



**COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT**

# **ATTACHMENT      B**

**COUNTY OF SAN MATEO  
PLANNING AND BUILDING DEPARTMENT**

**DATE:** August 25, 2021

**TO:** Planning Commission

**FROM:** Planning Staff

**SUBJECT:** Consideration of findings for denial of a Minor Subdivision, a Resource Management Permit, and a Grading Permit, and adoption of the Revised Re-Circulated Initial Study/Mitigated Negative Declaration, to subdivide a 60.3-acre parcel into 3 parcels, each approximately 0.7-acre in size, for future residential development, creating a 58.153±-acre remainder parcel (with approximately 48.88 acres of land to be protected by a conservation easement, and 9.27 acres of developable area including an existing single-family dwelling). The project involves an upgrade of a 203 linear feet portion of the Billy Goat Hill sewer line that is required to off-set system capacity for the increase in service, grading including 455 cubic yards (c.y.) of earthwork (290 c.y. of cut and 165 c..y of fill) for landslide repair and 30 c.y. of cut and 30 c.y. of fill for the sewer line upgrade, and no removal of protected trees. The project site is located at 1551 Crystal Springs Road, Unincorporated San Mateo County.

County File Number: PLN 2014-00410 (Zmay)

**PROPOSAL**

The applicant proposes to subdivide a 60.3-acre parcel to create three new parcels with road frontage on Parrott Drive (0.669-acre, 0.707-acre, 0.734-acre in size; Parcels 1-3) and a 58.153-acre remainder parcel (48.88 acres of land to be protected by a conservation easement, and 9.273 acres of developable area which includes an existing single-family dwelling). The project site is located in the San Mateo Highlands, adjacent to the Town of Hillsborough and is bounded to the west by Crystal Springs Road, to the southwest by Polhemus Road, and to the northeast by Parrott Drive. No residential development is proposed with the subdivision at this time.

The density of the proposed subdivision would be at the maximum density allowed for the subject property by the Resource Management Zoning District (RM). The proposed establishment of a conservation easement would entitle the proposal to a 20 percent density bonus.

## **PLANNING COMMISSION ACTION**

In order to deny the subject applications, a majority of the Planning Commission must vote to adopt findings of denial for the Minor Subdivision, Resource Management Permit, and Grading Permit, County File Number PLN 2014-00410, as listed in Attachment A of this document.

## **SUMMARY OF DISCUSSION ON JULY 28, 2021**

The subdivision proposal was reviewed at the July 28, 2021 Planning Commission hearing for environmental impacts and consistency with County policies. Areas of focused environmental evaluations were the project's aesthetics, biological resources, geology and soils, and hazards and hazardous materials, hydrology and water, and public services. These were also the most relevant with respect to consistency with the General Plan, Resource Management Zoning Regulations, and Development Review Criteria. The project is also subject to the Grading Ordinance and Subdivision Regulations.

At the hearing, County planning staff presented the project and discussed sections of the staff report to describe the scope of the project, and the following significant aspects of the project; 1) the mapped resources and geological hazards, 2) environmental impacts identified from surveys and reports conducted by consultants, 3) how mitigation measure would reduce impacts to less than significant levels, and 4) the project's adherence to applicable County policies.

The applicant spoke at the hearing and stated that the project had been designed to be sensitive to the constraints of the parcel, previous County direction, and County development policies. John Stillman of Murray Engineers, one of the applicant's consultants, spoke about the historical landslide activity, the proposed stitch pier wall, and how the project design avoided placing development footprints in areas with previous landslide activity.

After the staff presentation, members of the Highlands community spoke against the project. Much of the opposition to the project was based on concerns related to landslides and fire hazards. Speakers stated that the residential development that will follow the subdivision was a public safety hazard and therefore did not meet several County policies.

Following presentations and public comment, the Planning Commission discussed the project and raised concerns about the landslide activity which has occurred on the parcel and expressed concerns about residential development in a high fire hazard. Concerns were expressed about the safety and welfare of the community. The Commission's consensus was that due to the public safety concerns, the project did not comply with County policies found in the General Plan and Resource Management Zoning District due to hazards on the property. The Commission did not find that the

fire hazard could be mitigated and therefore directed that findings of denial be prepared for consideration by the Commission.

The Subdivision Regulations require that a subdivision be suitable for the land. Subdivision Regulations at § 7013(3)(b)(3-4). Accordingly, the findings for denial of the subdivision application are as follows:

1. That the site is not physically suitable for the proposed type of development due to landslide activity on the parcel, in violation of Subdivision Regulations section 7013(3)(b)(3);
2. That the site is not physically suitable for the proposed density of development due to landslide activity on the parcel, in violation of Subdivision Regulations section 7013(3)(b)(4);
3. That the subdivision is on land located in a state responsibility area or a very high fire hazard severity zone as both are defined in Section 51177 of the California Government Code, and that the design and location of each lot in the subdivision, and the subdivision as a whole, are not consistent with applicable regulations adopted by the State Board of Forestry and Fire Protection pursuant to Sections 4290 and 4291 of the Public Resources Code; due to the fact that proposed minor subdivision would be inconsistent with the protection responsibilities found in section 4291(a)(1)(A) by (a) allowing lot configurations and a pattern of private ownership of land that renders it impossible to hold future owners accountable for maintaining fuel loads such that a wildfire burning under average weather conditions would be unlikely to ignite a structure; and (2) allowing the installation of buildings or structures incapable of meeting regulations of defensible space, thereby making the area less safe from possible wildfires.

The Planning Commission may deny the minor subdivision on the basis of such findings as reflected in Attachment A

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County of San Mateo  
Planning and Building Department

**RECOMMENDED FINDINGS OF DENIAL**

Permit or Project File Number: PLN 2014-00410      Hearing Date: August 25, 2021

Prepared By: Erica Adams, Project Planner      For Adoption By: Planning Commission

**RECOMMENDED FINDINGS**

Regarding the Minor Subdivision, Find:

1. That the site is not physically suitable for the proposed type of development due to landslide activity on the parcel, in violation of Subdivision Regulations section 7013(3)(b)(3);
2. That the site is not physically suitable for the proposed density of development due to landslide activity on the parcel, in violation of Subdivision Regulations section 7013(3)(b)(4);
3. That the subdivision is on land located in a state responsibility area or a very high fire hazard severity zone as both are defined in Section 51177 of the California Government Code, and that the design and location of each lot in the subdivision, and the subdivision as a whole, are not consistent with applicable regulations adopted by the State Board of Forestry and Fire Protection pursuant to Sections 4290 and 4291 of the Public Resources Code; due to the fact that proposed minor subdivision would be inconsistent with the protection responsibilities found in section 4291(a)(1)(A) by (a) allowing lot configurations and a pattern of private ownership of land that renders it impossible to hold future owners accountable for maintaining fuel loads such that a wildfire burning under average weather conditions would be unlikely to ignite a structure; and (2) allowing the installation of buildings or structures incapable of meeting regulations of defensible space, thereby making the area less safe from possible wildfires.

**PUBLIC RESOURCES CODE - PRC**  
**DIVISION 4. FORESTS, FORESTRY AND RANGE AND FORAGE LANDS**  
**[4001 - 4958]**

*(Division 4 repealed and added by Stats. 1965, Ch. 1144.)*

**PART 2. PROTECTION OF FOREST, RANGE AND FORAGE LANDS [4101 - 4789.7]**

*(Part 2 added by Stats. 1965, Ch. 1144.)*

**CHAPTER 3. Mountainous, Forest-, Brush- and Grass-Covered Lands [4291 - 4299]**

*(Chapter 3 added by Stats. 1965, Ch. 1144.)*

*Section 4291 (a) A person who owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining a mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or land that is covered with flammable material, shall at all times do all of the following:*

*(1) (A) Maintain defensible space of 100 feet from each side and from the front and rear of the structure, but not beyond the property line, except as provided in subparagraph (B). The amount of fuel modification necessary shall consider the flammability of the structure as affected by building material, building standards, location, and type of vegetation. Fuels shall be maintained in a condition so that a wildfire burning under average weather conditions would be unlikely to ignite the structure. This subparagraph does not apply to single specimens of trees or other vegetation that are well-pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to a structure or from a structure to other nearby vegetation. The intensity of fuels management may vary within the 100-foot perimeter of the structure, with more intense fuel reductions being utilized between 5 and 30 feet around the structure, and an ember-resistant zone being required within 5 feet of the structure, based on regulations promulgated by the board, in consultation with the department, to consider the elimination of materials in the ember-resistant zone that would likely be ignited by embers. The promulgation of these regulations by the board is contingent upon an appropriation by the Legislature in the annual Budget Act or another statute for this purpose. Consistent with fuels management objectives, steps should be taken to minimize erosion. For the purposes of this subparagraph, "fuel" means any combustible material, including petroleum-based products and wildland fuels.*



**COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT**

# **ATTACHMENT C**

**Application for Appeal****Planning and Building Department**

County Government Center ▪ 455 County Center, 2nd Floor  
 Redwood City ▪ CA ▪ 94063 ▪ Mail Drop PLN 122  
 Phone: 650 ▪ 363 ▪ 4161 Fax: 650 ▪ 363 ▪ 4849

☐ **To the Planning Commission**
☒ **To the Board of Supervisors**
**1. Appellant Information**Name: **Nick Zmay**Address: **751 Laurel Street #409****Steve Zmay****San Carlos**Phone, W: **6504300075**H: **6502008144**Zip: **94070****2. Appeal Information**

Permit Numbers involved:

**PLN2014-00410**

I have read and understood the attached information  
 regarding appeal process and alternatives.

☒ yes

☐ no

I hereby appeal the decision of the:

☐ Staff or Planning Director

☐ Zoning Hearing Officer

☐ Design Review Committee

☒ Planning Commission

Appellant's Signature:

Date:

made on **08/25** 20**21**, to approve/deny  
 the above-listed permit applications.

**3. Basis for Appeal**

Planning staff will prepare a report based on your appeal. In order to facilitate this, your precise objections are needed. For example: Do you wish the decision reversed? If so, why? Do you object to certain conditions of approval? If so, then which conditions and why?

We ask that the Planning Commission's 08/25/2021 decision on the Parrott Drive Subdivision be reversed and approved in accordance with the San Mateo County Planning Departments Staff Report. Planning Staff recommended the project for approval. Please see Attachment A for our reasonings. Disregard a prior appeal filed for the same project on 08/11/2021 as it was unclear when the appeal window began from the original PC meeting on 07/28/2021.

**Appeal of Planning Commission Decision  
(Attachment A)**

The following comments are in response to the San Mateo County Planning Commission's Final Letter of Decision (PLN2014-00410) dated September 3, 2021. Each comment below corresponds to each of the Planning Commission's numeric Findings.

1. The design of the proposed subdivision is consistent with Section 6324.6 of the Resource Management District Zoning Regulations because the proposed lots conform with:
  - a. 6326.4.b & c SLOPE INSTABILITY AREA CRITERIA of the Resource Managements District Zoning Regulations. The Planning Departments Staff Report supporting documents prove the proposed site is suitable for development.
  - b. The San Mateo County Planning Staff Report's Mitigation Measures 26, 27, 28, 29, 30, 31, 32, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, and 57.
  - c. See above the above Measures that address this Finding. Fire flow tests were provided and determined by the Fire Marshall to be sufficient.
2. The proposed site has been determined suitable for development in the San Mateo County Planning Staff Report.
  - a. 6326.4.b & c SLOPE INSTABILITY AREA CRITERIA of the Resource Managements District Zoning Regulations. The Planning Departments Staff Report supporting documents prove the proposed site is suitable for development.
  - b. The San Mateo County Planning Staff Report's Mitigation Measures 26, 27, 28, 29, 30, 31, 32, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, and 57.
3. The proposed development density was determined by a density analysis that was performed in accordance with Section 6317 MAXIMUM DENSITY OF DEVELOPMENT of the Resource Managements District Zoning Regulations. This is also addressed in the staff report.
4. The proposed development was reviewed by the Fire Marshall and addresses any impacts in the Staff Reports Discussion item 8.h.
  - a. Mitigation Measure 57 addresses building in high severity fire zones per the California Building Code.
  - b. Discussion Item 14.a. in the Staff Report requires the project to join the CSA-1 assessment district for enhanced police and fire service.
  - c. Discussion Item 16.e. in the Staff Report found the proposed development to have adequate emergency access by the Fire Marshall.
  - d. It is possible to hold future property owners accountable with maintaining fuel loads by creating a fire maintenance easement where future defensible space may encroach onto the existing parcel at 1551 Crystal Springs Road. A condition of approval can be added to address this point.



**COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT**

**ATTACHMENT D**

January 5, 2022

**VIA E-MAIL**

Honorable Don Horsley, President  
and Members of the Board of Supervisors  
County of San Mateo  
455 County Center, 2nd Floor  
Redwood City, CA 94063-1663

Re: Zmay 3-Lot Minor Subdivision, Grading Permit and Resource Management (RM)  
Permit (County File No. PLN 2014-00410)

Dear President Horsley and Members of the Board of Supervisors:

We write on behalf of our client, Z Enterprises LP (“Zmay”), the applicant for the above-referenced three-lot subdivision (the “Project”). The Project retains 80 percent of the Project site in permanent open space, stabilizes a hillside below Parrott Drive (thereby protecting homes and roadway infrastructure), and repairs a long failing sewer line. Based on a comprehensive environmental analysis supported by expert studies showing no unmitigated adverse environmental impacts, the County’s Planning Staff, in a thorough and well-reasoned report, recommended approval of the Project. The Planning Commission nonetheless voted to deny the Project. Zmay timely appealed the Planning Commission’s denial to the Board of Supervisors (the “Board”). We write in support of the “Appeal,” detailing the factual and legal impediments associated with the Planning Commission’s action.

**I. Background and Overview**

The approximately 60.3-acre Project site is located adjacent to the Town of Hillsborough and is bounded to the west by Crystal Springs Road, to the southwest by Polhemus Road, and to the northeast by Parrott Drive (the “Property”). The Property is located within the San Mateo Highlands, an established residential community. Single family neighborhoods, comprising approximately 900 homes, are located to the north and east of the Property. The majority of the Property is undeveloped. There is an existing single-family residence on a portion of the site which takes access from Crystal Springs Road.

The Property is located in an Urban Area per the General Plan. (General Plan, Overview Background & Issues, p. 8.1M.) Urban areas are lands which are suitable for urban land uses, including residential. (General Plan Policies [“GPP”], Policies 7.8, 7.17.) Specifically, the Property is located in Highlands/Baywood Park, which is a designated Urban Neighborhood. (GPP, Policy 8.10.) Urban Neighborhoods are ones “which are primarily devoted to residential land uses . . .” (GPP, Policy 8.6; *see also* GPP, Policy 8.3.a [“Plan Urban Neighborhoods to be primarily, though

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not exclusively, single-family residential areas which appear and function as residential neighborhoods of contiguous cities.”].) Per Policy 8.30 of the GPP, the County is to “[e]ncourage the infilling of urban areas where infrastructure and services are available.”

The Property is also designated General Open Space by the General Plan. (General Plan, Overview Background & Issues, p. 8.3M.) In addition to resource management and production uses, residential uses are also allowed under this designation. (GPP, Table 7.1P.)

The Property is zoned Resource Management (“RM”). Single-family residential development is allowed in the RM zoning district with a RM Permit. (Zoning Regulations §§ 6313, 6315(i), 6322.) The approved density for the Property allows for four single-family residences. (Revised Recirculated Mitigated Negative Declaration [“RMND”], p. 47.)

The Project proposes to subdivide the Property to create three new parcels for residential development. The three new parcels will each be approximately 0.7 acres in size, comprising 2.1 acres of the 60-acre site. Approximately 49 acres of the 58-acre remainder parcel (some 80 percent of the Property) will be permanently protected from development through a recorded conservation easement.<sup>1</sup> (Zoning Regulations § 6317A.) The Project lots are situated near Parrott Drive and will be clustered to avoid the natural resources on the Property. The lots will be located on a portion of the Property surrounded by urban uses and where utilities are readily available.

The Project also includes repair of an existing landslide area and a portion of a failing sewer line, both of which are located on the remainder parcel (i.e., not within the boundaries of the proposed new parcels). The landslide repair work includes the installation of two stitch pier retaining walls, which will occur prior to recordation of the final parcel map and any residential development. (RMND, pp. 30-32; Mitigation Measure 30.) New construction will not be allowed between or directly upslope of the retaining walls. (RMND, p. 32; Mitigation Measure 36.) The sewer line work would occur within an existing sewer easement and likewise be completed prior to the recordation of the final parcel map. (RMND, p. 2; Staff Report for the July 28, 2021 Planning Commission hearing [the “Staff Report”], p. 2.)

Zmay submitted the application for the Project on March 18, 2014. Project plans were reviewed and refined based on input from the County Departments of Planning, Building, and Public Works, as well as Cal-Fire. The Project was the subject of two environmental assessments pursuant to the California Environmental Quality Act (“CEQA”). Due to the initial assessment and geotechnical report, the Project was revised and reduced in scope from a four-lot subdivision of two acres each to a three-lot subdivision of approximately 0.7 acres each. Additionally, the amount of grading was reduced from 11,200 cubic yards (“cy”) to 455 cy. Under the revised Project, no

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<sup>1</sup> Specifically, approximately 48.88 acres of land would be protected by a conservation easement with the existing single-family home situated on the remaining 9.27 acres.

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residence or other development will be placed within any active landslide area. Instead, a shallow landslide area on the remainder parcel will be repaired with stitch pier retaining walls prior to any residential development.

We turn now to outlining the myriad legal infirmities associated with the Planning Commission's denial of the Project.

## **II. The Planning Commission's Denial of the Project Conflicts with the Law.**

### **A. The Planning Commission's Findings for Denial are Not Supported by Substantial Evidence, as Required.**

In order to pass legal muster, the Planning Commission's findings must be supported by substantial evidence. Substantial evidence has been defined as evidence of "ponderable legal significance . . . reasonable in nature, credible, and of solid value." (*Lucas Valley Homeowners Assn. v. County of Marin* (1991) 233 Cal.App.3d 130, 142.) Substantial evidence includes "fact, a reasonable assumption predicted upon fact, or expert opinion supported by fact." (Public Resources Code § 21080(e).) Substantial evidence does not include "argument, speculation, unsubstantiated opinion or narrative, [or] evidence that is clearly inaccurate or erroneous . . ." (*Id.*) The Planning Commission's findings (the "Findings") are *not* supported by any evidence, let alone by substantial evidence, as required.

In its Findings, the Planning Commission purported to base its denial of the Project on the grounds that it would not provide "reasonable and appropriate setbacks" from hazardous areas, would use areas for placement of structures "which are severely hazardous to life and property due to soils, geological, or fire factors," and would develop land unsuitable for the proposed use due to exposure to fire and susceptibility to mudslides or earthslides and severe erosion potential. (September 3, 2021 Final Letter of Decision, Attachment A.) The Planning Commission also purported to find that the Property is not physically suitable for the proposed type or density of development "due to landslide activity on the parcel." (*Id.*)

The Planning Commission further purported to find that the subdivision is on land located in a state responsibility area or a very high fire hazard severity zone and that the design and location of each lot are not consistent with regulations adopted by the State Board of Forestry in that the lot configurations and private ownership "renders it impossible to hold future owners accountable for maintaining fuel loads such that a wildfire burning under average weather conditions would be unlikely to ignite a structure" and allows the installation of buildings or structures "incapable of meeting regulations of defensible space, thereby making the area less safe from possible wildfires." (*Id.*)

There are several legal infirmities with the Planning Commission's Findings.

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First, the Findings contain no evidence whatsoever to support their conclusions. They are largely a recitation of text of the County Zoning Regulations with conclusions claiming that the Project does not conform to these regulations. These are not legally adequate findings which allow a reviewing court to “bridge the analytical gap between the raw evidence and ultimate decision or order.” (*Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 515.) An agency is required to ensure that sufficient evidence “is analyzed to support its decision and that the evidence is summarized in an appropriate finding.” (*Asociation de Gente Unida por el Agua v. Central Valley Regional Water Quality Control Bd.* (2012) 210 Cal.App.4th 1255, 1281.) Indeed, courts have repeatedly stressed that “mere conclusory findings without reference to the record are inadequate.” (*Environmental Protection Information Center v. California Dept. of Forestry & Fire Protection* (2008) 44 Cal.4th 459, 517; *accord, Village of Laguna Beach, Inc. v. Board of Supervisors* (1982) 134 Cal.App.3d 1022, 1035.)

Second, not only are the Findings unsupported by any evidence, but they are directly contradicted by reports prepared by expert consultants. Geotechnical studies of the Property were conducted by Murray Engineers, Inc. and peer reviewed by Cotton Shires and Associates. As correctly noted in the Staff Report:

***Both geotechnical consultants have evaluated the proposal and determined that upon completion of the landslide repair, the site is suitable for future single-family residential development and that future residences will not increase the geotechnical hazard on site or on neighboring properties.*** Project geotechnical analysis indicates that the project, as proposed and mitigated, would result in impacts to geology and soils which are less than significant. (Staff Report, p. 11.)<sup>2</sup>

(*See also* Staff Report, p. 2 [“A geotechnical evaluation determined that the landslides can be remediated, and, with the implementation of geotechnical recommendations, residences could be constructed on Parcels 1-3.”].)

The Property was thoroughly evaluated for landslides and other geotechnical risks. (RMND, p. 47.) The landslide areas are contained within a conservation easement where new development will be restricted. (RMND, p. 31; RMND, p. 3.) Future residences would be located outside of these hazardous areas. (Staff Report, p. 19.) The geotechnical experts recommended that a shallow slide area (not located on one of the proposed development parcels) be stabilized with stitch pier retaining walls as part of the Project. (RMND, Attachment K, p. 19; RMND, Attachment M, p. 3.) Per Mitigation Measure 30, this work must be completed prior to the construction of any residential parcels. (*See also* Mitigation Measures 2, 32, 33, 39.) Per Mitigation Measure 36, no new construction can be located between or directly upslope of the two proposed stitch pier walls between

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<sup>2</sup> Unless otherwise noted, emphasis in quotations is supplied and citations are omitted.

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Parcels 1 and 2. A letter dated December 22, 2021 from John Stillman (Murray Engineers) “strongly disagree[ing]” with the Findings is attached hereto as Exhibit A.

Additionally, the experts recommended that the proposed residences and associated retaining walls be supported on drilled pier foundations extending through the fill and colluvium and gaining support in the underlying bedrock. (RMND, Attachment K, pp. 15, 18, 20; RMND, Attachment M, p. 3.) Per Mitigation Measures 27, 29, 37, and 38, these recommendations must be incorporated into the future residential development design.

The Findings purporting to find that the proposed subdivision is not physically suitable for the type and proposed density of development are directly contradicted by the expert geotechnical reports summarized above and the conclusions of the County’s expert professional Planning Staff. *See, e.g.*, Staff Report, p. 23:

As described in Sections A.1, A.2, and A.3 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, as proposed and mitigated, would not result in any significant impacts to the environment. As described in Section C of this report, potential geologic hazards to the project site and immediate vicinity have been avoided or minimized, by adhering to geotechnical recommendations and would further be addressed with installation of the stitch pier walls. Project and County geotechnical consultants indicated that the proposed lots were suitable for residential development.

Third, the Findings ignore and do not address relevant Section 6326.4 of the Zoning Regulations. That section allows for low density residential uses in areas with landslide activity when the applicant demonstrates: (1) no other locations less susceptible to such hazards are reasonably available on the site, (2) through geologic site investigations and adequate engineering design, the proposed locations are suitable for the uses proposed, and (3) that direct damage to such uses or indirect threat to public health and safety would be unlikely. There are two areas on the Property that are entirely outside of identified geologic hazard areas which would allow clustered residential development: the subject Project area and an area behind existing homes on Enchanted Lane. (Staff Report, p. 11; RMND, Attachment S.) The other location was determined not to be feasible due to the need for extensive land disturbance, significant impacts to viewsheds, and inadequate fire access. (Staff Report, p. 12; RMND, Attachment T.) As to the other criteria, as noted above, two geotechnical consultants investigated the landslide area, provided recommendations, and concluded that the landslide repair will allow single-family residences to be constructed and occupied safely. (Staff Report, p. 22.) Drainage plans have been developed for the stitch pier walls by the applicant’s civil engineer and evaluated by County’s civil engineering section. (*Id.*) The plan design and mitigation measures ensure that direct damage to future residential uses and indirect threat to public health and safety are unlikely. (*Id.*)

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Fourth, contrary to the Findings, the fact that the Property, along with several other large portions of the County, are located within Very High Fire Hazard Severity Zones (“VHFHSZ”) “does not prohibit development of a parcel with structures.” (RMND, p. 41.) Instead, such designation requires adherence to development standards in building codes and vegetation clearance requirements. (*Id.*) Such standards require new buildings in VHFHSZ to use ignition resistant construction methods and materials and provide defensible space clearance. (See RMND, p. 42 [“All future residential development are required to address this hazard when residences are proposed with appropriate materials, vegetation clearance, and by meeting interior fire suppression requirements with water sprinklers.”] and Mitigation Measure 57 [“All roofing, attic ventilation, exterior walls, windows, exterior doors, decking, floors and underfloor protection shall meet the latest version of the California Residential Code, R327 or California Building Code Chapter 7A requirements.”].) A January 5, 2022 letter from retired Cal-Fire Staff Chief David Shew explaining the applicable defensible space requirements and the Project’s conformity thereto is attached hereto as Exhibit B.

A July 26, 2021 letter from Urban Forestry Associates claims that the Project exacerbates fire risk and recommends that the Fire Marshal be consulted. Cal-Fire has already reviewed and provided preliminary conditional approval of the Project. (Staff Report, Executive Summary, p. 5; Staff Report, p. 22.) Such conditions include, requiring adherence to building codes, annexation of the Property into County Service Area-1, and the provision of minimum required dimensions for water extensions for fire suppression purposes. (Staff Report, p. 52 [Condition 71], Staff Report, p. 54 [Condition 81] and p. 56 [Condition 93].) County Service Area-1 provides enhanced police and fire service within San Mateo Highlands-Baywood Park. (RMND, p. 52.) Mr. Shew provides a further response to the Urban Forestry Associates letter. (See Exhibit B.)

Moreover, the Project clusters future residential development on Parcels 1-3 consistent with surrounding development and so as to minimize their placement adjacent to wildfire fuels. The conditions require “fire hardening” of structures. (See Mitigation Measure 57 imposed as Condition 71.) Mainline utilities exist underground or would be placed underground as part of the Project. (Staff Report, Executive Summary, p. 4; Staff Report, pp. 18, 20.) The Project will not exacerbate the wildfire risks in the area or cause safety problems. Wildfires will not be significantly increased in frequency, duration, or size with the construction of the Project.

Fifth, nowhere do the Planning Commission’s Findings indicate that it considered, as it must, the criteria included in Zoning Regulations Section 6324.6(f).

In short, the Planning Commission’s Findings for denial are not supported by substantial evidence, as required. To the contrary, they are contradicted by substantial evidence, consisting of expert studies and reports. As such, the Findings do not support the Planning Commission’s action and are factually and legally infirm.

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**B. The Planning Commission's Action Violates the Housing Accountability Act.**

The Housing Accountability Act (“HAA”), referred to colloquially as the “Anti NIMBY law,” significantly restricts an agency’s ability to deny a housing development project. (*Honchariw v. County of Stanislaus* (2011) 200 Cal.App.4th 1066, 1068, fn. 2.)<sup>3</sup> “The Legislature’s intent in enacting the [HAA] in 1982 and in expanding its provisions since then was to significantly increase the approval and construction of new housing for all economic segments of California’s communities by meaningfully and effectively curbing the capability of local governments to deny, reduce the density for, or render infeasible housing development projects and emergency shelters.” (Gov. Code § 65589.5(a)(2)(K).) The HAA is to be “interpreted and implemented in a manner to afford the fullest possible weight to the interest of, and the approval and provision of, housing.” (Gov. Code § 65589.5(a)(2)(L).)

When a proposed housing development complies with applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards, a local agency is restricted from disapproving or lowering the density of the project.<sup>4</sup> In accordance with the HAA, an agency could take those actions only if it made “written findings supported by a preponderance of the evidence on the record that both of the following conditions exist: (A) The housing development project would have a specific, adverse impact upon the public health or safety . . . [and] (B) There is no feasible method to satisfactorily mitigate or avoid the adverse impact . . . other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.” (Gov. Code § 65589.5(j)(1).)

A housing development project is deemed consistent with applicable, objective planning or related standards if the agency fails to provide a written determination of inconsistency within 30 days from the date the application is complete. (Gov. Code § 65589.5(j)(2).) A “specific, adverse impact” means a “significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.” (Gov. Code § 65589.5(j)(1)(A).)

Under the preponderance of evidence standard, a reviewing court “does not defer to the fact finder below and accept its findings whenever substantial evidence supports them,” but rather “weigh[s] all the evidence for itself and make[s] its own decision about which party’s position is

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<sup>3</sup> A housing development project includes a proposed residential subdivision of land. (*Honchariw, supra*, 200 Cal.App.4th at 1074 [proposed 8-lot subdivision qualified as a housing development project within the meaning of the HAA]; *see also* Gov. Code § 65589.5(h)(2).)

<sup>4</sup> Objective standards are ones “involving no personal or subjective judgment by a public official and being uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official.” (Gov. Code § 65589.5(h)(8).)

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supported by a preponderance.” (*Coastal Environmental Rights Foundation v. California Regional Water Quality Control Bd.* (2017) 12 Cal.App.5th 178, 188 [court further observes that “[t]he question is not whether any rational fact finder could make the finding below, but whether the reviewing court believed the finding actually was correct.”].) In *California Renters Legal Advocacy & Education Fund v. City of San Mateo* (2021) 68 Cal.App.5th 820, 844, the First Appellate District similarly observed that “because the HAA cabins the discretion of a local agency to reject proposals for new housing, it is inappropriate” to defer to an agency’s interpretation of its standards, and that a reviewing court instead “must engage in more rigorous independent review . . . in order to prevent the [agency] from circumventing what was intended to be a strict limitation on its authority.”

The Project conforms with all objective general plan, zoning, and subdivision standards and criteria, including design review standards. The Project’s conformance with those objective standards are discussed in some detail in the Staff Report.<sup>5</sup> For instance, Staff describes how the Project is consistent with applicable General Plan policies and development guidelines. (Staff Report, pp. 6-12.) Staff further details how the Project conforms with RM Zoning District provisions related to use, density, and conservation of open space. (Staff Report, pp. 12-15.) Staff also notes how the Project conforms with the County’s objective Development Review criteria. (Staff Report, pp. 15-22.) Finally, on pages 22 to 26 of the Staff Report, Staff details how the Project conforms with the objective Subdivision Regulations.

The Planning Commission voted to deny the housing Project without making the mandatory findings required by the HAA. In doing so, the Planning Commission violated the HAA. (Gov. Code § 65589.5(k)(1)(A)(i)(II); *Honchariw, supra*, 200 Cal.App.4th at 1081.) Even had it purported to make the findings that the Project would have a specific, adverse impact on objective health or safety standards, such findings would not be supported by a preponderance of the evidence in the record, as required. The Planning Commission cited the lack of “reasonable and appropriate setbacks” from landslide areas and the “suitability” of the type and density of development. These are **not** objective standards. The First Appellate District recently ruled that the City of San Mateo violated the HAA by denying a 10-unit project based on a non-objective design guideline. (*California Renters Legal Advocacy & Education Fund, supra* [finding guideline requiring a “transition or step in height” to be subjective in nature]; *see also Honchariw, supra*, 200 Cal.App.4th at 1076-1077 [subjective development policies such as “suitability” are not objective planning or zoning standards].)

In sum, the Planning Commission’s actions violate the HAA. As part of this Appeal, we urge the Board to follow the HAA and approve the Project.

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<sup>5</sup> Even if the County had not acknowledged the Project’s consistency with objective planning, zoning, and subdivision standards, the Project would still be deemed consistent with those standards as a matter of law. (Gov. Code § 65589.5(j)(2).)

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**C. The Planning Commission's Action Violates Equal Protection.**

The Fourteenth Amendment to the United States Constitution provides that no state shall deny to any person within its jurisdiction the equal protection of the laws. (*See also* Cal. Con., art. I, sec. 7.) The concept of equal protection has been defined to mean that no person or class of persons may be denied the same protection of law that is enjoyed by other persons or other classes in like circumstances. (*Hawn v. County of Ventura* (1977) 73 Cal.App.3d 1009, 1018.) A claimant must show that the state “has adopted a classification that affects two or more *similarly situated* groups in an unequal manner.” (*Walgreen Co. v. City & County of San Francisco* (2010) 185 Cal.App.4th 424, 434 [emphasis in the original].) An equal protection challenge to a regulation that does not involve a suspect class or fundamental right must nonetheless bear a reasonable relationship to a legitimate state interest. (*Young v. American Mini Theaters* (1976) 427 U.S. 50. “[A] deliberate, irrational discrimination, even if it is against one person (or other entity) rather than a group, is actionable under the equal protection clause.” (*World Outreach Conference Center v. City of Chicago* (7th Cir. 2009) 591 F.3d 531, 538.)

In *Village of Willowbrook v. Olech* (2000) 528 U.S. 562, the U.S. Supreme Court ruled that a plaintiff stated a viable equal protection cause of action based on claims that a municipality required a 33-foot easement from her as a condition of connecting her property to the municipal water supply when it had only required a 15-foot easement from other similarly situated property owners. The Ninth Circuit has likewise upheld equal protection claims brought by property owners that were discriminated against or treated unfairly by local agencies as part of the land use approval process. (*See, e.g., Herrington v. County of Sonoma* (9th Cir. 1987) 834 F.2d 1488 [denial of proposed subdivision and subsequent downzoning violated property owner’s equal protection rights where there was evidence that county had approved sizable residential development projects on three other agricultural properties shortly after it rejected the owner’s proposal] and *Del Monte Dunes, Ltd. v. City of Monterey* (9th Cir. 1990) 920 F.2d 1496 [allegation that city arbitrarily and unreasonably limited use and development of property and set aside open space for public use, whereas owners of comparable properties were not subject to these conditions and restrictions states viable equal protection claim].)

The County has approved at least four comparable subdivisions in the immediate or general vicinity of the Project site. These include the 11-lot Highlands Estates Subdivision (PLN2006-00357), the 19-lot Ascension Heights Subdivision (PLN2002-00517), the nine-lot 4057 Jefferson Avenue Subdivision (PLN2011-00044), and the three-lot Cordilleras Subdivision (PLN2019-00042).<sup>6</sup> The County cannot lawfully deny the Project after having approving these similarly situated subdivisions.

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<sup>6</sup> We hereby incorporate by reference into the record of proceedings for the Appeal, the administrative records for all of these subdivisions.

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In sum, subjecting Zmay to different or more burdensome requirements than imposed on similarly situated property owners would deprive the applicant of its constitutionally protected right to equal protection under the law.

**D. The Planning Commission's Action Violates Due Process.**

The touchstone of substantive due process is the protection of the individual against arbitrary government action; the due process clause was intended to prevent government officials from abusing their power or employing it as an instrument of oppression. (*Wolff v. McDonnell*, (1974) 418 U.S. 539, 558; *Collins v. City of Harker Heights* (1992) 503 U.S. 115, 126.) A violation of substantive due process rights occurs if a government agency's actions are (1) irrational or arbitrary or (2) not rationally related to a legitimate government interest. (*Village of Euclid v. Ambler Realty Co.* (1926) 272 U.S. 365; *Lingle v. Chevron* (2005) 544 U.S. 528.) The test is disjunctive. Thus, a property owner need only demonstrate facts to support one of the two bases in order to state a viable due process claim.

In *Arnel Development Co. v. City of Costa Mesa* (1981) 126 Cal.App.3d 330, 337, the court of appeal ruled that enactment of a zoning ordinance downzoning certain property was arbitrary and discriminatory where enacted without considering appropriate planning criteria and for the sole and specific purpose of defeating a single development. (*See also Del Monte Dunes, Ltd.*, *supra*, 920 F.2d at 1508 [court finds local agency's land use decision, motivated by "political pressure from neighbors" instead of legitimate regulatory concerns, supported a substantive due process claim] and *Herrington*, *supra* [denial of subdivision and subsequent downzoning of property violated owner's due process rights given evidence that county's general plan/subdivision inconsistency determination was irrational and arbitrary and aimed at defeating particular development project].)

Here, if the Board were to reject the Appeal based on political pressure from neighbors and other Project opponents, it would be engaging in precisely the same conduct at issue in *Arnel*, *Del Monte Dunes*, and *Herrington*. The arbitrary and irrational nature of the County's action would be apparent by its approval of other similarly situated (and mostly larger) subdivisions, as noted above.

In sum, any arbitrary or irrational conduct by the County in its treatment of the Project application would deprive the applicant of its constitutionally protected right to due process under the law.

**E. The Planning Commission's Action May Result in a Taking.**

The Takings Clause of the Fifth Amendment to the United States Constitution, made applicable to the states through the Fourteenth Amendment, guarantees that private property shall not "be taken for public use, without just compensation." Article I, section 19 of the California

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Constitution also provides that “[p]rivate property may be taken or damaged for public use and only when just compensation . . . has first been paid to . . . the owner.” A land use regulation effects an impermissible taking of property if it deprives an owner of all economically beneficial or productive uses of his land (*Lucas v. South Carolina Coastal Council* (1992) 505 U.S. 1003) or conflicts with an owner’s distinct investment-backed expectations (*Penn Central Transp. Co. v. New York City* (1978) 438 U.S. 104); causes the owner to suffer a permanent physical invasion of his property (*Loretto v. Teleprompter Manhattan CATV Corp.* (1982) 458 U.S. 419); or imposes an exaction in violation of the “essential nexus” and “rough proportionality” standards respectively set forth in *Nollan v. California Coastal Commission* (1987) 483 U.S. 825 and *Dolan v. City of Tigard* (1994) 512 U.S. 374.

A land use regulation that deprives the owner of substantially all economically beneficial or productive use of his land constitutes a taking. (*Lucas v. South Carolina Coastal Council*, *supra* [property owner entitled to compensation for regulations precluding development of two beachfront lots, thereby depriving owner of all economic use of his property]; *see also First English Evangelical Lutheran Church of Glendale v. County of Los Angeles* (1987) 482 U.S. 304 [property owners are entitled to compensation for temporary taking of their land] and *Monks v. City of Rancho Palos Verdes Estates* (2008) 167 Cal.App.4th 263 [ordinance imposing a moratorium on construction in landslide area deprived landowner of all economically beneficial use and thus constituted a taking].) Courts have recognized that land use regulations that take all economically viable use of only a portion of private property can constitute a taking. (*See, e.g., Twain Harte Associates, Ltd. v. County of Tuolumne* (1990) 217 Cal.App.3d 71 and *Jefferson Street Ventures, LLC v. City of Indio* (2015) 236 Cal.App.4th 1175.)

A regulation may affect a taking even though it leaves the property owner *some* economically beneficial use of his property. (*Kavanau v. Santa Monica Rent Control Board* (1997) 16 Cal.4th 761, 774.) In order to determine whether a taking has occurred when the economic impact is less than total, a reviewing court looks to three factors in particular: (i) the economic impact of the regulation on the owner; (ii) the extent to which the regulation interferes with the property owner’s distinct investment-backed expectations as to the use of its property; and (iii) the character of the governmental action.<sup>7</sup> (*Penn Central Transp. Co.*, *supra*, 438 U.S. at 124.)

