

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

DATE: September 22, 2021

TO: Planning Commission

FROM: Planning Staff

SUBJECT: EXECUTIVE SUMMARY: Public hearing to consider an appeal of the Community Development Director's decision to approve a Grading Permit, pursuant to Section 9283 of the County Grading Regulations, to allow 731 cubic yards of grading and the removal of nine significant trees for landscape improvements and septic system expansion associated with an existing single-family residence located at 250 Bonita Road in the unincorporated Los Trancos Woods area of San Mateo County.

County File Number: PLN 2020-00130 (Dutta)

PROPOSAL

The appealed Grading Permit allows 731 cubic yards (cy) of grading, including 544 cy of cut and 187 cy of fill to improve the existing septic system leachfield, construct a flat lawn area using retaining walls, and create paths and stairways. Five retaining walls are proposed, with four of the five designed as pier-supported poured concrete walls. Nine significant trees are proposed for removal. The project has been reviewed by the County's Department of Public Works, Building Department, Geotechnical Section, Drainage Section, WELO Consultant, County Arborist, and Environmental Health Services; Cal Water; and Woodside Fire Protection District.

RECOMMENDATION

That the Planning Commission deny the appeal and uphold the Community Development Director's decision to approve the requested Grading Permit to allow the landscape improvements and septic system expansion on the subject parcel, by making the findings identified in Attachment A.

SUMMARY

Appeal

In a letter dated June 23, 2021, the Community Development Director approved a Grading Permit for the project, subject to the findings and conditions included in Attachment C.

On July 8, 2021, Bob Zimmerman (owner of 265 Old Spanish Trail, located uphill of the subject property) submitted an *Application for Appeal to the Planning Commission* to appeal the decision of the Community Development Director to approve the requested permit. The main concern raised in the appeal is the destabilization of the hillside and subsequent landslides.

Conformance with the General Plan and R-1/S-108 District Regulations

The subject parcel is located in the R-1/S-108 Zoning District. The application has been reviewed for conformity with General Plan policies regarding natural resources, minimizing soil erosion and sedimentation, regulations of grading activities, visual quality and utilities. As conditioned the project will minimize soil erosion and sedimentation and will avoid tree removal where possible.

Conformance with the Grading Ordinance

The proposal involves constructing a flat lawn area on the hillside southeast of the existing single-family dwelling using retaining walls, leachfield improvements, and the creation of paths and stairways. The slope of the existing hillside ranges from gentle to moderately steep. The proposed project involves 731 cy of grading, including approximately 187 cy of fill and 544 cy of cut. Planning and County Geotechnical Consultants have reviewed the proposal and submitted documents and determined that the project conforms to the criteria for review contained in the Grading Ordinance.

Environmental Evaluation

An Initial Study and a Mitigated Negative Declaration were prepared and issued with a public review period from April 26, 2021 to May 18, 2021. During the 20-day public review period, two sets of comments were received from the appellant. These comments were responded to by Staff and the applicant's geotechnical engineer.

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The appealed Grading Permit allows 731 cubic yards (cy) of grading, including 544 cy of cut and 187 cy of fill to improve the existing septic system leachfield, construct a flat lawn area using retaining walls, and create paths and stairways. Five retaining walls are proposed, with four of the five designed as pier-supported poured concrete walls. Nine significant trees are proposed for removal. The project has been reviewed by the County's Department of Public Works, Building Department, Geotechnical Section, Drainage Section, County Arborist, and Environmental Health Services; Cal Water; and Woodside Fire Protection District.

RECOMMENDATION

That the Planning Commission deny the appeal and uphold the Community Development Director's decision to approve the requested Grading Permit to allow the landscape improvements and septic system expansion on the subject parcel, by making the findings identified in Attachment A.

BACKGROUND

Report Prepared By: Kelsey Lang, Project Planner, klang@smcgov.org

Appellant: Bob Zimmerman

Applicant/Owner: Sanjeet Dutta

Location: 250 Bonita Road, Portola Valley

APN: 080-060-570

Size: 30,492 sq. ft.

Existing Zoning: R-1/S-108 (One Family Residential District/Residential Density District 108 (Los Trancos Wood))

General Plan Designation: Low Density Residential

Existing Land Use: Low-density residential use, developed with a Single-Family Dwelling

Water Supply: Cal Water has reviewed and provided conditional preliminary approval of the application.

Sewage Disposal: Existing septic system. Leachfield improvements include replacing the existing primary lines and adding new expansion areas. These improvements will be built uphill of the areas of the proposed retaining walls. The newly configured primary and expansion fields will use pressure-dosed dispersal methods. This application has been reviewed and provided conditional preliminary approval by Environmental Health Services.

Environmental Evaluation: An Initial Study and Mitigated Negative Declaration (MND) were prepared for this project and circulated from April 26, 2021 to May 18, 2021. Two comments from the appellant were received in response to the California Environmental Quality Act (CEQA) document. Further discussion is provided in Section C of this report.

Setting: Low density residential neighborhood with significant forest cover. Parcels are generally sloped with grades ranging from gentle to steep. The subject parcel is immediately downhill from the appellant's parcel.

Chronology:

<u>Date</u>	<u>Action</u>
April 23, 2020	- Application submitted
April 24, 2020 – February 4, 2021	- Agency review and resubmissions to address tree, grading and septic questions.
March 2, 2021	- Application Deemed Complete.
March 3, 2021-	- Staff Level Grading Permit Public noticing period.

- April 26, 2021 – - MND release date and start of 20-day public comment period. Received comments from Appellant as described in Section C.
- June 23, 2021 - Decision letter issued.
- July 8, 2021 - Appeal filed.

DISCUSSION

A. SUMMARY OF APPEAL

In a letter dated June 23, 2021, the Community Development Director approved a Grading Permit for the project, subject to the findings and conditions included in Attachment C to this report.

On July 8, 2021, Bob Zimmerman (owner of 265 Old Spanish Trail, located upslope of the subject property) submitted an *Application for Appeal to the Planning Commission* to appeal the decision of the Community Development Director to approve the requested permit. The basis of the appeal is summarized through excerpts from the appeal documents below with Staff’s response. The appeal documents are included as Attachment D.

1. Appellant: *This work will destabilize the hillside above it and compromise my property and future usage and other adjacent up-hill properties to the south.*

Staff Response: This project includes changing the contours of the hillside by shifting the bulk of the hillside to lower elevations and creating terraces with pier-supported retaining walls. Per the submitted geotechnical report (*Supplemental Evaluation Proposed Site Retaining Walls and Landscaping Improvements Dutta Property*, by C2Earth, Inc., dated June 26, 2020), removing material from the upper area of the slope and placing it on the lower area of the slope, with the addition of retaining walls, will yield a slightly increased level of slope stability, and therefore would not destabilize the hillside slope. Four of the five proposed retaining walls will be supported with piers that are embedded a minimum of 8 feet into the underlying Santa Clara formation materials. The geotechnical report and supplemental letters (dated 11/7/2017, 3/12/2020, 6/26/2020, and 5/26/2021) have been reviewed and conditionally approved by the County’s Geotechnical Consultant, Cotton, Shires and Associates. This report also notes that it is possible that the property is on the site of a former landslide deposit; if so, the landslide deposit would be a coherent conglomerate block. Per the Project Geotechnical Consultant, the stability of this coherent block would not be impacted by the construction of the proposed retaining walls.

2. Appellant: *The analysis and proposed mitigations have not considered the upward shift in rainfall intensity, duration, and frequency (IDF) curves that are accompanying climate change and will become more problematic. I do not want to be sued or held liable when the inevitable drainage (inundation) or landslide issues manifest.*

Staff Response: Currently, the County's drainage review is based on the draft San Mateo County Drainage Manual, which considers the effects of climate change. Per the Building Inspection Section's Drainage Section, relevant changes made to reflect climate change concerns include: replacing of a static rainfall intensity map with online, updated NOAA rainfall intensity data; increasing on-site stormwater retention requirements (from a ten-minute design storm to a one-hour design storm); and accommodating shifts in storm frequency. However, this project does not create and/or replace a significant enough amount of impervious surface (greater than 750 sq. ft.) to trigger stormwater mitigation measures, as outlined in the draft Drainage Manual.

