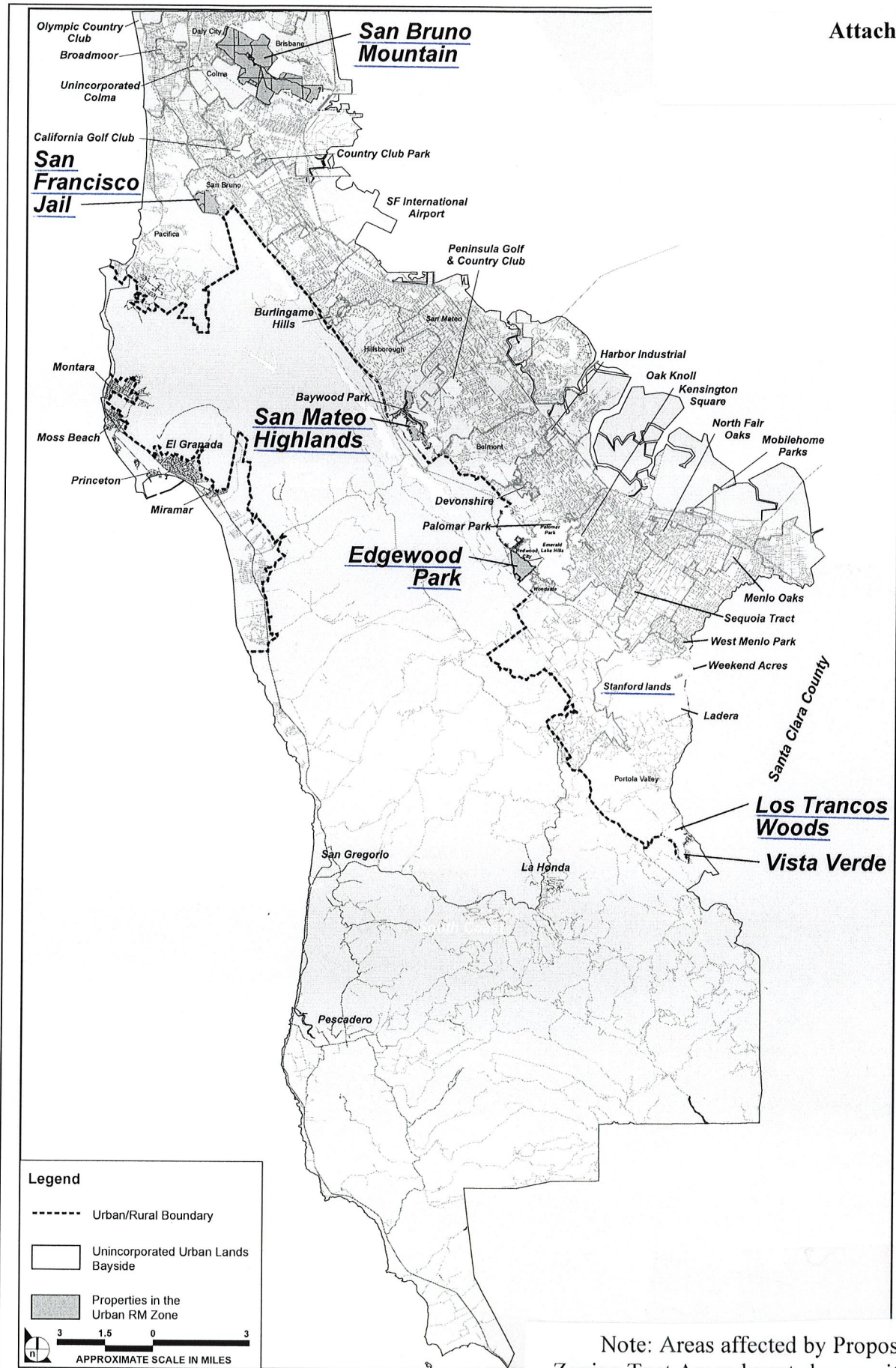
Other Department of Public Works Project Conditions

50. The access easement on Lot 8 shall meet the access requirements of the Crystal Springs County Sanitation District, prior to the final approval of the Final Map ~~building permit for the residence by the Department of Public Works.~~
51. For Lots 7 and 8: A maintenance agreement is required for the stairs, subject to San Mateo County Fire Department and Department of Public Works approval.
52. The applicant shall record documents which address future maintenance responsibilities of any private drainage, stormwater treatment or other common facilities which may be constructed. For example, documents would address maintenance of all shared access easements (i.e., Lots 5 through 8, and Lots 9 and 10), as well as shared maintenance of the bio-retention planter on Lot 8 (for the benefit of Lots 7 and 8) and the storm drainage outfall on Lot 9 (for the benefit of Lots 9 and 10). Prior to recording these documents, they shall be submitted to the Department of Public Works for review and prior to the issuance of a Certificate of Occupancy for the applicable parcel (Lots 5 through 10).

53. "As-Built" plans of all construction required by these conditions shall be prepared and signed by the subdivider's engineer upon completion of all work. The "As-Built" plans shall be accompanied by a written certification from the engineer that all private facilities have been completed in conformance with the approved plans.
54. The applicant shall prepare a plan indicating the proposed method of sewerage for these properties. This plan should be included on the improvement plans and submitted to the Department of Public Works for review. Upon completion of this review, the applicant or his engineer shall have these approved plans signed by the appropriate County Sewer District.
55. The applicant shall submit, to both the Department of Public Works and the Planning Department, written certification from the appropriate Water District stating that their requirements to provide water service connections to the proposed parcels of this subdivision have been met.
56. Any potable water system work required by the appropriate district within the County right-of-way shall not be commenced until County requirements for the issuance of an encroachment permit have been met. Plans for such work shall be reviewed by the Department of Public Works prior to the issuance of the permit.
57. No proposed construction work within the County right-of-way shall begin until County requirements for the issuance of an encroachment permit, including review of the plans, have been met and an encroachment permit issued.
58. Prior to the issuance of any building permit, the applicant will be required to provide payment of "roadway mitigation fees" based on the square footage (assessable space) of the proposed building per Ordinance No. 3277.
59. The applicant shall submit a driveway "Plan and Profile" to the Department of Public Works, showing the driveway access to the parcel (garage slab) complying with County standards for driveway slopes (not to exceed 20 percent) and to County standards for driveways (at the property line) being the same elevation as the center of the access roadway. When appropriate, this plan and profile shall be prepared from elevations and alignment shown on the roadway improvement plans. The driveway plan shall also include and show specific provisions and details for both the existing and the proposed drainage patterns and drainage facilities.
60. Plans, with specific construction details, shall be stamped and signed by the registered civil engineer and submitted to the Department of Public Works for review and approval prior to construction.

F. SAN MATEO COUNTY FIRE DEPARTMENT

61. All dead-end roadways shall be terminated by a turnaround bulb of not less than 96 feet in diameter. For Lots 7, 8, 9, and 10: Lots 9 and 10 shall meet Hammerhead T requirements. The Hammerhead T shall provide a lane that is a minimum width of 20 feet throughout with an minimum inside curve radius of a ~~minimum of 26 feet~~ and a top of T length of 120 feet minimum. Lots 7 and 8 shall mitigate fire engine access with a higher fire sprinkler flow and coverage and non-combustible exterior siding and decking. Alternate methods and material requests may be applied for at the time of building permit application submittal.
62. The required fire flow shall be available from a County Standard 6" Wet Barrel Fire Hydrant; the configuration of the hydrant shall have a minimum of one each 4 1/2" outlet and one each 2 1/2" outlet located not more than 250 feet from the building, measured by way of approved drivable access to the project site.
63. All new public water systems, extensions from a public water system or replacement of any main or line of an existing public water system shall have a minimum diameter of six inches (6"). If the pipes are not linked in grid or if individual legs are over 600 feet in length, then the minimum diameter shall be eight inches (8").
64. When receiving water service for fire protection (hydrants, fire sprinkler systems) from a public or municipal water purveyor, written certification from the water company that hydrants will be installed or that the existing water system is capable of meeting the project conditions is required to be presented to the San Mateo County Fire Department for verification to show that required upgrades to the system will be installed and that existing fire flows will meet the project requirements.
65. County Fire Department access shall be to within 150 feet of all exterior portions of ~~the structures~~ and to all portions of the exterior walls of the first story of the buildings, as measured by an approved access route. Should access to ~~the a~~ structure exceed the 150 feet criteria, the applicant may have the option of providing exterior fire resistant construction materials to meet this condition, subject to review and approval by the County Fire Department and Planning and Building Department, prior to the issuance of a building permit.
66. This project is located in a wildland urban interface area. Roofing, attic ventilation, exterior walls, windows, exterior doors, decking, floors and under-floor protection shall be installed to meet CBC Chapter 7A requirements. ~~This will be required~~ to requirement shall be met at the building permit phase of each residence.
67. A fire flow of 1,000 gpm for two (2) hours with a 20-psi residual operating pressure must be available for a single-family dwelling with up to 3,600 sq. ft. of interior space; 1,300 gpm for a single-family dwelling with up to 4,800 sq. ft.; and 1,500 gpm for a single-family dwelling with up to 6,200 sq. ft. as specified by the 2007 CFC.








Note: Areas affected by Proposed RM Zoning Text Amendment shown with Underline

APNs in RM Zone and Urban Area



Legend

-  Urban_Rural_Boundary
-  RM Zoning
-  APN_In_UrbanArea_RMZone
-  Urban Landuse
-  CITY



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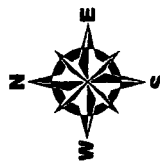
San Bruno Mountain

Brisbane

San Bruno Mountain Area

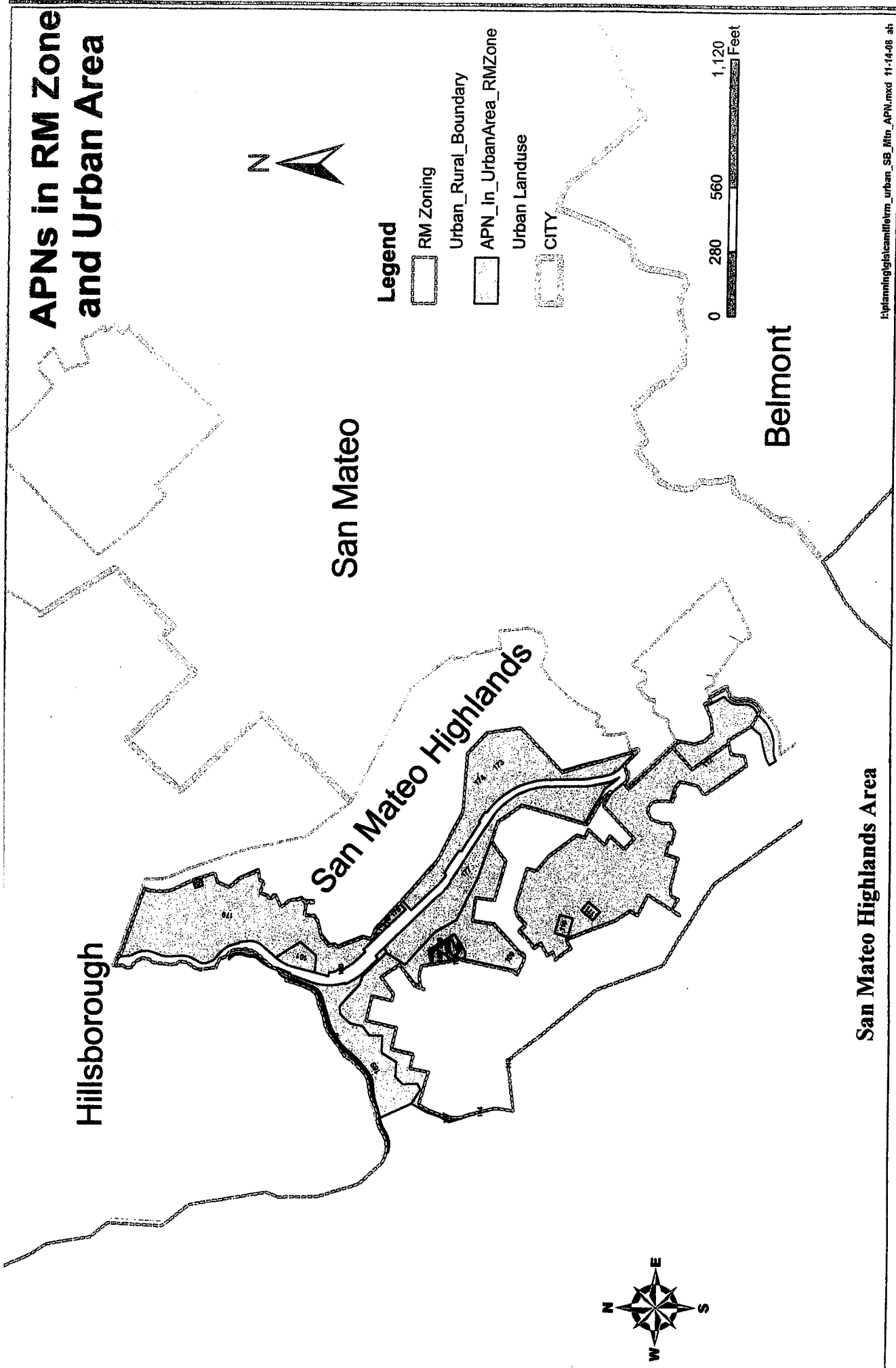
Daly City

Colma



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APNs in RM Zone and Urban Area



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Portola Valley

Los Trancos Woods

Los Trancos Woods Area

Legend

OCEAN_BAY

RM Zoning

Urban_Rural_Boundary

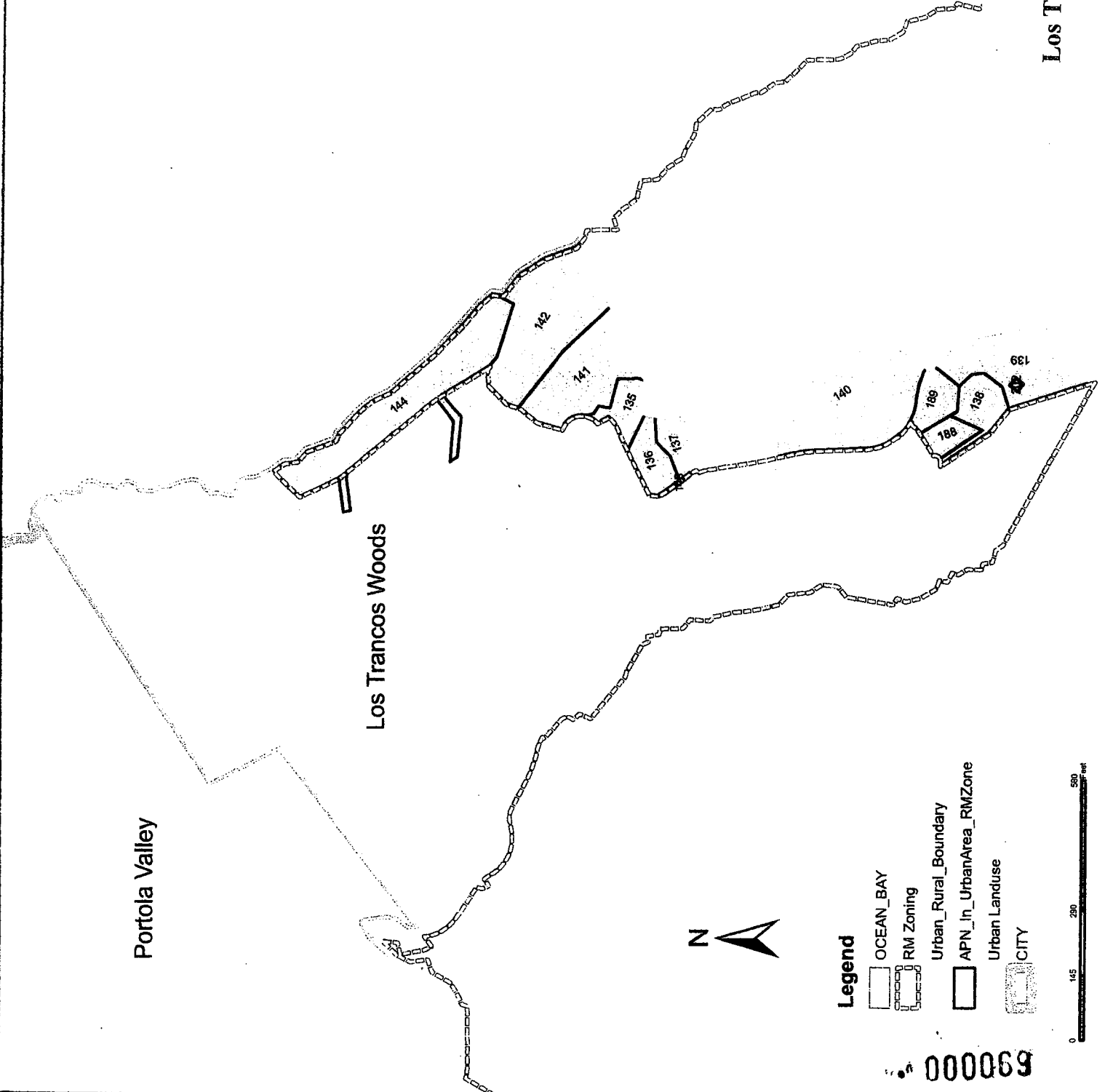
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Urban Landuse

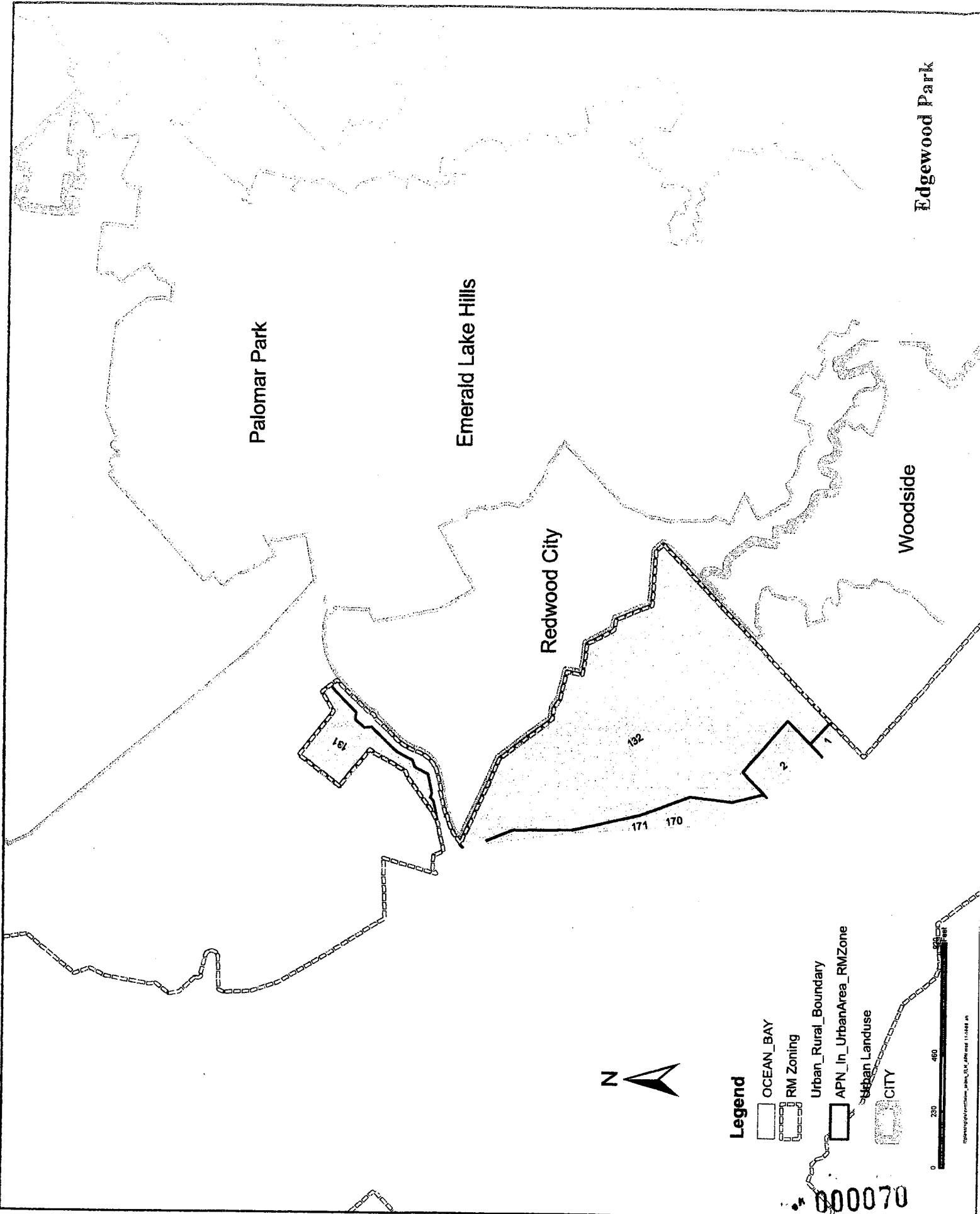
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




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Legend

-  OCEAN_BAY
-  RM Zoning
-  Urban_Rural_Boundary
-  APN_In_UrbanArea_RMZone
-  Urban Landuse
-  CITY



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Edgewood Park

Palomar Park

Emerald Lake Hills

Redwood City

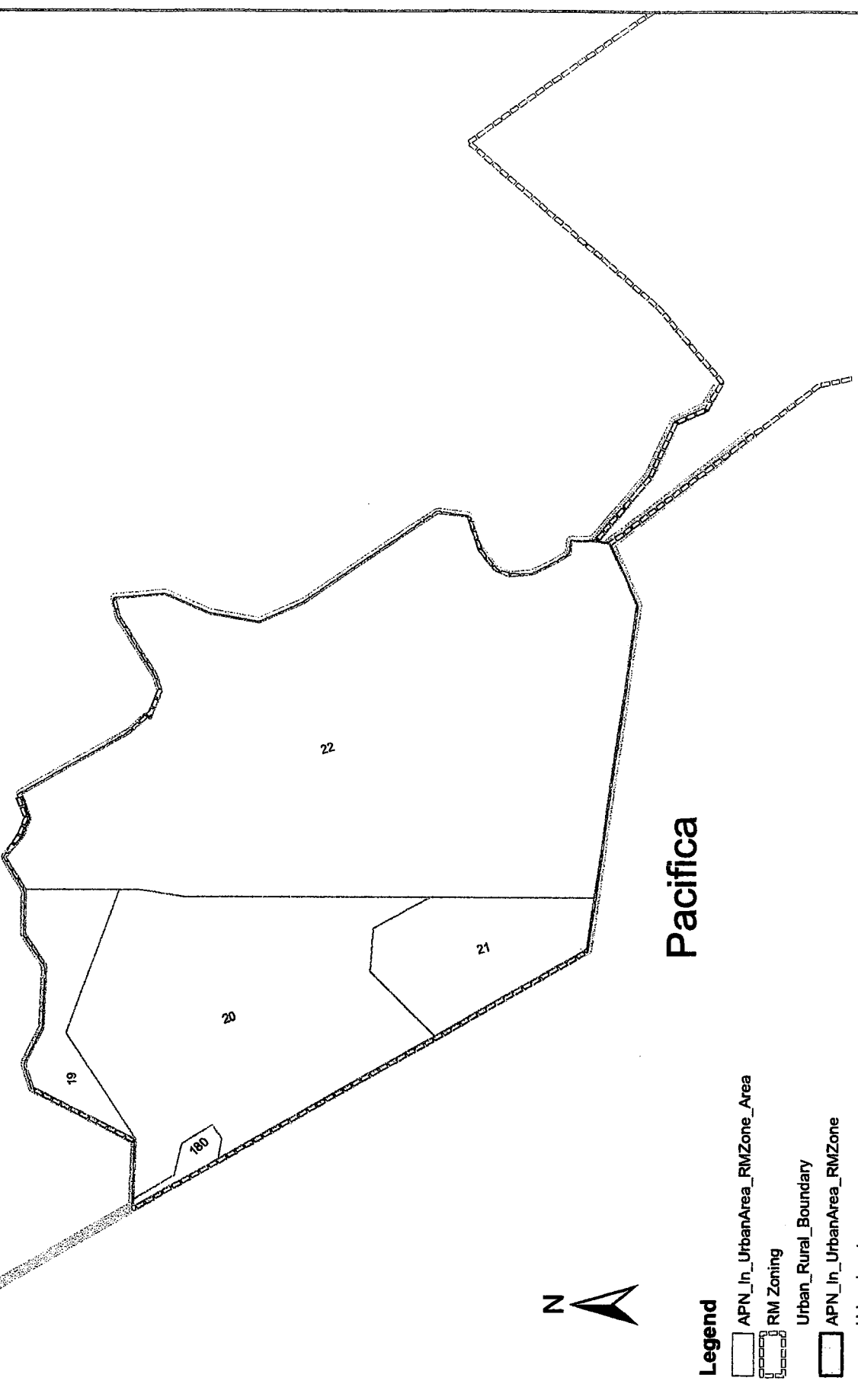
Woodside







San Bruno Pacifica Jail Area

San Bruno

Pacifica

Jail Area



- Legend**
-  APN_In_UrbanArea_RMZone_Area
 -  RM Zoning
 -  Urban_Rural_Boundary
 -  APN_In_UrbanArea_RMZone
 -  Urban Landuse
 -  CITY









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Santa Clara County



Legend

-  APN_In_UrbanArea_RMZone_Area
-  RM Zoning
-  Urban_Rural_Boundary
-  APN_In_UrbanArea_RMZone
-  Urban Landuse
-  CITY

Stanford Lands Area

Menlo Park

Stanford lands

Portola Valley



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APNs that in RM and Urban Area of San Mateo County

Parcel_ID	APN	Owner	Area	
9	005260420	County Of San Mateo	SAN BRUNO MTN PARK (UNINC)	1
10	005270120	County Of San Mateo	SAN BRUNO MTN PARK (UNINC)	2
11	005270130	County Of San Mateo	SAN BRUNO MTN PARK (UNINC)	3
12	005270150	The State Of California	SAN BRUNO MTN PARK (UNINC)	4
13	005270160	County Of San Mateo	SAN BRUNO MTN PARK (UNINC)	5
14	007180010	County Of San Mateo	SAN BRUNO MTN PARK (UNINC)	6
15	007180050	County Of San Mateo	SAN BRUNO MTN PARK (UNINC)	7
16	007180060	County Of San Mateo	SAN BRUNO MTN PARK (UNINC)	8
17	007180110	County Of San Mateo	SAN BRUNO MTN PARK (UNINC)	9
18	007180120	County Of San Mateo	SAN BRUNO MTN PARK (UNINC)	10
19	017480040	San Mateo Community College	SAN FRANCISCO JAIL	11
20	017480050	United States Of America	SAN FRANCISCO JAIL	12
21	017480060	United States Of America	SAN FRANCISCO JAIL	13
22	017530010	City & Co Of San Francisco	SAN FRANCISCO JAIL	14
100	038131010	California Water Service Co	SAN MATEO HIGHLANDS (UNINC)	15
101	038131020	Odyssey School The	SAN MATEO HIGHLANDS (UNINC)	16
102	038131060	Beck Ruth K Tr	SAN MATEO HIGHLANDS (UNINC)	17
103	038301450	Town Of Hillsborough	SAN MATEO HIGHLANDS (UNINC)	18
103	038301450	Town Of Hillsborough	SAN MATEO HIGHLANDS (UNINC)	19
103	038301450	Town Of Hillsborough	HILLSBOROUGH	20
104	041090100	Johnson Robert C & B E Trs	SAN MATEO HIGHLANDS (UNINC)	21
105	041090110	Mottern Christopher P & S L Trs	SAN MATEO HIGHLANDS (UNINC)	22
106	041090120	Mottern Christopher P & S L Trs	SAN MATEO HIGHLANDS (UNINC)	23
107	041090130	Gomberg Evan I	SAN MATEO HIGHLANDS (UNINC)	24
108	041090140	Gomberg Evan I	SAN MATEO HIGHLANDS (UNINC)	25
109	041090160	Highlands Recreation District	SAN MATEO HIGHLANDS (UNINC)	26
109	041090160	Highlands Recreation District	SAN MATEO HIGHLANDS (UNINC)	27
110	041101010	California Water Service Co	SAN MATEO HIGHLANDS (UNINC)	28
111	041101020	California Water Service Co	SAN MATEO HIGHLANDS (UNINC)	29
112	041101290	Ticonderoga Partner Llc	SAN MATEO HIGHLANDS (UNINC)	30
113	041243120	Highlands Recreation Dist	SAN MATEO HIGHLANDS (UNINC)	31
131	050470050	County Of San Mateo	EDGEWOOD PARK	32
132	057460140	County Of San Mateo	EDGEWOOD PARK	33
133	074480320	Leland Stanford Jr University	STANFORD LANDS (UNINC)	34
134	074480340	Leland Stanford Jr University	STANFORD LANDS (UNINC)	35
135	080190140	Thysen David P Tr	LOS TRANCOS WOODS (UNINC)	36
136	080190200	Ward T Michael & Sharon G Trs	LOS TRANCOS WOODS (UNINC)	37
137	080190210	Gage Stanley R	LOS TRANCOS WOODS (UNINC)	38
138	080190310	Bunker William Whithorne	LOS TRANCOS WOODS (UNINC)	39
139	080190390	Littlefield Jacques M Tr	LOS TRANCOS WOODS (UNINC)	40
140	080190410	Littlefield Jacques M	LOS TRANCOS WOODS (UNINC)	41
141	080190430	Montenegro Sandy Judith	LOS TRANCOS WOODS (UNINC)	42
142	080190440	Montenegro Sandy Judith	LOS TRANCOS WOODS (UNINC)	43
144	080231020	Dempsey Patrick	LOS TRANCOS WOODS (UNINC)	44
145	090090050	County Of San Mateo	SAN BRUNO MTN PARK (UNINC)	45
146	090090070	County Of San Mateo	SAN BRUNO MTN PARK (UNINC)	46
147	090090260	County Of San Mateo	SAN BRUNO MTN PARK (UNINC)	47
148	090090290	County Of San Mateo	DALY CITY	48
148	090090290	County Of San Mateo	SAN BRUNO MTN PARK (UNINC)	49
149	090100010	County Of San Mateo	SAN BRUNO MTN PARK (UNINC)	50

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150	090100100	County Of San Mateo	SAN BRUNO MTN PARK (UNINC)	51
151	090100280	County Of San Mateo	SAN BRUNO MTN PARK (UNINC)	52
152	090100290	County Of San Mateo	SAN BRUNO MTN PARK (UNINC)	53
153	090100320	County Of San Mateo	SAN BRUNO MTN PARK (UNINC)	54
154	090100330	County Of San Mateo	SAN BRUNO MTN PARK (UNINC)	55
155	090100390	Amloc Companies Inc	SAN BRUNO MTN PARK (UNINC)	56
156	090100400	County Of San Mateo	SAN BRUNO MTN PARK (UNINC)	57
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163	090120030	American Towers Inc	SAN BRUNO MTN PARK (UNINC)	64
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167	090120080	American Towers Inc	SAN BRUNO MTN PARK (UNINC)	68
168	090120110	American Towers inc	SAN BRUNO MTN PARK (UNINC)	69
169	093070050	City & Co Of S F Water Dept	SAN MATEO HIGHLANDS (UNINC)	70
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169	093070050	City & Co Of S F Water Dept	HILLSBOROUGH	72
170	093102120	City & Co Of S F Water Dept	EDGEWOOD PARK	73
171	093102120	City & Co Of S F Water Dept	EDGEWOOD PARK	74
172	093141020	Pedro Michael & Esther	SAN MATEO HIGHLANDS (UNINC)	75
173	093141030	City & Co Of S. F. Water Dept	SAN MATEO HIGHLANDS (UNINC)	76
174	093141030	City & Co Of S. F. Water Dept	SAN MATEO HIGHLANDS (UNINC)	77
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177	093142010	City & Co Of S F Water Dept	SAN MATEO HIGHLANDS (UNINC)	80
179	038131110	Beeson Ron	SAN MATEO HIGHLANDS (UNINC)	81
180	017480030	City Of San Bruno	SAN MATEO HIGHLANDS (UNINC)	82
186	041090090	Johnson Robert C & B E Trs	SAN MATEO HIGHLANDS (UNINC)	83
188	080190300	Montenegro Sandy Judith	LOS TRANCOS WOODS (UNINC)	84
189	080190420	Littlefield Jacques M	LOS TRANCOS WOODS (UNINC)	85
190	090100070	County Of San Mateo	SAN BRUNO MTN PARK (UNINC)	86
191	090100340	County Of San Mateo	SAN BRUNO MTN PARK (UNINC)	87
192	090110090	County Of San Mateo	SAN BRUNO MTN PARK (UNINC)	88
193	090120100	American Towers Inc	SAN BRUNO MTN PARK (UNINC)	89
200	090090060	County Of San Mateo	SAN BRUNO MTN PARK (UNINC)	90
201	090110050	County Of San Mateo	SAN BRUNO MTN PARK (UNINC)	91
202	080190061	Los Trancos Co Water Dist	LOS TRANCOS WOODS (UNINC)	92
203	080190062	California Water Service Co	LOS TRANCOS WOODS (UNINC)	93

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HIGHLAND ESTATES Final EIR

SCH# 2007052068

Prepared for:

County of San Mateo
Planning and Building Department
455 County Center, 2nd Floor
Redwood City, CA 94063

Prepared by:



IMPACT SCIENCES, INC.
555 12th. Street, Suite 1650
Oakland, California 94607
(510) 267-0494 FAX (510) 267-0490



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Highland Estates Final Environmental Impact Report

SCH # 2007052068

Prepared for:

County of San Mateo
455 County Center, 2nd Floor
Redwood City, California 94063
(650) 363-1829

Prepared by:

Impact Sciences, Inc.
555 12th Street, Suite 1650
Oakland, California 94607
(510) 267-0494

December 2009

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1.0 INTRODUCTION

This document, together with the Highland Estates Recirculated Draft Environmental Impact Report (recirculated draft EIR) which is incorporated by reference, constitutes the Highland Estates Final Environmental Impact Report (final EIR).

A draft EIR for this project was circulated in December 2008 (SCH #2007052068). To address concerns raised by interested parties and public agencies especially related to site geology, the County decided to revise and recirculate the December 2008 draft EIR. In addition, text was added in the recirculated draft EIR as appropriate in order to respond to the comments received on the December 2008 draft EIR. The draft EIR was recirculated in its entirety. Given this, pursuant to Section 15088.5(f)(1), the County of San Mateo as the lead agency requested that reviewers of the recirculated draft EIR document submit new comments based on the revised project description and impact analyses.

The final EIR is an informational document prepared by the County of San Mateo that must be considered by decision makers before approving or denying the Highland Estates project (proposed project). Pursuant to Section 15132 of the *California Environmental Quality Act (CEQA) Guidelines*, this final EIR consists of (a) revisions to the recirculated draft EIR, (b) a list of persons and organizations that commented on the recirculated draft EIR, (c) comments received on the recirculated draft EIR, (d) the County's responses to significant environmental points raised in the review and consultation process, and (e) any other information added by the County. The final EIR will be used for review and consideration for certification by the County.

This Introduction section provides a description of the organization of this document, a summary of the EIR certification and project approval procedure, a summary of public involvement, and an overview of the response to comment process.

The final EIR is available on the County's website at: <http://www.co.sanmateo.ca.us/portal/site/planning/menuitem.2ca7e1985b6c8f5565d293e5d17332a0/?vgnextoid=c5744f7978575210VgnVCM1000001937230aRCRD&cpsexcurrchannel=1>. A copy of the final EIR can also be obtained at the following address:

County of San Mateo Planning Department

455 County Center, 2nd Floor

Redwood City, CA 94063

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1.1 Organization of this Final EIR

This document is organized into five sections. Following this introduction (Section 1.0), Section 2.0, **Project Refinements & Recirculated Draft EIR Text Changes**, presents minor changes to the project description since the publication of the recirculated draft EIR and revisions that have been made to the recirculated draft EIR as a result of comments received from organizations and individuals on the document. Section 3.0, **Response to Comments**, contains a list of persons and organizations that submitted written comments on the recirculated draft EIR, the comments letters, and responses to those comments. Section 4.0, **Mitigation Monitoring and Reporting Program**, contains the Mitigation Monitoring and Reporting Program for the proposed project, and Section 5.0, **List of EIR Preparers**, lists persons involved in the preparation of this final EIR.

1.2 EIR Certification - Project Approval Process

Prior to approving the proposed project, the County must certify that (1) the final EIR has been completed in compliance with CEQA; (2) the County has reviewed and considered the information in the final EIR; and (3) the final EIR reflects the County's independent judgment and analysis (*State CEQA Guidelines*, Section 15090).

Once the final EIR is certified, the County can approve the project as proposed, approve one of the alternatives evaluated in the EIR, or choose to take no action on the project. As part of the approval of either the project or an alternative, the County must make written findings for each significant effect identified in the EIR. These findings will state whether the identified significant effect can be avoided or substantially reduced through feasible mitigation measures or a feasible alternative, whether the effect can only be mitigated by the action of some agency other than the County, or whether the identified mitigation measures or alternatives are infeasible and cannot be implemented (*State CEQA Guidelines*, Section 15091). To ensure implementation of all adopted mitigation measures, the County must adopt a mitigation monitoring and reporting plan (*State CEQA Guidelines*, Section 15097). In addition, after all feasible mitigation measures are adopted, if some effects are still considered significant and unavoidable, the County must adopt a Statement of Overriding Considerations that identifies the specific economic, social, technical, or other considerations that, in the County's judgment, outweigh the significant environmental effects of the proposed project (*State CEQA Guidelines*, Section 15091).

Once it is certified, the final EIR may also be used by responsible agencies in deciding whether, or under what conditions, to approve the required entitlements.

1.3 Public Involvement

The County released the recirculated draft EIR for public review and comment on September 14, 2009, for a 45-day public review period. The Notice of Completion for the recirculated draft EIR identified the 45-day public review period to end on October 28, 2009. However, the County of San Mateo extended the public review period 12 days, ending on November 9, 2009. Copies of the recirculated draft EIR were distributed to agencies, local governments, and interested parties. Hard copies of the recirculated draft EIR and appendices were available to the public at the County of San Mateo Planning Department counter (455 County Center, 2nd Floor, Redwood City, CA 94063). The recirculated draft EIR was also available online at: <http://www.co.sanmateo.ca.us/portal/site/planning/menuitem.2ca7e1985b6c8f5565d293e5d17332a0/?vgnextoid=be13db7f3bab3210VgnVCM1000001937230aRCRD&cpsextcurrchannel=1>.

1.4 Responses to Comments

Pursuant to CEQA, the lead agency must respond to all substantive environmental issues raised in comments on the recirculated draft EIR. Responses to all written and verbal comments received within the comment period are contained in this final EIR. Responses in this final EIR include factual corrections and explanation of recirculated draft EIR analyses. Any changes to the text of the recirculated draft EIR that resulted from the comments is presented in **Section 2.0** of this final EIR.

2.0 PROJECT REFINEMENTS & RECIRCULATED DRAFT EIR TEXT CHANGES

2.1 INTRODUCTION

This chapter presents minor changes to the project description since the publication of the recirculated draft EIR and revisions that have been made to the recirculated draft EIR as a result of comments received from organizations and individuals on the document. Staff-initiated changes include minor corrections and clarification to the text to correct typographical errors and clarify the project description. None of the changes affect the analysis or conclusions of the recirculated draft EIR.

The changes to the project description do not require recirculation of the EIR because they would not result in new significant impacts or a substantial increase in the severity of environmental impacts, and, therefore, would not require additional mitigation measures or alternatives to the proposed project. Recirculation of an EIR is not required when new information makes insignificant changes to an adequate EIR (CEQA Guidelines Section 15088.5(b)).