The approximately 60-acre Property is planned and zoned to allow for up to four residences. The Property currently contains one residence. The Project would create three new residential lots for three additional residences. The Project will result in no significant impacts related to landslides or fire hazards. The economic impact of the Planning Commission’s action is great. Based on the Planning Commission’s action, the applicant can have only one residential

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<sup>7</sup> This last criterion requires a reviewing court to “consider the purpose and importance of the public interest reflected in the regulatory imposition.” (*Loveladies Harbor, Inc. v. United States* (Fed. Cir. 1994) 28 F.3d 1171, 1176.)

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lot instead of four. The applicant purchased the Property subject to the current planning and zoning regulations and with the expectation that it would be able to develop at least four lots on the subject Property. As discussed above, the Planning Commission's action is not based on evidence and violates the law.

If the Planning Commission's action were to be affirmed, this would likely result in a taking of all (or least most) of the economic value of the Property. The County could, accordingly, be liable for a taking of the applicant's Property.


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In closing, we respectfully urge the Board to uphold the Appeal and reject the Planning Commission's unsupported denial of the Project. This is the only lawful action that the County can take with respect to Project. Any other action could expose the County to litigation and liability for damages and attorneys' fees.

Thank you for your consideration of our client's views on this important matter. The applicant and its representatives, including the undersigned, will be in attendance at the future Board hearing on the Appeal. In the meantime, please do not hesitate to contact me with any questions regarding this correspondence.

Very truly yours,

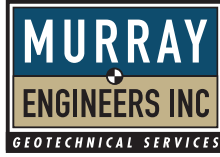
RUTAN & TUCKER, LLP



Matthew D. Francois

cc: Steve Zmay, *via email*  
Erica Adams, Project Planner, *via email*  
John Beiers, County Counsel, *via email*  
Tim Fox, Deputy County Counsel, *via email*  
Steve Monowitz, Community Development Director, *via email*

# **Exhibit A**



**Steve Zmay**  
1551 Crystal Springs Road  
Hillsborough, California 94010

December 22, 2021  
Project No. 1847-1L7

**RE: RESPONSE TO COUNTY PLANNING  
COMMISSION FINAL LETTER OF  
DECISION,  
ZMAY MINOR SUBDIVISION,  
1551 CRYSTAL SPRINGS ROAD,  
SAN MATEO COUNTY, CALIFORNIA**

Dear Mr. Zmay:

As requested, we have prepared this letter in response to the County of San Mateo Building and Planning "final letter of decision" document, dated September 3, 2021, regarding denial of the Zmay Minor Subdivision project. As you know, our firm (Murray Engineers Inc.) conducted an engineering geologic and geotechnical investigation for development of the Zmay Minor Subdivision and presented our findings in a report dated February 10, 2014. As a part of our scope, we identified the primary geologic hazards, including the potential for landsliding and possible impact on the minor subdivision. Based on our findings we concluded that the potential landslide hazard and impact on the planned minor subdivision can be substantially mitigated, and the residences constructed as planned provided the recommendations in our referenced report were carefully followed. In addition, as a part of the County review process, our referenced report and submitted plans for the subdivision were subsequently peer reviewed and accepted by Cotton, Shires & Associates, the County's geologic and geotechnical consultant.

In summary, we strongly disagree with the opinions presented in the County's final letter of decision regarding the potential for slope instability/landsliding being significant enough to preclude development on these three lots. As shown in our report, the potential for landsliding impacts on the planned development have been adequately identified and addressed. Specifically, the shallow landslide area, located on a separate lot and downslope from any planned development, will be repaired with a stitch pier wall system prior to development of the residences. In addition, all residential foundations for the minor subdivision will be secured into the hillside on deep drilled pier foundation systems adequately embedded into competent bedrock. These structures will also be located adjacent to Parrott Drive which significantly limits the amount of grading and excavations of existing slopes. Furthermore, the proposed foundations for the residences will have the added benefit of improving stability to Parrott Drive within their constructed footprints as these foundations will be supported on a grid of deep drilled piers secured into bedrock. Therefore, we strongly disagree with the Planning Commission's decision denying the minor subdivision on the grounds of slope instability/landsliding. These issues were identified and adequately addressed by our firm and subsequently peer reviewed and accepted during the County review process.

Sincerely,

**MURRAY ENGINEERS**

  
John A. Stillman, G.E., C.E.G. 1868  
Principal Geotechnical Engineer



**JOHN A. STILLMAN, G.E., C.E.G.**  
**PRINCIPAL GEOTECHNICAL ENGINEER**

**Professional Background:**

2006 to Present – Principal Geotechnical Engineer, Murray Engineers, Inc. Performing all aspects of geotechnical and geological investigations including field mapping, subsurface exploration, laboratory testing and analysis, geotechnical and geological analysis for design purposes, and report preparation.

Experience includes engineering geology fault trace and landslide investigations for single family homes and residential subdivisions, and geotechnical investigations for new residential, commercial and industrial developments. Specific tasks include initial client contact, formulation of contracts, surface and exploratory field work, surveying, aerial photograph, interpretation, laboratory testing and analysis, stability analysis, settlement analysis, seepage analysis, retaining wall and foundation design, analysis of uplift capacity of expansive soils, public presentation, and report preparation. Project field geologist and geotechnical engineer during grading operations, landslide repairs, and foundation pier installations.

1988 to 2006 – Chief Engineering Geologist and Senior Geotechnical Engineer, Jo Crosby & Associates. Performing all aspects of geotechnical and geological investigations including field mapping, subsurface exploration, laboratory testing and analysis, geotechnical and geological analysis for design purposes, and report preparation.

Experience includes engineering geology fault trace and landslide investigations for single family homes and residential subdivisions, and geotechnical investigations for new residential, commercial and industrial developments. Specific tasks include initial client contact, formulation of contracts, surface and exploratory field work, surveying, aerial photograph, interpretation, laboratory testing and analysis, stability analysis, settlement analysis, seepage analysis, retaining wall and foundation design, analysis of uplift capacity of expansive soils, public presentation, and report preparation. Project field geologist and geotechnical engineer during grading operations, landslide repairs, and foundation pier installations.

1987 to 1988 – Geologist and Geologist Technician, Applied Earth Technology, Inc. Work included all phases of field mapping, well logging and interpretation, and report preparation for a petroleum base consulting firm.

**Education:**

B.S. in Geology, Humboldt State University, 1987

M.S. in Civil Engineering, San Jose State University, 1994

**Professional Licenses:**

Registered Geotechnical Engineer, G.E. 2523

Registered Geologist

Certified Engineering Geologist

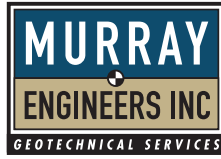
**Memberships:**

Association of Engineering Geologists

American Society of Civil Engineers

ASFE: The Best People on Earth

California Geotechnical Engineers Association



## **Murray Engineers, Inc. Firm Profile & Relevant Projects**

### **FIRM PROFILE**

#### **Overview**

Murray Engineers, Inc. (MEI), established in 2003, is a privately owned professional consulting firm providing comprehensive geotechnical engineering, engineering geologic, laboratory, and related construction observation services for a variety of projects in the San Francisco Bay Area. Based in Los Altos, California, and with a second north bay office located in San Rafael, California, our multi-disciplinary team has a proven record of providing professional services to a diverse range of public and private clients. We maintain an in-house soil laboratory for classification of the engineering properties of soil. More specialized testing is performed by Cooper Testing Laboratories, a Palo Alto-based soil testing company. We maintain nuclear density test gauges for testing the relative compaction of engineered fill for mass grading and for subgrade and baserock compaction beneath concrete slabs and asphaltic concrete. Our firm is ahead of the curve with respect to information technologies. Our Microsoft Exchange Server computer network and Dropbox file storage, combined with smart phones for all staff members translates to highly efficient project management and information sharing. All final documents are provided in both hard copy and Adobe Portable Document Format (PDF) for efficient distribution to clients and project design professionals. Geotechnical software includes CLiq and LiqIT for the analysis of liquefaction potential and post-liquefaction induced settlement, LPILE and GROUP PILE for analyzing deep pile foundations, and Slide 6.0 for the evaluation of static and pseudo-static slope stability analyses.

#### **Qualifications**

MEI provides innovative and state-of-the-art design and construction services which employ our extensive experience with the soil, rock and groundwater conditions of the San Francisco Bay area. The extensive geotechnical experience and expertise of engineers and geologists within our company enables us to effectively assess the construction and long-term performance risks associated with subsurface conditions involved in a wide range of projects. We participate as a vital member of the project team, focusing on project objectives and using innovative technologies to provide practical design recommendations and superior service.

Our capabilities include:

- ❖ Subsurface Investigations
- ❖ Foundation Analysis and Design Criteria
- ❖ In-situ Testing and Performance Monitoring



- ✿ Slope Stability Analysis
- ✿ Comprehensive Laboratory Testing
- ✿ Dynamic Analysis and Evaluation
- ✿ Soil Stabilization and Ground Improvements
- ✿ Groundwater Assessment
- ✿ Pavement Design and Subgrade Evaluation
- ✿ Liquefaction Mitigation
- ✿ Expansive Soil and Bedrock Mitigation
- ✿ Settlement Analysis
- ✿ Site Mapping and Drafting

Our relevant project expertise includes:

- ✿ Residential Single-Family & Multi-Lot Subdivision Construction
- ✿ Commercial Construction
- ✿ Renovation and Construction of Municipality Buildings
- ✿ Parking Structures
- ✿ Water Storage Tanks and Specialty Structures
- ✿ Tie-back Walls
- ✿ Surface and Subsurface Drainage Control and Design
- ✿ Shallow Groundwater Construction

Our engineering geologists work closely with our geotechnical group to evaluate site specific geologic conditions and hazards. The identification and assessment of geologic hazards is crucial to successful site development and reduces the risk of property damage caused by ground instability. Each of our geologic studies is tailored to our clients' specific needs and is coordinated with local government agencies. Our engineering geology services have included:

- ✿ Stereo Aerial Photograph Review and Analysis
- ✿ Engineering Geology Reconnaissance and Mapping
- ✿ Subsurface Investigations including Fault Trench, Exploration Pits, and Large Diameter Borings
- ✿ General Geologic Hazards Assessments
- ✿ Detailed Geologic Hazards Assessments including Landslide and Slope Stability Evaluations and Fault Location Investigations
- ✿ Liquefaction Hazard Analyses

## **INSURANCE**

MEI maintains professional liability (errors and omissions) insurance, general liability insurance, and commercial automobile insurance on its fleet of vehicles.

## **AFFILIATIONS**

MEI and its principals are active members of numerous professional organizations, including the American Association of Civil Engineers (ASCE), ASFE (formerly known as the Association of Soil and Foundation Engineers), the California Geotechnical Engineers Association (CGEA), and the Association of Environmental and Engineering Geologists (AEG).

# **Exhibit B**



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WildfireDefenseWorks.com | 707-337-8046 | 952 School Street | N° 239 | Napa, California 94559-2824

Date: January 5, 2022

To: Mr. Steve Zmay  
1551 Crystal Springs Road  
Hillsborough, California 94010

Re: Zmay Minor Subdivision Project  
San Mateo County File No. PLN2014-00410

Dear Steve,

Thank you for reaching out to me regarding your proposed project for a minor subdivision of land in San Mateo County. I have reviewed documents that you have forwarded, including a Final Letter of Decision from the San Mateo County Planning Commission, as well as a document prepared by the Urban Forestry Associates, Inc. Both of these documents raise questions related to the potential wildfire risk posed by the project. I believe there are some critical elements that have been omitted from both of these documents. Had the Planning Commission considered the relevant regulations and appropriate factors, I believe they would have approved the proposed minor subdivision.

The Planning Commission's findings correctly identified that the subdivision is located on land designated as State Responsibility Area (SRA). In addition, the project resides within lands designated by CAL FIRE as a Very High Fire Hazard Severity Zone (VHFHSZ). The Planning Commission findings then state that the design and location of each lot are not consistent with regulations adopted by the State Board of Forestry and Fire Protection (Board) in that the lot configurations and private ownership "renders it impossible to hold future owners accountable for maintaining fuel loads such that a wildfire burning under average weather conditions would be unlikely to ignite a structure" and allows the installation of buildings or structures "incapable of meeting regulations of defensible space, thereby making the area less safe from possible wildfires."

Neither of the statements above contain any explanation regarding the facts behind state fire safety regulations from the Board related to either building design and construction nor defensible space requirements. Current language within the Public Resource Codes (PRC), Sections 4290 and 4291, provide guidelines that identify specific steps to create a defensible space around structures on lands identified as VHFHSZ. These guidelines direct landowners to provide defensible space to

areas up to 100 feet away from structures, or to the property lines, whichever is closer. It further breaks down this 100-foot distance into three zones. The first zone is from the perimeter of the structure out to 5 feet, which should be maintained to reduce or eliminate the ability for embers to ignite materials in this zone, which could then potentially ignite the structure. The second zone is from 5 – 30 feet in which there should be no wood piles unless contained in a noncombustible manner, and with specifications for grasses, plants, shrubs and trees to be limbed and maintained as to reduce the ability for fire to spread to the structure. The remaining zone from 30 – 100 feet is again designed to be maintained in a manner to slow the spread and intensity of a wildfire from moving toward the structure. Clearance beyond the property line may only be required by a state or local law, which includes findings that the clearing is necessary to significantly reduce the risk from the transmission of flame or heat sufficient to ignite the structure and there is no other feasible mitigation measure possible to reduce the risk of ignition or spread of fire to the structure. (Gov. Code § 51182(a)(1)(B).) The Commission findings cite no such law. Further, the law states that a person is not required to manage fuels on land the person does not have a legal right to manage, nor to enter or alter property without the consent of the property owner. (Gov. Code § 51182(b).)

What is currently proposed is a subdivision; no buildings or structures have yet been applied for. If and when applications for buildings and/or structures are submitted, the applicant will be required to obtain certification from the local building official that the building and/or structure complies with all applicable state and local building standards in force at that time. A brief description of current building code requirements is outlined below, however these could be changed and/or updated in the future. The defensible space requirements summarized above generally do not extend beyond property lines. In this particular proposal, current requirements can all be met, and because of the size of the proposed lots, the minimum requirements currently in force can potentially be exceeded. By stating that private ownership of lands may render defensible space requirements “impossible” is simply not true. In addition, the State does have enforcement capabilities to ensure required defensible space requirements are being met.

In addition to requirements for defensible space under the PRC, there are further guidelines that exist in Title 24 of the California Code of Regulations (CCR) that identify fire resistant construction methods and materials for future buildings on these properties. This refers to Chapter 7A of the California Building Code, also known as the Wildland Urban Interface Code, or WUI Code. It is understood that this particular application is for the subdivision of land only, and does not include any construction proposals for buildings. But it should be noted that the current WUI Code has proven to make a dramatic impact on reducing the likelihood of structure ignitions during wildfire events. In the event structures were to be built on the proposed parcels, current and future codes will ensure a high level of fire resiliency be included, both for defensible space and construction requirements. Therefore, by simply stating that design and location of the lot configurations is not consistent with these regulations is nothing more than a matter of opinion, which is in direct contradiction to the current defensible space regulations and building code language.

I also wish to provide a response related to the document presented by Mr. Ray Moritz with the Urban Forestry Associates, Inc. Mr. Moritz provides a basic overview of the topography and types of vegetation that currently exist on the hillsides within this proposed subdivision. He also offers a

very basic description of extreme wind events created by Diablo Winds, which he correctly identifies as occurring during the later months of the year, and with increasing frequency. However, he then takes this basic information and with no substantial connection or evidence, states that the existing conditions of topography, weather, and fuels renders this subdivision proposal as extremely dangerous to the existing neighborhood. I strongly disagree with his conclusion.

Mr. Moritz appears to be basing his assumptions and conclusions upon past history and outdated building standards that hold true for structures built many decades ago. His reference to past fires such as the 1991 Tunnel Fire in the Oakland Hills, the 2017 Tubbs Fire in Napa and Sonoma Counties, and the 2018 Camp Fire that largely destroyed the town of Paradise in Butte County do not reflect the more updated code requirements and defensible space measurements that are required for newer construction today. To put it in basic terms, if the Zmay Proposal was suggesting that future buildings be built and landscaped with traditional materials dating back several decades, I would fervently argue against approving such a proposal. However, what both the report by Mr. Moritz and the findings adopted by the Planning Commission fail to recognize at all is the fact that this proposal will incorporate all newer and more fire resilient concepts of building materials and construction, as well as better defensible space requirements, providing a much different landscape than what we currently witness being destroyed by today's wind-driven events.

The very fact is that today, in 2022, the research from current devastating wildfires has provided us with a fertile laboratory to better understand and guide our decisions on building materials and construction techniques, as well as more fire resilient landscaping, all of which reduce structure ignitions and create more fire-safe communities. This research has been and will continue to be used to update applicable codes and regulations. As a result, future development on these properties will benefit from adherence to updated code requirements, resulting in a higher level of fire resiliency than other structures or properties in the neighborhood. Data gathered over the past 5 years by CAL FIRE from their Damage Inspection program (which collects data on all structures damaged or destroyed by wildfires) has shown that new structures built with today's codes and land use planning practices have dramatically increased the likelihood that structures will survive a future wildfire event. This tells us that the assumptions and statements made by both Mr. Moritz and the Planning Commission appear to be based on how older neighborhoods and buildings perform during wildfire events – which has sadly been very poor. But they also fail to acknowledge any of the most current data and research which clearly demonstrates a much better outcome and higher rate of survivability for newer buildings and developments.

Due to the fact that information from current research and wildfire outcomes has not been considered render the decision from the Planning Commission to be flawed. A more overarching review of current wildfire damage, structure ignition resistance, enhancements to defensible space, and land use planning guidelines must be considered in order to adequately consider this project. The alleged substandard and “dangerous” conditions brought up in both the Moritz Report and the Planning Commission findings apply far more accurately to the existing neighborhoods and structures – but not to this subdivision proposal. Therefore, I strongly disagree with their conclusions, and suggest further review be conducted to more adequately assess this proposal on its own merits. Ultimately, when structures with more fire resilient materials,

construction, and landscaping are built on these lots, they will in fact pose less of a risk to the neighboring community than the existing landscape currently poses. With a much higher level of fire resiliency built into new construction and landscaping requirements, the likelihood is that future structures built on these properties could potentially provide a safer environment from a wildfire protection standpoint than the existing conditions.

Mr. Moritz also recommends that the Fire Marshal be consulted about the proposed development. This comment ignores the fact that CAL FIRE previously reviewed and approved of the proposed subdivision plans. (July 28, 2021 Staff Report to Planning Commission [Staff Report], Executive Summary, p. 5; Staff Report, pp. 22.) The version recommended for approval by County Planning Staff reflected CAL FIRE's review and comments.

To conclude, neither the Planning Commission nor Mr. Moritz have taken into account any of the most current research, code requirements, and ongoing improvements to reduce structure ignitions from wildfires. It is inappropriate to judge new proposals by looking at them via lenses of the past. The goal is to incrementally move forward with the best information available today in order to decrease the impacts from wildfires tomorrow. This project offers an opportunity to create a small example of a modern, wildfire-protected development.

Thank you again for the opportunity to review this project and respond to the decisions and opinions that have currently been put forward. Please let me know if you have any questions.

Sincerely,

David Shew  
CEO, Wildfire DefenseWorks  
Retired CAL FIRE Staff Chief



# David Shew Consultant, LLC

## WILDFIRE DEFENSEWORKS

952 School Street, #239, Napa, California 94559-2824 | 707.337.8046 | [dshew@wildfiredefenseworks.com](mailto:dshew@wildfiredefenseworks.com)

### BACKGROUND AND VISION

During an exceptional 32 year career with CAL FIRE, I gained expertise in wildfire behavior, operational control, fire science, fire prevention actions and methodologies, as well as government regulations and processes. I am committed to identifying solutions to extreme wildfire impacts to communities and human lives, with a focus on reducing the risk of structure ignitions from embers, land use planning efforts, and increasing resiliency from wildfires for both the natural and built environment.

### CONSULTING

- Wildfire DefenseWorks established in August, 2018
- Providing expert advice to insurance and re-insurance companies on wildfire risk analysis models.
- Helping communities join Firewise USA with the National Fire Protection Association.
- Author of numerous wildfire risk assessment reports for large landowners and communities concerned with their exposure to potential wildfires, with focused steps to help reduce these risks.
- Guest lecturer on wildfire issues at Stanford University, UC Berkeley, MIT, and the Rand Corporation.
- Board of Directors, California State Fire Safe Council.
- Board of Directors, RSG 3D, an international manufacturer of fire resilient construction panels.
- Presenter at numerous local, state, national and international conferences on wildfire issues.

### EMPLOYMENT HISTORY

#### **CAL FIRE / Office of the State Fire Marshal (OSFM)**

Staff Chief:	Division of Planning and Risk Analysis:	4/2013 – 7/31/2018
	California Strategic Fire Plan, Land Use Planning,	
	California All Incident Reporting System (CAIRS),	
	Wildland Pre-Fire Engineering, Pre-Fire Planning and GIS	
	State Responsibility Area Fire Prevention Fee Program	

#### **CAL FIRE / Sonoma–Lake–Napa Unit (LNU)**

Assistant Chief:	Administrative Division Chief	7/2012 – 4/2013
	South Division Operations Chief	6/2009 – 7/2012
Battalion Chief:	Special Operations Chief, Napa County Fire Department	1/2007 – 6/2009
	Napa Battalion, LNU	1/2002 – 1/2007
	Napa County Fire Marshal, LNU	10/1998 – 1/2002

#### **CAL FIRE / Nevada-Yuba-Placer Unit (NEU)**

Fire Captain:	Fire Protection Planner for Nevada County	2/1997 – 10/1998
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#### **CAL FIRE / Santa Clara Unit (SCU)**

Fire Captain:	Sunshine Station, Contra Costa County	7/1993 – 2/1997
Fire Engineer:	Sunshine Station, Contra Costa County	8/1989 – 7/1993
Firefighter II:	South Santa Clara County Fire Protection District	5/1988 – 8/1989
Firefighter I:	Seasonal Firefighter, Sonoma County	5/1986 – 10/1987

## EMPLOYMENT HISTORY (continued)

### Architect

David Shew, Architect, The Sea Ranch, CA  
Dan Levin, Architect, The Sea Ranch, CA  
Herron + Rumansoff Architects, Hemet, CA

12/1986 – 10/1996  
2/1984 – 12/1986  
8/1981 – 2/1984

## PROFESSIONAL EXPERIENCE, RELEVANT SKILLS, AND AWARDS

- Leading expert in understanding structural ignitions from wildfires, land use planning issues, defensible space programs, and best practices for wildfire mitigation for communities and property owners
- 32 years' experience with *CAL FIRE* in State and Local Assignments, both Operational and Administrative positions
- Assigned to Office of the State Fire Marshal for 5 years, overseeing statewide fire prevention programs
- Many presentations to Board of Forestry and Fire Protection, California Public Utilities Commission, California Office of Insurance, Offices of Emergency Services, and others
- Recipient of *CAL FIRE* Director's Outstanding Achievement Award – 2014 and 2015
- Awarded Governor's Medal of Valor in 2007 from Governor Schwarzenegger
- Served as Lead Cadre member for *CAL FIRE* Supervision 2 and Supervision 4 Courses for 20 years
- Type I Information Officer, Incident Command Team 3, functioning in numerous major incidents throughout California for 11 years
- Established new Auto Aid Agreements with surrounding local agencies in Napa County
- Provided Leadership during extensive reorganization of Napa County Fire Department, including new MOU and operating policies between volunteer agencies and *CAL FIRE* / NCFD personnel
- Instrumental in implementing new Fire Protection Plans, coordinating Community Groups, Local Agencies, and County Governments in both Nevada County and Napa County
- Served 10 years on The Sea Ranch Volunteer Fire Department, 2 years as Assistant Chief
- Instructor for numerous courses for *CAL FIRE* on various subject matters throughout career, with a focus on Leadership and Supervision
- Architectural background has provided exceptional insight in structural details for fire resiliency, inspections, prevention, and fire planning programs, as well as experience in managing large projects with strict budgetary constraints
- Elder, First Presbyterian Church, Napa

## EDUCATION and TRAINING

**Bachelor of Architecture** – University of Cincinnati, 1981

**Architectural License** – State of California, #C-018180 (Currently Inactive)

**Executive Fire Officer Program** – National Fire Academy, 2011 - 2015

**Lifetime Teaching Credential** – California Community Colleges, 1982

**Fire Service Related Training** – Numerous Certificates from both *CAL FIRE*, State Fire Marshal, and other related organizations such as National Fire Protection and the International Association Fire Chiefs

**Continuing Education** – Fire Prevention Engineering, UC Davis, Attended several classes at the National Fire Academy, and continue to attend training workshops, meetings and national conferences

**Professional Presentations** – Presenter of Fire Prevention related topics at State and National Conferences such as ESRI User's Conference (Plenary Presentation, National Safety Conference, 2015), National Fire Protection Association Conference and Expo, Fire Rescue International, International Association of Fire Chiefs Wildland Urban Interface Conference, International Association of Wildfire, California Nevada Hawaii Annual Wildfire Conference, Western Fire Chiefs Association, Cal Chiefs Fire Prevention Officers Workshop, and others

## David Shew Biography

David Shew retired from CAL FIRE in August, 2018, after 32 years of service. He promoted from the ranks of Seasonal Firefighter to Staff Chief, completing his career at the California State Fire Marshal's Office in Sacramento. In addition to responding to numerous fires across the state, he also served as the Fire Marshal for Napa County, applying codes and life safety requirements to all construction approvals. He also served 11 years as the lead Public Information Officer for California's Incident Management Team 3, dealing with media and the public at large emergency events across the State. David taught upper-level management and supervision classes for CAL FIRE, and attended the Executive Fire Officer Program at the National Fire Academy. David completed his career as the Staff Chief for CAL FIRE's Planning and Risk Analysis Division, which included oversight of the Strategic Fire Plan for California. He was instrumental in helping establish new electronic data collection programs across the state for both pre and post fire inspections, established a new Land Use Planning program for the State, oversaw new GIS and mapping technologies to better understand wildfires, and oversaw a large grant allocation program to distribute money for wildfire prevention projects across the state. He led the development and implementation for the Damage Inspection Program in CAL FIRE, known as DINS, which collects data on structures damaged or destroyed by wildfires across California. This program now has almost 60,000 entries, making it the largest database of its kind in the world, and is being used by researchers across the globe to help identify ways to reduce structure ignitions during wildfires. Prior to his fire service career, David received his architectural degree from the University of Cincinnati, and practiced as a licensed architect, designing structures in both Northern and Southern California. This background in design, construction, and land use planning, coupled with over three decades of wildfire experience on the fireground and at the executive management level, have provided him a unique perspective on how to provide solutions to today's extreme wildfire impacts.

Upon his retirement, David established Wildfire DefenseWorks, a consulting firm investigating ways to improve community wildfire resilience with improved data analysis and science-based wildfire research. He works part-time with the National Fire Protection Association to help with the Firewise USA® Program. With the knowledge that embers are now the cause of up to 90% of all structure ignitions during a wildfire, David is focused on reducing the number of structures lost from ember ignitions across the country. He has become involved with numerous efforts to create more effective wildfire protection plans, better land use planning designs, improved risk analysis methodologies, and fire resilient measures that can benefit homeowners, large landowners, and communities as a whole. He has consulted with numerous insurance and reinsurance companies to help them better understand their wildfire risk analysis strategies. He has also given numerous presentations on these subjects to conferences across the country and internationally, and has been a guest lecturer for classes at Stanford, UC Berkeley, MIT, and for the Rand Corporation. David resides with his family in Napa, California.



**COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT**

**ATTACHMENT E**



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WildfireDefenseWorks.com | 707-337-8046 | 952 School Street | N° 239 | Napa, California 94559-2824

Date: June 2, 2022

To: Mr. Steve Zmay  
1551 Crystal Springs Road  
Hillsborough, California 94010

Re: Zmay Minor Subdivision Project  
San Mateo County File No. PLN2014-00410

Dear Steve,

Thank you for reaching out to me asking for additional fire prevention measures for your proposed subdivision project identified above. A previous letter dated January 5, 2022 provided basic information on defensible space requirements and building construction standards as required by the state to meet current Wildland Urban Interface (WUI) standards. This letter will capitalize on those initial comments, and provide information on how specific details may be incorporated as project conditions for future owners to meet.

It is important to point out that current research on wildfires is expanding our knowledge of how to build structures that may have a high likelihood of surviving a wildfire. This research is being integrated into building codes as quickly as the process will allow. This project is for subdividing land only, and not for new construction. If this proposal were including requests for building permits of new structures today, it would include recommendations that would exceed current building standards to incorporate the highest level of wildfire resiliency issues known today, even if they have not been adopted into building codes. Over time, when construction applications are submitted, they will be required to meet the minimum standards in place at that time, which may be more resilient than what is currently in place. We do know that when new structures are built on these new parcels, the requirements will far exceed the standards that existed when other homes were built in the neighborhood. Therefore, the fire resiliency of the new homes will provide a much higher likelihood of surviving a future wildfire, and thereby not contribute to wildfire spread in the neighborhood. Because it is not possible to predict what the future for wildfire resilient building codes may contain, we can not propose recommendations for the future buildings themselves. However, we can offer recommendations for the parcels themselves to be maintained in a manner that helps reduce the risk of wildfire burning through the landscape on these parcels, and thereby reduce the potential impacts to adjacent neighboring parcels.

In order to increase the fire prevention efforts further than minimum standards, there are three elements that can be prescribed to help reduce potential wildfire impacts. These three items include irrigation systems, minimum requirements for vegetation and landscaping on the parcels when they are developed, and recorded easements to ensure a minimum of 100' defensible space distance from each structure.

When homes are eventually built on these parcels, they will be built at the top of the slopes along Parrott Road. Fires are known to burn more quickly uphill, and one of the factors that increases fire behavior and intensity is fuel moisture. This is the amount of water that is contained in plants. The higher the fuel moisture, the more effort flames must work to dry those fuels out, which reduces the speed and intensity by which fire spreads. One recommendation for this project is to install an irrigation system downslope from the homes at least 100 feet below the closest part of the structure. The recommendation will be to water this downhill slope using a single line of sprinklers running horizontally along the slope downhill from the homes. Minimal water usage will suffice to keep fuels from drying out completely during the hot, dry summer months. This will maintain a fuel bed that has a higher moisture content, and will thereby help reduce the spread and intensity of a fire burning uphill. This becomes the first phase of defense for a structure by reducing the fire behavior, spread and intensity from ever reaching the house.

The second item that is being recommended is a judicious vegetation and landscaping plan both around the structures and on the property itself. In preparation for a new statewide regulation coming forward, the new structures shall maintain a noncombustible zone measuring 5 feet from the edge of the structure with no combustible materials in this zone. This feature alone has been identified as a major contributor in reducing ignitions of structures during wildfire events. Elsewhere around the properties, plant spacings shall adhere to the recommendations identified in Figures 1 and 2.



Figure 1: Ladder fuel clearance guidelines

These guidelines provide recommendations for distances and separation of trees, shrubs and other flammable vegetation to minimize fire spread toward a home. These guidelines should be incorporated into landscaping plans for each new structure on the proposed parcels in order to reduce the ability for a fire to spread to the structure itself.

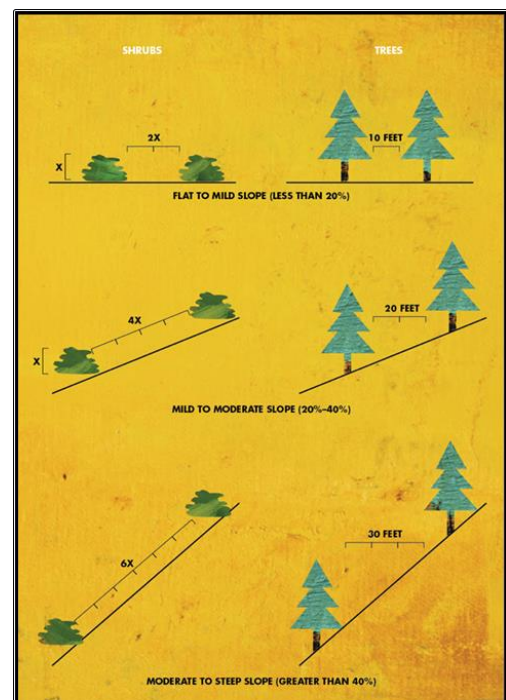


Figure 2: Vegetation continuity, or separation, guidelines

The third element is to strategically locate structures on the parcels in order to maximize the defensible space distance from the structures themselves. In Figure 3 below, Parcels 1, 2, and 3 are identified by moving from left to right. On Parcel 1, the footprint of a future structure can be located as close as possible to the southern property line, located to the right. An easement would be created on the open space between Parcels 1 and 2 to maintain 100' defensible space, measured from the edge of the structure on Parcel 1. The resulting distance to the north of the structure on Parcel 1 may not meet the full 100' requirement, but will exceed most distances at existing homes in the neighborhood. Parcel 2 will be handled in a similar manner by locating the proposed structure closer to the north property line, and extending an easement into the open space between Parcels 1 and 2 to provide 100' of defensible space to the north. Lastly, the structure on Parcel 3 will then be located to provide a 100' distance between itself and the structure on Parcel 2. Another easement will be created in the open space on the south side of Parcel 3 to maintain a 100' defensible space clearance from the structure. Clearances in these easements would become the responsibility of the owners of these properties, and would maximize the defensible space around the three residences when they are ultimately built.

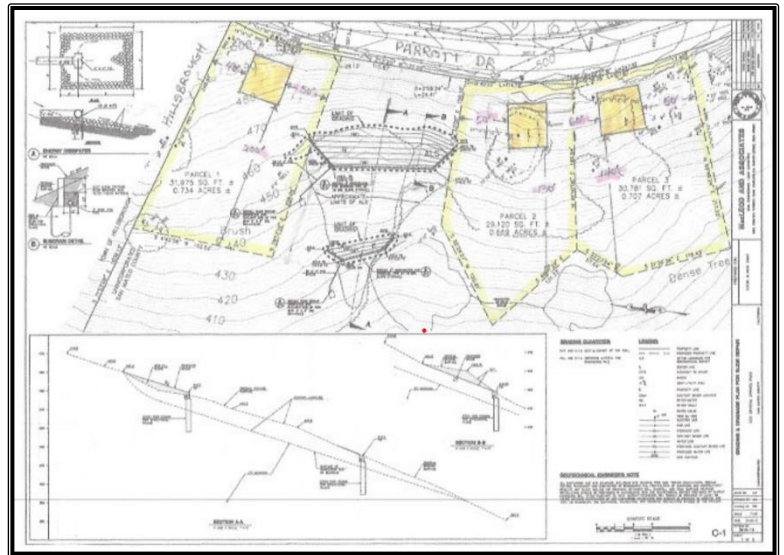


Figure 3: Proposed location of parcel boundaries with open space between Parcel 1 and 2.

The 100' of defensible space is required in California Public Resource Code Section 4291, but states that defensible space shall be maintained to 100' away from a structure, or to the property line, whichever is closest. The proposed easements allow the 100' clearance to extend beyond the property lines, thereby increasing the wildfire resiliency of these properties and reducing the risk of structure ignition in the event of a future wildfire. Figure 4 at right provides a view of these proposed easements between Parcels 1 and 2, and again on the south side of Parcel 3.

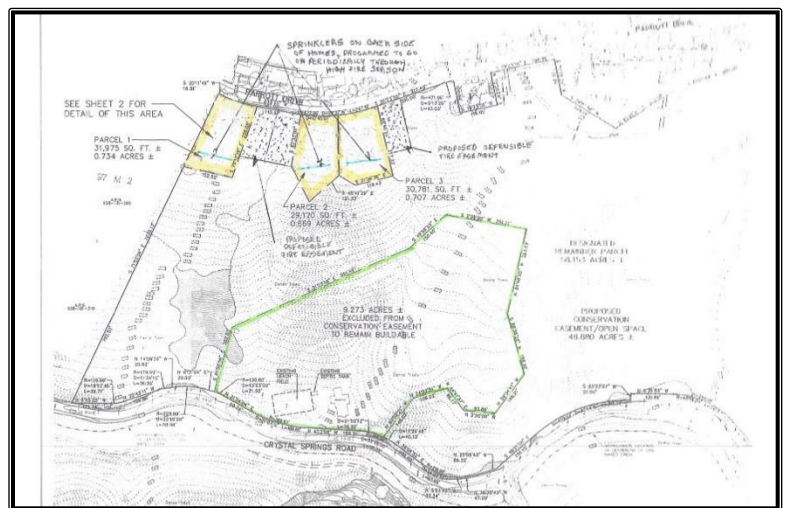


Figure 4: Site Plan showing proposed easement for defensible space.

These three elements – maintaining a higher fuel moisture content on the downslope vegetation, incorporating a landscape plan that reduces fuel continuity, and creating easements to extend defensible space maintenance beyond property lines – will greatly reduce the risk of a wildfire

from ever reaching or impacting any of the new structures when they are built. By incorporating these measures, wildfires will burn with far less speed, severity and intensity, which in turn reduces the ability for the fire to ignite the structures themselves. By incorporating these elements to reduce wildfire impacts, we are addressing concerns that were initially brought up during early planning stages. This reduction in fire behavior therefore contributes to lessening the impacts of a wildfire on the neighboring properties surrounding these homes. This forms the basis of how fire prevention planning is being considered today. It does not attempt to “remove” or “prevent” wildfire from happening at all. Rather, it recognizes wildfire as part of the environment, and inserts highly fire resistive structures and resilient vegetation management in a way that allows fires to burn through the landscape, and significantly reduce the likelihood of structure ignitions. These measures begin to combat the destruction that has become more frequent in recent years.

Over time, it is hoped that existing structures in the surrounding neighborhood can incorporate these higher level of fire prevention measures. By building these features into new construction, they begin to lessen the effects of wildfire on their neighboring community.

Thank you for the opportunity to comment on this new project proposal. Please don’t hesitate to contact me should you have any further questions.

Sincerely,

**David Shew**

Owner/CEO – Wildfire DefenseWorks  
Retired CAL FIRE Staff Chief



**COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT**

**ATTACHMENT F**

**COUNTY OF SAN MATEO  
PLANNING AND BUILDING DEPARTMENT**

**DATE:** July 28, 2021

**TO:** Planning Commission

**FROM:** Planning Staff

**SUBJECT:** EXECUTIVE SUMMARY: Consideration of a Minor Subdivision, a Resource Management Permit, and a Grading Permit, and adoption of the Revised Re-Circulated Initial Study/Mitigated Negative Declaration, to subdivide a 60.3-acre parcel into 3 parcels, each approximately 0.7-acre in size, for future residential development, creating a 58.153±-acre remainder parcel (with approximately 48.88 acres of land to be protected by a conservation easement, and 9.27 acres of developable area including an existing single-family dwelling). The project involves an upgrade of a 203 linear feet portion of the Billy Goat Hill sewer line that is required to off-set system capacity for the increase in service, grading including 455 cubic yards (cy) of earthwork (290 cy of cut and 165 cy of fill) for landslide repair and 30 cy of cut and 30 cy of fill for the sewer line upgrade, and no removal of protected trees. The project site is located at 1551 Crystal Springs Road, Unincorporated San Mateo County.