Historically, stormwater that flowed onto and across the property at 250 Bonita Road would have fallen on a relatively steep slope and only a portion of it would have infiltrated into the ground, with the rest flowing off the property. With the addition of the terraces and retaining walls, stormwater will flow more slowly across the property as there are fewer areas with these steep slopes. This does create the potential for an increase in stormwater infiltration into the ground, however, for this reason the lower retaining walls are designed with subdrain systems and overflow area drains by the project's engineers to alleviate potential hydrostatic pressure exerted by the infiltrated water on the retaining walls. These drains are then routed to an energy dissipator at the base of the hill, distributing the water across a 15.5-foot-wide rock area in order to offset the potential for stormwater accumulation and to reduce the velocity of the stormwater as it exits the drainage system.

The combination of these measures are anticipated to slow the flows of stormwater runoff from the property overall, regardless of the amount of rainfall falling on the property. Slowing stormwater runoff helps prevent the accumulation of high stormwater volumes downstream, which is what often contributes to localized flooding, and reduces the risk of erosion and landslides. Therefore, this project is not anticipated to exacerbate any potential downstream flooding or landslide issues.

3. Appellant: *Dismissing the drainage path as only wet during rain events, and that it is by definition not biological habitat, ignores the reality - recognized throughout the South West, of flash floods during intense rain events.*

Staff Response: The drainage path identified by the Appellant is located on the north-eastern corner of the property which is developed with the house and driveway. The drainage path, while identified in the Los Trancos County Water District map, is not considered a stream under the U.S. Fish and Wildlife Service Wetland Mapper, USGS National Hydrography Dataset, or County maps. In addition, the Los Trancos County Water District map identifies streams and creeks separately from drainage paths, and does not delineate this drainage path as either of these more robust and clearly delineated overland drainage types. When the house was originally permitted in 2005, there was no indication of a formal drainage path (e.g., swale or drainage ditch) in this area on the “Prop. Grading/Erosion/Drainage Plan” prepared for the project. Current topographic survey (Westfall Engineers, dated 9/19) also does not imply a formal drainage path in this area.

Work in the vicinity of the drainage path includes the addition of a decomposed gravel pathway with short stretches of timber steps, and minor changes to existing contours on-property. After review by the County Drainage Section, these changes are not anticipated to result in significant changes to the informal overland drainage patterns in this area. Per the above, this area has not been identified as a stream. As discussed in Section A.2 the proposed sitework is expected to slow stormwater flows on this property and reduce the likelihood of future flooding. Condition 25 requires a final grading and drainage plan stamped and signed by a registered Civil Engineer at the time of building permit submittal.

4. Appellant: *In 1975 I was told that 250 Bonita was considered unbuildable by both the realtor and an engineering consultant.*

Staff Response: The existing single-family dwelling was constructed in 2005/2006 with review and approval by County Building and Planning Department.

5. Appellant: *There is no surface movement potential map to guide land use decisions – at least 3 properties in the neighborhood have experienced substantial surface movement and damage.*

Staff Response: The Project Geotechnical Consultant reviewed elevation models and aerial photographs of the site vicinity, completed preliminary mapping of postulated landslide features, and also reviewed technical documents regarding construction of the main residence and existing improvements. The Project Geotechnical Consultant has also completed a comparative slope stability analysis to evaluate the potential impact that the proposed site improvements would have on local slope instability. This analysis concludes that the proposed site improvements (grading, retaining walls, and drainage improvements, etc.) will increase slope stability.

B. KEY ISSUES

1. General Plan

Natural Resources

Policy 1.24 (*Regulate Location, Density and Design of Development to Protect Vegetative, Water, Fish and Wildlife Resources*) regulates the location, density and design of development to minimize significant adverse impacts and encourage enhancement of vegetative, water, fish and wildlife resources. Policy 1.25 (*Protect Vegetative Resources*) ensures that development will: (1) minimize the removal of vegetative resources and/or; (2) protect vegetation which enhances microclimate, stabilizes slopes or reduces surface water runoff, erosion or sedimentation; and/or (3) protect historic and scenic trees.

The proposed sitework is located on a lot that has been developed with a single-family residential use. There are no sensitive habitats, water, fish or wildlife resources in the proposed improvement area.

Nine significant trees are proposed for removal: two Madrones (DBH of 17.3" and 18.2"/10.6"/14.0"/12.4"/5" multi-stem), five California Bays (two 14.5", 18", 21.1" and 24") and two Black Oaks (15.9" (dead) and 16.9"). The County Arborist has reviewed the proposal and confirmed that six of the nine trees are in poor condition or lean precariously towards the house, while the remaining three small Bay trees are in fair health but are located in the area of the proposed site work. Removal of these three trees is the minimum number feasible to facilitate the development. The County Arborist has recommended requiring all of the significant trees to be replaced at a 1:1 ratio with native species in 15-gallon size. The submitted landscape plans include planting 15 trees.

Soil Resources

Policy 2.17 (*Regulate Development to Minimize Soil Erosion and Sedimentation*) regulates development to minimize soil erosion and sedimentation; including, but not limited to, measures which consider the effects of slope, minimize removal of vegetative cover, ensure stabilization of disturbed areas and protect and enhance natural plant communities and nesting and feeding areas of fish and wildlife. Policy 2.23 (*Regulate Excavation, Grading, Filling, and Land Clearing Activities Against Accelerated Soil Erosion*) regulates excavation, grading, filling, and land clearing activities to protect against accelerated soil erosion and sedimentation.

The grading proposed for this project is the minimum necessary to facilitate the site improvements. The grading work is to establish a flat lawn area with retaining walls, septic system leachfield improvements, and stairways and paths. The applicant has submitted four geotechnical documents and an erosion control plan. A dust control plan is required as a condition of approval. Together these documents and plans will protect against soil erosion and provide for stabilization of the disturbed areas. These items have been reviewed and conditionally approved by the County Geotechnical Consultant, County Drainage Section, and Department of Public Works.

Visual Resources

Policy 4.30.a (*Landscaping and Screening*) encourages a smooth transition between development and adjacent forested or open space areas through the use of landscaping.

The proposed sitework include plantings that transition from ground cover and low-lying plants close to the existing house, to larger shrubs and trees on the edges of the landscaped area before transitioning into existing forested areas. The proposed landscaping has been reviewed for WELO compliance and is in compliance.

Utilities

Policy 11.10 (*Wastewater Management in Rural Areas*) considers individual sewage systems as the appropriate method of wastewater management in rural areas.

The existing septic system on the property is proposed to be improved by replacing and expanding the existing leachfield. This proposal has been reviewed and conditionally approved by Environmental Health Services.

2. Zoning Regulations

This project is in the R-1/S-108 zone. No structures are proposed, and the project conforms to the S-108 development standards listed in Section 6300 of the San Mateo County Zoning Regulations.

3. Grading Regulations

The proposal involves constructing a flat lawn area on the hillside southeast of the existing single-family dwelling using retaining walls, leachfield improvements, and the creation of paths and stairways. The slope of the existing hillside ranges from gentle to moderately steep. The proposed project involves 731 cy of grading, including approximately 187 cy of fill and 544 cy of cut. The proposed grading has been reviewed by the County

Geotechnical Consultant and Drainage Section, who provided review and conditional approval.

Leachfield improvements include replacing the existing primary lines and adding new expansion areas. These improvements will be built uphill of the areas of the proposed retaining walls. The newly configured primary and expansion fields will use pressure-dosed dispersal methods.

Five retaining walls are proposed to create a flat lawn area. The majority of the leachfield replacement and expansion is proposed uphill of the first retaining wall. The proposed lawn area would be created between the fourth and fifth retaining wall, with the fourth retaining wall on the uphill side of the lawn and fifth retaining wall on the downhill side.

The location of the leachfield requires that the retaining walls immediately downslope of the leachfield area, including the first three retaining walls and a portion of the fourth retaining wall, be designed as pier-supported, undrained, poured concrete walls. These supportive piers would be drilled with a minimum diameter of 16 inches and embedded a minimum of 8 feet into the underlying Santa Clara formation materials. The remaining portion of the fourth retaining wall and all of the fifth retaining wall are designed as segmented keystone blocks.

The proposal also includes a paver-covered path from the dwelling to the lawn area, an unpaved landscaping path from the driveway to the area behind the dwelling, and new pier-supported wooden stairs from the driveway to the dwelling's front entry.

