

County of San Mateo  
Planning and Building Department

**REVISED**  
**FINDINGS AND CONDITIONS OF APPROVAL**  
**FOR THE HIGHLANDS ESTATES PROJECT**

Permit or Project File Number: PLN 2006-00357

Hearing Date: February 10, 2010

Prepared By: Camille Leung, Project Planner

Adopted By: Planning Commission

**FINDINGS**

**Recommend to the Board of Supervisors:**

**Regarding the Environmental Review, Found:**

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

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Regarding the Major Subdivision and Lot Line Adjustment, Found:

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

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

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

Regarding the Rezoning Map Amendments, Found:

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

Regarding the Resource Management (RM) Permit, Found:

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

Regarding the Grading Permit, Found:

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

**CONDITIONS OF APPROVAL**

**A. PLANNING AND BUILDING DEPARTMENT**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

000168

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

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

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

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

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

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

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

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

000169

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

Site Class: C

Soil Profile Name: Very Dense Soil and Soft Rock

Occupancy Category: II

Seismic Design Category: E

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

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

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

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

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

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

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

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

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

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

000170

s. **Mitigation Measure AQ-1:** The Project Applicant shall require that the following BAAQMD recommended and additional PM<sub>10</sub> reduction practices be implemented by including them in the contractor construction documents:

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

• The second phase of construction shall require 30 percent of construction equipment to meet Tier 2 EPA certification standards for clean technology and 50 percent to meet Tier 1 EPA certification standards. The remaining 20 percent of construction equipment, which would consist of older technologies, shall use emulsified fuels.

• For all larger vehicles, including cement mixers or other devices that must be delivered by large trucks, vehicles shall be equipped with CARB level three verified control devices.

• Water all active construction areas at least twice daily.

• Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.

• Pave, apply water three times daily, or apply non-toxic soil stabilizers on all unpaved access roads, parking areas, and staging areas at the construction sites.

• Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at the construction sites.

• Sweep public streets adjacent to construction sites daily (with water sweepers) if visible soil material is carried onto the streets.

• Hydroseed or apply non-toxic soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).

• Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.). Limit traffic speeds on unpaved roads to 15 miles per hour.

• Limit traffic speeds on unpaved roads to 15 miles per hour.

• Install sandbags or other erosion control measures to prevent silt runoff to public roadways.

• Replant vegetation in disturbed areas as soon as possible.

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- Install wheel washers for all exiting trucks or wash off the tires or tracks of all trucks and equipment leaving the construction site.
  - Install wind breaks at the windward sides of the construction areas.
  - Suspend excavation and grading activities when wind (as instantaneous gusts) exceeds 25 miles per hour.
- t. **Mitigation Measure NOI-1:** The Project Applicant shall require that the following noise reduction practices be implemented by including them in the contractor construction documents:
- Equipment and trucks used for project grading and construction would utilize the best available noise control techniques (e.g., improved exhaust mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically-attenuating shields or shrouds) in order to minimize construction noise impacts.
  - Equipment used for project grading and construction would be hydraulically or electrically powered impact tools (e.g., jack hammers and pavement breakers) wherever possible to avoid noise associated with compressed air exhaust from pneumatically-powered tools. Compressed air exhaust silencers would be used on other equipment. Other quieter procedures would be used such as drilling rather than impact equipment whenever feasible.
  - The grading and construction activity would be kept to the hours of 7:00 AM to 7:00 PM, Monday through Friday. Saturday hours (8:00 AM to 5:00 PM) are permitted upon the discretion of County approval based on input from nearby residents and businesses. Saturday construction (8:00 AM to 5:00 PM) would be allowed once the buildings are fully enclosed. Noise generating grading and construction activities shall not occur at any time on Sundays, Thanksgiving and Christmas.
  - Residential property owners within 200 feet of planned construction areas shall be notified of the construction schedule in writing, prior to construction; the project sponsor shall designate a “disturbance coordinator” who shall be responsible for responding to any local complaints regarding construction noise; the coordinator (who may be an employee of the developer or general contractor) shall determine the cause of the complaint and shall require that reasonable measures warranted to correct the problem be implemented; a telephone number of the noise disturbance coordinator shall be conspicuously posted at the construction site fence and on the notification sent to neighbors adjacent to the site.
- u. **Mitigation Measures HAZMAT-2:** Individual property owners for Lots 1-4 and 9, 10, and 11 shall be responsible for maintaining a fuel break by removing all hazardous flammable materials or growth from the ground around each home for a