County File Number: PLN 2014-00410 (Zmay)

**PROPOSAL**

The applicant proposes to subdivide a 60.3-acre parcel to create three new parcels with road frontage on Parrott Drive (0.669-acre, 0.707-acre, 0.734-acre in size; Parcels 1-3) and a 58.153-acre remainder parcel (48.88 acres of land to be protected by a conservation easement, and 9.273 acres of developable area which includes an existing single-family dwelling). The project site is located in the San Mateo Highlands, adjacent to the Town of Hillsborough and is bounded to the west by Crystal Springs Road, to the southwest by Polhemus Road, and to the northeast by Parrott Drive. No residential development is proposed with the subdivision at this time. Future residences on Parcels 1-3 will require separate planning and building permits and would connect to existing utilities.

The proposed density of the subdivision would achieve the maximum density allowed for the subject property by the Resource Management Zoning District (RM) when as in this case, specific criteria are met. The proposed establishment of the conservation easement affords proposal a 20 percent density bonus. The easement requires the application of development criteria that encourage clustering of development to retain

the natural characteristics of the land and allows modified development standards for houses which conform to surrounding neighborhood.

## **RECOMMENDATION**

That the Planning Commission certify the Revised Re-Circulated Initial Study/ Mitigated Negative Declaration and approve the Minor Subdivision, Resource Management Permit, and Grading Permit, County File Number PLN 2014-00410, by adopting the required findings and conditions of approval listed in Attachment A.

## **SUMMARY**

The subdivision proposal was reviewed for environmental impacts and consistency with County policies. Areas of focused environmental evaluations were the project's aesthetics, biological resources, geology and soils, and hazards and hazardous materials, hydrology and water, and public services. These were also the most relevant with respect to consistency with the General Plan, Resource Management Zoning Regulations, and Development Review Criteria. The project is also subject to the Grading Ordinance and Subdivision Regulations.

### **Environmental Review**

An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared and circulated from April 7, 2018 to May 7, 2018 for an earlier version of the project, a 4-lot subdivision. The project was revised in 2018 to 3 lots and a Re-Circulated Initial Study and Mitigated Negative Declaration (Re-Circulated IS/MND) was circulated from January 21, 2020 through February 24, 2020. Staff responded to comment letters received by providing additional information in a Revised Re-Circulated IS/MND, as well as providing responses in the staff report. Areas where additional discussion about potential impacts were added include Aesthetics, Biological Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, and Public Services. Per Section 15073.5. of the California Environmental Quality Act Guidelines, the proposed mitigation measures which appeared in the January 21, 2020 IS/MND (Mitigation Measures 4-8, 10, 44, 60, 61) were strengthened and no new ones were added, therefore they and remain adequate to reduce impacts from the project to less than significant.

### ***Aesthetics***

The subject property is adjacent to two County scenic corridors, Crystal Springs Road and Polhemus Road. Parcels 1-3, and their future residential development, will be located along Parrott Drive (not a scenic resource), and would not be not visible from the County scenic corridors. The majority of the subject parcel, the 48 acres of the 58-acre remainder parcel, would remain undeveloped and protected under a conservation easement. The proposed grading for landslide repair and sewer line upgrade would not significantly alter the scenic nature of the hillside. The stitch pier walls will be

approximately two feet above grade and would be located approximately 700 linear feet from the scenic corridors, and the sewer upgrade will occur approximately 150 linear feet from Crystal Springs Road. The construction areas have elevation changes from the road and existing vegetation provides screening of work areas. In both instances, the disturbed areas will be stabilized with replanting of native grasses and plants.

### *Biological Resources*

Sensitive habitats were identified through biological site evaluations by the Project Biologist and Ecologist from Wood Biological Consulting, Inc., which were conducted in 2007, 2014, 2015, 2017, and 2021. Special status species habitat and potential habitat for the California red-legged frog, San Francisco garter snake, Central California Coast Steelhead, and mission blue butterfly were observed on the site. In addition, three intermittent stream channels, each a tributary to San Mateo Creek, cross the slopes of the subject property.

The proposed grading work will occur outside of the identified wetlands and the proposed infrastructure will not significantly impact them. The project includes mitigation measures which will protect biological resource prior to, during and post construction of the stitch pier retaining walls and sewer upgrade. The parcel sizes and configurations have been adjusted to exclude sensitive habitat boundaries and landslide areas and future development envelopes would be outside of these areas.

### *Geology and Soils, Hazardous Materials, Hydrology and Water Quality*

As required by the General Plan, geotechnical studies were conducted by the project geotechnical consultant, Murray Engineers, Inc., and peer reviewed by and the County's consultant, Cotton Shires and Associates, Incorporated. The area of the landslide is not within the boundaries of the proposed parcels, however, the recommendation from these experts for the proposed subdivision includes the installation of stitch pier walls to stabilize the active landslide area. The landslide repair work will precede recordation of the final map and any residential development. Both geotechnical consultants have evaluated the proposal and determined that upon completion of the landslide repair, that the site is suitable for future single-family residential development and their location will not increase the geotechnical hazard on site or on neighboring properties.

The landslide areas are proposed to be contained in the conservation easement where no residential use is proposed and future development will be restricted. As proposed and mitigated, the project complies with applicable hazards and public safety criteria.

## *Public Services*

Mainline utilities for Parcels 1-3 exist underground along Parrott Drive and are adjacent to existing single-family residential development. All necessary public utilities are available and, as proposed and mitigated, would have capacity for future residential development on the proposed parcels. The project involves an upgrade of a 203 linear feet portion of the Billy Goat Hill sewer line that is required to off-set system capacity for the project increase in service.

## Compliance with the General Plan

Staff has reviewed the project for conformance with all applicable General Plan Policies. The key policies applicable to this project are found in Chapter 1: Vegetative, Water Fish and Wildlife Resources; Chapter 4: Visual Quality; Chapter 8: Urban Land Use; and Chapter 15: Natural Hazards. Through project design and the implementation of mitigation measures, the proposed landslide repair and creation of residential parcels are consistent with County policies.

## Compliance with Resource Management

The proposal for the minor subdivision is compliant with RM Zoning District provisions related to use, density, and intensity of development, and is consistent with the required and available levels of services necessary for three new parcels (Section 6314). Single-family residences are allowed in the zoning district (Section 6315) and the reduced setback criteria can be met and would be applied to the future development. Finally, with inclusion of a conservation easement (Sections 6317, 6317A, and 6318), the project does not exceed the maximum allowed density required for the proposed development.

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), Section 6325 (Supplementary Review Criteria for Primary Resource Areas), 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), the 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 compliant tree removal.

### Compliance with Subdivision Regulations

The proposed Minor Subdivision has been reviewed by Planning staff with respect to the 1992 County Subdivision Regulations, as it was originally deemed complete under these regulations. The County's Building Inspection Section, Environmental Health Services, Geotechnical Engineer, Department of Public Works, Crystal Springs Sanitary District, and Cal-Fire have reviewed and provided preliminary approval of the project.

The subdivision has been proposed in a manner which keeps the majority of the land open and undeveloped and protected under a conservation easement, and clusters future residential development on Parcels 1-3, consistent with surrounding residential development, siting future development in a manner that is not visible from the scenic corridors (Policy 4.35 *Rural Subdivisions Design Concept*) and (Policy 4.36 *Urban Area Design Concept*). As conditioned, the project is in compliance with the standards and the requirements of the County's Subdivision Regulations.

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**COUNTY OF SAN MATEO  
PLANNING AND BUILDING DEPARTMENT**

**DATE:** July 28, 2021

**TO:** Planning Commission

**FROM:** Planning Staff

**SUBJECT:** Consideration of a Minor Subdivision, a Resource Management Permit, and a Grading Permit, pursuant to Section 7101 of the 1992 San Mateo County Subdivision Regulations, Section 6313 of San Mateo County Zoning Regulations, and Section 9283 of the San Mateo County Grading Regulations, respectively, and adoption of the Revised Recirculated Initial Study/Mitigated Negative Declaration, pursuant to the California Environmental Quality Act, to subdivide a 60.3-acre parcel into 3 parcels, each approximately 0.7-acre in size, for future residential development, creating a 58.153±-acre remainder parcel (with approximately 48.88 acres of land to be protected by a conservation easement, and 9.27 acres of developable area including an existing single-family dwelling). The project involves an upgrade of a 203 linear foot portion of the Billy Goat Hill sewer line that is required to off-set system capacity for the project increase in service, grading including 455 cubic yards (cy) of earthwork (290 cy of cut and 165 cy of fill) for landslide repair and 30 cy of cut and 30 cy of fill for the sewer line upgrade, and no removal of protected trees. The project site is located at 1551 Crystal Springs Road, Unincorporated San Mateo County.

County File Number: PLN 2014-00410 (Zmay)

**PROPOSAL**

The applicant proposes to subdivide a 60.3-acre parcel to create three new parcels: Parcels 1-3 (0.669-acre, 0.707-acre, 0.734-acre in size). A 58.153-acre remainder parcel would result from the subdivision, of which 48.88 acres would be protected by a conservation easement, and 9.273 acres would be developable area. The developable area of the remainder parcel includes an existing single-family dwelling. The proposed subdivision would achieve the maximum density allowed for the subject property in the Resource Management Zoning District (RM), including additional density credits available due to the proposed establishment of a conservation easement and compliance with development criteria that encourage clustering of development to retain the natural characteristics of the land.

The project site is located in the San Mateo Highlands, adjacent to the Town of Hillsborough, and is bounded to the west by Crystal Springs Road, to the southwest by Polhemus Road, and to the northeast by Parrott Drive. Future residential development on Parcels 1-3 will require separate planning permits, which are not included in the subject application. With respect to siting, however, future residences would be built along Parrott Drive, a residential street with existing road and utility infrastructure. The Crystal Springs Sanitation District (District) would provide wastewater service to future residences via a subsystem called the Billy Goat Hill sewer pipeline. To maintain sewer line service levels, the District will require a 203 linear foot portion of the sewer pipeline to be realigned. The realignment would occur on the lower portion of the parcel, approximately 150 feet west from Crystal Spring Road, within an existing sewer easement. The sewer line upgrade work would be completed prior to the recordation of the final parcel map.

Future development of Parcels 1-3 would comply with the alternative development standards afforded by Section 6319.c of the RM Zoning District, which would better conform the rural lots to the urban setback requirements of the surrounding neighborhood (front setbacks of 20 feet and side setbacks of 10 feet) in the R-1/S-8 Zoning District (front setbacks of 20 feet and side setbacks of 5 feet).

The subject parcel has previous and active landslide activity. A geotechnical evaluation determined that the landslides can be remediated, and, with the implementation of geotechnical recommendations, residences could be constructed on Parcels 1-3. The proposed landslide stabilization work would require 455 cubic yards of earthwork (290 cy of cut and 165 cy of fill) and the installation of two stitch pier retaining walls below the proposed parcels. This activity would be completed prior to the recordation of the final parcel map.

As described in the Revised Recirculated Initial Study/Mitigated Negative Declaration (Revised Recirculated IS/MND or RRIS/MND), assessments of biological resources on the entire subject property were conducted on the proposed parcels in 2014, 2015, 2017, and 2021. The findings of the assessments remained consistent over time and are summarized below. The proposed conditions of approval require an updated biological resources survey prior to any construction disturbance.

The biological assessments identified features on the subject property that fall under both federal (U.S. Army Corps of Engineers (USACE)) and State (California Department of Fish and Wildlife (CDFW) and Regional Water Quality Control Board (RWQCB)) jurisdiction. In addition, the assessments identified habitat for four special-status species and populations of six special-status plants on the site. Biologist reports include a wetland delineation and recommendations for wetland protection during grading and construction. Measures to protect biological resources have been incorporated in the project design and mitigation measures.

## **RECOMMENDATION**

That the Planning Commission adopt the Revised Recirculated Initial Study/ Mitigated Negative Declaration and approve the Minor Subdivision, Resource Management Permit, and Grading Permit, County File Number PLN 2014-00410, by adopting the required findings and conditions of approval listed in Attachment A.

## **BACKGROUND**

Report Prepared By: Erica Adams, Planner III, Project Planner

Applicants: Steve and Nicholas Zmay

Owner: Z-Enterprises LP

Location: 1551 Crystal Springs Road, Hillsborough (Unincorporated)

APN: 038-131-110

Size: 60.3± acres

Existing Zoning: Resource Management (RM)

General Plan Designation: Open Space; Urban

Sphere-of-Influence: City of San Mateo

Existing Land Use: Single-Family Residential

Water Supply: The project does not require water service at this time. California Water Service would serve future residences.

Sewer Service: The project does not require sewer service at this time. Crystal Springs Sanitation District would serve future residences.

Flood Zone: Zone X Panel 06081C0165E, October 16, 2012

Environmental Evaluation: An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for an earlier version of the project which consisted of a 4-lot subdivision and a remainder parcel and circulated from April 7, 2018 to May 7, 2018. The project was revised to a 3-lot subdivision and a remainder parcel in 2018 and a Recirculated Initial Study and Mitigated Negative Declaration (Recirculated IS/MND) was circulated from January 21, 2020 through February 24, 2020. Staff has responded to comments received by providing additional information in a Revised Recirculated IS/MND when appropriate, as well as providing a brief response in this report. Per Section 15073.5. of

the CEQA Guidelines, recirculation of the Revised Recirculated IS/MND is not required because the changes do not constitute “substantial revisions,” as defined.

Setting: The subject parcel is approximately 60.3-acres. The majority of the parcel is undeveloped. There is an existing single-family residence on a portion of the subject parcel which takes access from Crystal Springs Road. The property is generally steep, with slopes varying from 2:1 to 3:1 (horizontal to vertical). The north/eastern portion of the parcel along Parrott Drive where the 3 new parcels are proposed has an approximate slope of 37 percent.

The site is bounded to the west by Crystal Springs Road, to the southwest by Polhemus Road, and to the northeast by Parrott Drive. San Mateo Creek and Polhemus Creek run along the base of the ridgeline and converge near the southern corner of the property. The Town of Hillsborough borders/surrounds the parcel to the north and west. Single-family residential neighborhoods are located to the north and east, with areas of open space to the south and west.

Chronology:

<u>Date</u>	<u>Action</u>
March 18, 2014	Applicant submitted a Major Development Pre-Application (PRE 2014-00004).
June 10, 2014	Community Major Development Pre-Application meeting.
October 17, 2014	Application submitted for subdivision of the property into four approximately 2-acre parcels and a remainder parcel, subject to the County's 1992 Subdivision Regulations (Current Subdivision Regulations were adopted in December 2017).
June 11, 2015	Applicant revises project to address the County's geotechnical comments about landslide and repair.
April 26, 2016	Applicant revises project to address location of landslide and wetlands; Reduces parcels to approximately 0.73-acres each.
July 12, 2016	County requests additional information about grading and protection of wetlands.
November 21, 2016	Applicant submits additional biological reports, revised grading plans, and additional project details. Applicant revises Tentative Map to include wetland areas in the proposed conservation easement area.

January 9, 2017	County requests additional biological data as the previous wetland delineation expired and biological surveying of property occurred in 2014 or earlier.
September 5, 2017	Updated biological report dated August 17, 2017 received.
April 7, 2018	County releases Initial Study and Mitigated Negative Declaration (IS/MND) and a 30-day public review period begins.
May 7, 2018	IS/MND public review period ends. Highlands Community Association (HCA) raises concerns about public noticing.
October 4, 2018	Applicant submits revised plans for a 3-parcel subdivision with landslide area and wetlands within the conservation easement and no residential development directly above landslide repair area (formerly parcel 2).
November 8, 2018	County holds community meeting at the request of the HCA.
December 4, 2018	County staff attends a neighborhood meeting to discuss the project.
January 21, 2020	County releases Recirculated Initial Study and Mitigated Negative Declaration (Recirculated IS/MND) and a 30-day public review period begins.
February 24, 2020	Recirculated IS/MND comment period ends.
January 2021	Applicant finalizes agreement with Crystal Springs Sanitary District on required mitigation.
February 2021	Applicant and District staff conduct field inspection of work area.
March 11, 2021	Applicant revises project to incorporate sewer pipeline proposal as required by the District. Project application is deemed complete.
June 21 and 24, 2021	Project ecologist conducts field survey and identifies Franciscan onion plants.
July 15, 2021	Revised Recirculated Negative Declaration is released for public review in advance of the Planning Commission hearing. (No comment period is required.)

## **DISCUSSION**

### **A. KEY ISSUES**

#### **1. Conformance with the General Plan**

The subject parcel is designated Open Space and Urban by the General Plan. The proposed subdivision would create three parcels for future residential development, adjacent to existing residential development in both unincorporated San Mateo Highlands and the Town of Hillsborough.

Staff has reviewed the project for conformance with all applicable General Plan Policies. The key policies applicable to this project are found in Chapter 1: Vegetative, Water Fish and Wildlife Resources; Chapter 4: Visual Quality; Chapter 8: Urban Land Use; and Chapter 15: Natural Hazards. The project's compliance with applicable General Plan policies and development guidelines is discussed below.

##### **a. Chapter 1: Vegetative, Water, Fish and Wildlife Resources**

Policy 1.21 calls for the County to consider areas designated as sensitive habitats as a priority resource requiring protection (*Importance of Sensitive Habitats*). Policies 1.23-1.24 (*Regulation and Protection of Development*) require the County to balance protection of resources with responsible development. Policy 1.25 (*Protect Vegetative Resources*) requires regulation of land uses and development activities to prevent, and, if feasible, mitigate to the extent possible "significant adverse impacts on vegetative, water, fish and wildlife resources." As discussed below, the project has been designed and mitigated to comply with policies associated with protection and preservation of sensitive habitats.

The Project Biologist, Michael Woods of Wood Biological Consulting, Inc., identified on-site sensitive habitat during biological site evaluations conducted in 2007, 2014, 2015, and 2017. Chris Rogers, Senior Ecologist, conducted an additional survey in 2021. Special status species habitat and potential habitat for the California red-legged frog, San Francisco garter snake, Central California Coast Steelhead, and mission blue butterfly were observed on the site. The western leatherwood was identified on proposed parcel 3. None of the other five special-status plant species previously documented on the subject property was observed in the project area for proposed residential development, which covers a total of approximately 3 acres. No slide landslide repair activity is proposed or required on

Parcel 3, and the portion of the designated remainder parcel that is likely to accommodate a future residential structure is not in the vicinity of known leatherwood plants, as they are approximately 175 feet down slope from Parrott Drive and outside of a residential footprint.

A population of *Franciscan onion* appears within about 10 feet of the lower existing sewer pipe alignment, near the Odyssey School, however no special-status plants were mapped on the existing or re-aligned segment. All observed plants were flagged by the project ecologist, Chris Rogers during a survey. The flagged plants shall be fenced off to prevent intrusion by construction activities as detailed in Mitigation Measure 4.

Three intermittent stream channels, each a tributary to San Mateo Creek, cross the slopes of the subject property and feed two (2) small stands of riparian vegetation which fall under the jurisdiction of state and federal agencies. The portion of wetland area on the parcel which qualifies as federally-protected wetlands was estimated as 0.42-acre and an additional 0.21-acre of non-wetland riparian habitat falls under State jurisdiction only. When the subdivision was revised from four parcels to three, in 2018, the wetland areas were incorporated in boundaries of the conservation easement. The project, as proposed, does not remove wetland area, although some willows may be cut back to accommodate construction. In addition, the flow of water to the wetland areas would be minimally altered based on the location of the proposed development (stitch pier walls and residential) and the slope of the hillside, and mitigation measures (MM 4-25) have been incorporated into the project to reduce potential project impacts to a less than significant level.

Policy 1.28 (*Regulate Development to Protect Sensitive Habitats*) requires protection of rare, endangered, and unique plants and animals from reduction in their range or degradation of their environment. Mitigation measures have been developed to protect the wetlands and biological resources on the site. Prior to any land disturbance, a survey for special status species and an updated delineation of the wetland boundaries will be conducted for the purpose of establishing boundaries for construction activities. Training will inform workers of the best practices required to protect biological resources (MM4 and MM5). The proposed grading work for the stitch pier walls will occur outside of, but adjacent to, the wetland willows. Some trimming may be required, but the willows will only be removed if it cannot be avoided. If removal is required, then development activities must comply with federal permit requirements (MM6 and MM7).

The second sensitive habitat is in the vicinity of the sewer pipe upgrade. The Franciscan onion was mapped in 2007 within 10 feet of the existing sewer line. A 2021 survey confirmed that the onion plants remained in the previously identified location. The onion plants are not in the footprint of the upgrade work and are protected from project-related disturbance by a grade change between them and the existing roadway, which will be used during the upgrade work. The project ecologist visited the site in June 2021 and flagged plant locations, as the onion plants are only identifiable during the months of May to June. The flags will allow a construction perimeter to be established to ensure that the plants are not disturbed. Mitigation measures 4 and 5 require the creation of protection zones and training of construction staff to protect the plants and will minimize project impacts to a less than significant level.

Policy 1.29 (*Establish Buffer Zones*) and Policy 1.27 (*Protect Fish and Wildlife Resources*) requires establishment of necessary buffer zones adjacent to sensitive habitats which include areas that directly affect the natural conditions. Mitigation Measures 11 through 14 require the applicant to implement several pre-construction and construction phase measures to protect raptors, migratory birds, and bats and special status animals. In addition, the wetlands and areas of habitat and potential habitat would be protected by the proposed conservation easement after the installation of the stitch pier retaining walls. The easement would cover nearly 49 acres of land which cannot be further subdivided. The wetland areas and a majority of areas which have had landslide activity would all be within the easement. The land will retain its Resource Management zoning which only allows for uses which are compatible with preserving open space.

The parcel sizes and configurations have been adjusted to exclude sensitive habitat boundaries and landslide areas, and future development envelopes would avoid these areas. Through project design and the implementation of mitigation measures, the proposed landslide repair, sewer line replacement, and creation of residential parcels are consistent with the Vegetative, Water Fish and Wildlife Resources policies of the General Plan.

b. Chapter 4: Visual Quality

Policy 4.15 (*Protect Scenic Corridors*) calls for the County to: a. Regulate development to promote and enhance good design, site relationships and other aesthetic considerations; and b. Regulate land divisions to promote visually attractive development. Policy 4.22 (*Appearance of New Development*) calls for the County to protect and

enhance the visual quality of scenic corridors by managing the location and appearance of structural development.

The subject property is adjacent to two County scenic routes, Crystal Springs Road and Polhemus Road. Parrott Drive, not classified as a scenic route, also borders the parcel and would provide the road access for the three proposed parcels (Parcels 1-3). Parrott Drive is approximately 300 feet in elevation above and a lineal distance of approximately 1,000 feet from Crystal Springs Road, with dense tree coverage in between the scenic route and proposed parcel locations. Polhemus Road curves eastward, with a lineal distance of approximately 2,200 feet from the proposed parcels. The proposed grading for landslide repair would not alter the scenic nature of the hillside. Disturbed areas are not visible from Polhemus or Crystal Springs Roads and would be re-vegetated with replanting of native grasses and plants.

The subdivision has been proposed in a manner which keeps the majority of the land open and undeveloped and protected under a conservation easement, and clusters future residential development on Parcels 1-3 consistent with surrounding residential development, siting future development in a manner that would not be visible from the scenic routes.

Policy 4.36 (*Urban Area Design Concept*) encourages new development in rural subdivisions to be compatible with established architectural styles and patterns. Future residential development would utilize reduced setbacks allowed when Resource Management criteria are met, to better conform to the development setbacks of existing nearby residences. Additionally, as discussed in Section A.3 of this report, the future residences would be subject to Site Design Criteria of the RM Zoning District, which requires development to be subordinate to the pre-existing character of the site, is designed to fit the natural topography, and minimize grading and modification of existing land forms and natural characteristics.

c. Chapter 8: Urban Land Use

Policy 8.15 (*Land Use Compatibility*) requires protection of the character of existing single-family areas from adjacent incompatible land use designations which would degrade the environmental quality and economic stability of the area. Policy 8.30 (*Infilling*) requires the infilling of urban areas where infrastructure and services are available and Policy 8.32 (*Overcoming Constraints to Development*) requires infrastructure (e.g., water supply, wastewater, roads) necessary to serve the level of development allowable within urban areas and

improvements which minimize the dangers of natural and manmade hazards to human safety and property.

The subject parcel is located in the urban neighborhood of the San Mateo Highlands and is designated Open Space and Urban. The subject application does not include residential development, but it does create three new parcels which would support residential development. The residential parcels along Parrott Drive have been proposed in an area on the parcel which is surrounded by urban uses, and where utilities are readily available. The development envelopes on each parcel have reduced setbacks to allow the future houses to better blend in with the surrounding residences. The proposed conservation easement over nearly 49 acres of the parcel would preserve natural resources and only allow low intensity uses.

Infill and clustered development are positive features of the proposed development which the County incentivizes through the provision of density bonuses as it allows for greater preservation of open space. Parrott Road has adequate capacity to support additional traffic; no road improvements were requested by the Department of Public Works (DPW). Connections to existing utilities would also be via Parrott Road. The applicant has received "will serve" letters from all utility agencies. Crystal Springs Sanitary District will require the applicant to upgrade a portion of the serving sewer line as a condition for service of the three parcels to maintain the current level of service when sewer demand from the three residential parcels is added to the system. The placement of the landside repair area and the site's biological resources within the area of the proposed conservation easement would prevent future development in hazard areas and result in the preservation of the natural resources on the property.

d. Chapter 15: Natural Hazards

Policy 15.20 (*Review Criteria for Locating Development in Geotechnical Hazard Areas*) requires development to avoid the siting of structures in areas where they are jeopardized by geotechnical hazards, where their location could potentially increase the geotechnical hazard, or where they could increase the geotechnical hazard to neighboring properties; wherever possible, avoid construction in steeply sloping areas (generally above 30%) and, avoid unnecessary construction of roads, trails, and other means of public access into or through geotechnical hazard areas.

The subject parcel has previous and active landslide activity. The applicant has submitted a geotechnical study from Murray Engineers, dated June 3, 2015 and a Supplemental Evaluation and Response,

dated March 18, 2015, which has been reviewed and preliminarily approved by Cotton, Shires and Associates, Inc., the County's Geotechnical Consultant on July 14, 2015. The report from Murray Engineers provides detailed recommendations for the proposed development. Additional correspondence from 2018 and 2019 confirming hillside stability resulting from the recommended landslide repair included in Attachment L of the Revised Recirculated IS/MND.

As required by the General Plan, field studies were conducted and analysis was provided by the project geotechnical consultant, Murray Engineers, Inc., and peer reviewed by the County's consultant, Cotton Shires and Associates, Inc. The landslide areas would not be located within the boundaries of the proposed parcels, however, geotechnical recommendations for the proposed subdivision include the installation of stitch pier walls to stabilize the active landslide area. The landslide repair work would include 455 cy of grading in addition to the installation of stitch pier retaining walls. Completion of the landslide repair work is required prior to recordation of the final map and any residential development.

Both geotechnical consultants have evaluated the proposal and determined that upon completion of the landslide repair, the site is suitable for future single-family residential development and that future residences will not increase the geotechnical hazard on site or on neighboring properties. Project geotechnical analysis indicates that the project, as proposed and mitigated, would result in impacts to geology and soils which are less than significant. Therefore, future residential development on the proposed parcels would meet the General Plan's location criteria.

Policy 15.20 (*Review Criteria for Locating Development in Geotechnical Hazard Areas*) allows, in extraordinary circumstances when there are no alternative building sites available, development in geotechnically hazardous and/or steeply sloping areas when appropriate structural design measures to ensure safety and reduce hazardous conditions to an acceptable level are incorporated into the project.

The County Geotechnical Section reviewed the submitted geotechnical reports in order to identify any potential alternative sites for new residential development and parcel locations. All areas where identified geological hazards exist were depicted and conceptually mapped (Attachment S of the IS/MND Attachment E). As is illustrated by the map, there are only two areas on the parcel that are entirely outside of identified geologic hazard areas: the subject project area, and an area behind the homes on Enchanted Lane.

The alternate location would require the construction of a private roadway approximately 200 feet long over an easement extending from Rainbow Drive and located over a steeply-sloped portion of the parcel. A firetruck turnaround would be required to provide adequate fire protection; however, a turnaround may not be feasible due to the parcel's slope. New utility infrastructure and trenching would also be required.

The applicant submitted analysis of this alternative site (Attachment T of IS/MND Attachment E). Development concerns expressed by the applicant included road construction of approximately 550 feet for access and a cul-de-sac, 500 feet of utility trench, an increase in excavation and retaining walls, and that the site would not fit into the existing community fabric.

There are no feasible alternative potential sites with slopes of less than 30% that would allow for clustering future home sites with existing residences in the neighborhood. Development of flatter areas of the property with homes sites would not allow for clustering of development with existing residences, would require extensive land disturbance for new utilities and access, and would significantly change views from Polhemus Road. The subject proposal would develop the portion of the parcel which is most consistent with County development policies.

## 2. Compliance with the Resource Management (RM) Zoning District

Per Zoning Regulations Sections 6314 through 6317, the proposal for the minor subdivision is compliant with RM Zoning District provisions related to use, density, and conservation of open space and is consistent with the required and available levels of services necessary for three new parcels. Single-family residences are allowed in the zoning district per Section 6315 with a RM Permit. With inclusion of a conservation easement (as required by Sections 6317, 6317A, and 6318), the project does not exceed the maximum allowed density for the property. The project's consistency with the RM Zoning District standards is discussed in detail below.

The RM Zoning District does not establish a minimum parcel size; maximum density of development is determined using criteria found in Section 6317 of the Zoning Regulations. The density analysis is a standardized calculation performed on parcels zoned RM using the enumerated criteria which takes into account slope, landslide susceptibility, proximity to existing public roads, and potential for agriculture. The density analysis performed by the County for the subject property resulted in three (3) density credits. A single-family residential unit requires one density credit. The existing residence on the subject property utilizes one of the credits.

The additional credit needed for the proposed development is contingent upon the acceptance of a conservation easement, per Section 6317A and the granting of two 10% density bonuses, per Section 6318 of the Zoning Regulations. Based on a total of 3 density credits, the granting of two (2) 10% bonus credits (0.3 each or 0.6 bonus credits total), would allow for a total of 3.6 density credits, which would be rounded up to 4 density credits. Four density credits allow for four (4) single-family dwelling units on the subject property, sufficient to accommodate three new residences and the one existing residence.

Staff has determined that the proposal meets the criteria for bonus credits under Sections 6318.a and b. The Section 6318.a. criteria is met because the applicant proposes a conservation easement over 48.88 acres of the 60.3-acre parcel (or 80% of the total property). Section 6318.b allows for an additional 10% development bonus for use of building and site design, structural systems, and construction methods that reduce the amount of land area to be altered from a natural state and preserve the overall natural appearance and scale of the area. The project meets these criteria because the proposed parcels are near existing residential development with access from Parrott Drive, an existing road, and therefore no new access road is required. In addition, the proposed building envelopes have reduced front setbacks of 20 feet which allows for grading to be minimized through reduced driveway lengths.

Section 6319C allows for a reduction of setbacks to 20-feet at the front property line and 10-feet at the side yards for residential projects in urban areas that preserve open space. This proposal meets all of the criteria necessary to allow this modification to setbacks, as discussed below:

- 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.*

Parcels 1-3 are located on the northeast edge of the parent parcel, creating a proposed subdivision with the maximum amount of contiguous open space. Future residential development would be located in a manner which protects public views from the adjoining County scenic routes due to topography and dense vegetation. All significant biological resources have been excluded from the residential parcels and would be placed in the proposed conservation easement.

- b. *The project is located in an urban area, as shown on Map 8.1M of the San Mateo County General Plan.*

The site is located in an urban area designated by the General Plan.

- c. *The home sites are located immediately contiguous to an existing, developed area.*

The home sites are located immediately contiguous to an existing, developed area along Parrott Drive.

- 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.*

The reduced setbacks are more compatible with nearby existing residential development than the standard minimum 50-foot front setback and 20-foot side yard setback of the RM zoning district. The parcels on east side of Parrott Drive, in unincorporated San Mateo County, are zoned R-1/S-8, have a 20-foot front setback and 5-foot side setbacks, and a 7,500 sq. ft. minimum parcel size. In addition, the parcels located to the north of Parcels 1-3, in the Town of Hillsborough, have a minimum front setback of 25 feet. The reduced setbacks proposed allow development to be closer to the roadway. Views of the future residences from Parrott Drive would be similar existing residences in the surrounding area.

- e. *The reduced setbacks will allow for increased open space by: a) 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 b) 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.*

As discussed in criteria 1 and 4 above, Parcels 1-3 are intentionally smaller to allow more land and associated biological and scenic resources located to the west, north and south of the parcels to be preserved within the proposed conservation easement.

- f. *The project will comply with the following development standards:*

- (1) *Minimum Lot Width of 75 feet.*

The proposed parcels have widths ranging from 82.36 feet to 107.97 feet.

- (2) *Maximum Building Site Coverage Ratio of 40%.*

All future residential development proposed on Parcels 1-3 in subsequent applications will be required to comply with the lot coverage limit.

- (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.*

All accessory building development proposed on Parcels 1-3 in subsequent applications will be required to comply with the accessory building setbacks.

- g. *The project will minimize grading.*

The proposed building envelopes have reduced front setbacks of 20 feet which allows for grading to be minimized through reduced driveway lengths, building envelopes that are closer to the roadway, and reduced trenching required to install utilities.

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

The setback reduction improves the visual cohesion of residential development along Parrott Drive. As proposed and conditioned, the building envelopes on the proposed lots would be further away from areas of landslide activity and based on geotechnical review, would not have an adverse impact to public health or welfare.

3. Compliance with Development Review Criteria (Chapter 20A.2)

In the RM Zoning District, development is required to be consistent with the development review criteria of Chapter 20A.2 of the Zoning Regulations. For this project, development review criteria are applicable to both the proposed grading activity and subdivision. A separate review of compatibility with the RM development criteria will occur at such time as residences are proposed on the proposed parcels under Section 6324. The criteria sections are 1) Environmental Quality, 2) Site Design, 3) Utilities, 4) Water Resources, 5) Cultural, and 6) Hazards to Public Safety. Additionally, Section 6325, Supplementary Review Criteria for Primary Resource Areas, includes additional criteria which apply to this project because the site is designated as Open Space. Relevant supplemental criteria sections include Primary Scenic Resources Area Criteria (Section 6325.1), Primary Fish and Wildlife Habitat Areas Criteria (Section 6325.2), and Slope instability Criteria (Section 6326.4).

Many of the criteria are similar and/or identical to thresholds of significance found in the Revised Recirculated IS/MND and are similar to General Plan Policies and Zoning Regulations discussed in earlier sections of the report. Therefore, the following discussion of the project's adherence to these criteria is condensed and consolidated, when appropriate, and includes references to sections of the Revised Recirculated IS/MND.

#### *Section 6324.1 Environmental Quality Criteria*

The criteria in Section 6324.1 requires development to conserve energy and natural resources through clustering, comply with standards for emission of air pollutions and noise, and to avoid significant adverse environmental impact upon primary wildlife resources.

The proposed development satisfies the environmental criteria through project design, mitigation measures, and conditions of approval. Energy conservation efforts for this project include the clustering of development and the location of development to reduce paving, grading, runoff, and driving times, and use of structural designs which maximize use of solar energy and reduce use of electricity and fossil fuels. Future development would demonstrate a high degree of compatibility with, and minimal adverse impact on, wildlife habitat areas through compliance with RM zoning development standards which shall be applicable for all proposed residential development.

The land division would result in a subdivision design which clusters future development by placing the proposed parcels near existing residences where utilities and services currently exist. Construction activities associated with the proposed sewer line upgrade and the stich pier retaining walls to address landslide concerns would incorporate best practices related to emissions, noise, and chemicals and pesticides; as discussed in the Air Quality section of the Revised Recirculated IS/MND (Section 3), project construction activities would not exceed emission standards, create noxious odors, or release pesticides and chemicals into the environment.

Mitigation Measures 42-55 of the Geology and Soils section of the Revised Recirculated IS/MND (Section 6) relate to grading activities for landslide repair and would minimize erosion and runoff impacts to a less than significant level. Proposed landslide repair would minimize impacts of future development to the parcel or adjoining lands. As discussed in the RRIS/MND, the project, as proposed and mitigated, would result in minimal adverse impact to wildlife habitat areas, through the design and location of parcels, building envelopes, the exclusion of sensitive areas to the greatest extent possible from project disturbance, and the implementation of protection measures during all stages of site work. There is no extensive

change in vegetation cover proposed. Detailed analysis can be found in the RRMND: Section 1 - Aesthetics, Section 4 - Biology, Section 6 - Geology and Soils, and Section 10 - Land Use and Planning. Compatibility is elaborated on further in the Site Design Criteria discussion below.

#### *Section 6324.2 Site Design Criteria*

The site design criteria primarily pertain to development of structures, requiring development to be designed such that it is subordinate to the pre-existing character of the site, fit the natural topography, and minimizes grading and modification of existing land forms and natural characteristics. Criteria also require that development not substantially detract from the scenic and visual quality of the project area, and does not substantially detract from the natural characteristics of existing major water courses or established vegetation.

The subdivision has been designed to comply with applicable site criteria, in that the majority of the parcel will remain undisturbed and future residential development would be located on a developed street. The proposed home sites would be located on the north/eastern edge of the parcel and houses would be far from scenic resources, and within an established residential community, where access to utilities would not require trenching through open space areas. Furthermore, the applicant must replace vegetation and demonstrate that the development would not contribute to the instability of the parcel or adjoining lands.

The grading associated with the landslide repair, installation of stitch pier walls and sewer upgrade has also been designed to comply with site criteria. There will not be a change in the overall topography of the site with the proposed grading. The proposed grading area is small relative to the project site, avoids sensitive areas, minimizes impact on the natural characteristics of the hillside, and graded areas will be reseeded and/or replanted. The landslide repair with stitch pier walls has been reviewed and preliminarily approved by the County as adequate to minimize landslide susceptibility on the subject parcel and adjoining lands. The project meets the criteria requiring development to not contribute to the instability of the parcel or adjoining lands.

The criteria prevent any tree removal of trees 55 inches diameter or greater which is not necessary to allow development. The project does not involve the removal of any trees 55 inches in diameter or greater. It is anticipated some tree removal would occur with future residential development. Tree removal for this application complies with the RM criteria and has been minimized by a reduced project scope and reduced parcel sizes. Mitigation Measure 45 requires the applicant to protect trees which are located within and/or adjacent to construction activity zones.

### *Section 6324.3 Utilities*

The applicable criteria call for underground utility lines and an adequate and available water supply. In addition, where a development proposes to utilize an existing public or community sewer system, it must demonstrate that sufficient utility capacity exists to serve the proposed development.

As previously mentioned, all utilities required for residential development are available to serve the proposed parcels. The project has will serve letters from California Water Service, and Crystal Springs Sanitary District (District). The District has stated that although the system is experiencing capacity issues, they do have capacity to serve the three proposed parcels provided that the applicant upgrades an existing section of sewer pipeline as an offset for the project increase in service demand, such that overall sewer demand would not change. A 203 linear foot upgrade to the system which would serve the parcels, called the Billy Goat Hill pipeline, has been determined by the District and the applicant to be adequate mitigation to offset the increase in service demand. New utility lines would be placed underground. A public water supply is available for this project.