2.2 CHANGES TO THE PROJECT DESCRIPTION

The amount of cut and fill (grading) quantities were presented in Section 3.0, Project Description, of the recirculated draft EIR in Table 3.0-3 and in the description of each home site on pages 3.0-28 to 3.0-29. The quantities reported in the recirculated draft EIR accounted for the amount of cut and fill required for the development of driveways and other subdivision improvements but did not include the amount of grading required to construct the building pads to the subfloor elevations shown on the Vesting Tentative Map prepared by BKF Engineers dated December 11, 2009. The applicant has made corrections to the cut and fill quantities to include grading for the building pads, with grading necessary for the driveways, and other subdivision improvements. These are reflected below in **Table 2.0-1, Changes to Proposed Earthwork**. While grading quantities have changed, there is no change to the grading plans presented in the recirculated draft EIR, as these included all grading associated with the subdivision and construction of residences.

As the table shows, the total amount of grading necessary for the project has increased by about 3,000 cubic yards of cut associated mainly with landslide mitigation for lots 5 through 8 and 2,100 cubic yards of fill associated with constructing building pads for lots 1 through 4. The additional cut is necessary in order to remove the existing unconsolidated landslide material on these lots. While the proposed homes will be founded on pier and grade beam foundations, the additional fill will be necessary for the creation of flat areas on the lots for access, play, landscaping, etc. It should be noted that the proposed import for

the project under this design has decreased from 2,200 cubic yards to 700 cubic yards (not including 200 cubic yards of drain rock).

None of the other attributes of the project, including project footprint, locations of the home sites, and staging, have changed.

**Table 2.0-1
Changes to Proposed Earthwork**

Area	Originally Proposed (CY)	Revised (CY)	Change	Originally Proposed (CY)	Revised (CY)	Change
Lots 1-4	500	500	0	200	2,300	+2,100
Lots 5-8	1,000	4,700	+3,700	1,000	700 ¹	-300
Lots 9 and 10	900	300	-600	2,900	2,900	0
Lot 11	1,300	1,200	-100	1,300	1,000	-300
TOTAL	3,700	6,700	+3,000	5,900	7,600	+1,700
Import	2,200	900	-1,300			

¹Includes 200 cubic yards of drain rock.

2.3 ENVIRONMENTAL ANALYSIS

The changes to the proposed development project described above are evaluated below to determine whether they would result in a new significant impact or increase the severity of previously disclosed impacts of the project. As the analysis shows, the changes to the grading quantities would not result in additional significant environmental impacts not addressed in the recirculated draft EIR or increase the severity of previously identified environmental impacts. No new mitigation measures are required.

Aesthetics

Although the cut and fill quantities provided in the recirculated draft EIR have been revised, the base elevations and locations of the home sites and all other subdivision improvements discussed and evaluated in the recirculated draft EIR remain unchanged. Therefore, Impacts AES-1 through AES-4, which are based on home elevations and locations, remain unchanged and the same mitigation and improvement measures apply to the proposed project.

Biological Resources

The changes to the cut and fill quantities do not alter the project footprint as presented in the recirculated draft EIR. Therefore, Impacts BIO-1 through BIO-11 remain unchanged and the same mitigation measures still apply to the proposed project.

Geology and Soils

The analysis of impacts related to geology and soils provided in the recirculated draft EIR focuses on the locations of the proposed homes and subdivision improvements relative to landslides, unstable geologic units, and other potential geologic hazards. As the locations of the proposed homes and subdivision improvements remain unchanged, Impacts GEO-1 through GEO-6 remain unchanged and the same mitigation measures apply to the proposed project.

Other Resource Topics

Global Climate Change

The changes in grading quantities do not affect the project's estimated construction greenhouse gas emissions as the emissions that were estimated using URBEMIS2007 are based on the amount of total disturbed acreage which has not changed. Therefore, Impact GCC-1 remains unchanged.

Air Quality

The changes in grading quantities do not affect the project's estimated construction emissions as the emissions that were estimated using URBEMIS2007 are based on the amount of total disturbed acreage which has not changed. Therefore, Impact AQ-1 remains unchanged.

Noise

If all the proposed homes are constructed concurrently, the change in grading quantities would reduce project noise impacts as less imported fill would be required than previously analyzed (about 1,300 cubic yards less than before of fill would be imported). Approximately 75 truck trips would be involved in the transport of 900 cubic yards of imported fill compared to 183 truck trips for the transport of 2,200 cubic yards of imported fill analyzed in the recirculated draft EIR. Assuming that five truck trips to import fill could be completed daily, the total site import process could be completed within three weeks rather than four to five weeks as previously analyzed. Therefore, the noise impacts from truck traffic associated with site grading would be less than previously analyzed.

If the proposed home sites are constructed one at a time, the homes on lots 9 and 10 would require a net import of 2,600 cubic yards of fill, which exceeds the 2,200 cubic yards previously analyzed in the recirculated draft EIR by approximately 18 percent, and would result in 217 truck trips compared to 183 truck trips analyzed in the recirculated draft EIR. However, this small increase in truck traffic (34 truck trips) would not substantially increase the noise impact because typically it takes a substantial increase in traffic to increase noise levels by a perceptible amount (such as a doubling of traffic volumes for a 3 decibel increase). Furthermore, the additional 34 truck trips would occur over the course of several weeks during grading activities. Mitigation Measure NOI-1 would still apply to the proposed project, which would reduce Impact NOI-1 to a less than significant level with mitigation.

Hazards and Hazardous Materials

The changes in cut and fill quantities do not alter the project footprint as presented in the recirculated draft EIR or increase the risk of exposure to hazardous materials. Therefore, Impacts HAZMAT-1 and HAZMAT-2 remain unchanged and the same mitigation measures apply to the proposed project.

Transportation

If all of the homes are constructed concurrently, the change in grading quantities would reduce construction-related traffic impacts as less imported fill would be required than previously analyzed. Approximately 75 truck trips would be involved in the transport of 900 cubic yards of imported fill compared to 183 truck trips for the transport of 2,200 cubic yards of imported fill. Assuming that five truck trips to import fill could be completed daily, the total site import process could be completed within three weeks rather than four to five weeks as previously analyzed. Therefore, the number of daily truck trips would remain the same but the duration of truck activity would be shorter and the less than significant traffic impacts from truck traffic associated with site grading would be experienced over a shorter period of time than previously analyzed.

If the homes were constructed one at a time, lots 9 and 10 would require a net import of 2,600 cubic yards of fill, which exceeds the 2,200 cubic yards previously analyzed by approximately 18 percent and would result in 217 truck trips compared to 183 truck trips analyzed in the recirculated draft EIR. However, this small increase in truck traffic (34 truck trips) does not present a substantial increase in the traffic impact from what was previously analyzed. Even with this increase, the project's daily construction truck trips would be substantially less than the daily vehicle trips from project operation, and as the analysis in the recirculated draft EIR shows, project operations would not result in a significant traffic impact. Improvement Measure TRANS-1 would still apply to the proposed project such that truck trips would not occur during peak traffic hours and Impact TRANS-1 would still be less than significant.

Utilities and Service Systems

The changes to the cut and fill quantities would not change the project's demand for utilities and service systems. Impacts UTIL-1 through UTIL-3 remain unchanged and the same mitigation measures still apply to the proposed project.

Hydrology and Water Quality

The changes to the cut and fill quantities do not change the grading plans as presented in the recirculated draft EIR nor the locations of undeveloped land that would be converted to impervious surfaces with implementation of the proposed project from what was previously analyzed. Grading activities would still be required to comply with the NPDES permit requirements and the County's Municipal Code requirements that regulate water quality during construction of the proposed project. The project's impacts remain unchanged.

Land Use and Planning

The revised cut and fill quantities do not change the project's consistency with local land use plans, policies, or regulations from what was previously analyzed. The project's impacts remain unchanged.

Public Services

The changes to the cut and fill quantities do not change the project's demand for public services including public transit, schools, parks, police protection, fire services, hospitals, or public utilities. The project's impacts remain unchanged.

Cultural Resources

The locations of areas to be graded as presented in the recirculated draft EIR remain unchanged although cut and fill quantities have changed. Therefore, the project's potential impacts to cultural resources remain unchanged.

Resource Management District Zoning Text Amendment

The changes to the cut and fill quantities do not affect the analysis of the proposed Resource Management District zoning text amendment. The text of the proposed amendment as well as the project's compliance with the proposed amendment remain unchanged.

Growth Inducement

The changes to the cut and fill quantities do not affect the project's potential for growth inducement as the total amount of development and population associated with the project remains unchanged.

Alternatives

The analysis of alternatives to the proposed project is not affected because as explained above, the changes to the cut and fill quantities would not result in new environmental impacts or increase the severity of previously analyzed impacts. Therefore, there is no need for analysis of additional alternatives to the proposed project.

Other CEQA Considerations

The changes to the cut and fill quantities do not change the project's irreversible commitment to resources, irreversible environmental changes, or potential environmental damage from accidents from what was previously analyzed.

2.4 REVISIONS TO THE RECIRCULATED DRAFT EIR

This section contains the revised text of the recirculated draft EIR. Text added to the recirculated draft EIR is shown in underline format, and deleted text is shown in ~~striketrough~~.

Due to the nature of the text changes that are presented below, the changes are cited individually rather than in a reproduction of the entire recirculated draft EIR. This presentation of revisions to the recirculated draft EIR is consistent with *State CEQA Guidelines* Section 15162 detailing required final EIR contents.

Section 1.0, Introduction, page 1.0-4

1.3.4 Individuals and Organizations

Adams Broadwell Joseph & Cardozo

Jay Beard

Jean-Pierre Bernard

Lila Lynn Bilmes

Mark Brennen

Deke and Corrin Brown

Cotton, Shires & Associates, Inc.

Richard Cole

Donald Coyne

James Goodman

**Table 3.0-3
Proposed Earthwork**

Area	Cut (cy)	Fill (cy)
Lots 1-4	500	200 <u>2,300</u>
Lots 5-8	1,000 <u>4,700</u>	1,000 <u>700</u> ¹
Lots 9 and 10	900 <u>300</u>	2,900
Lot 11	1,300 <u>1,200</u>	1,300 <u>1,000</u>
TOTAL	3,700<u>6,700</u>	5,900<u>7,600</u>
Import	2,200<u>900</u>	

Source: BKF Engineers, ~~2008~~2009. Treadwell & Rollo, Inc, 2009.

¹Includes 200 cubic yards of drain rock.

3.5.2 Lots 1 through 4

Lots 1 through 4, along Bunker Hill Drive, would require approximately 500 cy of cut and ~~200~~2,300 cy of fill earthwork (see Figure 3.0-14). A series of stepped cuts would be created to provide the platform necessary to build the homes. No fill slopes or site retaining walls would be needed for these lots because the dwelling units will be fully supported by drilled pier foundations with integrated day-lighting basement retaining walls.

3.5.3 Lots 5 through 8

Lots 5 through 8, along Ticonderoga Drive, would require ~~1,000~~4,700 cy of cut and ~~800~~500 cy of fill earthwork (see Figure 3.0-15). Any previously identified landslide deposits¹ would be removed from this portion of the site to provide stable slopes for construction. After removal of the landslide materials, the slope in Lots 7 and 8 would be rebuilt using a buttress fill landslide repair keyed and benched into the underlying bedrock. Spoils generated from the excavation will be used as fill, and will not require additional import or export of material other than a minor amount of drainrock for the subdrains associated with the repair. Upon implementation of the landslide mitigation, retaining walls, designed to withstand high lateral earth pressure from adjoining natural materials and/or backfill, as well as from any surcharge loads, would be installed in the rear of lots 5 through 8. These retaining walls would be partially underground. Retaining walls would also be installed in the front of lots 5 and 6 to aid in maintaining the slopes behind the house and the more extensive cut required for lots 5 and 6. These retaining walls would be partially underground. The design of the retaining walls has not been finalized

¹ See Section 4.3, **Geology and Soils** for more detailed information on landslide deposits on the project site.

Trudie Huygen
Jack Kunding
Russ Levikew
Pamela Merkadeau
Chris Misner
Suzette Murphy
Sam Naifeh
Pacific Gas & Electric
Regional Open Space
San Mateo Highlands Community Association
Les Schlaegel
Shute, Mihaly & Weinberger
Alex Stanculesan
Melissa Wilson
Mark and Gail Wuotila

Section 3.0, Project Description, page 3.0-23

3.5.1 Grading

Grading activities include cut (earth removal) and fill of earthwork; creation of engineered slopes and stepped foundations; installation of retaining walls, and drilled piers. These activities would prepare the lots for the building pads and provide slope stability for the foundation of future homes on the lots.

The average slope of the areas proposed for development is 40 percent. In total, there would be ~~3,7006,700~~ 3,7006,700 cubic yards (cy) of cut and ~~5,7007,600~~ 5,7007,600 cy of fill (including a 10 percent allowance for shrinkage, or settling, of dirt). The Project Applicant would use the cut earthwork material as fill on the project site. However, approximately ~~2,000700~~ 2,000700 additional cy of earth and about 200 cy of drain rock would need to be imported on-site for the project. Piers drilled into the underlying bedrock would be installed for each lot to provide slope stability for the future homes that would be built on each lot. A description of the grading plans for lots 1 through 11 and **Table 3.0-3, Proposed Earthwork**, showing a breakdown of total proposed cut and fill amounts for each lot, are provided below.

apply only to the area of the roadway (right-of way) unlike a designated scenic corridor, where policies would apply to all properties within the area of the corridor. The project would not involve changes that would be visible from viewpoints along Polhemus Road nor would the project involve work within the Polhemus Road right-of-way. As shown in **Figure 4.1-13**, the proposed homes would not be visible from Polhemus Road near the intersection with Timberlane Way due to topography and intervening vegetation, nor would they be visible along Polhemus Road between Bunker Hill Drive and Tower Road for the same reasons. The rooflines of the proposed homes on Ticonderoga Drive and Cobblehill Place would be partially visible from Ralston Avenue (which becomes Polhemus Road north of Tower Road and is designated as a scenic road within the City of Belmont), but the homes would be adjacent to existing homes that are currently visible from this viewpoint. In summary, the project's impact to ~~this the~~ Polhemus Road and Ralston Avenue scenic roadways would be less than significant.

Section 4.2, Biological Resources, page 4.2-31

Impact BIO-6: The implementation of the proposed project would result in the loss of stands of purple needlegrass, which is a sensitive plant community. (Potentially Significant; Less than Significant with Mitigation)

As previously discussed, isolated areas with a high percent cover (greater than 50 percent) of purple needlegrass are present on portions of lots 1 and 8. The stand of purple needlegrass on lot 1 is small (approximately 10 feet by 10 feet) and is surrounded by non-native grass species. The stand of purple needlegrass on lot 8 is approximately 0.03 acre in size and is located in the ~~southeastern~~ southwestern portion of the site, between the oak woodland and areas invaded by iceplant. While pockets of native grasses (such as the small area on lot 1) often occur within non-native grasslands, the stand of purple needlegrass on lot 8 is notable as it is relatively large and has a high percent cover of needlegrass. However, the biological function and value of this stand of native grasses is compromised by the fact that the majority of lots 5–8 were disturbed by grading activities that occurred in the 1950s when the Highlands subdivision was built, that the stand of native grasses is generally bordered by disturbed habitats dominated by non-native plant species (excluding the nearby oak woodland), and that iceplant borders portions of the stand of native grasses and may be encroaching. Nonetheless, the loss of this stand of purple needlegrass would be considered a potentially significant impact. **Mitigation Measure BIO-6** would reduce this impact to a less-than-significant level.

Section 4.4, Other Resource Topics, page 4.4-31

- Generate noise levels in excess of levels determined appropriate according to the County Noise Ordinance standard.

at this time, but would most likely be a solid masonry wall. Cut slopes at a ratio of approximately 4:1 (horizontal to vertical) would be required for lots 5 and 6.

3.5.4 Lots 9 and 10

Lots 9 and 10, at the eastern end of Cobblehill Place, would require ~~900-300~~ cy of cut and 2,900 cy of fill earthwork (see Figure 3.0-16). This site is relatively level, with the existing topography sloping slightly to the northeast. Minor cuts of up to 5 feet and fills of up to 8 feet would be made to create the building pads and the driveways and to remove and replace existing undocumented fill under buildings or flatwork. Retaining walls up to 8 feet in height would be used along the front of the property to retain the fill in the residence and driveway areas. Pier-supported, stepped foundations would support the dwelling units.

3.5.5 Lot 11

Lot 11, at the northeastern end of Cowpens Way, would require ~~1,300~~1,200 cy of cut and ~~1,300~~1,000 cy of fill earthwork (see Figure 3.0-17). This site has an existing slope of approximately 2:1 (horizontal to vertical). The site already contains fill that was placed during grading from the existing subdivision development in the surrounding area. Cuts of up to 10 feet below the existing grade would be made to create a stepped building pad and the driveway area and to remove and replace existing undocumented fill under buildings or flatwork. Retaining walls of up to 10 feet in height would be built through the middle of the house lengthwise, as part of the foundation, to retain the cuts for the proposed residence. Pier-supported stepped foundations would support the dwelling units.

3.5.6 Haul Trucks and Routes

The earth materials would be imported from nearby projects in the San Francisco Peninsula. The County does not have weight restrictions for roads, so the haul routes may differ slightly from what is presented below. To Ticonderoga Drive, the haul routes would likely be from Highway 92 to Polhemus Drive north. To Bunker Hill Drive, the haul routes would likely be from Highway 92 and then west to Skyline Boulevard. Given that a typical haul truck can carry approximately 12 cy of earth materials, approximately ~~183-75~~ trips would be associated with the import of additional earth materials needed for the proposed project.

Section 4.1, Aesthetics, page 4.1-30

View from Polhemus Road – Facing Southwest

Polhemus Road, located ~~to the northeast~~ of the project site is considered a County Scenic Road, per the County General Plan. Visual Quality policies of the General Plan pertaining to scenic roads and corridors

Construction activities would result in short-term noise impacts that would affect the surrounding area. As discussed in **Section 3.0, Project Description** of the EIR, approximately ~~2,200~~900 cubic yards (cy) of earth materials would need to be imported to the project site. Approximately ~~183-75~~ truck trips would be involved in the transport of this material. The haul routes would take large, heavy-duty dump trucks past residential uses, which are considered sensitive receptors. Trucks associated with grading activities occurring on Bunker Hill Drive would travel to the site on I-280 and enter the site from the west and trucks associated with grading activities along Ticonderoga Drive would travel to the site along Polhemus Road and enter the site from the east. It is anticipated that up to five truck trips to import fill could be completed daily. Therefore, the total site import process could be completed within a timeframe of ~~four to five~~three weeks, depending on the construction schedule, weather, and equipment availability. As a result, associated truck trips could generate short-term noise that would be considered a nuisance to the surrounding community or that may temporarily exceed County noise standards.

Section 4.4, Other Resource Topics, page 4.4-37

Project construction would occur over a period of one year. Construction vehicles would be expected to travel to and from the Ticonderoga Drive sites via Polhemus Road and Highway 92, whereas construction vehicles traveling to and from the Bunker Hill sites would use Highway 92 and Skyline Boulevard. Due to the hillside location of the project, preparation of the building sites would involve cut and fill. As discussed in **Subsection 3.5.1**, cut earthwork materials would be used on site as fill and would not have to be off-hauled. However, about ~~2,200~~900 cubic yard (cy) of fill materials would need to be imported. Given that a typical haul truck can carry approximately 12 cy of earth materials, approximately ~~183-75~~ truck trips would be associated with the in-haul of fill and drain rock. It is anticipated that up to five truck trips to import fill could be completed daily and the total site import process could be completed within a timeframe of ~~four to five~~three weeks, depending on the construction schedule, weather, and equipment availability. This small number of daily truck trips would not adversely affect the operation of intersections between the worksites and the nearest freeways. Following completion of grading, additional truck movement would be involved with the delivery of construction materials to the project site. However, given the small number of homes proposed, the number of daily truck trips to the site during construction is expected to be small. The impact from construction truck traffic would therefore be less than significant. To further reduce this impact, the following improvement measure is proposed.

Section 4.4, Other Resource Topics, page 4.4-39

The District currently is working toward paying the fee to contribute to the upgrade of the sewer line. ~~Consequently, County Planning staff will inform the Project Applicant that no new connections to the~~

District would be issued until all fees owed to by the City of San Mateo and the County General Fund until the County fee is are paid.

Section 4.4, Other Resource Topics, page 4.4-50

- Result in or increase traffic hazards or substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

As discussed above, the addition of the proposed project would not generate a substantial amount of motor vehicle trips in the project vicinity. Accordingly, the project would not result in a traffic hazard or an increase in traffic hazards. The project design would add driveways for the proposed homes. The driveways for the proposed homes along Ticonderoga Drive would be adjacent to curved sections of the existing roadway and steep grades. The sight distance from the easternmost property line on the north side of Ticonderoga Drive (lot 8) is approximately 230 feet. According to A Policy on Geometric Design of Highways and Streets², this is adequate for a design speed of 35 MPH. The posted speed limit on Ticonderoga Drive is 25 MPH. This is not an anticipated safety concern. However, implementation of Mitigation Measure TRANS-2 would further reduce this impact to a less than significant level. These design features are not expected to create traffic-related hazards. Therefore, the impact is considered less than significant.

Mitigation Measure TRANS-2: The Project Applicant shall be required to pay for the installation of advisory traffic signs on Ticonderoga Drive in the vicinity of the proposed homes as determined necessary by the County of San Mateo Department of Public Works.

Section 4.4, Other Resource Topics, page 4.4-56

As discussed above, the project would require approximately 2,200,900 cy of additional fill material that would be imported into the project site, and would potentially include small quantities of unusable fill that could require off-site disposal. The maximum amount of materials would be diverted in all project phases per San Mateo County's Construction and Demolition Ordinance No. 04099, which requires that 100 percent of inert solids (i.e., asphalt, brick, concrete, dirt, etc.) and 50 percent of all other construction and demolition debris be salvaged, reused, or recycled. The solid waste associated with construction would be a one-time disposal and would not significantly affect landfill capacity. Therefore, the project during construction and occupancy is not expected to generate significant amounts of solid waste and

² American Association of State Highway and Transportation Officials (AASHTO). 2004. A Policy on Geometric Design of Highways and Streets. Exhibit 3-1, page 112.

any associated waste would be sufficiently accommodated by the Ox Mountain landfill.³ Given this, impacts are not considered significant.

³ Ox Mountain Landfill, 2008.

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3.0 COMMENTS ON THE RECIRCULATED DRAFT EIR AND RESPONSES TO COMMENTS

3.1 INDEX TO COMMENTS

As described in **Section 1.0, Introduction**, all comments on the recirculated draft environmental impact report (EIR) received have been coded, and the codes assigned to each comment are indicated on the written communications that follow. All organizations and individuals who commented on the recirculated draft EIR are listed in **Table 3.0-1, Index to Comments**, below.

**Table 3.0-1
Index to Comments**

Commenter Code	Organization/Individual - Name
SA-1	State Clearinghouse
LA-1	County of San Mateo Department of Public Works
ORG-1	Adams Broadwell Joseph & Cardozo
ORG-2	Committee for Green Foothills
ORG-3	McCracken & Byers LLP
ORG-4	Pacific Gas & Electric
ORG-5	San Mateo Highlands Community Association
I-1	Richard Cole
I-2	Donald Coyne
I-3	James Goodman
I-4	Sam Naifeh

SA: State Agency; LA: Local Agency; ORG: Organization; I: Individual

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3.2 RESPONSES TO INDIVIDUAL COMMENTS

This section presents all written and oral comments received on the recirculated draft EIR and responses to individual comments. It is recommended that reviewers use the index to comments on page 3.0-1 to locate comments from specific organizations or persons and the responses to those comments.

The three speakers at the Planning Commission meeting on October 28, 2009 (James Goodman, Lennie Roberts, and Cary Wiest) also submitted written comments. Mr. Goodman's oral comments have been transcribed and included under Comment Letter I-3 as they differ from his written comments. Ms. Roberts and Mr. Wiest's oral comments are the same as their written comments (Comment Letters ORG-2 and ORG-5, respectively). Therefore, their oral comments have not been transcribed.

3.0 Comments on the Recirculated Draft EIR and Responses to Comments

Insert Comment Letter SA-1

Response to Comment Letter SA-1

Response to Comment SA-1-1

The comment is noted.

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3.0 Comments on the Recirculated Draft EIR and Responses to Comments

Insert Comment Letter LA-1

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Response to Comment Letter LA-1

Response to Comment LA-1-1

The comment is noted. Property owners shall own and be responsible for maintenance of all private sanitary sewer laterals and lift pumps in accordance with the County Ordinance Code.

Response to Comment LA-1-2

The comment is noted. The County Planning staff will inform the applicant that no new connections to the Crystal Springs County Sanitation District sewer facilities will be allowed until all fees owed to the City of San Mateo and the County General Fund are paid. The text of the recirculated draft EIR has been revised to reflect this, as shown in **Section 2.0, Project Refinements & Recirculated Draft EIR Text Changes**.

Response to Comment LA-1-3

As discussed below under **Response to Comment ORG-1-33**, the proposed project would not result in a significant traffic hazard along Ticonderoga Drive. However, a mitigation measure has been added to the recirculated draft EIR to require the installation of appropriate signage (see **Section 2.0, Project Refinements & Recirculated Draft EIR Text Changes**).

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3.0 Comments on the Recirculated Draft EIR and Responses to Comments

Insert Comment Letter ORG-1

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Response to Comment Letter ORG-1

Response to Comment ORG-1-1

The recent history (last 20 years) describing the various land development proposals put forth by the applicant are presented in Section 1.0, Introduction, of the recirculated draft EIR in order to inform the decision makers and the public regarding previous environmental documentation and review that occurred in conjunction with those applications. While the history of the planning actions for the project parcels is not required to be included in the Draft EIR, the County provides the following to add to the background information for the property:

- Prior to 1958: The entire property and adjacent 3-acre site on Polhemus Road, ultimately developed as Hillsborough West Apartments, were zoned R-1, allowing single-family residences with a minimum parcel size of 7,500 square feet (sf) or approximately six parcels per acre.
- January 1958: The Board of Supervisors rezoned the adjacent 3-acre parcel (Hillsborough West Apartments) from R-1 to R-3, allowing multiple-family development.
- June 1958: The Board of Supervisors rezoned the entire 99-acre parcel to R-E/BD, a residential estates zoning designation allowing for one unit per five acres. The "BD" zoning overlay district was later changed to "SS-107," but it did not change the minimum 5-acre parcel size.
- 1976: The Board of Supervisors rezoned the property, with the exception of the 11.78-acre area to the RM District. The 11.78-acre portion was retained in the R-E/SS-107 zoning district.
- 2005: County approves a Certificate of Compliance (Type A) for APN 041-072-030, making the parcel legal.
- September 2007: The San Mateo County Board of Supervisors approved a County-initiated rezoning of the 11.78-acre portion of the parcel from a R-E/SS-107 zoning to a R-1/S-81 zoning over a 9,000 sf portion and a RM zoning over an 11.57 acre portion. The County also amended, by Ordinance, the RM District regulations to add a provision requiring, after any land division(s) that a permanent conservation easement be granted to the County that limits the use of lands to uses consistent with open space.

With respect to the current land use designations and zoning of the parcels that make up the project site and its development potential, that information is provided under Subsection 3.3 of the Project Description in the recirculated draft EIR. As stated there, the vast majority of the project site,

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approximately 96.71 acres, is currently zoned RM by the County's Zoning Map (the 2007 rezoning of the approximately 12-acre parcel is also discussed in that section). The RM zone allows different uses including single-family dwellings. The density of development allowed within the RM zone varies depending on the physical criteria evaluated specifically for each parcel. The maximum number of dwelling units allowable on the project site has been calculated according to criteria under Sections 6317 and 6318 of the San Mateo County Zoning Regulations (see pages 3.0-6 and 3.0-7 of the recirculated draft EIR). As stated in the recirculated draft EIR, the proposed project would involve a minor zoning change for consistency purposes. The portion of lots 9 and 10 under RM zoning would be rezoned from RM to R-1/S-81 and, after a proposed lot line adjustment, the approximately 2,200 sf portion of the larger parcel (APN 041-101-290) would be rezoned from R-1/S-8 to RM to make its zoning consistent with the remainder of the approximately 92.46-acre RM parcel. The majority of the site would remain zoned as RM and the project would be consistent with proposed zoning. Therefore, impacts related to zoning would be less than significant. The project as proposed is not inconsistent with the requirements of the RM zone.

One of the attachments to Comment Letter ORG-1 questions the density credit allowed for the 0.05-acre parcel 041-072-030. That issue is addressed in the recirculated draft EIR and in the response above.

Response to Comment ORG-1-2

Section 6317A of the County Resource Management (RM) Regulations require the applicant to grant to the County (and the County to accept) a conservation easement limiting the use of the land which is not designated for development under a Master Land Division Plan to open space uses. The applicant proposes to comply with these regulations as a requirement of the requested RM permit for the proposed subdivision. The actual content of the proposed conservation easement will be provided to the County prior to the Planning Commission hearing tentatively scheduled for January 13, 2010, for review by the County for compliance with this regulation prior to the Planning Commission meeting. At this time, the details of the proposed conservation easement are not available. At the time of the granting of the conservation easement to the County, the property owner will still retain ownership of the remainder parcel. While the applicant has stated his wishes to donate the land to a non-profit organization, donation of the land is not a County requirement. Therefore, the decisions of whether to donate the land, when to donate the land, and who to donate the land to are the applicant's to make. No details regarding land donation are available at this time.

The absence of this information does not affect the evaluation of the environmental impacts of the proposed subdivision project because in compliance with the RM Regulations, the parcel designated as

open space will be put under a conservation easement and will not be developed. Therefore, no significant environmental impacts will result from the creation of the open space parcel.

Response to Comment ORG-1-3

Please see **Response to Comment ORG-1-2**. The recirculated draft EIR is consistent in its description of the 92.5 acre parcel which would remain as open space under a conservation easement.

Response to Comment ORG-1-4

As stated previously, Section 6317A of the Zoning Regulations does not require the donation of land to a separate entity, but only requires the property owner to grant a conservation easement to the County and for the County to accept the easement. At the time of the granting of the conservation easement to the County, the property owner will still retain ownership of the open space parcel. The Highlands Recreation District is a potential separate entity to which the land may be donated. While the applicant has stated his wishes to donate the land to a non-profit organization, donation of the land is not a County requirement. Therefore, the details of the potential land donation are not required for compliance with Section 6317A.

Response to Comment ORG-1-5

Please refer to Figure 6c in Appendix 4.3, Revised Geologic Evaluation, of the recirculated draft EIR, which shows a soil cross section for lot 8. As discussed on page 4.3-30 of the recirculated draft EIR, the proposed buttress fill landslide repair "should also remove sufficient driving forces and mitigate further movement of the remaining small piece of the landslide beneath Ticonderoga Drive [after grading], thereby reducing the potential for adverse off-site impacts from the proposed development." The Revised Geologic Evaluation included a quantitative slope stability evaluation of a schematic proposed buttress fill concept, with results indicating that a buttress fill landslide repair would be stable under static conditions and would only experience minor displacement (8 to 9 centimeters) during maximum earthquake loading conditions. A specific buttress fill plan was not provided, since it will be up to the project designer to develop the actual design (size and number of subsurface benches, depth of keyway, etc.) for the project. The schematic proposed buttress fill analyzed was based on current widely accepted methods and is within the standard of practice for Bay Area landslide repairs. Note that this discussion and analysis in the recirculated draft EIR is with respect to the landslide that underlies the western portion of lot 8 in the area where the proposed home would be located.

A second potential landslide or erosion hazard area is present on the eastern portion of lot 8, relating to the steep cut-slope above Ticonderoga Drive in this area. No actual landslides were identified in this area

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during the Revised Geologic Evaluation. As stated in the recirculated draft EIR, lot 8 would be larger (than the other residential lots along Ticonderoga Drive) so as to contain this area of this potential landsliding or erosion to provide an access route to the top of the slope for mitigation or regrading of the cut-slope in the unlikely event that a landslide or erosion of the slope in this portion of the parcel occurs, as there is no other route for equipment to access this area. As a result, the property owner would be responsible for repairs rather than the public or non-profit entity to whom the open space parcel is dedicated (if it is dedicated). As no development or ground disturbance is proposed by the project on the eastern portion of the lot, there would be no impact related to this portion of the site.

Response to Comment ORG-1-6

During the March 16, 2009 meeting to develop the scope of the additional geotechnical analysis, all parties agreed that additional subsurface investigation was required only for lots 5 through 8 and not for any of the other lots.

With respect to the other lots, it was agreed that new geologic maps and cross-sections would be prepared for these lots using an updated field-surveyed topographic map. The referenced statements from the meeting transcript refer to the extent of existing fill on these lots. It was agreed upon by all parties at the meeting that the limits of the fill should be identified on a site plan and the relationships of the fill limits to the proposed house footprints should be established. Figures 2c and 2d of the Revised Geologic Evaluation (see Appendix 4.3 of the recirculated draft EIR) provide graphically the extent of the fill and the house footprints, and Figures 6d and 6e show the approximate depth/thickness of the fill based on the existing subsurface information available. For lots 9 and 10, there are six prior test pits within the limits of the lots and three additional prior test pits just beyond the property boundaries that were reviewed. For lot 11, there is one prior test pit within the lot, one test pit outside the limit of the lot, and bedrock outcrops observed in the western portion of the lot. The locations of these test pits are also provided on Figures 2c and 2d.

Much of the concern of Cotton, Shires & Associates (CSA) (geotechnical consultants retained by interested neighbors) with respect to lots 9, 10, and 11 stemmed from the fact that CSA did not know where within each of these lots the proposed homes would be located, especially where the homes would be relative to the artificial fill that had previously been deposited on these lots. That information was provided to CSA and field verification was conducted by Treadwell & Rollo (T&R) (geotechnical firm retained by Impact Sciences, Inc.) and CSA, where it was confirmed that all three home sites were viable

as proposed and that development of these lots would be in general accordance with Bay Area residential hillside development¹.

The proposed residence on lot 9 is located entirely outside the limits of fill. A small portion of the proposed residence for lot 10, and the residence for lot 11 are located within areas of existing fill. As shown on Figures 6d and 6e, which were developed along an orientation of the steepest topography and thickest fill as identified during the surface field mapping, the anticipated depth to bedrock below ground surface at lot 10 is up to 10 feet, and at lot 11 is up to 6 feet. These depths are not beyond the design of ordinary pier and grade beam foundations for hillside residential development and such foundations would successfully mitigate soil creep and settlement of this fill.

The comments concerning "microzoning" reference the need to establish certain zones on the property that should not be developed due to geologic hazards. There was no commitment made to "microzone" these parcels at the meeting nor is "microzoning" required as areas of geologic hazard proposed for development would be mitigated to a less than significant level.

Response to Comment ORG-1-7

The recirculated draft EIR provides analysis of geologic conditions in Section 4.3, Geology and Soils. Geologic conditions at the site have been studied extensively through numerous geotechnical investigations conducted at the project site as discussed on page 4.3-11 of the recirculated draft EIR.

The scope for additional geotechnical investigation conducted for the recirculated draft EIR was approved based on a consensus reached at the March 16, 2009 meeting between T&R; CSA; Impact Sciences, Inc.; San Mateo County Staff, including the County Geologist; the project geotechnical consultant; representatives of the neighborhood associations; and the project applicant. That work was performed by T&R and field-verified by CSA, and information generated by that work was documented in the recirculated draft EIR and was used to describe the potential impacts of the project as well as develop mitigation measures for potentially significant impacts related to site geology. The recirculated draft EIR is detailed and reflects a good faith effort at full disclosure of all project impacts, including impacts related to geology and soils.

¹ There is no published standard for Bay Area residential hillside development, however there exists a standard of practice for geotechnical engineering, which is the standard that most engineers and geologists will design for in a given location (i.e. Bay Area) at a given time. This standard is partially controlled by the California Building Code (CBC), however local jurisdictions can require stricter standards than the CBC.

Response to Comment ORG-1-8

Adequate geotechnical data were generated prior to and during the preparation of the recirculated draft EIR that allowed for the impacts of the project to be fully characterized and disclosed in the recirculated draft EIR. None of the mitigation measures in the recirculated draft EIR are future studies that would be used to characterize the project's environmental impacts. Mitigation Measures GEO-1 and GEO-2b require a site-specific geotechnical investigation to be performed to help inform specific aspects of the homes such as the foundation design, slope configuration, retaining walls, and drainage design. Specific recommendations for these identified geologic hazards will also be provided, and will be based upon and consistent with the intent of the general recommendations provided in the Revised Geologic Evaluation.

While the conduct of a project-specific geotechnical investigation is a standard engineering practice, it is included in the EIR as a mitigation measure mainly to assure the decision makers and the public that this investigation will be completed under the oversight of the County and will ensure that the foundations of the homes and drainage systems are designed appropriately for the project site to minimize the potential for the underlying materials to become unstable and minimize the exposure of people and structures to landslide hazards. Note that the underlying landslide materials beneath two homes would be excavated and replaced with a fully drained conventional buttress fill that is founded in the underlying bedrock.

Response to Comment ORG-1-9

Please see **Response to Comment ORG-1-8** above. CSA confirmed during the field visit that the proposed homes could be built on the specific portions of lots 9, 10, and 11 that are proposed by the applicant. Given that qualified geotechnical consultants confirmed that the site plans as proposed were viable, the EIR's description and evaluation of site grading and tree removal is accurate. To the extent that subsequent design-level geotechnical investigation shows the need for modified grading or slight changes to the project footprint such that additional protected trees are affected, the County will require an amendment to the RM permit that is issued for the project and that amendment will require the applicant to replace protected trees at a 1:1 ratio.

The comment that "the Cobblehill and Cowpens houses are at the top of a ridge that has landslides beneath it" is not accurate. The house sites are at the top of the hillside, in an area underlain by a thin veneer of fill, native soil, and bedrock. No landslides have been identified beneath the building sites. There may be shallow landsliding on the slopes downhill of, and northeast of the lots (outside the area of detailed mapping), but these slides would not impact the proposed houses provided they are supported on foundations bearing in the underlying bedrock as anticipated. No evidence of deep-seated landsliding within the bedrock on this slope was observed during the stereo-paired aerial photograph review, and no

landslides were mapped on these slopes during the prior 1994 Soil and Foundations Systems investigation of the entire site.

No analysis of the project's impacts or the impacts of mitigation measures has been deferred.

Response to Comment ORG-1-10

As discussed under Impact GEO-2 on page 4.3-32 of the recirculated draft EIR, because all of the landslide material on lots 5 and 6 would be removed to prepare the building pads, the project would not cause the adjacent property to become unstable. The geotechnical investigation conducted by T&R concluded that the proposed buttress fill repair solution for lots 7 and 8 would create conditions on the site that would be stable under static conditions and would experience only a small amount of deformation (slope displacements on the order of 8 to 9 centimeters) under maximum seismically loaded conditions.

By supporting the proposed residences on pier and grade beam foundations bearing in the underlying bedrock, the weight of the structures will be transferred to the bedrock, and will not cause loading of the surficial soils or fills that could result in slope instability either on- or off-site. In addition, surface drainage improvements and subsurface intercept drains associated with the buttress for lots 7 and 8, and subsurface drains behind new retaining walls will increase the overall stability of the site and neighboring properties.

The recirculated draft EIR includes a mitigation measure (Mitigation Measure GEO-1, third bullet on page 4.3-31) which is to ensure that project site runoff does not mobilize new landslides in the thin veneer of soils mantling bedrock on the slope below lots 1 through 4.

Response to Comment ORG-1-11

The recirculated draft EIR states that the project is feasible from a geologic perspective, that all 11 home sites can be safely developed and that the construction will not involve any measures or activities beyond the standard design or construction for Bay Area residential hillside development and buttress fill landslide repair. The project as proposed and mitigated would not result in any significant impacts to the environment, including those related to Geology and Soils. According to the CEQA Guidelines, the decision-making body for this project, the Board of Supervisors, must review, consider, and certify the final EIR prior to project approval. The project would only be approved after it has been determined that the final EIR has been completed in compliance with CEQA.