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

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

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

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

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

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

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

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

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

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

Conditions of Approval for Certification of Draft and Final EIR

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

Conditions of Approval for Major Subdivision and Lot Line Adjustment

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



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

Conditions of Approval for Grading Permit and Tree Removals

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

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

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

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

000177

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

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

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

000179

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

Other Planning and Building Department Project Conditions

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

B. PLANNING AND BUILDING DEPARTMENT - GEOTECHNICAL SECTION

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

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

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

C. PLANNING AND BUILDING DEPARTMENT - BUILDING INSPECTION SECTION

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

D. PACIFIC GAS AND ELECTRIC COMPANY

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

E. DEPARTMENT OF PUBLIC WORKS

Conditions of Approval for Major Subdivision and Lot Line Adjustment

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

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

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

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

Other Department of Public Works Project Conditions

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

000182

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

F. SAN MATEO COUNTY FIRE DEPARTMENT

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

000183



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

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

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

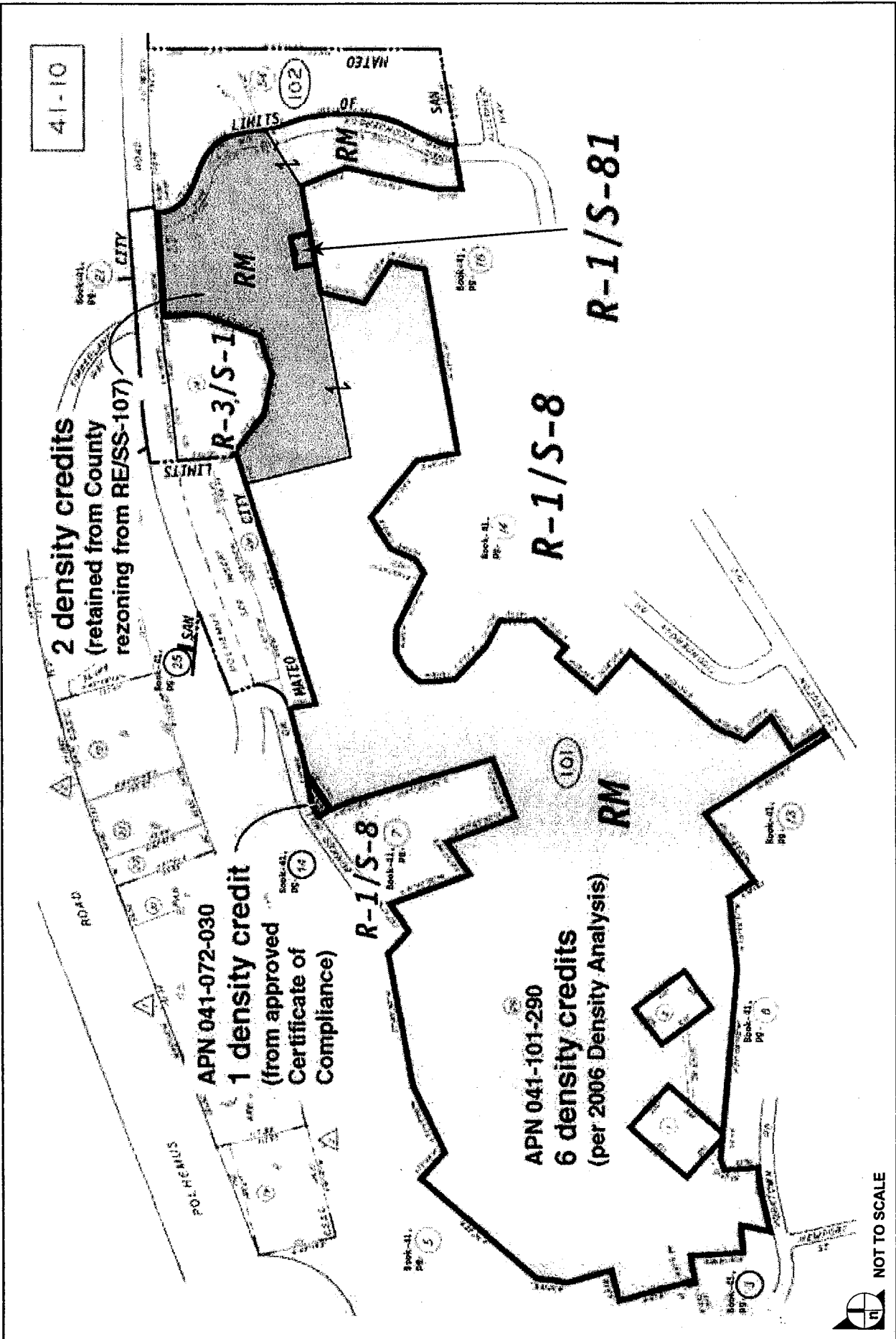
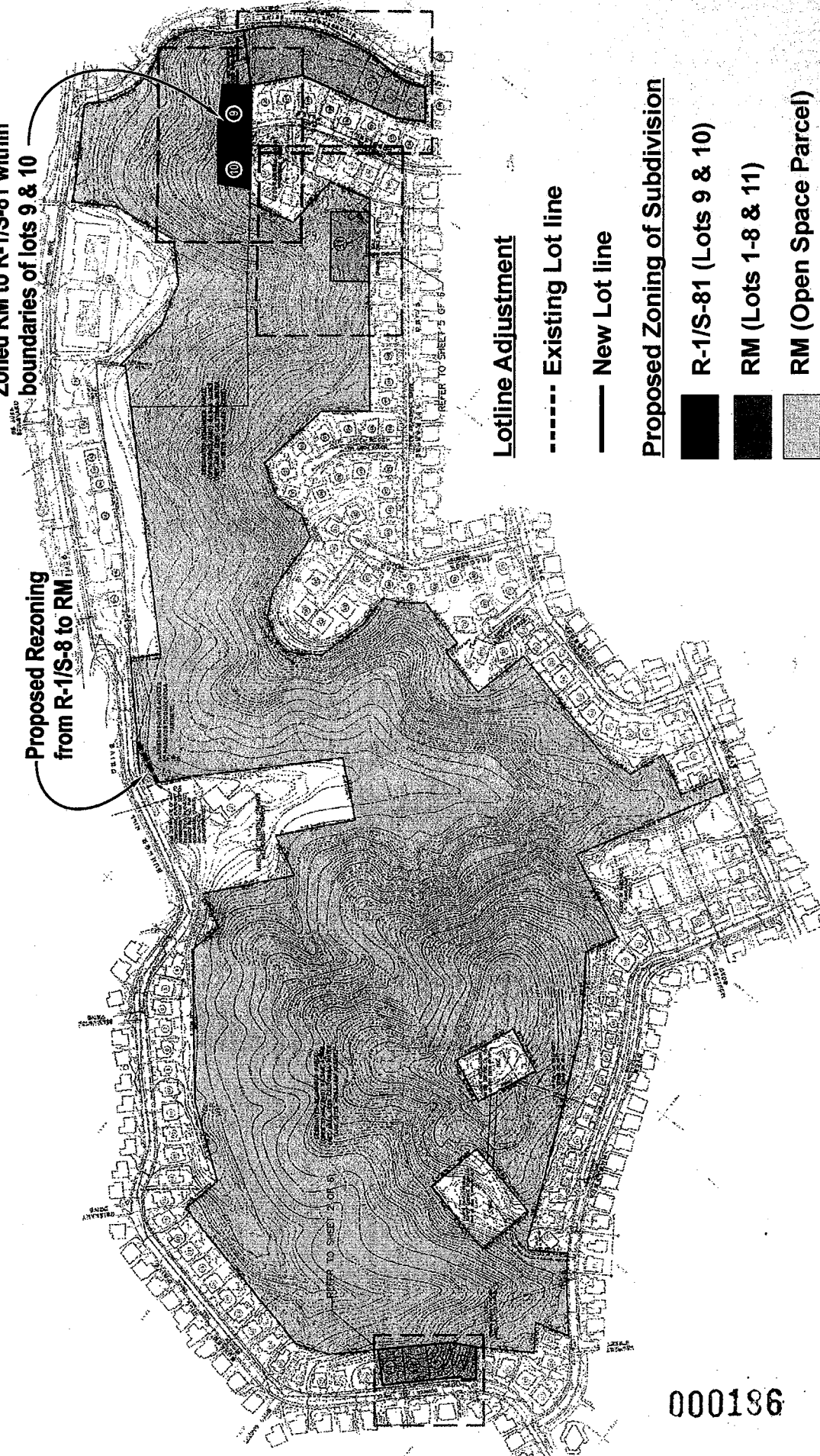