### *Section 6324.4 Water Resources Criteria*

The applicable criteria require development to minimize its impact on hydrologic processes, to minimize grading and other landscape alteration, to reduce erosion and exposure of soils to the maximum extent possible by site preparation procedures and construction phasing, and to maintain surface water runoff at or near existing levels. The project complies with criteria as the potential for discharge of solid or liquid waste or water with organic nutrients is minimized to a less than significant level as discussed in Section 4.a. of the Revised Recirculated IS/MND.

The project, as proposed and conditioned, would minimize impacts to riparian environments. The applicant is required to demonstrate methods for management of vegetative cover, surface runoff, and erosion and sedimentation processes to assure the protection of wetlands and thereby assure stability of downstream aquatic environments. Surface water in a small area of the site would be collected and distributed more evenly with a catch basin and perforated pipes to improve hillside stability.

All grading activities include extensive erosion control measures that are designed to control and to reduce erosion and exposure of soils to the maximum extent possible (Mitigation Measures 42-53). Water sources to on-site wetlands are not significantly impacted; as discussed in Section 4.a. of the Revised Recirculated IS/MND, the drainage changes resulting from the construction of the stich pier walls would have minimal impact to pre-development runoff levels.

#### *Section 6324.5 Cultural Resources Criteria*

The criteria require a survey by qualified professional in the event of an archaeological or paleontological discovery. A cultural resources survey was conducted, and the report was sent to the Cultural Historical Resource Information System, and a Sacred Lands file search was conducted by the Native American Heritage Council. The site and surrounding area are not known to have contained archeological or cultural artifacts. Mitigation Measures 25, 64, and 65 require work to cease and evaluation by qualified professionals in the event of an unexpected discovery.

#### *Section 6324.6 Hazards to Public Safety Criteria and Section 6326.4 Slope instability Criteria*

These criteria prohibit development from contributing to the instability of the parcel or adjoining lands, as well as the placement of structures in areas that are severely hazardous to life and property. As discussed previously in this report and in Geology and Soils, Section 6, of the Revised Recirculated IS/MND, the geotechnical concerns associated with the landslides on the property have been evaluated and reports have been peer reviewed as part of the evaluation of this proposal. The project, as proposed and mitigated, has been designed to adequately address adverse soil characteristics and other subsurface conditions. The landslide areas are proposed to be repaired and would be located within the area of the conservation easement where development is restricted. Future residences would be located outside of hazardous areas. Therefore, the project complies with applicable hazards and public safety criteria.

#### *Section 6325 Supplementary Review Criteria for Primary Resource Areas*

This section includes additional criteria which apply to this project, as the site is, in part, designated as Open Space. These criteria are in addition to all other Development Permit Review criteria and are also often similar or identical to criteria discussed previously in this report.

#### *Section 6325.1 Primary Scenic Resources Areas Criteria*

The criteria include development standards which protect public views of scenic corridors with respect to visibility, vegetation, and access. Approximately 1,500 lineal feet of the parcel abuts Crystal Springs Road, which is a designated County Scenic Route by the San Mateo County General Plan. The southwestern corner of the parcel, 800 lineal feet, abuts a portion of Polhemus Road which is also designated as a County Scenic Route. Neither road is designated a state scenic highway. The location of the proposed parcels and the landside repair would not be visible in most situations from the Crystal Springs Road or Polhemus Road due to

topography, distance, and tree canopy. No clear cutting is proposed. The landslide repair area has a low level of vegetation, and after repair work is completed, revegetation is required and would prevent erosion. Much of the area along the scenic routes would be placed in a conservation easement. The sewer pipeline repair area is visible from Crystal Springs Road; however, the pipe installation would occur underground, no trees are proposed to be removed, associated grading would have a small footprint, and the area will be restored with seeding and replanting as necessary in the post-construction phase. No new road access routes are necessary for any stage of the project, including the sewer line upgrade, stich pier wall installation, or future residential development. Scenic resources are preserved with this proposal, as discussed in detail in Section 1-Aesthetics of the Revised Recirculated IS/MND.

#### *Section 6325.2 Primary Fish and Wildlife Habitat Areas Criteria*

The criteria prohibit significant reduction of primary habitat areas, encourage clustering of development, and require spawning and nesting areas to be excluded from development. The project does not propose any reduction of primary habitat areas. The scope of work avoids sensitive habitats based on the conducted site surveys, and mitigation measures have been added to prevent any significant adverse impacts on wildlife and habitat. Submitted plans for the proposed grading demonstrate that the grading limits avoid encroachment into the wetlands and removal of willows is not anticipated. A pre-construction survey of protected species is required, and state and federal permits would be required should protected vegetation need to be removed. Future development would be located on three adjacent parcels near existing residential development and away from sensitive habitat, as required by the RM Zoning District.

#### *Section 6325.3 Primary Agricultural Resources Area Criteria*

These criteria pertain specifically to agricultural lands in an agricultural preserve or prime farmland. The subject property is not in an agricultural preserve, the property does not contain prime soil, nor are there are currently agricultural uses on the site. The proposed development is consistent with these criteria in that the proposed parcels are clustered such that the majority of the existing parcel remains undeveloped and available for agricultural uses consistent with the conservation easement and the RM Zoning District.

#### *Section 6325.4 Primary Water Resources Area Criteria*

The applicable criteria prohibit detrimental withdrawal from groundwater. They also prohibit construction, including placement of impermeable surfacing or compaction, that would significantly disrupt or diminish natural

patterns of groundwater recharge, interfere with the existing capacity of any water body, increase erosion or the amounts of silt or chemical nutrient pollutants, or otherwise contribute to the deterioration of the quality of water in any water body.

The proposed parcels would be served by California Water Service; therefore the future residences would not rely on groundwater withdrawal. The hydrological aspects of the project are discussed in Section 9, Hydrology and Water Quality, of the Revised Recirculated IS/MND. Drainage plans and erosion plans are required for the landslide repair to minimize erosion on site. The design of the drainage system facilitates project surface water to pass through the development in a stabilized manner and return to the groundwater table. Future residential development will be evaluated when permit applications are submitted, and the same criteria will be applied. This project is consistent with these criteria.

#### *Section 6325.7 Primary Natural Vegetative Area Criteria*

These criteria prohibit significant reduction of vegetation and call for clustering of development. Additionally, public access to vegetative areas should be controlled. Vegetation within sensitive habitats on the site will be protected through mitigation measures as discussed in the Section 4, Biological Resources, of the RRIS/MND and sections 1 (Vegetative, Water, Fish and Wildlife Resources) and 2 (Environmental Quality Criteria, Site Design Criteria, and Primary Fish and Wildlife Habitat Areas Criteria) of this report. No removal of protected vegetation is proposed with this application. The development envelopes for the future residences are not in close proximity to sensitive habitats and would be clustered to preserve the majority of the site under a conservation easement. Any public use of the land would be subject to review under a Resource Management permit and intrusion into any sensitive habitat would be prohibited or mitigated to insure a less than significant impact to vegetative areas.

#### *Section 6326 Supplementary Review Criteria for Special Hazard Areas*

The project is also subject to additional the special hazard area review criteria, as the development falls within the Special Hazards Area for landslide susceptibility. The criteria are 1) 6326.1 - Flood Plain Area Criteria, 2) 6326.2 - Tsunami Inundation Area Criteria, 3) 6326.3 - Seismic Fault/Fracture Area Criteria, and 4) 6362.4 - Slope Instability Area Criteria. The only applicable criteria are found in Section 6326.4 Slope Instability Area Criteria, as the site is not in a flood plain, tsunami inundation area, or on a seismic fault.

The subject parcel is identified on the United States Geological Survey Landslide Susceptibility Area Map of the County and has a history of landslide activity. Section 6326.4 allows for low-density residential uses in areas with landslide activity, when the applicant can demonstrate that 1) no other locations less susceptible to such hazards are reasonably available on the site for development; 2) through geologic site investigations and adequate engineering design, that proposed locations are suitable for the uses proposed; and 3) that direct damage to such uses or indirect threat to public health and safety would be unlikely.

Regarding criteria one, two potential sites were discussed in Section A.1 (Natural Hazards Chapter of the General Plan) of this report, and no alternative site was deemed feasible.

Regarding criteria two (geologic site investigations and engineering) and three (direct damage to the proposed uses or indirect threat to public health or safety), these issues have been discussed in Sections A.1 and A.2. As previously discussed in Section 6 of the Revised/Recirculated IS/MND and Section A.1 (General Plan: Natural Hazards) of this report, two geotechnical consultants have investigated the landslide area, provided recommendations, and concluded that the landslide repair will allow single-family residences to be constructed and occupied safely. Drainage plans have been developed for the stich pier walls by the applicant's civil engineer and evaluated by County's civil engineering section, and are discussed in Sections 4, Biological Resources and Hydrology/Water Quality for the RRIS/MND and Section 6325.4 Primary Water Resources Area Criteria in this report. The plan design and mitigations measures ensure that direct damage to future residential uses and indirect threat to public health and safety are unlikely.

#### 4. Compliance with Subdivision Regulations

The proposed Minor Subdivision has been reviewed by Planning staff for compliance with the 1992 County Subdivision Regulations. The subdivision regulations were updated in 2017; however, the project was submitted and initially deemed complete under the 1992 regulations, and therefore has been processed under the 1992 regulations.

The County's Building Inspection Section, Geotechnical Engineer, Environmental Health Services, Department of Public Works, Cal-Fire, and Crystal Springs Sanitary District have also reviewed the proposed subdivision. As conditioned, the project is in compliance with the requirements of the County's Subdivision Regulations and the applicable standards of the reviewing agencies. Conditions of project approval have been included in Attachment A of this report. The following contains a

discussion of project compliance with eight specific findings required to approve the Minor Subdivision:

- 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.*

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

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

As described in Sections A.1, A.2, and A.3 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, as proposed and mitigated, would not result in any significant impacts to the environment. As described in Section C of this report, potential geologic hazards to the project site and immediate vicinity have been avoided or minimized, by adhering to geotechnical recommendations and would further be addressed with installation of the stitch pier walls. Project and County geotechnical consultants indicated that the proposed lots were suitable for residential development.

- 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.*

The proposed subdivision would not create public health problems. Potential impacts related to Geology and Soils, discussed in Section 6 of the Revised Recirculated IS/MND, include exposure of people and structures to landslide hazards; instability of underlying units due to differential settlement, soil creep, increased peak discharges, surface runoff, the triggering of localized slumps or landslides; substantial soil erosion; and exposure of people and structures to strong seismic ground shaking. Specifically, potential project impacts to public safety associated with landslide susceptibility have been evaluated and, as mitigated, found not to pose a significant environmental impact. As proposed and mitigated, project-related significant environmental impacts are not anticipated and biological resource mitigation measures have been added to the project to minimize project impacts to the dusky-footed woodrat, native bird species, native bat species,

California red-legged frogs, and the willow-scrub habitat and Franciscan onion. These mitigation measures require close monitoring and avoidance of these resources whenever possible. Implementation of mitigation measures in the Revised Recirculated IS/MND would reduce potential project environmental impacts to less than significant levels.

- 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.*

There are no access easements recorded on the subject property.

- 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 greatest extent practicable to meet building standards and will be reviewed at time of application.

- 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). The District has indicated that they can serve the three proposed parcels (Parcels 1-3) via the Billy Goat Pipeline sewer line. The District has indicated that the system has capacity constraints, however the additional service for three houses would not exceed the system's capacity. Per Mitigation Measure 60, the applicant would be required to upgrade a 203 linear foot section of impacted areas of the Billy Goat Pipeline sewer line, with construction plans subject to District approval. The project-generated increase in sewer flow will be off-set by reducing the amount of existing Inflow and Infiltration (INI) into the District sewer system. Construction of improvements, as approved by the District, would be required to be completed prior to the recordation of the final parcel map. 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 zoning district which allows both agricultural and single-family residential uses. Given the amount of land to be placed in the proposed conservation easement, the potential for land to be utilized for agriculture would remain unchanged.

- 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 creation of three new residential parcels where only open space use currently exists and would preserve the existing residence. Therefore, the project would provide opportunities for additional housing and would not result in a negative effect on regional housing needs.

#### *Park Dedication Requirement*

Section 7055.3 of the County Subdivision Regulations requires that, as a condition of approval of the tentative map, the subdivider dedicate land or pay an in-lieu fee. The applicant proposes to pay the in-lieu park fee which will be calculated based on the formula contained in regulations at the time of recordation. Payment of this fee is consistent with this policy.

#### 5. Conformance with the Grading Regulations

Per Section 9290 of the County Ordinance Code, the following findings must be made in order to issue a grading permit for this project. Staff's review of the project is discussed below:

- a. *That the granting of the permit will not have a significant adverse effect on the environment.*

As previously stated, both geotechnical consultants, the applicant's and the County's, have evaluated the proposal and determined that upon completion of the stich pier wall installation, the site is suitable for future single-family residential development and the location of future residences will not increase the geotechnical hazard on site or on neighboring properties.

Landslide considerations and repair in particular was reviewed, and specific recommendations were made by the applicant's geotechnical

team and peer reviewed by the County. The recommendations are included as Mitigation Measures 26-44. The grading plan has been prepared by a licensed civil engineer and has been reviewed and preliminarily approved by the Department of Public Works. Mitigation Measures 45-66 have been included in the project design, and, once implemented, would minimize the potential for a significant adverse impact on the environment.

- b. *That the project conforms to the criteria of Chapter 8, Division VII, of the San Mateo County Ordinance Code, including the standards referenced in Section 9296.*

Proposed grading plans meet the standards referenced in Section 9296 pertaining to Erosion and Sediment Control, Grading, Geotechnical Reports, Dust Control Plans, Fire Safety, and Time Restrictions. Erosion and sediment control measures are proposed and would be required to remain in place before, during, and immediately after construction and grading, and measures would be monitored throughout these operations. Performance standards for grading have been added as conditions of approval and would be implemented and monitored (Condition Nos. 2-4 and 28-55). Dust control measures must be implemented on the site. The proposed grading plan was prepared by a licensed civil engineer and reviewed by the San Mateo County Department of Public Works. A geotechnical report was also prepared for the site and reviewed by the County's Geotechnical Section. Grading is only allowed during the dry season between April 30 and October 1, unless reviewed and recommended by the project geotechnical consultant and approved, in writing, by the Community Development Director.

The design of the project and conditions of approval assure that the development would be accomplished in a manner that minimizes the potential for erosion. In addition, the proposed grading is subject to standard conditions of approval that include grading stage, during- and post-construction measures to ensure that the project is in compliance with the San Mateo County Grading Regulations.

## B. COMPLIANCE WITH HOUSING ACCOUNTABILITY ACT

The Housing Accountability Act (HAA), among other things, prohibits a local agency from disapproving, or conditioning approval in a manner than renders infeasible, a housing development project unless the local agency makes written findings that the project would have a specific, adverse impact on the public health or safety, based upon a preponderance of evidence in the record. (Gov. Code § 65589.5.) The HAA is applicable to all housing development projects, including subdivisions. For this project, objective standards are the applicable standards of

the County's General Plan, RM Zoning Regulations, Subdivision Regulations, and Grading Regulations. The project's conformance with those objective standards are discussed in this report, and there are no conditions of approval proposed that would reduce the project's density or amount to a denial of the project.

## C. ENVIRONMENTAL REVIEW

### Scope of Revised Recirculated IS/MND

As required by the California Environmental Quality Act (CEQA), an Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for an earlier version of the project, which consisted of a 4-lot subdivision and a remainder parcel, and was circulated from April 7, 2018 to May 7, 2018. The project was revised in 2018 to a 3-lot subdivision and a remainder parcel and a Recirculated Initial Study and Mitigated Negative Declaration (Recirculated IS/MND or RIS/MND) was circulated from January 21, 2020 through February 24, 2020. Comments were received and reviewed. A Revised Recirculated IS/MND (RRIS/MND) responds to the comments, and where appropriate, expands discussion and offers clarifications. The RRIS/MND is attached to this report as Attachment X and was posted on the Department's website on July 15, 2021.

### Future Home Development

While residential development is not included in the proposed project and any such future development will require discretionary RM Permits and potentially Grading Permits through a separate permitting process, development of three single-family residences on the lots created by the minor subdivision is a reasonably foreseeable result of approval of the current application. As such, the Revised Recirculated Initial Study/Mitigated Negative Declaration evaluates the environmental impact associated with such foreseeable development.

At the time of application for a permit for residential development, such future development will be subject to environmental review as required by CEQA. Depending on the timing and specific details of a future development application, possible CEQA review would likely include a tiered review based on the Revised Recirculated Initial Study/Mitigated Negative Declaration.

### Public Comments and Revisions to the Revised IS/MND

Public comments on the RIS/MND were received concerning a variety of aspects of the project, including comments requesting further clarification or information on project details and potential impacts as well as comments expressing personal opinions. Copies of the correspondence is attached to Revised Recirculated IS/MND which is Attachment E of this report. The Revised Recirculated IS/MND responds to the comments, and where appropriate, expands discussion and offers clarifications. Some of the comments received related to the details of the

required sewer district mitigation measure. As a result, the 203 linear foot upgrade to the system which would serve the parcels, called the Billy Goat Hill pipeline, has been determined by the District to be adequate mitigation to offset the increase in service demand. The details of the sewer line upgrade were added to the RRIS/MND and evaluated. The revisions to the RIS/MND can be identified in the document by underlining for added text and strikethrough marks for deleted text.

Staff has reviewed the sewer upgrade plans and analyzed the impacts of the proposed sewer improvements in applicable sections of this document and found that the sewer improvements would not increase project environmental impacts from the levels previously analyzed in the RIS/MND. Staff has updated mitigation measures of the RRIS/MND to reflect the planned implementation of required sewer improvements and to add a standard requirement regarding the construction of sewer improvements prior to the recordation of the Subdivision Map. No new mitigation measures are necessary and re-circulation was not required per Section 15073.5 of the CEQA Guidelines.

CEQA Guidelines Section 15073.5 provides that a lead agency is required to recirculate a negative declaration when it has been “substantially revised” after public notice of its availability, but prior to its adoption. A substantial revision means:

- a new, avoidable significant effect is identified, and mitigation measures or project revisions must be added in order to reduce the effect to a less-than-significant level, or
- previously proposed mitigation measures or project revisions will fail to reduce potential effects to a less-than-significant level, and new measures or revisions are required.

Recirculation is not required when:

- mitigation measures are replaced with equal or more effective measures pursuant to the process provided by CEQA Guidelines Section 15074.1;
- new project revisions are added to respond to comments on the project’s effects identified in the proposed negative declaration which are not new avoidable significant effects;
- measures or conditions of approval are added that are not required to mitigate an avoidable significant effect; or
- new information is added to the negative declaration that merely clarifies, amplifies, or makes insignificant modifications to the negative declaration.

In this case, substantial revisions within the meaning of the CEQA Guidelines Section 15073.5 were not required. Certain mitigation measures (MMs 4-8, 10, 44, 60, 61) which appeared in the January 21, 2020 Recirculated IS/MND were modified with equal or more effective measures. Such modifications are permitted without recirculation pursuant to CEQA Guidelines Section 15074.1, which requires a public hearing prior to substituting a mitigation measure and a finding that the new measure is equivalent or more effective in mitigating potential significant effects and that the measure in itself will not cause any potentially significant effect on the environment. The Planning Commission hearing to consider the project satisfies this public hearing requirement. The substituted mitigation measures involved The Revised Recirculated IS/MND analyzed whether the updated mitigation measures could themselves result in any potentially significant effects on the environment, and, as documented in the RRIS/MND, the measures would not have such effects.

Therefore, the revisions constitute minor revisions to clarify and amplify the analysis, and recirculation of the Revised Recirculated IS/MND is not required. The RRIS/MND analysis concluded that the project, as proposed and mitigated, would not result in any significant impacts.

#### D. PROJECT ALTERNATIVES

While no detailed, formal project alternative has been developed or proposed, this section describes previous proposals for the property that were abandoned based on protection of environmental resources and other reasons as described below, as well other development siting alternatives.

A proposal for a 20-lot Major Subdivision and General Plan Text Amendment for the property was reviewed in 1987 but was not pursued, due to conflicts with numerous General Plan policies. In 2014, a proposal for a 4-lot subdivision and remainder parcel was considered as a Major Development Pre-Application, and subsequently a formal application was submitted for a Minor Subdivision that would result in 4 parcels, each approximately 2 acres in size. The 4-lot proposal included a developable lot within identified landslide repair and wetland areas.

After consideration of site analysis by reviewing agencies and Department staff, the applicant revised the proposal to a 3-lot subdivision, approximately 0.70 acres each, and a remainder parcel. The revised proposal includes re-configuration and shrinking of the parcels to allow the future building sites to avoid sensitive habitats and landslide areas and to consolidate these areas within the area of the proposed conservation easement.

At the December 4, 2018, Highlands community meeting, members of the public requested identification of an alternative location for the three proposed parcels. One recommendation was to locate the parcels on the southern side of the parcel, along Crystal Springs Road. As discussed previously, placement of new

residences in a location visible from Crystal Springs Road, a scenic route, would decrease project compliance with County policies relating to clustering of development, preservation of scenic resources, and use of existing road and utility access.

As landslide stabilization was a principle concern, staff asked the County's Geotechnical Engineer to review the geotechnical report for an area on the site which would not be susceptible to landscape activity. A possible alternative to the lot locations was identified in an approximately 80,000 sq. ft. area to the east of Enchanted Lane. The site would be only be accessible via a "paper street", and easement from Rainbow Drive about 400 feet to the south. As discussed in Section 1 of this report, under Natural Hazards, this location was found to be unacceptable due to its proximity to existing residences, need for lot line adjustments, access issues, vegetation removal, and the amount grading and trenching required to provide utilities and access, as discussed earlier in Section 6326 Supplementary Review Criteria for Special Hazard Areas. The applicant summarized the challenges with this alternative configuration in a comment letter (Attachment S).

E. REVIEWING AGENCIES

California Department of Fish and Game

California Regional Water Quality Control Board

California Water Service Company

City of San Mateo

Crystal Springs County Sanitation District

Local Agency Formation Commission (LAFCo)

San Mateo County Building Inspection Section

San Mateo County Department of Public Works

San Mateo County Environmental Health Services

San Mateo Highlands Community Association

Town of Hillsborough

## **ATTACHMENTS**

- A. Recommended Findings and Conditions of Approval
- B. Vicinity Map
- C. Subdivision Map
- D. Grading Plan
- E. Revised Recirculated Initial Study with attachments (listed below)  
(Document is viewable online at <https://planning.smcgov.org/ceqa-docs>)
  - a. Floristic Analysis for the Beeson Property, San Mateo County, by Wood Biological Consulting, Dated September 30, 2007
  - b. Letter Report for Mission Blue Butterfly Habitat Survey at Lands of Zmay Property, by Coast Ridge Ecology, dated July 22, 2016
  - c. Wetland Delineation and Preliminary Jurisdictional Determination for the Beeson Property, by Wood Biological Consulting, dated June 18, 2007
  - d. Revised Wetland Evaluation, by Wood Biological Consulting, Dated March 11, 2015, revised June 6, 2017
  - e. Revised Wetlands Evaluation, by Wood Biological Consulting, dated August 16, 2017
  - f. Biological Site Assessment for the Proposed Zmay Property Subdivision, by Wood Biological Consulting, Inc., dated August 13, 2014 and revised March 10, 2015
  - g. Revised Botanical Evaluation, Zmay Property Subdivision, by Wood Biological Consulting, Inc., dated March 11, 2015
  - h. Revised Creek Setback Evaluation, Zmay Property Subdivision, by Wood Biological Consulting, Inc., dated March 11, 2015
  - i. Arborist report, by Kielty Arborist Services LLC, dated September 6, 2016
  - j. Applicant EECAP Development Checklist
  - k. Engineering Geologic and Geotechnical Investigation, by Murray Engineers, dated February 2014
  - l. Geotechnical Plan Review, Zmay 4 Lot Subdivision, by Murray Engineers, Inc., dated June 3, 2015 and Supplemental Evaluation and Response, dated March 18, 2015, email correspondence dated September 24, 2020

- m. Supplemental Geologic and Geotechnical Peer Review comments, by Cotton Shires and Associates, dated December 4, 2014, June 24, 2014 and July 14, 2015
- n. Draft Conservation Easement
- o. Cultural Resources Survey Report, by Daniel Shoup RPA, dated August 10, 2015
- p. Parrott Drive Sanitary Sewer Alternatives Study by Crystal Springs County Sanitation District, dated February 2003
- q. Sewer Service for Proposed Parrott Drive Subdivision, by County of San Mateo, Department of Public Works, dated December 3, 2013
- r. Project plans dated October 3, 2018
- s. Landside Impact Analysis map, prepared by County Geotechnical Section, prepared January 15, 2019
- t. Applicant statement, submitted June 17, 2019
- u. Photos of Parcels 1-3 on Parrott Drive
- v. Sewer Mitigation Plan with photos
- w. Email from Chris Rogers, dated June 7, 2021 regarding Franciscan onion
- x. Correspondence received during comment period

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County of San Mateo  
Planning and Building Department

**RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL**

Permit or Project File Number: PLN 2014-00410

Hearing Date: July 28, 2021

Prepared By: Erica Adams  
Project Planner

For Adoption By: Planning Commission

**RECOMMENDED FINDINGS**

For the Environmental Review, Find:

1. That the Planning Commission does hereby find that the Revised Recirculated Initial Study/Mitigated Negative Declaration (Mitigated Negative Declaration) reflects the independent judgment of San Mateo County.
2. That the Revised Recirculated Initial Study/Mitigated Negative Declaration is complete, correct, and adequate and prepared in accordance with the California Environmental Quality Act (CEQA) and applicable State and County Guidelines.
3. That on the basis of the Revised Recirculated Initial Study/Mitigated Negative Declaration, comments received hereto, and testimony presented and considered at the public hearing, there is no substantial evidence that the project will have a significant effect on the environment.
4. That the Mitigation Measures (numbered 1 through 66) in the Revised Recirculated Initial Study/Mitigated Negative Declaration and agreed to by the applicant and placed as conditions of approval on the project, which serves as the Mitigation Monitoring and Reporting Plan, in conformance with the California Public Resources Code Section 21081.6.
5. That the revisions to the Revised Recirculated Initial Study/Mitigated Negative Declaration do not constitute substantial revisions and recirculation is not required pursuant to CEQA Guidelines Section 15073.5.
6. That the mitigation measures substituted in the Revised Recirculated Initial Study/Mitigated Negative Declaration (MMs 4-8, 10, 44, 60, 61) are equivalent or more effective in mitigating or avoiding potential significant effects and the substituted mitigation measures will not cause any potentially significant effect on the environment.

For the Resource Management Permit, Find:

7. 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), Section 6325 Supplementary Review Criteria for Primary Resource Areas, and Section 6326 (Supplementary Review Criteria for Special Hazard Area). 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 clustering, preservation of features of the site post development, minimization of grading and tree removal. The analysis in Section 2 of the staff report supporting this finding are incorporated herein.

Regarding the Minor Subdivision, Find:

8. 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 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 three (3) proposed residential lots would adjoin existing homes and be served by existing roads and utilities.
9. 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 and incorporated herein, 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 Revised Recirculated Initial Study/Mitigated Negative Declaration, the project, as proposed and mitigated, would not result in any significant impacts to the environment.
10. 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 Revised Recirculated Initial Study/Mitigated Negative Declaration would reduce project environmental impacts to less than significant levels.

11. That future development on the parcels could make use of passive heating and cooling to the extent practicable to comply with energy-efficiency building standards.
12. That, subject to the mitigation measures contained in the Revised Recirculated Initial Study/Mitigated Negative Declaration, 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, which has capacity to serve the additional parcels.
13. 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.
14. 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 creation of three (3) new residential parcels that can accommodate future single-family residences, where only vacant land currently exists.

For the Grading Permit, Find:

15. That this project, as conditioned, will not have a significant adverse effect on the environment. The project has been reviewed for potential environmental impacts, and it has been determined that the project can be completed with the implementation of proposed mitigation measures and without significant negative impacts to the environment.
16. 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 drainage plans as well as erosion control plans for the three (3) residential lots. As discussed in Section 4.3 of the Revised Recirculated Initial Study (Geology and Soils), the project 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, a condition of approval will prohibit grading within the wet season (October 1 through April 30), unless an exception is approved by the Community Development Director.

17. 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**

### **Current Planning Section**

1. This approval applies only to the proposal as described in the plans, supporting materials, and reports as approved by the Planning Commission on July 28, 2021. Minor revisions or modifications to the project may be made subject to the review and approval of the Community Development Director, if they are consistent with the intent of and in substantial conformance with this approval. Alternatively, the Community Development Director may refer consideration of the revisions to the Planning Commission, with applicable fees to be paid.
2. This subdivision approval is valid for two years, during which time a parcel map shall be recorded. An extension to the time period, pursuant to Section 7013.5 of the County Subdivision Regulations, may be issued by the Planning Department upon written request and payment of any applicable extension fees prior to the expiration date.
3. A building permit shall be applied for and obtained from the Building Inspection Section for all grading activities, slope repair, and stitch pier wall construction. The permit shall obtain final approval prior to recordation of the parcel map.
4. Prior to recordation of the parcel map, the applicant shall pay to the San Mateo County Planning and Building Department in-lieu park fees as required by County Subdivision Regulations, Section 7055.3. The fees shall be based upon the assessed value of the project parcel at the time of recordation and calculated as shown on the attached worksheet.
5. The applicant shall submit a check in the amount of \$2,530.25, payable to San Mateo County, prior to and required for filing of the Mitigated Negative Declaration Notice of Determination with the County Clerk, as required by the California Department of Fish and Wildlife (\$2,480.25 + \$50 County Clerk processing fee) within **four (4) working days of the final approval date** of this project.
6. Conservation Easement: The open-space parcel shall 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 shall be identified on the Vesting Tentative Map and on the Parcel Map. Recordation of the Parcel Map and conservation easement shall be handled by the Department of Public Works (DPW) working cooperatively with Planning staff to ensure the proper order and timing of the recordation of both documents. DPW

and Planning staff shall ensure that the Parcel 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).

7. The Final Map will include a note stating that “any development of the project parcels must comply with the conditions of approval, as approved by the Planning Commission on July 28, 2021.”
8. 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 %, 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 % for contract administration.
9. No site disturbance shall occur, including any grading or tree/vegetation removal, until a building permit has been issued. A meeting to review preliminary site improvement and construction plans with Planning and Building staff shall occur prior to the submittal of grading and building permit applications.
10. This permit does not authorize the removal of any trees with trunk circumference of more than 55 inches.

#### Grading Conditions

11. No grading activities shall commence until the property owner has been issued a grading permit (issued as the “hard card” with all necessary information filled out and signatures obtained) by the Current Planning Section.
12. An applicant-completed and County-issued grading permit “hard card” is required prior to the start of any land disturbance/grading operations. Along with the “hard card” application, the applicant shall submit a letter to the Current Planning Section, at least two (2) weeks prior to commencement of grading, stating the date when grading operations will begin, anticipated end date of grading operations, including dates of revegetation and estimated date of establishment of newly planted vegetation.
13. The provisions of the San Mateo County Grading Regulations shall govern all project-related grading. Per San Mateo County Ordinance Code Section 8605.5, all equipment used in grading operations shall meet spark arrester and firefighting tool requirements, as specified in the California Public Resources Code.
14. It shall be the responsibility of the engineer of record to regularly inspect the erosion control measures for the duration of all grading remediation activities, especially after major storm events, and determine that they are functioning as

designed and that proper maintenance is being performed. Deficiencies shall be immediately corrected, as determined by and implemented under the observation of the engineer of record.

Mitigation Measures of the Revised Recirculated Initial Study/Mitigated Negative Declaration:

15. **Mitigation Measure 1:** The applicant shall submit an Air Quality Best Management Practices Plan to the Planning and Building Department prior to the issuance of any grading permit “hard card” or building permit that, at a minimum, includes the “Basic Construction Mitigation Measures” as listed in Table 8-2 of the BAAQMD California Environmental Quality Act (CEQA) Guidelines (May 2017). The following Bay Area Air Quality Management District Best Management Practices for mitigating construction-related criteria air pollutants and precursors shall be implemented prior to beginning any grading and/or construction activities and shall be maintained for the duration of the project grading and/or construction activities:
- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
  - b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
  - c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day.
  - d. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
  - e. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485, of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
  - f. Roadways and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
  - g. Idling times shall be minimized either by shutting equipment or vehicles off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485, of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.

- h. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications.
  - i. Minimize the idling time of diesel-powered construction equipment to two minutes.
  - j. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.
16. **Mitigation Measure 2:** Prior to the beginning of any grading construction activities, including landslide repair work, the applicant shall submit to the Planning and Building Department for review and approval an erosion and drainage control plan for each phase of grading (e.g., landslide repair, site preparation for residential construction) showing conformance with mitigation measures and the County Erosion Control Guidelines. The plan shall be designed to minimize potential sources of sediment, control the amount of runoff and its ability to carry sediment by diverting incoming flows and impeding internally generated flows, and retain sediment that is picked up on the project site through the use of sediment-capturing devices. The plan shall also limit application, generation, and migration of toxic substances, ensure the proper storage and disposal of toxic materials, apply nutrients at rates necessary to establish and maintain vegetation without causing significant nutrient runoff to surface waters. Said plan shall also demonstrate adherence to the following measures recommended by Murray Engineering Inc., in their geotechnical studies of the project (Attachments K and L).
- a. Sequence construction to install sediment-capturing devices first, followed by runoff control measures and runoff conveyances. No construction activities shall begin until after all proposed measures are in place.
  - b. Minimize the area of bare soil exposed at one time (phased grading).
  - c. Clear only areas essential for construction.
  - d. Within five days of clearing or inactivity in construction, stabilize bare soils through either non-vegetative Best Management Practices (BMPs), such as mulching or vegetative erosion control methods such as seeding. Vegetative erosion control shall be established within two weeks of seeding/planting.
  - e. Construction entrances shall be stabilized immediately after grading and frequently maintained to prevent erosion and control dust.
  - f. Control wind-born dust through the installation of wind barriers such as hay bales and/or sprinkling.

- g. Soil and/or other construction-related material stockpiled on-site shall be placed a minimum of 200 feet from all wetlands and drain courses. Stockpiled soils shall be covered with tarps at all times of the year.
  - h. Intercept runoff above disturbed slopes and convey it to a permanent channel or storm drains by using earth dikes, perimeter dikes or swales, or diversions. Use check dams where appropriate.
  - i. Provide protection for runoff conveyance outlets by reducing flow velocity and dissipating flow energy.
  - j. Install storm drain inlet protection that traps sediment before it enters any adjacent storm sewer systems. This barrier shall consist of filter fabric, straw bales, gravel, or sand bags.
  - k. Install sediment traps/basins at outlets of diversions, channels, slope drains, or other runoff conveyances that discharge sediment-laden water. Sediment traps/basins shall be cleaned out when 50% full (by volume).
17. **Mitigation Measure 3:** Prior to the issuance of the grading permit “hard card,” the applicant shall submit a dust control plan for review and approval by the Current Planning Section. The plan, at a minimum, shall include the following measures:
- a. Water all construction and grading areas at least twice daily.
  - b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
  - c. Pave, apply water two times daily, or (non-toxic) soil on all unpaved access roads, parking areas and staging areas at the project site.
  - d. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
  - e. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
18. **Mitigation Measure 4:** Prior to the issuance of a grading permit and any site disturbance, the contractor and the biologist shall meet in the field to survey and identify with fencing the limits of wetlands, riparian habitat, and special-status plant populations, and shall determine the extent of excavation abutting and/or within them. The survey methods shall be consistent with the California Fish and Game’s “Protocols for Surveying and Evaluating Impacts in Special-Status Native Plant Populations and Natural Communities”. A report/letter summarizing the meeting and containing an analysis of whether the project would require permits from or additional consultation with USACE, RWQCB, and/or CDFW, shall be

submitted to the Planning and Building Department, and approved by the Community Development Director or his designee, prior to the commencement of such grading. If permits or additional consultation is required, they shall be obtained prior to commencement of any grading or ground disturbing activity.

19. **Mitigation Measure 5:** Prior to the commencement of any land disturbing activities, the project biologist shall provide a copy of and explain in detail Mitigation Measures 6 - 10, regarding protection of wetlands and special-status plants to the construction site manager. The biologist shall provide environmental awareness training to all construction crews on the job site. More detailed training shall be provided to the construction site manager, who shall be responsible for ensuring training is given to all construction crews, and particularly those who are working (i.e., grading, slope stabilization, drainage, foundations, and landscaping) within 25 feet of the wetland or other buffer zone area.
20. **Mitigation Measure 6:** Removal, but not trimming, of any willow trees is prohibited without a federal or state permit. Grading near willow trees is only permitted if excavation avoids work within the canopy of the willows, or if work extends within the canopy of the willows, such work does not involve root disturbance or tree removal.
21. **Mitigation Measure 7:** A federal permit is required for any excavation that requires the removal of willows within the limits of federal jurisdiction. Should removal be deemed necessary, at that time, work shall cease until all appropriate permits have been issued by the USACE and RWQCB, and by CDFW and the Planning and Building Department shall be notified. CDFW must be notified prior to commencing any activity that may substantially change or use any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation). Prior to resumption of grading activities, copies of all regulatory permits and proof of the successful implementation of all permit conditions and mitigation measures shall be provided to the Planning and Building Department.
22. **Mitigation Measure 8:** If a Clean Water Act permit is required for impacts to waters of the U.S., consultation with the USFWS under Section 7 of Federal Endangered Species Act (FESA) is required. USFWS may require formal or informal consultation and issue a Biological Opinion, which may include an incidental take permit and an outline of mandatory minimization and/or mitigation measures. Compliance with Section 7 of the Federal Endangered Species Act (FESA) can also facilitate compliance with the California Endangered Species Act (CESA). Conditions of all permits issued by these agencies shall be implemented in full to reduce impacts to special-status species. If the project results in temporary or permanent disturbance to wetlands or riparian areas, a revegetation plan shall be prepared by a qualified biologist, and shall include, at a minimum, restoration to pre-project conditions, revegetation of disturbed areas with native plant species that complement the native vegetation of adjacent habitats,

maintenance, and long-term monitoring of plant survival and habitat condition. The revegetation plan shall be subject to the approval by the County and other regulatory agencies and proper execution of the plan shall be evaluated and be confirmed by a biologist with written confirmation submitted to the County.