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

The proposed project involves approximately 187 cubic yards of fill and 544 cubic yards of cut in order to establish landscape terraces, retaining walls, stairways and paths. The lot is currently developed with a single-family house, and the proposed grading would increase the overall slope stability of the parcel. The continuation of the residential use and additional landscaping is consistent with the intent and development density established for this community. The site does not contain sensitive habitat. The proposed landscaping has been determined to comply with WELO regulations by the County's WELO consultants.

- b. **That the project conforms to the criteria of Chapter 5, Division VII, San Mateo County Ordinance Code, including the standards referenced in Section 9296.**

County staff, including Planning staff, Department of Public Works staff, Geotechnical Section staff, Drainage Section staff, Building Inspection Section staff, County Arborist, and Environmental Health Services staff, have reviewed the project and found it to conform with applicable codes. Staff has determined its conformance to the criteria of Chapter 5, Division VII, San Mateo County Ordinance Code, including the standards referenced in Section 9296 and the San Mateo County General Plan, including timing of grading activity, implementation of erosion and sediment control measures, and dust control measures.

- c. **That the project is consistent with the General Plan.**

The subject site has a General Plan land use designation of Low Density Residential. The existing development consists of a single-family residence. The proposed grading and landscaping of the backyard is consistent with the allowed density and use of the designation. The project also conforms with the land use policies of the General Plan as the proposed development conforms to the zoning regulations for the parcel which aids in the orderly and harmonious development of the parcel in relation to the neighboring development. Policy 4.25 (*Earthwork Operations*) calls for development to keep grading or earth-moving operations to a minimum, and, where grading is necessary, to make graded areas blend with adjacent landforms through the use of contour grading rather than harsh cutting or terracing of the site. The project proposes to terrace portions of the property near the house for increased slope stability, and the topography of the rear half of the property would remain unchanged. Therefore, the project as proposed and conditioned is consistent with the San Mateo County General Plan.

- d. **That the project is consistent with the provisions of the Significant Tree Removal Ordinance, the provisions of which must be considered and applied as part of the grading permit approval process (Significant Tree Removal Ordinance Section 12.020.1(e)).**

Nine significant trees have been proposed for removal due to their unhealthy condition or in order to complete the proposed grading. This application has been reviewed by the County Arborist and conditioned to provide a tree protection plan and tree replacements at

a 1:1 ratio, through Condition of Approval 5 and 6. The submitted landscape plans include planting 15 trees.

C. ENVIRONMENTAL REVIEW

An Initial Study and a Mitigated Negative Declaration were prepared and issued with a public review period from April 26, 2021 to May 18, 2021. During the 20-day public review period, two sets of comments were received from the appellant, included in Attachment D. Comments and Staff responses are summarized below:

1. *Concern that the grading work could cause further uncontrolled soil movement and could destabilize the hillside slope.*

This project includes changing the contours of the hillside by shifting the bulk of the hillside lower and creating terraces by inserting retaining walls. Per the submitted geotechnical report (*Supplemental Evaluation Proposed Site Retaining Walls and Landscaping Improvements Dutta Property*, by C2Earth, Inc., dated June 26, 2020), removing material from the upper area of the slope and placing it on the lower area of the slope, with the addition of retaining walls, will yield a slightly increased level of slope stability, and therefore would not destabilize the hillside slope. This report has been reviewed and conditionally approved by the County's Geotechnical Consultant. This report also notes that it is possible that the property is on the site of a former landslide deposit; if so, the landslide deposit would be a coherent conglomerate block. Per the Project Geotechnical Consultant, the stability of this coherent block would not be impacted by the construction of the proposed retaining walls.

2. *Concern that grading equipment could cause road damage.*

This project has been reviewed by the Department of Public Works (DPW). DPW has included Conditions of Approval to ensure that any damage that occurs to the public road will be repaired at the applicant's expense, and that the applicant has permission to traverse any private roads for this purpose.

3. *Concern about the loss of foliage, light pollution, and the dark sky character of the community.*

This property is not within a Design Review District; therefore, the aesthetic changes associated with loss of plant foliage is not within the jurisdiction's ability to regulate. However, the County has the authority to require replacement of the trees proposed for removal. While nine trees are proposed to be removed, the landscape plans include 597 new plants,

including 15 trees. All exterior lighting proposed to be installed on this property is downcast and dark-sky compliant.

4. *Concern about the proximity to the San Andreas fault and subsequent soil movement potential.*

As noted in the Item 7.A of the MND, this project is located within the Alquist-Priolo earthquake fault zone and is subject to violent shaking from the San Andreas fault. As previously noted, the proposed project will slightly increase the slope stability and, therefore, is unlikely to result in additional slope movement risk during an earthquake event.

5. *Concern that the soil samples were not taken from the project site and that they may not be representative of soils in the landslide debris zone.*

As noted in the applicant's geotechnical report, test pits were taken in four locations at the site including the location of the proposed project. These test pits revealed dense indurated Santa Clara formation conglomerate. For further discussion, see Comment and Response 1.

6. *Concern that climate change will change peak rainfall intensity (inches per hour), which will alter historic soil saturation and runoff.*

This property is located in a high landslide hazard area, however, as this project would increase slope stability, including during intense rainstorm events, additional soil saturation mitigation is not needed. The project was reviewed and preliminarily approved by the County's Drainage Section. A final grading and drainage plan stamped and signed by a registered Civil Engineer is required at the time of building permit submittal.

7. *Concern that a stream adjacent to the property has not been considered in the environmental evaluation, referred to as a drainage path in the "Storm Drainage Management Plan" for the Los Trancos County Water District.*

The drainage path identified in the Los Trancos County Water District map is not considered a stream under the U.S. Fish and Wildlife Service Wetland Mapper or County maps. Per the County's Drainage Engineer, a drainage path allows for drainage during rain events, is typically only wet during those events, and is typically not associated with biological habitat, while a stream is generally wet for a longer duration and often has associated sensitive habitat.

D. REVIEWING AGENCIES

Building Inspection Section
Cal Water
County Arborist
Department of Public Works
Drainage Engineer
Geotechnical Engineer
Environmental Health Services
Woodside Fire Protection District

ATTACHMENTS

- A. Plans
- B. Notice of Intent to Adopt the MND
- C. Letter of Decision, dated June 23, 2021
- D. Appeal Documents and other Appellant comments

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County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2020-00130 Hearing Date: September 22, 2021

Prepared By: Kelsey Lang, Project Planner For Adoption By: Planning Commission

RECOMMENDED FINDINGS

1. For the Environmental Review:

- a. That the Initial Study and Mitigated Negative Declaration are complete, correct, adequate, and prepared in accordance with the CEQA and the applicable State and County Guidelines.
- b. That, on the basis of the Initial Study and comments received hereto, there is no substantial evidence that the project, if subject to the mitigation measures contained in the Mitigated Negative Declaration, will have a significant effect on the environment. The mitigation measures in the categories of air quality, biological resources, cultural resources, geology, noise, and tribal cultural resources have been incorporated as conditions of approval of this project and implementation of the measures would reduce the impact of the project a less than significant level.
- c. That the mitigation measures identified in the Mitigated Negative Declaration, agreed to by the applicant, placed as conditions on the project, and identified as part of this public hearing, have been incorporated as conditions of project approval.
- d. That the Initial Study and Mitigated Negative Declaration reflect the independent judgment of the County.

2. For the Grading Permit:

- a. That the granting of the permit will not have a significant adverse effect on the environment as the lot has no sensitive habitat, is currently developed with a single-family house, and the proposed grading would increase the overall slope stability of the parcel.

- b. That the project conforms to the criteria of Chapter 5, Division VII, San Mateo County Ordinance Code, including the standards referenced in Section 9296 including timing of grading activity, implementation of erosion and sediment control measures, and dust control measures.
- c. That the project is consistent with the General Plan as the project proposes to terrace portions of the property near the house for increased slope stability, and the topography of the rear half of the property would remain unchanged.
- d. That the project is consistent with the provisions of the Significant Tree Removal Ordinance, the provisions of which must be considered and applied as part of the grading permit approval process (Significant Tree Removal Ordinance Section 12.020.1(e)). The number of trees proposed for removal has been minimized through project design that only removes trees necessary for the development and provides tree replacements.