FIGURE 3.0-3

Existing Zoning and Density Credits

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

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



000186

## Proposed Rezoning, Lot Line Adjustment and Subdivision

### San Mateo County Board of Supervisors' Meeting

Applicant: Jack Chamberlain

Attachment: J

File Numbers: PLN 2006-00357





225 SERRA LOMA DRIVE, SUITE 200  
ROCKWOOD CITY, CA 94668  
(925) 828-2500 FAX  
(925) 828-2599



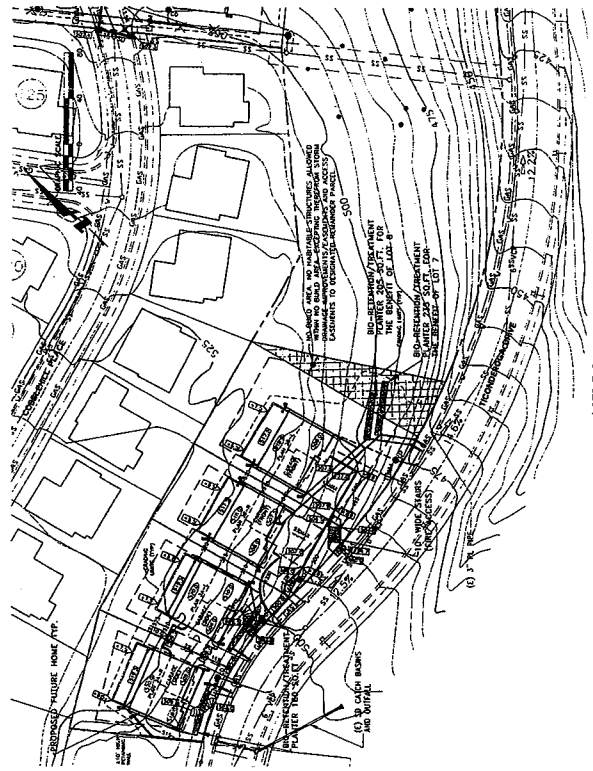
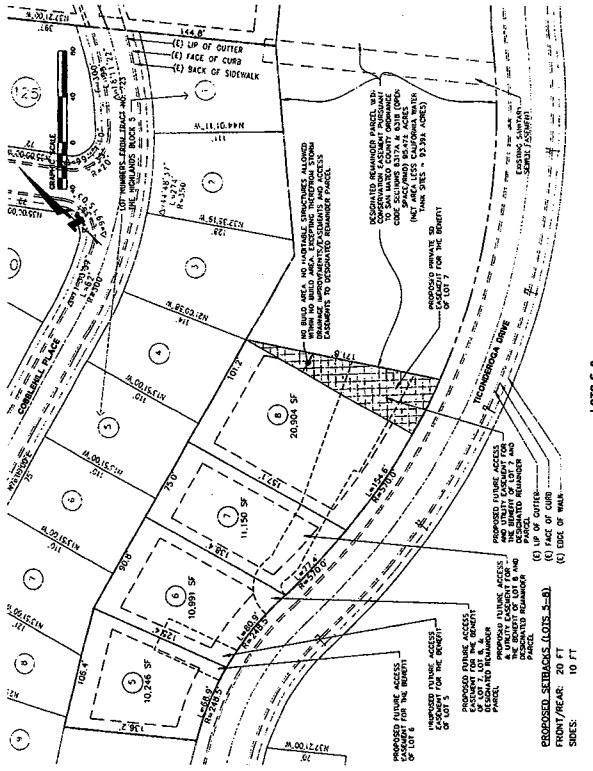
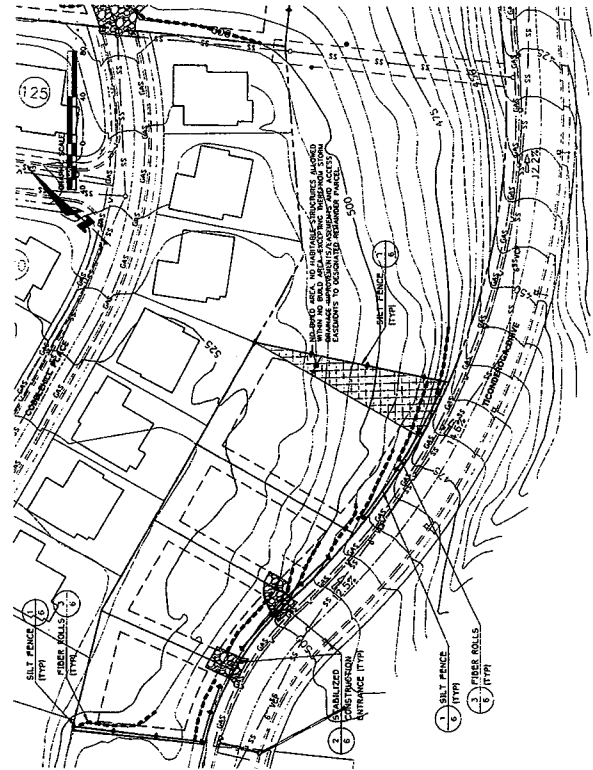
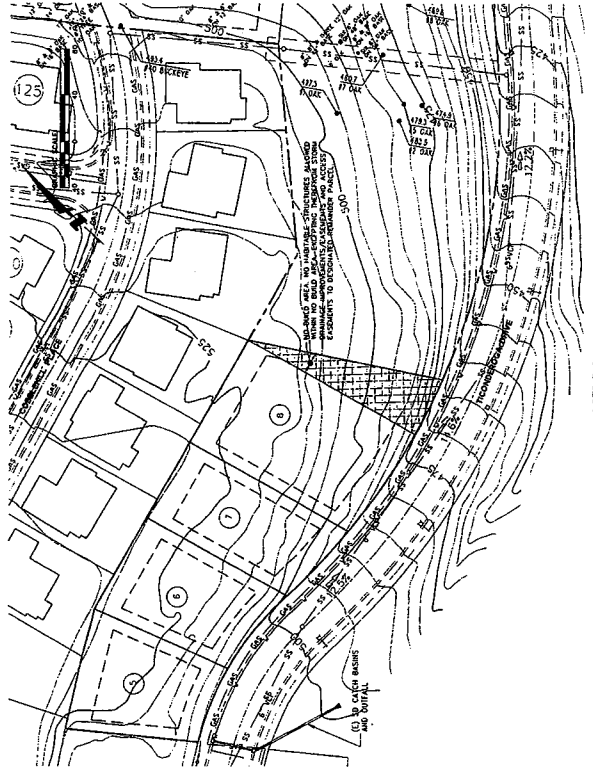
CALIFORNIA

HIGHLAND ESTATES  
VESTING TENTATIVE MAP  
SAN MATEO COUNTY

CITY OF SAN MATEO

DATE	11/11/10
BY	BR
CHECKED	BR
SCALE	AS SHOWN
TITLE	LOT 5-8
PROJECT	LOT 5-8
SHEET	1 OF 1

Attachment M



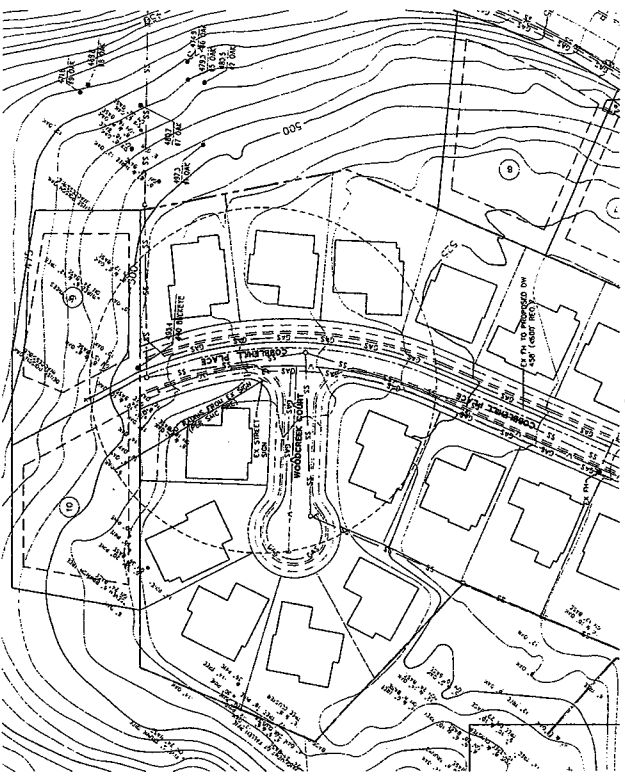
681000

NOTE: SEE SHEET 1 FOR THE SHOWN GRADING.  
IF THE GRADING ON THIS SHEET DIFFERS FROM SHEET 1, SHEET 1 SHALL CONTROL.