Response to Comment ORG-1-12

The comment is noted. Please see **Response to Comment ORG-1-11**.

Response to Comment ORG-1-13

Geotechnical subsurface exploration locations on the subject lots are documented on pages 4.3-11 through 4.3-16 and boring locations are depicted in Figures 4.3-2 through 4.3-5 of the recirculated draft EIR. As shown in the graphics, between previous geotechnical studies and the latest geotechnical investigation completed in 2009 for this EIR, a total of two borings were completed for lots 1 through 4, 13 borings and test pits were completed for lots 5 through 8, nine test pits for lots 9 and 10, and two test pits for lot 11. This data forms the basis of the analysis in the recirculated draft EIR. Please see **Response to Comment ORG-1-6** above which shows that adequate information for lots 9, 10, and 11 was available to evaluate the project's impacts. Analysis of the project's impacts or the impacts of mitigation measures has not been deferred to the design-level geotechnical investigation. The design-level studies will be performed to develop the specific bedrock strength parameters to design the depth and size of foundation elements and site retaining walls for each lot to account for the highly variable nature of this bedrock unit, as has been done on many other projects including, as the commenter references, projects on the San Mateo flatlands, where the necessary pilings under the houses could vary between 10 and 20 feet deep.

Response to Comment ORG-1-14

As described above in **Response to Comment ORG-1-6**, the building placement is known and has been provided on Figure 2d of the Revised Geologic Evaluation. In addition, based on the site topography and data from prior test pits, it is anticipated that the depth to bedrock at this site is up to about 6 feet below the existing ground surface. The house will be supported on a pier and grade beam foundation, penetrating the fill and gaining support in the underlying bedrock.

Response to Comment ORG-1-15

Polhemus Road begins at the intersection of Tower Road and extends north from that point. South of the Tower Road intersection, the roadway is named Ralston Avenue and is within the jurisdiction of the City of Belmont. As discussed in Section 4.1, Aesthetics, of the recirculated draft EIR and shown in Figures 4.1-13 and 4.1-14, views from Polhemus Road of the proposed Cobblehill Place homes would be screened by intervening vegetation, including trees along Polhemus Road, between Tower Road and Ticonderoga Drive, and along Ticonderoga Drive. The proposed home on Cowpens Way is completely screened from Polhemus Road by topography as it is located further west beyond the ridge where Cobblehill Place is located.

With respect to views from Ralston Avenue, Figure 4.1-17 shows an existing view of the project site from a location along Lakewood Circle just east of Ralston Avenue. The recirculated draft EIR noted in error that the front elevations of the proposed homes on lots 5 through 8 on Ticonderoga Drive would be visible from this location. Upon closer inspection, it has been determined that views of the Ticonderoga Drive homes will not be available to motorists driving north on Ralston Avenue due to an intervening hill between the viewer and the homes. Only the roofline of the homes on Cobblehill Place would be visible from Ralston Avenue and this view would be similar to the views of other homes on the hillsides adjoining the roadway. Therefore there would be a less than significant impact to views from Ralston Avenue.

With respect to Crown Court and Timberlane Way, publically accessible viewpoints on county roadways were selected rather than private backyards from which photographs of the project site were taken. As these photographs (Figures 4.1-14 through 4.1-16) show, the project homes would not be visible from these roadways.

Because the photographs provided in the EIR and text clearly show that most of the project homes would not be visible from the publically accessible areas along the major roadways in the project vicinity, visual simulations were not determined to be necessary.

Response to Comment ORG-1-16

The County has not designated a scenic corridor for Polhemus Road. The County applies policies pertaining to scenic corridors only to areas so designated. Even if the County requires conformance with the Scenic Corridor policies for development visible from a County Scenic Road, the project would not involve changes that would be visible from viewpoints along Polhemus Road nor would the project involve work within the Polhemus Road right-of-way.

The conclusion remains that the impact to the Polhemus Road scenic road would be less than significant as only the proposed homes on Cobblehill Place would be partially visible from a portion of Ralston Avenue and they would be of similar scale to the adjacent homes that are currently visible.

Response to Comment ORG-1-17

For reasons presented in **Response to Comment ORG-1-15** above, the proposed Cobblehill Place and Cowpens Way homes would not be visible to incoming motorists along Polhemus Road. Only the rooftops of homes on Cobblehill Place would be visible to motorists traveling north on Ralston Avenue, as is acknowledged in the recirculated draft EIR.

The view of Cobblehill Place and Cowpens Way from Crown Court provided in Figure 4.1-16 in the recirculated draft EIR was selected because it is a publicly accessible viewpoint that shows the project site.

Response to Comment ORG-1-18

The analysis of visual impacts provided in Section 4.1, Aesthetics, of the recirculated draft EIR, is based on site reconnaissance and photos taken from various viewpoints. The photos used for the visual simulations shown in Figures 4.1-5, 4.1-9, 4.1-10, and 4.1-11 in the recirculated draft EIR were taken with a 50 mm lens. The remaining photos were taken with a 35 mm lens and the relevant portions of the project site (locations of the proposed homes) are included in the frame of the photos provided in Figures 4.1-13 through 4.1-17 of the recirculated draft EIR.

Response to Comment ORG-1-19

The comment is noted. An adequate number of photographs and visual simulations are included in the recirculated draft EIR for the decision makers to understand the potential visual impacts of the proposed project.

Response to Comment ORG-1-20

An adequate range of alternatives is included in the recirculated draft EIR. The project would result in potentially significant impacts to biological resources including woodrats, nesting birds, special status bat species (all lots); California red-legged frog (lot 11 only); protected trees (all lots); willow scrub habitat (lot 11 only); purple needlegrass (lot 8 only); wetlands (lot 11 only); landslide hazards (lots 7 and 8 only); hazard from unstable geologic unit (all lots); soil erosion (all lots); seismic groundshaking and expansive soils (all lots); construction phase air quality (all lots); high noise levels during construction (all lots); exposure to wildland fires (all lots); exposure to hazardous materials during construction (all lots); and water quality impacts from potential sewage overflows (all lots). All of these impacts would be reduced to a less than significant level with the implementation of the proposed mitigation measures. Therefore, the proposed project would not result in any impact that could not be mitigated to a less than significant level (i.e., a significant and unavoidable impact).

Consequently, the EIR analyzes alternatives that address potentially significant (as opposed to significant and unavoidable) impacts of the proposed project. In addition to two No Project alternatives, the draft EIR includes an alternative project scheme (Alternative 3) that eliminates the four homes along Ticonderoga Drive to avoid construction in an area with landslides and proposes to build four additional homes at Cobblehill Place; and a reduced density alternative (Alternative 4) that proposes to build four

homes at Cobblehill Place and four along Bunker Hill Road to avoid construction along Ticonderoga Drive in an area with landslides and to eliminate impacts on biological resources that stem from developing lot 11. Because the majority of the impacts of the proposed project are related to geology and biological resources, the alternatives analyzed in the recirculated draft EIR were specifically designed to address the impacts of the proposed project in these key resource areas.

Response to Comment ORG-1-21

As discussed on pages 6.0-10 through 6.0-14 of the recirculated draft EIR, Alternative 3 (Alternative Project Scheme) is proposed specifically to reduce the potentially significant impact associated with development in areas with known landslides on Ticonderoga Drive. The six residences extending down the crest of the ridge from the end of Cobblehill Place would be accessed by an extension of the roadway. Based on the current topographic map of this area, there is approximately 75 feet of vertical relief from the end of Cobblehill Place to the central portion of the lowest two lots (lots 5 and 6 depicted in Figure 6.0-2 of the recirculated draft EIR) over a distance of about 300 feet. This relationship indicates that a proposed access road could be constructed with a gradient of about 4:1, or about 14 degrees. From a geotechnical standpoint, a roadway this steep may be developed.

In addition, these alternative lots are located in an area underlain by Franciscan assemblage sandstone overlain by colluvium and native soil. No evidence of deep-seated landsliding on this slope was observed during the aerial photograph review which was performed as part of the Revised Geologic Evaluation. The construction of new homes on slopes with these gradients using pier and grade beam foundations gaining support in the underlying sandstone would not be beyond the standard for current Bay Area hillside residential development.

The recirculated draft EIR discusses that Alternative 3 would result in greater visual impacts from off-site viewing locations than the current proposed project, but the effect would still be less than significant. Regarding biological impacts, the recirculated draft EIR discusses that mitigation measures to reduce the potentially significant impact relative to the loss of stands of purple needlegrass for the proposed project would apply to Alternative 3. Additionally, Alternative 3 would avoid the removal of five protected trees on the Ticonderoga lots. Therefore, Alternative 3 would reduce a potentially significant impact of the proposed project which is development in an area with known landslides but this alternative could result in additional and potentially greater impacts of its own. Pursuant to Section 15126.6(d) of the CEQA Guidelines, if an alternative would cause significant effects in addition to those that would be caused by the proposed project, the significant effects shall be discussed, but in less detail than the significant effects of the proposed project.

Response to Comment ORG-1-22

As discussed on page 6.0-16 of the recirculated draft EIR, Alternative 4 (Reduced Density Alternative) would result in a greater aesthetic impact to views from Crown Court, however, the effect would still be less than significant as only the rooflines of four homes on Cobblehill Place would be visible. The rooflines of adjacent homes on Cobblehill Place are currently visible from Crown Court, therefore Alternative 4 would not substantially degrade the visual character or alter scenic views. As noted in **Response to Comment ORG-1-20**, the Reduced Density Alternative was not designed to address significant visual impacts (as the project would not have such impacts), but to address project impacts related to geology and biological resources.

Response to Comment ORG-1-23

As discussed on page 3.0-1 of the recirculated draft EIR, the primary objective of the proposed project is the development of 11 single-family homes and the preservation of over 90 acres of open space. CEQA Guidelines Section 15126.6(c) provides that an EIR shall include a range of alternatives that would "feasibly accomplish most of the basic objectives of the project." The preservation of open space is a basic objective (and not a byproduct) of the proposed project which could not be accomplished at a comparable scale at an off-site location. In its comments on the recirculated draft EIR (see comments ORG-1-2 and ORG-1-3 regarding open space), Commenter ORG-1 acknowledges that open space is an integral part of the project and does not describe it as a byproduct of the subdivision.

Response to Comment ORG-1-24

Please see **Response to Comment ORG-1-20**.

Response to Comment ORG-1-25

The interaction between geology and hydrology was considered in the recirculated draft EIR in the evaluation of the stability of the lots (Impact GEO-1). In view of the thin layer of soil mantling bedrock on lots 1 through 4 and the proximity of a landslide near these lots, the EIR includes a mitigation measure (page 4.3-31) that requires a surface drainage system for each lot along Bunker Hill Road so that stormwater discharge from the site does not destabilize the landslide. The EIR also includes a mitigation measure to install subsurface drainage galleries to control flow of groundwater and reduce the potential for slope instability for all lots (page 4.3-31).

The effects of improperly controlled runoff are also discussed in the recirculated draft EIR under Impact GEO-2 on page 4.3-32 and are listed to include foundation heave and/or settlement, erosion, gullying,

ponding, and potential slope instability. A requirement was added to Mitigation Measure GEO-2b related to surface water hydrology. Due to the proposed on-site bioretention/treatment planters and the adequacy of the existing storm drain system to accommodate runoff flows from the project (as discussed on page 4.4.-40 of the recirculated draft EIR), a performance standard with respect to control and discharge of site stormwater is not necessary.

Response to Comment ORG-1-26

A Certificate of Compliance (Type A) was approved for APN 041-072-030, making the parcel legal. The Certificate of Compliance application was reviewed according to the procedure established by Section 7134 of the County's Subdivision Regulations, which includes a review of the land division history and regulations applicable at the time of the parcel's creation. At the time of the approval, it was determined that the property complies with the State of California Subdivision Map Act and the San Mateo County Subdivision Ordinance. Every legal parcel in the County has a minimum of one density credit regardless of size or physical constraint(s). The proposed lot line adjustment essentially combines the area of this parcel with the remainder parcel and results in a reconfigured parcel at the end of Cobblehill Place, containing one density credit.

Response to Comment ORG-1-27

The Subdivision Regulations define a Lot Line Adjustment as a shift, rotation, or movement of an existing line between two or more adjacent parcels, where the land taken from one parcel is added to an adjacent parcel and where the adjustment does not result in a greater number of parcels than originally existed.

The applicant proposes a Lot Line Adjustment between APN 041-072-030 (Parcel A), currently 2,178 sf in size, and APN 041-101-290 (Parcel B), currently 96.92 acres in size. The proposed Lot Line Adjustment would move the southern property line of Parcel A in a southeasterly direction to form the rear and side property lines of the proposed lot 10 at the base of Cobblehill Place. The Lot Line Adjustment transfers 96.51-acres from Parcel B to Parcel A, resulting in much larger Parcel A (now 96.51-acres) and a much smaller Parcel B (now 17,995 sf.). Parcel A would be subsequently subdivided into ten residential lots and one remainder parcel as described below. Parcel B would carry the designation of Lot 10 on the development plan. The lot line adjustment would result in the same number of parcels that currently exist, two.

Response to Comment ORG-1-28

Please see **Response to Comment ORG-1-5**.

Response to Comment ORG-1-29

Under the County's Significant Tree Ordinance, for areas that are zoned RM, as discussed on page 4.2-20 of the recirculated draft EIR, Section 6324.2(j) of the Site Design Criteria under the RM District Development Review Criteria applies and that section provides that "removal of living trees with trunk circumference of more than 55 inches measured 4 ½ feet above the average surface of the ground is prohibited, except as may be required for development permitted under this Ordinance." Removal of these protected trees associated with the proposed development is permitted under the Zoning Regulations. A total of seven protected trees are within the development footprint of the project and will be replaced consistent with the County requirement of a 1:1 replacement ratio.

While trees with smaller trunk diameters would also be removed, those are not considered protected under the County Zoning Ordinance and therefore will not be replaced. The loss of the smaller trees on the 11 residential lots would not substantially reduce the oak woodland habitat because of the extent of oak woodland habitat in the project area. Furthermore, the proposed project would permanently protect large areas of oak woodland by placing a conservation easement on the 12th parcel of the proposed project (open space).

Response to Comment ORG-1-30

See **Response to Comment ORG-1-29** above. All trees over 12 inches in diameter measured 4 ½ feet above ground surface proposed for removal were identified by the applicant and were submitted in list format to the County Planning Department. The Planning Department staff identified seven trees that required replacement in conformance with the RM District requirements for tree protection. The County ordinance does not consider smaller trees as protected and therefore the draft EIR did not include a description of all trees to be removed. The applicant proposes to replace each of the seven protected trees with a 15-gallon replacement tree. In addition, Mitigation Measure AES-1b requires the planting of four 24-gallon trees, bringing the total number of replacement trees to 11 trees. The planting of 11 trees adequately mitigates the impacts of the removal of both protected and unprotected trees.

The recirculated draft EIR includes a mitigation measure (Mitigation Measure BIO-3) to develop a tree replacement plan which will be required to include measures to protect oak and other trees from damage during construction by installing protective fencing, and other measures. The plan will also include a list of criteria and performance standards to maintain and monitor tree replacement sites to measure success and contingency measures in case replacement efforts are not successful (see page 4.2-29 of the recirculated draft EIR).

Response to Comment ORG-1-31

Project construction is expected to extend over two years. The reference to phases in Mitigation Measure AQ-1 is essentially a reference to the two years of construction.

Response to Comment ORG-1-32

As discussed on pages 4.4-44 and 4.4-45 of the recirculated draft EIR, because the project would not generate emissions in excess of BAAQMD thresholds, the proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the region is in non-attainment. The construction emissions generated by on-site grading activities from the Ascension Heights project would not combine with those generated by the construction of this project because the construction schedules may not necessarily overlap and more importantly the portion of the project site (Bunker Hill Drive homes) that is closest to the Ascension Heights project site is at least 0.4 mile from the Ascension Heights project which is located near the intersection of Bel Aire Drive and Ascension Drive on the east side of Polhemus Road.

Response to Comment ORG-1-33

The project proposes to add only four single-family homes along Ticonderoga Drive which would be expected to generate very limited need for guest parking and associated pedestrian movement. The sidewalk along the northern edge of Ticonderoga Drive will be extended east up to the home on lot 8. Currently parking is not restricted on either side of Ticonderoga Drive. The sight distance from the easternmost property line on the north side of Ticonderoga Drive (lot 8) is approximately 230 feet. According to *A Policy on Geometric Design of Highways and Streets*², this is adequate for a design speed of 35 MPH. The posted speed limit on Ticonderoga Drive is 25 MPH. This is not an anticipated safety concern. Please also see **Response to Comment LA-1-3**.

Response to Comment ORG-1-34

As discussed in Section 4.4, Other Resource Topics, and shown in Figures 3.0-11 through 3.0-14, in the recirculated draft EIR, the proposed homes, would have rear elevation heights ranging from 26 to 30 feet. The rooflines of the proposed homes on Cobblehill Place and Cowpens Way would be visible from off-site locations with the remaining elevations screened by vegetation.

² American Association of State Highway and Transportation Officials (AASHTO). 2004. *A Policy on Geometric Design of Highways and Streets*. Exhibit 3-1, page 112.

Response to Comment ORG-1-35

Please refer to the descriptions and impact analyses of bio-retention planters as proposed for each lot under Impact AES-2 in Section 4.1, Aesthetics, of the recirculated draft EIR.

Response to Comment ORG-1-36

The patch of purple needlegrass is present in the southwestern portion of lot 8. A large portion of the needlegrass patch is within the footprint of the proposed home and driveway that would serve the home. Therefore, elimination of the eastern portion of lot 8 from the home site would not avoid the impact to purple needlegrass.

The mitigation measure for the loss of the plant species includes restoration of non-native plant areas adjacent to the serpentine grassland to support native grasses (see page 4.2-32 of the recirculated draft EIR). The proposed mitigation measure will adequately address the impact to the plant species.

Response to Comment ORG-1-37

Please see **Section 4.0, Mitigation Monitoring and Reporting Program**, in this final EIR.

3.0 Comments on the Recirculated Draft EIR and Responses to Comments

Insert Comment Letter ORG-2

Response to Comment Letter ORG-2

Response to Comment ORG-2-1

As previously discussed, the applicant proposes to comply with the requirements of Section 6317A and 6318 of the RM regulations by granting a conservation easement to the County as a requirement of the requested RM permit for the proposed subdivision and requested density bonuses. Therefore, the recordation of the conservation easement would be required prior to recordation of the final subdivision map. At the time of the granting of the conservation easement to the County, the property owner will still retain ownership of the remainder parcel. The transfer of ownership or donation of the remainder parcel to a separate entity is not required, and therefore not regulated, by the County. No details regarding land transfer or donation are available at this time.

Response to Comment ORG-2-2

See **Response to Comment ORG-2-1** above.

Response to Comment ORG-2-3

As previously discussed, at the time of the granting of the conservation easement to the County, the property owner will still retain ownership of the remainder parcel. Therefore, only the owner (not the County) can donate the land to a separate entity. The transfer of ownership or donation of the remainder parcel by the property owner to a separate entity is not required, and therefore not regulated, by the County. Regarding the question of the applicant's liability after the transfer of the property to a new owner, this is a legal question and outside of the purview of this CEQA document.

Response to Comment ORG-2-4

The actual content of the proposed conservation easement will be provided to the County by the applicant prior to the Planning Commission hearing (tentatively scheduled for January 13, 2010), for review by the County for compliance with the RM regulations prior to the Planning Commission meeting. The proposed conservation easement will be provided as an attachment to the staff report prepared for the Planning Commission hearing. A staff report will be sent to the commenter.

3.0 Comments on the Recirculated Draft EIR and Responses to Comments

Insert Comment Letter ORG-3

Response to Comment Letter ORG-3

Response to Comment ORG-3-1

The comment is noted.

3.0 Comments on the Recirculated Draft EIR and Responses to Comments

Insert Comment Letter ORG-4

Response to Comment Letter ORG-4

Response to Comment ORG-4-1

The comment is noted.

Response to Comment ORG-4-2

Environmental impacts associated with extension of utility service to the proposed project are discussed on page 4.4-55 of the recirculated draft EIR.

Response to Comment ORG-4-3

The comment is noted.

3.0 Comments on the Recirculated Draft EIR and Responses to Comments

Insert Comment Letter ORG-5

Response to Comment Letter ORG-5

Response to Comment ORG-5-1

The recirculated draft EIR adequately analyzes and discloses all significant environmental impacts of the project. For potentially significant impacts, it presents recommended mitigation measures and alternatives that would reduce those impacts to a less than significant level. Please see **Responses to Comments ORG-5-2 through -8** which clearly show that the EIR is adequate as a disclosure document.

Response to Comment ORG-5-2

Please see **Response to Comment ORG-1-6**.

Response to Comment ORG-5-3

Please see **Responses to Comments ORG-1-5 and ORG-1-10**.

Response to Comment ORG-5-4

Please see **Response to Comment ORG-1-2**.

Response to Comment ORG-5-5

Please see **Response to Comment ORG-1-25**.

Response to Comment ORG-5-6

Please see **Responses to Comments ORG-1-15 and ORG-1-16**.

Response to Comment ORG-5-7

Please see **Response to Comment ORG-1-5**.

Response to Comment ORG-5-8

The recirculated draft EIR mentions that the Highlands Recreation Center, a potential future owner of the remainder parcel, may use a portion of the open space for additional parking. The potential use of a portion of the remainder parcel as a parking lot is not currently proposed and is not part of the project which is the subject of the recirculated draft EIR. As previously discussed, the transfer of ownership or donation of the remainder parcel to a separate entity is not required, and therefore not regulated, by the County. Likewise, the use of the parcel after ownership is transferred is also not regulated by the County,

3.0 Comments on the Recirculated Draft EIR and Responses to Comments

so long as the future owner(s) comply with the terms of the conservation easement. No further details regarding land donation or land use after donation are available at this time.

Response to Comment ORG-5-9

The comment is noted.

Response to Comment ORG-5-10

Please see **Responses to Comments ORG-1-9, ORG-1-10, and ORG-1-11.**

Response to Comment ORG-5-11

Please see **Response to Comment ORG-1-16.**

Response to Comment ORG-5-12

Please see **Responses to Comments ORG-1-8, ORG-1-9, ORG-1-10, and ORG-1-11.**

Response to Comment ORG-5-13

Please see **Response to Comment ORG-1-21.**

3.0 Comments on the Recirculated Draft EIR and Responses to Comments

Insert Comment Letter I-1

Response to Comment Letter I-1

Response to Comment I-1-1

The comment is noted. The recirculated draft EIR has been revised to include Richard Cole in the list of individuals and organizations that commented on the December 2008 draft EIR (see **Section 2.0, Project Refinements & Recirculated Draft EIR Text Changes**). Mr. Cole's comments were considered and reflected in the edits contained in the recirculated draft EIR. When the requested information was not provided, it was because the information is outside of the purview of the draft EIR. However, when an entire draft EIR is revised and recirculated (as was done with this EIR), CEQA states that the lead agency does not have to provide specific responses to the comments submitted on the previous draft EIR (CEQA Guidelines Section 15088.5(f)(1)).

Response to Comment I-1-2

Please see **Response to Comment ORG-1-2**.

Response to Comment I-1-3

Analysis of the proposed Resource Management (RM) District zoning text amendment is provided in Section 4.5, Resource Management District Zoning Text Amendment, of the recirculated draft EIR. Interested parties were provided an opportunity to comment on the proposed zoning text amendment during the 45-day public review period for the December 2008 draft EIR and the 57-day public review period for the recirculated draft EIR. The recirculated draft EIR has been prepared in accordance with and in fulfillment of CEQA requirements.

Response to Comment I-1-4

Please see **Response to Comment ORG-1-1**.

Response to Comment I-1-5

Please see Section 4.3, Geology and Soils, in the recirculated draft EIR, which provides analysis based on the supplemental geotechnical investigation conducted by Treadwell & Rollo. The scope of the supplemental geotechnical investigation was agreed upon at a March 16, 2009 meeting by Treadwell & Rollo; Cotton, Shires & Associates; Impact Sciences, Inc.; San Mateo County Staff, including the County Geologist; the project geotechnical consultant; representatives of the neighborhood associations; and the project applicant. Please also see **Responses to Comments ORG-1-8, ORG-1-9, ORG-1-10, ORG-1-11, and ORG-1-13**.

3.0 Comments on the Recirculated Draft EIR and Responses to Comments

Response to Comment I-1-6

Mr. Cole's comments on the December 2008 draft EIR were addressed in the recirculated draft EIR as noted above under **Responses to Comments I-1-1 through I-1-5**.

3.0 Comments on the Recirculated Draft EIR and Responses to Comments

Insert Comment Letter I-2

Response to Comment Letter I-2

Response to Comment I-2-1

The County considers encroachments, related nuisances, and the removal of such encroachments to be a civil issue between property owners. Construction on another property owner's land would require consent of that property owner and would be subject to Planning and Building Department permitting requirements, including zoning development standards.

Regarding liability for encroachment-related nuisances, this is a legal question outside of the purview of this CEQA document.

3.0 Comments on the Recirculated Draft EIR and Responses to Comments

Insert Comment Letter I-3

000131

Response to Comment Letter I-3

Response to Comment I-3-1

The comment is noted.

Response to Comment I-3-2

As discussed in Section 6.0, Alternatives, of the recirculated draft EIR on page 6.0-6, Alternative 2 “would be expected to include up to nine housing units based on consistency with current zoning and economic feasibility for site acquisition and development.” Under current zoning, the maximum potential density of the site is nine dwelling units, given the six density credits for APN 041-101-290, two density credits for an 11.78-acre area rezoned from RE/SS-107 to RM in 2007, and one density credit from the approved Certificate of Compliance for APN 041-072-030 (see Figure 3.0-3, Existing Zoning and Density Credits, in the recirculated draft EIR). The proposed project would be eligible for two density bonuses as a result of approval of the proposed RM District Zoning Text Amendment, which is not a component of Alternative 2. The development of Alternative 2 would occur along Bunker Hill Drive and Ticonderoga Drive and would be subject to the same geological, biological, and aesthetic constraints that apply to the proposed project. As noted for the proposed project (see **Responses to Comments ORG-1-9, ORG-1-10 and ORG-1-11**), using state of the art hillside engineering techniques construction of homes on these lots is viable.

Response to Comment I-3-3

The comment is noted.

Response to Comment I-3-4

Construction of the four homes along Ticonderoga Drive is not expected to extend over a long period of time. Furthermore, Mitigation Measure AQ-1 will be implemented by the project to minimize construction phase diesel emissions. This mitigation measure requires the use of construction equipment that meets EPA certification standards for clean technology.

Response to Comment I-3-5

The comment is noted.

Response to Comment I-3-6

The comment is noted. Please see **Responses to Comments ORG-1-6, ORG-1-9, ORG-1-11, and ORG-1-21**.

Response to Comment I-3-7

As discussed on page 1.0-3 of the recirculated draft EIR and in **Section 1.0, Introduction** of this final EIR, comments received on the December 2008 draft EIR were addressed in the recirculated draft EIR, as appropriate, and appear as redline/strikeout. County staff responded to Mr. Goodman's comment during the October 28, 2009 planning commission meeting.

Response to Comment I-3-8

As discussed on pages 4.1-31 and 4.1-36 of the recirculated draft EIR, although views of the project site from Lakewood Circle would be altered by development along Ticonderoga Drive and Cobblehill Place, the open space visible along Ticonderoga Drive is not characteristic of a scenic view (e.g., a picturesque ridgeline, open bay waters, distinctive urban skyline or major landmarks within the sight distance) and Cobblehill Place is currently developed with residential uses located directly adjacent to the proposed development. The proposed project would offer views consistent with the current landscape visible from Lakewood Circle. As no scenic views would be altered by the proposed project and because the project site is located in an area that is already developed with residential uses, the proposed project would not have an adverse effect on scenic views nor would it degrade visual character.

3.0 Comments on the Recirculated Draft EIR and Responses to Comments

Insert Comment Letter I-4

Response to Comment Letter I-4

Response to Comment I-4-1

The comment is noted. Notices were reissued to interested parties on September 25, 2009, and the public review period was extended by 12 days.

Response to Comment I-4-2

Mr. Naifeh stated that County consultation to gain a full understanding of CSA's concerns, as outlined at the geology meeting of March 16, 2009, was not completed. All agreements reached at the March 16, 2009 meeting have been fulfilled. County Planning Staff has responded to Mr. Naifeh's email requesting more detail regarding this issue, specifically asking Mr. Naifeh to cite page(s) of the transcript as necessary when referencing points of consensus from the meeting of March 16, 2009. Also see **Response to Comment ORG-1-6**.

Response to Comment I-4-3

Please see **Response to Comment I-4-1**.

4.0 MITIGATION MONITORING AND REPORTING PROGRAM

The California Environmental Quality Act (CEQA) requires that a Lead Agency establish a program to monitor and report on mitigation measures adopted as part of the environmental review process to avoid or reduce the severity and magnitude of potentially significant environmental impacts associated with project implementation. CEQA (Public Resources Code Section 21081.6 (a) (1)) requires that a Mitigation Monitoring and Reporting Program (MMRP) be adopted at the time that the public agency determines to approve a project for which an EIR has been prepared, to ensure that mitigation measures identified in the EIR are fully implemented.

The MMRP for the Highland Estates project is presented in **Table 4.0-1, Mitigation and Monitoring Reporting Program**. **Table 4.0-1** includes the full text of project-specific mitigation measures identified in the final EIR. The MMRP describes implementation and monitoring procedures, responsibilities, and timing for each mitigation measure identified in the EIR, including:

Significant Impact: Identifies the Impact Number and statement from the final EIR.

Mitigation Measure: Provides full text of the mitigation measure as provided in the final EIR.

Monitoring/Reporting Action(s): Designates responsibility for implementation of the mitigation measure and when appropriate, summarizes the steps to be taken to implement the measure.

Mitigation Timing: Identifies the stage of the project during which the mitigation action will be taken.

Monitoring Schedule: Specifies procedures for documenting and reporting mitigation implementation.

The County of San Mateo may modify the means by which a mitigation measure will be implemented, as long as the alternative means ensure compliance during project implementation. The responsibilities of mitigation implementation, monitoring, and reporting extend to several County departments and offices. The manager or department lead of the identified unit or department will be directly responsible for ensuring the responsible party complies with the mitigation. The Planning and Building Department is responsible for the overall administration of the program and for assisting relevant departments and project managers in their oversight and reporting responsibilities. The Planning and Building Department is also responsible for ensuring the relevant parties understand their charge and complete the required procedures accurately and on schedule.

Table 4.0-1
Mitigation Monitoring and Reporting Program

Impact	Mitigation Measure	Responsible Agency	Mitigation Timing	Monitoring Schedule
<p>AESTHETICS</p> <p>Impact AES-1: The proposed project would alter project views but would not obstruct scenic views from existing off-site and residential areas or adversely affect scenic views from a designated scenic route.</p>	<p>Improvement Measure AES-1a: The Project Applicant shall provide "finished floor verification" to certify that the structures are actually constructed at the height shown on the approved plans. The Project Applicant shall have a licensed land surveyor or engineer establish a baseline elevation datum point in the vicinity of the construction site. Prior to the below floor framing inspection or the pouring of concrete slab for the lowest floors, the land surveyor shall certify that the lowest floor height as constructed is equal to the elevation of that floor specified by the approved plans. Similarly, certifications of the garage slab and the topmost elevation of the roof are required. The application shall provide the certification letter from the licensed land surveyor to the Building Inspection Section.</p>	<p>County of San Mateo Planning and Building Department</p> <p>Shall oversee compliance with approved height of construction</p>	<p>Project design and review process</p>	<p>Confirm and document during building permit review and project construction</p>
	<p>Improvement Measure AES-1b: The Project Applicant shall plant a total of four (4) trees (minimum 24-gallon each), one directly in front of each home on lots 5 through 8 to soften and screen views of the new homes from off-site locations. These trees will be in addition to the seven (7) 15-gallon replacement trees included in the proposed project.</p>	<p>County of San Mateo Planning and Building Department</p> <p>Shall oversee tree placement</p>	<p>Project design and review process and during construction</p>	<p>Confirm and document prior to completion of construction</p>
<p>Impact AES-2: The proposed project would construct single-family residences on an undeveloped site in a residential neighborhood but would not degrade the existing visual character of the site.</p>	<p>Improvement Measure AES-2: Construction contractors shall minimize the use of on-site storage and when necessary store building materials and equipment away from public view and shall keep activity within the project site and construction equipment laydown areas.</p>	<p>County of San Mateo Planning and Building Department</p> <p>Shall oversee monitoring of construction activities</p>	<p>During construction</p>	<p>Confirm and document during construction</p>

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4.0 Mitigation Monitoring and Reporting Program

Mitigation		Monitoring Schedule	
BIOLOGICAL RESOURCES			
<p>Impact BIO-2: The proposed project would result in a substantial adverse effect on special-status wildlife species.</p>	<p>Mitigation Measure BIO-2a: No earlier than 30 days prior to the commencement of construction activities, a survey shall be conducted to determine if active woodrat nests (stickhouses) with young are present within the disturbance zone or within 100 feet of the disturbance zone. If active woodrat nests (stickhouses) with young are identified, a fence shall be erected around the nest site adequate to provide the woodrat sufficient foraging habitat at the discretion of a qualified biologist and based on consultation with the CDFG. At the discretion of the monitoring biologist, clearing and construction within the fenced area would be postponed or halted until young have left the nest. The biologist shall serve as a construction monitor during those periods when disturbance activities will occur near active nest areas to ensure that no inadvertent impacts on these nests will occur.</p> <p>If woodrats are observed within the disturbance footprint outside of the breeding period, individuals shall be relocated to a suitable location within the open space by a qualified biologist in possession of a scientific collecting permit. This will be accomplished by dismantling woodrat nests (outside of the breeding period), to allow individuals to relocate to suitable habitat within the adjacent open space.</p>	<p>County of San Mateo Planning and Building Department Shall oversee implementation of pre-construction survey recommendations</p>	<p>No earlier than 30 days prior to commencement of construction activities</p>
			<p>Confirm completion of survey prior to grading and construction and monitor for compliance with construction limits during construction</p>

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4.0 Mitigation Monitoring and Reporting Program

Monitoring Schedule	Reporting Frequency	Responsible Party	Mitigation Measure
<p>BIOLOGICAL RESOURCES (continued)</p> <p>Impact BIO-2 (continued)</p>	<p>Confirm and document prior to grading</p>	<p>No earlier than two weeks prior to commencement of grading</p>	<p>County of San Mateo Planning and Building Department Shall oversee implementation of pre-construction survey recommendations</p> <p>Mitigation Measure BIO-2b: No earlier than two weeks prior to commencement of construction activities that would occur during the nesting/breeding season of native bird species potentially nesting/roosting on the site (typically February through August in the project region), a survey for nesting birds shall be conducted by a qualified biologist experienced with the nesting behavior of bird species of the region. The intent of the survey would be to determine if active nests of special-status bird species or other species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code are present in the construction zone or within 500 feet of the construction zone. The surveys shall be timed such that the last survey is concluded no more than two weeks prior to initiation of construction or tree removal work. If ground disturbance activities are delayed, then an additional pre-construction survey shall be conducted such that no more than two weeks will have elapsed between the last survey and the commencement of ground disturbance activities.</p> <p>If active nests are found in areas that could be directly affected or subject to prolonged construction-related noise, a no-disturbance buffer zone shall be created around active nests during the breeding season or until a qualified biologist determines that all young have fledged. The size of the buffer zones and types of construction activities restricted within them will be determined through consultation with the CDFG, taking into account factors such as the following:</p> <ul style="list-style-type: none"> • Noise and human disturbance levels at the construction site at the time of the survey and the noise and disturbance expected during the construction activity; • Distance and amount of vegetation or other screening between the construction site and the nest; and • Sensitivity of individual nesting species and behaviors of the nesting birds.