RECOMMENDED CONDITIONS OF APPROVAL

Current Planning Section

1. This approval applies only to the proposal, documents, and plans described in this letter, and submitted to and approved by the Planning Commission on September 22, 2021. Minor revisions or modifications to the project may be made subject to the review and approval of the Community Development Director.
2. This approval shall be valid for one (1) year from the date of this letter by which time a valid building permit shall have been issued. Any extension of this permit shall require submittal of an application for permit extension and payment of applicable permit extension fees sixty days prior to expiration.
3. **Mitigation Measure 1:** The applicant shall implement the following basic construction measures at all times:
 - a. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxic Control Measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - b. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
 - c. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person, or his/her

designee, shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

4. **Mitigation Measure 2:** The applicant shall implement the following dust control measures during grading and construction activities:
 - a. Water all active construction and grading areas at least twice daily.
 - b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
 - c. Apply water two times daily or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at the project site.
 - d. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets/roads.
 - e. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.)
5. **Mitigation Measure 3:** All trees proposed for removal shall be replaced at a 1:1 ratio, minimum 15-gallon size stock. All proposed replacement trees shall be shown on a Tree Replanting Plan or Landscape Plan and shall include species, size, and location. The Plan shall be submitted to the County Planning and Building Department for review and approval as part of the building permit plan sets.
6. **Mitigation Measure 4:** The applicant shall submit a detailed Tree Protection Plan incorporating measures from a certified arborist as part of the building permit plan sets.
7. **Mitigation Measure 5:** In the event that cultural, paleontological, or archaeological resources are encountered during site grading or other site work, such work shall immediately be halted in the area of discovery and the project sponsor shall immediately notify the Community Development Director of the discovery. The applicant shall be required to retain the services of a qualified archaeologist for the purpose of recording, protecting, or curating the discovery as appropriate. The cost of the qualified archaeologist and of any recording, protecting, or curating shall be borne solely by the project sponsor. The archaeologist shall be required to submit to the Community Development Director for review and approval a report of the findings and methods of curation or protection of the resources. In addition, an archaeological report meeting the Secretary of the Interior's Standards detailing the findings of the monitoring will be submitted to the Northwest Information Center after monitoring has ceased. No

further grading or site work within the area of discovery shall be allowed until the preceding has occurred.

8. **Mitigation Measure 6:** In the event of discovery or recognition of any human remains during project construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The applicant shall then immediately notify the County Coroner's Office and possibly the State Native American Heritage Commission to seek recommendations from a Most Likely Descendant (Tribal Contact) before any further action at the location of the find can proceed. All contractors and sub-contractors shall be made aware of these requirements and shall adhere to all applicable laws including State Cultural Preservation laws. Disposition of Native American remains shall comply with CEQA Guidelines Section 15064.5(e).
9. **Mitigation Measure 7:** The applicant shall submit an erosion control plan in compliance with the County's General Erosion and Sediment Control Plan Guidelines Checklist for review and approval as part of the building permit plans submittal.
10. **Mitigation Measure 8:** No grading shall be allowed during the wet weather season (October 1 through April 30) to avoid increased potential soil erosion, unless the applicant applies for an Exception to the Winter Grading Moratorium and the Community Development Director grants the exception. Exceptions will only be granted if dry weather is forecasted during scheduled grading operations, and the erosion control plan includes adequate winterization measures (amongst other determining factors).
11. **Mitigation Measure 9:** An Erosion Control and Tree Protection Pre-Site Inspection shall be conducted prior to the issuance of a grading permit "hard card" and building permit to ensure the approved erosion control.
12. **Mitigation Measure 10:** In the event that cultural, paleontological, or archaeological resources be encountered during site grading or other site work, such work shall immediately be halted in the area of discovery and the project sponsor shall immediately notify the Community Development Director of the discovery. The applicant shall be required to retain the services of a qualified archaeologist for the purpose of recording, protecting, or curating the discovery as appropriate. The cost of the qualified archaeologist and of any recording, protecting, or curating shall be borne solely by the project sponsor. The archaeologist shall be required to submit to the Community Development Director for review and approval a report of the findings and methods of curation or protection of the resources. No further grading or site work within the area of discovery shall be allowed until the preceding has occurred. Disposition of Native American remains shall comply with CEQA Guidelines Section 15064.5(e).

13. **Mitigation Measure 11:** Noise sources associated with demolition, construction, repair, remodeling, or grading of any real property shall be limited to the hours from 7:00 a.m. to 6:00 p.m. weekdays and 9:00 a.m. to 5:00 p.m. Saturdays. Said activities are prohibited on Sundays, Thanksgiving and Christmas (San Mateo County Ordinance Code Section 4.88.360).
14. **Mitigation Measure 12:** Should any traditionally or culturally affiliated Native American tribe respond to the County's issued notification for consultation, such process shall be completed and any resulting agreed upon measures for avoidance and preservation of identified resources be taken prior to implementation of the project.
15. **Mitigation Measure 13:** In the event that tribal cultural resources are inadvertently discovered during project implementation, all work shall stop until a qualified professional can evaluate the find and recommend appropriate measures to avoid and preserve the resource in place, or minimize adverse impacts to the resource, and those measures shall be approved by the Current Planning Section prior to implementation and continuing any work associated with the project.
16. **Mitigation Measure 14:** Any inadvertently discovered tribal cultural resources shall be treated with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, protecting the cultural character and integrity of the resource, protecting the traditional use of the resource, and protecting the confidentiality of the resource.
17. Prior to final approval of the building permit, the applicant shall implement the approved Landscape Plan, including planting all replacement trees as shown on the approved Tree Replanting Plan, except that one new Oak tree (minimum 15-gallon stock) shall be planted for each significant Oak tree removed. In addition, all disturbed land shall be stabilized.
18. Prior to final approval of the building permit, the applicant shall submit a completed WELO Certificate of Completion and Installation, as well as a completed Landscape Certification, with required materials as stated on the forms. Forms are available at: <https://planning.smcgov.org/water-efficient-landscape-ordinance-welo>
19. No vegetation/ tree removal, land disturbance, or grading activities shall commence until the property owner has been issued a grading permit (issued as the "Hard Card" with all necessary information filled out and signatures obtained) by the Current Planning Section. All associated building permit(s) shall be issued concurrently with the Grading Permit. No grading activities shall commence until all permits have been issued.

20. The provision of the San Mateo County Grading Ordinance shall govern all grading on and adjacent to this site. Per San Mateo County Ordinance Section 9296.5, all equipment used in grading operations shall meet spark arrester and firefighting tool requirements, as specified in the California Public Resources Code.
21. The engineer who prepared the approved grading plan shall be responsible for the inspection and certification of the grading as required by Section 9297.1 of the Grading Ordinance. The engineer's responsibilities shall include those relating to non-compliance detailed in Section 9297.4 of the Grading Ordinance.
22. Erosion and sediment control during the course of this grading work shall be installed and maintained according to a plan prepared and signed by the engineer of record and approved by the Current Planning Section. Revisions to the approved erosion and sediment control plan shall be prepared and signed by the engineer.
23. It shall be the responsibility of the engineer of record to regularly inspect the erosion control measures for the duration of all grading remediation activities, especially after major storm events, and determine that they are functioning as designed and that proper maintenance is being performed. Deficiencies shall be immediately corrected as determined by and implemented under the observation of the engineer of record.
24. For the final approval of the grading permit, the property owner shall ensure the performance of the following activities within thirty 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, and the Grading Regulations, to the Department of Public Works and the Planning and Building Department's Geotechnical Engineer.
 - b. The geotechnical consultant shall observe and approve all applicable work during construction and sign Section II of the Geotechnical Consultant Approval form, for submittal to the Planning and Building Department's Geotechnical Engineer and Current Planning Section.

Drainage Section

25. A final grading and drainage plan stamped and signed by a registered Civil Engineer will be required at the building permit submittal.

California Water Service

26. Any improvements to the water system will be at the owner's expense including additional services or fire protection needs. All storm and sewer lines must have separation from Water of 10-foot horizontal separation and 1-foot vertical separation below the water main or service line, service lines which go through one property to another property must have legal easements granted with documentation submitted to Cal Water before installation.