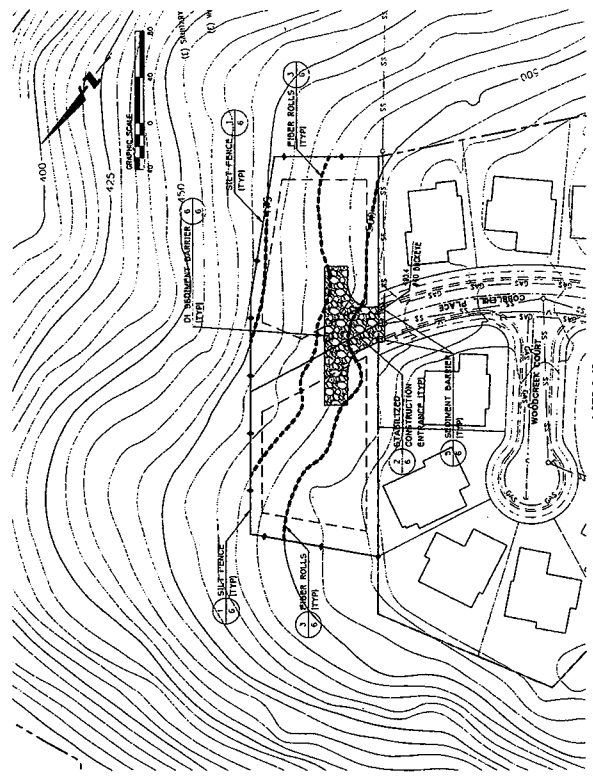
© Urban Remaps

FEBRUARY 2, 2010

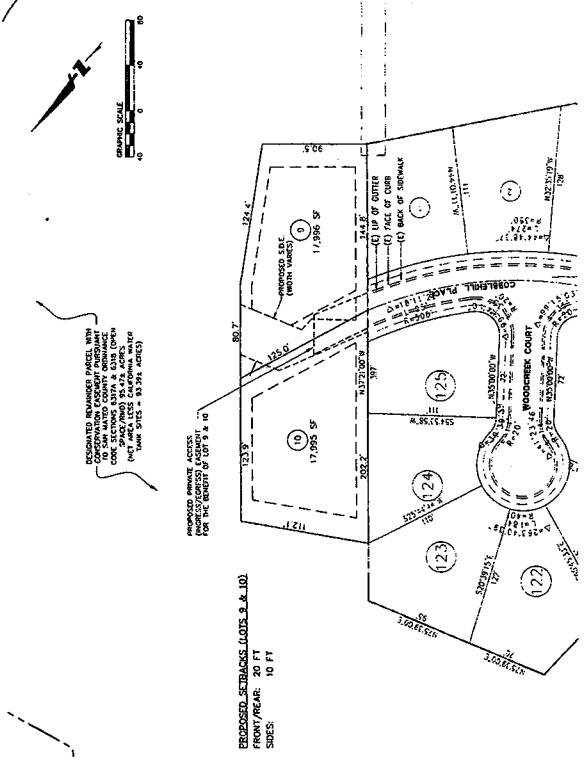
**Attachment N**



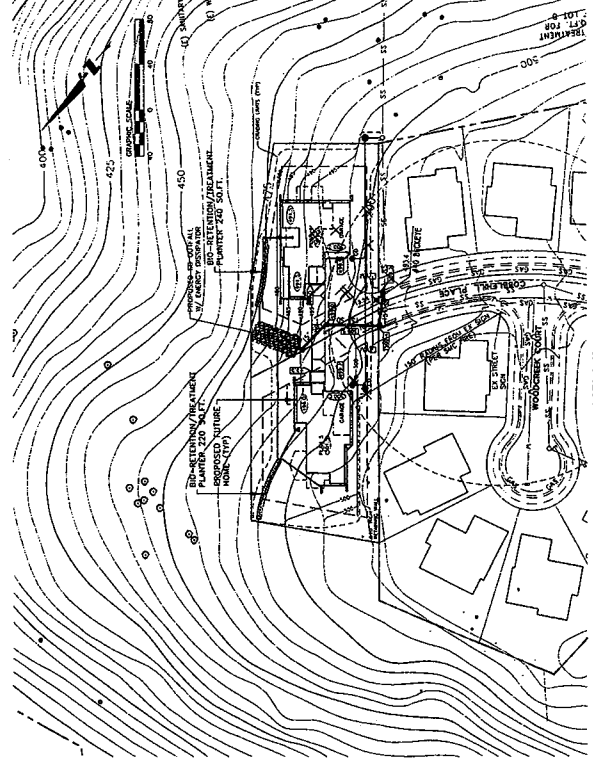
**LOTS 9-10  
 EXISTING TOPOGRAPHY AND UTILITIES**  
 SCALE: 1"=40'



**LOTS 9-10  
 PRELIMINARY GRADING & UTILITY PLAN**  
 SCALE: 1"=40'



**LOTS 9-10  
 PROPOSED STRADDLING PLAN**  
 SCALE: 1"=40'



**LOTS 9-10  
 PRELIMINARY GRADING & UTILITY PLAN**  
 SCALE: 1"=40'

081000

DATE: 02/02/03  
 BY: ...  
 REVISION: ...  
 1"=40' SCALE. SEE SPECIFICATIONS FOR GRADING. ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE NOTED.











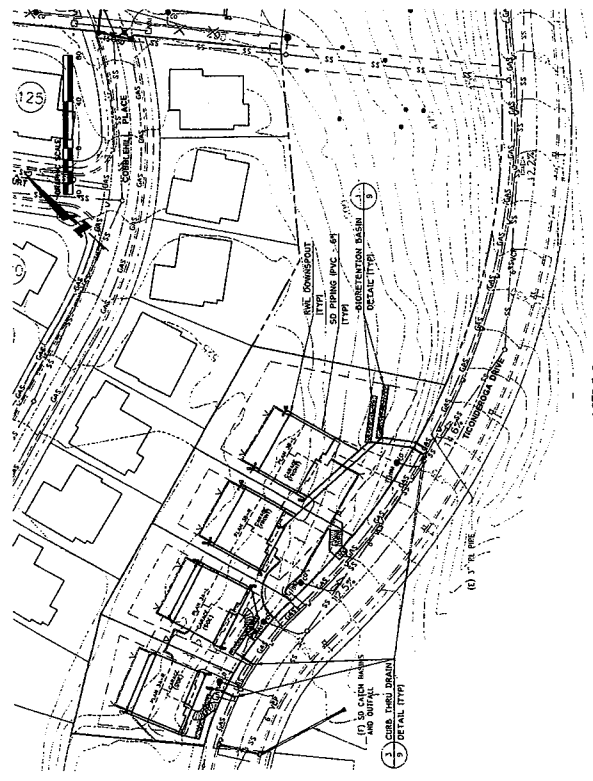
DATE	02/19/10
BY	...
SCALE	AS SHOWN
PROJECT	...
SHEET NO.	8
TOTAL SHEETS	9

CITY OF SAN MATEO  
 SAN MATEO COUNTY  
 WESTING TENTATIVE MAP  
 HIGHLAND ESTATES

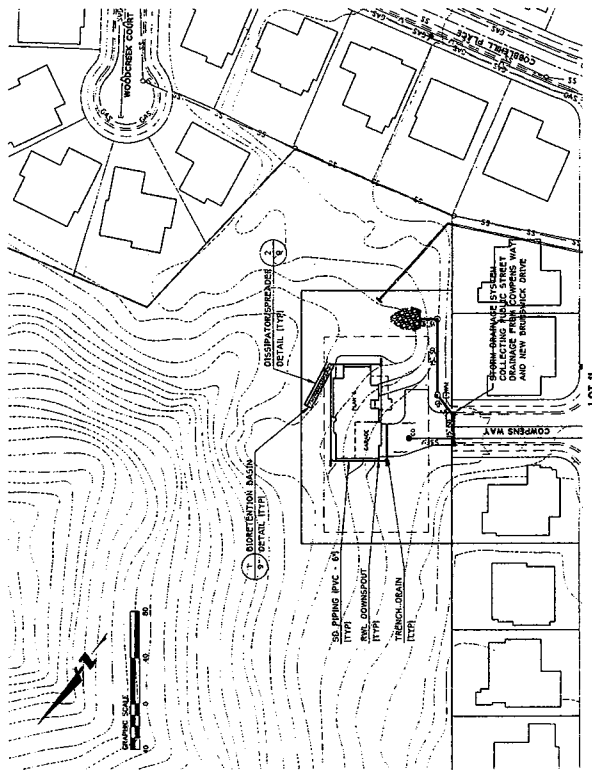
CALIFORNIA  
 ENGINEERS/SURVEYORS/PLANNERS  
**BKF**