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4.0 Mitigation Monitoring and Reporting Program

Mitigation Schedule	Priority			
BIOLOGICAL RESOURCES (continued)				
Impact BIO-2 (continued)	Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or other appropriate barriers and construction personnel shall be instructed on the sensitivity of nest areas. A qualified biologist shall serve as a construction monitor during those periods when construction activities would occur near active nest areas of special-status bird species and all birds covered by the Migratory Bird Act to ensure that no impacts on these nests occur.	County of San Mateo Planning and Building Department Shall oversee implementation of pre-construction survey recommendations	Prior to commencement of construction activities during the breeding season (April 1 through August 31)	Confirm and document prior to grading and construction
Mitigation Measure BIO-2c: Prior to the commencement of construction activities during the breeding season of native bat species in California (generally occurs from April 1 through August 31), a focused survey shall be conducted by a qualified bat biologist to determine if active maternity roosts of special-status bats are present within any of the trees proposed for removal. Should an active maternity roost of a special-status bat species be identified, the roost shall not be disturbed until the roost is vacated and juveniles have fledged, as determined by the biologist. Once all young have fledged, then the tree may be removed. Species-appropriate replacement roosting habitat (e.g., bat boxes) shall be provided should the project require the removal of a tree actively used as a maternity roost. The replacement roosting habitat shall be subject to the approval of the CDFG.	County of San Mateo Planning and Building Department Shall oversee implementation of pre-grading survey recommendations	Prior to commencement of grading on lot 11	Confirm and document prior to grading	
Mitigation Measure BIO-2d: Immediately preceding initial ground disturbance activities on lot 11, a preconstruction clearance survey shall be conducted by a qualified biologist for California red-legged frogs. The survey shall be conducted to determine whether individual California red-legged frogs are present within the disturbance boundary. Should a California red-legged frog be observed during the clearance survey, all construction activities on lot 11 shall be immediately halted and the USFWS shall be immediately contacted. Under no circumstances shall a California red-legged frog be collected or relocated, unless USFWS personnel or their agents implement the measure. Construction-related activities may resume once the frog has naturally left the lot or has been relocated by a permitted biologist (authorized by the USFWS).	County of San Mateo Planning and Building Department Shall oversee implementation of pre-grading survey recommendations	Prior to commencement of grading on lot 11	Confirm and document prior to grading	

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BIOLOGICAL RESOURCES (continued)		Responsible Agency	Monitoring Schedule
<p>Impact BIO-3: The implementation of the proposed project would result in the loss of protected trees.</p>	<p>Mitigation Measure BIO-3: As required by the County for the removal of trees within the RM District, tree replacement shall occur at a minimum 1:1 ratio for all protected trees removed with a circumference of or exceeding 55 inches (17.5 inches diameter at breast height). The replacement of indigenous trees shall be in kind (i.e., live oaks removed shall be replaced by live oaks) and exotic trees to be removed shall be replaced with an appropriate species on the tree list maintained by the County of San Mateo Planning Department. Replacement trees shall also be maintained for a minimum of 2 years, but up to 5 years (as determined by the County of San Mateo Planning Department).</p> <p>To facilitate the successful replacement of trees, a tree replacement plan shall be prepared and shall meet the following standards:</p> <ul style="list-style-type: none"> • Where possible, the plan shall identify suitable areas for tree replacement to occur such that the existing native woodlands in the open space are enhanced and/or expanded. • The plan shall specify, at a minimum, the following: <ul style="list-style-type: none"> - The location of planting sites; - Site preparation and planting procedures; - A schedule and action plan to maintain and monitor the tree replacement sites; - A list of criteria and performance standards by which to measure success of the tree replacement; and - Contingency measures in the event that tree replacement efforts are not successful. 	<p>County of San Mateo Planning and Building Department Shall oversee tree replacement</p>	<p>Project design and review process and during construction</p>
<p>Impact BIO-5: The proposed project could have a substantial adverse effect on willow scrub habitat (a riparian and sensitive plant community) bordering lot 11.</p>	<p>Mitigation Measure BIO-5a: Prior to the commencement of construction activities on lot 11, the outer edge of the willow scrub habitat (facing lot 11) shall be delineated by a qualified biologist. Temporary fencing shall be installed that clearly identifies the outer edge of the willow habitat and that identifies the willow scrub as an "Environmentally Sensitive Area." Signs shall be installed indicating that the fenced area is "restricted" and that all construction activities, personnel, and operational disturbances are prohibited.</p>	<p>County of San Mateo Planning and Building Department Shall oversee installation of temporary fencing</p>	<p>Prior to commencement of grading on lot 11</p>
			<p>Confirm and document during building permit review and prior to completion of construction</p>
			<p>Confirm and document prior to grading</p>

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4.0 Mitigation Monitoring and Reporting Program

Mitigation Measure	Description	Responsible Agency	Timing	Monitoring Schedule
BIOLOGICAL RESOURCES (continued)				
Impact BIO-5 (continued)	<p>Mitigation Measure BIO-5b: Prior to the issuance of a grading permit, the Project Applicant shall develop an erosion control plan. The plan shall include measures such as silt fencing to prevent project-related erosion and sedimentation from adversely affecting the creek zone and other habitats on and near lots 1-11. The erosion control plan shall be subject to approval by the County of San Mateo Planning Department.</p> <p>Mitigation Measure BIO-5c: Prior to the issuance of a grading permit, the Project Applicant shall develop a lighting plan. The lighting plan shall require that all lighting be directed and shielded as to minimize light spillage into nearby willow scrub habitat, as well as adjacent oak woodland habitats. The lighting plan shall be subject to approval by the County of San Mateo Planning Department.</p>	<p>County of San Mateo Planning and Building Department</p> <p>Shall review erosion control plan</p>	<p>Prior to issuance of grading permit</p>	<p>Document during grading and construction</p>
<p>Impact BIO-6: The implementation of the proposed project would result in the loss of stands of purple needlegrass, which is a sensitive plant community.</p>	<p>Mitigation Measure BIO-6: Prior to the commencement of construction on lot 8, the occurrence of purple needlegrass shall be mapped, including all stands on the lot with 20 percent or greater cover of native grasses and having a diameter greater than 10 feet. The area of purple needlegrass to be lost due to development of the lot shall then be calculated.</p> <p>As part of the proposed project, approximately 92 acres of open space would be maintained as open space under a conservation easement. This open space contains a serpentine grassland (on the slope west of the water tanks) that is dominated by native grasses (including purple needlegrass) and other native plant species. These native grasses, including purple needlegrass, would be permanently protected by the conservation easement. In addition, non-native plant areas adjacent to the serpentine grassland shall be restored to support native grasses over an area twice the acreage (2:1) of the stands of purple needlegrass to be lost on lot 8.</p>	<p>County of San Mateo Planning and Building Department</p> <p>Shall oversee mapping of purple needlegrass and dedication of open space</p>	<p>Mapping: Prior to commencement of grading on lot 8;</p> <p>Granting of conservation easement: Prior to recordation of final subdivision map;</p> <p>Native grass planting: Prior to completion of construction</p>	<p>Mapping: Prior to commencement of grading on lot 8;</p> <p>Granting of conservation easement: Prior to recordation of final subdivision map;</p> <p>Native grass planting: Prior to completion of construction</p>

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<p>Impact</p>	<p>Monitoring Schedule</p>	<p>County of San Mateo Planning and Building Department Shall oversee implementation of design-level geotechnical investigation recommendations</p>	<p>Prior to issuance of grading permit</p>	<p>Confirm and document during grading and building permit review</p>
<p>GEOLOGY AND SOILS</p>	<p>Mitigation Measure GEO-1: The proposed project would involve development on slopes steeper than 15 percent and could expose people and structures to landslide hazards.</p> <p>Mitigation Measure GEO-1: A design-level geotechnical investigation of the site shall be performed prior to any project grading including static and seismic slope stability analysis of the areas of the project site to be graded and developed. The specific mitigation measures to be utilized in order to stabilize existing landslides and areas of potential seismically induced landslides shall be presented in the report. The specific mitigation measures shall include some of the following measures or measures comparable to these:</p> <ul style="list-style-type: none"> • Landslide debris on lots 7 and 8 shall be excavated and replaced with a fully drained conventional buttress fill that is founded in the underlying Franciscan mélange, as recommended by the project geotechnical engineer. (Lots 7-8) • Retaining walls shall be designed to withstand high lateral earth pressure from adjoining natural materials and/or backfill shall be installed at the rear of lots 5 through 8. In addition, retaining walls shall be built in the front of lots 5 and 6 to aid in maintaining the slopes behind the lots and the more extensive cut required for lots 5 and 6. (Lots 5-8) • A surface drainage system shall be installed for each lot to mitigate new landslides developing within the thin veneer of soil mantling the bedrock on the slope below lots 1 through 4. (Lots 1-4) • Subsurface drainage galleries may be installed to control the flow of groundwater and reduce the potential for slope instabilities from occurring in the future. (All lots) • Over-steepening of slopes shall be avoided. Horizontal benches shall be constructed on all reconstructed slopes at an interval of 25 to 30 feet. New fill shall be compacted to at least 90 percent relative compaction (as determined by ASTM test method D1557). (All lots) • Drilled piers and grade-beam foundations shall be used to support foundations in accordance with recommendations of the project geotechnical engineer. (All lots) 			

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4.0 Mitigation Monitoring and Reporting Program

GEOLOGY AND SOILS (continued)		Monitoring Schedule
<p>Impact GEO-2: The proposed project is located on a geologic unit that may be unstable or could become unstable as a result of the project.</p>	<p>Mitigation Measure GEO-2a: Materials used to construct the buttress fill should have effective strength parameters equal to or better than the parameters used in the Treadwell & Rollo 2009 study. (Lots 7 and 8)</p>	<p>County of San Mateo Planning and Building Department Shall oversee implementation of geotechnical investigation recommendations</p>
<p>Mitigation Measure GEO-2b: The following mitigation measures shall be implemented to ensure the stability of proposed structures that are located on deep fill soils:</p> <ul style="list-style-type: none"> A site-specific, design-level geotechnical investigation shall be completed during the design phase of the proposed project, and prior to approval of new building construction within the site for specific foundation design, slope configuration, and drainage design. (All lots) The geotechnical investigation shall provide recommendations to prevent water from ponding in pavement areas and adjacent to the foundation of the proposed residences, and to prevent collected water from being discharged freely onto the ground surface adjacent to the residences, site retaining walls, or artificial slopes. The project geotechnical engineer shall identify on site areas downslope of the homes where the collected water may be discharged utilizing properly designed energy dissipaters. (All lots) Fills used at the project site shall be properly placed with keyways and subsurface drainage, and adequately compacted following the recommendations of the final geotechnical report and Geotechnical Engineer, in order to significantly reduce fill settlement. (All lots) Underground utilities shall be designed and constructed using flexible connection points to allow for differential settlement. (All lots) 	<p>County of San Mateo Planning and Building Department Shall oversee implementation of design-level geotechnical investigation recommendations</p>	<p>Prior to issuance of grading permit</p>
		<p>Document and confirm during building permit review</p>
		<p>Prior to issuance of grading permit</p>
		<p>Confirm and document during grading and building permit review</p>

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GEOLOGY AND SOILS (continued)		Monitoring Schedule
<p>Impact GEO-2 (continued)</p>	<p>Foundation plans shall be submitted to the County for review prior to issuance of a building permit. All foundation excavations shall be observed during construction by the project Geotechnical Engineer to insure that subsurface conditions encountered are as anticipated. As-built documentation shall be submitted to the County. (All lots)</p> <ul style="list-style-type: none"> • Drilled pier and grade-beam foundations or other appropriate foundations per the recommendations of the design-level geotechnical investigation shall be developed for lots that are determined to likely experience soil creep. (All lots) <p>All work shall be completed in accordance with requirements of the 2007 California Building Code and the San Mateo County Building Code. (All lots)</p>	<p>Prior to issuance of grading permit; During construction</p>
<p>Impact GEO-3: The proposed project would not result in substantial soil erosion or the loss of topsoil from grading activities.</p>	<p>Improvement Measure GEO-3: In compliance with the NPDES regulations, the Project Applicant shall file a Notice of Intent with the State Water Resources Control Board (SWRCB) prior to the start of grading and prepare a SWPPP.</p> <p>The SWPPP shall include specific best management practices to reduce soil erosion. The SWPPP shall include locations and specifications of recommended soil stabilization techniques, such as placement of straw wattles, silt fence, berms, and storm drain inlet protection. The SWPPP shall also depict staging and mobilization areas with access routes to and from the site for heavy equipment. The SWPPP shall include temporary measures to reduce erosion to be implemented during construction, as well as permanent measures.</p> <p>County staff and/or representatives shall review the SWPPP to ensure adequate compliance with State and County standards.</p> <p>County staff and/or representatives shall visit the site during grading and construction to ensure compliance with the SWPPP, as well as note any violations, which shall be corrected immediately. A final inspection shall be completed prior to occupancy.</p>	<p>County of San Mateo Planning and Building Department Shall review and oversee compliance with the SWPPP</p>

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<p>GEOLOGY AND SOILS (continued)</p> <p>Impact GEO-4: The proposed project could expose people or structures to potential adverse effects, including the risk of loss, injury, or death involving strong seismic groundshaking.</p>	<p>Mitigation Measure GEO-4: The Project Applicant shall be required to use the seismic design criteria listed below to design structures and foundations to withstand expected seismic sources in accordance with the California Building Code (2007) as adopted by the County of San Mateo.</p> <p>Site Class: C</p> <p>Soil Profile Name: Very Dense Soil and Soft Rock</p> <p>Occupancy Category: II</p> <p>Seismic Design Category: E</p> <p>Mapped Spectral Response for Short Periods- 0.2 Sec (S_s): 2.226 g</p> <p>Mapped Spectral Response for Long Periods- 1 Sec (S_l): 1.273 g</p> <p>Site Coefficient- F_a, based on the mapped spectral response for short periods: 1.0</p> <p>Site Coefficient- F_v, based on the mapped spectral response for long periods: 1.3</p> <p>Adjusted Maximum Considered EQ Spectral Response for Short Periods (SMS): 2.226</p> <p>Adjusted Maximum Considered EQ Spectral Response for Long Periods (SMI): 1.655</p> <p>Design (5-percent damped) Spectral Response Acceleration Parameters at short periods (SDS): 1.484</p> <p>Design (5-percent damped) Spectral Response Acceleration Parameters at long periods (SD1): 1.103</p>	<p>County of San Mateo Planning and Building Department</p> <p>Shall oversee compliance with California Building Code</p>	<p>Project design and review process</p>	<p>Confirm and document during building permit review</p>
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4.0 Mitigation Monitoring and Reporting Program

Mitigation Schedule	Activity	Responsible Party	Mitigation Measure
During grading activities	County of San Mateo Planning and Building Department	Shall oversee implementation of geotechnical investigations recommendations	<p>GEOLOGY AND SOILS (continued)</p> <p>Mitigation Measure GEO-5: During site grading, soils in each lot shall be observed and tested by the project Geotechnical Engineer to determine if expansive soils are exposed. Should expansive soils be encountered in planned building or pavement locations, the following measures shall be implemented under the direction of the Geotechnical Engineer in order to mitigate the impact of expansive soils:</p> <ul style="list-style-type: none"> • Expansive soils in foundation areas shall be excavated and replaced with non-expansive fill to the specifications of the geotechnical engineer. • A layer of non-expansive fill soils 12 to 24 inches in thickness shall be placed over the expansive materials and prior to the placement of pavements or foundations. • Moisture conditioning of expansive soil shall be applied to a degree that is several percent above the optimum moisture content or lime treating of the expansive soil. • Foundations shall be constructed to be below the zone of seasonal moisture fluctuation or to be capable of withstanding the effects of seasonal moisture fluctuations. • Specific control of surface drainage and subsurface drainage measures shall be provided. • Low water demand landscaping shall be used.
Confirm and document prior to issuance of building permit			

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Mitigation Schedule	
<p>OTHER RESOURCE TOPICS</p> <p>Impact AQ-1: The proposed project would generate pollutants that would violate existing standards of air quality on site or in the surrounding area or violate an air quality standard or contribute substantially to an existing or project air quality violation.</p>	<p>Mitigation Measure AQ-1: The Project Applicant shall require that the following BAAQMD recommended and additional PM₁₀ reduction practices be implemented by including them in the contractor construction documents:</p> <p>The first phase of construction shall require 30 percent of construction equipment to meet Tier 1 EPA certification standards for clean technology. The remainder of construction equipment (70 percent), which would consist of older technologies, shall be required to use emulsified fuels.</p> <ul style="list-style-type: none"> • The second phase of construction shall require 30 percent of construction equipment to meet Tier 2 EPA certification standards for clean technology and 50 percent to meet Tier 1 EPA certification standards. The remaining 20 percent of construction equipment, which would consist of older technologies, shall use emulsified fuels. • For all larger vehicles, including cement mixers or other devices that must be delivered by large trucks, vehicles shall be equipped with CARB level three verified control devices. • Water all active construction areas at least twice daily. • Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard. • Pave, apply water three times daily, or apply non-toxic soil stabilizers on all unpaved access roads, parking areas, and staging areas at the construction sites. • Sweep daily (with water sweepers) all paved access roads, parking eas, and staging areas at the construction sites. • Sweep public streets adjacent to construction sites daily (with water sweepers) if visible soil material is carried onto the streets. • Hydroseed or apply non-toxic soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
<p>County of San Mateo Planning and Building Department Shall oversee implementation of recommendations</p>	<p>During grading and construction</p>
<p>Confirm and document during grading and building permit review</p>	

4.0 Mitigation Monitoring and Reporting Program

Impact	Mitigation	Monitoring Schedule
<p>OTHER RESOURCE TOPICS (continued)</p> <p>Impact AQ-1 (continued)</p> <ul style="list-style-type: none"> • Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.). Limit traffic speeds on unpaved roads to 15 miles per hour. • Limit traffic speeds on unpaved roads to 15 miles per hour. • Install sandbags or other erosion control measures to prevent silt runoff to public roadways. • Replant vegetation in disturbed areas as soon as possible. • Install wheel washers for all exiting trucks or wash off the tires or tracks of all trucks and equipment leaving the construction site. • Install wind breaks at the windward sides of the construction areas • Suspend excavation and grading activities when wind (as instantaneous gusts) exceeds 25 miles per hour. 		

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OTHER RESOURCE TOPICS (continued)		San Mateo County	San Mateo County	San Mateo County
<p>Impact NOI-1: The proposed project would generate noise levels in excess of levels determined appropriate according to the County Noise Ordinance standard.</p>	<p>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:</p> <ul style="list-style-type: none"> • Equipment and trucks used for project 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. • Equipment used for project 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. • The 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. • 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. 	<p>County of San Mateo Planning and Building Department</p> <p>Shall monitor compliance with construction noise reduction practices</p>	<p>During grading</p>	<p>Confirm and document during grading and building permit review</p>

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4.0 Mitigation Monitoring and Reporting Program

OTHER RESOURCE TOPICS (continued)		Monitoring Schedule
<p>Impact HAZMAT-1: The proposed project would expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.</p>	<p>Mitigation Measures HAZMAT-2: Individual property owners for lots 1-4 and 9, 10, and 11 shall be responsible for maintaining a fuel break by removing all hazardous flammable materials or growth from the ground around each home for a distance of not less than 100 feet from its exterior circumference, for the life of the project. Property owners of lots listed above shall arrange with the property owner of the open space parcel to obtain legal access to the open space parcel for the purpose of vegetation clearance. This would not include the authorization of tree removal for trees protected by the RM zoning regulations. This requirement shall be recorded as a deed restriction on lots 1 through 4, and 9, 10, and 11 prior to the start of construction on these lots.</p>	<p>California Department of Forestry and Fire Protection Shall monitor maintenance of fuel breaks</p> <p>During project occupancy</p> <p>Confirm recordation of deed restriction prior to construction Confirm and document compliance during dry season annually</p>

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4.0 Mitigation Monitoring and Reporting Program

Impact	Mitigation	Monitoring Schedule
<p>OTHER RESOURCE TOPICS (continued)</p> <p>Impact HAZMAT-2: The proposed project would create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.</p>	<p>Mitigation Measure HAZMAT-3: During the design level geotechnical investigation, representative soil samples shall be obtained for each lot proposed on an area underlain or potentially underlain by serpentine bedrock. These samples shall be tested for the presence of naturally occurring asbestos by a state certified testing laboratory in accordance with requirements of the CARB and the BAAQMD and the results shall be provided to the County Planning Department.</p> <p>If naturally occurring asbestos is identified at the site, a site health and safety (H&S) plan including methods for control of airborne dust shall be prepared. This plan shall be reviewed and approved by the County of San Mateo prior to grading in areas underlain by serpentine-bearing soils or bedrock and naturally occurring asbestos. The H&S plan shall strictly control dust-generating excavation and compaction of material containing naturally occurring asbestos. The plan shall also identify site-monitoring activities deemed necessary during construction (e.g., air monitoring). Worker monitoring shall also be performed as appropriate. The plan shall define personal protection methods to be used by construction workers. All worker protection and monitoring shall comply with provisions of the Mining Safety and Health Administration (MSHA) guidelines, California Division of Occupational Safety and Health (DOSH), and the Federal Occupational Safety and Health Administration (OSHA).</p> <p>If naturally occurring asbestos is found at the site, a Soil Management Plan shall be developed and approved by the County Planning Department to provide detailed descriptions of the control and disposition of soils containing naturally occurring asbestos. Serpentine material placed as fill shall be sufficiently buried in order to prevent erosion by wind or surface water run-off, or exposure to future human activities, such as landscaping or shallow trenches. Additionally, the BAAQMD shall be notified prior to the start of any excavation in areas containing naturally occurring asbestos.</p>	<p>County of San Mateo Planning and Building Department Shall review and oversee implementation of site Health and Safety Plan and Soil Management Plan</p>
	<p>Completion of plan prior to grading and compliance with plan during grading</p>	<p>Completion of plan prior to grading and compliance with plan during grading</p>
	<p>Completion of plan prior to grading and compliance with plan during grading</p>	<p>Completion of plan prior to grading and compliance with plan during grading</p>

4.0 Mitigation Monitoring and Reporting Program

OTHER RESOURCE TOPICS (continued)		Measuring Schedule
<p>Impact TRANS-1: The proposed project would not result in significant transportation-related impacts.</p>	<p>Improvement Measure TRANS-1: The Project Applicant shall prepare and submit a Construction Management Plan that will, among other things, require that all truck movement associated with project construction occur outside the commute peak hours.</p>	<p>County of San Mateo Planning and Building Department Shall review and oversee implementation of Construction Management Plan</p> <p>Project design and review process</p> <p>Confirm and document prior to issuance of grading permit</p>
<p>Impact TRANS-2: The proposed project would not result in or increase traffic hazards due to a design feature or incompatible uses.</p>	<p>Mitigation Measure TRANS-2: The Project Applicant shall be required to pay for the installation of advisory traffic signs on Ticonderoga Drive in the vicinity of the proposed homes as determined necessary by the County of San Mateo Department of Public Works.</p>	<p>County of San Mateo Department of Public Works Shall collect fee from Project Applicant</p> <p>Prior to Department of Public Works' final approval of building permits for lots 7 and 8</p> <p>Complete upon installation of advisory traffic signs</p>
<p>Impact UTIL-1: The proposed project would require hookup to an existing sewage collection system which is at or over capacity, and therefore could potentially result in water quality impacts from sewage overflows.</p>	<p>Mitigation Measure UTIL-1: The Project Applicant shall mitigate the project-generated increase in sewer flow such that there is a "zero net increase" in flow during wet weather events, by reducing the amount of existing Inflow and Infiltration (INI) into the Crystal Springs County Sanitation District (District) sewer system. This shall be achieved through the construction of improvements to impacted areas of the sewer system, with construction plans subject to District approval. Construction of improvements, as approved by the District, shall be completed prior to the start of the construction of the residences. In addition, as project sewage will be treated by the City of San Mateo's Wastewater Treatment Plant, the Project Applicant shall submit payment of the City of San Mateo Wastewater Treatment Plant Expansion development impact fee to the City of San Mateo. This fee is based on the number of bedrooms in each residential unit and is calculated at the time of the final plans, using the City's fee schedule in effect at the time of the building permit application.</p>	<p>Crystal Springs County Sanitation District Shall review sewer system improvement plans</p> <p>Project design and review process</p> <p>Complete upon construction of sewer system improvements and payment of development impact fee (prior to construction of residences)</p>

5.0 LIST OF EIR PREPARERS

5.1 LEAD AGENCY

County of San Mateo
455 County Center, 2nd Floor
Redwood City, CA 94063

Lisa Grote, Community Development Director

Camille Leung, Planner III, Project Planner

Matt Seubert, Planner III

Pete Bentley, Senior Civil Engineer

5.2 PREPARERS OF THE ENVIRONMENTAL DOCUMENT

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Tom Brauer, Graphics Coordinator

Ian Hillway, Publications Manager

Lisa Cuoco, Publications Coordinator

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Fehr & Peers

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5.0 List of EIR Preparers

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Planning & Building Department

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Please reply to: Camille Leung
(650) 363-1826

February 12, 2010

Chamberlain Group
Attn: Sylvia Nelson
655 Skyway, Suite 230
San Carlos, CA 94070

PROJECT FILE

Dear Ms. Nelson:

Subject: County File Number: **PLN2006-00357**
Location: (no specific addresses assigned)
APNS: 041-072-030 and 041-101-290 (Project Sites for proposed Subdivision)

On February 10, 2010, the San Mateo County Planning Commission Considered: (1) the certification of a re-circulated Draft and Final Environmental Impact Report, pursuant to the California Environmental Quality Act (CEQA) for the proposed Highlands Estates Subdivision; (2) a County-proposed Zoning Text Amendment to modify the County's non-coastal Resource Management (RM) regulations in order to allow for reduced setbacks for residential projects in urban areas (specifically, properties in the San Mateo Highlands neighborhood, San Bruno Mountain, areas owned by Stanford University, the Los Trancos Woods Area, the Edgewood Park Area, and the San Bruno County Jail Area) that preserve open space, pursuant to Section 6550 of the County Zoning Regulations; and to allow the following Applicant-proposed actions on APN 041-101-290 and APN 041-072-030: (3) a rezoning of an approximately 27,000 sq. ft. portion of APN 041-101-290 from RM to an R-1/S-81 zoning designation, pursuant to Section 6550 of the County Zoning Regulations; (4) a Lot Line Adjustment between the two subject parcels to retain the number of existing legal parcels but to result in a new parcel configuration (Lot 10) at the base of Cobblehill Place, pursuant to Section 7124 of the County Subdivision Regulations; (5) a rezoning of a 2,178 sq. ft. area (formerly APN 041-072-030) from R-1/S-8 to RM, pursuant to Section 6550 of the County Zoning Regulations; (6) a Major Subdivision of a 96.56-acre area (formerly APN 041-101-290) to create ten new residential parcels (Lots 1 through 9 and Lot 11), with appropriate development restrictions on the remainder as per Section 6318 of the Zoning Regulations, pursuant to the Section 7010 of the County Subdivision Regulations;

Attn: Sylvia Nelson
Chamberlain Group
February 12, 2010
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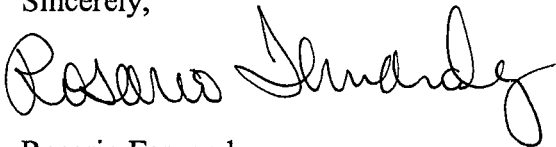
(7) a Resource Management (RM) Permit to subdivide and develop nine lots to be located in the RM-zoned portion of the property (Lots 1 through 8 and Lot 11), including granting two bonus density credits and an approval of a reduction in the minimum front and side yard setback requirements as per the proposed Zoning Text Amendment, pursuant to Sections 6313 and 6318 of the County Zoning Regulations; and (8) a Grading Permit to perform approximately 6,700 cubic yards of cut and approximately 7,600 cubic yards of fill for the development of eleven residential lots, pursuant to Section 8600 of the San Mateo County Ordinance Code.

Based on information provided by staff and evidence presented at the hearing, the Planning Commission recommended project approval to the Board of Supervisors based on the findings and conditions of approval listed in Attachments A and B.

Any interested party aggrieved by the determination of the Planning Commission has the right of appeal to the Board of Supervisors within ten (10) business days from such date of determination. The appeal period for this matter will end at **5:00 p.m. on February 25, 2010.**

If you have questions regarding this matter, please contact the Project Planner listed on page one.

Sincerely,



Rosario Fernandez
Planning Commission Secretary
Pcd0210U_rf_Ticonderoga(final)

Enclosures: Attachment A
 Attachment B
 San Mateo County Cares Survey

cc: Members, Board of Supervisors
 David Boesch, County Manager
 Dave Byers
 Cary Wiest
 Sylvia Merkadeau
 Catherine Palter
 Alan Palter
 Roland Haga
 Scott Fitinghoff

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County of San Mateo
Planning and Building Department

REVISED
FINDINGS FOR COUNTY-PROPOSED
RESOURCE MANAGEMENT (RM) ZONING DISTRICT TEXT AMENDMENT

Permit or Project File Number: PLN 2006-00357

Hearing Date: February 10, 2010

Prepared By: Camille Leung, Project Planner

Adopted By: Planning Commission

FINDINGS

Recommend to the Board of Supervisors:

Regarding the Environmental Review, Found:

1. That the re-circulated Draft Environmental Impact Report (EIR) and Final EIR are complete, correct and adequate, and prepared in accordance with the California Environmental Quality Act and applicable State and County guidelines, with the following clarification by Commissioner Slocum to replace the third sentence under “Alternative 3: Alternate Project Scheme” on page 6.0-10 of the re-circulated Draft EIR: “This would reduce the number of homes located within an area where two landslides have been identified and could potentially minimize aesthetics impacts to off-site views of the homes along Ticonderoga Drive.” The public review period for the Draft EIR was September 14, 2009 to November 9, 2009. The public review period for the Final EIR was January 4, 2010 to January 14, 2010.
2. That, on the basis of the Draft and Final EIR, no substantial evidence exists that the project will have a significant effect on the environment. The prepared Draft and Final EIR reveal that the project (Zoning Text Amendment) may only result in impacts considered “less than significant.”
3. That no mitigation measures were included in the Draft and Final EIR for the Zoning Text Amendment, as the proposed project could not have a significant effect on the environment.
4. That the Draft and Final EIR prepared by Impact Sciences, the County’s EIR consultant for this project, reflects the independent judgment of San Mateo County and does not represent the interests of the applicant or any other interested parties.

Regarding the Zoning Text Amendment to the Resource Management (RM) District Regulations, Found:

5. That the Board of Supervisors has reviewed and considered the information contained in the Draft and Final EIR prior to approving the project.
6. That the amendment is required by public necessity, convenience, and general welfare, and that the amendment has followed the procedure specified in Chapter 27 (*Amendments*) of the San Mateo County Zoning Regulations. The proposed amendment would allow the opportunity of a setback reduction for other urban RM-zoned properties, in order to promote the preservation of open space, reduce necessary land disturbance and grading, and allow the location of homes in a manner conforming to the existing pattern of development within an urban residential neighborhood.
7. Amend, by Ordinance, the RM District Regulations by adding a provision that would allow a reduction in existing setbacks and accessory building setbacks for properties that meet specific criteria for preservation of open space, project conformance to existing development, minimization of grading, and compliance with development standards.

CML:fc – CMLU00112(Attach A-B)_WFU.DOC

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County of San Mateo
Planning and Building Department

REVISED
FINDINGS AND CONDITIONS OF APPROVAL
FOR THE HIGHLANDS ESTATES PROJECT

Permit or Project File Number: PLN 2006-00357

Hearing Date: February 10, 2010

Prepared By: Camille Leung, Project Planner

Adopted By: Planning Commission

FINDINGS

Recommend to the Board of Supervisors:

Regarding the Environmental Review, Found:

1. That the re-circulated Draft Environmental Impact Report (EIR) and Final EIR are complete, correct and adequate, and prepared in accordance with the California Environmental Quality Act and applicable State and County guidelines, with the following clarification by Commissioner Slocum to replace the third sentence under "Alternative 3: Alternate Project Scheme" on page 6.0-10 of the re-circulated Draft EIR: "This would reduce the number of homes located within an area where two landslides have been identified and could potentially minimize aesthetics impacts to off-site views of the homes along Ticonderoga Drive." The public review period for the Draft EIR was September 14, 2009 to November 9, 2009. The public review period for the Final EIR was January 4, 2010 to January 14, 2010.
2. That, on the basis of the Draft and Final EIR, no substantial evidence exists that the project will have a significant effect on the environment. The prepared Draft and Final EIR reveal that the project, as mitigated, may only result in impacts considered "less than significant."
3. That the Mitigation Monitoring and Reporting Program incorporated within the Final EIR, which monitors compliance with mitigation measures intended to avoid or substantially lessen significant environmental effects, has been adopted. Compliance with the conditions of approval listed below shall be monitored and confirmed according to implementation deadlines as specified within each condition.
4. That the Draft and Final EIR prepared by Impact Sciences, the County's EIR consultant for this project, reflects the independent judgment of San Mateo County and does not represent the interests of the applicant or any other interested parties.

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Regarding the Major Subdivision and Lot Line Adjustment, Found:

5. That, in accordance with Section 7013.3.b of the County Subdivision Regulations, this tentative map, together with the provisions for its design and improvement, is consistent with the San Mateo County General Plan, specifically, Policies 8.14 (*Land Use Compatibility*) and 8.35 (*Uses*), requiring consistency of proposed parcels with the surrounding residential land uses, and Policy 8.29 (*Infilling*) which encourages the infilling of urban areas where infrastructure and services are available. As proposed and conditioned, the Lot Line Adjustment and subdivision would result in home sites compatible to surrounding home sites zoned R-1/S-8, which requires a minimum building site of 7,500 sq. ft. Also, each of the eleven proposed residential lots would adjoin existing homes and be served by existing roads and utilities.
6. That the site is physically suitable for the type and proposed density of development. As described in Sections A.1 and A.2 of the staff report, the project complies with both the General Plan land use density designation and the Resource Management (RM) Zoning District Maximum Density of Development. As discussed in the re-circulated Draft EIR and Final EIR, the project, as proposed and mitigated, would not result in any significant impacts to the environment.
7. That the design of the subdivision and the proposed improvements are not likely to cause serious public health problems, substantial environmental damage, or substantially and avoidably injure fish or wildlife or their habitat. Implementation of mitigation measures in the re-circulated Draft EIR and Final EIR would reduce project environmental impacts to less than significant levels.
8. That the design of the subdivision and the proposed improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. Existing easements include an access easement along Bunker Hill Drive to benefit an adjacent parcel (not owned by the applicant), water line easements from the two California Water Service Company parcels surrounded by the larger project parcel, storm drain easements from Yorktown Road and New Brunswick Drive, and a 120-foot sanitary sewer easement from Ticonderoga Drive. The project would not change the boundaries of or impede access to these existing easements.
9. That future development on the parcels could make use of passive heating and cooling to the extent practicable because parcels have unobstructed solar access to the southwest, thereby allowing morning sun to passively or actively (using rooftop solar panels) heat the proposed houses.
10. That the discharge of waste from the proposed subdivision into an existing community sewer system would not result in violation of existing requirements prescribed by a State Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the State Water Code. Sanitary sewer service would be provided to the project site by the Crystal Springs County Sanitation District (District). Currently, the sewer collection system is over capacity during the wet seasons. Per Mitigation Measure UTIL-1, the applicant would be required to mitigate the project-generated increase in sewer flow such that there is a “zero net increase” in flow during wet weather events, by reducing the

amount of existing Inflow and Infiltration (INI) into the District sewer system. This shall be achieved through the construction of improvements to impacted areas of the sewer system, with construction plans subject to District approval.

11. That the land is not subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (“the Williamson Act”) nor does the property currently contain any agricultural land uses.
12. That, per Section 7005 of the San Mateo County Subdivision Regulations, the proposed subdivision would not result in a significant negative effect on the housing needs of the region. The project would result in the construction of eleven (11) new single-family residences where only vacant land use exists.

Regarding the Rezoning Map Amendments, Found:

13. That the Board of Supervisors has reviewed and considered the information contained in the Draft and Final EIR prior to approving the project.
14. That the amendments are required by public necessity, convenience, and general welfare, and that the amendments have followed the procedure specified in Chapter 27 (*Amendments*) of the San Mateo County Zoning Regulations. The proposed amendments would facilitate the preservation of an urban-zoned parcel which should be reserved for open space use due to on-site sensitive habitat (APN 041-072-030) and the development of an RM-zoned area (portion of APN 041-101-290) that is adjacent to urban residential uses and does not contain any sensitive habitat. The proposed action would result in increased preservation of on-site sensitive habitat and in uses that are more compatible with the surrounding environment.
15. Rezone, by the ordinance attached as Attachment M to this report, a portion of APN 041-101-290 shown within the boundaries on the map identified as Exhibit “A” from “Resource Management (RM)” to an “R-1/S-81” zoning designation.
16. Rezone, by the ordinance attached as Attachment N to this report, a 2,178 sq. ft. area (formerly APN 041-072-030) shown within the boundaries on the map identified as Exhibit “A” from an “R-1/S-8” zoning designation to “Resource Management (RM).”

Regarding the Resource Management (RM) Permit, Found:

17. That this project has been reviewed under and found to comply with zoning regulations applicable to the Resource Management (RM) District, including Chapter 20.A (*Resource Management District*), Section 6324 (*General Review Criteria for RM District*), and Section 6451.3 of Chapter 23 (*Development Review Procedure*). Specifically, as proposed, mitigated, and conditioned, the project complies with the maximum density credits (plus requested bonus credits), requirement for a conservation easement over the remainder parcel, as well as applicable Environmental Quality Criteria and Site Design Criteria requiring minimization of grading and an RM Permit for tree removals.

Regarding the Grading Permit, Found:

18. That the project will not have a significant adverse effect on the environment. The proposed grading has the potential to result in air quality impacts, substantial soil erosion and impacts to special-status plants and wildlife species. As discussed in the re-circulated Draft EIR and Final EIR, implementation of mitigation measures in the re-circulated Draft EIR and Final EIR would reduce project environmental impacts to less than significant levels.
19. That the project conforms to the criteria of Chapter 8, Division VII, San Mateo County Ordinance Code (Grading Regulations), including the grading standards referenced in Section 8605. The applicant has submitted Grading and Detention Plans as well as Erosion Control Plans for the eleven (11) residential lots. As discussed in Section 4.3 of the re-circulated Draft EIR (Geology and Soils), the EIR geotechnical consultant has concluded that the proposed residential development is feasible from a geologic perspective with the implementation of proposed mitigation measures, which are intended to mitigate geologic hazards through the stabilization of existing landslides and the use of appropriate foundations (GEO-1 and GEO-2), minimize soil erosion by requiring compliance with the State's National Pollution Discharge Elimination System (NPDES) General Permit including preparation of a Stormwater Pollution Prevention Plan (SWPPP) (GEO-3), and implementation of the Bay Area Air Quality Management District's (BAAQMD) Particulate Matter (PM) reduction practices during grading and construction (AQ-1). In addition, conditions of approval prohibit grading within the wet season (October 15 through April 15) unless approved by the Community Development Director.
20. That the project is consistent with the General Plan. As proposed, mitigated, and conditioned, the project complies with the policies of the Soil Resources Chapter of the General Plan, including policies requiring the minimization of erosion.

CONDITIONS OF APPROVAL

A. PLANNING AND BUILDING DEPARTMENT

1. This approval applies only to the proposal, documents and plans described in this report and submitted to and approved by the Board of Supervisors on _____. Minor revisions or modifications to these projects in compliance with Condition No. 5 may be made subject to the review and approval of the Community Development Director. Revisions or modifications not in compliance with Condition No. 5 shall be deemed a major modification and shall be subject to review and approval by the Planning Commission at a public hearing.
2. This subdivision approval is valid for two years, during which time a Final Map shall be filed. An extension to this time period in accordance with Section 7013.5.c of the Subdivision Regulations may be issued by the Planning and Building Department upon written request and payment of any applicable extension fees (if required).
3. The Final Map shall be recorded pursuant to the plans approved by the Board of Supervisors; any deviation from the approved plans shall be reviewed and approved by the Community Development Director. Revisions or modifications not in compliance with

parcel size and configuration as approved by the Board of Supervisors and applicable conditions of approval (including but not limited to) Condition Nos. 8, 9 and 11 shall be deemed a major modification and shall be subject to review and approval by the Planning Commission at a public hearing.

4. The property owner shall comply with all mitigation measures as revised and listed below (based on the Mitigation Monitoring and Reporting Program (MMRP) incorporated within the Final EIR made available on January 4, 2010). Mitigation timing and monitoring shall be as specified in the MMRP, when timing has not been specified below. The applicant shall enter into a contract with the San Mateo County Planning and Building Department for all mitigation monitoring for this project prior to the issuance of any grading permit “hard card” for the project. The fee shall be staff’s cost, plus 10 percent, as required in the current Planning Service Fee Schedule. Planning staff may, at their discretion, contract these services to an independent contractor at cost, plus an additional 10 percent for contract administration.
 - a. **Improvement Measure AES-1a:** The Project Applicant shall provide “finished floor verification” to certify that the structures are actually constructed at the height shown on the approved plans. The Project Applicant shall have a licensed land surveyor or engineer establish a baseline elevation datum point in the vicinity of the construction site. Prior to the below floor framing inspection or the pouring of concrete slab for the lowest floors, the land surveyor shall certify that the lowest floor height as constructed is equal to the elevation of that floor specified by the approved plans. Similarly, certifications of the garage slab and the topmost elevation of the roof are required. The application shall provide the certification letter from the licensed land surveyor to the Building Inspection Section.
 - b. **Improvement Measure AES-1b:** The Project Applicant shall plant a total of eight (8) native trees (minimum 24-gallon each), two directly in front of each home on Lots 5 through 8 to soften and screen views of the new homes from off-site locations. These trees will be in addition to the fourteen (14) 15-gallon required replacement trees. Of the 14 replacement trees, three (3) trees shall be planted at the back of each of the homes on Cowpens Way and Cobblehill Place (three homes, nine (9) trees total). The applicant shall plant the remaining five (5) trees in the right side yard of Lot 8 in order to provide screening of this residence and other residences on Ticonderoga Drive as viewed from Lakewood Circle. All trees or replacement trees required by this condition shall be maintained in perpetuity by the respective property owner in order to maintain screening of the project.
 - c. **Improvement Measure AES-2:** Construction contractors shall minimize the use of on-site storage and when necessary store building materials and equipment away from public view and shall keep activity within the project site and construction equipment laydown areas.
 - d. **Mitigation Measure BIO-2a:** No earlier than 30 days prior to the commencement of construction activities, a survey shall be conducted to determine if active woodrat nests (stickhouses) with young are present within the disturbance zone or within 100 feet of the disturbance zone. If active woodrat nests (stickhouses) with young are

identified, a fence shall be erected around the nest site adequate to provide the woodrat sufficient foraging habitat at the discretion of a qualified biologist and based on consultation with the CDFG. At the discretion of the monitoring biologist, clearing and construction within the fenced area would be postponed or halted until young have left the nest. The biologist shall serve as a construction monitor during those periods when disturbance activities will occur near active nest areas to ensure that no inadvertent impacts on these nests will occur.

If woodrats are observed within the disturbance footprint outside of the breeding period, individuals shall be relocated to a suitable location within the open space by a qualified biologist in possession of a scientific collecting permit. This will be accomplished by dismantling woodrat nests (outside of the breeding period), to allow individuals to relocate to suitable habitat within the adjacent open space.

- e. **Mitigation Measure BIO-2b:** No earlier than two weeks prior to commencement of construction activities that would occur during the nesting/breeding season of native bird species potentially nesting/roosting on the site (typically February through August in the project region), a survey for nesting birds shall be conducted by a qualified biologist experienced with the nesting behavior of bird species of the region. The intent of the survey would be to determine if active nests of special-status bird species or other species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code are present in the construction zone or within 500 feet of the construction zone. The surveys shall be timed such that the last survey is concluded no more than two weeks prior to initiation of construction or tree removal work. If ground disturbance activities are delayed, then an additional pre-construction survey shall be conducted such that no more than two weeks will have elapsed between the last survey and the commencement of ground disturbance activities.