Department of Public Works

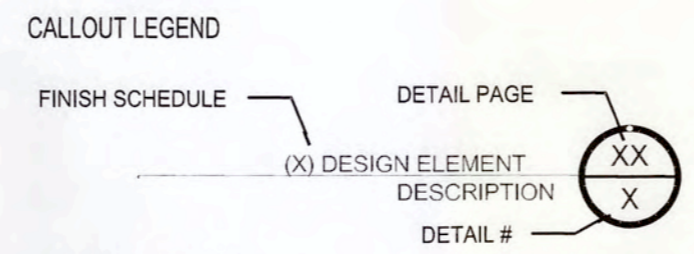
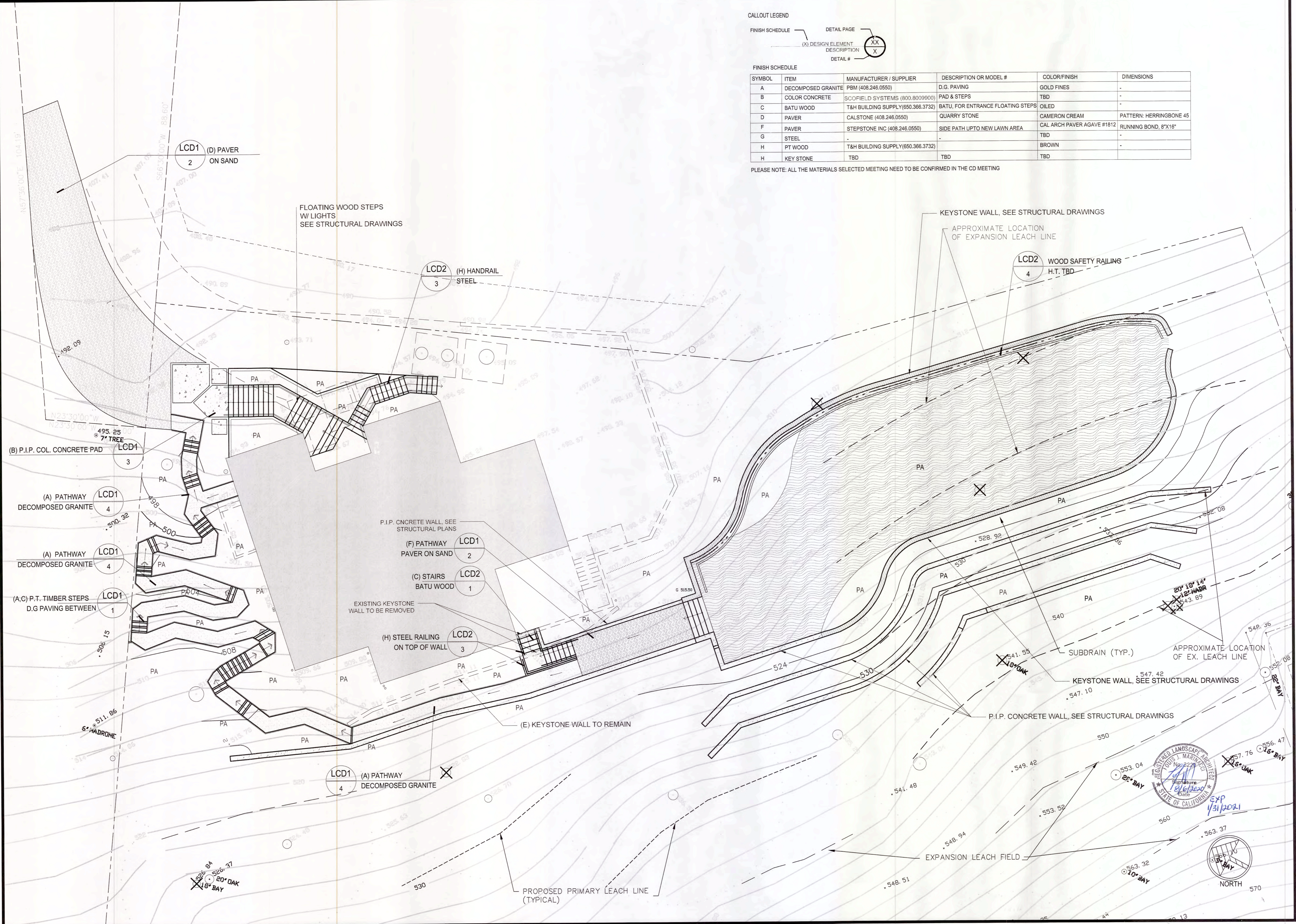
27. Should the access shown on the plans go through neighboring properties, the applicant shall provide documentation that "ingress and egress" easements exist providing for this access, prior to issuance of Building permit.
28. The applicant shall provide a haul route showing the location of the export site, the designated truck route, hours of operation, scheduled haul dates for review and coordination to the Department of Public Works. Applicant will be responsible for repairs to any damage on the roadway due to hauling operations for this project as determined by the road inspector.

KGL:cmc – KGLFF0760_WCU.DOCX



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT A



FINISH SCHEDULE

SYMBOL	ITEM	MANUFACTURER / SUPPLIER	DESCRIPTION OR MODEL #	COLOR/FINISH	DIMENSIONS
A	DECOMPOSED GRANITE	PBM (408.246.0550)	D.G. PAVING	GOLD FINES	-
B	COLOR CONCRETE	SCOFIELD SYSTEMS (800.800.9900)	PAD & STEPS	TBD	-
C	BATU WOOD	T&H BUILDING SUPPLY (650.366.3732)	BATU, FOR ENTRANCE FLOATING STEPS	OILED	-
D	PAVER	CALSTONE (408.246.0550)	QUARRY STONE	CAMERON CREAM	PATTERN: HERRINGBONE 45
F	PAVER	STEPSTONE INC (408.246.0550)	SIDE PATH UPTO NEW LAWN AREA	CAL ARCH PAVER AGAVE #1812	RUNNING BOND, 8"X16"
G	STEEL	-	-	TBD	-
H	PT WOOD	T&H BUILDING SUPPLY (650.366.3732)	-	BROWN	-
H	KEY STONE	TBD	TBD	TBD	-

PLEASE NOTE: ALL THE MATERIALS SELECTED MEETING NEED TO BE CONFIRMED IN THE CD MEETING

JOB
DUTTA RES.

CONSTRUCTION PLAN

DESIGNER
AC

PC
TV

DUTTA RESIDENCE

250 BONITA ROAD,
PORTOLA VALLEY, CA 94028

DATE
02.25.2020

REVISIONS
08.04.2020

SCALE
1/8" = 1'-0"

SHEET
LCP
CONSTRUCTION PLAN

DATE	REVISION
2/20	WALL DRAIN
7/20	LEACH PLAN
10/20	SEPTIC FITG.

Client: **Sanjeet Dutta**
 250 Bonita Road
 Portola Valley, California 94028
 (408) 644-4064



SCHNEIDER ENGINEERING
 CIVIL / STRUCTURAL ENGINEERING
 2150 TRADE ZONE BLVD., SUITE #105G
 SAN JOSE, CALIFORNIA 95131-1730
 Phone: (408) 275-6482, E-mail: fsas@schneider-engineering.com