23. **Mitigation Measure 9:** At the conclusion of ground disturbance, a biological report shall be submitted to the Planning and Building Department which describes the erosion control and restoration measures implemented and whether any additional restoration measures were implemented, or if extended monitoring is required.
24. **Mitigation Measure 10:** No earlier than thirty (30) days prior to development of a residence on the remainder parcel, the project biologist shall complete a survey identifying any western leatherwood plants on the parcel. Any plants that are identified outside of the residential footprint shall be protected by fencing to prevent damage from construction activities, at the discretion of the project biologist. If western leatherwood plants are located within the residential footprint, then a mitigation plan shall be developed in coordination with CDFW to offset the loss of plants. The mitigation plan shall be implemented by the Project Biologist. The plan shall include, at a minimum, measures for salvage and transplanting, if feasible, or for planting new western leatherwood plants in suitable sites identified by the project biologist; recommended activities to improve habitat condition; recommendations for post-project monitoring and reporting to the County; and recommended criteria for measuring success. New plants should be planted at a ratio of 3:1 for each plant displaced.
25. **Mitigation Measure 11:** If the removal or pruning of trees at any of the project sites is proposed, a preconstruction survey should be performed no more than 2 weeks prior to the initiation of any construction activities. The preconstruction survey shall be performed by a qualified biologist who should inspect each work site to identify the following:
  - a. Presence of raptor nests. This is required regardless of season. If a suspected raptor nest is discovered, the CDFW shall be notified. Pursuant to CFGC Section 3503.5, raptor nests, whether or not they are occupied, may not be removed until approval is granted by the CDFW.
  - b. Suitable bat roosting habitat. This includes snags, stumps, and decadent trees with broken limbs, exfoliating bark, and cavities. If no suitable roost sites or evidence of bat roosting is identified, no further impact avoidance or minimization measures are necessary.
  - c. Nesting or breeding activity of migratory birds. If none is observed, work may proceed without restrictions. All active migratory bird nests identified within 76 m (250 ft.) for raptors and 15 m (50 ft.) for passerines shall be mapped.

26. **Mitigation Measure 12:** If suitable bat roosting habitat is identified, the following measures shall be implemented:
- a. Trees with suitable bat roosting sites should be removed or pruned during the non-breeding season between September 1 and February 1 to avoid disturbance to maternal colonies or individuals.
  - b. A qualified biologist should survey suitable roost sites immediately prior to initiation of work.
  - c. Removal of suitable tree roost sites should be conducted by first removing limbs smaller than 7.6 cm (3 in) in diameter and peeling away loose bark. The tree should then be left overnight to allow any bats using the tree/snag to find another roost during their nocturnal activity period.
  - d. A qualified biologist should survey the trees/snags a second time the following morning prior to felling or pruning.
  - e. Tree removal or pruning should occur during daylight hours, to avoid impacts on bats that may utilize adjacent trees for night-roosting.
27. **Mitigation Measure 13:** For any active bird nests found near the construction limits (i.e., within 76 m [250 feet.] for raptors and 15 m [50 feet.] for passerines of the limits of work) the Project Biologist shall make a determination as to whether or not construction activities are likely to disrupt reproductive behavior. If it is determined that construction would not disrupt breeding behavior, construction may proceed. If it is determined that construction may disrupt breeding, a no-construction buffer zone shall be designated by the Project Biologist; avoidance is the only mitigation available. The ultimate size of the no-construction buffer zone may be adjusted by the Project Biologist based on the species involved, topography, lines of site between the work area and the bird nest, physical barriers, and the ambient level of human activity. Site evaluations and buffer adjustments shall be made in consultation with the CDFW and/or the USFWS Division of Migratory Bird Management. If it is determined that construction activities are likely to disrupt raptor breeding, construction activities within the no-construction buffer zone may not proceed until the Project Biologist determines that the nest is long longer occupied.
28. **Mitigation Measure 14:** If maintenance of a no-construction buffer zone is not feasible, the Project Biologist shall monitor the bird nest(s) to document breeding and rearing behavior of the adult birds. If it is determined that construction activities are causing distress of the adult birds and are thus likely to cause nest abandonment, work shall cease immediately. Work may not resume in the area until the Project Biologist has determined that the young birds have fledged and the bird nest is no longer occupied.

29. **Mitigation Measure 15:** The applicant shall implement the following measures to avoid or minimize impacts to special status animals including: (1) a qualified biologist shall perform pre-construction surveys for snakes within the work areas prior to ground disturbance, and weekly during construction to ensure the exclusion fence is in good condition; (2) a USFWS-approved biologist shall be on-site during work during initial ground disturbance, including clearing of vegetation and grading; (3) a qualified biologist shall provide environmental awareness training to the contractor; (4) the contractor shall construct exclusion fencing along the perimeter of grading no more than 30 days prior to ground disturbance; and (5) the contractor shall refuel vehicles/equipment off-site.
30. **Mitigation Measure 16:** A qualified biologist shall perform a ground survey to locate and mark all woodrat nests in the proposed grading and construction area. The survey shall be performed no less than 30 days prior to the initiation of ground disturbing activity. The contractor shall participate in the ground survey to help the qualified biologist understand the scope and extent of the construction activities.
31. **Mitigation Measure 17:** Any woodrat nest that cannot be avoided shall be manually disassembled by a qualified biologist following authorization from CDFW to give any resident woodrats the opportunity to disperse to adjoining undisturbed habitat. Nest building materials shall be immediately moved off-site and disposed of to prevent woodrats from reassembling nests on-site.
32. **Mitigation Measure 18:** To ensure woodrats do not rebuild nests within the construction area, a qualified biologist shall inspect the construction areas no less than once per week during vegetation clearing, initial site grading, and landslide repair. If new nests appear, they shall be disassembled and the building materials disposed of off-site. If there is a high degree of woodrat activity, more frequent monitoring shall be performed, as recommended by a qualified biologist.
33. **Mitigation Measure 19:** To ensure woodrats do not rebuild nests within the construction area, a qualified biologist shall inspect the construction areas no less than once per week during construction activities. If new nests appear, they shall be disassembled and the building materials disposed of off-site. If there is a high degree of woodrat activity, more frequent monitoring shall be performed, as recommended by a qualified biologist.
34. **Mitigation Measure 20:** Whenever possible, trees shall be planted in areas of grading disturbance for hillside stabilization, to minimize the visual impact of the grading activities, and compliance with the County's RM Zoning District Regulations.
35. **Mitigation Measure 21:** A discovery of a paleontological specimen during the project shall result in a work stoppage in the vicinity of the find until it can be evaluated by a professional paleontologist. The applicant shall immediately notify

the County of such a finding. Should loss or damage be detected, additional protective measures or further action (e.g., resource removal by a professional paleontologist) may be needed to mitigate the impact, as determined by a professional paleontologist.

36. **Mitigation Measure 22:** Contractors and workers shall use existing roads to the maximum extent feasible to avoid additional surface disturbance.
37. **Mitigation Measure 23:** The applicant shall keep equipment and vehicles within the limits of the previously disturbed construction area. The applicant shall delineate all areas to remain undisturbed on the Erosion Control and Staging Plan and the plan shall include measures, such as chain-link fencing or other kinds of barriers, to demarcate the “limit of disturbance.” The property owner shall demonstrate the implementation of these measures prior to issuance of the grading permit “hard card.”
38. **Mitigation Measure 24:** The property owner, applicant, and contractors must be prepared to carry out the requirements of California law with regard to the discovery of human remains during construction, whether historic or prehistoric including but not limited to the following:
  - a. That all excavation crews, including landscapers, receive cultural sensitivity training for Native American cultural resources;
  - b. That a California-trained Archaeological Monitor with field experience be present for all earth movement including landscaping; and
  - c. That a qualified and trained Native American Monitor be present for all earth-moving activities, including landscaping.
39. **Mitigation Measure 25:** 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 the subsequent measures for disposition of the remains.
40. **Mitigation Measure 26:** The improvements shall be designed and constructed in accordance with current earthquake resistance standards.
41. **Mitigation Measure 27:** All future development shall meet or exceed the standards prescribed in the Murray Engineers, Inc., report dated February 2014.
42. **Mitigation Measure 28:** Prior to final approval of the grading permit, the property owner shall ensure the performance of the following activities within thirty (30)

days of the completion of grading for the slope stabilization and any future residential development:

- a. The engineer who prepared the approved grading plan shall be responsible for the inspection and certification of the grading as required by Section 8606.2 of the Grading Ordinance. The Engineer's responsibilities shall include those relating to noncompliance detailed in Section 8606.5 of the Grading Ordinance.
  - b. 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 County's Grading Regulations, to the Department of Public Works and the Planning and Building Department's Geotechnical Engineer.
  - c. 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.
43. **Mitigation Measure 29:** For any future residential development, as part of the building permit application, the applicant shall provide documentation demonstrating that the proposed residences and associated retaining walls shall be supported on drilled pier foundations extending through the fill and colluvium and gaining support in the underlying bedrock.
  44. **Mitigation Measure 30:** Prior to the recordation of the Subdivision Map, the stitch pier walls for landslide repair on the remainder parcel shall be completed to the satisfaction of the County's Geotechnical Section, to ensure that landslide repair occurs prior to the construction of any residential structures.
  45. **Mitigation Measure 31:** The final design shall include intermediate surface drainage control measures. Construction plans at the building permit stage shall demonstrate compliance with this mitigation measure.
  46. **Mitigation Measure 32:** A surveyed, as-built subdrain plan shall be prepared and added to the proposed landslide repair plan. Grading plans at the building permit stage shall demonstrate compliance with this mitigation measure.
  47. **Mitigation Measure 33:** A modified design plan shall be prepared, with approval by the Project Geotechnical Consultant, and submitted to the County for approval prior to the initiation of grading for landslide repair work.
  48. **Mitigation Measure 34:** No cut or fill exceeding 5 feet in vertical dimension shall be permitted on Parcels 1, 2, or 3 unless supported by an engineered retaining

wall. Construction plans at the building permit stage for each new residence shall demonstrate compliance with this mitigation measure.

49. **Mitigation Measure 35:** Grading and drainage plans for each lot shall be reviewed by the County Geotechnical Section, or designated consultant, prior to approval of building or grading permits on Parcels 1, 2, or 3.
50. **Mitigation Measure 36:** No new construction shall be located between or directly upslope of the two proposed stitch pier walls between Parcels 1 and 2.
51. **Mitigation Measure 37:** Final geotechnical design parameters to be utilized for residential construction on Parcels 1, 2, and 3 shall fully meet or exceed design recommendations presented in the Engineering Geologic and Geotechnical Report by Murray Engineers, Inc., dated February 10, 2014. Construction plans at the building permit stage for each new residence shall demonstrate compliance with this mitigation measure.
52. **Mitigation Measure 38:** Future residences shall be supported on 12-inch diameter piers, extending at least 8 feet into competent materials.
53. **Mitigation Measure 39:** All subdrain alignments within the landslide repair area shall be accurately surveyed during construction so that future pier-support foundations do not interfere with constructed subdrain systems. Construction plans at the building permit stage for each new residence shall demonstrate compliance with this mitigation measure.
54. **Mitigation Measure 40:** Unsupported large cuts and fills shall be avoided. Grading plans at the building permit stage shall demonstrate compliance with this mitigation measure.
55. **Mitigation Measure 41:** If site conditions vary from those described in the 2014 Murray Engineers, Inc. report, the geotechnical design of the project recommendations shall be updated and submitted to San Mateo County Planning and Building Department for approval, prior to associated project construction.
56. **Mitigation Measure 42:** The applicant shall use silt fence and/or vegetated filter strips to trap sediment contained in sheet flow. The maximum drainage area to the silt fence shall be 0.5-acre or less per 100 feet of fence. Silt fences shall be inspected regularly and sediment removed when it reaches 1/3 the fence height. Vegetated filter strips shall have relatively flat slopes and be vegetated with erosion-resistant species.
57. **Mitigation Measure 43:** The applicant shall seed all disturbed areas with a native grassland mix as soon as grading activities are completed for each phase in order to minimize the potential establishment and expansion of exotic plant species into newly-graded areas, and to prevent potential future erosion.

58. **Mitigation Measure 44:** No site disturbance shall occur, including any land disturbance, grading, or vegetation or tree removal, until a building permit has been issued.
59. **Mitigation Measure 45:** An Erosion Control and/or Tree Protection Inspection is required prior to the issuance of a building permit for grading and construction, as the project requires tree protection of significant trees and a grading permit. Once all review agencies have approved the building permit, the applicant will be notified that an approved job copy of the Erosion Control and/or Tree Protection Plan is ready for pick-up at the Planning counter of the Planning and Building Department. Once the Erosion Control and/or Tree Protection measures have been installed per the approved plans, the applicant must contact the Building Section at 650/599-7311, to schedule a pre-site inspection. A \$144 inspection fee will be assessed to the building permit for the inspection. If the initial pre-site inspection is not approved, an additional inspection fee will be assessed for each required re-inspection until the job site passes the Pre-Site Inspection, or as determined by the Building Inspection Section.
60. **Mitigation Measure 46:** Erosion and sediment control during the course of any grading work shall be according to a plan prepared and signed by the Engineer of record, and approved by the Department of Public Works and the Current Planning Section. Revisions to the approved erosion and sediment control plan shall be prepared and signed by the engineer, and require approval by the Planning Section.
61. **Mitigation Measure 47:** The applicant's engineer shall regularly inspect the erosion control measures and determine that they are functioning as designed and that proper maintenance is being performed. Deficiencies shall be immediately corrected to the satisfaction of County Building Inspectors.
62. **Mitigation Measure 48:** Prior to the issuance of the grading permit, the applicant shall submit, to the Department of Public Works for review and approval, a plan for any off-site hauling operations. This plan shall include, but not be limited to, the following information: size of trucks, haul route, disposal site, dust and debris control measures, and time and frequency of haul trips. As part of the review of the submitted plan, the County may place such restrictions on the hauling operation as it deems necessary to avoid any impacts to traffic.
63. **Mitigation Measure 49:** For the final approval of the grading permit, the property owner 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 Engineer.

- 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.
64. **Mitigation Measure 50:** At the completion of all earthwork work, the engineer who prepared the approved grading plan shall submit a signed "as-graded" grading plan conforming to the requirements of the Grading Regulations.
65. **Mitigation Measure 51:** Prior to the issuance of the grading permit "hard card," the applicant shall revise the Erosion Control and Sediment Control Plan, dated December 21, 2012, to include the proposed measures and additional measures as follows, subject to the review and approval of the Community Development Director:
- a. Provide stabilized construction entrance(s) using a minimum 3"-4" fractured aggregate over geo-textile fabric and stabilize all on-site unpaved construction access routes (e.g., aggregate over path of travel). For unpaved routes, use ridges running diagonally across the road that run to a stabilized outlet
  - b. Provide a designated area for parking of construction vehicles, using aggregate over geo textile fabric.
  - c. Show re-vegetation of fill deposit areas, to be performed immediate after soils spreading. Use seeding and/or mulching and the following, as necessary:
    - i. (For slopes 3:1 or greater) Anchored erosion control blankets (rice straw or coconut).
    - ii. (For slopes less than 3:1) Anchored fiber fabric/netting or surface roughening.
  - d. Protect areas to remain undisturbed. These areas shall be delineated and protected using a fence or other kind of barrier.
  - e. Use diversion berms to divert water from unstable or denuded areas (top and base of a disturbed slope, grade breaks where slopes transition to a steeper slope).
  - f. Show location of office trailer(s), temporary power pole, and scaffold footprint.
  - g. Show location of utility trenches, indicate utility type.

- h. Show location, installation and maintenance of a concrete/stucco mixer, washout, and pits.
  - i. Show storage location and containment (as necessary) of construction materials for during work, as well as afterhours/weekends).
  - j. Show areas for stockpiling. Cover temporary stockpiles using anchored-down plastic sheeting. For longer storage, use seeding and mulching, soil blankets or mats.
  - k. Show location of garbage and dumpster(s).
  - l. If these measures conflict with measures prescribed by the geotechnical consultant, measures as recommended by the geotechnical consultant shall rule.
66. **Mitigation Measure 52:** The applicant shall adhere to the San Mateo Countywide Stormwater Pollution Prevention Program “General Construction and Site Supervision Guidelines,” including, but not limited to, the following:
- a. Delineation with field markers clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses within the vicinity of areas to be disturbed by construction and/or grading.
  - b. Protection of adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.
  - c. Performing clearing and earth moving activities only during dry weather.
  - d. Stabilization of all denuded areas and maintenance of erosion control measures continuously between October 1 and April 30. Stabilization shall include both proactive measures, such as the placement of hay bales or coir netting, and passive measures, such as re-vegetating disturbed areas with plants propagated from seed collected in the immediate area.
  - e. Proper storage, handling, and disposal of construction materials and wastes, so as to prevent their contact with stormwater.
  - f. Control and prevention of 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.
  - g. Use of sediment controls or filtration to remove sediment when dewatering site and obtain all necessary stormwater permits.

- h. Avoiding cleaning or maintaining vehicles on-site, except in a designated area where wash water is contained and treated.
  - i. Limiting and timing application of pesticides and fertilizers to prevent polluted runoff.
  - j. Limiting construction access routes and stabilization of designated access points.
  - k. Avoiding tracking dirt or other materials off-site; cleaning off-site paved areas and sidewalks using dry sweeping methods.
  - l. Training and providing instruction to all employees and subcontractors regarding the Watershed Protection Maintenance Standards and construction Best Management Practices.
  - m. Additional Best Management Practices in addition to those shown on the plans may be required by the Building Inspector to maintain effective stormwater management during construction activities. Any water leaving site shall be clear and running slowly at all times.
67. **Mitigation Measure 53:** Once approved, erosion and sediment control measures of the Erosion Control and Sedimentation Plan shall be installed prior to beginning any site work and maintained throughout the term of the grading permit and building permit. Failure to maintain these measures will result in stoppage of construction until the corrections have been made and fees paid for staff enforcement time. Revisions to the approved erosion and sediment control plan shall be prepared and signed by the engineer and subject to review and approval of the Department of Public Works and the Community Development Director.
68. **Mitigation Measure 54:** No grading shall be allowed during the winter season (October 1 to April 30) to avoid potential soil erosion unless reviewed and recommended by the project geotechnical consultant and approved, in writing, by the Community Development Director. An applicant-completed and County-issued grading permit "hard card" is required prior to the start of any land disturbance/grading operations. The applicant shall submit a letter to the Current Planning Section, at least, two (2) weeks prior to commencement of grading with the project geotechnical consultants review recommendations (if any) for winter grading, stating the date when erosion controls will be installed, date when grading operations will begin, anticipated end date of grading operations, and date of re-vegetation. If the schedule of grading operations calls for grading to be completed in one grading season, then the winterizing plan shall be considered a contingent plan to be implemented if work falls behind schedule. All submitted schedules shall represent the work in detail and shall project the grading operations through to completion.

69. **Mitigation Measure 55:** Should the area of disturbance equal one area or more, 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 (containing the WDID No.) shall be submitted to the Current Planning Section and the Department of Public Works, prior to the issuance of the grading permit "hard card."
70. **Mitigation Measure 56:** The applicant shall implement the following basic construction measures at all times:
- a. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxic Control Measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
  - b. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
  - c. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person, or his/her designee, shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
71. **Mitigation Measure 57:** All roofing, attic ventilation, exterior walls, windows, exterior doors, decking, floors and underfloor protection shall meet the latest version of the California Residential Code, R327 or California Building Code Chapter 7A requirements.
72. **Mitigation Measure 58:** At the time of application for a building permit, the applicant shall submit a permanent stormwater management plan to the Department of Public Works in compliance with Municipal Stormwater Regional Permit Provision C.3.i and the County's Drainage Policy.
73. **Mitigation Measure 59:** Projects subject to Provision C.3.i (individual single-family home projects that create and/or replace 2,500 sq. ft. or more of impervious surface, and other projects that create and/or replace at least 2,500 sq. ft. of impervious surface but are not C.3 Regulated Projects) shall implement at least one (1) of the six (6) site design measures listed below:
- a. Direct roof runoff into cisterns or rain barrels and use rainwater for irrigation or other non-potable use.
  - b. Direct roof runoff onto vegetated areas.

- c. Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas.
  - d. Direct runoff from driveways and/or uncovered parking lots onto vegetated areas.
  - e. Construct sidewalks, walkways, and/or patios with permeable surfaces.
  - f. Construct bike lanes, driveways, and/or uncovered parking lots with permeable surfaces.
74. **Mitigation Measure 60:** The project shall minimize its impact on the downstream systems by completing capital improvement projects within the Crystal Springs Sanitation District (District) that would reduce inflow and infiltration into the District's system in an amount equal to the projected sewage discharge amount to the District from the project. The applicant shall submit detailed plans of the preliminary-approved sewer line (203 linear feet) upgrade to the Crystal Spring Sanitation and the Planning and Building Department for review and approval prior to construction of improvements.
75. **Mitigation Measure 61:** The developer shall upgrade the sewer lines to accommodate this subdivision. The applicant shall demonstrate that the District sewer mains utilized to transport sewage from the subdivision have the peak wet weather capacity for conveying the additional flow generated from the three residences. Construction of off-set improvements shall be completed prior to recordation of the Subdivision Map.
76. **Mitigation Measure 62:** Should a pump system be utilized to deliver sewage from the three lots to the District's sewer main on Parrott Drive, the District will require that a covenant for each parcel be prepared, signed, notarized, recorded with the San Mateo County Recorder's Office, and a copy provided to the District prior to final sewer sign-off for the building permit.
77. **Mitigation Measure 63:** Each new parcel will require a 4-inch lateral with a minimum of 2% slope and a standard cleanout installed at the property line or the property within 5 feet of the property line.
78. **Mitigation Measure 64:** In the event that tribal cultural resources are inadvertently discovered during project implementation, all work shall stop until a qualified professional can evaluate the find and recommend appropriate measures to avoid and preserve the resource in place, or minimize adverse impacts to the resource, and those measures shall be approved by the Current Planning Section prior to implementation and continuing any work associated with the project.

79. **Mitigation Measure 65:** Any inadvertently discovered tribal cultural resources shall be treated with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, protecting the cultural character and integrity of the resource, protecting the traditional use of the resource, and protecting the confidentiality of the resource.
80. **Mitigation Measure 66:** The applicant shall meet EECAP goals by including tree replanting, using a zero-waste approach, use of 15% recycled materials, installation of energy-efficient equipment, reduced hardscape, and compliance with the Green Building Ordinance.

#### Local Agency Formation Committee

81. Prior to the issuance of any building permits for residential construction at the newly created parcels on Parrott Drive (Proposed Lots 1-3), an application to annex the subject parcels into the boundaries of County Service Area-1 shall be submitted by the project applicants and be approved by the San Mateo Local Agency Formation Commission (LAFCo). The applicants shall submit all required application material and applicable fees to LAFCo to process the annexation proposal.

#### Building Inspection Section

82. Prior to the recordation of the parcel map, the applicant shall have prepared, by a Registered Civil Engineer, a preliminary drainage analysis of the proposed subdivision and submit it to the Drainage Section for review and approval. The drainage analysis shall consist of a written narrative and a plan. The flow of the stormwater onto, over, and off of the property being subdivided shall be detailed on the plan and shall include adjacent lands as appropriate to clearly depict the pattern of flow. The analysis shall detail the measures necessary to certify adequate drainage. Post development flows and velocities shall not exceed those that existed in the predeveloped state. Recommended measures shall be designed and included in the street improvement plans and submitted to the Drainage Section for review and approval. Applicant shall have geotechnical engineer review and approve proposed drainage system to determine if additional measures are required to ensure the stability of land and or minimize the potential for debris, mud, and/or land flows. The results of the review shall be documented in the geotechnical report and submitted for review by the Drainage Section and the Planning Department.
83. The requirements of the Municipal Regional Stormwater NPDES Permit Provision C.3. shall apply to parcels created by this subdivision. Please refer to the San Mateo Countywide Water Pollution Prevention Program's (SMCWPPP) C.3 Stormwater Technical Guidance Manual for assistance in implementing LID measures at the site. Prior to the final approval of the building permit for any residence at the site, an Operation and Maintenance Agreement (O&M

Agreement) with the County (executed by the Community Development Director) is required to ensure long-term maintenance and servicing by the property owner of stormwater site design and treatment control and/or HM measures according to the approved Maintenance Plan(s), for the life of the project. The O&M Agreement shall provide County access to the property for inspection. The Maintenance Agreement(s) shall be recorded for the property and/or made part of the CC&Rs.

#### Department of Public Works

84. 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. Applicant shall contact a Department of Public Works Inspector 48 hours prior to commencing work in the right-of-way.
85. Prior to the issuance of the 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 #3277.
86. The applicant shall submit written certification from the appropriate utilities to the Department of Public Works and the Planning and Building Department stating that they will provide utility (e.g., sewer, water, energy, communication, etc.) services to the proposed parcels of this subdivision.
87. The applicant shall submit a Parcel Map to the Department of Public Works for review, to satisfy the State of California Subdivision Map Act. The final map will be recorded only after all conditions of approval have been met.
88. Future development of any and all parcels resulting from the approved subdivision must comply with these requirements. The applicant shall note the requirement in the deeds for each parcel, copies of which shall be provided to the Planning Department and shall disclose the requirement to any potential buyer(s). Each parcel shall be tagged by the Planning Department with this requirement, and no permits shall be issued for any development of the parcel(s) until this requirement is met. For future structures to be built on the individual parcels, prior to the issuance of a building permit for any structure on the project site, all plans shall be reviewed by the Planning Department for conformance with this condition.
89. The applicant shall submit to the Department of Public Works, for review, documentation of stormwater easements for the applicant's use and/or the use of others.
90. Contractor shall be responsible for the repair of any damages to the road as a result of the hauling activity to the satisfaction of the County Road Inspector.

### Environmental Health Services

91. The three (3) proposed 0.70± acre lots must obtain necessary approval for connection to sanitary sewer (Crystal Springs Sanitary District/County of San Mateo) and water service (Cal Water).
92. Any future development of the existing developed 9.27-acre parcel shall obtain approval from Environmental Health.

### Cal-Fire

93. 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-inch). 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-inch).

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County of San Mateo  
Planning and Building Department

**INITIAL STUDY  
ENVIRONMENTAL EVALUATION CHECKLIST**

1. **Project Title:** Zmay Minor Subdivision, Grading Permit and Resource Management (RM) Permits of a 60.3 acre parcel to create four parcels approximately, 0.73-acre each, for future residential development and, a 57.48± acre remainder parcel (with approximately 48.21 acres of land to be protected by a conservation easement, and 9.27 acres, including an existing single family dwelling, of developable area, and a Grading Permit for 11,200 cubic yards of earthwork (5,600 cubic yards (cy) of cut and 5,600 cy of fill) for landslide repair. No residential development is proposed with this application.
2. **County File Number:** PLN 2014-00410
3. **Lead Agency Name and Address:** San Mateo County Planning and Building Department  
455 County Center, 2nd Floor, Redwood City, CA 94063
4. **Contact Person and Phone Number:** Erica D. Adams, Project Planner 650/363-1828
5. **Project Location:** 1551 Crystal Springs Road, San Mateo Highlands Area of Unincorporated San Mateo County
6. **Assessor's Parcel Number and Size of Parcel:** 038-131-110; 60.3 acres
7. **Project Sponsor's Name and Address:** Nicholas Zmay, 751 Laurel Street, Suite 409, San Carlos, CA 94070
8. **General Plan Designation:** Open Space; Urban
9. **Zoning:** Resource Management (RM)
10. **Description of the Project:** The applicant proposes a Minor Subdivision of a 60.3-acre parcel. The subdivision will create four parcels for future residential development (four single-family residences on Proposed Parcels 1-4) and a designated remainder parcel which will contain an existing single-family residence. The subject parcel is adjacent to existing residential development in the City of Hillsborough and in the sphere of influence of the City of San Mateo. The four parcels created by the subdivision will be 0.67- 0.73 acres in size, with house locations along Parrott Drive.

A 57.48 acre remainder parcel will be comprised of approximately 48.21 acres of land to be protected by a proposed conservation easement and a developable area of 9.27 acres including an existing single family dwelling. The subject parcel contains landslide areas which the applicant proposes to mitigate through repair work to be completed prior to the recording of the final map. A Grading Permit for 11,200 cubic yards of earthwork is required for the landslide repair work on the proposed parcels.

The project would be implemented in two phases. In Phase 1, which is the current project (PLN 2014-00410), the applicant intends to gain County approval of a tentative map for the

Minor Subdivision and the associated RM Permit and Grading Permit. The County's Geotechnical consultant has recommended that prior to recordation of the Parcel Map for the Minor Subdivision, the applicant perform grading activities limited to the completion of landslide repair work within the boundaries of Proposed Parcels 2 and 3. In Phase 2, the applicant proposes to apply for additional land use permits necessary to construct houses on the 4 new lots. Residential development is not included in this project and will require Resource Management (RM) Permits and potentially Grading Permits through a separate permitting process.

All necessary public utilities exist and services are available for future residential development. No new roads are required for future residential development.

**11. Surrounding Land Uses and Setting:**

The subject parcel is approximately 60.3-acres. The majority of the parcel is undeveloped. There is an existing single-family residence on a portion of the subject parcel which takes access from Crystal Spring Road.

The site is bounded to the west by Crystal Springs Road, to the southwest by Polhemus Road, to the northeast by Parrott Drive. The City of Hillsborough borders/surrounds the parcel to the north and west. Single-family residential neighborhoods are located to the east and west, with areas of open space to the north and south. The property is within the sphere of influence of the City of San Mateo.

The property is generally steep with slopes varying from 2:1 to 3:1 (horizontal to vertical). San Mateo Creek and Polhemus Creek run along the base of the ridgeline and converge near the southern corner of the property. The portion of the parcel along Parrot Drive where 4 new parcels and future residences are proposed, has an approximate slope of 37%.

Hillside areas of the property have experienced landslide activity in the past. One active landslide is mapped over a large portion of Proposed Parcel 2 and to a limited extent on Proposed Parcel 3. As proposed, landslide repair work, which includes 11,200 cy of grading, will precede recordation of the final map and any residential development.

**12. Other Public Agencies Whose Approval is Required: None**

**13. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code Section 21080.3.1? If so, has consultation begun?:** *(NOTE: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process (see Public Resources Code Section 21083.3.2.). Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality).*

## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” or “Significant Unless Mitigated” as indicated by the checklist on the following pages.

X	Aesthetics	X	Hazards and Hazardous Materials		Recreation
	Agricultural and Forest Resources	X	Hydrology/Water Quality		Transportation/Traffic
X	Air Quality		Land Use/Planning		Tribal Cultural Resources
X	Biological Resources		Mineral Resources	X	Utilities/Service Systems
X	Cultural Resources	X	Noise		Mandatory Findings of Significance
X	Geology/Soils		Population/Housing		
	Climate Change		Public Services		

## EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less Than Significant with Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analyses,” as described in 5. below, may be cross-referenced).

5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (Section 15063(c)(3)(D)). In this case, a brief discussion should identify the following:
  - a. Earlier Analysis Used. Identify and state where they are available for review.
  - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c. Mitigation Measures. For effects that are “Less Than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources. Sources used or individuals contacted should be cited in the discussion.

1. <b>AESTHETICS.</b> Would the project:				
	<i><b>Potentially Significant Impacts</b></i>	<i><b>Significant Unless Mitigated</b></i>	<i><b>Less Than Significant Impact</b></i>	<i><b>No Impact</b></i>
1.a. Have a significant adverse effect on a scenic vista, views from existing residential areas, public lands, water bodies, or roads?		X		
<p><b>Discussion:</b> The subject parcel is 60± acres with approximately 2,300 feet of road frontage along Crystal Springs Road and Polhemus Road, with the exception of about 600 feet where The Odyssey School (a private school) is located between Polhemus Road and the property. Approximately 1,500 lineal feet of the parcel abuts Crystal Springs Road, which is also a designated County Scenic Route by the San Mateo County General Plan. The southwestern corner of the parcel, 800 lineal feet, abuts a portion of Polhemus Road which is also designated as a County Scenic Route. Neither road is designated a state scenic highway.</p> <p>The four proposed parcels will take access from Parrot Drive which is along the northwestern edge of the parcel. The four proposed parcels will not be visible from Crystal Springs Road nor Polhemus Road due to distance, intervening vegetation, and topography. Crystal Springs Road is a lineal distance of approximately 1,000 feet from the parcel locations on Parrot Drive. Polhemus Road curves eastward, away from the proposed parcels and is a lineal distance of approximately 2,200 feet from the proposed parcels. In addition, the proposed parcels would be located approximately 300 feet in elevation above the scenic routes, with dense tree coverage in between the scenic route and parcel locations on Parrot Drive. The view from both roads will remain</p>				

unchanged due to these factors. These factors also minimize the visibility of future residential structures from either road.

The proposed development primarily consists of the creation of four new parcels (Parcels 1 to 4) along Parrott Drive. These parcels will be located in an area adjacent to and across from existing residences located on Parrott Drive in the City of Hillsborough. The new parcels are proposed to be smaller than the typical parcel size found in Resource Management (RM) Zoning District, in order to be more compatible in size to residential parcels on Parrott Drive which are zoned R-1/S-8, and have a minimum lot size of 7,500 square feet.

The four proposed parcels along Parrott Drive will retain the existing RM zoning, which requires development to conform to development review criteria. Residential uses are allowed in the RM Zoning Districts, are consistent with the property's General Plan designation of Open Space, and require a RM Permit. The development review criteria of the RM Zoning District prohibits the removal of trees  $\geq 55$  inches in circumference except with an RM Permit. The removal of trees less than 55 inches in circumference is permitted. Development on these parcels would conform to the front and side setbacks of the S-8 Zoning District, per Section 6319.c of the RM Zoning District, with the intent of blending in with existing residences along Parrott Drive. New houses would be restricted to a 36-foot height limit.

There is no new development proposed at this time on the remainder parcel, which contains an existing single-family residence. The existing residence, while accessed from Crystal Springs Road, is minimally visible from the public right-of-way due to intervening vegetation. New development on the remainder parcel would require an RM Permit and compliance with applicable development review criteria.

Prior to recording of the final map, the applicant proposes to perform grading necessary for landslide repair an existing landslide. The landslide area is located primarily on proposed parcels numbers two and three. Phase one of this application will require grading activity to repair the landslide areas. The landslide repair area is mostly free of trees; however, 10 trees which are greater than 55" in circumference have been identified on the four proposed parcels, and may need to be removed so equipment can access the site. The required grading would not alter the scenic nature of the hillside as viewed from public roads, since, as previously mentioned, the area is not visible from Polhemus or Crystal Springs Roads.

In the intervening timeframe between when the repair work is complete and when construction of the residences occurs, the hillside will be seeded for stabilized using erosion control measures as recommended by the project geologist and approved by the County, as required by Mitigation Measure 1. These measures will be temporary and not visible from Polhemus Road and Crystal Springs Road.

Future residential development will further modify the hillside but the impacts from scenic roads will remain insignificant as the proposed building locations would infill an undeveloped area between existing houses on Parrot Drive. Replanting of trees is required by Mitigation Measure 2 to achieve compliance with the County's RM Zoning Regulations and to improve hillside stabilization and minimize the potential visual impact of the new development.

Adherence to the Mitigation Measures 1 and 2 would reduce potential aesthetic impacts to a less than significant level.

**Mitigation Measure 1:** Immediately upon completion of the landslide repair work, the disturbed areas of the hillside shall be stabilized using erosion control measures as recommended by project geologist and approved by the County. If seeds are to be applied, the applicant shall use a local, non-invasive seed mixture consistent with the surrounding vegetation. Measures shall remain in place and replaced/repared as necessary to provide adequate erosion control, as determined by the County, until grading/construction of future houses has commenced.

<p><b>Mitigation Measure 2:</b> A comprehensive tree replacement plan shall be developed for all protected trees (55-inches or greater in circumference), which are removed during landslide repair, grading, and future construction activities associated with residential development. Replacement shall occur at completion of future residential development. The replanting ratio shall achieve either a 1:1 replacement with 5-gallon sized trees, or a 3:1 replacement ratio with trees 15 gallons or greater in size proposed, of native species. A master planting and monitoring plan, including any necessary irrigation, for all four lots shall be prepared by a landscape designer or architect and submitted to the Planning and Building Department for review. The tree replanting for lots shall be made a condition of the final approval of the certificate of occupancy for each new residence.</p> <p><b>Source:</b> San Mateo County Zoning Regulations - Resource Management (RM) Zoning District</p>				
1.b. Significantly damage or destroy scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
<p><b>Discussion:</b> The proposed area of grading work and the site of future residences is not visible from the scenic roads due to distance, topography and vegetation.</p> <p><b>Source:</b> Site Visit, San Mateo County Maps</p>				
1.c. Significantly degrade the existing visual character or quality of the site and its surroundings, including significant change in topography or ground surface relief features, and/or development on a ridgeline?		X		
<p><b>Discussion:</b> The proposed grading will be mitigated with replacement vegetation and occurs in an area which is minimally visible from Parrott Drive, as it is located below street level, on a steep slope. (See discussion for Question 1.a.) The project does not involve development on a ridgeline.</p> <p><b>Source:</b> Site Visit, San Mateo County Maps</p>				
1.d. Create a new source of significant light or glare that would adversely affect day or nighttime views in the area?			X	
<p><b>Discussion:</b> No development is proposed with this application. Future residential development will be subject to a Resource Management Permit and must comply with RM development review criteria pertaining to lighting such as minimization of exterior lighting.</p> <p><b>Source:</b> Project Scope, RM Zoning District</p>				
1.e. Be adjacent to a designated Scenic Highway or within a State or County Scenic Corridor?		X		
<p><b>Discussion:</b> See discussion for Question 1.a.</p> <p><b>Source:</b> Project Scope, San Mateo County Maps</p>				

1.f.	If within a Design Review District, conflict with applicable General Plan or Zoning Ordinance provisions?				X
<b>Discussion:</b> The project is not located within a Design Review District. <b>Source:</b> San Mateo County General Plan and Zoning Regulations					
1.g.	Visually intrude into an area having natural scenic qualities?		X		
<b>Discussion:</b> See discussion for Question 1.a. <b>Source:</b> Site Visit, Project Scope					

<b>2. AGRICULTURAL AND FOREST RESOURCES.</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the State's inventory of forestland, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.					
		<b>Potentially Significant Impacts</b>	<b>Significant Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
2.a.	For lands outside the Coastal Zone, convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	
<b>Discussion:</b> The subject property is within the RM Zoning District, which allows for agricultural uses. The area to be subdivided consists of soil comprised of Fagan Loam and with slopes ranging from 15% to 50%. The project site does not contain land shown to be Prime Farmland, Unique Farmland, or Farmland of Statewide Importance on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency.  The site contains a single-family residence, and has not been used in the recent past for agriculture. The parcel is surrounded by residential uses in the City of Hillsborough and is located within the sphere of influence of the City of San Mateo. With the exception of the existing dwelling, on a proposed 9-acre remainder parcel the proposed 48.21-acre remainder parcel will retain its current open space use through the recordation of a conservation easement. The proposed Draft Conservation Easement is included as Attachment N.					