225 S. BRIDGE AVE., SUITE 200  
 FOLSOM, CA 95630  
 (916) 437-2000  
 (916) 437-2001 FAX

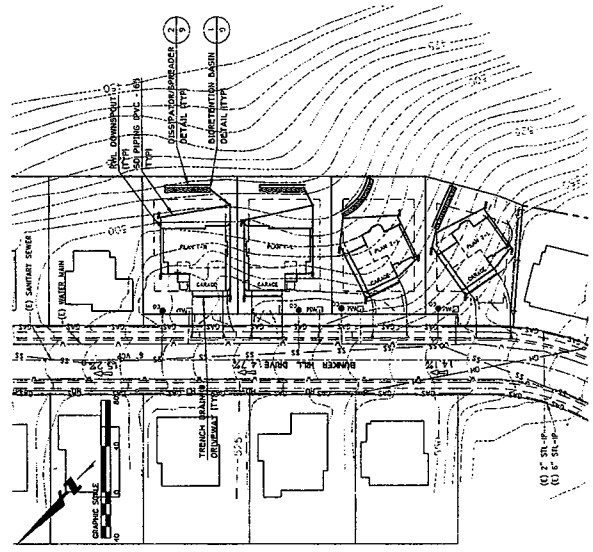
© Brian Kongas 1/2010



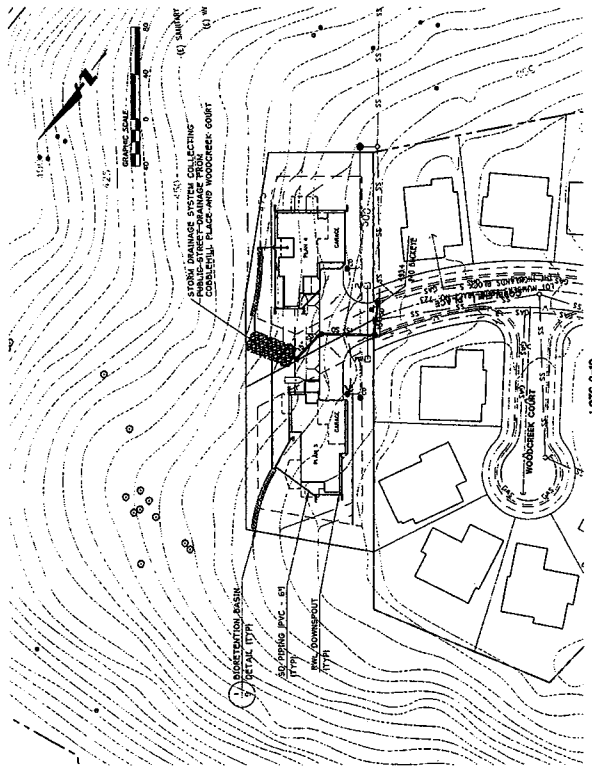
LOTS 1-4 STORM DRAINAGE PLAN SCALE: 1\"/>



LOTS 5-8 STORM DRAINAGE PLAN SCALE: 1\"/>



LOTS 9-10 STORM DRAINAGE PLAN SCALE: 1\"/>



LOT 11 STORM DRAINAGE PLAN SCALE: 1\"/>

NOTES: SEE SHEET Q FOR THE REST OF THE DRAINAGE PLAN.  
 1. THE DRAINAGE PLAN IS THE PROPERTY OF BKF AND SHALL REMAIN THE PROPERTY OF BKF.