LANDSCAPE WALL & STAIRS
 DUTTA RESIDENCE
 250 BONITA ROAD
 PORTOLA VALLEY, CALIFORNIA

DATE: DECEMBER 2018
 DRAWN: F.A.S./R.S.C.
 SHEET: **S1**
 OF (4) SHEETS

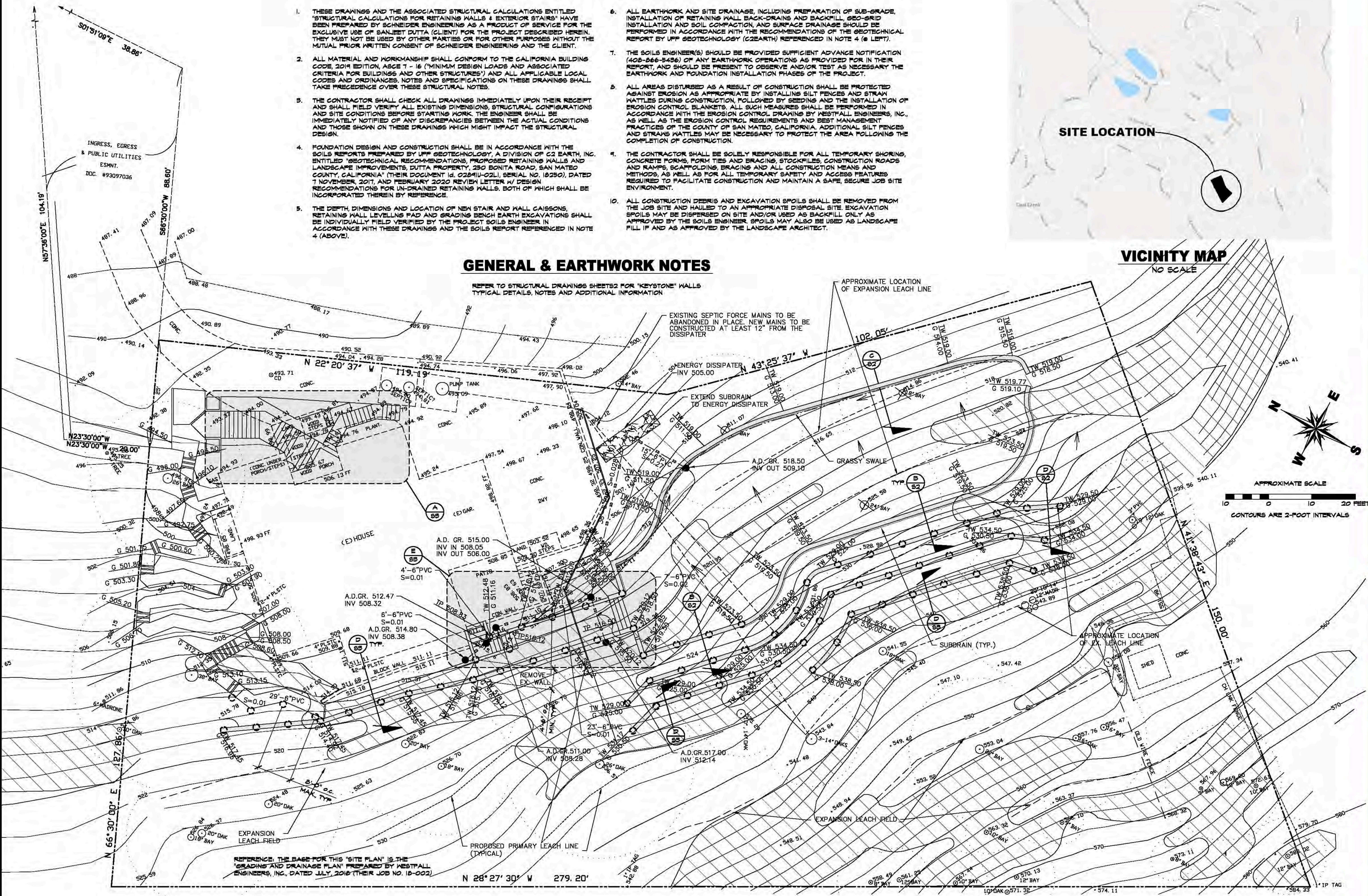
- THESE DRAWINGS AND THE ASSOCIATED STRUCTURAL CALCULATIONS ENTITLED "STRUCTURAL CALCULATIONS FOR RETAINING WALLS & EXTERIOR STAIRS" HAVE BEEN PREPARED BY SCHNEIDER ENGINEERS AS A PRODUCT OF SERVICE FOR THE EXCLUSIVE USE OF SANJEET DUTTA (CLIENT) FOR THE PROJECT DESCRIBED HEREIN. THEY MUST NOT BE USED BY OTHER PARTIES OR FOR OTHER PURPOSES WITHOUT THE MUTUAL PRIOR WRITTEN CONSENT OF SCHNEIDER ENGINEERS AND THE CLIENT.
- ALL MATERIAL AND WORKMANSHIP SHALL CONFORM TO THE CALIFORNIA BUILDING CODE, 2019 EDITION, ASCE 7 - 16 ("MINIMUM DESIGN LOADS AND ASSOCIATED CRITERIA FOR BUILDINGS AND OTHER STRUCTURES") AND ALL APPLICABLE LOCAL CODES AND ORDINANCES, NOTES AND SPECIFICATIONS ON THESE DRAWINGS SHALL TAKE PRECEDENCE OVER THESE STRUCTURAL NOTES.
- THE CONTRACTOR SHALL CHECK ALL DRAWINGS IMMEDIATELY UPON THEIR RECEIPT AND SHALL FIELD VERIFY ALL EXISTING DIMENSIONS, STRUCTURAL CONFIGURATIONS AND SITE CONDITIONS BEFORE STARTING WORK. THE ENGINEER SHALL BE IMMEDIATELY NOTIFIED OF ANY DISCREPANCIES BETWEEN THE ACTUAL CONDITIONS AND THOSE SHOWN ON THESE DRAWINGS WHICH MIGHT IMPACT THE STRUCTURAL DESIGN.
- FOUNDATION DESIGN AND CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE SOILS REPORTS PREPARED BY UFF SEOTECHNOLOGY, A DIVISION OF C2 EARTH, INC. ENTITLED "GEO-TECHNICAL RECOMMENDATIONS, PROPOSED RETAINING WALLS AND LANDSCAPE IMPROVEMENTS, DUTTA PROPERTY, 250 BONITA ROAD, SAN MATEO COUNTY, CALIFORNIA" (THEIR DOCUMENT ID. 022811-021, SERIAL NO. 18250), DATED 7 NOVEMBER, 2017, AND FEBRUARY 2020 REVISION LETTER W/ DESIGN RECOMMENDATIONS FOR UN-DRAINED RETAINING WALLS, BOTH OF WHICH SHALL BE INCORPORATED THEREIN BY REFERENCE.
- THE DEPTH, DIMENSIONS AND LOCATION OF NEW STAIR AND WALL CAISSONS, RETAINING WALL LEVELLING PAD AND GRADING BENCH EARTH EXCAVATIONS SHALL BE INDIVIDUALLY FIELD VERIFIED BY THE PROJECT SOILS ENGINEER IN ACCORDANCE WITH THESE DRAWINGS AND THE SOILS REPORT REFERENCED IN NOTE 4 (ABOVE).
- ALL EARTHWORK AND SITE DRAINAGE, INCLUDING PREPARATION OF SUB-GRADE, INSTALLATION OF RETAINING WALL BACK-DRAINS AND BACKFILL, GEO-GRID INSTALLATION AND SOIL COMPACTION, AND SURFACE DRAINAGE SHOULD BE PERFORMED IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE GEO-TECHNICAL REPORT BY UFF SEOTECHNOLOGY (C2EARTH) REFERENCED IN NOTE 4 (6 LEFT).
- THE SOILS ENGINEER(S) SHOULD BE PROVIDED SUFFICIENT ADVANCE NOTIFICATION (408-666-9496) OF ANY EARTHWORK OPERATIONS AS PROVIDED FOR IN THEIR REPORT, AND SHOULD BE PRESENT TO OBSERVE AND/OR TEST AS NECESSARY THE EARTHWORK AND FOUNDATION INSTALLATION PHASES OF THE PROJECT.
- ALL AREAS DISTURBED AS A RESULT OF CONSTRUCTION SHALL BE PROTECTED AGAINST EROSION AS APPROPRIATE BY INSTALLING SILT FENCES AND STRAW WATTLES DURING CONSTRUCTION, FOLLOWED BY SEEDING AND THE INSTALLATION OF EROSION CONTROL BLANKETS. ALL SUCH MEASURES SHALL BE PERFORMED IN ACCORDANCE WITH THE EROSION CONTROL DRAWINGS BY WESTFALL ENGINEERS, INC., AS WELL AS THE EROSION CONTROL REQUIREMENTS AND BEST MANAGEMENT PRACTICES OF THE COUNTY OF SAN MATEO, CALIFORNIA. ADDITIONAL SILT FENCES AND STRAW WATTLES MAY BE NECESSARY TO PROTECT THE AREA FOLLOWING THE COMPLETION OF CONSTRUCTION.
- THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ALL TEMPORARY SHORING, CONCRETE FORMWORK, BRACING, STOCKPILES, CONSTRUCTION ROADS AND RAMPS, SCAFFOLDING, BRACING AND ALL CONSTRUCTION MEANS AND METHODS, AS WELL AS FOR ALL TEMPORARY SAFETY AND ACCESS FEATURES REQUIRED TO FACILITATE CONSTRUCTION AND MAINTAIN A SAFE, SECURE JOB SITE ENVIRONMENT.
- ALL CONSTRUCTION DEBRIS AND EXCAVATION SPOILS SHALL BE REMOVED FROM THE JOB SITE AND HAULED TO AN APPROPRIATE DISPOSAL SITE. EXCAVATION SPOILS MAY BE DISPERSED ON SITE AND/OR USED AS BACKFILL ONLY AS APPROVED BY THE SOILS ENGINEER. SPOILS MAY ALSO BE USED AS LANDSCAPE FILL IF AND AS APPROVED BY THE LANDSCAPE ARCHITECT.