If active nests are found in areas that could be directly affected or subject to prolonged construction-related noise, a no-disturbance buffer zone shall be created around active nests during the breeding season or until a qualified biologist determines that all young have fledged. The size of the buffer zones and types of construction activities restricted within them will be determined through consultation with the CDFG, taking into account factors such as the following:

- Noise and human disturbance levels at the construction site at the time of the survey and the noise and disturbance expected during the construction activity;
- Distance and amount of vegetation or other screening between the construction site and the nest; and
- Sensitivity of individual nesting species and behaviors of the nesting birds.

Limits of construction to avoid an active nest shall be established in the field with flagging, fencing, or other appropriate barriers and construction personnel shall be instructed on the sensitivity of nest areas. A qualified biologist shall serve as a construction monitor during those periods when construction activities would occur

near active nest areas of special-status bird species and all birds covered by the Migratory Bird Act to ensure that no impacts on these nests occur.

- f. **Mitigation Measure BIO-2c:** Prior to the commencement of construction activities during the breeding season of native bat species in California (generally occurs from April 1 through August 31), a focused survey shall be conducted by a qualified bat biologist to determine if active maternity roosts of special-status bats are present within any of the trees proposed for removal. Should an active maternity roost of a special-status bat species be identified, the roost shall not be disturbed until the roost is vacated and juveniles have fledged, as determined by the biologist. Once all young have fledged, then the tree may be removed. Species-appropriate replacement roosting habitat (e.g., bat boxes) shall be provided should the project require the removal of a tree actively used as a maternity roost. The replacement roosting habitat shall be subject to the approval of the CDFG.
- g. **Mitigation Measure BIO-2d:** Immediately preceding initial ground disturbance activities on Lot 11, a pre-construction clearance survey shall be conducted by a qualified biologist for California red-legged frogs. The survey shall be conducted to determine whether individual California red-legged frogs are present within the disturbance boundary. Should a California red-legged frog be observed during the clearance survey, all construction activities on Lot 11 shall be immediately halted and the USFWS shall be immediately contacted. Under no circumstances shall a California red-legged frog be collected or relocated, unless USFWS personnel or their agents implement the measure. Construction-related activities may resume once the frog has naturally left the lot or has been relocated by a permitted biologist (authorized by the USFWS).
- h. **Mitigation Measure BIO-3:** Tree replacement shall occur at a minimum 2:1 ratio for all protected trees removed with a circumference of or exceeding 55 inches (17.5 inches diameter at breast height). Therefore, the seven (7) trees proposed for removal shall be replaced with fourteen (14) trees. The replacement of indigenous trees shall be in kind (i.e., live oaks removed shall be replaced by live oaks) and exotic trees to be removed shall be replaced with an appropriate native species on the tree list maintained by the County of San Mateo Planning Department. Replacement trees shall also be maintained for a minimum of three years.

To facilitate the successful replacement of trees, a tree replacement plan shall be prepared and shall meet the following standards:

- Where possible, the plan shall identify suitable areas for tree replacement to occur such that the existing native woodlands in the open space are enhanced and/or expanded.
- The plan shall specify, at a minimum, the following:
 - The location of planting sites;
 - Site preparation and planting procedures;

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- A schedule and action plan to maintain and monitor the tree replacement sites;
 - A list of criteria and performance standards by which to measure success of the tree replacement; and
 - Contingency measures in the event that tree replacement efforts are not successful.
- i. **Mitigation Measure BIO-5a:** Prior to the commencement of construction activities on Lot 11, the outer edge of the willow scrub habitat (facing Lot 11) shall be delineated by a qualified biologist. Temporary fencing shall be installed that clearly identifies the outer edge of the willow habitat and that identifies the willow scrub as an “Environmentally Sensitive Area.” Signs shall be installed indicating that the fenced area is “restricted” and that all construction activities, personnel, and operational disturbances are prohibited.
- j. **Mitigation Measure BIO-5b:** Prior to the issuance of a grading permit, the Project Applicant shall develop an erosion control plan. The plan shall include measures such as silt fencing to prevent project-related erosion and sedimentation from adversely affecting the creek zone and other habitats on and near Lots 1-11. The erosion control plan shall be subject to approval by the County of San Mateo Planning Department.
- k. **Mitigation Measure BIO-5c:** Prior to the issuance of the first building permit for any of the eleven (11) homes, the Project Applicant shall develop a lighting plan. The lighting plan shall require that all lighting be directed and shielded as to minimize light spillage into nearby willow scrub habitat, as well as adjacent oak woodland habitats. The lighting plan shall be subject to approval by the County of San Mateo Planning Department.
- l. **Mitigation Measure BIO-6:** Prior to the commencement of construction on Lot 8, the occurrence of purple needlegrass shall be mapped, including all stands on the lot with 20 percent or greater cover of native grasses and having a diameter greater than 10 feet. The area of purple needlegrass to be lost due to development of the lot shall then be calculated.

As part of the proposed project, approximately 92 acres of open space would be maintained as open space under a conservation easement. This open space contains a serpentine grassland (on the slope west of the water tanks) that is dominated by native grasses (including purple needlegrass) and other native plant species. These native grasses, including purple needlegrass, would be permanently protected by the conservation easement. In addition, non-native plant areas adjacent to the serpentine grassland shall be restored to support native grasses over an area twice the acreage (2:1) of the stands of purple needlegrass to be lost on Lot 8.

- m. **Mitigation Measure GEO-1:** A design-level geotechnical investigation of the site shall be performed prior to any project grading including static and seismic slope stability analysis of the areas of the project site to be graded and developed. The specific mitigation measures to be utilized in order to stabilize existing landslides and

areas of potential seismically induced landslides shall be presented in the report. The specific mitigation measures shall include some of the following measures or measures comparable to these:

- Landslide debris on Lots 7 and 8 shall be excavated and replaced with a fully drained conventional buttress fill that is founded in the underlying Franciscan mélange, as recommended by the project geotechnical engineer. (Lots 7-8)
 - Retaining walls shall be designed to withstand high lateral earth pressure from adjoining natural materials and/or backfill shall be installed at the rear of Lots 5 through 8. In addition, retaining walls shall be built in the front of Lots 5 and 6 to aid in maintaining the slopes behind the lots and the more extensive cut required for Lots 5 and 6. (Lots 5-8)
 - A surface drainage system shall be installed for each lot to mitigate new landslides developing within the thin veneer of soil mantling the bedrock on the slope below Lots 1 through 4. (Lots 1-4)
 - Subsurface drainage galleries may be installed to control the flow of groundwater and reduce the potential for slope instabilities from occurring in the future. (All lots)
 - Over-steepening of slopes shall be avoided. Horizontal benches shall be constructed on all reconstructed slopes at an interval of 25 to 30 feet. New fill shall be compacted to at least 90 percent relative compaction (as determined by ASTM test method D1557). (All lots)
 - Drilled piers and grade-beam foundations shall be used to support foundations in accordance with recommendations of the project geotechnical engineer. (All lots)
- n. **Mitigation Measure GEO-2a:** Materials used to construct the buttress fill should have effective strength parameters equal to or better than the parameters used in the Treadwell and Rollo 2009 study. (Lots 7 and 8)
- o. **Mitigation Measure GEO-2b:** The following mitigation measures shall be implemented to ensure the stability of proposed structures that are located on deep fill soils:
- A site-specific, design-level geotechnical investigation shall be completed during the design phase of the proposed project, and prior to approval of new building construction within the site for specific foundation design, slope configuration, and drainage design. (All lots)
 - The geotechnical investigation shall provide recommendations to prevent water from ponding in pavement areas and adjacent to the foundation of the proposed residences, and to prevent collected water from being discharged freely onto the ground surface adjacent to the residences, site retaining walls, or artificial

slopes. The project geotechnical engineer shall identify on site areas downslope of the homes where the collected water may be discharged utilizing properly designed energy dissipaters. (All lots)

- Fills used at the project site shall be properly placed with keyways and sub-surface drainage, and adequately compacted following the recommendations of the final geotechnical report and Geotechnical Engineer, in order to significantly reduce fill settlement. (All lots)
- Underground utilities shall be designed and constructed using flexible connection points to allow for differential settlement. (All lots)
- Foundation plans shall be submitted to the County for review prior to issuance of a building permit. All foundation excavations shall be observed during construction by the project Geotechnical Engineer to insure that subsurface conditions encountered are as anticipated. As-built documentation shall be submitted to the County. (All lots)
- Drilled pier and grade-beam foundations or other appropriate foundations per the recommendations of the design-level geotechnical investigation shall be developed for lots that are determined to likely experience soil creep. (All lots)

All work shall be completed in accordance with requirements of the 2007 California Building Code and the San Mateo County Building Code. (All lots)

- p. **Improvement Measure GEO-3:** In compliance with the NPDES regulations, the Project Applicant shall file a Notice of Intent with the State Water Resources Control Board (SWRCB) prior to the start of grading and prepare a SWPPP.

The SWPPP shall include specific best management practices to reduce soil erosion. The SWPPP shall include locations and specifications of recommended soil stabilization techniques, such as placement of straw wattles, silt fence, berms, and storm drain inlet protection. The SWPPP shall also depict staging and mobilization areas with access routes to and from the site for heavy equipment. The SWPPP shall include temporary measures to reduce erosion to be implemented during construction, as well as permanent measures.

County staff and/or representatives shall review the SWPPP to ensure adequate compliance with State and County standards.

County staff and/or representatives shall visit the site during grading and construction to ensure compliance with the SWPPP, as well as note any violations, which shall be corrected immediately. A final inspection shall be completed prior to occupancy.

- q. **Mitigation Measure GEO-4:** The Project Applicant shall be required to use the seismic design criteria listed below to design structures and foundations to withstand

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expected seismic sources in accordance with the California Building Code (2007) as adopted by the County of San Mateo.

Site Class: C

Soil Profile Name: Very Dense Soil and Soft Rock

Occupancy Category: II

Seismic Design Category: E

Mapped Spectral Response for Short Periods- 0.2 Sec (S_s): 2.226 g

Mapped Spectral Response for Long Periods- 1 Sec (S_1): 1.273 g

Site Coefficient - F_a , based on the mapped spectral response for short periods: 1.0

Site Coefficient - F_v , based on the mapped spectral response for long periods: 1.3

Adjusted Maximum Considered EQ Spectral Response for Short Periods (SMS): 2.226

Adjusted Maximum Considered EQ Spectral Response for Long Periods (SM1): 1.655

Design (5-percent damped) Spectral Response Acceleration Parameters at short periods (SDS): 1.484

Design (5-percent damped) Spectral Response Acceleration Parameters at long periods (SD1): 1.103

r. **Mitigation Measure GEO-5:** During site grading, soils in each lot shall be observed and tested by the project Geotechnical Engineer to determine if expansive soils are exposed. Should expansive soils be encountered in planned building or pavement locations, the following measures shall be implemented under the direction of the Geotechnical Engineer in order to mitigate the impact of expansive soils:

- Expansive soils in foundation areas shall be excavated and replaced with non-expansive fill to the specifications of the geotechnical engineer.
- A layer of non-expansive fill soils 12 to 24 inches in thickness shall be placed over the expansive materials and prior to the placement of pavements or foundations.
- Moisture conditioning of expansive soil shall be applied to a degree that is several percent above the optimum moisture content or lime treating of the expansive soil.
- Foundations shall be constructed to be below the zone of seasonal moisture fluctuation or to be capable of withstanding the effects of seasonal moisture fluctuations.
- Specific control of surface drainage and subsurface drainage measures shall be provided.
- Low water demand landscaping shall be used.

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- s. **Mitigation Measure AQ-1:** The Project Applicant shall require that the following BAAQMD recommended and additional PM₁₀ reduction practices be implemented by including them in the contractor construction documents:
- The first phase of construction shall require 30 percent of construction equipment to meet Tier 1 EPA certification standards for clean technology. The remainder of construction equipment (70 percent), which would consist of older technologies, shall be required to use emulsified fuels.
 - The second phase of construction shall require 30 percent of construction equipment to meet Tier 2 EPA certification standards for clean technology and 50 percent to meet Tier 1 EPA certification standards. The remaining 20 percent of construction equipment, which would consist of older technologies, shall use emulsified fuels.
 - For all larger vehicles, including cement mixers or other devices that must be delivered by large trucks, vehicles shall be equipped with CARB level three verified control devices.
 - Water all active construction areas at least twice daily.
 - Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
 - Pave, apply water three times daily, or apply non-toxic soil stabilizers on all unpaved access roads, parking areas, and staging areas at the construction sites.
 - Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at the construction sites.
 - Sweep public streets adjacent to construction sites daily (with water sweepers) if visible soil material is carried onto the streets.
 - Hydroseed or apply non-toxic soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
 - Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.). Limit traffic speeds on unpaved roads to 15 miles per hour.
 - Limit traffic speeds on unpaved roads to 15 miles per hour.
 - Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
 - Replant vegetation in disturbed areas as soon as possible.

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- Install wheel washers for all exiting trucks or wash off the tires or tracks of all trucks and equipment leaving the construction site.
 - Install wind breaks at the windward sides of the construction areas.
 - Suspend excavation and grading activities when wind (as instantaneous gusts) exceeds 25 miles per hour.
- t. **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:
- 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.
 - 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.
 - 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.
 - 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.
- u. **Mitigation Measures HAZMAT-2:** Individual property owners for Lots 1-4 and 9, 10, and 11 shall be responsible for maintaining a fuel break by removing all hazardous flammable materials or growth from the ground around each home for a

distance of not less than 100 feet from its exterior circumference, for the life of the project. Property owners of lots listed above shall arrange with the property owner of the open space parcel to obtain legal access to the open space parcel for the purpose of vegetation clearance. This would not include the authorization of tree removal for trees protected by the RM zoning regulations. This requirement shall be recorded as a deed restriction on Lots 1 through 4, and 9, 10, and 11 when the lots are sold.

- v. **Mitigation Measure HAZMAT-3:** During the design level geotechnical investigation, representative soil samples shall be obtained for each lot proposed on an area underlain or potentially underlain by serpentine bedrock. These samples shall be tested for the presence of naturally occurring asbestos by a state certified testing laboratory in accordance with requirements of the CARB and the BAAQMD and the results shall be provided to the County Planning Department.

If naturally occurring asbestos is identified at the site, a site health and safety (H&S) plan including methods for control of airborne dust shall be prepared. This plan shall be reviewed and approved by the County of San Mateo prior to grading in areas underlain by serpentine-bearing soils or bedrock and naturally occurring asbestos. The H&S plan shall strictly control dust-generating excavation and compaction of material containing naturally occurring asbestos. The plan shall also identify site-monitoring activities deemed necessary during construction (e.g., air monitoring). Worker monitoring shall also be performed as appropriate. The plan shall define personal protection methods to be used by construction workers. All worker protection and monitoring shall comply with provisions of the Mining Safety and Health Administration (MSHA) guidelines, California Division of Occupational Safety and Health (DOSH), and the Federal Occupational Safety and Health Administration (OSHA).

If naturally occurring asbestos is found at the site, a Soil Management Plan shall be developed and approved by the County Planning Department to provide detailed descriptions of the control and disposition of soils containing naturally occurring asbestos. Serpentine material placed as fill shall be sufficiently buried in order to prevent erosion by wind or surface water run-off, or exposure to future human activities, such as landscaping or shallow trenches. Additionally, the BAAQMD shall be notified prior to the start of any excavation in areas containing naturally occurring asbestos.

- w. **Improvement Measure TRANS-1:** The Project Applicant shall prepare and submit a Construction Management Plan that will, among other things, require that all truck movement associated with project construction occur outside the commute peak hours.
- x. **Mitigation Measure TRANS-2:** The Project Applicant shall be required to pay for the installation of advisory traffic signs on Ticonderoga Drive in the vicinity of the proposed homes if determined necessary by the County of San Mateo Department of Public Works.

- y. **Mitigation Measure UTIL-1:** The Project Applicant shall mitigate the project-generated increase in sewer flow such that there is a “zero net increase” in flow during wet weather events, by reducing the amount of existing Inflow and Infiltration (INI) into the Crystal Springs County Sanitation District (District) sewer system. This shall be achieved through the construction of improvements to impacted areas of the sewer system, with construction plans subject to District approval. Construction of improvements, as approved by the District, shall be completed prior to the start of the construction of the residences. In addition, as project sewage will be treated by the City of San Mateo’s Wastewater Treatment Plant, the Project Applicant shall submit payment of the City of San Mateo Wastewater Treatment Plant Expansion development impact fee to the City of San Mateo. This fee is based on the number of bedrooms in each residential unit and is calculated at the time of the final plans, using the City’s fee schedule in effect at the time of the building permit application.

The following conditions of approval document points of discussion among the County, the applicant and neighborhood groups:

5. Project will be implemented as proposed, mitigated, conditioned, and approved by the Board of Supervisors, regarding parcel size and configuration, home sizes, home locations, architectural design, style and color, materials, height and foundation design. Prior to the issuance of a Certificate of Occupancy for any residence, the applicant shall provide a copy of recorded deed restrictions and photographs to the Current Planning Section staff to demonstrate utilization of the approved colors and materials. Materials and colors shall not be highly reflective.
6. For all parcels (Lots 1 through 11):
- a. The “development shall employ colors and materials which blend in with, rather than contrast with, the surrounding soil and vegetative cover of the site. All exterior construction materials shall be of deep earth hues such as dark browns, greens, and rusts. The applicant shall utilize roof materials that perform as a “cool roof.” Roof colors shall be of a medium tone, subject to the approval of the Community Development Director. Exterior lighting shall be minimized and earth-tone colors of lights used.”
- b. All homes on Lots 1, 2, 3, 4 and 11 shall be no more than one-story high on the front curbside. Home design will be compatible with a contemporary, mid-20th century modern style, as shown in conceptual drawings approved by the Board of Supervisors. Rear facades of homes on Lots 9 through 11 shall have details to reduce the massing of the structure, specifically architectural articulation to break up the vertical facade, color variation, and brick or stone treatment for retaining walls supporting the residences.
7. Grading and Construction Staging Limits: Grading and construction activities shall be limited to the grading and staging limits presented in the approved Clearing, Construction, and Grading Limits Plan. The construction drawings associated with the subdivision improvement plans and the individual site development plans for Lots 1 through 11 shall include a Clearing, Construction and Grading Limits Plan (Limits Plan). The Limits Plan

and all associated documents must utilize **current topographic data (2009)** for all parcels, as mapped by Chris Hundemer at Treadwell and Rollo. The Limits Plan shall depict the fencing and protection of the adjacent open space parcel in conformance with the approved Vesting Tentative Map. This plan shall be subject to review and approval of the County Planning and Building Department and the Department of Public Works. The applicant shall install orange fencing, staked securely at intervals, along all staging limits prior to the issuance of any Grading Permit “hard card.”

8. Development Restriction Over Lot 8: Only a portion of Lot 8 would be developable. The rest of the parcel (as hatched) would be contained in a “No-Build Zone.” The “No-Build Zone” shall be shown on the Final Map for the subdivision.
9. Development Restriction Over Lot 11: All areas of Lot 11 are developable as allowed by the County Zoning Regulations, with the exception of a “No-Build Zone” on the right side of the parcel, as illustrated in the approved Clearing, Construction, and Grading Limits Plan. The “No-Build Zone” shall be shown on the Final Map for the subdivision.
10. Storm Drainage Plan: Project implementation shall comply with the approved Storm Drainage Plan.
11. Conservation Easement: Lot 12, the open-space parcel, will be subject to a conservation easement in perpetuity, and to a deed restriction, each in forms to be approved by County Counsel and the County Board of Supervisors. The easement will be noted on the Vesting Tentative Map and on the Final Map. Recordation of the Final Map shall be handled by an escrow. The escrow shall not record the Final Map until it is prepared, immediately following that recordation, to record the document creating the perpetual easement, together with this County’s acceptance of it.

Conditions of Approval for Certification of Draft and Final EIR

12. Per CEQA Section 15095, the applicant shall provide a copy of the final certified Final EIR to all responsible agencies. **The applicant must complete this requirement within fourteen (14) days of the final approval of this project.**
13. **The applicant shall coordinate with the project planner to record the Notice of Completion and pay an environmental filing fee of \$2,792.25 (or current fee), as required under Fish and Game Code Section 711.4(d), plus a \$50 recording fee to the San Mateo County within four (4) working days of the final approval date of this project.**

Conditions of Approval for Major Subdivision and Lot Line Adjustment

14. The applicant shall record the conservation easement, as approved by the Board of Supervisors, prior to or subsequently with the recordation of the Final Map.
15. Prior to the recordation of the Final Map, the property owner shall either produce a deed showing the donation of the land to a park service provider or pay an in-lieu fee, meeting the requirements of Section 7055.3 of the County Subdivision Regulations. A worksheet

showing the prescribed calculation appears as Attachment U of the staff report for the January 13, 2010 hearing. As of the date of this report, the in-lieu fee for this subdivision is \$236.50. The fee shall be re-calculated at the time of Final Map recording as indicated in the County Subdivision Regulations.

Conditions of Approval for Grading Permit and Tree Removals

16. Twelve (12) separate Grading Permit hard cards are required, one for the subdivision improvements and one for each of the eleven homes. "Hard cards" shall be issued according to the following schedule:
 - a. The "hard card" for grading of improvements related to the subdivision (including a sidewalk for Lots 5-8 and all shared access ways) may be issued after the final approval of this project, subject to the approval of the Planning and Building Department's Geotechnical Engineer, Department of Public Works and the Current Planning Section, **and subject to the conditions below.**
 - b. The "hard card" for grading of improvements related to the residences (the preparation of building sites and yard areas) can only be issued simultaneously or after the issuance of a building permit for the construction of each new residence, subject to the approval of the Planning and Building Department's Geotechnical Engineer, Department of Public Works and the Current Planning Section.
17. Lots 1-4: Prior to issuance of grading permits, BKF shall prepare cross sections through each lot illustrating existing slopes, proposed final slopes, areas of fill placement and the stepping of houses across the slope. No fill placement will be permitted downslope of proposed residences (with the exception of fill as shown on the grading plans as approved by the Board of Supervisors).
18. Per the mitigation measures in the MMRP, tree removals and grading shall proceed as specified:
 - a. Grading Permit hard card cannot be issued until a design-level geotechnical investigation of the site has been performed and submitted to the Planning and Building Department's Geotechnical Section and evidence of completion of Mitigation Measures GEO-3; TRANS-1; BIO-2a through 2d, 5b and 5c; and HAZMAT-3 has been submitted and approved by the project planner.
 - b. Grading Permit hard card cannot be issued for Lot 8 until evidence of completion of Mitigation Measures BIO-6 has been submitted and approved by the project planner.
 - c. Grading Permit hard card cannot be issued for Lot 11 until evidence of completion of Mitigation Measures BIO-2d and 5a has been submitted and approved by the project planner.
 - d. Trees shall not be removed until after evidence of completion of implementation of Mitigation Measure BIO-2c has been submitted and approved by the project planner and the Grading Permit hard card has been issued.

19. No grading shall be allowed during the winter season (October 15 to April 15) to avoid potential soil erosion unless approved, in writing, by the Community Development Director. The property owners shall submit a letter to the Current Planning Section, at least two weeks prior to commencement of grading, stating the date when grading will begin.
20. This permit does not authorize the removal of any additional trees with trunk circumference of more than 55 inches beyond those approved by the Board of Supervisors. Such activity would require application for and issuance of a separate Resource Management (RM) Permit. All trees not approved for removal under this permit shall be protected during grading operations. Prior to the issuance of the Grading Permit hard card, the applicant shall implement the following tree protection plan:

The applicant shall establish and maintain tree protection zones throughout the entire length of the project. Tree protection zones shall be delineated using 4-foot tall orange plastic fencing supported by poles pounded into the ground, located as close to the driplines as possible while still allowing room for construction/grading to safely continue. The applicant shall maintain tree protection zones free of equipment and materials storage and shall not clean any equipment within these areas. Should any large roots or large masses of roots need to be cut, the roots shall be inspected by a certified arborist or registered forester prior to cutting. Any root cutting shall be monitored by an arborist or forester and documented. Roots to be cut should be severed cleanly with a saw or topers. Normal irrigation shall be maintained, but oaks should not need summer irrigation. The above information shall be on-site at all times.

21. Prior to the issuance of the grading permit “hard card,” the applicant shall schedule an erosion control inspection by Current Planning Section staff to demonstrate that the approved erosion control plan has been implemented. The applicant is responsible for ensuring that all contractors minimize the transport and discharge of pollutants from the project site into local drainage systems and water bodies by adhering to the San Mateo Countywide Water Pollution Prevention Program’s (SMCWPPP) “General Construction and Site Supervision Guidelines,” including:
 - a. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 15 and April 15. Stabilizing shall include both proactive measures, such as the placement of straw bales or coir netting, and passive measures, such as minimizing vegetation removal and revegetating disturbed areas with vegetation that is compatible with the surrounding environment.
 - b. Storing, handling, and disposing of construction materials and wastes properly, so as to prevent their contact with stormwater.
 - c. Controlling and preventing the discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, wash water or sediments, and non-stormwater discharges to storm drains and watercourses.

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- d. Using sediment controls or filtration to remove sediment when dewatering site and obtaining all necessary permits.
 - e. Avoiding cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained and treated.
 - f. Delineating with field markers clearing limits, setbacks, and drainage courses, per Condition 6.
 - g. Protecting adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.
 - h. Performing clearing and earth-moving activities only during dry weather.
 - i. Limiting and timing applications of pesticides and fertilizers to prevent polluted runoff.
 - j. Limiting construction access routes and stabilizing designated access points.
22. While the applicant must adhere to the approved erosion and sediment control plan during grading and construction, it is the responsibility of the civil engineer and/or construction manager to implement the Best Management Practices (BMPs) that are best suited for this project site. If site conditions require additional measures in order to comply with the SMCWPPP and prevent erosion and sediment discharges, said measures shall be installed immediately under the direction of the project engineer. If additional measures are necessary, the erosion and sediment control plan shall be updated to reflect those changes and shall be resubmitted to the Planning and Building Department for review. The County reserves the right to require additional (or entirely different) erosion and sediment control measures during grading and/or construction if the approved plan proves to be inadequate for the unique characteristics of each job site.
23. Prior to the issuance of a Grading Permit "hard card," the applicant shall submit a schedule of grading operations, subject to review and approval by the Department of Public Works and the Current Planning Section. The submitted schedule shall include a schedule for winterizing the area and details of the off-site haul operations, including, but not limited to: export site(s), size of trucks, haul route(s), time and frequency of haul trips, and dust and debris control measures. Per the City of San Mateo Department of Public Works, use of De Anza Boulevard is prohibited, as De Anza Boulevard is not a designated truck route. The submitted schedule shall represent the work in detail and project grading operations through to the landscaping and/or restoration of all disturbed areas. As part of the review of the submitted schedule, the County may place such restrictions on the hauling operation, as it deems necessary. During periods of active grading, the applicant shall submit monthly updates of the schedule to the Department of Public Works and the Current Planning Section.
24. The applicant shall file a Notice of Intent (NOI) with the State Water Resources Board to obtain coverage under the State General Construction Activity NPDES Permit. A copy of

the project's NOI and Stormwater Pollution Prevention Plan (SWPPP) shall be submitted to the Current Planning Section, prior to the issuance of any Grading Permit "hard card."

25. Replacement of vegetation removed in areas within the parcels during grading and construction activities:
 - a. Vegetation removed in areas outside of building footprints, driveways, and construction access areas shall be replaced with drought-tolerant, non-invasive plants, immediately after grading is complete in that area. Prior to the issuance of any building permits, the applicant shall submit photographs demonstrating compliance with this condition to the Current Planning Section, subject to review and approval by the Community Development Director.
 - b. The applicant shall replace all vegetation removed in all areas not covered by construction with drought-tolerant, non-invasive plants, once construction is completed. Prior to the Current Planning Section's final approval of any building permit, the applicant shall submit photographs demonstrating compliance with this condition, subject to review and approval by the Community Development Director.
26. The provision of the San Mateo County Grading Regulations shall govern all grading on and adjacent to this site. Per San Mateo County Ordinance Code Section 8605.5, all equipment used in grading operations shall meet spark arrester and fire fighting tool requirements, as specified in the California Public Resources Code.
27. Upon the start of grading activities and through to the completion of the project, the applicant shall be responsible for ensuring that the following dust control guidelines are implemented:
 - a. All graded surfaces and materials, whether filled, excavated, transported or stock-piled, shall be wetted, protected or contained in such a manner as to prevent any significant nuisance from dust, or spillage upon adjoining water body, property, or streets. Equipment and materials on the site shall be used in such a manner as to avoid excessive dust. A dust control plan may be required at anytime during the course of the project.
 - b. A dust palliative shall be applied to the site when required by the County. The type and rate of application shall be recommended by the soils engineer and approved by the Department of Public Works, the Planning and Building Department's Geotechnical Section, and the Regional Water Quality Control Board.
28. Final approval of all Grading Permits is required. For final approval of the Grading Permits, the applicant shall ensure the performance of the following activities within thirty (30) days of the completion of grading at the project site:
 - a. The engineer shall submit written certification that all grading has been completed in conformance with the approved plans, conditions of approval/mitigation measures, and the Grading Regulations, to the Department of Public Works and the Planning and Building Department's Geotechnical Section.

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- b. The geotechnical consultant shall observe and approve all applicable work during construction and sign Section II of the Geotechnical Consultant Approval form, for submittal to the Planning and Building Department's Geotechnical Engineer and Current Planning Section.

Other Planning and Building Department Project Conditions

29. The color and materials of the bio-retention planters for all homes shall match the surrounding native landscaping, such that planters will blend with the surrounding environment.
30. Building plans for each residence shall demonstrate compliance with the California Water Efficient Landscape Ordinance (AB 1881), prior to the Current Planning Section's approval of the building permit application for each residence.
31. The applicant and contractors must be prepared to carry out the requirements of California State law with regard to the discovery of human remains during construction, whether historic or prehistoric. In the event that any human remains are encountered during site disturbance, all ground-disturbing work shall cease immediately and the County coroner shall be notified immediately. If the coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within 24 hours. A qualified archaeologist, in consultation with the Native American Heritage Commission, shall recommend subsequent measures for disposition of the remains.

B. PLANNING AND BUILDING DEPARTMENT - GEOTECHNICAL SECTION

32. The grading for this project will require submission of a revised geotechnical report that includes detailed recommendations for grading, erosion control, and foundation design and construction.
33. Building permit applications for Lots 7 and 8 will be required to depict as-built subdrain system alignments for the underlying stabilization buttress on the house foundation plans. The intent is to adjust foundation pier layout (as-needed) so that installed subdrain systems are not damaged by foundation construction.
34. Documentation to be submitted for the Lot 10 building permit shall include proposed construction/design measures to provide stable temporary excavations west of the residence so that the stability of an existing fill prism is not adversely impacted during site grading.
35. (All Lots) Prior to issuance of building permits, the Project Geotechnical Consultant shall field inspect (and investigate, as needed) all proposed drainage discharge locations and verify that proposed drainage designs are acceptable from a slope stability/erosion perspective or recommend appropriate modifications.
36. Lots 9 and 10: Future construction in areas outside of the building envelope may require supplemental geotechnical evaluation. Lot 11: Future building construction within the delineated Geotechnical No-Build Zone on the approved Vesting Tentative Map is

prohibited. The above statements shall be added as a deed restriction to the respective lots when the lots are sold. Recorded deed restrictions shall be produced prior to the issuance of a Certificate of Occupancy for any residence on these lots.

37. Lot 11: Grading limits, building footprint and building envelope shall be restricted to those boundaries depicted on Lot 11 Exhibit 1 prepared by BKF dated January 27, 2010. These boundaries shall supersede any conflicting boundaries presented on other recently prepared development documents. Construction staging shall not include grading beyond the grading limits.

C. PLANNING AND BUILDING DEPARTMENT - BUILDING INSPECTION SECTION

38. Building permits may be required for all areas of construction. Contact the Building Inspection Section prior to ANY construction for permit requirements.
39. All new residences shall comply with the current Green Building Ordinance, applicable at the time of permit application.
40. Per Section 1404 of the Green Building Ordinance, the applicant is encouraged to incorporate green building features in the construction of the eleven homes, such that the project achieves 75 points or higher or LEED for Homes Certified. Such projects will receive expedited building permit processing.

D. PACIFIC GAS AND ELECTRIC COMPANY

41. Developers will be responsible for the costs associated with the relocation of existing PG&E facilities to accommodate the project.

E. DEPARTMENT OF PUBLIC WORKS

Conditions of Approval for Major Subdivision and Lot Line Adjustment

42. The applicant shall install a sidewalk along the front of Lots 5 through 8 on Ticonderoga Drive, subject to review and approval by the Department of Public Works (DPW) and the issuance of an encroachment permit by DPW.
43. The applicant shall install a crosswalk and ADA ramp at the intersection of Ticonderoga Drive and Allegheny Way prior to recordation of the Final Map.
44. The applicant shall submit a permanent stormwater management plan in compliance with the County's Drainage Policy (including stormwater detention requirements) and applicable NPDES requirements (particularly Provision C.3) for review and approval by the Department of Public Works, prior to the Current Planning Section's approval of any building permit for residences. Individual operation and maintenance agreements for each residence to include all permanent stormwater treatment measures, as approved by the Community Development Director and the Department of Public Works, shall be executed prior to the Current Planning Section's final approval of any building permit for residences.

45. The applicant shall submit a Final Map to the Department of Public Works for review and recording.
46. Prior to recordation of the Final Map, the subdivider shall either construct all improvements required for shared access or enter into a written agreement with the County for future construction of the improvements. Prior to recording the Final Map, the applicant will be required to submit to the Department of Public Works a complete set of improvement plans including all provisions for roadways, driveways, utilities, storm drainage, and stormwater treatment, all in accordance with the County Subdivision Regulations, County Standard Details, County Drainage Policy and NPDES Permit, plus applicable plan review fee.

Upon the Department of Public Works' approval of the improvement plans, the applicant may be required to execute a Subdivision Improvement Agreement and post securities with the Department of Public Works, if applicable, as follows:

- a. Faithful Performance - 100% on the estimated cost of constructing the improvements;
- b. Labor and Materials - 50% of the estimated cost of constructing the improvements.

Other Department of Public Works Project Conditions

47. The access easement on Lot 8 shall meet the access requirements of the Crystal Springs County Sanitation District, prior to the final approval of the building permit for the residence by the Department of Public Works.
48. For Lots 7 and 8: A maintenance agreement is required for the stairs, subject to San Mateo County Fire Department and Department of Public Works approval.
49. The applicant shall record documents which address future maintenance responsibilities of any private drainage, stormwater treatment or other common facilities which may be constructed. For example, documents would address maintenance of all shared access easements (i.e., Lots 5 through 8, and Lots 9 and 10), as well shared maintenance of the bio-retention planter on Lot 8 (for the benefit of Lots 7 and 8) and the storm drainage outfall on Lot 9 (for the benefit of Lots 9 and 10). Prior to recording these documents, they shall be submitted to the Department of Public Works for review and prior to the issuance of a Certificate of Occupancy for the applicable parcel (Lots 5 through 10).
50. "As-Built" plans of all construction required by these conditions shall be prepared and signed by the subdivider's engineer upon completion of all work. The "As-Built" plans shall be accompanied by a written certification from the engineer that all private facilities have been completed in conformance with the approved plans.
51. The applicant shall prepare a plan indicating the proposed method of sewerage for these properties. This plan should be included on the improvement plans and submitted to the Department of Public Works for review. Upon completion of this review, the applicant or his engineer shall have these approved plans signed by the appropriate County Sewer District.

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52. The applicant shall submit, to both the Department of Public Works and the Planning Department, written certification from the appropriate Water District stating that their requirements to provide water service connections to the proposed parcels of this subdivision have been met.
53. Any potable water system work required by the appropriate district within the County right-of-way shall not be commenced until County requirements for the issuance of an encroachment permit have been met. Plans for such work shall be reviewed by the Department of Public Works prior to the issuance of the permit.
54. No proposed construction work within the County right-of-way shall begin until County requirements for the issuance of an encroachment permit, including review of the plans, have been met and an encroachment permit issued.
55. Prior to the issuance of any building permit, the applicant will be required to provide payment of "roadway mitigation fees" based on the square footage (assessable space) of the proposed building per Ordinance No. 3277.
56. The applicant shall submit a driveway "Plan and Profile" to the Department of Public Works, showing the driveway access to the parcel (garage slab) complying with County standards for driveway slopes (not to exceed 20 percent) and to County standards for driveways (at the property line) being the same elevation as the center of the access roadway. When appropriate, this plan and profile shall be prepared from elevations and alignment shown on the roadway improvement plans. The driveway plan shall also include and show specific provisions and details for both the existing and the proposed drainage patterns and drainage facilities.
57. Plans, with specific construction details, shall be stamped and signed by the registered civil engineer and submitted to the Department of Public Works for review and approval prior to construction.

F. SAN MATEO COUNTY FIRE DEPARTMENT

58. All dead-end roadways shall be terminated by a turnaround bulb of not less than 96 feet in diameter. For Lots 7, 8, 9, and 10: Lots 9 and 10 shall meet Hammerhead T requirements. Hammerhead T shall provide a lane that is a minimum width of 20 feet throughout with an inside curve radius of a minimum of 26 feet and a top of T length of 120 feet minimum. Lots 7 and 8 shall mitigate fire engine access with a higher fire sprinkler flow and coverage and non-combustible exterior siding and decking. Alternate methods and material requests may be applied for at the time of building permit application submittal.
59. The required fire flow shall be available from a County Standard 6" Wet Barrel Fire Hydrant; the configuration of the hydrant shall have a minimum of one each 4 1/2" outlet and one each 2 1/2" outlet located not more than 250 feet from the building, measured by way of approved drivable access to the project site.
60. All new public water systems, extensions from a public water system or replacement of any main or line of an existing public water system shall have a minimum diameter of six

inches (6"). If the pipes are not linked in grid or if individual legs are over 600 feet in length, then the minimum diameter shall be eight inches (8").

61. When receiving water service for fire protection (hydrants, fire sprinkler systems) from a public or municipal water purveyor, written certification from the water company that hydrants will be installed or that the existing water system is capable of meeting the project conditions is required to be presented to the San Mateo County Fire Department for verification to show that required upgrades to the system will be installed and that existing fire flows will meet the project requirements.
62. County Fire Department access shall be to within 150 feet of all exterior portions of the structure and to all portions of the exterior walls of the first story of the buildings, as measured by an approved access route. Should access to the structure exceed the 150 feet criteria, the applicant may have the option of providing exterior fire resistant construction materials to meet this condition, subject to review and approval by the County Fire Department and Planning and Building Department, prior to the issuance of a building permit.
63. This project is located in a wildland urban interface area. Roofing, attic ventilation, exterior walls, windows, exterior doors, decking, floors and under-floor protection shall be installed to meet CBC Chapter 7A requirements. This will be required to be met at the building permit phase of each residence.
64. A fire flow of 1,000 gpm for two (2) hours with a 20-psi residual operating pressure must be available for single-family dwelling up to 3,600 sq. ft. of interior space; 1,300 gpm for a single-family dwelling up to 4,800 sq. ft.; and 1,500 gpm for a single-family dwelling up to 6,200 sq. ft. as specified by the 2007 CFC.