## Camille Leung - Fwd: Highland Estates

---

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

---

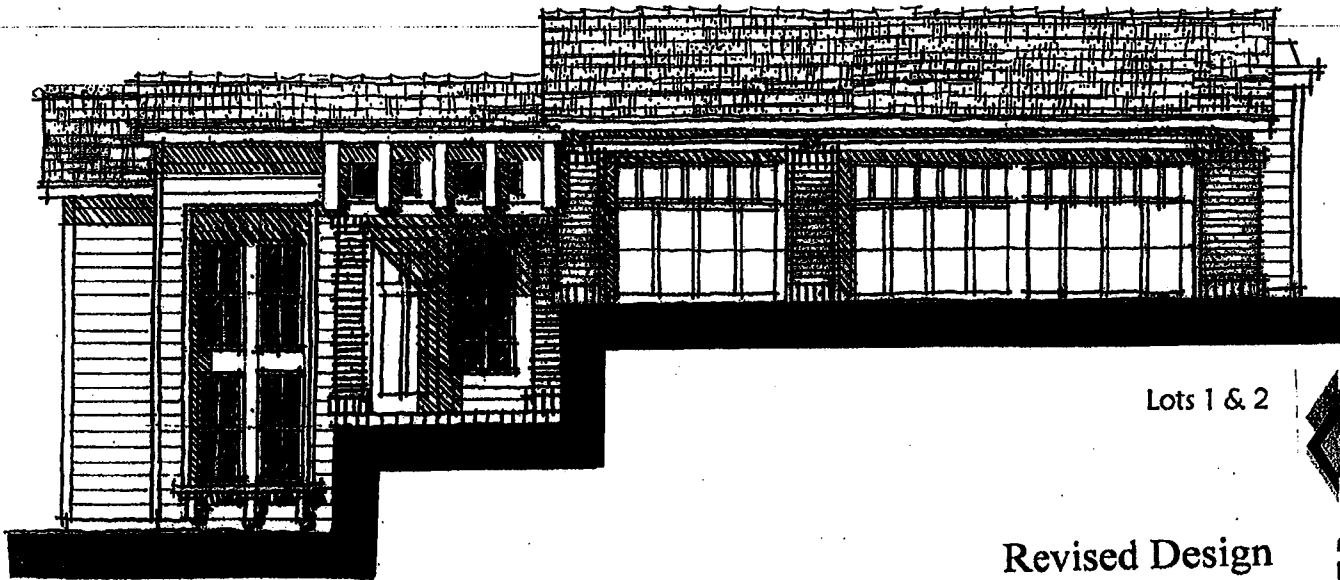
Camille,

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

Jack

**Attachment R**

000196

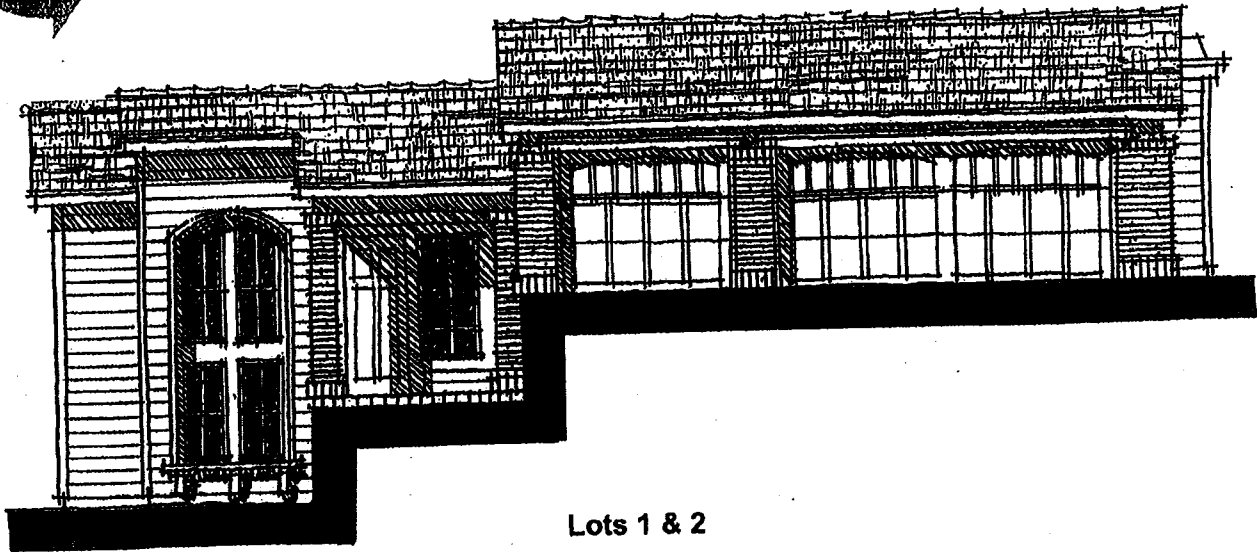


Lots 1 & 2

Revised Design

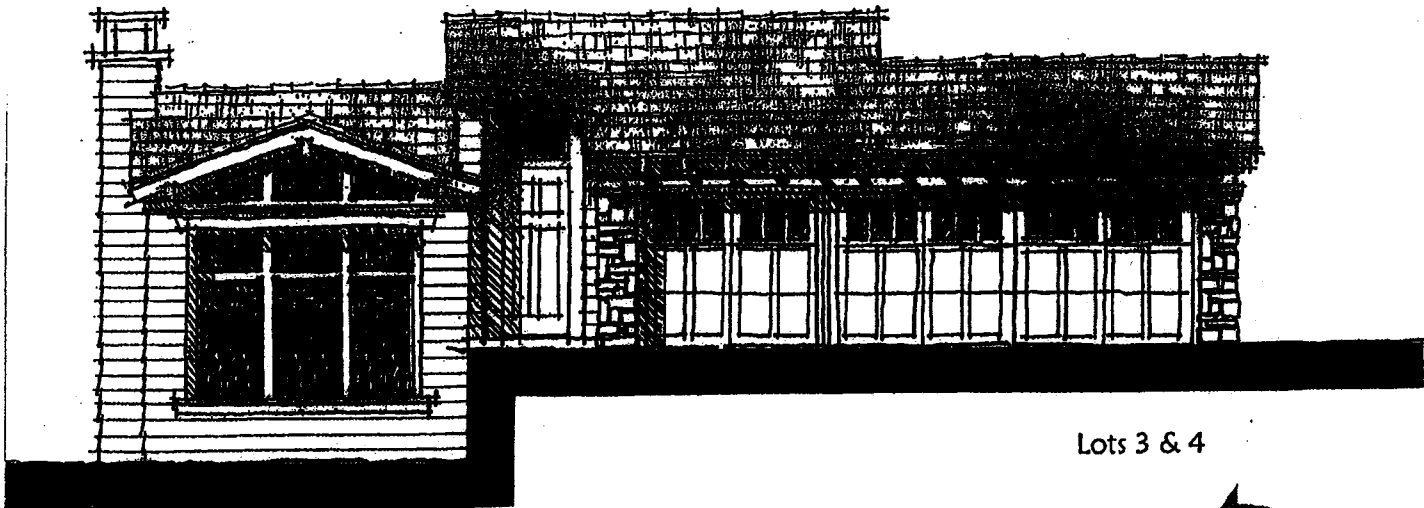


Original Proposal



Lots 1 & 2

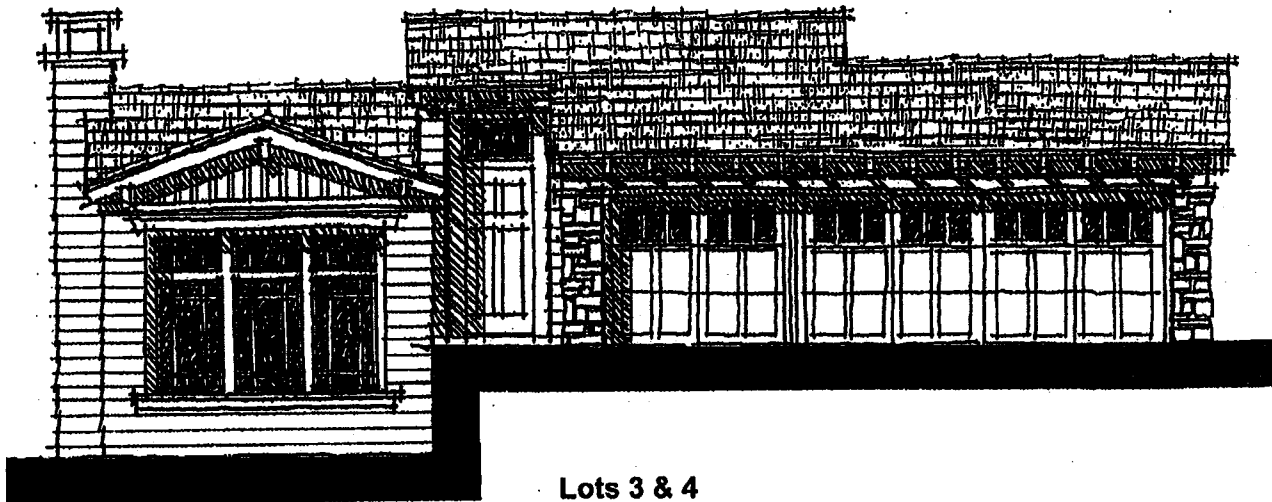
000197



Lots 3 & 4

Original Proposal

Revised Design



Lots 3 & 4

000198

Revised Design



Lots 5, 6, 7, & 8

Original Proposal



Lots 5 & 6



Lots 7 & 8

NOT TO SCALE  
SOURCE: HWY 7-2007

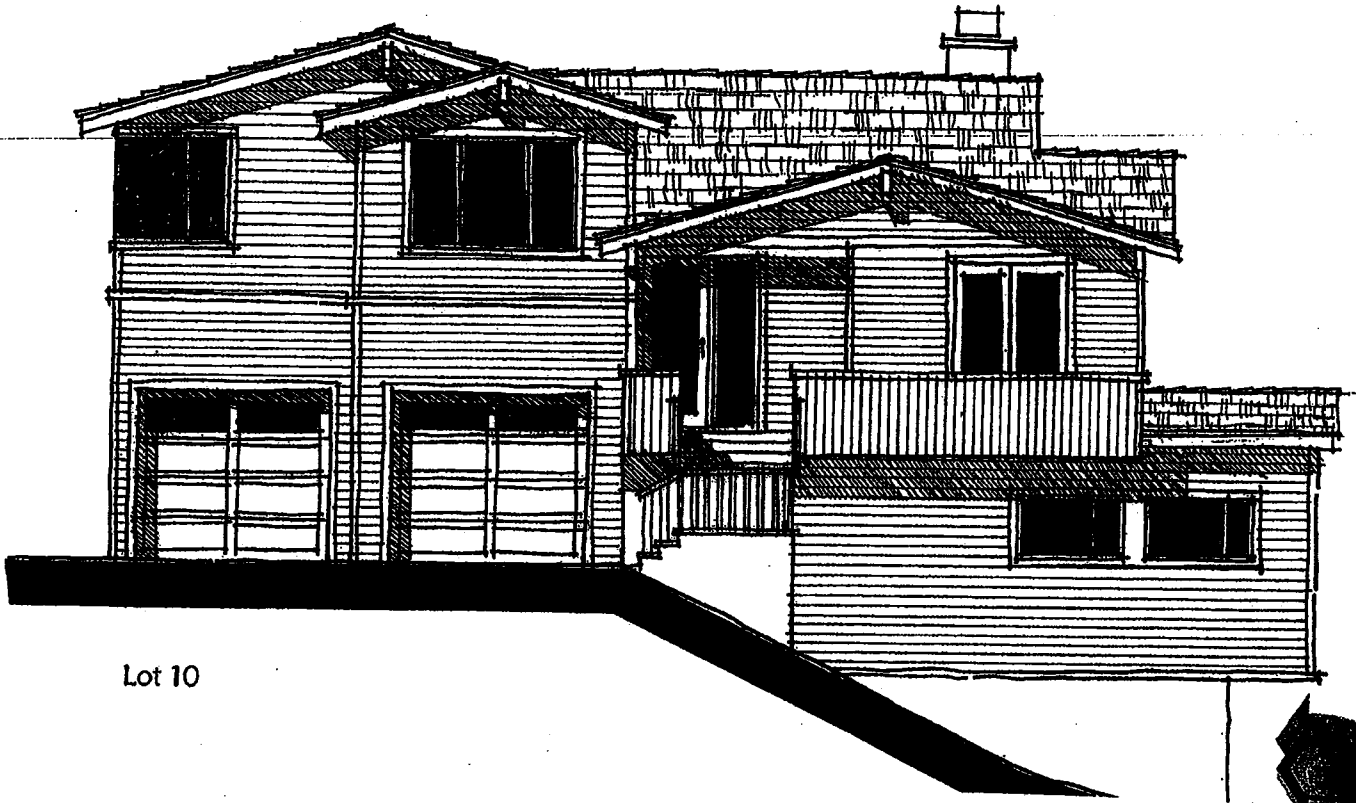
FIGURE 3.0-10

Conceptual Exterior Lots 5-8

002-01-09-00

000199

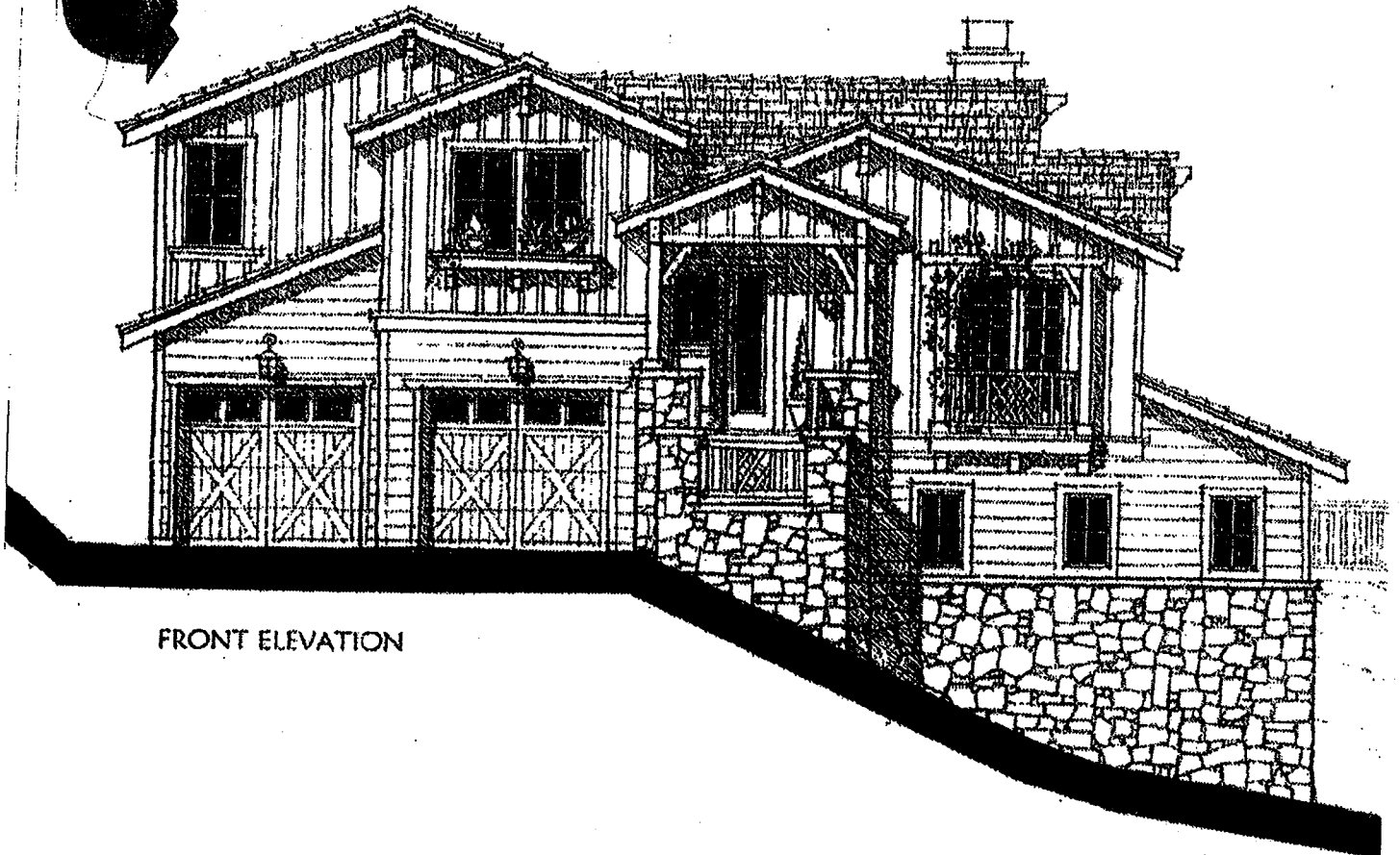




Lot 10

Original Proposal

Revised Design



FRONT ELEVATION

000200

## GRANT OF CONSERVATION EASEMENT

This GRANT DEED OF CONSERVATION EASEMENT is made on

\_\_\_\_\_, by TICONDEROGA PARTNERS LLC having an address at 655 Skyway Road, Ste. 230, San Carlos, CA 94070 (“Grantor”) in favor of the COUNTY OF SAN MATEO having an address at County Government Center, 400 County Center, Redwood City, CA 94063 (“Grantee” or “County”).

### Recitals

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

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

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

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

### **Description of Property**

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

### **Conservation Values**

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

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

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

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

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

### **Intention of Grantor**

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

### **Purpose of Easement**

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

### **Description of Grantee**

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

### **Acceptance by Grantee**

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

### **Grant of Easement**

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

## **Covenants**

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

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

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

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

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

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

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

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

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

000206

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

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

(8) Dividing or subdividing the Subject Property.

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

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

000207



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

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

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

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

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

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

000208

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

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

### **Reservation of Rights**

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

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

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

(3) The right to repair underground utility lines.

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

000209

### **Grantee's Approval**

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

### **Right to Prevent Prohibited Use**

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

## **Enforcement**

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

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

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

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

**Acts Beyond Grantor's Control**

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

**No Authorization for Public Trespass**

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

000212

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

### **Condemnation**

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

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

000213

### **Abandonment**

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