GENERAL & EARTHWORK NOTES

REFER TO STRUCTURAL DRAWINGS SHEETS FOR "KEYSTONE" WALLS TYPICAL DETAILS, NOTES AND ADDITIONAL INFORMATION

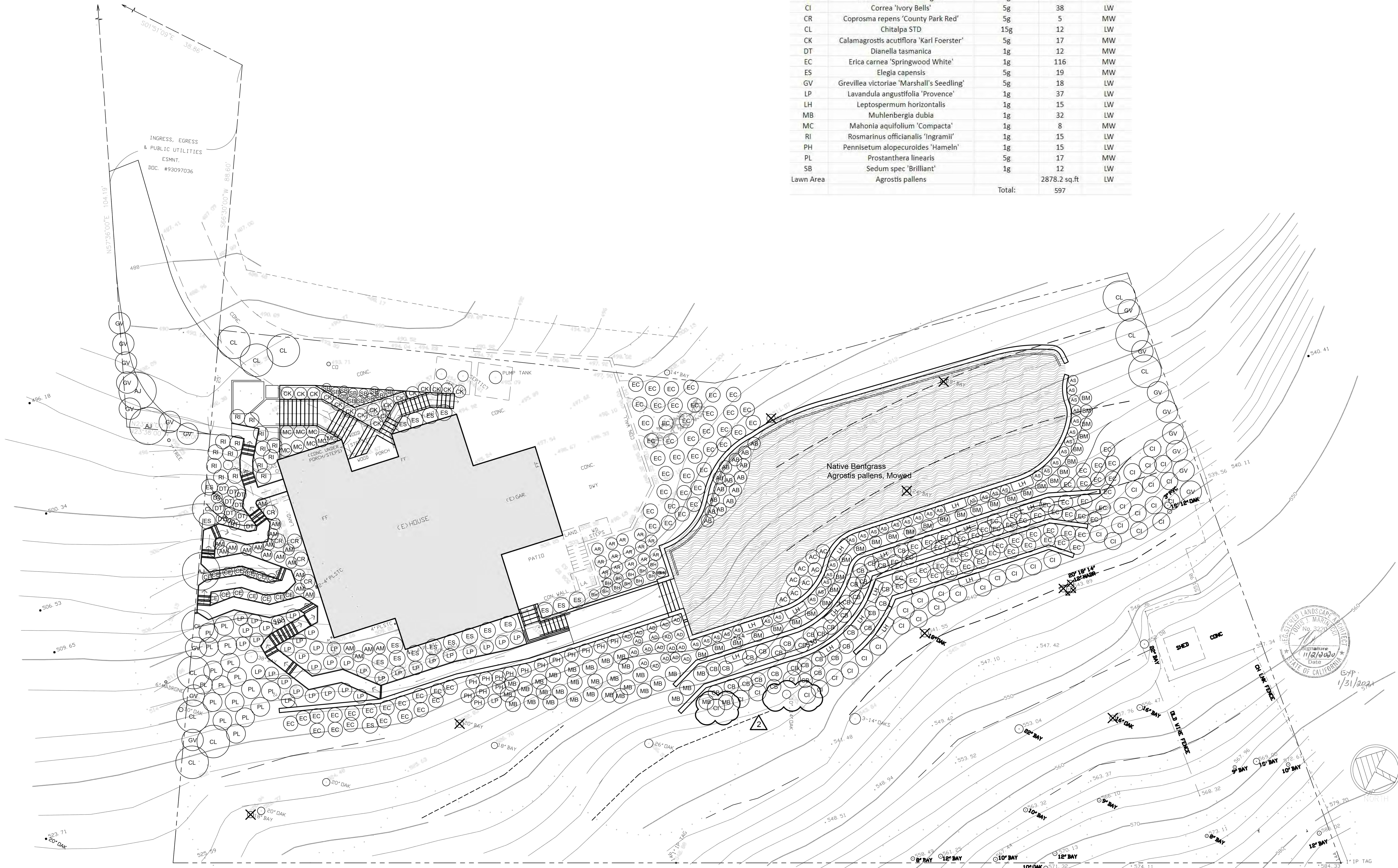


VICINITY MAP
NO SCALE



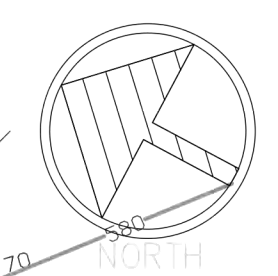
REFERENCE: THE BASE FOR THIS "SITE PLAN" IS THE "GRADING AND DRAINAGE PLAN" PREPARED BY WESTFALL ENGINEERS, INC., DATED JULY, 2018 (THEIR JOB NO. 18-002)

SITE PLAN
SCALE: 1"=10'



SYMBOL	PLANT	SIZE	COUNT	WATER USE
AB	Agave 'Frosty Blue'	1g	15	LW
AC	Phormium 'Dusky Chief'	1g	8	LW
AD	Asparagus densiflorus Myers	1g	19	MW
AR	Anigozanthos 'Big Red'	5g	14	LW
AS	Artemisia 'Seafoam'	1g	36	LW
AJ	Albizia Julibrissin STD	24" box	3	LW
AM	Alchemilla mollis	1g	20	MW
BM	Briza media	1g	31	LW
BH	Bulbine Hallmark	1g	12	LW
CB	Ceanthus gloriosus 'Anchor Boy'	1g	37	LW
CE	Carex oshimensis 'Evergold'	1g	14	MW
CI	Correa 'Ivory Bells'	5g	38	LW
CR	Coprosma repens 'County Park Red'	5g	5	MW
CL	Chitalpa STD	15g	12	LW
CK	Calamagrostis acutiflora 'Karl Foerster'	5g	17	MW
DT	Dianella tasmanica	1g	12	MW
EC	Erica carnea 'Springwood White'	1g	116	MW
ES	Elegia capensis	5g	19	MW
GV	Grevillea victoriae 'Marshall's Seedling'	5g	18	LW
LP	Lavandula angustifolia 'Provence'	1g	37	LW
LH	Leptospermum horizontalis	1g	15	LW
MB	Muhlenbergia dubia	1g	32	LW
MC	Mahonia aquifolium 'Compacta'	1g	8	MW
RI	Rosmarinus officinalis 'Ingramii'	1g	15	LW
PH	Pennisetum alopecuroides 'Hameln'	1g	15	LW
PL	Prostanthera linearis	5g	17	MW
SB	Sedum spec 'Brilliant'	1g	12	LW
Lawn Area	Agrostis pallens		2878.2 sq.ft	LW
			Total:	597