CML:fc – CMLU00112(Attach A-B)_WFU.DOC

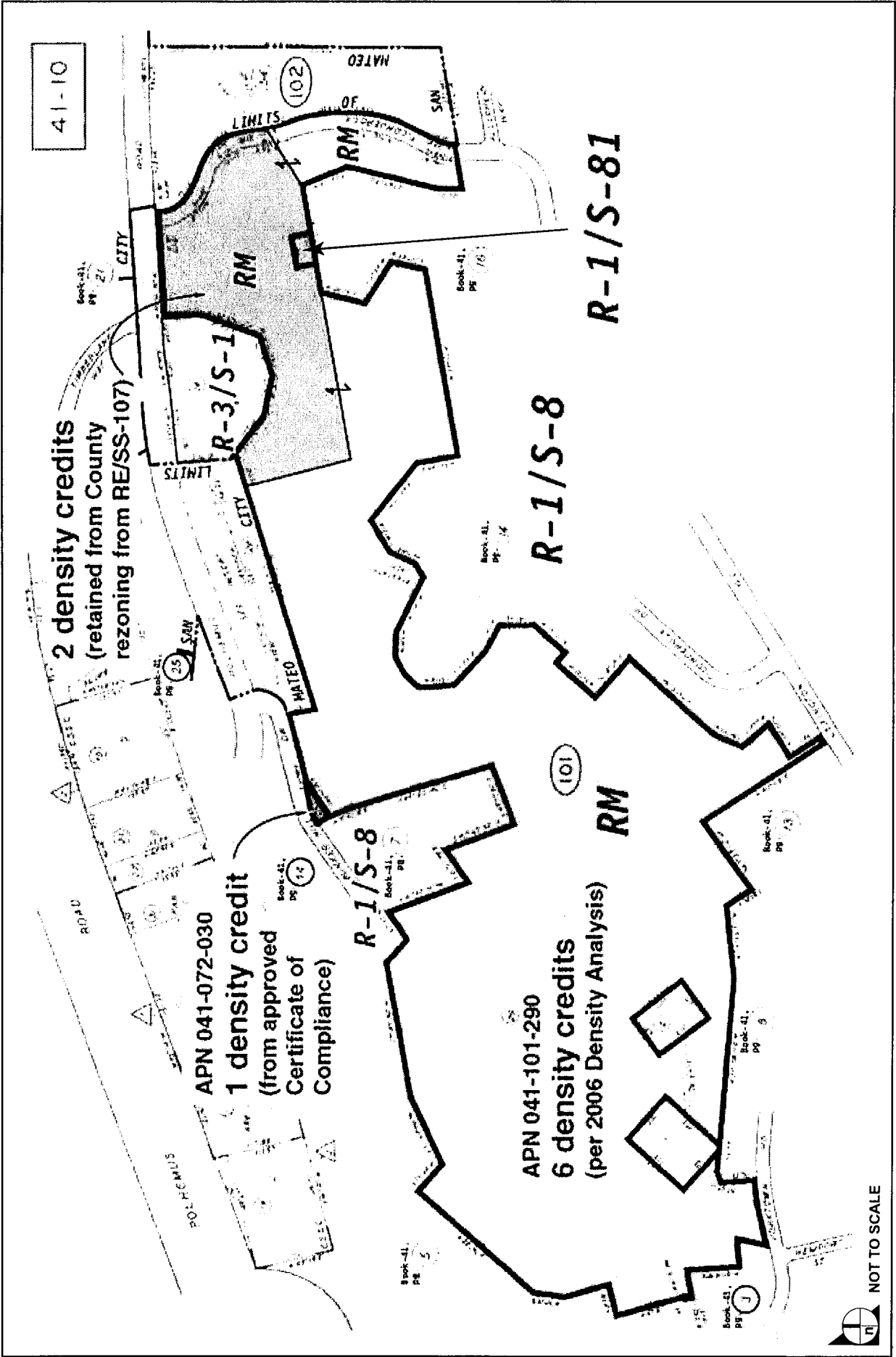
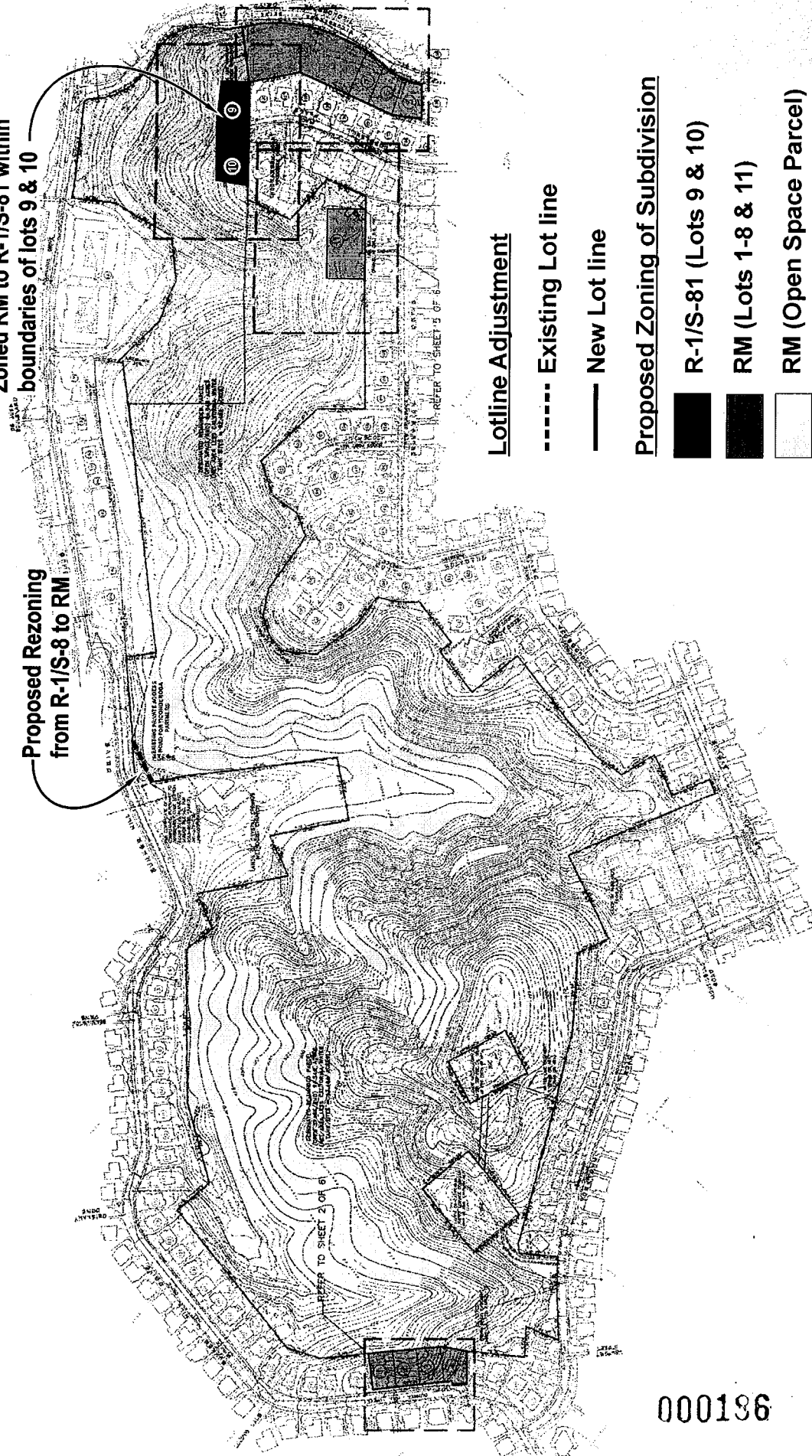


FIGURE 3.0-3

Existing Zoning and Density Credits

Proposed Rezoning of Areas Zoned RM to R-1/S-81 within boundaries of lots 9 & 10

Proposed Rezoning from R-1/S-8 to RM



Lotline Adjustment

- - - - Existing Lot line
- New Lot line

Proposed Zoning of Subdivision

- R-1/S-81 (Lots 9 & 10)
- RM (Lots 1-8 & 11)
- RM (Open Space Parcel)

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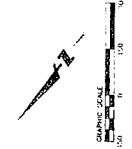
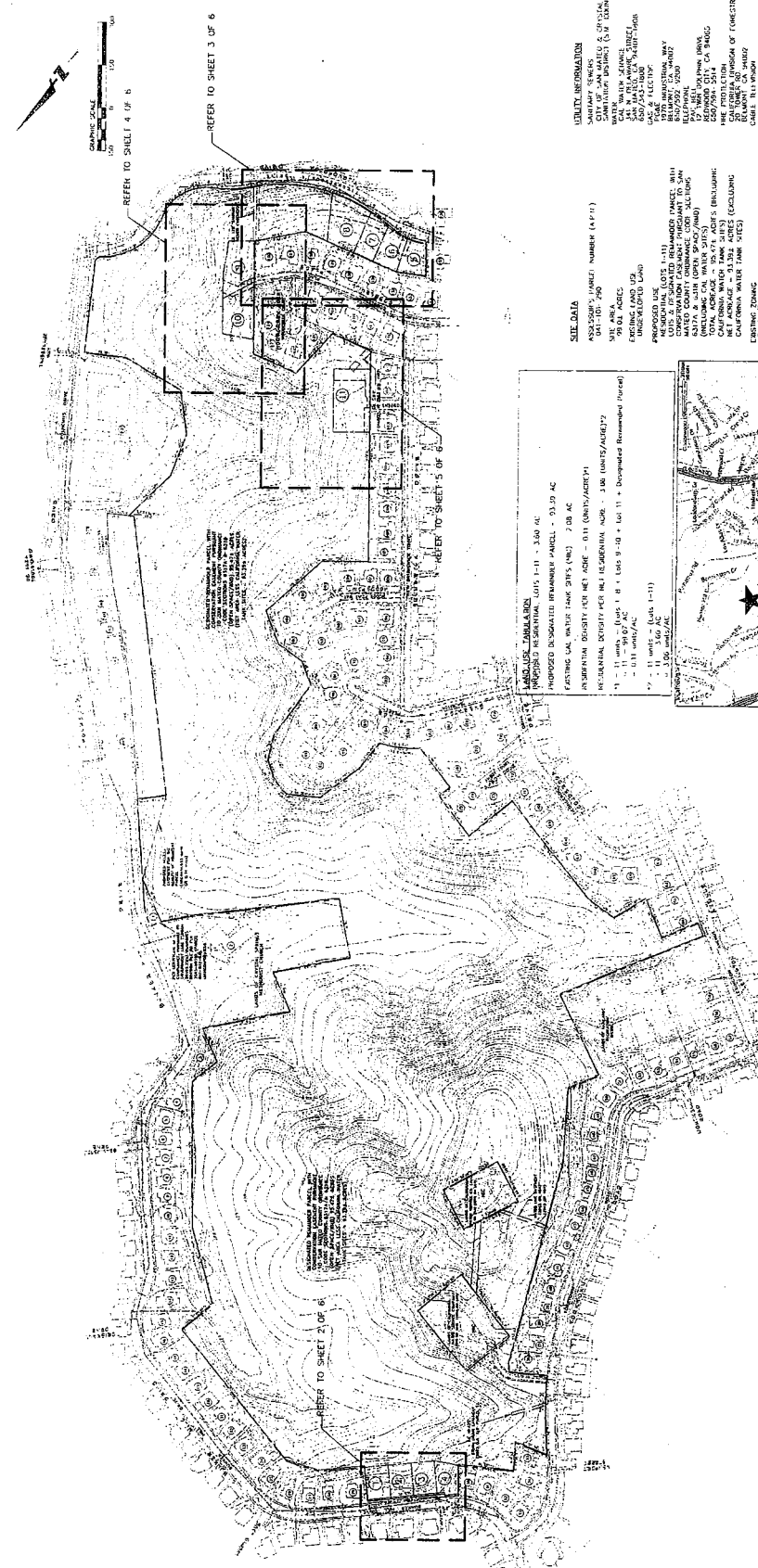
Proposed Rezoning, Lot Line Adjustment and Subdivision

San Mateo County Board of Supervisors' Meeting

Applicant: Jack Chamberlain

File Numbers: PLN 2006-00357

Attachment: J

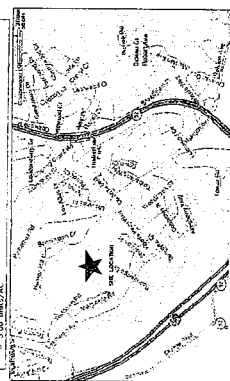


REFER TO SHEET 4 OF 6

REFER TO SHEET 3 OF 6

REFER TO SHEET 2 OF 6

LAND USE TABLES
 PROPOSED REDESIGNED BRANNER PARCEL - 53.29 AC
 EXISTING CAL WATER TANK SITES (METS) - 2.08 AC
 REDESIGNED METS ARE AS FOLLOWS:
 REDESIGNED METS FOR METS ARE 0.11 (METS/ACRE FT)
 REDESIGNED METS FOR METS ARE 0.11 (METS/ACRE FT)
 1' - 11' wide - (Lots 1 & 2 - Lots 9 - 10 & 11) + Designated (Remanded) Areas
 11' - 11' wide - (Lots 1-11)
 11' - 11' wide - (Lots 1-11)
 11' - 11' wide - (Lots 1-11)



LEGAL DESCRIPTION

NO.	DESCRIPTION
1	CHAMBERLAIN TRACT, SHELBY
2	LOT 2 THROUGH 8
3	LOT 9 THROUGH 10
4	LOT 11 THROUGH 12
5	SECTION 36, TOWNSHIP 37N, RANGE 12E, SAN MATEO COUNTY, CALIFORNIA
6	SECTION 36, TOWNSHIP 37N, RANGE 12E, SAN MATEO COUNTY, CALIFORNIA
7	SECTION 36, TOWNSHIP 37N, RANGE 12E, SAN MATEO COUNTY, CALIFORNIA
8	SECTION 36, TOWNSHIP 37N, RANGE 12E, SAN MATEO COUNTY, CALIFORNIA
9	SECTION 36, TOWNSHIP 37N, RANGE 12E, SAN MATEO COUNTY, CALIFORNIA

LANDOWNERS ADJACENT TO PROJECT

- 1. CHAMBERLAIN TRACT, SHELBY
- 2. LOT 2 THROUGH 8
- 3. LOT 9 THROUGH 10
- 4. LOT 11 THROUGH 12
- 5. SECTION 36, TOWNSHIP 37N, RANGE 12E, SAN MATEO COUNTY, CALIFORNIA
- 6. SECTION 36, TOWNSHIP 37N, RANGE 12E, SAN MATEO COUNTY, CALIFORNIA
- 7. SECTION 36, TOWNSHIP 37N, RANGE 12E, SAN MATEO COUNTY, CALIFORNIA
- 8. SECTION 36, TOWNSHIP 37N, RANGE 12E, SAN MATEO COUNTY, CALIFORNIA
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- 17. SECTION 36, TOWNSHIP 37N, RANGE 12E, SAN MATEO COUNTY, CALIFORNIA
- 18. SECTION 36, TOWNSHIP 37N, RANGE 12E, SAN MATEO COUNTY, CALIFORNIA
- 19. SECTION 36, TOWNSHIP 37N, RANGE 12E, SAN MATEO COUNTY, CALIFORNIA
- 20. SECTION 36, TOWNSHIP 37N, RANGE 12E, SAN MATEO COUNTY, CALIFORNIA

LEGEND

- 1. EXISTING PROPERTY LINE (BOUNDARY)
- 2. PROPOSED PROPERTY LINE (BOUNDARY)
- 3. EXISTING EASEMENTS
- 4. PROPOSED EASEMENTS
- 5. EXISTING UTILITIES
- 6. PROPOSED UTILITIES
- 7. EXISTING WATER TANK SITES
- 8. PROPOSED WATER TANK SITES
- 9. EXISTING TANK FOUNDATION
- 10. PROPOSED TANK FOUNDATION
- 11. EXISTING CONCRETE FOUNDATION
- 12. PROPOSED CONCRETE FOUNDATION
- 13. EXISTING CONCRETE FOUNDATION
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- 36. PROPOSED CONCRETE FOUNDATION
- 37. EXISTING CONCRETE FOUNDATION
- 38. PROPOSED CONCRETE FOUNDATION
- 39. EXISTING CONCRETE FOUNDATION
- 40. PROPOSED CONCRETE FOUNDATION
- 41. EXISTING CONCRETE FOUNDATION
- 42. PROPOSED CONCRETE FOUNDATION
- 43. EXISTING CONCRETE FOUNDATION
- 44. PROPOSED CONCRETE FOUNDATION
- 45. EXISTING CONCRETE FOUNDATION
- 46. PROPOSED CONCRETE FOUNDATION
- 47. EXISTING CONCRETE FOUNDATION
- 48. PROPOSED CONCRETE FOUNDATION
- 49. EXISTING CONCRETE FOUNDATION
- 50. PROPOSED CONCRETE FOUNDATION

UTILITY INFORMATION
 WATER MAINS
 CITY OF SAN MATEO, OFFICIAL ENGINEER
 555 CALIFORNIA STREET
 SAN MATEO, CALIFORNIA 94402
 (415) 349-3333

SITE DATA
 ASSASSIN'S MARKER NUMBER (4 1/4")
 1/4" = 100'-0"
 1/2" = 200'-0"
 3/4" = 300'-0"
 1" = 400'-0"
 1 1/4" = 500'-0"
 1 1/2" = 600'-0"
 2" = 800'-0"
 2 1/2" = 1000'-0"
 3" = 1200'-0"
 3 1/2" = 1400'-0"
 4" = 1600'-0"
 4 1/2" = 1800'-0"
 5" = 2000'-0"
 5 1/2" = 2200'-0"
 6" = 2400'-0"
 6 1/2" = 2600'-0"
 7" = 2800'-0"
 7 1/2" = 3000'-0"
 8" = 3200'-0"
 8 1/2" = 3400'-0"
 9" = 3600'-0"
 9 1/2" = 3800'-0"
 10" = 4000'-0"

DEVELOPER
 THE CHAMBERLAIN GROUP
 100 CALIFORNIA STREET
 SAN MATEO, CALIFORNIA 94402
 (415) 349-3333

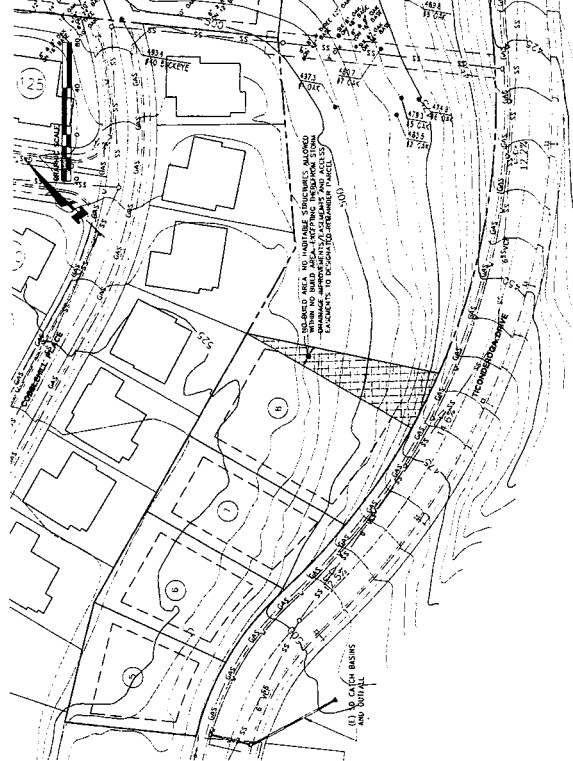
ENGINEER'S STATEMENT
 I, the undersigned, being a duly licensed Professional Engineer in the State of California, do hereby certify that the foregoing is a true and correct copy of the original recordable instrument as filed in the County of San Mateo, California.

ENGINEER'S SIGNATURE
 [Signature]
 DATE: FEBRUARY 2, 2010

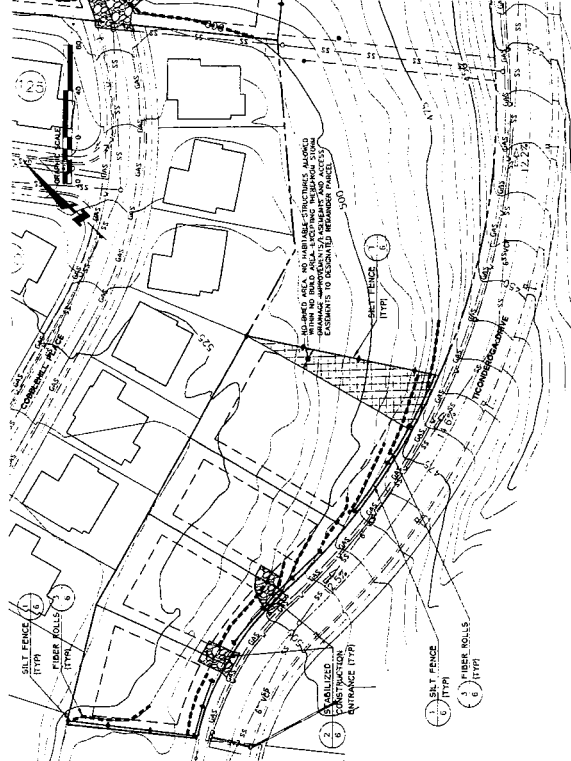




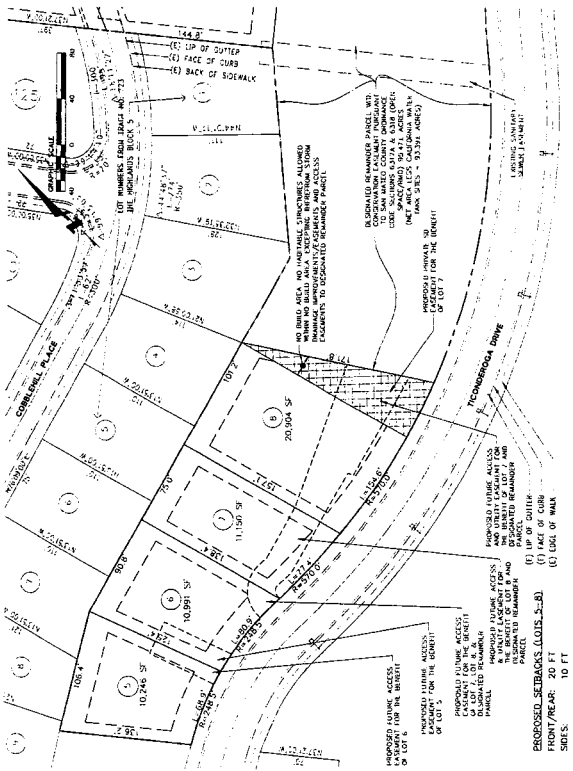
DATE	1/27/10
BY	JK
SCALE	AS SHOWN
PROJECT	HIGHLAND ESTATES
SHEET	1 OF 1



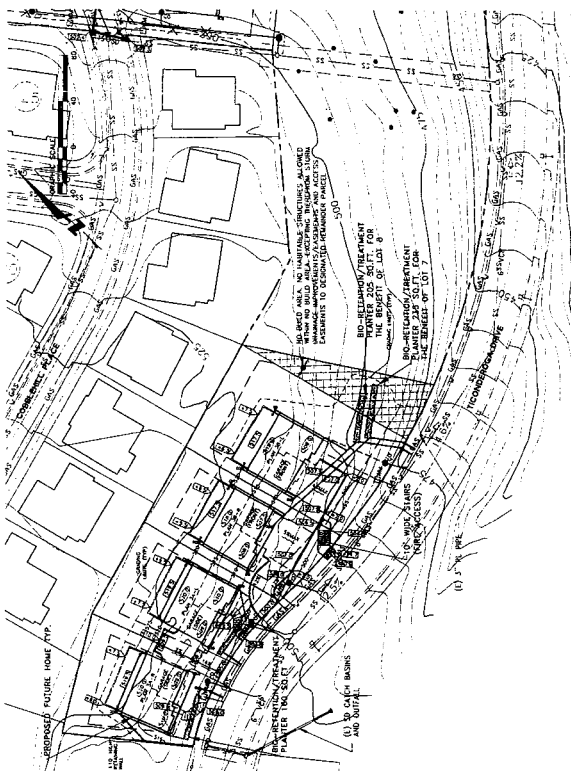
LOTS 5-8
EXISTING TOPOGRAPHY AND UTILITIES
SCALE: 1"=40'



LOTS 5-8
PRELIMINARY EROSION CONTROL PLAN
SCALE: 1"=40'

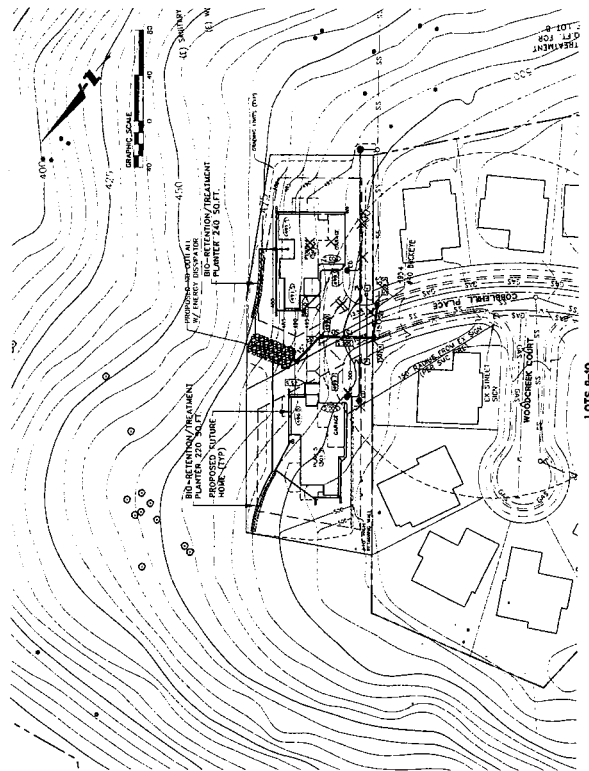
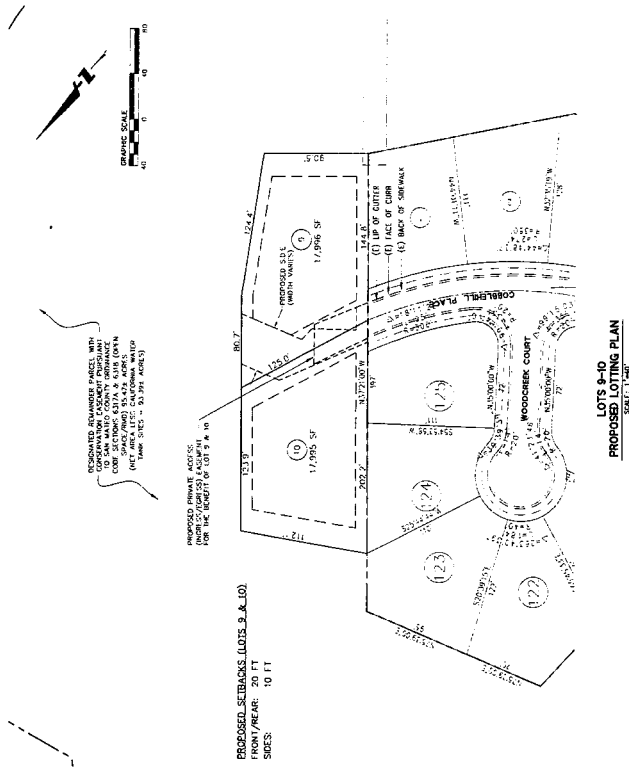
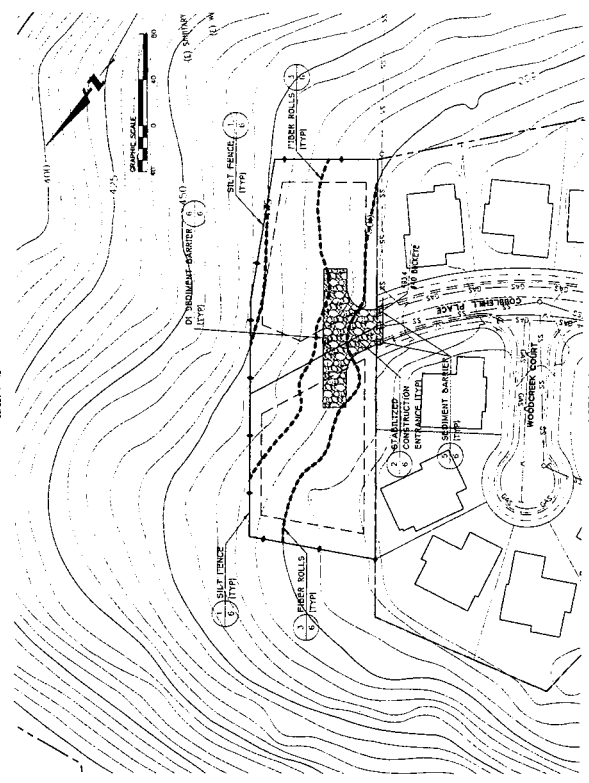
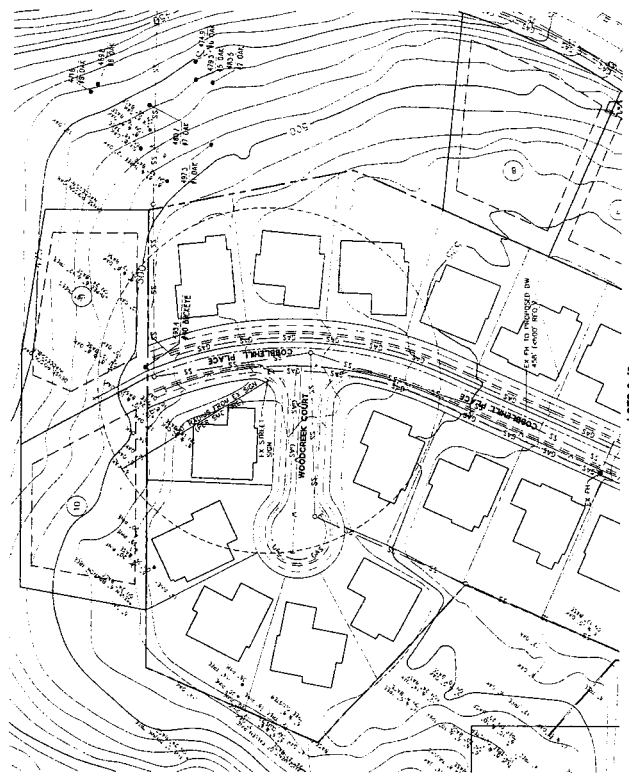


LOTS 5-8
PROPOSED LOTTING PLAN
SCALE: 1"=40'



LOTS 5-8
PRELIMINARY GRADING & UTILITY PLAN
SCALE: 1"=40'

Attachment N



081000

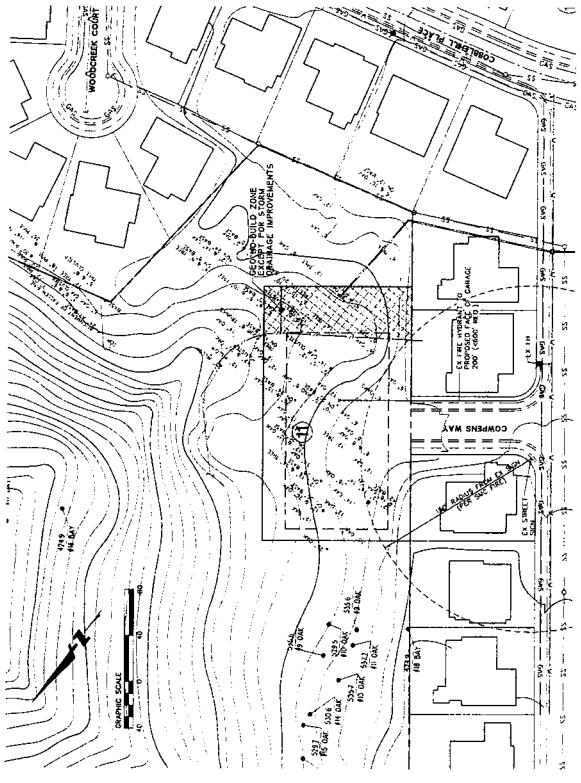
225 S.W. 87th Ave., Suite 202
Miami, FL 33154
Tel: 305-444-1111
Fax: 305-444-1112
www.bkf.com



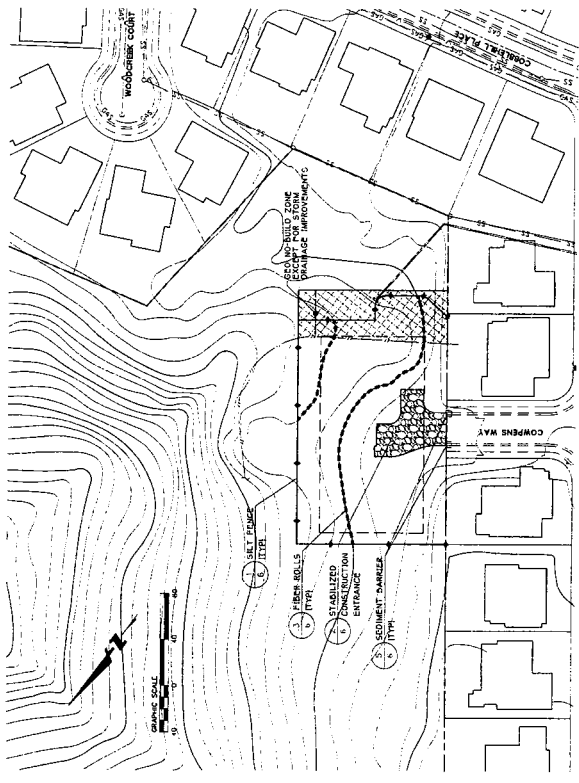
HIGHLAND ESTATES
VESTING TENTATIVE MAP
LOT 11
SAN MATEO COUNTY
CITY OF SAN MATEO

DATE	11/11/10
BY	JK
CHECKED	JK
DATE	11/11/10
BY	JK
CHECKED	JK
DATE	11/11/10
BY	JK
CHECKED	JK
DATE	11/11/10
BY	JK
CHECKED	JK

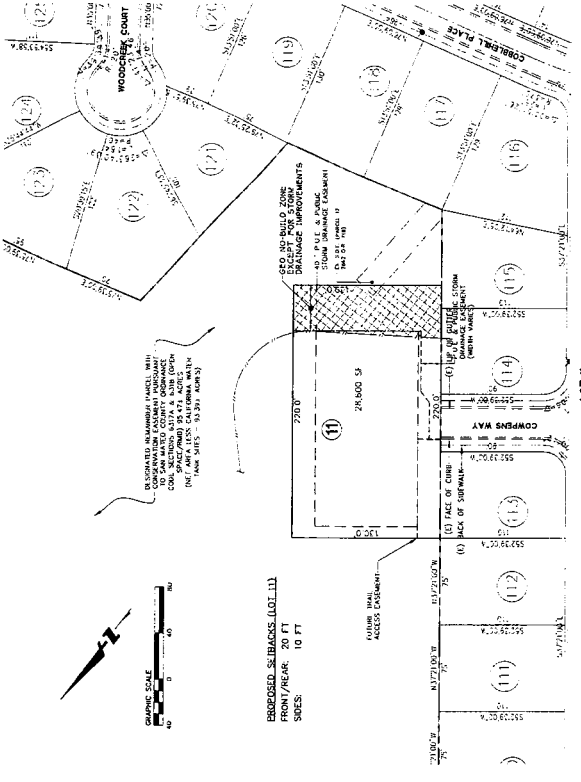
Attachment O



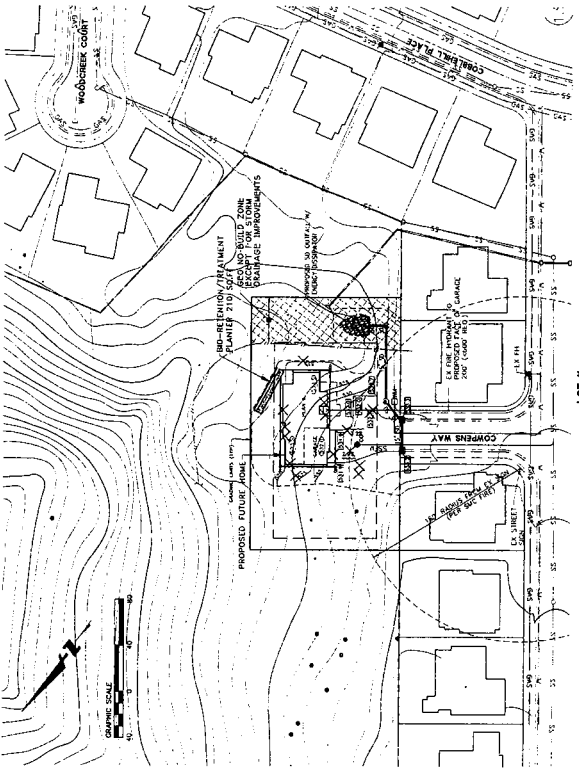
LOT 11
EXISTING TOPOGRAPHY AND UTILITIES
SCALE: 1"=20'



LOT 11
PRELIMINARY GRADING & UTILITY PLAN
SCALE: 1"=20'



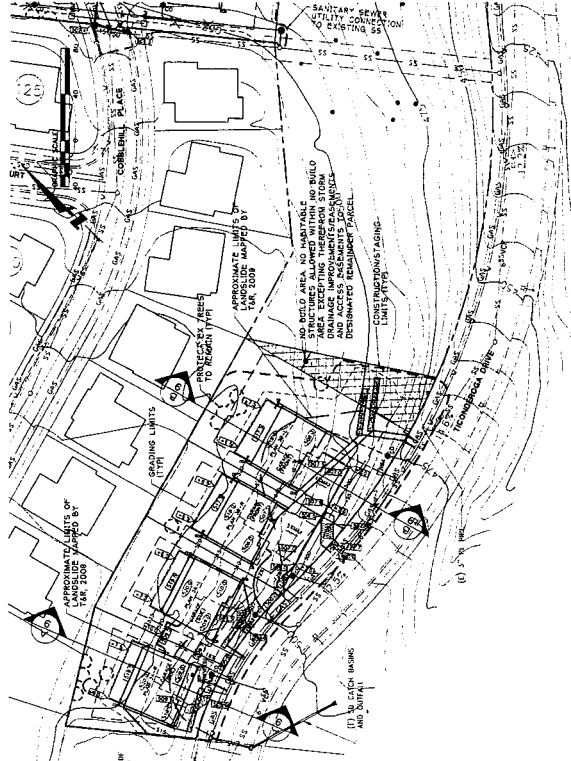
LOT 11
PROPOSED LOTTING PLAN
SCALE: 1"=20'



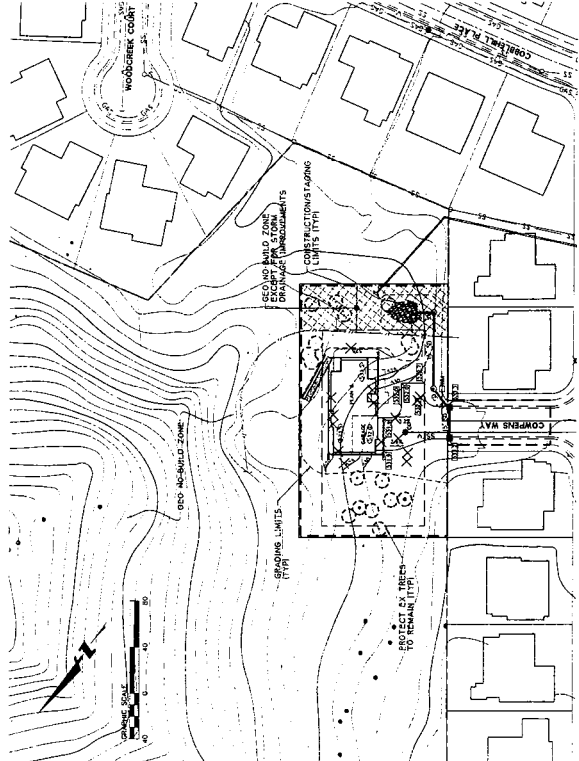
LOT 11
PRELIMINARY GRADING & UTILITY PLAN
SCALE: 1"=20'