### **Taxes and Assessments**

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

### **Maintenance**

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

### **Liability and Indemnification**

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

000214

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

000215



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

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

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

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

#### **Amendment**

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

000216

condition, restriction, or covenant without the prior written consent of the Grantor and Grantee. During all times that the County of San Mateo remains owner of this easement, any material amendment to this easement that is proposed shall be presented at a duly-noticed public meeting of the San Mateo County Planning Commission for a recommendation of the Planning Commission before the proposed amendment is presented to the San Mateo County Board of Supervisors for action. Notwithstanding the foregoing, in no event shall any amendment to this conservation easement be permitted which violates the California Open Space Lands Act or which contradicts the perpetual nature of this easement.

#### **Binding on Successors and Assigns**

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

#### **Liberal Construction**

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

#### **Severability**

000217

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

#### **Controlling Law**

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

#### **Entire Agreement**

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

#### **Captions**

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

#### **Enforceable Restriction**

000218

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

### **Counterparts**

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

### **Recording**

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

### **Merger**

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

000219

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

Dated: \_\_\_\_\_

\_\_\_\_\_, GRANTOR  
TICONDEROGA PARTNERS LLC  
By: Jack Chamberlain

000220

**ACCEPTANCE OF CONSERVATION EASEMENT**

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

Dated: \_\_\_\_\_

\_\_\_\_\_  
COUNTY OF SAN MATEO

By: \_\_\_\_\_

MPM:sl

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000221

**CALIFORNIA CODES  
GOVERNMENT CODE  
SECTION 65560**

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

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

- (1) Open space for the preservation of natural resources including, but not limited to, areas required for the preservation of plant and animal life, including habitat for fish and wildlife species; areas required for ecologic and other scientific study purposes; rivers, streams, bays and estuaries; and coastal beaches, lakeshores, banks of rivers and streams, and watershed lands.
- (2) Open space used for the managed production of resources, including but not limited to, forest lands, rangeland, agricultural lands and areas of economic importance for the production of food or fiber; areas required for recharge of groundwater basins; bays, estuaries, marshes, rivers and streams which are important for the management of commercial fisheries; and areas containing major mineral deposits, including those in short supply.
- (3) Open space for outdoor recreation, including but not limited to, areas of outstanding scenic, historic and cultural value; areas particularly suited for park and recreation purposes, including access to lakeshores, beaches, and rivers and streams; and areas which serve as links between major recreation and open-space reservations, including utility easements, banks of rivers and streams, trails, and scenic highway corridors.
- (4) Open space for public health and safety, including, but not limited to, areas which require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, flood plains, watersheds, areas presenting high fire risks, areas required for the protection of water quality and water reservoirs and areas required for the protection and enhancement of air quality.
- (5) Open space in support of the mission of military installations that comprises areas adjacent to military installations, military training routes, and underlying restricted airspace that can provide additional buffer zones to military activities and complement the resource values of the military lands.
- (6) Open space for the protection of places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code.