<b>Source:</b> University of California Natural Resources Conservation Service: <a href="http://casoilresource.lawr.ucdavis.edu/gmap/">http://casoilresource.lawr.ucdavis.edu/gmap/</a>				
2.b.	Conflict with existing zoning for agricultural use, an existing Open Space Easement, or a Williamson Act contract?			X
<p><b>Discussion:</b> Both agriculture and residential uses are allowed uses within the RM Zoning District. An RM-zoned parcel's development density is determined by density analysis. The proposed density, is consistent with the RM zoning regulations and the approved density analysis completed by the County on May 21, 2013 (DEN2013-00001). With the recordation of a Conservation Easement (which will allow agricultural uses) a density bonus can be allowed by the RM zoning regulations and the determined density for the subject parcel will allow for a total of five single-family residences (four new and one existing) along with a conservation easement for 57 acres.</p> <p>The property currently does not contain any existing open space easements and is not subject to a Williamson Act contract. No conversion of farmland will occur with this proposal.</p> <p><b>Source:</b> San Mateo County Maps and Zoning Regulations</p>				
2.c.	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forestland to non-forest use?		X	
<p><b>Discussion:</b> See discussion of potential impacts to farmland for Question 2.a. There are no forestlands on the subject property.</p> <p><b>Source:</b> San Mateo County Maps</p>				
2.d.	For lands within the Coastal Zone, convert or divide lands identified as Class I or Class II Agriculture Soils and Class III Soils rated good or very good for artichokes or Brussels sprouts?			X
<p><b>Discussion:</b> The subject parcel is not within the Coastal Zone.</p> <p><b>Source:</b> San Mateo County Maps</p>				
2.e.	Result in damage to soil capability or loss of agricultural land?		X	
<p><b>Discussion:</b> See discussion of potential impacts to agricultural land for Question 2.a.</p> <p><b>Source:</b> San Mateo County Maps</p>				
2.f.	Conflict with existing zoning for, or cause rezoning of, forestland (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland			X

<p>Production (as defined by Government Code Section 51104(g))?</p> <p><i>Note to reader: This question seeks to address the economic impact of converting forestland to a non-timber harvesting use.</i></p>				
<p><b>Discussion:</b> The subject parcel does not contain timberland or forestland, nor does the parcel adjoin such areas or uses.</p> <p><b>Source:</b> San Mateo County Maps</p>				

<p><b>3. AIR QUALITY.</b> Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:</p>				
	<b>Potentially Significant Impacts</b>	<b>Significant Unless Mitigated</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
3.a. Conflict with or obstruct implementation of the applicable air quality plan?		X		
<p><b>Discussion:</b> The project would result in temporary air quality impacts, including dust from grading activities and exhaust from construction vehicles, to occupants of residences in the immediate project area during the landslide repair, grading and construction phases. The Bay Area Air Quality Management District (BAAQMD) exempts construction and operation of residential uses from permit requirements (Regulation 2-1-113). The project involves the eventual construction and operation of up to an additional four, single-family residences; however, the majority of the parcel will remain as open space use through a conservation easement. The project also includes grading for landslide repair. Density credits, which are necessary for additional residential parcels will be exhausted for the property.</p> <p>The proposed grading would involve a small number of construction vehicles. The majority of grading will be balanced on the site, however it is estimated that 3,022 cy of soil will be relocated to and from the site for the landslide repair. This quantity of soil will require an average of five trucks a day over a 4-6 week period of time. All construction equipment will be required to comply with BAAQMD standards for idling times. The pollutants associated with the grading activity and residential development will be conducted in adherence with the Mitigation Measures below and dust control measures in Section 3.f. of this report. Adherence to these mitigation measures would reduce potential air quality impacts to a less than significant level.</p> <p><b>Mitigation Measure 3:</b> Prior to the beginning of any grading construction activities, including landslide repair work, the applicant shall submit to the Planning Department for review and approval an erosion and drainage control plan for each phase (landslide repair, grading, and construction) showing conformance with applicable erosion control related mitigation measures and County Erosion Control Guidelines. The plan shall be designed to minimize potential sources of sediment, control the amount of runoff and its ability to carry sediment by diverting incoming flows and impeding internally generated flows, and retain sediment that is picked up on the project site through the use of sediment-capturing devices. The plan shall also limit application, generation, and migration of toxic substances, ensure the proper storage and disposal of toxic materials, apply nutrients at rates necessary to establish and maintain vegetation without causing significant nutrient runoff to surface waters. Said plan shall also demonstrate adherence to the following measures</p>				

recommended by Murray Engineering Inc., (Attachments K and L):

- a. Sequence construction to install sediment-capturing devices first, followed by runoff control measures and runoff conveyances. No construction activities shall begin until after all proposed measures are in place.
- b. Minimize the area of bare soil exposed at one time (phased grading).
- c. Clear only areas essential for construction.
- d. Within five days of clearing or inactivity in construction, stabilize bare soils through either non-vegetative Best Management Practices (BMPs), such as mulching or vegetative erosion control methods such as seeding. Vegetative erosion control shall be established within two weeks of seeding/planting.
- e. Construction entrances shall be stabilized immediately after grading and frequently maintained to prevent erosion and control dust.
- f. Control wind-born dust through the installation of wind barriers such as hay bales and/or sprinkling.
- g. Soil and/or other construction-related material stockpiled on-site shall be placed a minimum of 200 feet from all wetlands and drain courses. Stockpiled soils shall be covered with tarps at all times of the year.
- h. Intercept runoff above disturbed slopes and convey it to a permanent channel or storm drains by using earth dikes, perimeter dikes or swales, or diversions. Use check dams where appropriate.
- i. Provide protection for runoff conveyance outlets by reducing flow velocity and dissipating flow energy.
- j. Install storm drain inlet protection that traps sediment before it enters any adjacent storm sewer systems. This barrier shall consist of filter fabric, straw bales, gravel, or sand bags.
- k. Install sediment traps/basins at outlets of diversions, channels, slope drains, or other runoff conveyances that discharge sediment-laden water. Sediment traps/basins shall be cleaned out when 50% full (by volume).

**Mitigation Measure 4:** Prior to the issuance of the grading permit “hard card,” the applicant shall submit a dust control plan for review and approval by the Current Planning Section. The plan, at a minimum, shall include the following measures:

- a. Water all construction and grading areas at least twice daily.
- b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- c. Pave, apply water two times daily, or (non-toxic) soil on all unpaved access roads, parking areas and staging areas at the project site.
- d. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
- e. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).

**Source:** San Mateo County Energy Efficiency Climate Action Plan; BAAQMD

3.b.	Violate any air quality standard or contribute significantly to an existing or projected air quality violation?			X	
<p><b>Discussion:</b> The project will not violate air quality standards or contribute significantly to any air quality violation. See discussion of potential air quality impacts for Question 3.a.</p> <p><b>Source:</b> San Mateo County Energy Efficiency Climate Action Plan</p>					
3.c.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				X
<p><b>Discussion:</b> The project will not create pollutants that will have a cumulative impact or prevent attainment of regional or federal quality standards. See discussion for Question 3.a.</p> <p><b>Source:</b> San Mateo County Energy Efficiency Climate Action Plan</p>					
3.d.	Expose sensitive receptors to significant pollutant concentrations, as defined by BAAQMD?		X		
<p><b>Discussion:</b> The project would result in temporary air quality impacts, including dust from grading activities and exhaust from construction vehicles, to occupants of residences in the immediate project area during the landslide repair, grading and construction phases. Mitigation Measure Numbers 3 and 4 would reduce this impact to a less than significant level.</p> <p><b>Source:</b> San Mateo County Energy Efficiency Climate Action Plan</p>					
3.e.	Create objectionable odors affecting a significant number of people?			X	
<p><b>Discussion:</b> The project may result in temporary generation of odors associated with project grading and construction of four new single-family dwellings. However, this impact is temporary and would be minimized by Mitigation Measures 3 and 4.</p> <p><b>Source:</b> San Mateo County Energy Efficiency Climate Action Plan</p>					
3.f.	Generate pollutants (hydrocarbon, thermal odor, dust or smoke particulates, radiation, etc.) that will violate existing standards of air quality on-site or in the surrounding area?			X	
<p><b>Discussion:</b> See discussion for Question 3.a.</p> <p><b>Source:</b> San Mateo County Energy Efficiency Climate Action Plan</p>					

4. <b>BIOLOGICAL RESOURCES.</b> Would the project:				
	<i><b>Potentially Significant Impacts</b></i>	<i><b>Significant Unless Mitigated</b></i>	<i><b>Less Than Significant Impact</b></i>	<i><b>No Impact</b></i>
4.a. Have a significant adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?		X		

**Discussion:** The evaluation of the subject parcel revealed the presence of special-status natural communities. The primary biological concerns related to this project involve wetlands and plant and wildlife special status species, as the site has habitat and potential habitat for the California red-legged frog, San Francisco garter snake, Central California Coast Steelhead, and mission blue butterfly.

These special communities are defined differently by each jurisdictional agency. Definitions/ descriptions include: (1) being considered rare in the region, (2) support special-status plant or wildlife species, or (3) receive regulatory protection under Section 404 of the Clean Water Act (CWA) and/or the California Fish and Wildlife Code (CFWC) Section 1600.

The identified communities qualify as California Natural Diversity Data Base (CNDDB) rare communities and these communities are given the highest inventory priority (CNDDB 2014, CDFG 2010). The San Mateo County General Plan defines sensitive habitats as those supporting rare or unique species, riparian corridors, wetlands, and important nesting, feeding, breeding or spawning areas, and oak woodlands.

The project must comply with the Clean Water Act (§§401 and 404), California Fish and Game Code (§1600), State water quality certification from the RWQCB, and endangered species consultation with the U.S. Fish and Wildlife Service (USFWS), National Oceanic and Atmospheric Administration (NOAA) Fisheries, and California Department of Fish and Wildlife (CDFW).

The subject property was surveyed in 2006 and the observations summarized in the 2007 Floristic Analysis (Attachment A). The survey was conducted on foot and the entire parcel was covered. The location of all populations of special-status plants were mapped and the approximate size of each population was enumerated. This report was updated in 2014 to address the new proposal of a smaller subdivision proposals; then later revised in 2015 after a second reconnaissance-level survey was performed (June 26, 2014) over an area of eight acres, encompassing the proposed new parcels. (Attachment F) The survey results are also documented in the Biological Site Assessment for the Proposed Zmay Property Subdivision. The results are discussed in the March 11, 2015 Revised Botanical Evaluation (Attachment G).

A visual evaluation of the site for purposes of wetland delineation was undertaken on July 16, 2017 to identify willow habitat located below to proposed parcels 2 and 3. These efforts are discussed in the August 16, 2017, Revised Wetland Evaluation. (Attachment E)

The biological discussion of potential project impacts to special status and regulated features is divided into four sections: wetlands, plants, migratory birds, and special-status animals.

## Wetlands

A wetland delineation and preliminary jurisdictional determination was prepared and verified by the U.S. Army Corps of Engineers (USACE) in 2007 for an earlier, 20-lot version of the subdivision. In 2007 the qualifying area on the parcel was identified as 0.42 acre and including 4,624 linear feet of stream channels. There are three intermittent stream channels that cross the slopes of the subject property with two originating on proposed Parcels 2 and 4 within the reduced study area. Each is a tributary to San Mateo Creek. Another 0.21-acre of non-wetland riparian habitat falls under state jurisdiction only. Due to the passage of 10 years' of time from the original wetland survey, the 2007 verification has expired.

In 2014 the original subdivision project was revised to a four-lot subdivision with parcels approximately 2 acres in size. A reconnaissance-level survey of a reduced study area, containing the area of the proposed subdivision, was performed by biologist Michael Wood on June 26, 2014. The 2014 survey supplements several previous surveys of the site. During the 2014 site reconnaissance, conditions in the reduced study area were not found to have appreciably changed since 2007.

The 2014 survey by biologist Michael Wood also identified California Department of Fish and Wildlife (CDFW) special-status natural communities (wetlands), consisting of three incised tributaries to San Mateo Creek that cross the slopes on-site, scattered willows, and coast live oak trees adjacent to these channels that might be regarded as riparian habitat, potentially falling under CDFW jurisdiction restricted to waters of the U.S./waters of the State. In addition to the presence of the wetlands, the parcel also contains habitat or potential habitat for the previously mentioned, four federal and/or state-listed endangered, threatened or fully protected species.

Michael Wood's 2015 evaluation (Revised Creek Setback Evaluation, Zmay Property Subdivision) of a modified subdivision proposal, with a further reduced study area, states the study area supports two small stands of typical riparian vegetation. Proposed parcel sizes were reduced less than an acre to avoid intersection with wetlands and the landslide area. A land survey was not conducted at this time; the document was an analysis of the reduced project area and policies impacting wetland biology. The document identified the use of buffers to minimize impacts to the wetlands. The use of buffers is incorporated in both project design and Mitigation Measures 5 and 6.

In a 2017 wetland evaluation of the property, a formal wetland delineation was performed in conformance to the guidelines of the USACE (2006, 2008) and Environmental Laboratory (1987). The primary purpose of the August 2017 delineation effort was to revisit the limits of jurisdiction of a stand of willows growing below Parcels 2 and 3. The need for this arises from the identification of an existing landslide located predominantly on Parcel 2 and because 10 years have passed since the completion of the original wetland survey.

Utilizing field data, site observations and recent and historic aerial photographs, the wetland/upland boundary was mapped (see Attachment A, Figure 3 of letter delineation letter (Attachment E)). A total of two data points were sampled and data on vegetation, soils and hydrology were collected and recorded (field data forms are attached as Attachment D (of letter delineation letter (Attachment E)). In addition to the limits of jurisdiction of the USACE, the limits of jurisdiction of CDFW were also mapped.

In all evaluations, the subject property was found to contain an area of aquatic features falling under both federal (U.S. Army Corps of Engineers) and state (California Department of Fish and Wildlife and the Regional Water Quality Control Board), jurisdiction. Based on the current wetland delineation, the anticipated limits of grading for the proposed slide repair would not encroach upon habitat features regulated under the CWA (i.e., waters of the U.S.) so long as site conditions remain consistent to previous biological surveys.

A new evaluation of the site is required prior to any disturbance (Mitigation Measures 5 and 6), and

should the project require a permit from a jurisdiction, said permit shall be obtained prior to the issuance of a grading hard card.

Mitigation Measures (Numbers 5-13) will protect the riparian and wetland habitat and ensure that impacts are limited to a less than significant level. As proposed and mitigated, potential impacts to wetland habitat would be reduced to a less-than-significant level.

**Mitigation Measure 5:** Prior to the issuance of a grading permit, the contractor and the biologist shall meet in the field to identify the limits of riparian and wetland habitat and the extent of excavation within the environmentally sensitive area (ESA). A report/letter summarizing the meeting and with details of how construction may impact the ESA and/or reduce the efficacy of any mitigation measures or conditions, shall be submitted to the County prior to the commencement of such grading.

**Mitigation Measure 6:** Under the supervision of the biologist, the limits of wetland habitat shall be marked in the field with high visibility construction fencing, and the area shall be designated as an ESA. No equipment shall be permitted to operate within the ESA without prior coordination with and inspection by the project biologist.

**Mitigation Measure 7:** Prior to the commencement of any land disturbing activities, all mitigation measures contained in this document which are applicable to the protection of the wetlands shall be explained in detail by the biologist to the construction site manager so they can be implemented in the field.

**Mitigation Measure 8:** Removal of any willow trees is prohibited without a federal or state permit. Grading shall be permissible only if excavation that extends within the canopy of the willows does not involve root disturbance or removal.

**Mitigation Measure 9:** A federal permit is required for any excavation that requires the removal of willows within the limits of federal jurisdiction. Should removal be deemed necessary, at this point, work shall cease until all appropriate permits have been issued by the USACE and Regional Water Quality Control Board (RWQCB) pursuant to the Clean Water Act, and by the California Department of Fish and Wildlife (CDFW) and the County of San Mateo shall be notified. Prior to commencement of grading activities copies of all regulatory permits and proof of the successful implementation of all permit conditions and mitigation measures shall be provided to the Planning and Building Department.

**Mitigation Measure 10:** If a Clean Water Act permit is required for impacts to waters of the U.S., a formal consultation with the USFWS under Section 7 of Federal Endangered Species Act (FESA) shall be required, and the USFWS would issue a Biological Opinion, which would include an incidental take permit and an outline of mandatory minimization and/or mitigation measures. Compliance with Section 7 of the Federal Endangered Species Act (FESA) can also facilitate compliance with the California Endangered Species Act (CESA). Conditions of all permits issued by these agencies shall be implemented in full to reduce impacts to special-status species.

**Mitigation Measure 11:** At the conclusion of ground disturbance, a biological report shall be submitted to the County which discusses if the measures were executed correctly and which if any additional restoration measures need to be implemented and/or monitored.

**Mitigation Measure 12:** All temporarily disturbed aquatic habitat shall be restored to pre-project conditions, which may include revegetation of denuded areas with native aquatic or emergent vegetation that complement the native vegetation of adjacent habitats. A revegetation plan shall be prepared by a biologist, reviewed and subject to the approval by the County and proper execution of the plan shall be confirmed by a biologist, and written confirmation shall be submitted to the County.

**Mitigation Measure 13:** Regulatory permits may be expected to require mitigation for temporal or permanent impacts to riparian habitat. All required mitigation from any required regulatory permit for

temporal or permanent impacts to riparian habitat shall be implemented. Mitigation may include in situ restoration by planting, and long-term monitoring for plant survival and habitat restoration.

**Mitigation Measure 14:** The Project sponsor shall comply with the federal and State Endangered Species Acts for all species with potential habitat which may be impacted.

#### Special-Status Plant Species

In 2007, a floristic survey was conducted which identified a total of six special-status plant species that occurred on the subject property, two of which were also on the California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants. Special-status plant species include those listed as endangered, threatened, rare, or as candidates for listing by the U.S. Fish and Wildlife Service (USFWS 2014), the CDFW (2014a,b), and the CNPS (2014). The CNPS Inventory of Rare and Endangered Plants (2014) focuses on native plants that are rare in California or that face the threat of extinction or extirpation in the state.

The six plants are (1) San Mateo woolly sunflower (*Eriophyllum latilobum*), (Malacothamnus arcuatus), (2) Arcuate bush mallow (*Allium peninsulare* var. *franciscanum*), (3) Franciscan onion (*Dirca occidentalis*), (4) Western leatherwood (*Elymus californicus*), (5) California bottle-brush grass (*Collinsia multicolor*; formerly *C. franciscana*), and (6) San Francisco (*collinsia*) a.k.a. Franciscan blue-eyed Mary. Of these, western leatherwood (*Dirca occidentalis*; CNPS List 1B) was mapped as occurring in the vicinity of the proposed Parcel 4.

A follow-up survey was conducted by botanist Michael Wood in August 2014 for the revised project. Mr. Wood found the presence of western leatherwood plants within the boundary of Parcel 4. None of the remaining five special-status plant species previously documented on the subject property was observed as occurring in the project area, which covers a total of approximately 5 acres. No slide repair activity occurs on Parcel 4 and residential development is not in the vicinity of known leatherwood plants.

Pre-construction identification of any plants and protection measures will prevent any significant impacts from the proposed development.

**Mitigation Measure 15:** Thirty days prior to development of the residence on Parcel 4, a survey identifying any western leatherwood plants shall occur. Any plants which are identified shall be protected by fencing to prevent damage from construction activities.

#### Migratory Birds

Mr. Wood's biological report states that "Oak woodland, scrub and grassland habitats on-site provide nesting habitat for one state-listed fully protected raptor (white-tailed kite) and ten other special-status bird species (Allen's hummingbird, Cooper's hawk, grasshopper sparrow, Lawrence's goldfinch, loggerhead shrike, merlin, Nuttall's woodpecker, oak titmouse, sharp-shinned hawk, and yellow warbler), and numerous species of migratory birds."

The report continues, with "The proposed four new parcels support suitable nesting habitat for numerous species of migratory raptors and passerines. Based on the amount of vegetative cover on site, there is a high potential for the utilization of these habitat for breeding by such birds. Site clearing activities could result in a take of migratory birds protected under the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Commission (CFGF). Disturbance during the nesting season could result in the potential nest abandonment and mortality of young, which would be a significant adverse effect pursuant to CEQA."

Construction activities, including the proposed grading would necessitate the removal of approximately, 16 trees greater than 17.5 inches in diameter (55 inches in circumference) at breast height (DBH) and result in direct or indirect impacts to nesting birds by causing destruction or abandonment of occupied nests. This number is a small fraction of the hundreds of trees located on the subject

parcel, and with planting of replacement trees, careful site planning and incorporation of mitigation measures for surveying and monitoring for the presence of nests, potential impacts from site development could be reduced to levels that are less than significant.

**Mitigation Measure 16:** Prior to the removal or significant pruning of any trees, they shall be inspected by a qualified biologist for the presence of raptor nests. This is required regardless of season. If a suspected raptor nest is discovered, the California Department of Fish and Wildlife (CDFW) shall be notified. Pursuant to CFGC Section 3503.5, raptor nests, whether or not they are occupied, may not be removed until approval is granted by the CDFW.

**Mitigation Measure 17:** If clearing, grubbing or tree removal/pruning are to be conducted outside of the breeding season (i.e., September 1 through January 31), no preconstruction surveys for nesting migratory birds is necessary.

If clearing, grubbing or tree removal or pruning are to be conducted during the breeding season (i.e., February 1 through August 31), a preconstruction nesting bird survey shall be conducted. The survey shall be performed by a qualified biologist no more than two weeks prior to the initiation of work. If no nesting or breeding activity is observed, work may proceed without restrictions. To the extent allowed by access, all active bird nests identified within 250 feet for raptors and 50 feet for passerines shall be mapped.

**Mitigation Measure 18:** For any active bird nests found near the construction limits (i.e., within 250 feet for raptors and 50 feet for passerines of the limits of work) the Project Biologist shall make a determination as to whether or not construction activities are likely to disrupt reproductive behavior. If it is determined that construction would not disrupt breeding behavior, construction may proceed. If it is determined that construction may disrupt breeding, a no-construction buffer zone shall be designated by the Project Biologist; avoidance is the only mitigation available. The ultimate size of the no-construction buffer zone may be adjusted by the Project Biologist based on the species involved, topography, lines of site between the work area and the bird nest, physical barriers, and the ambient level of human activity. Site evaluations and buffer adjustments shall be made in consultation with the CDFW and/or the USFWS Division of Migratory Bird Management.

If it is determined that construction activities are likely to disrupt raptor breeding, construction activities within the no-construction buffer zone may not proceed until the Project Biologist determines that the nest is no longer occupied.

**Mitigation Measure 19:** If maintenance of a no-construction buffer zone is not feasible, the Project Biologist shall monitor the bird nest(s) to document breeding and rearing behavior of the adult birds. If it is determined that construction activities are causing distress of the adult birds and are thus likely to cause nest abandonment, work shall cease immediately. Work may not resume in the area until the Project Biologist has determined that the young birds have fledged and the bird nest is no longer occupied.

**Mitigation Measure 20:** Preconstruction surveys for nesting migratory birds and roosting bats shall be conducted no more than two weeks prior to the start of grading and construction for work for each phase scheduled to occur during the breeding season (February 1 to August 31) or wintering period for each phase (September 1 to January 31).

**Mitigation Measure 21:** If active nests/roosts of migratory birds and roosting bats are identified within 300 feet of the project site, non-disturbance buffers shall be established at a distance sufficient to minimize disturbance based on the nest/roost location, topography, cover and species' tolerance to disturbance. Buffer size shall be determined in cooperation with the CDFW and the USFWS.

**Mitigation Measure 22:** If active nests/roosts of migratory birds are found within 300 feet of the project site and non-disturbance buffers cannot be maintained, a qualified biologist shall be on-site to monitor the nests/roosts for signs of nest disturbance. If it is determined that grading and/or

construction activity is resulting in nest/roost disturbance, work shall cease immediately and the USFWS and CDFW shall be contacted.

#### Special-Status Animals

Mr. Wood states that based on knowledge of the geographic range and habitat affinities of special-status animals recorded from the region, and evaluation of on-site habitats, a total of 24 special-status animal species have the potential to occur on site or in the immediate project vicinity. The presence within the reduced study area of one special-status mammal, San Francisco dusky-footed woodrat, was confirmed during the 2014 follow-up reconnaissance survey. Another 14 special-status wildlife species are considered to have the potential to occur within the reduced study area, including ten birds and five bat species. Four federal and/or state-listed endangered, threatened or fully protected species are considered to have the potential to occur on the subject property. However, Mr. Wood, in a reported titled Wood Biological Consulting, Inc. – Biological Site Assessment, Zmay Property, dated August 13, 2014, and revised March 10, 2015, states that in the study area only the mission blue butterfly and white-tailed kite are considered to have a potential for occurrence; the potential for occurrence of California red-legged frog and San Francisco garter snake and steelhead is considered to be low. Nonetheless, development of the four new parcels could indirectly affect these species through erosion and sedimentation.

Impacts to Federal and State-listed species are regulated under the California and Federal Endangered Species Acts, and impacts to other special-status species would be considered significant under the guidelines of the California Environmental Quality Act (CEQA). Development of the project site could result in direct impacts to these species (i.e., mortality of individuals, loss of host plants, nest failure, etc.) or indirect (i.e., loss of foraging habitat, noise disturbance, nest disturbance, etc.).

The 2014 survey determined that within the project site there is one special-status mammal, San Francisco dusky-footed woodrat. With this exception, there were no existing habitats or features which function as wildlife movement corridors other special status species. The potential for habitat does exist. However, the fact that (1) the proposed development will be limited to approximately 2.8 acres of the a 60-acre site (4.6%), (2) land disturbance will occur in areas that are adjacent to disturbed and/or developed land, and (3) the mitigation measures as recommended by Mr. Wood, as listed below, would be made conditions of approval for the proposal, the potential project impacts to biological resources would be reduced to a less than significant.

**Mitigation Measure 23:** For each phase, the applicant shall implement the following measures to avoid or minimize impacts to special status animals including performing pre-construction surveys for snakes within the daily work area, having a USFWS-approved biologist on-site during work within suitable habitat, conducting environmental awareness training, constructing exclusion fencing along the project perimeter within suitable habitat 30 days prior to disturbance, implementing erosion control BMPs, refueling vehicles/equipment off-site, and restoring the habitat to pre-project conditions.

**Mitigation Measure 24:** A qualified biologist should perform a ground survey to locate and mark all woodrat nests in the proposed grading and construction area. The survey shall be performed no less than 30 days prior to the initiation of ground disturbances for each phase. The contractor shall also walk the site to assist in determining which nests would be affected.

**Mitigation Measure 25:** The woodrat nests to be avoided shall be fenced off with orange construction fencing and their locations marked on construction plans as being off limits to all activities.

**Mitigation Measure 26:** Any woodrat nest that cannot be avoided shall be manually disassembled by a qualified biologist pending authorization from CDFW to give any resident woodrats the opportunity to disperse to adjoining undisturbed habitat. Nest building materials shall be immediately

removed off-site and disposed of to prevent woodrats from reassembling nests on-site.

**Mitigation Measure 27:** To ensure woodrats do not rebuild nests within the construction area, a qualified biologist shall inspect the construction corridor no less than once per week. If new nests appear, they shall be disassembled and the building materials disposed of off-site. If there is a high degree of woodrat activity, more frequent monitoring shall be performed, as recommended by a qualified biologist.

**Mitigation Measure 28:** All appropriate erosion and sediment control BMPs shall be implemented. Application of erosion control BMPs shall utilize native weed-free and plastic-free fiber rolls, mats, straw mulch, hydroseed, etc., to the maximum extent possible.

**Source:** Wetland Evaluation by Wood Biological Consulting, Inc., dated March 11, 2015; Biological Site Assessment for the Proposed Zmay Property Subdivision, San Mateo County, California, dated August 13, 2014, revised March 10, 2015; Wood Biological Consulting, Inc. Revised Botanical Evaluation, Zmay Property Subdivision, San Mateo County Letter, dated March 11, 2015; and Revised Wetland Evaluation, Zmay Property Subdivision, dated, August 6, 2017

4.b. Have a significant adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

X

**Discussion:** See discussion for Question 4.a.

**Source:** See Question 4.a.

4.c. Have a significant adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

X

**Discussion:** See discussion for Question 4.a.

**Source:** See Question 4.a.

4.d. Interfere significantly with the movement of any native resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?

X

**Discussion:** See discussion for Questions 4.a.

**Source:** Biological Site Assessment for the Proposed Zmay Property Subdivision, San Mateo County, California, dated August 13, 2014, revised March 10, 2015, Prepared by: Wood Biological

Consulting, Inc.				
4.e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (including the County Heritage and Significant Tree Ordinances)?		X	
<p><b>Discussion:</b> Phase one of this application will require a small number of small trees and some trees greater than 17.5 inches in diameter (55 inches in circumference) be removed as part of grading activity to repair the landslide areas. The landslide repair area is mostly free of trees, but equipment will need to access the site and some trees in close proximity to where work will occur will be impacted. There are approximately 10 trees greater than 17.5 inches in diameter, which are on the proposed parcels, and subject to potential removal in order to gain access to the site for grading. Replanting of trees shall be required for hillside stabilization, to minimize the visual impact of the grading activities, and compliance with the County's RM Zoning District Regulations.</p> <p><b>Mitigation Measure 29:</b> All future development shall comply the County policies and ordinances for removal and replacement.</p> <p><b>Mitigation Measure 30:</b> Whenever possible, trees shall be planted in areas of grading disturbance for hillside stabilization, to minimize the visual impact of the grading activities, and compliance with the County's RM Zoning District Regulations.</p> <p><b>Source:</b> San Mateo County RM Zoning District Regulations</p>				
4.f.	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, other approved local, regional, or State habitat conservation plan?		X	
<p><b>Discussion:</b> The property is not within an area subject to an adopted Habitat Conservation Plan, Natural Conservation Community Plan or other local, regional habitat plan. As discussed in the response to Question 4.a. the proposal, as proposed and mitigated, reduces impacts to biological resources to a less than significant level.</p> <p><b>Source:</b> Biological Site Assessment for the Proposed Zmay Property Subdivision, San Mateo County, California, dated August 13, 2014 Revised March 10, 2015, Prepared by: Wood Biological Consulting, Inc.</p>				
4.g.			X	
<p><b>Discussion:</b> There is no marine or wildlife reserve within 200 feet of the subject parcel.</p> <p><b>Source:</b> San Mateo County Maps</p>				
4.h.	Result in loss of oak woodlands or other non-timber woodlands?		X	
<p><b>Discussion:</b> There are scattered trees on the subject parcel, including oaks. As discussed in Section 4.e., a small portion of the trees on the site will be removed for grading and construction activity. These trees will be replaced with native species as required by Mitigation Measure 2. The project involves the creation and development of four parcels within a 0.73-acre area for future residential development, and a 57.48± acre remainder parcel, with approximately 48.21 acres of</p>				

land to be protected by a conservation easement. The conservation easement would retain the open space use of this area which contains many oak trees.

**Source:** Project Scope

<b>5. CULTURAL RESOURCES.</b> Would the project:				
	<i><b>Potentially Significant Impacts</b></i>	<i><b>Significant Unless Mitigated</b></i>	<i><b>Less Than Significant Impact</b></i>	<i><b>No Impact</b></i>
5.a. Cause a significant adverse change in the significance of a historical resource as defined in CEQA Section 15064.5?			X	
<p><b>Discussion:</b> In July 2015, Dr. Daniel Shoup of Archaeological/Historical Consultants (A/HC) conducted a comprehensive record search for previously recorded cultural resources in the project area and within a half-mile radius. The Northwest Information Center, California Historical Resources Information System (NWIC File #14-1853) other resources were consulted. In addition, A/HC staff reviewed the National Register of Historic Places, the California Register of Historic Resources, California Historical Landmarks, and the California Inventory of Historical Resources. No recorded cultural resources and no historic resources were identified.</p> <p>Dr. Shoup also carried out a pedestrian archaeological survey of the Area of Potential Effects (APE), including the four proposed parcels and the area of the landslide repair, on July 28, 2015. All open areas were inspected for cultural evidence such as historic structures, artifacts, and features; and indicators of prehistoric archaeological deposits like midden soil, flaked lithics, groundstone, and shell. No prehistoric archaeological resources were discovered in the course of the survey. No artifacts that appeared over 45 years' of age were observed. No built environmental resources were discovered in the course of the survey.</p> <p><b>Source:</b> California Historical Resources information System letter, dated July 8, 2015, Cultural Resource Survey Report, Prepared by Daniel Shoup, RPA, dated August 10, 2015</p>				
5.b. Cause a significant adverse change in the significance of an archaeological resource pursuant to CEQA Section 15064.5?			X	
<p><b>Discussion:</b> See discussion for Question 5.a.</p> <p><b>Source:</b> Cultural Resources Survey Report, by Daniel Shoup, RPA, dated August 10, 2015</p>				
5.c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		X		
<p><b>Discussion:</b> The grading associated with the project involves land disturbance of an area approximately 126,701 sq. ft. in size on the project site. The area of disturbance does not contain any mapped or observed unique geologic features. Due to the significant level of earthwork associated with landslide repair, the project has the potential to directly or indirectly destroy a unique paleontological resource or site. The following general mitigation measures,</p>				

as provided by the Tribal Energy and Environmental Information Clearinghouse, Office of Indian Energy and Economic Development, have been included to mitigate any potential impact to paleontological resources to a less than significant level:

**Mitigation Measure 31:** A discovery of a paleontological specimen during any phase of the project could result in a work stoppage in the vicinity of the find until it can be evaluated by a professional paleontologist. Should loss or damage be detected, additional protective measures or further action (e.g., resource removal by a professional paleontologist) may be needed to mitigate the impact, as determined by a professional paleontologist.

**Mitigation Measure 32:** Contractors and workers shall use existing roads to the maximum extent feasible to avoid additional surface disturbance.

**Mitigation Measure 33:** During all phases of the project, the applicant shall keep equipment and vehicles within the limits of the previously disturbed construction area. The applicant shall delineate all areas to remain undisturbed on the Erosion Control and Staging Plan and the plan shall include measures, such as chain-link fencing or other kind of barrier, to demarcate the "limit of disturbance." The property owner shall demonstrate the implementation of these measures prior to issuance of the grading permit "hard card."

**Source:** Project Scope, Cultural Resources Survey Report, by Daniel Shoup, RPA, dated August 10, 2015

5.d. Disturb any human remains, including those interred outside of formal cemeteries?		X		
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**Discussion:** The landslide repair activity involves land disturbance of an area of approximately 126,701 sq. ft. and movement of 5,600 cy, extracted and re-compacted, on the project site. Future residential development will also involve additional grading work for site access and house construction. Due to the significant level of earthwork associated with landslide repair, the project has the potential to disturb human remains interred outside of formal cemeteries. Mitigation Measure 34 below, requires the property owner, applicant, and contractors to comply with the requirements of California State law with regard to the discovery of human remains during construction, whether historic or prehistoric. The implementation of this mitigation measure would mitigate any potential impact to interred human remains to a less than significant level:

**Mitigation Measure 34:** The property owner, 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 the subsequent measures for disposition of the remains, including but not limited to the following:

- a. That all excavation crews, including landscapers, receive cultural sensitivity training for Native American cultural resources;
- b. That a California-trained Archaeological Monitor with field experience be present for all earth movement including landscaping; and
- c. That a qualified and trained Native American Monitor be present for all earth-moving activities, including landscaping.

**Source:** Tribal Energy and Environmental Information Clearinghouse website:

6. <b>GEOLOGY AND SOILS.</b> Would the project:				
	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
6.a. Expose people or structures to potential significant adverse effects, including the risk of loss, injury, or death involving the following, or create a situation that results in:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other significant evidence of a known fault?  <i>Note: Refer to Division of Mines and Geology Special Publication 42 and the County Geotechnical Hazards Synthesis Map.</i>		X		

**Discussion:** A report by Murray Engineers, Inc., dated February 2014, states federal and regional seismologic and geologic experts have concluded that there is a 63 percent probability for at least one “large” earthquake of magnitude 6.7 or larger in the Bay Area before the year 2038. The northern portion of the San Andreas fault is estimated to have a 21 percent probability of producing a magnitude 6.7 or larger earthquake by the year 2038.

A peer review geotechnical report, by Cotton, Shires and Associates, Inc., dated June 24, 2015, concurs that the subject parcel is located in an active seismic area. The report states there are three major faults in the San Francisco Bay Area. The San Andreas and San Gregorio faults are located approximately 1.1 and 8.3 miles southwest of the site, respectively. The Hayward and Calaveras faults are located approximately 17 and 25 miles northeast of the site, respectively.

Moderate to large earthquakes are probable along several active faults in the greater Bay Area over a 30- to 50-year design life. Strong ground shaking should therefore be expected several times during the design life of any new structure, as is typical for sites throughout the Bay Area. However, the distance of the project site from the fault lines is great and the probability of damage for future development is low.

A slope stability analysis was performed by William Cotton and Associates (WCA) through the large mapped landslide and reported a factor of safety of 2.5 for static conditions and 1.1 for seismic conditions. WCA concluded that the proposed building site is likely situated on top of an ancient landslide, but based on the slope stability analysis the landslide deposit should remain stable.

Murray Engineers developed site-specific earthquake design parameters based on the current California Building Code. The February 2014 report states that “These procedures utilize State standardized spectral acceleration values for maximum considered earthquake ground motion taking into account historical seismicity, available paleoseismic data, and activity rate along known fault

traces, as well as site specified soil and bedrock response characteristics.”

The following mitigation measures have been included to mitigate potential impacts related to earthquakes and ground shaking to a less than significant level:

**Mitigation Measure 35:** The improvements shall be designed and constructed in accordance with current earthquake resistance standards.

**Mitigation Measure 36:** All future development shall meet or exceed, the standards prescribed in the Murray Engineers, Inc., report dated February 2014.

**Mitigation Measure 37:** For the final approval of the grading permit, the property owner shall ensure the performance of the following activities within thirty (30) days of the completion of grading for each phase, at the project site:

- a. The Engineer who prepared the approved grading plan shall be responsible for the inspection and certification of the grading as required by Section 8606.2 of the Grading Ordinance. The Engineer’s responsibilities shall include those relating to noncompliance detailed in Section 8606.5 of the Grading Ordinance.
- b. 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 County’s Grading Regulations, to the Department of Public Works and the Planning and Building Department’s Geotechnical Engineer.
- c. 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.

**Mitigation Measure 38:** At the building permit application stage, the applicant shall provide documentation demonstrating that the proposed residences and associated retaining walls shall be supported on drilled pier foundations extending through the fill and colluvium and gaining support in the underlying bedrock.

**Source:** Cotton, Shires and Associates, Inc., Supplemental Geologic and Geotechnical Peer Review, dated June 24, 2015, and Murray Engineers, Inc., Geotechnical Plan Review, dated June 3, 2015.

ii. Strong seismic ground shaking?		X		
<p><b>Discussion:</b> See discussion for Question 6.a.</p> <p><b>Source:</b> See Question 6.a.</p>				
iii. Seismic-related ground failure, including liquefaction and differential settling?			X	
<p><b>Discussion:</b> The Geotechnical Investigation prepared by Murray Engineers, Inc., does not identify liquefaction and differential settling as potential geologic hazards for the project site.</p> <p><b>Source:</b> Cotton, Shires and Associates, Inc., Supplemental Geologic and Geotechnical Peer Review, dated June 24, 2015, and Murray Engineers, Inc., Geotechnical Plan Review, dated June 3, 2015 and July 14, 2015.</p>				
iv. Landslides?		X		
<p><b>Discussion:</b> A geotechnical report prepared for the project by Murray Engineers, Inc., (MEI), dated</p>				

February 2014, states that three relatively large landslides are mapped in the central portion of the property according to the geologic map, the Geotechnical Hazard Synthesis Map for San Mateo County (Leighton and Associates, 1976), and the Preliminary Map of Landslide Deposits in San Mateo County (Brabb & Pampeyan, 1972). This document was subjected to peer review for the County by Cotton, Shires and Associates, Inc. (CSA) with the results documented in a letter dated July 14, 2015. (Attachment M)

Recommendations by CSA, to facilitate stabilization work and avoid coordination complexities associated with stabilizing a landslide that crosses a property line were: “(1) slope stabilization measures must be designed and constructed prior to individual lot residential development, or (2) consideration should be given to modifying property lines so that the entire landslide is within a single parcel, or that active landslide repair be proposed as a subdivision-level improvement.”