161000

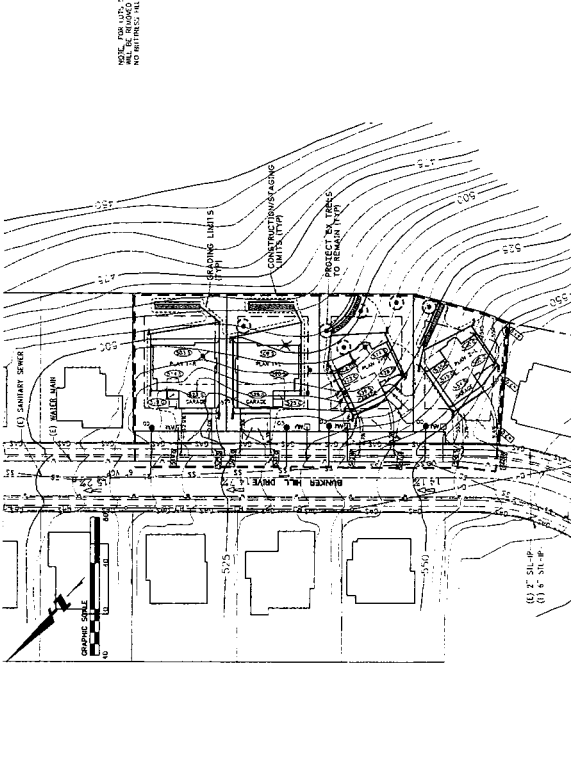
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BY	JK
CHECKED BY	JK
SCALE	AS SHOWN
PROJECT NO.	19-0001
SHEET NO.	7
TOTAL SHEETS	9



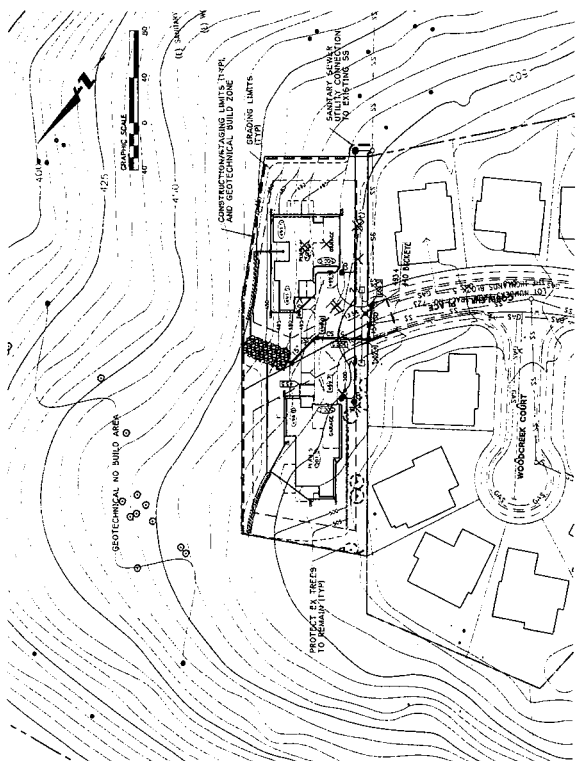
LOTS 5-9
CLEARING, CONSTRUCTION, AND GRADING LIMITS PLAN
SCALE: 1"=40'



LOT 10
CLEARING, CONSTRUCTION, AND GRADING LIMITS PLAN
SCALE: 1"=40'



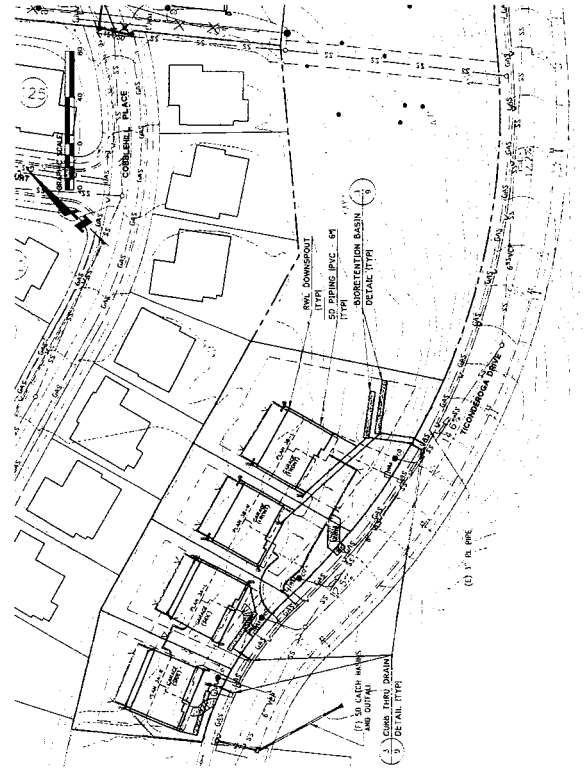
LOTS 1-4
CLEARING, CONSTRUCTION, AND GRADING LIMITS PLAN
SCALE: 1"=40'



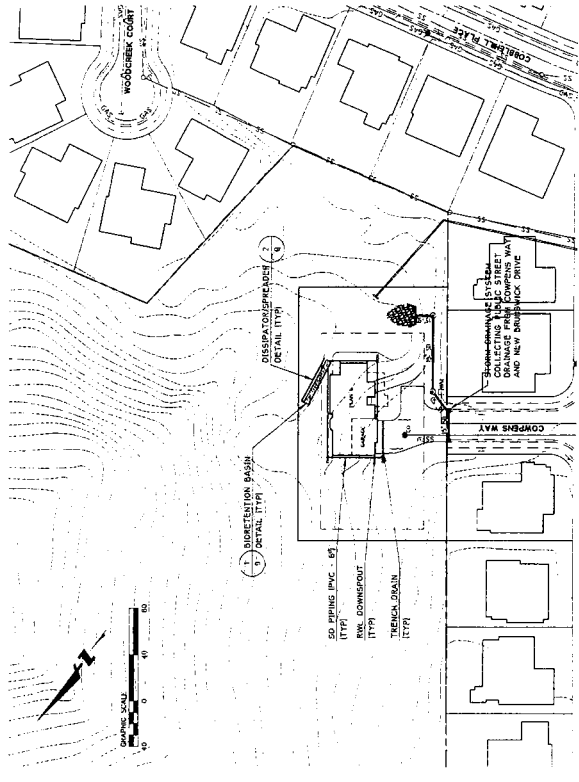
LOTS 10-14
CLEARING, CONSTRUCTION, AND GRADING LIMITS PLAN
SCALE: 1"=40'

NOTE: THE ZONING, UTILITIES, AND CONSTRUCTION LIMITS SHOWN WILL BE DEPENDANT ON FIELD AND GEOTECHNICAL CONDITIONS AT THE TIME OF CONSTRUCTION. THE ZONING LIMITS SHOWN ON THIS PLAN REPRESENT THE ANTICIPATED AREAS NEEDED FOR CONSTRUCTION AT THIS TIME.

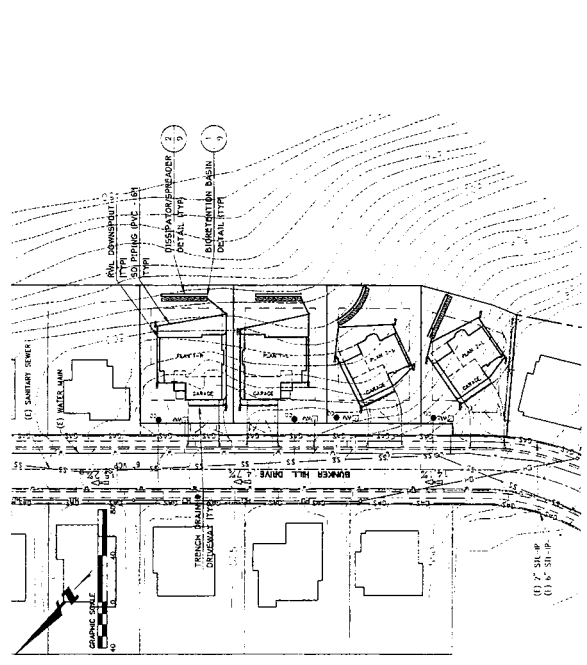
NO. 1	DATE	BY	APP. BY
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2	02/22/09	AK	AK
3	02/22/09	AK	AK
4	02/22/09	AK	AK
5	02/22/09	AK	AK
6	02/22/09	AK	AK
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10	02/22/09	AK	AK



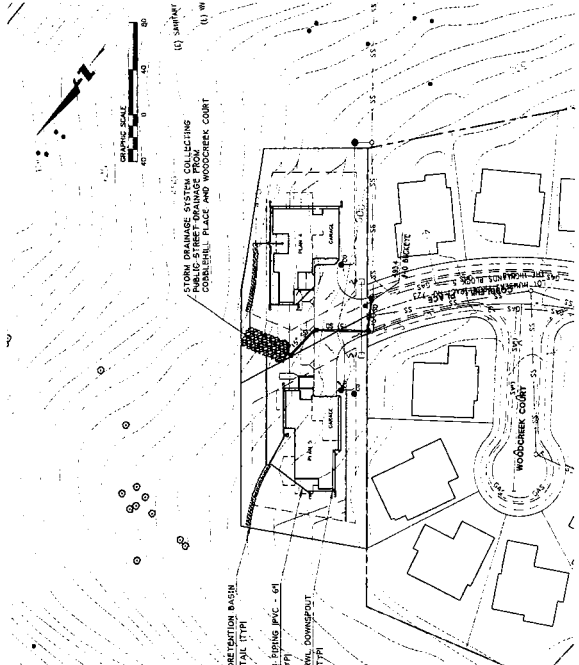
LOTS 5-4
STORM DRAINAGE PLAN
SCALE: 1"=40'



LOT 11
STORM DRAINAGE PLAN
SCALE: 1"=40'



LOTS 1-4
STORM DRAINAGE PLAN
SCALE: 1"=40'



LOTS 8-10
STORM DRAINAGE PLAN
SCALE: 1"=40'

194000

Camille Leung - Fwd: Highland Estates

From: <JTUTTLEC@aol.com>
To: <cleung@co.sanmateo.ca.us>
Date: 2/8/2010 3:08 PM
Subject: Fwd: Highland Estates
Attachments: Highland Estates

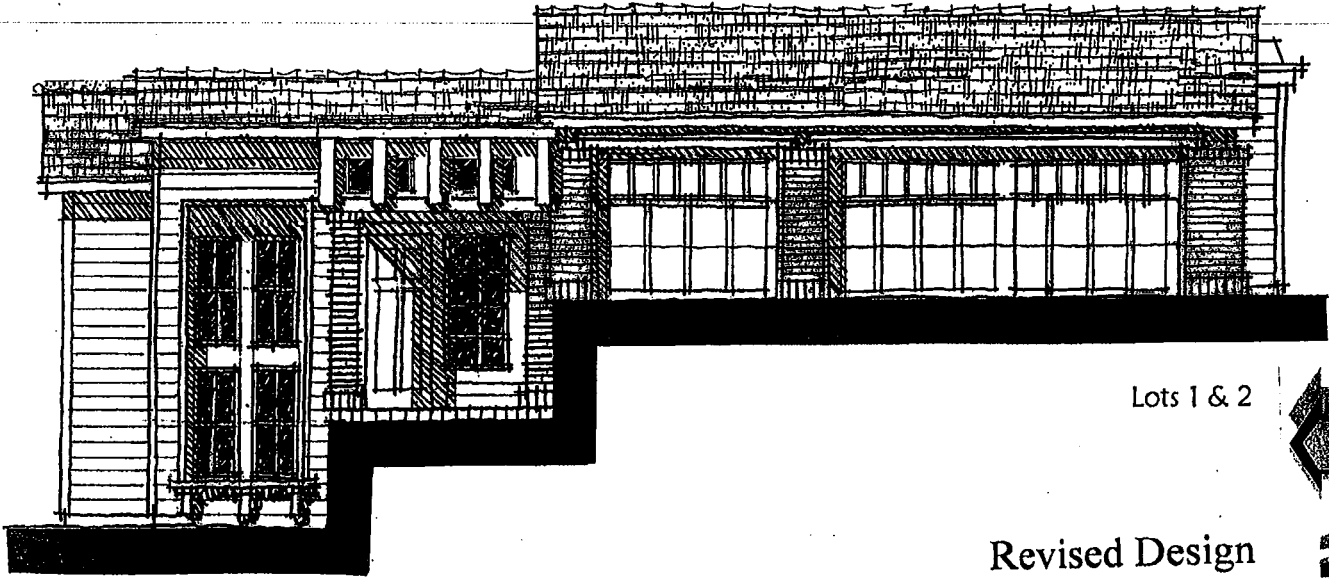
Camille,

Here are some things that could be done on the homes to give them a more Eichler appearance. 9 and 11 could be treated similarly.

Jack

Attachment R

000196

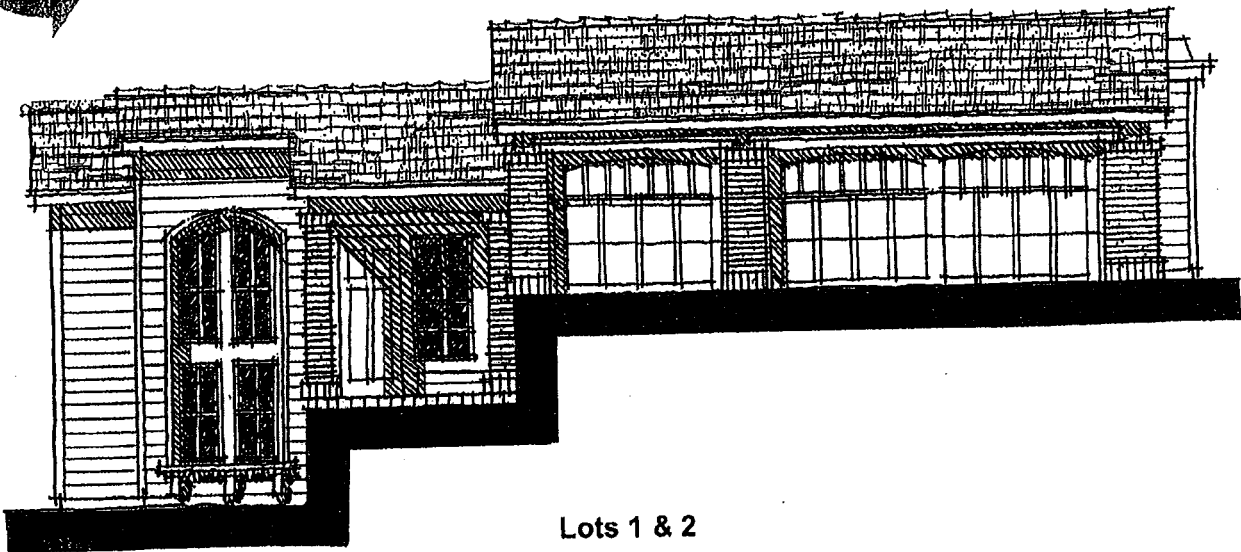


Lots 1 & 2

Revised Design

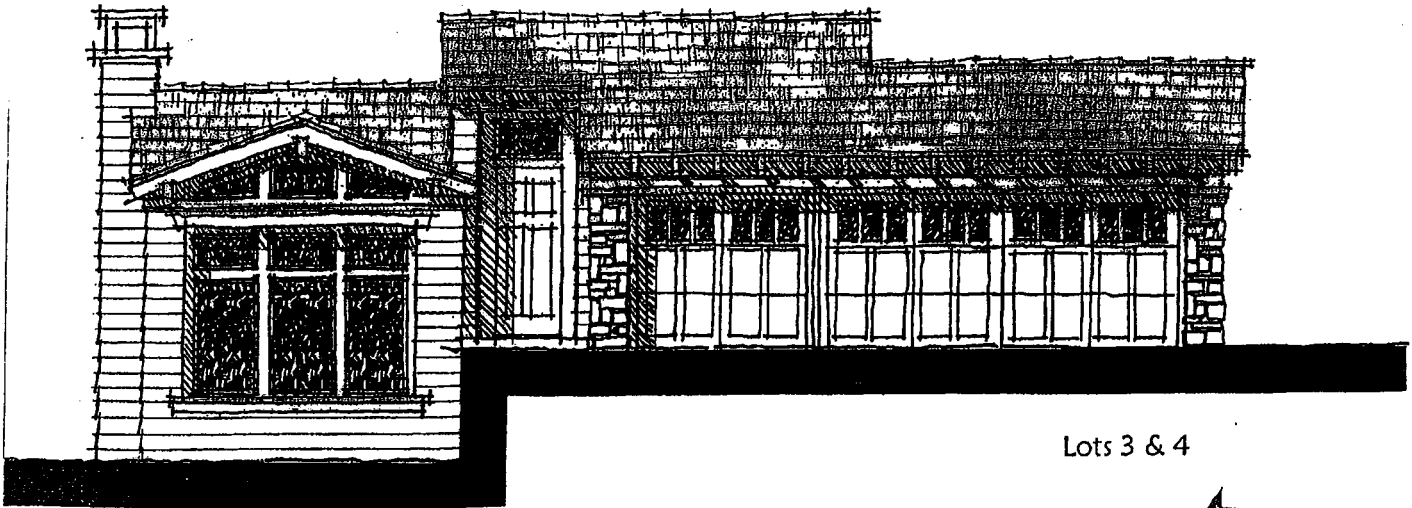


Original Proposal



Lots 1 & 2

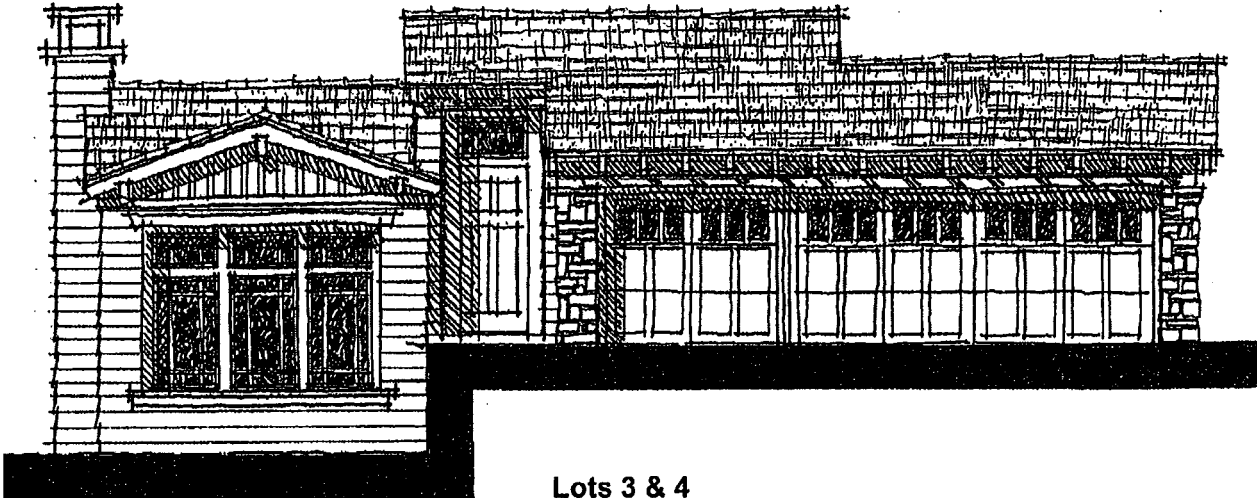
000197



Lots 3 & 4

Original Proposal

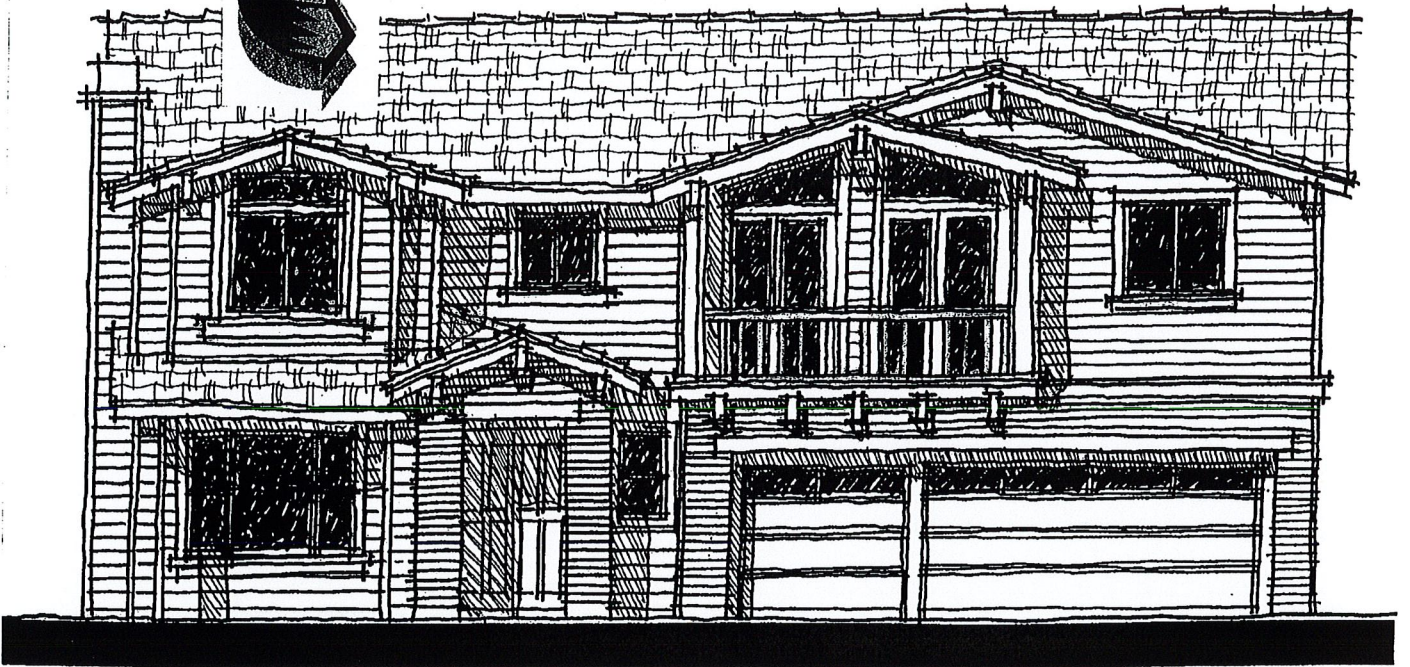
Revised Design



Lots 3 & 4

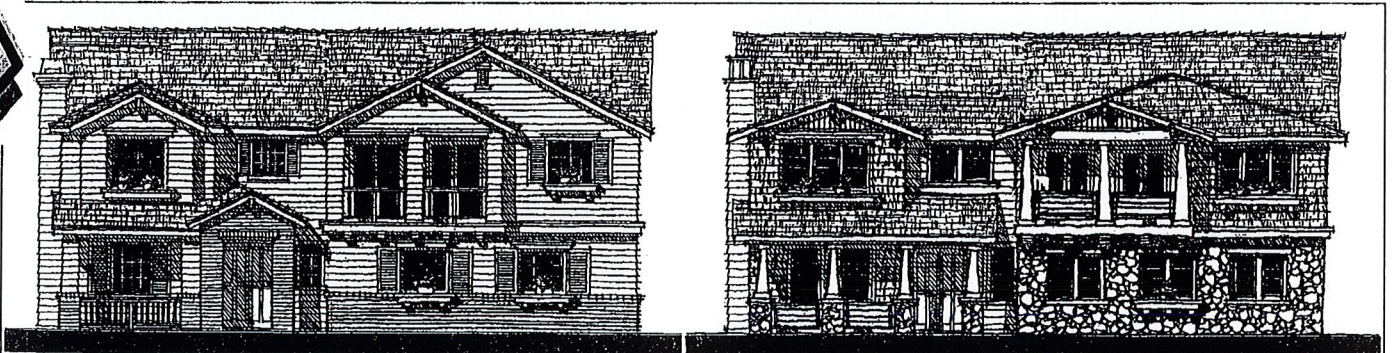
000198

Revised Design

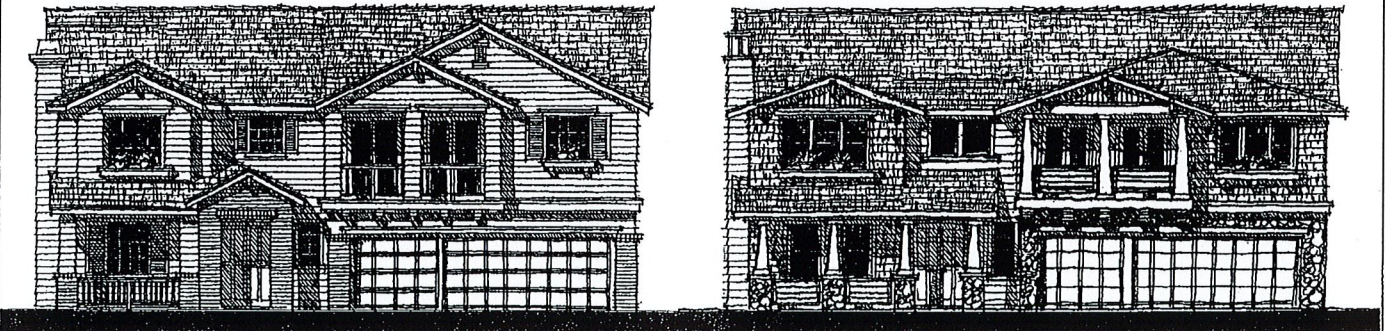


Lots 5, 6, 7, & 8

Original Proposal



Lots 5 & 6



Lots 7 & 8

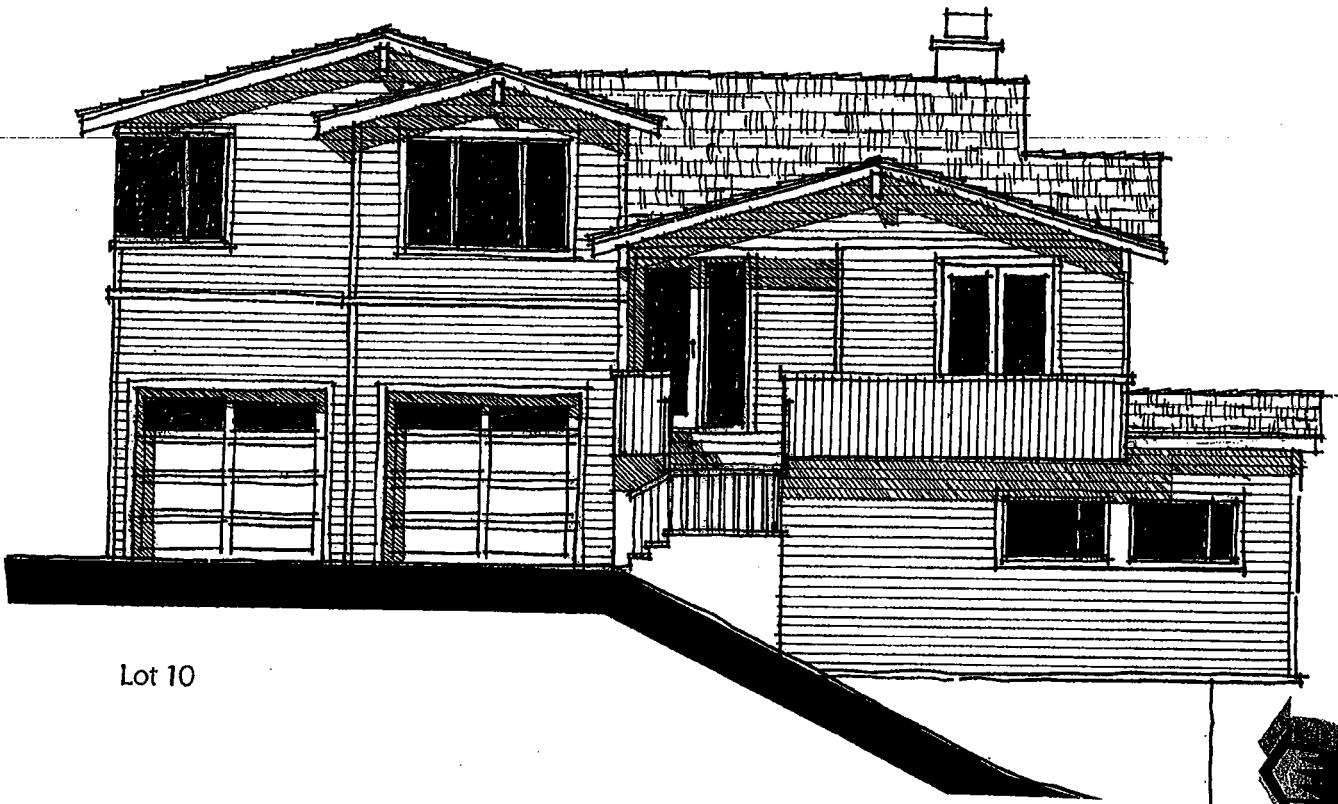
NOT TO SCALE
SOURCE: NUT - 2007

FIGURE 3.0-10

Conceptual Exterior Lots 5-8

903-01-0708

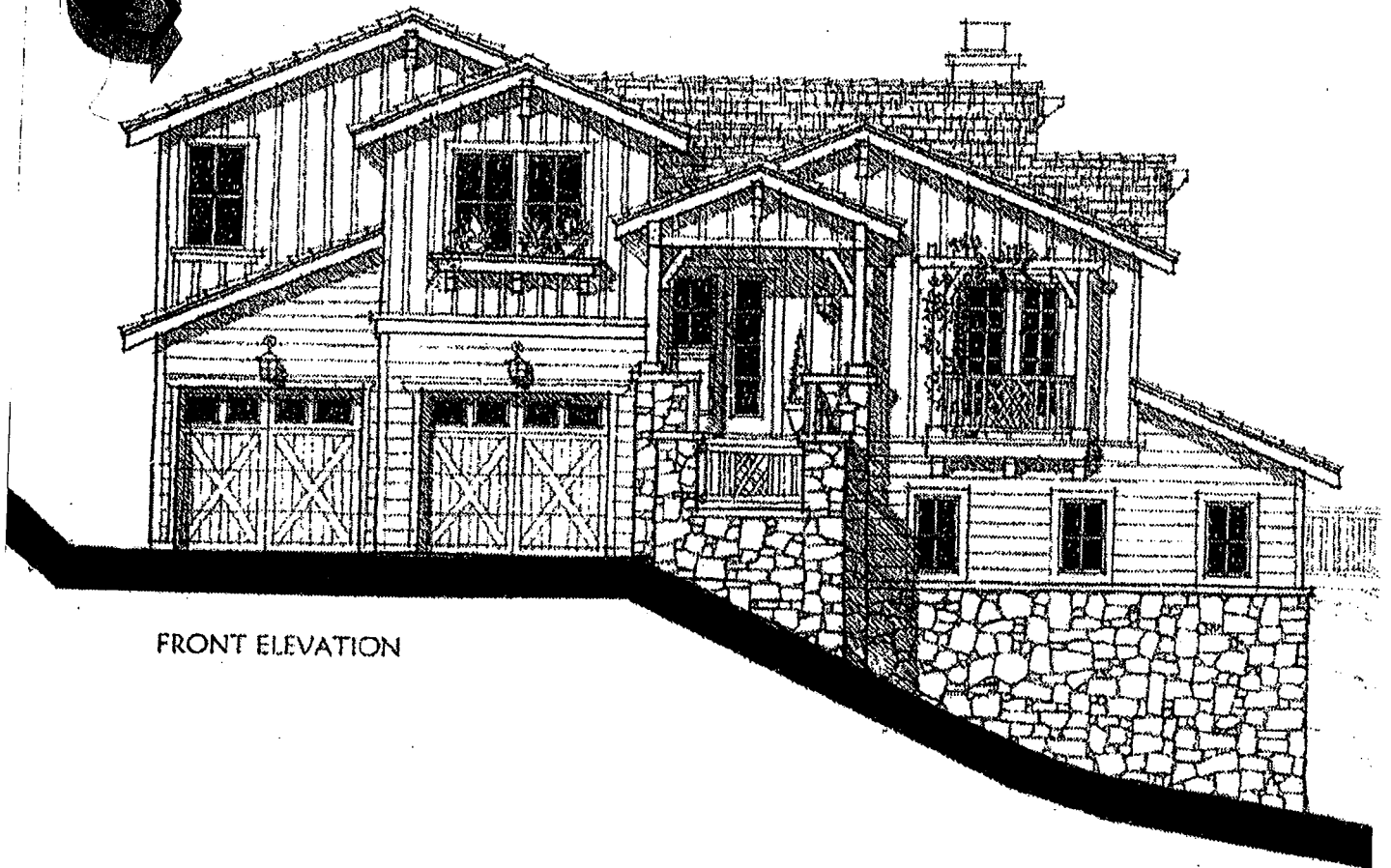
000199



Lot 10

Original Proposal

Revised Design



FRONT ELEVATION

000200

GRANT OF CONSERVATION EASEMENT

This GRANT DEED OF CONSERVATION EASEMENT is made on _____, by TICONDEROGA PARTNERS LLC having an address at 655 Skyway Road, Ste. 230, San Carlos, CA 94070 (“Grantor”) in favor of the COUNTY OF SAN MATEO having an address at County Government Center, 400 County Center, Redwood City, CA 94063 (“Grantee” or “County”).

Recitals

WHEREAS, section 6317.A (Conservation Open Space Easement) of the San Mateo County Zoning Regulations requires, after any land division of lands zoned Resource Management (RM), that the applicant for the land division grant to the County (and that the County accept) a conservation easement, containing a covenant running with the land in perpetuity, which limits the use of the land covered by the easement to uses consistent with open space as defined in the California Open Space Lands Act of 1972 in January 1, 1980;

WHEREAS, Grantor is the owner of lands located in the County of San Mateo, which lands are included within a subdivision commonly referred to as SMN _____, the final map for which was approved by the San Mateo County Board of Supervisors on _____;

WHEREAS, Grantor wishes to grant to Grantee a conservation easement over Lot 12 of that certain subdivision map titled “ _____ ” recorded in Book ____ at pages ____ - ____ (the “Subject Property”), in fulfillment of the requirements of section 6317.A of the Zoning Regulations;

NOW, THEREFORE, in consideration of the mutual covenants, terms, restrictions and conditions hereinafter set forth, Grantor hereby grants and conveys to Grantee and its successors, a conservation easement, in gross and in perpetuity, on the terms, and subject to the limitations set forth herein.

Description of Property

1. Grantor is the sole owner of the Subject Property, located in the County of San Mateo, State of California and the Subject Property is the subject of this grant. The Subject Property is delineated on the Final map recorded in the office of the San Mateo County Recorder on (date of recording) in Volume ___ of Maps, at p. _____ and listed and described on Exhibit B, which is attached to and made a part of this grant by reference.

Conservation Values

2. The Subject Property possesses natural, scenic, open-space, habitat preservation, and recreational values. In particular,

(a) the preservation of the Subject Property as open space is consistent with the General Plan of the County; and

(b) the preservation of the Subject Property as open space is in the best interest of the County and specifically because:

(1) the land is essentially unimproved and if retained in its natural state has scenic value to the public and this instrument contains appropriate covenants to that end; and

(2) it is in the public interest that the Subject Property be retained as Open Space because such land will add to the amenities of living in neighboring urbanized areas.

Intention of Grantor

3. It is the intention of Grantor to grant to Grantee a conservation easement on, over, across, and under the Subject Property pursuant to the Open-Space Easement Act of 1974, appearing at Chapter 6.6 (commencing with Section 51070) of Part 1, Division 1, Title 5 of the California Government Code, and in fulfillment of the requirements of section 6317.A of the San Mateo County Zoning Regulations whereby Grantor relinquishes certain rights and enters into certain covenants concerning the Subject Property, as more particularly set forth below. It is further the intention of the Grantor that this grant meet all of the requirements of section 170(h)(1) of the United States Internal Revenue Code.

Purpose of Easement

4. The purpose of this grant of an open-space easement in the Subject Property is to preserve the natural and scenic character of the Subject Property for public use and enjoyment, subject to the restrictions set forth herein, and to prevent any use of the Subject Property that will impair or interfere with the conservation values of the Subject Property. Grantor intends that this Conservation Easement will confine the use of the Subject Property to activities that are consistent with such purposes.

Description of Grantee

5. Grantee is a political subdivision of the State of California, and is the entity designated under Section 6317.A of the San Mateo County Zoning Regulations to accept easements granted pursuant to that section.

Acceptance by Grantee

6. By accepting this grant, Grantee agrees to honor the intentions of Grantor to act in a manner consistent with the purposes of this grant, and to preserve and protect in perpetuity the conservation values of the Subject Property. Grantee shall not accept or record this grant until a Final Subdivision Map is recorded in the Office of the Recorder of the County of San Mateo. The effective date of this grant shall be the date that this grant of easement is recorded. In the event the Final Subdivision Map is invalidated as a result of a legal challenge, this Easement shall cease to have any effect and the Grantee shall reconvey to Grantor all rights it may hold by virtue of this Easement and shall promptly record a quitclaim of all such rights. This grant satisfies the requirements in the County's Resource Management Zone for a density bonus under County Ordinance Section 6318 and for a subdivision under the Resource Management Zone.

Grant of Easement

7. In consideration of the above and the mutual covenants, terms, conditions, and restrictions contained in this grant deed, and pursuant to the laws of California and in particular to the Open-Space Easement Act of 1974 and Section 6317.A of the San Mateo County Zoning Regulations, Grantor voluntarily grants to Grantee a conservation easement in gross in the Subject Property in perpetuity subject to the terms of this grant deed.

Covenants

8. The Subject Property shall be used by Grantor and Grantor's successors in interest only for those purposes that will maintain the existing open-space character of the Subject Property. Any uses of the Subject Property shall further be limited to uses consistent with open space as defined in the California Open Space Lands Act of 1972, on January 1, 1980, as set forth in Government Code section 65560.

Without limiting the generality of the foregoing, Grantor and Grantor's successors in interest hereby covenant that they will refrain, in perpetuity, from doing, causing, or permitting any of the following acts with respect to the Subject Property:

(1) Using or permitting the use of the Subject Property for any purpose except as is consistent with the stated purposes, terms, conditions, restrictions, and covenants of this easement, with the provisions of the Open-Space Easement Act of 1974, and with the findings of the Board of Supervisors of the County of San Mateo pursuant to California Government Code Section 51084.

(2) Constructing improvements on the Subject Property. However, Grantor may construct and maintain existing utility, road and access easements or any such easements authorized or reserved by the Vesting Tentative Subdivision Map approved by the Board of Supervisors of the County of San Mateo on _____, provided that any such construction and maintenance shall be carried out consistently with the conservation values that this conservation easement was intended to protect. This section is not intended to approve or otherwise legalize existing improvements constructed by any third person on the Subject Property, nor is to be

construed as requiring that Grantor remove any such improvements that exist as of the effective date of this Easement.

(3) Constructing, placing, or maintaining a parking lot, storage area, or dump site for the storage or disposal of anything that is not indigenous or natural to the Subject Property. Further, this section shall not be construed to authorize a dump site for the permanent disposal of any materials associated with normal construction activities associated with the construction of the eleven authorized houses or for any other materials whatsoever.

(4) Surfacing the Subject Property, in whole or in part, with any asphalt, stone, concrete, or other material that does not constitute natural cover for the land, except as is necessary to construct utility and road improvements within the limits of utility and road easements authorized or reserved pursuant to (2), above, or ~~that would allow for paving of a bicycle and/or pedestrian trail to a standard compliant with the Americans With Disabilities Act, Section 504 of the Rehabilitation Act of 1973 or any analogous state or federal laws~~ if the Subject Property comes to be used as a passive use park, as referenced in Section 14(b) of this easement.

(5) Mining, extracting, severing, or removing any natural resource found or located on, above, or below the Subject Property, or otherwise engaging in any activity that will alter the unique physical and scenic characteristics of the Subject Property.

(6) Cutting or removing timber or trees found or located on the Subject Property, except as may be required for fire prevention (but only as consistent with section 9(2) below), thinning,

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elimination of diseased growth, or similar preventive measures in a manner compatible with the purposes of this grant. Nothing in this Conservation Easement shall exempt the Grantor from compliance with any regulations and/or permit requirements governing the removal of trees.