000222

dated = 12/23/09

County of San Mateo  
Environmental Services Agency  
Planning and Building Division

**In-Lieu Park Fee Worksheet**

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

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

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

Value of Land =  $\frac{[041-101-290] = \$271,341}{[041-072-030] = \$699}$  } Total = \$272,040

- Determine the size of the subject parcel in acres.

Acres of Land =  $\frac{[041-101-290] = 96.92 \text{ acres}}{[041-072-030] = 0.05 \text{ acres}}$  } Total = 96.97 acres

- Determine the value of the property per acre.

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

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

- Solve for X by cross multiplying.

<b>Formula:</b>	
Value of Land =	$\frac{\text{Value of the Subject Parcel (From Item 1)}}{\text{Size of the Subject Parcel in Acres (From Item 2)}}$ =
<b>Fill Out:</b>	
Value of Land =	$\frac{\$272,040}{96.97 \text{ acres}} = \$2,809.40$



4. Determine the number of persons per subdivision.

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

5. Determine the parkland demand due to the subdivision.

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

6. Determine the parkland in-lieu fee.

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

ORDINANCE NO. \_\_\_\_\_

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

\* \* \* \* \*

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

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

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

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

ORDINANCE NO. \_\_\_\_\_

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

\* \* \* \* \*

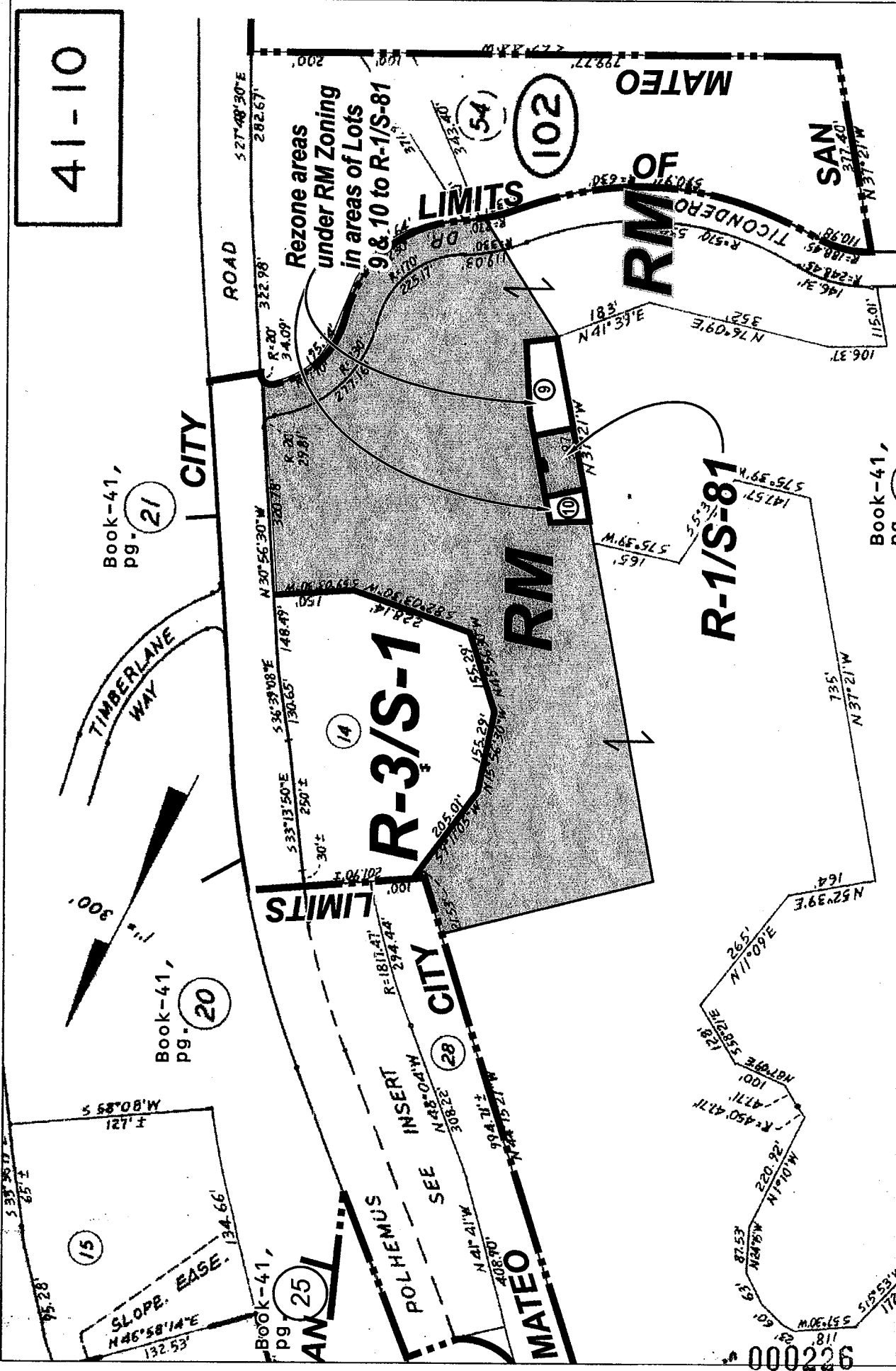
**AN ORDINANCE AMENDING THE SAN MATEO COUNTY ORDINANCE CODE (ZONING MAPS) TO REZONE A PORTION OF A PARCEL IN THE SAN MATEO HIGHLANDS AREA FROM "RM" TO "R-1/S-81"**

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

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

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

41-10



San Mateo County Board of Supervisors' Meeting

Applicant: Jack Chamberlain

Exhibit: A

File Numbers: PLN 2006-00357

Ordinance No.

APN: 041-101-290

ORDINANCE NO. \_\_\_\_\_

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

\* \* \* \* \*

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

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

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

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



ORDINANCE NO. \_\_\_\_\_

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

\* \* \* \* \*

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

---

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

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

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

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

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

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



- (3) Accessory buildings and structures will comply with Sections 6410 and 6411 (Detached Accessory Buildings) of this Ordinance Code, except that structures will maintain the minimum 20-foot rear setback and a minimum side setback of 10 feet.
  
- g. The project will minimize grading.
  
- h. The reduction of required setbacks does not adversely impact community character, public health, safety or welfare.

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

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

Front: 50 feet


Side: 20 feet

Rear: 20 feet

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

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

000231

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

3p

**CERTIFICATE OF COMPLIANCE**

Pursuant to Government Code Section 66499.35(a)

Planning Division File No. PLN 2005-00350

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

Property Description

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

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

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

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

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

Parcel 041-072-030 Unincorporated.

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

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



\_\_\_\_\_  
Lisa Grote, Community Development Director  
County of San Mateo

10/13/05

\_\_\_\_\_  
Date

LCG:PSB/kcd - PSBP1163\_WKN.DOC

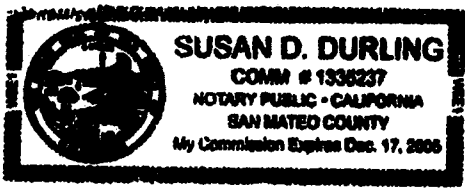
# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California  
County of San Mateo } ss.

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

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

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



WITNESS my hand and official seal.

Susan D. Durling  
Signature of Notary Public

Place Notary Seal Above

## OPTIONAL

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

### Description of Attached Document

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

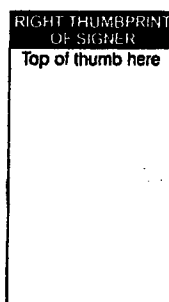
Signer(s) Other Than Named Above: \_\_\_\_\_

### Capacity(ies) Claimed by Signer

Signer's Name: \_\_\_\_\_

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

Signer Is Representing: \_\_\_\_\_



000234

**HIGHLAND ESTATES**

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

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

**NOTES**

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

**Attachment Z**