The initial review by both firms of an earlier version of the project's subdivision map included proposed parcels that were larger in size. Subsequently, the project was revised to incorporate both recommendations. The applicant's project scope was revised to include the completion landslide repair prior to the recordation of the Parcel Map for the Minor Subdivision as part of the subdivision permit. The property lines for the parcels of the proposed subdivision have been modified to minimize exposure to the areas which encountered landslide activity and contain it on one parcel to respond to the geotechnical comments.

The revised tentative subdivision map has smaller parcels and the landslide area within Parcels 1 and 3 was reduced, while remaining virtually unchanged on Parcel 2. The active landslide feature measures approximately 900 feet in length and 600 feet in width, and is located approximately 350 feet to the west (downhill) of Parrott Drive and extends down to Crystal Springs Road, crossing Parcel 2 and portions of Parcels 1 and 3. The second mapped landslide is approximately 700 feet long and 500 feet wide and is located immediately south of the first landslide.

As the parcels have been made smaller, Parcel 4 boundaries have been shifted west and references to landslide activity on this parcel in the earlier reports is no longer relevant to the current proposal

Phase 1 of the project would include the repair of an active landslide feature located predominantly within Parcel 2, with slight encroachment on Parcel 1 and 3 of the referenced subdivision. Landslide repair activities would include the excavation, regrading and recompaction of the displaced slide mass. The existing landslide would be replaced with an engineered fill slope, designed with a keyway and benches gaining support in the underlying competent bedrock material. Additional improvements in the immediate vicinity of the landslide would include improved subsurface and surface drainage controls.

In the opinion of MEI's geotechnical investigation, the proposed residential subdivision is feasible from an engineering geologic and geotechnical perspective. The primary constraints to the project include the potential for shallow landsliding and/or debris flows developing along the steeper portions of the property, consolidation, creep, and/or shallow landsliding of the undocumented fill along the downhill side of Parrott Drive, and the potential for strong to very strong ground shaking during a moderate to large earthquake on the nearby San Andreas fault or one of the other nearby active faults. In general, the proposed residences will be located in the uphill portion of the lots, adjacent to Parrott Drive.

Peer review of the MEI, by CSA, stated that geotechnical feasibility of residential development of Parcels 1 through 4 was demonstrated as long as the area of active land sliding within Parcels 2 and 3 is stabilized as a subdivision-level improvement. CSA concluded that existing drainage and diversion wall improvements have historically mitigated significant landslide and debris flow hazards concerns to offsite areas. This improvement has been required by the County a part of the subdivision approval with the following mitigation measures to reduce the potential of landsliding to a

less than significant level:

**Mitigation Measure 39:** Prior to the recordation of the Subdivision Map, the landslide repair on Parcel 2 shall be completed to the satisfaction of the County's Geotechnical Section, to ensure that repair occurs prior to the construction of any residential structures.

**Mitigation Measure 40:** All fill material for the repair shall be keyed and benched into competent bedrock (not into soil as indicated on the referenced C-1). Construction plans at the building permit stage shall demonstrate compliance with this mitigation measure.

**Mitigation Measure 41:** The final design shall include intermediate surface drainage control measures. Construction plans at the building permit stage shall demonstrate compliance with this mitigation measure.

**Mitigation Measure 42:** A surveyed, as-built subdrain plan shall be prepared and added to the proposed repair plan. Grading plans at the building permit stage shall demonstrate compliance with this mitigation measure.

**Mitigation Measure 43:** A modified design plan shall be prepared, with approval by the Project Geotechnical Consultant, and submitted to the County for approval prior to the initiation of grading repair work.

**Mitigation Measure 44:** No cut or fill exceeding 5 feet in vertical dimension shall be permitted on Parcels 1 through 4 unless supported by an engineered retaining wall. Construction plans at the building permit stage for each new residence shall demonstrate compliance with this mitigation measure.

**Mitigation Measure 45:** Grading and drainage plans for each lot shall be reviewed by the County Geotechnical Section, or designated consultant, prior to approval of building or grading permits on Parcels 1 through 4.

**Mitigation Measure 46:** Foundation design on Parcel 2 shall be checked against the as-built subdrain plan for the landslide repair. Construction plans at the building permit stage for the residence on Parcel 2 shall demonstrate compliance with this mitigation measure.

**Mitigation Measure 47:** Geotechnical Design Parameters – Final geotechnical design parameters to be utilized for residential construction on Parcels 1 through 4 shall fully meet or exceed design recommendations presented in the Engineering Geologic & Geotechnical Report by Murray Engineers, Inc., dated February 10, 2014. Construction plans at the building permit stage for each new residence shall demonstrate compliance with this mitigation measure.

**Mitigation Measure 48:** Future residences shall be supported on 12-inch diameter piers, extending at least 8 feet into competent materials. In addition, the property owner shall implement Cotton, Shires and Associates, Inc., recommendation to construct an earth flow deflection wall above Building Site 1. Construction plans at the building permit stage for each new residence shall demonstrate compliance with this mitigation measure.

**Mitigation Measure 49:** All subdrain alignments within the repair shall be accurately surveyed during construction so that future pier-support foundations do not interfere with constructed subdrain systems. Construction plans at the building permit stage for each new residence shall demonstrate compliance with this mitigation measure.

**Mitigation Measure 50:** Unsupported large cuts and fills shall be avoided. Grading plans at the building permit stage shall demonstrate compliance with this mitigation measure.

**Mitigation Measure 51:** If site conditions vary from those described in the 2014 Murray Engineers, Inc. report, the geotechnical design of the project recommendations shall be updated and submitted to San Mateo County Planning and Building Department for approval, prior to associated project

construction.

**Source:** Figure A-4, San Mateo County Landslide Map and Figure A-5, San Mateo County Geotechnical Hazard Synthesis Map; Cotton, Shires and Associates, Inc., Supplemental Geologic and Geotechnical Peer Review, dated June 24, 2015; and Murray Engineers, Inc., Geotechnical Plan Review, dated June 3, 2015 and July 14, 2015

v. Coastal cliff/bluff instability or erosion?

*Note to reader: This question is looking at instability under current conditions. Future, potential instability is looked at in Section 7 (Climate Change).*

X

**Discussion:** The project site is not located on or adjacent to the coast.

**Source:** San Mateo County Maps

6.b. Result in significant soil erosion or the loss of topsoil?

X

**Discussion:** The project involves a significant amount of earthwork, 5,600 cubic yards of cut and 5,600 cubic yards of fill, for landslide repair (Phase 1). House construction on Parcels 1 – 4 (Phase 2) will also require grading. The County requires the issuance of a grading permit “hard card” prior to the start of grading for each phase. Should there be any precipitation during project grading there is the potential for sedimentation in on-site areas downslope from the project area (off-site areas would not be affected due to the size of the parcel and project location). The applicant proposes an Erosion Control and Staging Plan, included as Page C-2 of Attachment R, which include measures that would contain and slow run-off, while allowing for natural infiltration.

Mitigation Measures listed below have been included to require that the Erosion Control and Staging Plan to include additional stormwater pollution prevention measures and require compliance with the San Mateo Countywide Stormwater Pollution Prevention Program “General Construction and Site Supervision Guidelines.” Implementation of erosion control measures are required throughout the term of the grading permit and building permit. Limits have been placed on project grading to confine it to the dry season, unless reviewed and recommended by the project geotechnical consultant and approved, in writing, by the Community Development Director. Erosion control measures must be inspected and maintained under the supervision of the project civil engineer. The applicant is required to obtain coverage under the State General Construction Activity NPDES Permit should the area of disturbance equal 1 acre or more (currently estimated at 33,215 sq. ft). Implementation of these mitigation measures would reduce potential impact related to erosion to a less than significant level:

**Mitigation Measure 52:** The applicant shall use silt fence and/or vegetated filter strips to trap sediment contained in sheet flow. The maximum drainage area to the silt fence shall be 0.5 acre or less per 100 feet of fence. Silt fences shall be inspected regularly and sediment removed when it reaches 1/3 the fence height. Vegetated filter strips shall have relatively flat slopes and be vegetated with erosion-resistant species.

**Mitigation Measure 53:** The applicant shall seed all disturbed areas with a native grassland mix as soon as grading activities are completed for each phase in order to minimize the potential establishment and expansion of exotic plant species into newly-graded areas, and to prevent potential future erosion.

**Mitigation Measure 54** No site disturbance shall occur, including any land disturbance, grading, or vegetation or tree removal, until a building permit has been issued, and then only those trees

approved for removal shall be removed. Trees to be removed, including approximate size, species, and location, shall be shown on a plan.

**Mitigation Measure 55:** Erosion and sediment control during the course of this grading work shall be according to a plan prepared and signed by the Engineer of record, and approved by the Department of Public Works and the Current Planning Section. Revisions to the approved erosion and sediment control plan shall be prepared and signed by the engineer.

**Mitigation Measure 56:** It shall be the responsibility of the applicant's engineer to regularly inspect the erosion control measures and determine that they are functioning as designed and that proper maintenance is being performed. Deficiencies shall be immediately corrected.

**Mitigation Measure 57:** Prior to the issuance of the grading permit, the applicant shall submit, to the Department of Public Works for review and approval, a plan for any off-site hauling operations. This plan shall include, but not be limited to, the following information: size of trucks, haul route, disposal site, dust and debris control measures, and time and frequency of haul trips. As part of the review of the submitted plan, the County may place such restrictions on the hauling operation as it deems necessary.

**Mitigation Measure 58:** At the completion of work, the engineer who prepared the approved grading plan shall certify, in writing, that all grading, lot drainage, and drainage facilities have been completed in conformance with the approved plans, as conditioned, and the Grading Regulations.

**Mitigation Measure 59:** At the completion of work, the engineer who prepared the approved grading plan shall submit a signed "as-graded" grading plan conforming to the requirements of the Grading Regulations.

**Mitigation Measure 60:** Prior to the issuance of the grading permit "hard card," the applicant shall revise the Erosion Control and Sediment Control Plan, dated December 21, 2012, to include the proposed measures and additional measures as follows, subject to the review and approval of the Community Development Director:

- a. Provide stabilized construction entrance(s) using a minimum 3"-4" fractured aggregate over geo-textile fabric and stabilize all on-site unpaved construction access routes (e.g., aggregate over path of travel). For unpaved routes, use ridges running diagonally across the road that run to a stabilized outlet
- b. Provide a designated area for parking of construction vehicles, using aggregate over geo-textile fabric.
- c. Show re-vegetation of fill deposit areas, to be performed immediate after soils spreading. Use seeding and/or mulching and the following, as necessary:
  - i. (For slopes 3:1 or greater) Anchored erosion control blankets (rice straw or coconut).
  - ii. (For slopes less than 3:1) Anchored fiber fabric/netting or surface roughening.
- d. Protect areas to remain undisturbed. These areas shall be delineated and protected using a fence or other kind of barrier.
- e. Use diversion berms to divert water from unstable or denuded areas (top and base of a disturbed slope, grade breaks where slopes transition to a steeper slope).
- f. Show location of office trailer(s), temporary power pole, and scaffold footprint.
- g. Show location of utility trenches, indicate utility type.
- h. Show location, installation and maintenance of a concrete/stucco mixer, washout, and pits.
- i. Show storage location and containment (as necessary) of construction materials for during

work, as well as afterhours/ weekends)

- j. Show areas for stockpiling. Cover temporary stockpiles using anchored-down plastic sheeting. For longer storage, use seeding and mulching, soil blankets or mats.
- k. Show location of garbage and dumpster(s).
- l. If these measures conflict with measures prescribed by the geotechnical consultant, measures as recommended by the geotechnical consultant shall rule.

**Mitigation Measure 61:** The applicant shall adhere to the San Mateo Countywide Stormwater Pollution Prevention Program "General Construction and Site Supervision Guidelines," including, but not limited to, the following:

- a. Delineation with field markers clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses within the vicinity of areas to be disturbed by construction and/or grading.
- b. Protection of adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.
- c. Performing clearing and earth moving activities only during dry weather.
- d. Stabilization of all denuded areas and maintenance of erosion control measures continuously between October 1 and April 30. Stabilization shall include both proactive measures, such as the placement of hay bales or coir netting, and passive measures, such as re-vegetating disturbed areas with plants propagated from seed collected in the immediate area.
- e. Storage, handling, and disposal of construction materials and wastes properly, so as to prevent their contact with stormwater.
- f. Control and prevention of 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.
- g. Use of sediment controls or filtration to remove sediment when dewatering site and obtain all necessary permits.
- h. Avoiding cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained and treated.
- i. Limiting and timing application of pesticides and fertilizers to prevent polluted runoff.
- j. Limiting construction access routes and stabilization of designated access points.
- k. Avoiding tracking dirt or other materials off-site; cleaning off-site paved areas and sidewalks using dry sweeping methods.
- l. Training and providing instruction to all employees and subcontractors regarding the Watershed Protection Maintenance Standards and construction Best Management Practices.
- m. Additional Best Management Practices in addition to those shown on the plans may be required by the Building Inspector to maintain effective stormwater management during construction activities. Any water leaving site shall be clear and running slowly at all times.

**Mitigation Measure 62:** Once approved, erosion and sediment control measures of the Erosion Control and Sedimentation Plan shall be installed prior to beginning any site work and maintained throughout the term of the grading permit and building permit. Failure to maintain these measures will result in stoppage of construction until the corrections have been made and fees paid for staff enforcement time. Revisions to the approved erosion and sediment control plan shall be prepared

and signed by the engineer and reviewed by the Department of Public Works and the Community Development Director.

**Mitigation Measure 63:** No grading shall be allowed during the winter season (October 1 to April 30) to avoid potential soil erosion unless reviewed and recommended by the project geotechnical consultant and approved, in writing, by the Community Development Director. An applicant-completed and County-issued grading permit “hard card” is required prior to the start of any land disturbance/grading operations. The applicant shall submit a letter to the Current Planning Section, at least, two (2) weeks prior to commencement of grading with the project geotechnical consultants review recommendations (if any) for winter grading, stating the date when erosion controls will be installed, date when grading operations will begin, anticipated end date of grading operations, and date of re-vegetation. If the schedule of grading operations calls for grading to be completed in one grading season, then the winterizing plan shall be considered a contingent plan to be implemented if work falls behind schedule. All submitted schedules shall represent the work in detail and shall project the grading operations through to completion.

**Mitigation Measure 64:** Should the area of disturbance equal one area or more, 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 (containing the WDID No.) shall be submitted to the Current Planning Section and the Department of Public Works, prior to the issuance of the grading permit “hard card.”

**Source:** Murray Engineers, Inc. Supplemental Evaluation and Response to Review Comments Response Letter, dated April 15, 2015.

6.c.	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, severe erosion, liquefaction or collapse?			X	
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**Discussion:** The Geotechnical Investigation prepared by Murray Engineers, Inc., does not lateral spreading, liquefaction or collapse as geologic hazards for the project site. For erosion, see discussion for Question 6.b of this section.

**Source:** Murray Engineers, Inc. Supplemental Evaluation and Response to Review Comments Response Letter, dated March 18, 2015, Project erosion control plan.

6.d.	Be located on expansive soil, as noted in the 2010 California Building Code, creating significant risks to life or property?			X	
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**Discussion:** The Geotechnical Investigation prepared by Murray Engineers, Inc., does not identify expansive soil as a geologic hazard for the project site.

**Source:** Cotton Shire and Associates, Inc., Supplemental Geologic and Geotechnical Peer Review, dated June 24, 2015, and Murray Engineers, Inc., Geotechnical Plan Review, dated June 3, 2015.

6.e.	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the				X
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disposal of wastewater?				
<p><b>Discussion:</b> The subject parcel is within the service area of Crystal Springs County Sanitation District. Any new residences will connect to this sewer system.</p> <p><b>Source:</b> Crystal Springs County Sanitation District, Parrott Drive Sanitary Sewer Alternative Study, dated February 2003</p>				

7. CLIMATE CHANGE. Would the project:				
	Potentially Significant Impacts	Significant Unless Mitigated	Less Than Significant Impact	No Impact
7.a. Generate greenhouse gas (GHG) emissions (including methane), either directly or indirectly, that may have a significant impact on the environment?			X	
<p><b>Discussion:</b> A minor, temporary increase in greenhouse gases during grading act may occur. Vehicles are subject to California Air Resources Board emission standards. The landslide repair activity, which will precede residential development, will be required to comply with Mitigation Measure below, including minimizing of construction vehicle idling to minimize energy consumption.</p> <p>The County has identified Energy Efficient Climate Action Plan (EECAP) goals which can be implemented in new development projects. Per Mitigation Measures X and Y below, the project is required to incorporate applicable measures from the County's Energy Efficiency Climate Action Plan (EECAP) Development Checklist and BAAQMD Best Management Practices (BMPs) that, once implemented, will reduce project impact on climate change.</p> <p><b>Mitigation Measure 65:</b> The applicant shall implement the following basic construction measures at all times:</p> <ul style="list-style-type: none"> <li>a. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxic Control Measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</li> <li>b. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.</li> <li>c. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person, or his/her designee, shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.</li> </ul> <p><b>Source:</b> California Air Resources Board, San Mateo County Energy Efficiency Climate Action Plan</p>				
7.b. Conflict with an applicable plan (including a local climate action plan),		X		

policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				
<p><b>Discussion:</b> The project does not conflict with the San Mateo County Energy Efficiency Climate Action Plan provided that the mitigation measure outlined in 7.a, above, is implemented.</p> <p><b>Source:</b> San Mateo County Energy Efficiency Climate Action Plan</p>				
7.c. Result in the loss of forestland or conversion of forestland to non-forest use, such that it would release significant amounts of GHG emissions, or significantly reduce GHG sequestering?				X
<p><b>Discussion:</b> Construction activities, including the proposed grading would necessitate the removal of approximately, 16 trees greater than 17.5 inches in diameter (55 inches in circumference) at breast height (DBH). However, the property does not contain forestland and no conversion will occur.</p> <p><b>Source:</b> Project Scope</p>				
7.d. Expose new or existing structures and/or infrastructure (e.g., leach fields) to accelerated coastal cliff/bluff erosion due to rising sea levels?				X
<p><b>Discussion:</b> The project is not located on or adjacent to a coastal cliff or bluff.</p> <p><b>Source:</b> San Mateo County Map</p>				
7.e. Expose people or structures to a significant risk of loss, injury or death involving sea level rise?				X
<p><b>Discussion:</b> The project is not located on or adjacent to the San Francisco Bay or Pacific Ocean.</p> <p><b>Source:</b> San Mateo County Map</p>				
7.f. Place structures within an anticipated 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
<p><b>Discussion:</b> The subject parcel, and specifically the land to be subdivided, is located in Flood Zone X (Area of minimal flood hazard, usually depicted on FIRMs as above the 500-year flood level), per FEMA Panel No. 06081C0165E, effective October 16, 2012.</p> <p><b>Source:</b> FEMA Panel No. 06081C0165E, effective October 16, 2012</p>				
7.g. Place within an anticipated 100-year flood hazard area structures that would impede or redirect flood flows?				X

**Discussion:** The subject parcel, and specifically the land to be subdivided, is located in Flood Zone X (Area of minimal flood hazard, usually depicted on FIRMs as above the 500-year flood level), per FEMA Panel No. 06081C0165E, effective October 16, 2012.

**Source:** FEMA Panel No. 06081C0165E, effective October 16, 2012

8. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
8.a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials (e.g., pesticides, herbicides, other toxic substances, or radioactive material)?				X
<p><b>Discussion:</b> No such uses are proposed. Neither the subdivision of land, nor grading associated with the landslide repair, nor the construction or operation of four new single-family dwellings would result in a significant impact involving the transport, use, or dispersal of hazardous material or toxic substances.</p> <p><b>Source:</b> Project Scope</p>				
8.b. 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?				X
<p><b>Discussion:</b> No significant use of hazardous materials is proposed. The project involves land division, earthwork to repair a landslide, residential construction, and permanent residential uses.</p> <p><b>Source:</b> Project Scope</p>				
8.c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
<p><b>Discussion:</b> No use involving significant emission of or handling of hazardous materials or waste is proposed. The project involves land division, earthwork to repair a landslide, residential construction, and permanent residential uses.</p> <p><b>Source:</b> Project Scope</p>				

8.d.	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
<b>Discussion:</b> The project site is not a listed hazardous materials site. <b>Source:</b> San Mateo County Maps					
8.e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area?				X
<b>Discussion:</b> The site is not located within an area regulated by an airport land use plan nor is it located within 2 miles of a public airport or public use airport. <b>Source:</b> San Mateo County Maps					
8.f.	For a project within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area?				X
<b>Discussion:</b> The project is not within the vicinity of a private airstrip. <b>Source:</b> San Mateo County Maps					
8.g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
<b>Discussion:</b> The project involves the division of land, grading to repair a landslide, and construction of single-family residences only and would not permanently or significantly impede access on existing public roads. The plan has been reviewed by Cal-Fire for emergency vehicle access. <b>Source:</b> San Mateo County Maps					
8.h.	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?		X		
<b>Discussion:</b> The subject parcel is located in the very high severity zone. To address high fire risk, Cal-Fire, which is the servicing fire district, has material requirements which would mitigate the risk of fire.					

<b>Mitigation Measure 66:</b> All roofing, attic ventilation, exterior walls, windows, exterior doors, decking, floors and underfloor protection shall meet California Residential Code, R327 or California Building Code Chapter 7A requirements. <b>Source:</b> San Mateo County Maps				
8.i.	Place housing within an existing 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?			X
<b>Discussion:</b> The subject parcel, and specifically the land to be subdivided, is located in Flood Zone X (Area of minimal flood hazard, usually depicted on FIRMs as above the 500-year flood level), per FEMA Panel No. 06081C0165E, effective October 16, 2012. Crystal Springs Dam is located approximately .75 miles away at a lower elevation than the subject property. The site of future development is along one of highest elevations of the property. Flooding from a dam is not possible. <b>Source:</b> FEMA Panel No. 06081C0165E, effective October 16, 2012				
8.j.	Place within an existing 100-year flood hazard area structures that would impede or redirect flood flows?			X
<b>Discussion:</b> See discussion for Question 8.i. <b>Source:</b> FEMA Panel No. 06081C0165E, effective October 16, 2012				
8.k.	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X
<b>Discussion:</b> See discussion for Question 8.i. <b>Source:</b> FEMA Panel No. 06081C0165E, effective October 16, 2012				
8.l.	Inundation by seiche, tsunami, or mudflow?			X
<b>Discussion:</b> Risk of inundation by seiche, tsunami, or mudflow is considered nil, as the project site is located within a forested area and is not located near any large bodies of water. <b>Source:</b> Project Scope, San Mateo County Maps				

<b>9. HYDROLOGY AND WATER QUALITY.</b> Would the project:				
	Potentially Significant Impacts	Significant Unless Mitigated	Less Than Significant Impact	No Impact

9.a.	Violate any water quality standards or waste discharge requirements (consider water quality parameters such as temperature, dissolved oxygen, turbidity and other typical stormwater pollutants (e.g., heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash))?		X		
<p><b>Discussion:</b> As discussed in Section 6.b (above), should there be any precipitation during project grading or construction, there is the potential for sedimentation in on-site areas downslope from the Parrott Drive border of the parcel (off-site areas would not be affected due to the size of the parcel and project location). With the implementation of Mitigation Measures 41-49, potential project impacts related to sedimentation would be reduced to a less than significant level.</p> <p><b>Source:</b> Project Scope</p>					
9.b.	Significantly deplete groundwater supplies or interfere significantly with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
<p><b>Discussion:</b> The parcel is in a community water and sewer district. New water and sanitary connections will be installed in association with new residential development.</p> <p><b>Source:</b> Crystal Springs County Sanitation District, Parrot Drive Sanitary Sewer Alternative Study, California Water Service Company Will Serve Letter, dated October 10, 2013.</p>					
9.c.	Significantly alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in significant erosion or siltation on- or off-site?		X		
<p><b>Discussion:</b> The proposed grading and construction of four new residences would alter the existing drainage pattern of the site through the alteration of existing grades and construction of new impervious surface, including houses and driveways. The project will result in approximately 20,110 sq. ft. of new impervious surface, the project could potentially alter the existing drainage pattern of the site or area. Compliance with the County's Drainage Policy and Provision C.3.i of the San Francisco Bay Region Municipal Regional Permit is mandatory and would prevent the significant degradation of surface or groundwater water quality.</p> <p>Mitigation Measures 67 and 68 below, requires post-construction project run-off to comply with Municipal Regional Permit Provision C.3.i and the County's Drainage Policy. Project compliance</p>					

with these regulations will prevent the significant alteration of existing drainage patterns of the site and area. The project does not involve alteration of the course of a stream or river.

**Mitigation Measure 67:** At the time of application for a building permit, the applicant shall submit a permanent stormwater management plan to the Department of Public Works in compliance with Municipal Stormwater Regional Permit Provision C.3.i and the County's Drainage Policy.

**Mitigation Measure 68:** Projects subject to Provision C.3.i (individual single-family home projects that create and/or replace 2,500 sq. ft. or more of impervious surface, and other projects that create and/or replace at least 2,500 sq. ft. of impervious surface but are not C.3 Regulated Projects) shall implement at least one (1) of the six (6) site design measures listed below:

- a. Direct roof runoff into cisterns or rain barrels and use rainwater for irrigation or other non-potable use.
- b. Direct roof runoff onto vegetated areas.
- c. Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas.
- d. Direct runoff from driveways and/or uncovered parking lots onto vegetated areas.
- e. Construct sidewalks, walkways, and/or patios with permeable surfaces.
- f. Construct bike lanes, driveways, and/or uncovered parking lots with permeable surfaces.

A site drainage plan will be required for construction of the new residences that will demonstrate how roof drainage and site runoff will be directed to an approved location. In compliance with the County's Drainage Policy, this plan must demonstrate that post-development flows and velocities to adjoining private property and the public right-of-way shall not exceed those that existed in the pre-developed state.

**Source:** San Mateo County's Drainage Policy and Provisions

9.d. Significantly alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or significantly increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?			X	
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**Discussion:** The project does not involve alteration of the course of a stream or river. All development will be on a hillside where flooding would not occur. Existing drainage patterns will be altered by proposed grading and construction of impervious surface; however, site design measures would reduce stormwater runoff and would prevent a significant increase in the rate or amount of surface runoff.

**Source:** San Mateo County's Drainage Policy and Provisions

9.e. Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide significant additional sources of polluted runoff?			X	
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**Discussion:** Compliance with the County's Drainage Policy and Provision C.3.i of the San Francisco Bay Region Municipal Regional Permit is mandatory and would prevent the creation of significant additional sources of polluted runoff. There are no existing or planned stormwater

drainage systems in the area as the project site is undeveloped. <b>Source:</b> San Mateo County's Drainage Policy and Provisions				
9.f. Significantly degrade surface or ground-water water quality?			X	
<b>Discussion:</b> See discussion for Question 9.c. <b>Source:</b> San Mateo County's Drainage Policy and Provisions				
9.g. Result in increased impervious surfaces and associated increased runoff?		X		
<b>Discussion:</b> See discussion for Question 9.e. <b>Source:</b> San Mateo County's Drainage Policy and Provisions				

<b>10. LAND USE AND PLANNING.</b> Would the project:				
	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
10.a. Physically divide an established community?				X
<b>Discussion:</b> The subject parcel is adjacent to residential development in the city of Hillsborough on two sides. The proposed parcels will be developed with residences along Parrott Drive. Residential development is the prevalent land use in the vicinity. <b>Source:</b> San Mateo County Maps				
10.b. Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
<b>Discussion:</b> The project complies with the County's General Plan land use designation and density limit for the property, proposing 1 dwelling unit /0.67-acre where the density minimum is one per parcel and maximums are determined by the development potential of a parcel. The project complies with the existing RM Zoning District regulations. <b>Source:</b> San Mateo County Maps				
10.c. Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

<p><b>Discussion:</b> There is no habitat conservation plans which will conflict with the proposal. The proposed subdivision includes a proposal for the creation of a conservation easement over approximately 48 acres of the 60-acre parcel.</p> <p><b>Source:</b> Project Scope</p>				
10.d. Result in the congregating of more than 50 people on a regular basis?				X
<p><b>Discussion:</b> The subdivision of land, landslide repair, residential construction, nor permanent residential uses would not result in the congregation of 50 or more people on a regular basis.</p> <p><b>Source:</b> Project Scope</p>				
10.e. Result in the introduction of activities not currently found within the community?				X
<p><b>Discussion:</b> The project site is located within the residential community of the San Mateo Highlands and is adjacent to residential development in the Town of Hillsborough. Development of the property with a residential use would not result in the introduction of activities not currently found vicinity. The subject parcel is adjacent to both undeveloped rural land and residential development.</p> <p><b>Source:</b> San Mateo County Zoning Maps, Project Scope</p>				
10.f. Serve to encourage off-site development of presently undeveloped areas or increase development intensity of already developed areas (examples include the introduction of new or expanded public utilities, new industry, commercial facilities or recreation activities)?				X
<p><b>Discussion:</b> The project site is a 60-acre parcel within the existing unincorporated County region of San Mateo Highlands. It is adjacent to residential development in the Town of Hillsborough. The project includes the provision of services to meet the demands of the proposed project only and would not encourage off-site development of presently undeveloped areas or increase development intensity of already developed areas. The proposed conservation easement would prevent additional residential development of the remainder parcel.</p> <p><b>Source:</b> Project Scope</p>				
10.g. Create a significant new demand for housing?			X	
<p><b>Discussion:</b> The project would provide four additional units of housing and would not increase the demand for housing in any other areas.</p> <p><b>Source:</b> Project Scope</p>				

**11. MINERAL RESOURCES.** Would the project:

	<i><b>Potentially Significant Impacts</b></i>	<i><b>Significant Unless Mitigated</b></i>	<i><b>Less Than Significant Impact</b></i>	<i><b>No Impact</b></i>
11.a. Result in the loss of availability of a known mineral resource that would be of value to the region or the residents of the State?				X
<b>Discussion:</b> The project does not involve any mining or commercial extraction of minerals. <b>Source:</b> Project Scope				
11.b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X
<b>Discussion:</b> The project would not affect any nearby mineral resource recovery site, if such a site should exist nearby. <b>Source:</b> Project Scope				

<b>12. NOISE.</b> Would the project result in:				
	<i><b>Potentially Significant Impacts</b></i>	<i><b>Significant Unless Mitigated</b></i>	<i><b>Less Than Significant Impact</b></i>	<i><b>No Impact</b></i>
12.a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
<b>Discussion:</b> The project will generate temporary noise associated with grading and construction and drilling of piers. However, such noises will be temporary, where volume and hours are regulated by Section 4.88.360 ( <i>Exemptions</i> ) of the County Ordinance Code. <b>Source:</b> Project Scope, San Mateo County Noise Ordinance				
12.b. Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels?			X	
<b>Discussion:</b> See discussion for Question 12.b. <b>Source:</b> Project Scope, San Mateo County Noise Ordinance				

12.c.	A significant permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
<p><b>Discussion:</b> The project will result in permanent residential uses only, but will generate temporary noise associated with grading and construction. The project does not involve a significant permanent increase in ambient noise levels in the project vicinity.</p> <p><b>Source:</b> Project Scope, San Mateo County Noise Ordinance</p>					
12.d.	A significant temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
<p><b>Discussion:</b> See discussion for Question 12.a.</p> <p><b>Source:</b> Project Scope, San Mateo County Noise Ordinance</p>					
12.e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, exposure to people residing or working in the project area to excessive noise levels?				X
<p><b>Discussion:</b> The site is not located within an area regulated by an airport land use plan nor is it located within 2 miles of a public airport or public use airport. The nearest airport, San Francisco International, is approximately 9 miles to the northeast.</p> <p><b>Source:</b> San Mateo County Maps</p>					
12.f.	For a project within the vicinity of a private airstrip, exposure to people residing or working in the project area to excessive noise levels?				X
<p><b>Discussion:</b> The project is not within the vicinity of a private airstrip.</p> <p><b>Source:</b> San Mateo County Maps</p>					

<b>13. POPULATION AND HOUSING.</b> Would the project:				
	<i><b>Potentially Significant Impacts</b></i>	<i><b>Significant Unless Mitigated</b></i>	<i><b>Less Than Significant Impact</b></i>	<i><b>No Impact</b></i>
13.a. Induce significant population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
<p><b>Discussion:</b> The project is a minor land subdivision that will create four new parcels that can be developed with single-family residences in an area that is an existing residential area served by public utilities. The project does not require the expansion or extension of facilities or infrastructure. The required infrastructure is available on Parrot Drive and can be brought to each parcel. The project will result in the development of four single family residences which can be sold separately, based on development density credits allocated to the property which allowed four residences. Therefore, the project will not be growth inducing directly or indirectly.</p> <p><b>Source:</b> Project Scope</p>				
13.b. Displace existing housing (including low- or moderate-income housing), in an area that is substantially deficient in housing, necessitating the construction of replacement housing elsewhere?				X
<p><b>Discussion:</b> The project site is a large parcel developed with a single-family residence and is adjacent to the residential Town of Hillsborough. The project would provide four additional units of housing and would not displace any existing housing.</p> <p><b>Source:</b> Project Scope</p>				

<b>14. PUBLIC SERVICES.</b> Would the project result in significant adverse physical impacts associated with the provision of new or physically altered government facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
	<i><b>Potentially Significant Impacts</b></i>	<i><b>Significant Unless Mitigated</b></i>	<i><b>Less Than Significant Impact</b></i>	<i><b>No Impact</b></i>
14.a. Fire protection?			X	
14.b. Police protection?			X	
14.c. Schools?			X	
14.d. Parks?			X	

14.e. Other public facilities or utilities (e.g., hospitals, or electrical/natural gas supply systems)?			X	
<p><b>Discussion:</b> The project involves the creation of four residential parcels where single-family residences will be developed. The new parcels are bordered by existing residential development and would not significantly increase the use of existing neighborhood or regional parks or other recreational facilities. The County's Subdivision Regulations require the applicant to pay in-lieu park fees for each new parcel. Building permit fees will include school impact fees. Additionally, the property owners of the new parcels will be taxed to contribute to the support and maintenance of these facilities. The increase use of public services related to this project is minor and would not result in significant adverse physical impacts associated with the provision of new or physically altered government facilities or the need for new or physically altered governmental facilities.</p> <p><b>Source:</b> Utility Will Serve Letters</p>				

<b>15. RECREATION.</b> Would the project:				
	<i><b>Potentially Significant Impacts</b></i>	<i><b>Significant Unless Mitigated</b></i>	<i><b>Less Than Significant Impact</b></i>	<i><b>No Impact</b></i>
15.a. Increase the use of existing neighborhood or regional parks or other recreational facilities such that significant physical deterioration of the facility would occur or be accelerated?				X
<p><b>Discussion:</b> The project involves the creation of four new parcels which will allow for future construction of four single-family residences next to and across from existing residential development. The development of four new residences would not significantly impact existing public service levels. Also, the County's Subdivision Regulations requires the applicant to pay in-lieu park fees for each new parcel.</p> <p><b>Source:</b> Project Scope</p>				
15.b. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	
<p><b>Discussion:</b> The project involves the creation of four new parcels which will allow for the construction of one single-family residence on each. This low density development will not significantly increase the use of existing neighborhood or regional parks or other recreational facilities. The project does not include any recreational facilities. The County's Subdivision Regulations requires the applicant to pay in-lieu park fees for each new parcel.</p> <p><b>Source:</b> Project Scope</p>				

16. <b>TRANSPORTATION/TRAFFIC.</b> Would the project:				
	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
16.a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including, but not limited to, intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				X
<p><b>Discussion:</b> The project involves the creation of four new parcels from one larger parcel, which will allow for future construction of four single-family residences (one per parcel) next to and across from existing residential development. The proposed parcels take access from Parrott Drive, an existing public road. No travel demand or level of service concerns were identified by San Mateo County Department of Public Works.</p> <p>The grading work and any future construction associated with the new residences will result in a temporary increase in traffic levels and a negligible permanent increase in traffic levels after construction. It is estimated that there will be 4-6 truck trips for approximately 45 days. Therefore, the project does not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system. The proposed grading will have no impact on transportation.</p> <p><b>Source:</b> Project Scope, Review by San Mateo County Department of Public Works</p>				
16.b. Conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the County congestion management agency for designated roads or highways?			X	
<p><b>Discussion:</b> See discussion for Question 16.a.</p> <p><b>Source:</b> Project Scope, Review by San Mateo County Department of Public Works</p>				
16.c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in significant safety risks?			X	

<p><b>Discussion:</b> The project involves the creation of four new parcels for single-family residences and will not require or result in a change in air traffic patterns, such that the change poses significant safety risks.</p> <p><b>Source:</b> Project Scope, San Mateo County Airport Overlay Maps</p>				
16.d. Significantly increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
<p><b>Discussion:</b> The project involves the creation of four new driveways from Parrott Drive. Preliminary driveway designs have been reviewed and approved by the Department of Public Works and would not create a new traffic hazard. Residential housing use is considered a compatible use to the RM Zoning District.</p> <p><b>Source:</b> Project Scope, San Mateo County Zoning Regulations</p>				
16.e. Result in inadequate emergency access?				X
<p><b>Discussion:</b> The project has been reviewed and approved by Cal-Fire and would not result in inadequate emergency access.</p> <p><b>Source:</b> Review by Cal-Fire</p>				
16.f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				X
<p><b>Discussion:</b> The proposed parcels have existing road frontage on Parrott Drive. New houses will be required to incorporate a pedestrian sidewalk. There are no changes required to any transportation modalities to accommodate the future construction of four single-family residences.</p> <p><b>Source:</b> Project Scope, San Mateo General Plan Transportation Element</p>				
16.g. Cause noticeable increase in pedestrian traffic or a change in pedestrian patterns?				X
<p><b>Discussion:</b> See discussion for Question 16.f.</p> <p><b>Source:</b> Project Scope, San Mateo General Plan Transportation Element</p>				
16.h. Result in inadequate parking capacity?				X
<p><b>Discussion:</b> The proposed use is the creation of four parcels for private, single-family residential development. Residential development is required by the existing county regulation to have on-site parking. The proposed building sites on the tentative map show that the proposal meets all parking requirements. Construction work will temporarily utilize street parking while completing the landslide repair.</p>				

**Source:** Project Scope, San Mateo County Zoning Regulations

17. TRIBAL CULTURAL RESOURCES. Would the project:				
	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
17.a. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:			X	
i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)				
<p><b>Discussion:</b> The project site is not listed or eligible for listing in the California Register of Historical Resources. Furthermore, the project is not listed in a local register of historical resources, pursuant to any local ordinance or resolution as defined in Public Resources Code Section 5020.1(k).</p> <p><b>Source:</b> Project Location; State Parks, Office of Historic Preservation, Listed California Historical Resources; County General Plan, Background, Historical and Archaeological Resources Appendices.</p>				
ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in Subdivision (c) of Public Resources Code Section 5024.1. (In applying the criteria set forth in Subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.)				
<p><b>Discussion:</b></p> <p>Staff requested a Sacred Lands file search of the project vicinity, which was conducted by the Native American Heritage Council (NAHC), and resulted in no found records. While the project parcel is</p>				

currently largely undeveloped, the site of the proposed parcels and future residential development is adjacent to the Town of Hillsborough and existing residential development is in the immediate project vicinity. Previous development in the project vicinity did not encounter any resources which could be considered significant to a California Native American tribe. Therefore, the project is not expected to cause a substantial adverse change to any potential tribal cultural resources.