(7) Cutting, uprooting, or removing natural growth found or located on the Subject Property, except as may be required for fire prevention (but only as consistent with section 9(2) below), thinning, elimination of diseased growth, or similar preventive measures in a manner compatible with the purposes of this grant. Nothing in this Conservation Easement shall exempt Grantor from compliance with any regulations and /or permit requirements governing the removal of trees.

(8) Dividing or subdividing the Subject Property.

(9) Subject to those rights reserved in Paragraph 9, below, excavating, grading, or placing any sand, soil, rock, gravel, or any material on the Subject Property, except with prior written permission of Grantee, provided that the excavation, grading, or placing of material on the Subject Property is consistent with the purposes of this grant. The provisions of this subsection 8.(9) shall not apply during any time in which the Subject Property is owned by a public agency, including but not limited to the Highlands Recreation District, to the extent required for emergency repair of drainage systems.

(10) There shall be no storage of vehicles, boats, firewood, building materials or equipment on the Subject Property, nor shall there be any sheds or modular office buildings permitted on the

000207

Subject Property. The provisions of this subsection 8.(10) shall not apply in the area described in subsection 8.(15) during any time in which the Subject Property is owned by a public agency, including but not limited to the Highlands Recreation District.

(11) There shall be no industrial, commercial, residential, or institutional activity permitted on the Subject Property.

(12) ~~Unseasonable~~ ~~reasonable~~ watering; use of fertilizers, pesticides, biocides, herbicides, or other agricultural chemicals except to enhance RM values (such as trail maintenance or establishment of native plantings); weed abatement activities except to enhance RM Zone values (such as removal of non-native invasive species); incompatible fire protection activities; and any other activities and uses which may impair or interfere with the purposes of the Conservation Easement. ~~The provisions of this subsection 8.(12) shall not apply during any time in which the Subject Property is owned by a public agency, including but not limited to the Highlands Recreation District.~~

(13) Use of off-road vehicles and use of any other motorized vehicles except on existing roadways.

(14) Planting or introduction of non-native or exotic plant or animal species.

(15) Notwithstanding the covenants in this section, it shall not be a breach of this Easement for there to be constructed an extension of the Highland Recreation District's Lexington Boulevard parking lot that exists as of the effective date of this Easement into adjacent land along Lexington Boulevard, provided that any such extension of the parking lot extend only into the adjacent lot area that is approximately at the grade of the parking lot and otherwise serves the purposes of this Easement. Moreover, in the event that the Highlands Recreation District comes to own the Subject Property, this easement shall not restrict that district from using ~~shall be~~

000208

~~authorized to use the parking lot and any authorized such extensions of it, for related recreational~~ purposes.

(16) Notwithstanding the foregoing, Grantor shall be permitted to undertake any actions necessary in order to comply with the Americans With Disabilities Act, Section 504 of the Rehabilitation Act of 1973 or any analogous state or federal laws^[jdn1].

Reservation of Rights

9. Grantor reserves the right to all uses and occupancy of, and ingress and egress to and from, the Subject Property in any manner consistent with the stated purposes, terms, conditions, restrictions, and covenants of this grant. Those uses include the following specific enumerated rights:

(1) The right to remove hazardous substances, rubbish, diseased plants or trees and to correct dangerous conditions on the Subject Property.

(2) The right to remove understory vegetation which, according to the County Fire Marshall, constitutes a fire hazard to the neighboring parcels, where such vegetation lies within one hundred (100) feet of existing or permitted residential development. Nothing in this subsection of this Conservation Easement shall exempt the Grantor from compliance with regulations and/or permit requirements regarding the removal of trees.

(3) The right to repair underground utility lines.

(4) The right to post signs to deter trespass or to prevent, pursuant to Civil Code Section 1008, the creation of prescriptive easements, which signs shall be of no greater size than the minimum specified by law.

000209

Grantee's Approval

10. Whenever this grant deed requires Grantor to obtain the prior written approval or permission of the Grantee, the Grantor will notify the Grantee not less than fifteen business days in advance of the date that Grantor intends to undertake the activity. The notice must describe the nature, scope, design, location, timetable, and any other material aspect of the proposed activity in sufficient detail to permit Grantee to make an informed judgment as to the consistency of the activity with the purpose of this grant. The Grantee shall grant or deny approval in writing within ten business days of receipt of Grantors notice. Grantee may deny approval only on a reasonable determination that the proposed action would be inconsistent with the purpose of this grant. The provisions of this section 10 shall not apply during any time in which the Subject Property is owned by a public agency, including but not limited to the Highlands Recreation District.

Right to Prevent Prohibited Use

11. Grantor grants to Grantee and Grantee's successors and assigns, for the duration of this grant, the right, but not the obligation, to prevent or prohibit any activity that is inconsistent with the stated purposes, terms, conditions, restrictions, or covenants of this grant and the right to enter the Subject Property for the purpose of removing any building, structure, improvement, or any material whatsoever constructed, placed, stored, deposited, or maintained on the Subject Property contrary to the stated purposes of this grant or to any term, condition, restriction, or covenant of this grant. By this grant, Grantor retains all rights to enforce the easement and any rights as an owner not inconsistent with this grant.

Enforcement

12(a). The purposes, terms, conditions, restrictions, and covenants in this grant may be specifically enforced or enjoined by proceedings in the Superior Court of the State of California, consistent with the terms of Section 51086 of the California Government Code.

12(b) It is understood and agreed that the enforcement proceedings provided in this section are not exclusive and that any action to enforce the terms and provisions of the Grant of Open-Space Easement shall be at the discretion of Grantee and may be brought at law or in equity. Any forbearance on the part of Grantee to exercise its rights hereunder in the event of any breach hereof by Grantor, or by Grantor's heirs, successors, personal representatives or assigns shall not be deemed or construed to be a waiver of Grantee's rights hereunder in the event of any subsequent breach.

12(c) In any action by Grantee to enjoin any violation of this easement, Grantor agrees that Grantee shall have no obligation to prove either actual damages or the inadequacy of otherwise available legal remedies. Grantor agrees that Grantee's remedies at law for any violation of this Easement are inadequate and that Grantee shall be entitled to the injunctive relief described in this section, both prohibitive and mandatory, in addition to such other relief to which Grantee may be entitled, including specific performance of this Conservation Easement, without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies. Grantee's remedies described in this section shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity. The failure of the Grantee to discover a violation or to take immediate action shall not bar Grantee from taking action at a later time. The provisions of this section 12(c) shall not apply during any time in which the

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Subject Property is owned by a public agency, including but not limited to the Highlands Recreation District.

Acts Beyond Grantor's Control

13. Nothing contained in this instrument may be construed to entitle Grantee to bring any action against Grantor for any injury to or change in the Subject Property resulting from causes that are beyond Grantor's control, including, but not limited to, third party actions, trespass, fire, flood, storm, earth movement, or any prudent or reasonable action undertaken by Grantor in an emergency situations to prevent or mitigate damage or injury to the Subject Property resulting from such causes, provided that the emergency situation does not result from, or is not related to, actions undertaken by the Grantor. Nothing herein shall relieve Grantor of the obligation to apply for and obtain any required permits or approvals for any such actions.

No Authorization for Public Trespass

14.(a) The granting of this conservation easement by this instrument and the acceptance of the easement by the Grantee do not, in themselves, authorize, and are not to be construed as authorizing, the public or any member of the public to enter, trespass on, or use all or any portion of the Subject Property, or as granting to the public or any member of the public any tangible rights in or to the Subject Property. It is understood that the purpose of this grant is solely to restrict the use of the Subject Property, so that it may be kept as near as possible in its natural state.

000212

14(b). It is the intention of Grantor and Grantee that should the fee simple interest in the Subject Property be transferred to a public agency or qualified non-profit entity or the County of San Mateo, passive recreational uses that preserve the natural open space character of the land may be allowed, including, but not limited to, nature walks, day hiking, picnicking, bird watching and photography. Any such future use would be subject to the approval of such subsequent owner.

Condemnation

15. As against the County of San Mateo, in its capacity as Grantee, the purposes of this Conservation Easement are presumed to be the highest and most necessary use of the Subject Property as defined at section 1240.680 of the California Code of Civil Procedure notwithstanding sections 1240.690 and 1240.700 of that Code.

If an action in eminent domain for condemnation of any interest in the Subject Property is filed, or if the Subject Property is acquired for a public improvement by a public agency or person, these restrictions will be null and void as to the interest in the Subject Property actually condemned or acquired. However, all conditions, restrictions, and covenants of this grant will be in effect during the pendency of such an action; if such an action is abandoned before the recordation of a final order of condemnation, any portion of the Subject Property that is not actually acquired for public use will once again be subject to all of the terms, conditions, restrictions, and covenants of this grant. Grantor will be entitled to the amount of compensation as if the Subject Property had not been burdened by the open-space easement, consistent with Section 51095 of the California Government Code. Nothing in this section shall preclude consideration of zoning as reflected in the approved Final Subdivision Map.

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Abandonment

16. The easement granted by this instrument may not be abandoned, in whole or in part, and Sections 51093 and 51094 of the California Government Code shall be inapplicable to this Conservation Easement.

Taxes and Assessments

17. Grantor or Grantor's successor or assigns shall pay or cause to be paid all real property taxes and other assessments (general and special), fees, and charges of whatever description levied or assessed against the Subject Property. Grantee agrees to cooperate with Grantor in documenting the existence and property tax-related effect of the easement for the Assessor of San Mateo County. The provisions of this section 17 shall not apply during any time in which the Subject Property is owned by a public agency, including but not limited to the Highlands Recreation District.

Maintenance

18. The Grantee shall not be obligated to maintain, improve or otherwise expend any funds in connection with the use or enjoyment of Subject Property or any interest created by this Grant of Easement.

Liability and Indemnification

19. a. Grantor retains all responsibility and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep, and maintenance of the Subject Property. Grantor agrees that the Grantee shall not have any duty or responsibility for the operation, upkeep, or

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maintenance of the Subject Property, or the protection of Grantor, the public or any other third parties from risks related to the condition of the Subject Property. Grantor shall remain solely responsible for obtaining any applicable governmental permits and approvals required for any activity or use by Grantor permitted by this Easement, including permits and approvals required from Grantee acting in its regulatory capacity and any activity or use shall be undertaken in accordance with all applicable federal, state, local, and administrative agency laws, statutes, ordinances, rules, regulations, orders, and requirements. Acceptance of this Grant of Open-Space Easement by Grantee is subject to the express condition that the Grantee and its officers, agents, members and employees are to be free from all liability and claim for damage by reason of any injury to any person or persons, including Grantor, or property of any kind whatsoever and to whomsoever belonging, including Grantor, resulting from any pre-existing condition(s) on the Subject Property, and any acts or omissions of the Grantor or Grantor's predecessors or successors in interest related to the Subject Property. Grantor, on its behalf and on behalf of its successors in interest, hereby covenants and agrees to indemnify and hold harmless the Grantee, and its directors, officers, employees, agents, contractors, and representatives, and their respective heirs, personal representatives, successors, and assigns (each, an "Indemnified Party") from and against any and all liabilities, penalties, costs, losses, damages, expenses (including, without limitation, reasonable attorneys fees and other litigation expenses), causes of actions, claims, demands, orders, liens, or judgments (each, a "Claim") on account of or arising out of any pre-existing condition(s) on the Subject Property and any acts or omissions of the Grantor or Grantor's predecessors or successors in interest related to the Subject Property, except that this indemnification obligation shall be inapplicable to any Claim determined to result solely from the negligence of Grantee or any of its agents.

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If any action or proceeding is brought against any of the Indemnified Parties by reason of any such claim, Grantor and its successors in interest shall, at the election of and upon written notice of any such Indemnified Party, defend such action or proceeding by counsel reasonably acceptable to the Grantee's Indemnified Party or reimburse such Indemnified Party for all charges incurred for services of any government attorney (including, but not limited, for example, to attorneys of the Office of the County Counsel) in defending the action or proceeding. Grantee agrees that, in the defense of any such Claim it will vigorously assert all existing and applicable immunities and defenses.

b. The Grantee shall have no right of control over, nor duties and responsibilities with respect to, the Subject Property, which would subject the Grantee to liability occurring on the land, by virtue of the fact that the right of Grantee to enter the land is strictly limited to preventing uses inconsistent with the interests granted, and does not include the right or obligation to enter the land for the purposes of correcting any dangerous condition as defined by California Government Code Section 830.

c. Grantor agrees to maintain bodily injury and property damage liability insurance as shall protect it from claims related to conditions on the Subject Property and to name the Indemnified Parties as additional insureds on such policies.

d. The provisions of subsections 19.b. and 19.c. of this ~~the preceding two paragraphs of this~~ section 19 shall not apply during any time in which the Subject Property is owned by a public agency, including but not limited to the Highlands Recreation District.

Amendment

20. This conservation easement may not be amended in whole or in part as to any term,

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condition, restriction, or covenant without the prior written consent of the Grantor and Grantee.

During all times that the County of San Mateo remains owner of this easement, any ~~material~~ amendment to this easement that is proposed shall be presented at a duly-noticed public meeting of the San Mateo County Planning Commission for a recommendation of the Planning Commission before the proposed amendment is presented to the San Mateo County Board of Supervisors for action. Notwithstanding the foregoing, in no event shall any amendment to this conservation easement be permitted which violates the California Open Space Lands Act or which contradicts the perpetual nature of this easement.

Binding on Successors and Assigns

21. This grant, and each and every term, condition, restriction, and covenant of this grant, is intended for the benefit of the public and is enforceable pursuant to the provisions of the Open-Space Easement Act of 1974. This grant binds Grantor and Grantor's successors and assigns and constitutes a servitude on the Subject Property that runs with the land.

Liberal Construction

22. This easement is to be liberally construed in favor of the grant in order to effectuate the purposes of the easement and the policy and purpose of the Open-Space Act of 1974. If any provision in this grant is found to be ambiguous, an interpretation consistent with the purpose of this easement that would render the provision valid will be adopted over any interpretation that would render it invalid.

Severability

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23. If any provision of this grant is found to be invalid, or if the application of this easement to any person or circumstance is disallowed or found to be invalid, the remainder of the provisions of the grant, or the application of the grant to persons or circumstances other than those to which its application was disallowed or found invalid, will not be affected and will remain in full force and effect.

Controlling Law

24. This grant of easement is to be interpreted, enforced, and performed in accordance with the laws of the State of California.

Entire Agreement

25. This grant sets forth the entire agreement of the parties with respect to the conservation easement and supersedes all previous conversations, negotiations, understandings, settlements, or agreements related to the conservation easement.

Captions

26. The captions in this grant have been inserted solely for the purpose of convenience of reference and are not to be construed as part of this instrument and do not affect the construction or interpretation of the grant.

Enforceable Restriction

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27. This easement is intended to constitute an enforceable restriction pursuant to the provisions of California Constitution, Article XIII, Section 8, and Sections 402.1 and 421 through 423.3 of the California Revenue and Taxation Code.

Counterparts

28. The parties may execute this instrument in two or more counterparts, which shall, collectively, be signed by all parties. Each counterpart shall be deemed an original instrument as against any party who has signed it. In the event of any disparity between the counterparts produced, the recorded counterpart controls.

Recording

29. Grantee shall record this Conservation Easement in the Office of the County Recorder of the County of San Mateo and may re-record it at any time that Grantee deems it necessary in order to preserve its rights in this easement.

Merger

30. It is the intent of the Grantor and the Grantee that the doctrine of merger not operate to extinguish this Conservation Easement if the same person or entity comes to own both the easement and the Subject Property. If, despite this stated intention, the doctrine of merger is determined to have extinguished this Conservation Easement, then a replacement conservation easement or restrictive covenant containing the same material protections embodied in this Conservation Easement shall be prepared and recorded against the Subject Property.

000219

IN WITNESS WHEREOF, Grantor has executed this Conservation Easement Deed the day and year first written above.

Dated: _____

_____, GRANTOR
TICONDEROGA PARTNERS LLC
By: Jack Chamberlain

000220

ACCEPTANCE OF CONSERVATION EASEMENT

Pursuant to the provisions of the Open-Space Easement Act of 1974, appearing at Chapter 6.6 of Part 1, Division 1, Title 5 of the California Government Code (commencing with Section 51070), the County of San Mateo accepts this grant of a conservation easement.

Dated: _____

COUNTY OF SAN MATEO

By: _____

MPM:sl

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000221

**CALIFORNIA CODES
GOVERNMENT CODE
SECTION 65560**

65560. (a) "Local open-space plan" is the open-space element of a county or city general plan adopted by the board or council, either as the local open-space plan or as the interim local open-space plan adopted pursuant to Section 65563.

(b) "Open-space land" is any parcel or area of land or water that is essentially unimproved and devoted to an open-space use as defined in this section, and that is designated on a local, regional or state open-space plan as any of the following:

(1) Open space for the preservation of natural resources including, but not limited to, areas required for the preservation of plant and animal life, including habitat for fish and wildlife species; areas required for ecologic and other scientific study purposes; rivers, streams, bays and estuaries; and coastal beaches, lakeshores, banks of rivers and streams, and watershed lands.

(2) Open space used for the managed production of resources, including but not limited to, forest lands, rangeland, agricultural lands and areas of economic importance for the production of food or fiber; areas required for recharge of groundwater basins; bays, estuaries, marshes, rivers and streams which are important for the management of commercial fisheries; and areas containing major mineral deposits, including those in short supply.

(3) Open space for outdoor recreation, including but not limited to, areas of outstanding scenic, historic and cultural value; areas particularly suited for park and recreation purposes, including access to lakeshores, beaches, and rivers and streams; and areas which serve as links between major recreation and open-space reservations, including utility easements, banks of rivers and streams, trails, and scenic highway corridors.

(4) Open space for public health and safety, including, but not limited to, areas which require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, flood plains, watersheds, areas presenting high fire risks, areas required for the protection of water quality and water reservoirs and areas required for the protection and enhancement of air quality.

(5) Open space in support of the mission of military installations that comprises areas adjacent to military installations, military training routes, and underlying restricted airspace that can provide additional buffer zones to military activities and complement the resource values of the military lands.

(6) Open space for the protection of places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code.

000222

dated = 12/23/09

County of San Mateo
Environmental Services Agency
Planning and Building Division

In-Lieu Park Fee Worksheet

[This formula is excerpted from Section 7055 of the County's Subdivision Regulations]

This work sheet should be completed for any residential subdivision which contains 50 or fewer lots. For subdivisions with more than 50 lots, the County may require either an in-lieu fee or dedication of land.

- 1. For the parcel proposed for subdivision, look up the value of the land on the most recent equalized assessment roll. (Remember you are interested in the land only.)

Value of Land = $\frac{[041-101-290]}{[041-072-030]} = \$271,341$

Total = \$272,040

- 2. Determine the size of the subject parcel in acres.

Acres of Land = $\frac{[041-101-290]}{[041-072-030]} = 96.92 \text{ acres}$

Total = 96.97 acres

- 3. Determine the value of the property per acre.

- a. Set up a ratio to convert the value of the land given its current size to the value of the land if it were an acre in size.

Formula:	
<u>Parcel Size in Acres (From Item 2)</u> 1 Acre of Land	<u>Value of Subject Parcel (From Item 1)</u> Value of Land/Acre
Fill Out:	
<u>96.97 acres</u> 1 Acre	<u>\$272,040</u> Value of Land/Acre

- b. Solve for X by cross multiplying.

Formula:	
Value of Land =	$\frac{\text{Value of the Subject Parcel (From Item 1)}}{\text{Size of the Subject Parcel in Acres (From Item 2)}} =$
Fill Out:	
Value of Land =	$\frac{\$272,040}{96.97 \text{ acres}} = \$2,805.40$

4. Determine the number of persons per subdivision.

Formula:			
Number of New Lots Created*	X	2.81**	= Number of Persons Per Subdivision
*Example: A 2-lot split would = 1 newly created lot.			
Fill Out:			
(P) 12 - (E) 2 = 10	X	2.81**	= <u>28.1</u>
**Average number of persons per dwelling unit according to the most recent federal census (1990).			

5. Determine the parkland demand due to the subdivision.

Formula:			
Number of Persons Per Subdivision (From Item 4)	X	.003*** Acres/Person	= Parkland Demand
Fill Out:			
<u>28.1</u>	X	.003*** Acres/Person	= <u>0.0843</u>
***Section 7055.1 of the County's Subdivision Ordinance establishes the need for .003 acres of parkland property for each person residing in the County.			

6. Determine the parkland in-lieu fee.

Formula:			
Parkland Demand (From Item 5)	X	Value of the Land/Acre (From Item 3.b)	= Parkland In-Lieu Fee
Fill Out:			
<u>0.0843</u>	X	<u>2,805.40</u>	= \$ <u>236.50</u>

ORDINANCE NO. _____

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

* * * * *

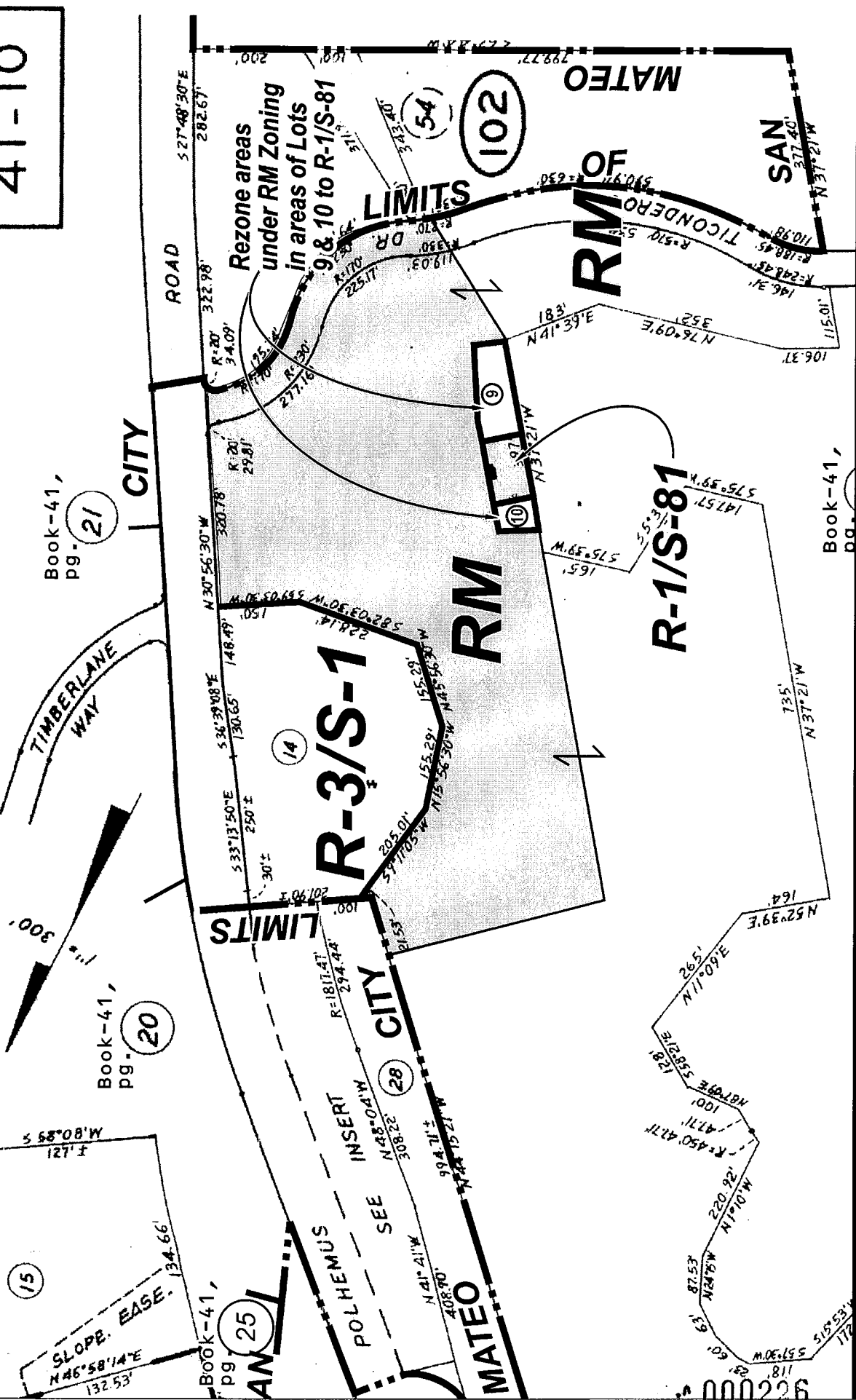
AN ORDINANCE AMENDING THE SAN MATEO COUNTY ORDINANCE CODE (ZONING MAPS) TO REZONE A PORTION OF A PARCEL IN THE SAN MATEO HIGHLANDS AREA FROM "RM" TO "R-1/S-81"

The Board of Supervisors of the County of San Mateo, State of California, ordains as follows:

SECTION 1. Division VI, Part One, Chapter 2, Section 6115 of the San Mateo County Ordinance Code (Zoning Maps) is hereby amended to change the zoning of a portion of APN 041-101-290 shown within the boundaries on the attached map identified as Exhibit "A" from "Resource Management (RM)" to an "R-1/S-81" zoning designation.

SECTION 2. This ordinance shall be in full force and effect thirty (30) days after adoption by the San Mateo County Board of Supervisors.

41-10



San Mateo County Board of Supervisors' Meeting

Applicant: Jack Chamberlain

Exhibit: A

File Numbers: PLN 2006-00357

Ordinance No.

APN: 041-101-290

ORDINANCE NO. _____

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

* * * * *

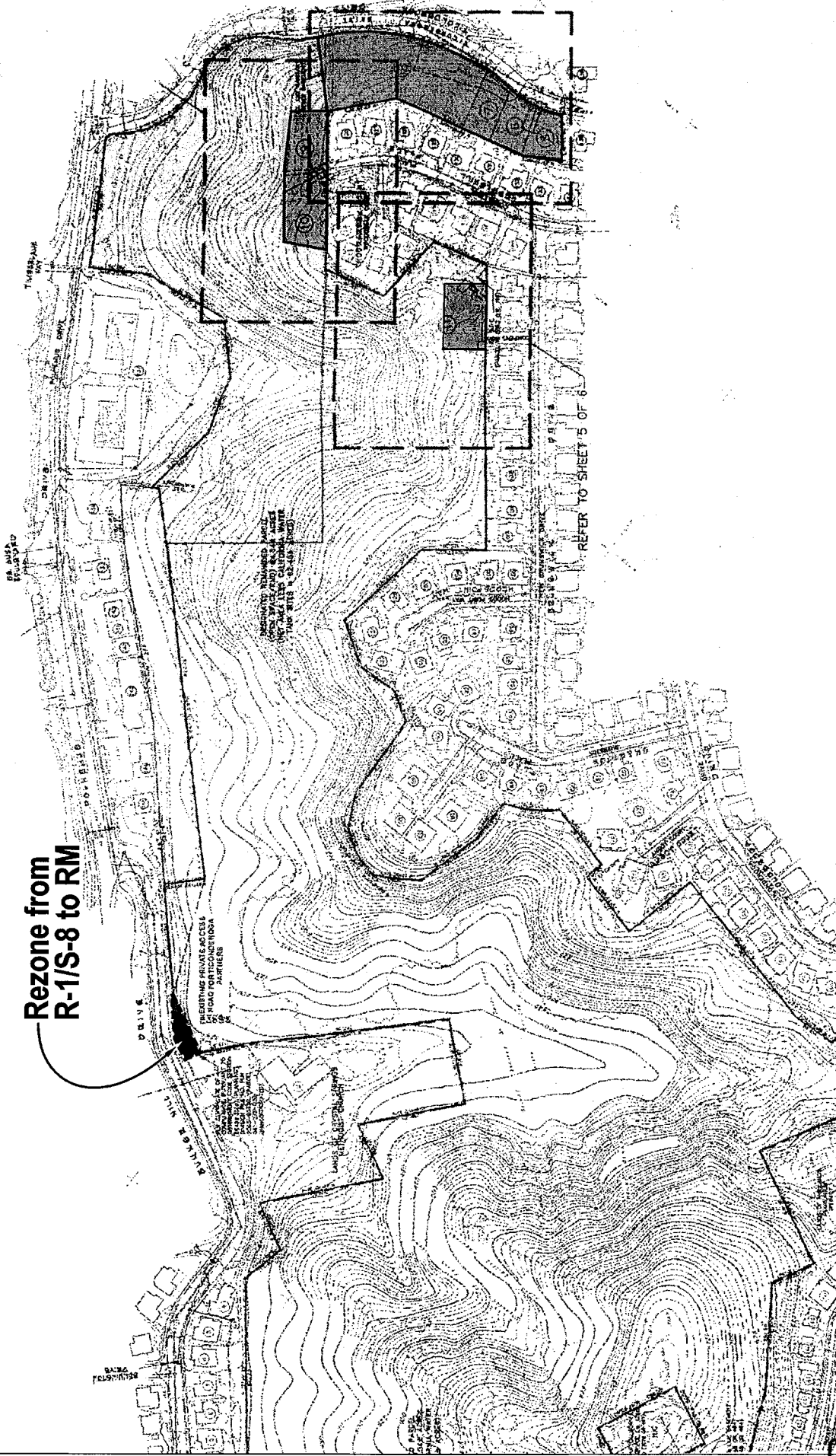
**AN ORDINANCE AMENDING THE SAN MATEO COUNTY ORDINANCE CODE
(ZONING MAPS) TO REZONE A PORTION OF A PARCEL IN THE
SAN MATEO HIGHLANDS AREA FROM "R-1/S-8" TO "RM"**

The Board of Supervisors of the County of San Mateo, State of California,
ordains as follows:

SECTION 1. Division VI, Part One, Chapter 2, Section 6115 of the San Mateo County Ordinance Code (Zoning Maps) is hereby amended to change a 2,178 sq. ft. area (formerly APN 041-072-030) shown within the boundaries on the attached map identified as Exhibit "A" from an "R-1/S-8" zoning designation to "Resource Management (RM)."

SECTION 2. This ordinance shall be in full force and effect thirty (30) days after adoption by the San Mateo County Board of Supervisors.

Rezone from
R-1/S-8 to RM



San Mateo County Board of Supervisors' Meeting

Applicant: Jack Chamberlain

Exhibit: A

File Numbers: PLN 2006-00357

Ordinance No.

Formerly APN: 041-072-030

ORDINANCE NO. _____

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

* * * * *

AN ORDINANCE AMENDING CHAPTER 20A OF DIVISION VI, PART ONE OF THE SAN MATEO COUNTY ORDINANCE CODE (ZONING ANNEX) TO REVISE THE RM ZONING DISTRICT REGULATIONS TO ALLOW A REDUCTION OF THE MINIMUM SETBACK (YARD) REQUIREMENTS FOR RESIDENTIAL PROJECTS IN URBAN AREAS THAT PRESERVE OPEN SPACE

The Board of Supervisors of the County of San Mateo, State of California, ordains as follows:

SECTION 1. Chapter 20A of Part One of Division VI of the San Mateo County Ordinance Code is hereby amended by adding a new Section 6319C to read as follows:

SECTION 6319C. CRITERIA FOR REDUCTION OF REQUIRED SETBACKS FOR RESIDENTIAL PROJECTS IN URBAN AREAS THAT PRESERVE OPEN SPACE.

- 1. **Decision Making Authority.** In order to grant a reduction of the required setbacks as allowed by this section, the decision making authority of the Resource Management Development Review Permit, pursuant to Section 6313 of this Chapter, must make the finding that the proposed development complies with the criteria listed in this section at the time of permit approval.
- 2. The front setback (yard) may be reduced to a minimum of 20 feet, and side setback(s) (yards) may be reduced to a minimum of 10 feet, if all of the following apply:
 - a. The project preserves an area of open space that significantly enhances the protection of visual, habitat, or open space resources.

The preservation of open space is accomplished by a conservation easement.

- b. The project is located in an urban area, as shown on Map 8.1M of the San Mateo County General Plan.
- c. The home sites are located immediately contiguous to an existing developed area.
- d. The reduced setbacks are appropriate to conform the proposed development to existing development, thereby helping to integrate the new development into the surrounding neighborhood.
- e. The reduced setbacks will allow for increased open space by:
 - (1) Reducing the front setback allows for shallower parcels, and thereby allowing for increased open space and/or conservation easement area to be preserved in the rear area of the project or subdivision, and/or
 - (2) Reducing the side setback(s) will promote clustering of proposed residences thereby allowing more open space and/or conservation easement area to be preserved in the project or subdivision.
- f. The project will comply with the following development standards:
 - (1) Minimum Lot Width of 75 feet.
 - (2) Maximum Building Site Coverage Ratio of 40%.

(3) Accessory buildings and structures will comply with Sections 6410 and 6411 (Detached Accessory Buildings) of this Ordinance Code, except that structures will maintain the minimum 20-foot rear setback and a minimum side setback of 10 feet.

g. The project will minimize grading.

h. The reduction of required setbacks does not adversely impact community character, public health, safety or welfare.

SECTION 2. Section 6319B (Minimum Yards) of Chapter 20A of Part One of Division VI of the San Mateo County Ordinance Code is hereby amended by inserting the text as underlined, to read as follows:

SECTION 6319B. MINIMUM YARDS. In the absence of more restrictive provisions within this ordinance and with the exception of setbacks determined under the provisions of Section 6319C of this Ordinance Code, the minimum yards required in the RM District shall be as follows:

Front: 50 feet


Side: 20 feet

Rear: 20 feet

Main and accessory buildings shall be located at least thirty (30) feet apart.

SECTION 3. This ordinance shall be in full force and effect thirty (30) days after adoption by the San Mateo County Board of Supervisors.

000231

<p>Recorded at the Request of, and When Recorded Return to: Pete Bentley, Senior Engineer Planning and Building Division 455 County Center, 2nd Floor Mail Drop PLN122 Redwood City, CA 94063</p> <p>Exempt from Fees Pursuant to Government Code Section 27383</p>	<p>For Clerk Use Only</p> <p>2005-178737</p> <p>10:50am 10/13/05 CC Fee: NO FEE Count of pages 3 Recorded in Official Records County of San Mateo Warren Slocum Assessor-County Clerk-Recorder</p>  <p>* 2 0 0 5 0 1 7 8 7 3 7 A R *</p>
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County of San Mateo
Environmental Services Agency
Planning and Building Division

3p

CERTIFICATE OF COMPLIANCE
Pursuant to Government Code Section 66499.35(a)

Planning Division File No. PLN 2005-00350

The County of San Mateo has received a request from Ticonderoga Partners, LLC, 665 Skyway, Suite 230, P.O. Box 970, San Carlos, to determine if real property owned by Ticonderoga Partners, LLC, identified as Assessor's Parcel Number 041-072-030 and further described below, complies with provisions of the California Subdivision Map Act and the San Mateo County Subdivision Ordinance.

Property Description

All that certain real property situate in the County of San Mateo, State of California, described as follows:

Portion of the lands described in Parcel Two of the deed from Baywood Plaza Co. Inc., a corporation, to California Pacific Title Insurance Company, a corporation, dated February 10, 1956 and recorded February 27, 1956 in Book 2974 of Official Records of San Mateo County at Page 651 (31320-N), said portion being more particularly described as follows:

BEGINNING at the Northeasterly corner of Lot 1, Block 15, on the Southwesterly line of Bunker Hill Drive, as said Lot, Block, and Drive are shown on the map entitled "TRACT NO. 762, THE HIGHLANDS UNIT NO. 8, SAN MATEO COUNTY CALIFORNIA," which map was filed in the office of the Office of the Recorder of the County of San Mateo, State of California on December 18, 1957, in Book 48 of Maps at Pages 16 and 17; thence from said point of beginning along the said Southwesterly line of Bunker Hill Drive, South 62°17'30" East 12.99 feet; Southeasterly on the arc of a curve to the right, tangent to the preceding course, said curve having

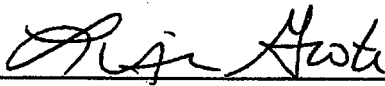
Certificate of Compliance Type A
Ticonderoga Partners, LLC
APN 041-072-030
Page 2

a radius of 220 feet and a central angel of 20°36'30", a distance of 79.13; and South 41°41' East 73.65 feet to the general Southerly boundary of the lands described in Parcel Two of the Deed first above referred to; thence North 62°17'30" West along the last mentioned boundary 159.36 feet to the Southeasterly line of said Lot 1 in Block 15, as shown on the map above referred to; thence North 27°42'30" East along the last mentioned line 40 feet to the point of beginning.

Parcel 041-072-030 Unincorporated.

This is to certify that the real property described above complies with the State of California Subdivision Map Act and the San Mateo County Subdivision Ordinance.

NOTICE: This document certifies compliance with the State of California Subdivision Map Act and the San Mateo County Subdivision Regulations only. Any development on, or use of, the property described herein is subject to the San Mateo County General Plan, Zoning Regulations, building regulations, and other County regulations affecting use and development of the property. Further, this Certificate of Compliance shall in no way affect the requirements of any other federal, State or local agency that regulates development or use of real property.



Lisa Grote, Community Development Director
County of San Mateo

10/13/05

Date

LCG:PSB/kcd - PSBP1163_WKN.DOC

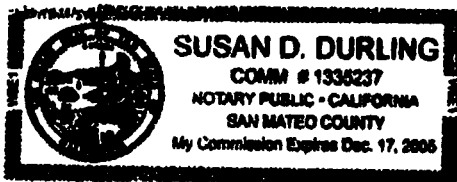
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
County of San Mateo } ss.

On 10-13-05, before me, Susan Durling, Notary Public
Date Name and Title of Officer (e.g., Jane Doe, Notary Public)
personally appeared Lisa Grote
Name(s) of Signer(s)

personally known to me
 proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) ~~is/are~~ subscribed to the within instrument and acknowledged to me that ~~he/she/they~~ executed the same in ~~his/her/their~~ authorized capacity(ies), and that by ~~his/her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Susan D. Durling
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

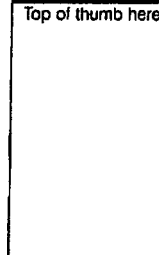
Capacity(ies) Claimed by Signer

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER



HIGHLAND ESTATES

TABULATION OF REVISED EARTHWORK QUANTITIES
 BASED ON THE VESTING TENTATIVE MAP DATED NOVEMBER 10, 2009

AREA	CUT (CY)	FILL (CY)	TOTAL CUT/FILL (CY)
LOT 1	300	100	400
LOT 2	0	600	600
LOT 3	0	1300	1300
LOT 4	200	300	500
LOTS 1-4 SUBTOTAL CUT (CY)		500	
LOTS 1-4 SUBTOTAL FILL (CY)		2,300	
LOT 5	1100	0	1100
LOT 6	1400	0	1400
LOT 7	1400	200	1600
LOT 8	800	300	1100
LOTS 5-8 SUBTOTAL CUT (CY)		4,700	
LOTS 5-8 SUBTOTAL FILL (CY)		500	
LOT 9	0	2600	2600
LOT 10	300	300	600
LOTS 9-10 SUBTOTAL CUT (CY)		300	
LOTS 9-10 SUBTOTAL FILL (CY)		2,900	
LOT 11	1200	1000	2200
TOTALS ALL LOTS			
LOTS 1-11 SUBTOTAL CUT (CY)		6,700	
LOTS 1-11 SUBTOTAL FILL (CY)		6,700	
10% SHRINKAGE (CY)		700	
TOTALS	6,700	7,400	
IMPORT	700		

NOTES

1. All earthwork quantities have been rounded to the nearest 100 cubic yards. Earthwork quantities include an allowance for shrinkage of 10%.
2. The earthwork calculations/quantities are based on the " Vesting Tentative Map - Highland Estates" dated November 10, 2009.
3. Site grading associated with Lots 7 & 8, shared driveway.
4. Site grading associated with Lots 9 & 10, shared driveway.
5. Grading quantities do not include any building foundation requirements.

Attachment Z