The project is not subject to Assembly Bill 52 for California Native American tribal consultation requirements, as no traditionally or culturally affiliated tribe has requested, in writing, to the County to be informed of proposed projects in the geographic project area. However, in following the NAHC's recommended best practices, the following mitigation measures are recommended to minimize any potential significant impacts to unknown tribal cultural resources.

**Mitigation Measure 69:** Should any traditionally or culturally affiliated Native American tribe respond to the County's issued notification for consultation, such process shall be completed and any resulting agreed upon measures for avoidance and preservation of identified resources be taken prior to implementation of the project.

**Mitigation Measure 70:** In the event that tribal cultural resources are inadvertently discovered during project implementation, all work shall stop until a qualified professional can evaluate the find and recommend appropriate measures to avoid and preserve the resource in place, or minimize adverse impacts to the resource, and those measures shall be approved by the Current Planning Section prior to implementation and continuing any work associated with the project.

**Mitigation Measure 71:** Any inadvertently discovered tribal cultural resources shall be treated with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, protecting the cultural character and integrity of the resource, protecting the traditional use of the resource, and protecting the confidentiality of the resource.

**Source:** Project Plans; Project Location; Native American Heritage Council, California Assembly Bill 52.

**18. UTILITIES AND SERVICE SYSTEMS.** Would the project:

	<i><b>Potentially Significant Impacts</b></i>	<i><b>Significant Unless Mitigated</b></i>	<i><b>Less Than Significant Impact</b></i>	<i><b>No Impact</b></i>
18.a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?		X		

**Discussion:** The newly created parcels will connect to the existing sanitary sewer system, Crystal Springs Sanitation District (District), operated by the County of San Mateo Department of Public Works. In a letter dated December 3, 2013, the District stated that it is able to provide sewer service to the proposed new parcels. No request for an additional wastewater treatment facility was required. However, conditions have been added by the District to address downstream capacity. These conditions have been added as mitigation measures and must be satisfied prior to the connecting to the District sewer main on Parrott Drive. As proposed and mitigated, the project would result in a less than significant impact to the sewer system.

**Mitigation Measure 72:** The project shall minimize its impact on the downstream systems by completing capital improvement projects within the Crystal Springs Sanitation District (District) that

would reduce inflow and infiltration into the District's system in an amount equal to the projected sewage discharge amount to the District from the project.

**Mitigation Measure 73:** The applicant shall demonstrate that the District sewer mains utilized to transport sewage from the subdivision has the peak wet weather capacity for conveying the additional flow generated from the four residences. If it is determined that the lines are insufficient to convey the additional flow, the developer may need to upgrade the sewer lines to accommodate this subdivision.

**Mitigation Measure 74:** Should a pump system be utilized to deliver sewage from the four parcels to the District's sewer main on Parrott Drive, the District will require that a covenant for each parcel be prepared, signed, notarized, recorded with the San Mateo County Recorder's Office, and a copy provided to the District prior to final sewer sign-off for the building permit.

**Mitigation Measure 75:** Each new parcel will require a 4-inch lateral with a minimum of 2% slope and a standard cleanout installed at the property line or the property within 5 feet of the property line.

**Source:** Crystal Springs Sanitation District (District), letter dated December 3, 2013.

18.b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?		X		
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**Discussion:** The California Water Service Company has indicated that the subject property is located within the service area boundaries and that water service can be provided to four single-family homes. See discussion for Question 18.a. for the discussion about potential impacts to wastewater treatment facilities.

**Source:** California Water Service Company Letter, dated October 10, 2013.

18.c. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
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**Discussion:** In order to comply with San Mateo County's drainage policies on-site stormwater measures must be installed in association with the proposed project. These measures were designed by a licensed civil engineer and have been reviewed and preliminarily approved by the San Mateo County Department of Public Works. There is no indication that the installation of these measures will cause any significant environmental effects.

**Source:** Project Plans

18.d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
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**Discussion:** See discussion for Question 18.a.

**Source:** California Water Service Company Letter, dated October 10, 2013.

18.e. Result in a determination by the waste-water treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?		X		
<b>Discussion:</b> See discussion for Question 18.a. <b>Source:</b> Project Scope				
18.f. Be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
<b>Discussion:</b> The project will have a negligible impact on the capacity of local landfills. Future development of four single-family residences will also have no significant impact on landfill capacity. <b>Source:</b> Project Scope				
18.g. Comply with Federal, State, and local statutes and regulations related to solid waste?				X
<b>Discussion:</b> The project involves creation of four parcels which can be developed with single-family residences within an existing residential community and will result in a negligible increase in solid waste disposal needs. The earthwork associated with the landslide repair involves the disposal of up to 5,300 c.y. of landslide spoils to landfill. The applicant is required to pay separate fees (as set by the landfill operator) related to soil disposal. All elements of the project will comply with regulations related to solid waste. <b>Source:</b> Project Scope				
18.h. Be sited, oriented, and/or designed to minimize energy consumption, including transportation energy; incorporate water conservation and solid waste reduction measures; and incorporate solar or other alternative energy sources?		X		
<b>Discussion:</b> The County has identified Energy Efficient Climate Action Plan (EECAP) goals which can be implemented in new development projects.  The landslide repair activity, which will precede residential development, will be required to comply with Mitigation Measure 76, including minimizing of construction vehicle idling to minimize energy consumption. Any future residential development is required to comply with County, regional and state regulations which address energy conservation applicable for single-family residential development.  To meet EECAP goals the applicant has indicated that future residential development will include tree replanting, zero waste, use of 15% recycled materials, installation of energy-efficient equipment, reduced hardscape and compliance with the Green Building Ordinance. Additionally, the new houses will be subject to Title 24 requirements which encompasses the state's Energy Efficiency Standards for construction, and requires the integration of a combination of features to demonstrate				

compliance.

**Mitigation Measure 76:** The proposed residential development will be required to comply with all currently applicable efficiency standards (Title-24, CALGreen, etc.), and is located in an area that could support solar or alternative energy sources (none are proposed at this time).

**Source:** Project Scope, EECAP Development Checklist, completed by the applicant on November 21, 2016

18.i. Generate any demands that will cause a public facility or utility to reach or exceed its capacity?

X

**Discussion:** All public services have indicated that services will be available to the newly created parcels, with the exception of potential sewer line capacity constraints which are addressed by Mitigation Measure 76.

**Source:** California Water Service Company Will Serve letter, dated October 10, 2013, PG&E Will Serve Letter, dated October 10, 2013

## 19. MANDATORY FINDINGS OF SIGNIFICANCE.

	<i>Potentially Significant Impacts</i>	<i>Significant Unless Mitigated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
19.a. Does the project have the potential to degrade the quality of the environment, significantly reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X		
<p><b>Discussion:</b> As discussed in Section 4 Biological Services, the project could result in potential impacts to wetlands, migratory birds, and special species animals and plants on the subject parcel. Implementation of mitigation measures included in this document would adequately reduce project impacts to a less than significant level.</p> <p><b>Source:</b> Biological reports reference in section 4, project scope</p>				
19.b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current		X		

projects, and the effects of probable future projects.)				
<p><b>Discussion:</b> Grading activities associated with the landslide repair will involve the transport of approximately 3,000 cubic yards of soil. This has been estimated to be approximately 4-5 truck trips a day for approximately 45 days. The County has approved two subdivisions (Highlands and Ascension Heights) within the past three years. Each subdivision has been mitigated, is in a different stage of development and most impacts are temporary.</p> <p>Potential impacts which may occur include a temporary increase in traffic, dust and noise. As previously discussed in this study, due to the scope and the temporary nature of work the cumulative effect of the project will not be cumulatively considerable. All impacts are less than significant, with the implementation of project mitigation measures.</p> <p><b>Source:</b> Project Scope</p>				
19.c. Does the project have environmental effects which will cause significant adverse effects on human beings, either directly or indirectly?		X		
<p><b>Discussion:</b> As discussed in this report, the project, as proposed and mitigated, will not result in significant environmental effects.</p> <p><b>Source:</b> Project Scope</p>				

**RESPONSIBLE AGENCIES.** Check what agency has permit authority or other approval for the project.

AGENCY	Maybe*	NO	TYPE OF APPROVAL
U.S. Army Corps of Engineers (CE)	X		Clean Water Act – Section 404
State Water Resources Control Board		X	
Regional Water Quality Control Board	X		Section 401
State Department of Public Health		X	
San Francisco Bay Conservation and Development Commission (BCDC)		X	
U.S. Environmental Protection Agency (EPA)		X	
County Airport Land Use Commission (ALUC)		X	
CalTrans		X	
Bay Area Air Quality Management District		X	
U.S. Fish and Wildlife Service		X	
Coastal Commission		X	
City		X	

AGENCY	Maybe*	NO	TYPE OF APPROVAL
Sewer/Water District:		X	
Other: CA Department of Fish and Wildlife	X		Lake and Streambed Alteration Permit
*If field conditions for vegetation have changed at time of issuance of grading permit.			

<b><u>MITIGATION MEASURES</u></b>		
	<u>Yes</u>	<u>No</u>
Mitigation measures have been proposed in project application.	X	
Other mitigation measures are needed.		X
<p>The following measures are included in the project plans or proposals pursuant to Section 15070(b)(1) of the State CEQA Guidelines:</p> <p><b><u>Mitigation Measure 1:</u></b> Immediately upon completion of the landslide repair work, the disturbed areas of the hillside shall be stabilized using erosion control measures as recommended by project geologist and approved by the County. If seeds are to be applied, the applicant shall use a local, non-invasive seed mixture consistent with the surrounding vegetation. Measures shall remain in place and replaced/repared as necessary to provide adequate erosion control, as determined by the County, until grading/construction of future houses has commenced.</p> <p><b><u>Mitigation Measure 2:</u></b> A comprehensive tree replacement plan shall be developed for all protected trees (55-inches or greater in circumference), which are removed during landslide repair, grading, and future construction activities associated with residential development. Replacement shall occur at completion of future residential development. The replanting ratio shall achieve either a 1:1 replacement with 5-gallon sized trees, or a 3:1 replacement ratio with trees 15 gallons or greater in size proposed, of native species. A master planting and monitoring plan, including any necessary irrigation, for all four lots shall be prepared by a landscape designer or architect and submitted to the Planning and Building Department for review. The tree replanting for lots shall be made a condition of the final approval of the certificate of occupancy for each new residence.</p> <p><b><u>Mitigation Measure 3:</u></b> Prior to the beginning of any grading construction activities, including landslide repair work, the applicant shall submit to the Planning Department for review and approval an erosion and drainage control plan for each phase (landslide repair, grading, and construction) showing conformance with applicable erosion control related mitigation measures and County Erosion Control Guidelines. The plan shall be designed to minimize potential sources of sediment, control the amount of runoff and its ability to carry sediment by diverting incoming flows and impeding internally generated flows, and retain sediment that is picked up on the project site through the use of sediment-capturing devices. The plan shall also limit application, generation, and migration of toxic substances, ensure the proper storage and disposal of toxic materials, apply nutrients at rates necessary to establish and maintain vegetation without causing significant nutrient runoff to surface waters. Said plan shall also demonstrate adherence to the following measures recommended by Murray Engineering Inc., (Attachments K and L):</p> <p>a. Sequence construction to install sediment-capturing devices first, followed by runoff control measures and runoff conveyances. No construction activities shall begin until after all</p>		

proposed measures are in place.

- b. Minimize the area of bare soil exposed at one time (phased grading).
- c. Clear only areas essential for construction.
- d. Within five days of clearing or inactivity in construction, stabilize bare soils through either non-vegetative Best Management Practices (BMPs), such as mulching or vegetative erosion control methods such as seeding. Vegetative erosion control shall be established within two weeks of seeding/planting.
- e. Construction entrances shall be stabilized immediately after grading and frequently maintained to prevent erosion and control dust.
- f. Control wind-born dust through the installation of wind barriers such as hay bales and/or sprinkling.
- g. Soil and/or other construction-related material stockpiled on-site shall be placed a minimum of 200 feet from all wetlands and drain courses. Stockpiled soils shall be covered with tarps at all times of the year.
- h. Intercept runoff above disturbed slopes and convey it to a permanent channel or storm drains by using earth dikes, perimeter dikes or swales, or diversions. Use check dams where appropriate.
- i. Provide protection for runoff conveyance outlets by reducing flow velocity and dissipating flow energy.
- j. Install storm drain inlet protection that traps sediment before it enters any adjacent storm sewer systems. This barrier shall consist of filter fabric, straw bales, gravel, or sand bags.
- k. Install sediment traps/basins at outlets of diversions, channels, slope drains, or other runoff conveyances that discharge sediment-laden water. Sediment traps/basins shall be cleaned out when 50% full (by volume).

**Mitigation Measure 4:** Prior to the issuance of the grading permit "hard card," the applicant shall submit a dust control plan for review and approval by the Current Planning Section. The plan, at a minimum, shall include the following measures:

- a. Water all construction and grading areas at least twice daily.
- b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- c. Pave, apply water two times daily, or (non-toxic) soil on all unpaved access roads, parking areas and staging areas at the project site.
- d. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
- e. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).

**Mitigation Measure 5:** Prior to the issuance of a grading permit, the contractor and the biologist shall meet in the field to identify the limits of riparian and wetland habitat and the extent of excavation within the environmentally sensitive area (ESA). A report/letter summarizing the meeting and with details of how construction may impact the ESA and/or reduce the efficacy of any mitigation measures or conditions, shall be submitted to the County prior to the commencement of such grading.

**Mitigation Measure 6:** Under the supervision of the biologist, the limits of wetland habitat shall be

marked in the field with high visibility construction fencing, and the area shall be designated as an ESA. No equipment shall be permitted to operate within the ESA without prior coordination with and inspection by the project biologist.

**Mitigation Measure 7:** Prior to the commencement of any land disturbing activities, all mitigation measures contained in this document which are applicable to the protection of the wetlands shall be explained in detail by the biologist to the construction site manager so they can be implemented in the field.

**Mitigation Measure 8:** Removal of any willow trees is prohibited without a federal or state permit. Grading shall be permissible only if excavation that extends within the canopy of the willows does not involve root disturbance or removal.

**Mitigation Measure 9:** A federal permit is required for any excavation that requires the removal of willows within the limits of federal jurisdiction. Should removal be deemed necessary, at this point, work shall cease until all appropriate permits have been issued by the USACE and Regional Water Quality Control Board (RWQCB) pursuant to the Clean Water Act, and by the California Department of Fish and Wildlife (CDFW) and the County of San Mateo shall be notified. Prior to commencement of grading activities copies of all regulatory permits and proof of the successful implementation of all permit conditions and mitigation measures shall be provided to the Planning and Building Department.

**Mitigation Measure 10:** If a Clean Water Act permit is required for impacts to waters of the U.S., a formal consultation with the USFWS under Section 7 of Federal Endangered Species Act (FESA) shall be required, and the USFWS would issue a Biological Opinion, which would include an incidental take permit and an outline of mandatory minimization and/or mitigation measures. Compliance with Section 7 of the Federal Endangered Species Act (FESA) can also facilitate compliance with the California Endangered Species Act (CESA). Conditions of all permits issued by these agencies shall be implemented in full to reduce impacts to special-status species.

**Mitigation Measure 11:** At the conclusion of ground disturbance, a biological report shall be submitted to the County which discusses if the measures were executed correctly and which if any additional restoration measures need to be implemented and/or monitored.

**Mitigation Measure 12:** All temporarily disturbed aquatic habitat shall be restored to pre-project conditions, which may include revegetation of denuded areas with native aquatic or emergent vegetation that complement the native vegetation of adjacent habitats. A revegetation plan shall be prepared by a biologist, reviewed and subject to the approval by the County and proper execution of the plan shall be confirmed by a biologist, and written confirmation shall be submitted to the County.

**Mitigation Measure 13:** Regulatory permits may be expected to require mitigation for temporal or permanent impacts to riparian habitat. All required mitigation from any required regulatory permit for temporal or permanent impacts to riparian habitat shall be implemented. Mitigation may include in situ restoration by planting, and long-term monitoring for plant survival and habitat restoration.

**Mitigation Measure 14:** The Project sponsor shall comply with the federal and State Endangered Species Acts for all species with potential habitat which may be impacted.

**Mitigation Measure 15:** Thirty days prior to development of the residence on Parcel 4, a survey identifying any western leatherwood plants shall occur. Any plants which are identified shall be protected by fencing to prevent damage from construction activities.

**Mitigation Measure 16:** Prior to the removal or significant pruning of any trees, they shall be inspected by a qualified biologist for the presence of raptor nests. This is required regardless of season. If a suspected raptor nest is discovered, the California Department of Fish and Wildlife (CDFW) shall be notified. Pursuant to CFGC Section 3503.5, raptor nests, whether or not they are

occupied, may not be removed until approval is granted by the CDFW.

**Mitigation Measure 17:** If clearing, grubbing or tree removal/pruning are to be conducted outside of the breeding season (i.e., September 1 through January 31), no preconstruction surveys for nesting migratory birds is necessary.

If clearing, grubbing or tree removal or pruning are to be conducted during the breeding season (i.e., February 1 through August 31), a preconstruction nesting bird survey shall be conducted. The survey shall be performed by a qualified biologist no more than two weeks prior to the initiation of work. If no nesting or breeding activity is observed, work may proceed without restrictions. To the extent allowed by access, all active bird nests identified within 250 feet for raptors and 50 feet for passerines shall be mapped.

**Mitigation Measure 18:** For any active bird nests found near the construction limits (i.e., within 250 feet for raptors and 50 feet for passerines of the limits of work) the Project Biologist shall make a determination as to whether or not construction activities are likely to disrupt reproductive behavior. If it is determined that construction would not disrupt breeding behavior, construction may proceed. If it is determined that construction may disrupt breeding, a no-construction buffer zone shall be designated by the Project Biologist; avoidance is the only mitigation available. The ultimate size of the no-construction buffer zone may be adjusted by the Project Biologist based on the species involved, topography, lines of site between the work area and the bird nest, physical barriers, and the ambient level of human activity. Site evaluations and buffer adjustments shall be made in consultation with the CDFW and/or the USFWS Division of Migratory Bird Management.

If it is determined that construction activities are likely to disrupt raptor breeding, construction activities within the no-construction buffer zone may not proceed until the Project Biologist determines that the nest is no longer occupied.

**Mitigation Measure 19:** If maintenance of a no-construction buffer zone is not feasible, the Project Biologist shall monitor the bird nest(s) to document breeding and rearing behavior of the adult birds. If it is determined that construction activities are causing distress of the adult birds and are thus likely to cause nest abandonment, work shall cease immediately. Work may not resume in the area until the Project Biologist has determined that the young birds have fledged and the bird nest is no longer occupied.

**Mitigation Measure 20:** Preconstruction surveys for nesting migratory birds and roosting bats shall be conducted no more than two weeks prior to the start of grading and construction for work for each phase scheduled to occur during the breeding season (February 1 to August 31) or wintering period for each phase (September 1 to January 31).

**Mitigation Measure 21:** If active nests/roosts of migratory birds and roosting bats are identified within 300 feet of the project site, non-disturbance buffers shall be established at a distance sufficient to minimize disturbance based on the nest/roost location, topography, cover and species' tolerance to disturbance. Buffer size shall be determined in cooperation with the CDFW and the USFWS.

**Mitigation Measure 22:** If active nests/roosts of migratory birds are found within 300 feet of the project site and non-disturbance buffers cannot be maintained, a qualified biologist shall be on-site to monitor the nests/roosts for signs of nest disturbance. If it is determined that grading and/or construction activity is resulting in nest/roost disturbance, work shall cease immediately and the USFWS and CDFW shall be contacted.

**Mitigation Measure 23:** For each phase, the applicant shall implement the following measures to avoid or minimize impacts to special status animals including performing pre-construction surveys for snakes within the daily work area, having a USFWS-approved biologist on-site during work within suitable habitat, conducting environmental awareness training, constructing exclusion fencing along the project perimeter within suitable habitat 30 days prior to disturbance, implementing

erosion control BMPs, refueling vehicles/equipment off-site, and restoring the habitat to pre-project conditions.

**Mitigation Measure 24:** A qualified biologist should perform a ground survey to locate and mark all woodrat nests in the proposed grading and construction area. The survey shall be performed no less than 30 days prior to the initiation of ground disturbances for each phase. The contractor shall also walk the site to assist in determining which nests would be affected.

**Mitigation Measure 25:** The woodrat nests to be avoided shall be fenced off with orange construction fencing and their locations marked on construction plans as being off limits to all activities.

**Mitigation Measure 26:** Any woodrat nest that cannot be avoided shall be manually disassembled by a qualified biologist pending authorization from CDFW to give any resident woodrats the opportunity to disperse to adjoining undisturbed habitat. Nest building materials shall be immediately removed off-site and disposed of to prevent woodrats from reassembling nests on-site.

**Mitigation Measure 27:** To ensure woodrats do not rebuild nests within the construction area, a qualified biologist shall inspect the construction corridor no less than once per week. If new nests appear, they shall be disassembled and the building materials disposed of off-site. If there is a high degree of woodrat activity, more frequent monitoring shall be performed, as recommended by a qualified biologist.

**Mitigation Measure 28:** All appropriate erosion and sediment control BMPs shall be implemented. Application of erosion control BMPs shall utilize native weed-free and plastic-free fiber rolls, mats, straw mulch, hydroseed, etc., to the maximum extent possible.

**Mitigation Measure 29:** All future development shall comply the County policies and ordinances for removal and replacement.

**Mitigation Measure 30:** Whenever possible, trees shall be planted in areas of grading disturbance for hillside stabilization, to minimize the visual impact of the grading activities, and compliance with the County's RM Zoning District Regulations.

**Mitigation Measure 31:** A discovery of a paleontological specimen during any phase of the project could result in a work stoppage in the vicinity of the find until it can be evaluated by a professional paleontologist. Should loss or damage be detected, additional protective measures or further action (e.g., resource removal by a professional paleontologist) may be needed to mitigate the impact, as determined by a professional paleontologist.

**Mitigation Measure 32:** Contractors and workers shall use existing roads to the maximum extent feasible to avoid additional surface disturbance.

**Mitigation Measure 33:** During all phases of the project, the applicant shall keep equipment and vehicles within the limits of the previously disturbed construction area. The applicant shall delineate all areas to remain undisturbed on the Erosion Control and Staging Plan and the plan shall include measures, such as chain-link fencing or other kind of barrier, to demarcate the "limit of disturbance." The property owner shall demonstrate the implementation of these measures prior to issuance of the grading permit "hard card."

**Mitigation Measure 34:** The property owner, 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 the subsequent measures for disposition of the remains, including but not limited to the following:

- a. That all excavation crews, including landscapers, receive cultural sensitivity training for Native American cultural resources;
- b. That a California-trained Archaeological Monitor with field experience be present for all earth movement including landscaping; and
- c. That a qualified and trained Native American Monitor be present for all earth-moving activities, including landscaping.

**Mitigation Measure 35:** The improvements shall be designed and constructed in accordance with current earthquake resistance standards.

**Mitigation Measure 36:** All future development shall meet or exceed, the standards prescribed in the Murray Engineers, Inc., report dated February 2014.

**Mitigation Measure 37:** For the final approval of the grading permit, the property owner shall ensure the performance of the following activities within thirty (30) days of the completion of grading for each phase, at the project site:

- a. The Engineer who prepared the approved grading plan shall be responsible for the inspection and certification of the grading as required by Section 8606.2 of the Grading Ordinance. The Engineer's responsibilities shall include those relating to noncompliance detailed in Section 8606.5 of the Grading Ordinance.
- b. 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 County's Grading Regulations, to the Department of Public Works and the Planning and Building Department's Geotechnical Engineer.
- c. 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.

**Mitigation Measure 38:** At the building permit application stage, the applicant shall provide documentation demonstrating that the proposed residences and associated retaining walls shall be supported on drilled pier foundations extending through the fill and colluvium and gaining support in the underlying bedrock.

**Mitigation Measure 39:** Prior to the recordation of the Subdivision Map, the landslide repair on Parcel 2 shall be completed to the satisfaction of the County's Geotechnical Section, to ensure that repair occurs prior to the construction of any residential structures.

**Mitigation Measure 40:** All fill material for the repair shall be keyed and benched into competent bedrock (not into soil as indicated on the referenced C-1). Construction plans at the building permit stage shall demonstrate compliance with this mitigation measure.

**Mitigation Measure 41:** The final design shall include intermediate surface drainage control measures. Construction plans at the building permit stage shall demonstrate compliance with this mitigation measure.

**Mitigation Measure 42:** A surveyed, as-built subdrain plan shall prepared and added to the proposed repair plan. Grading plans at the building permit stage shall demonstrate compliance with this mitigation measure.

**Mitigation Measure 43:** A modified design plan shall be prepared, with approval by the Project Geotechnical Consultant, and submitted to the County for approval prior to the initiation of grading

repair work.

**Mitigation Measure 44:** No cut or fill exceeding 5 feet in vertical dimension shall be permitted on Parcels 1 through 4 unless supported by an engineered retaining wall. Construction plans at the building permit stage for each new residence shall demonstrate compliance with this mitigation measure.

**Mitigation Measure 45:** Grading and drainage plans for each lot shall be reviewed by the County Geotechnical Section, or designated consultant, prior to approval of building or grading permits on Parcels 1 through 4.

**Mitigation Measure 46:** Foundation design on Parcel 2 shall be checked against the as-built subdrain plan for the landslide repair. Construction plans at the building permit stage for the residence on Parcel 2 shall demonstrate compliance with this mitigation measure.

**Mitigation Measure 47:** Geotechnical Design Parameters – Final geotechnical design parameters to be utilized for residential construction on Parcels 1 through 4 shall fully meet or exceed design recommendations presented in the Engineering Geologic & Geotechnical Report by Murray Engineers, Inc., dated February 10, 2014. Construction plans at the building permit stage for each new residence shall demonstrate compliance with this mitigation measure.

**Mitigation Measure 48:** Future residences shall be supported on 12-inch diameter piers, extending at least 8 feet into competent materials. In addition, the property owner shall implement Cotton, Shires and Associates, Inc., recommendation to construct an earth flow deflection wall above Building Site 1. Construction plans at the building permit stage for each new residence shall demonstrate compliance with this mitigation measure.

**Mitigation Measure 49:** All subdrain alignments within the repair shall be accurately surveyed during construction so that future pier-support foundations do not interfere with constructed subdrain systems. Construction plans at the building permit stage for each new residence shall demonstrate compliance with this mitigation measure.

**Mitigation Measure 50:** Unsupported large cuts and fills shall be avoided. Grading plans at the building permit stage shall demonstrate compliance with this mitigation measure.

**Mitigation Measure 51:** If site conditions vary from those described in the 2014 Murray Engineers, Inc. report, the geotechnical design of the project recommendations shall be updated and submitted to San Mateo County Planning and Building Department for approval, prior to associated project construction.

**Mitigation Measure 52:** The applicant shall use silt fence and/or vegetated filter strips to trap sediment contained in sheet flow. The maximum drainage area to the silt fence shall be 0.5 acre or less per 100 feet of fence. Silt fences shall be inspected regularly and sediment removed when it reaches 1/3 the fence height. Vegetated filter strips shall have relatively flat slopes and be vegetated with erosion-resistant species.

**Mitigation Measure 53:** The applicant shall seed all disturbed areas with a native grassland mix as soon as grading activities are completed for each phase in order to minimize the potential establishment and expansion of exotic plant species into newly-graded areas, and to prevent potential future erosion.

**Mitigation Measure 54:** No site disturbance shall occur, including any land disturbance, grading, or vegetation or tree removal, until a building permit has been issued, and then only those trees approved for removal shall be removed. Trees to be removed, including approximate size, species, and location, shall be shown on a plan.

**Mitigation Measure 55:** Erosion and sediment control during the course of this grading work shall be according to a plan prepared and signed by the Engineer of record, and approved by the

Department of Public Works and the Current Planning Section. Revisions to the approved erosion and sediment control plan shall be prepared and signed by the engineer.

**Mitigation Measure 56:** It shall be the responsibility of the applicant's engineer to regularly inspect the erosion control measures and determine that they are functioning as designed and that proper maintenance is being performed. Deficiencies shall be immediately corrected.

**Mitigation Measure 57:** Prior to the issuance of the grading permit, the applicant shall submit, to the Department of Public Works for review and approval, a plan for any off-site hauling operations. This plan shall include, but not be limited to, the following information: size of trucks, haul route, disposal site, dust and debris control measures, and time and frequency of haul trips. As part of the review of the submitted plan, the County may place such restrictions on the hauling operation as it deems necessary.

**Mitigation Measure 58:** At the completion of work, the engineer who prepared the approved grading plan shall certify, in writing, that all grading, lot drainage, and drainage facilities have been completed in conformance with the approved plans, as conditioned, and the Grading Regulations.

**Mitigation Measure 59:** At the completion of work, the engineer who prepared the approved grading plan shall submit a signed "as-graded" grading plan conforming to the requirements of the Grading Regulations.

**Mitigation Measure 60:** Prior to the issuance of the grading permit "hard card," the applicant shall revise the Erosion Control and Sediment Control Plan, dated December 21, 2012, to include the proposed measures and additional measures as follows, subject to the review and approval of the Community Development Director:

- a. Provide stabilized construction entrance(s) using a minimum 3"-4" fractured aggregate over geo-textile fabric and stabilize all on-site unpaved construction access routes (e.g., aggregate over path of travel). For unpaved routes, use ridges running diagonally across the road that run to a stabilized outlet
- b. Provide a designated area for parking of construction vehicles, using aggregate over geo-textile fabric.
- c. Show re-vegetation of fill deposit areas, to be performed immediate after soils spreading. Use seeding and/or mulching and the following, as necessary:
  - i. (For slopes 3:1 or greater) Anchored erosion control blankets (rice straw or coconut).
  - ii. (For slopes less than 3:1) Anchored fiber fabric/netting or surface roughening.
- d. Protect areas to remain undisturbed. These areas shall be delineated and protected using a fence or other kind of barrier.
- e. Use diversion berms to divert water from unstable or denuded areas (top and base of a disturbed slope, grade breaks where slopes transition to a steeper slope).
- f. Show location of office trailer(s), temporary power pole, and scaffold footprint.
- g. Show location of utility trenches, indicate utility type.
- h. Show location, installation and maintenance of a concrete/stucco mixer, washout, and pits.
- i. Show storage location and containment (as necessary) of construction materials for during work, as well as afterhours/ weekends)
- j. Show areas for stockpiling. Cover temporary stockpiles using anchored-down plastic sheeting. For longer storage, use seeding and mulching, soil blankets or mats.
- k. Show location of garbage and dumpster(s).

- l. If these measures conflict with measures prescribed by the geotechnical consultant, measures as recommended by the geotechnical consultant shall rule.

**Mitigation Measure 61:** The applicant shall adhere to the San Mateo Countywide Stormwater Pollution Prevention Program "General Construction and Site Supervision Guidelines," including, but not limited to, the following:

- a. Delineation with field markers clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses within the vicinity of areas to be disturbed by construction and/or grading.
- b. Protection of adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.
- c. Performing clearing and earth moving activities only during dry weather.
- d. Stabilization of all denuded areas and maintenance of erosion control measures continuously between October 1 and April 30. Stabilization shall include both proactive measures, such as the placement of hay bales or coir netting, and passive measures, such as re-vegetating disturbed areas with plants propagated from seed collected in the immediate area.
- e. Storage, handling, and disposal of construction materials and wastes properly, so as to prevent their contact with stormwater.
- f. Control and prevention of 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.
- g. Use of sediment controls or filtration to remove sediment when dewatering site and obtain all necessary permits.
- h. Avoiding cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained and treated.
- i. Limiting and timing application of pesticides and fertilizers to prevent polluted runoff.
- j. Limiting construction access routes and stabilization of designated access points.
- k. Avoiding tracking dirt or other materials off-site; cleaning off-site paved areas and sidewalks using dry sweeping methods.
- l. Training and providing instruction to all employees and subcontractors regarding the Watershed Protection Maintenance Standards and construction Best Management Practices.
- m. Additional Best Management Practices in addition to those shown on the plans may be required by the Building Inspector to maintain effective stormwater management during construction activities. Any water leaving site shall be clear and running slowly at all times.

**Mitigation Measure 62:** Once approved, erosion and sediment control measures of the Erosion Control and Sedimentation Plan shall be installed prior to beginning any site work and maintained throughout the term of the grading permit and building permit. Failure to maintain these measures will result in stoppage of construction until the corrections have been made and fees paid for staff enforcement time. Revisions to the approved erosion and sediment control plan shall be prepared and signed by the engineer and reviewed by the Department of Public Works and the Community Development Director.

**Mitigation Measure 63:** No grading shall be allowed during the winter season (October 1 to April 30) to avoid potential soil erosion unless reviewed and recommended by the project geotechnical consultant and approved, in writing, by the Community Development Director. An

applicant-completed and County-issued grading permit “hard card” is required prior to the start of any land disturbance/grading operations. The applicant shall submit a letter to the Current Planning Section, at least, two (2) weeks prior to commencement of grading with the project geotechnical consultants review recommendations (if any) for winter grading, stating the date when erosion controls will be installed, date when grading operations will begin, anticipated end date of grading operations, and date of re-vegetation. If the schedule of grading operations calls for grading to be completed in one grading season, then the winterizing plan shall be considered a contingent plan to be implemented if work falls behind schedule. All submitted schedules shall represent the work in detail and shall project the grading operations through to completion.

**Mitigation Measure 64:** Should the area of disturbance equal one area or more, 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 (containing the WDD No.) shall be submitted to the Current Planning Section and the Department of Public Works, prior to the issuance of the grading permit “hard card.”

**Mitigation Measure 65:** The applicant shall implement the following basic construction measures at all times:

- a. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxic Control Measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- b. All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified visible emissions evaluator.
- c. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person, or his/her designee, shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations.

**Mitigation Measure 66:** All roofing, attic ventilation, exterior walls, windows, exterior doors, decking, floors and underfloor protection shall meet California Residential Code, R327 or California Building Code Chapter 7A requirements.

**Mitigation Measure 67:** At the time of application for a building permit, the applicant shall submit a permanent stormwater management plan to the Department of Public Works in compliance with Municipal Stormwater Regional Permit Provision C.3.i and the County’s Drainage Policy.

**Mitigation Measure 68:** Projects subject to Provision C.3.i (individual single-family home projects that create and/or replace 2,500 sq. ft. or more of impervious surface, and other projects that create and/or replace at least 2,500 sq. ft. of impervious surface but are not C.3 Regulated Projects) shall implement at least one (1) of the six (6) site design measures listed below:

- a. Direct roof runoff into cisterns or rain barrels and use rainwater for irrigation or other non-potable use.
- b. Direct roof runoff onto vegetated areas.
- c. Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas.
- d. Direct runoff from driveways and/or uncovered parking lots onto vegetated areas.
- e. Construct sidewalks, walkways, and/or patios with permeable surfaces.
- f. Construct bike lanes, driveways, and/or uncovered parking lots with permeable surfaces.

**Mitigation Measure 69:** Should any traditionally or culturally affiliated Native American tribe

respond to the County's issued notification for consultation, such process shall be completed and any resulting agreed upon measures for avoidance and preservation of identified resources be taken prior to implementation of the project.

**Mitigation Measure 70:** In the event that tribal cultural resources are inadvertently discovered during project implementation, all work shall stop until a qualified professional can evaluate the find and recommend appropriate measures to avoid and preserve the resource in place, or minimize adverse impacts to the resource, and those measures shall be approved by the Current Planning Section prior to implementation and continuing any work associated with the project.

**Mitigation Measure 71:** Any inadvertently discovered tribal cultural resources shall be treated with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, protecting the cultural character and integrity of the resource, protecting the traditional use of the resource, and protecting the confidentiality of the resource.

**Mitigation Measure 72:** The project shall minimize its impact on the downstream systems by completing capital improvement projects within the Crystal Springs Sanitation District (District) that would reduce inflow and infiltration into the District's system in an amount equal to the projected sewage discharge amount to the District from the project.

**Mitigation Measure 73:** The applicant shall demonstrate that the District sewer mains utilized to transport sewage from the subdivision has the peak wet weather capacity for conveying the additional flow generated from the four residences. If it is determined that the lines are insufficient to convey the additional flow, the developer may need to upgrade the sewer lines to accommodate this subdivision.

**Mitigation Measure 74:** Should a pump system be utilized to deliver sewage from the four parcels to the District's sewer main on Parrott Drive, the District will require that a covenant for each parcel be prepared, signed, notarized, recorded with the San Mateo County Recorder's Office, and a copy provided to the District prior to final sewer sign-off for the building permit.

**Mitigation Measure 75:** Each new parcel will require a 4-inch lateral with a minimum of 2% slope and a standard cleanout installed at the property line or the property within 5 feet of the property line.

**Mitigation Measure 76:** The proposed residential development will be required to comply with all currently applicable efficiency standards (Title-24, CALGreen, etc.), and is located in an area that could support solar or alternative energy sources (none are proposed at this time).

**DETERMINATION** (to be completed by the Lead Agency).

On the basis of this initial evaluation:

I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared by the Planning Department.

X

I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because of the mitigation measures in the discussion have been included as part of the proposed project. A NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

April 4, 2018

Date



(Signature)

Planner III

(Title)

## Attachments

- A. Floristic Analysis for the Beeson Property, San Mateo County, by Wood Biological Consulting, Dated September 30, 2007
- B. Letter Report for Mission Blue Butterfly Habitat Survey at Lands of Zmay Property, by Coast Ridge Ecology, Dated July 22, 2016
- C. Wetland Delineation and Preliminary Jurisdictional Determination for the Beeson Property, by Wood Biological Consulting, Dated June 18, 2007
- D. Revised Wetland Evaluation, by Wood Biological Consulting, Dated March 11, 2015, Revised June 6, 2017
- E. Revised Wetlands Evaluation, by Wood Biological Consulting, Dated August 16, 2017
- F. Biological Site Assessment for the Proposed Zmay Property Subdivision, by Wood Biological Consulting, Inc., Dated August 13, 2014 and Revised March 10, 2015
- G. Revised Botanical Evaluation, Zmay Property Subdivision, by Wood Biological Consulting, Inc., Dated March 11, 2015
- H. Revised Creek Setback Evaluation, Zmay Property Subdivision, by Wood Biological Consulting, Inc., Dated March 11, 2015
- I. Arborist report, by Kielty Arborist Services LLC, Dated September 6, 2016
- J. Applicant EECAP Development Checklist
- K. Engineering Geologic and Geotechnical Investigation, by Murray Engineers, Dated February 2014
- L. Geotechnical Plan Review, Zmay 4 Lot Subdivision, by Murray Engineers, Inc., Dated, June 3, 2015 and Supplemental Evaluation and Response, dated March 18, 2015
- M. Supplemental Geologic and Geotechnical Peer Review comments, by Cotton Shires and Associates, Dated: December 4, 2014, June 24, 2014, and July 14, 2015
- N. Draft Conservation Easement
- O. Cultural Resources Survey Report, by Daniel Shoup RPA, Dated August 10, 2015
- P. Parrot Drive Sanitary Sewer Alternatives Study by Crystal Springs County Sanitation District, Dated February 2003
- Q. Sewer Service for Proposed Parrott Drive Subdivision, by County of San Mateo, Department of Public Works, Dated December 3, 2013
- R. Project plans submitted November 21, 2016

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