PLEASE NOTE:
CONTRACTOR TO FOLLOW ALL RECOMMENDATIONS
OF THE LAB FOR SOIL PREPARATION



LIGHTING SCHEDULE
MANUFACTURE: FX LUMINAIRE

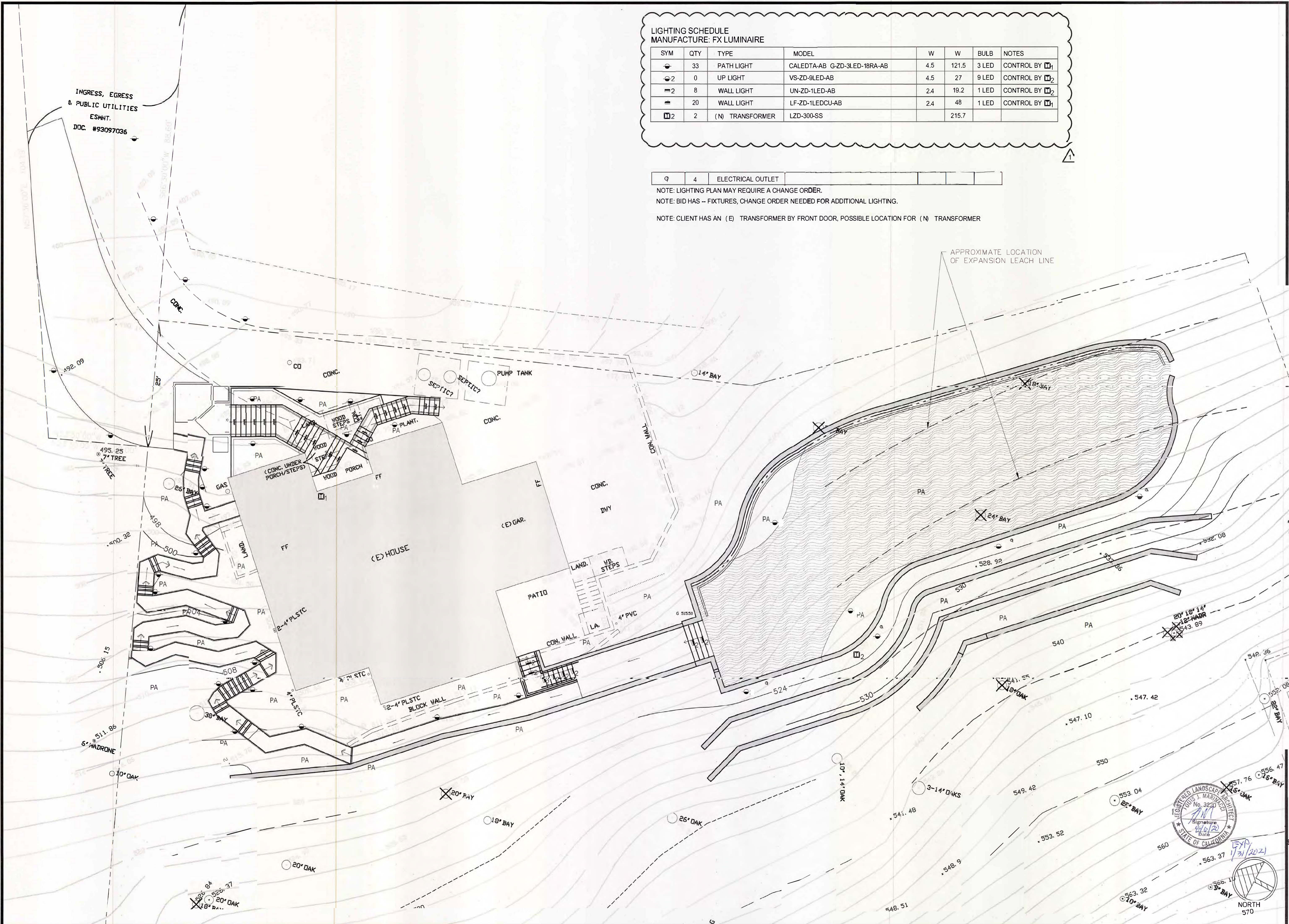
SYM	QTY	TYPE	MODEL	W	W	BULB	NOTES
☉	33	PATH LIGHT	CALEDTA-AB G-ZD-3LED-18RA-AB	4.5	121.5	3 LED	CONTROL BY ☐1
☉2	0	UP LIGHT	VS-ZD-9LED-AB	4.5	27	9 LED	CONTROL BY ☐2
☐2	8	WALL LIGHT	UN-ZD-1LED-AB	2.4	19.2	1 LED	CONTROL BY ☐2
☐	20	WALL LIGHT	LF-ZD-1LEDCU-AB	2.4	48	1 LED	CONTROL BY ☐1
☐2	2	(N) TRANSFORMER	LZD-300-SS		215.7		

☐	4	ELECTRICAL OUTLET					
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NOTE: LIGHTING PLAN MAY REQUIRE A CHANGE ORDER.

NOTE: BID HAS - FIXTURES, CHANGE ORDER NEEDED FOR ADDITIONAL LIGHTING.

NOTE: CLIENT HAS AN (E) TRANSFORMER BY FRONT DOOR, POSSIBLE LOCATION FOR (N) TRANSFORMER



landsystems
LANDSCAPE ARCHITECTS AND CONTRACTORS
1064 Cherry Street, San Carlos, CA 94070
650.851.2793

JOB
DUTTA RES.

LIGHTING PLAN

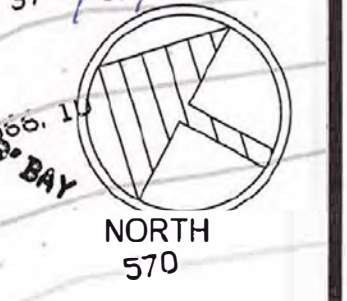
DESIGNER
AC
PC
TV

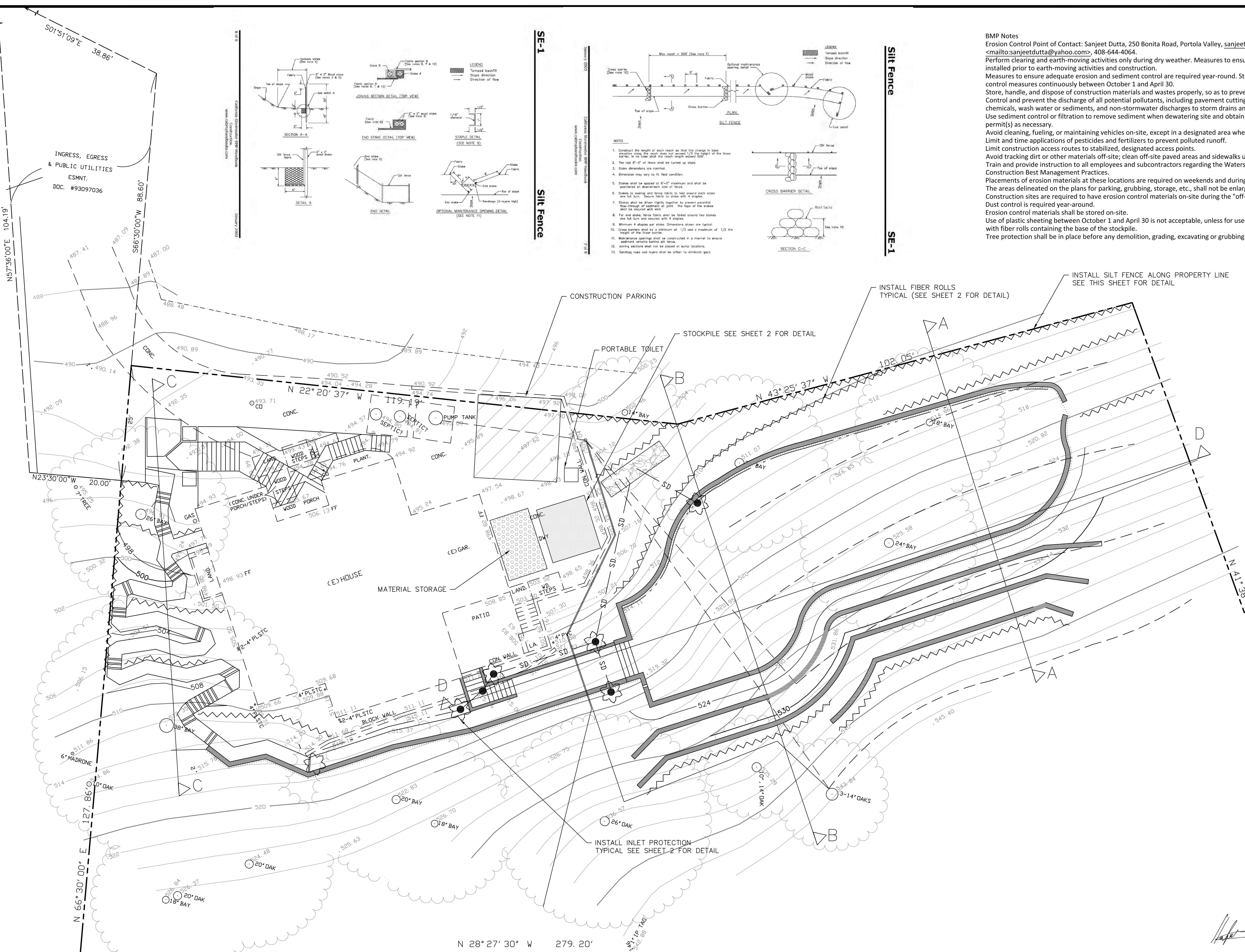
DUTTA RESIDENCE
250 BONITA ROAD,
PORTOLA VALLEY, CA 94028

DATE
02.25.2020
REVISIONS
08.04.2020

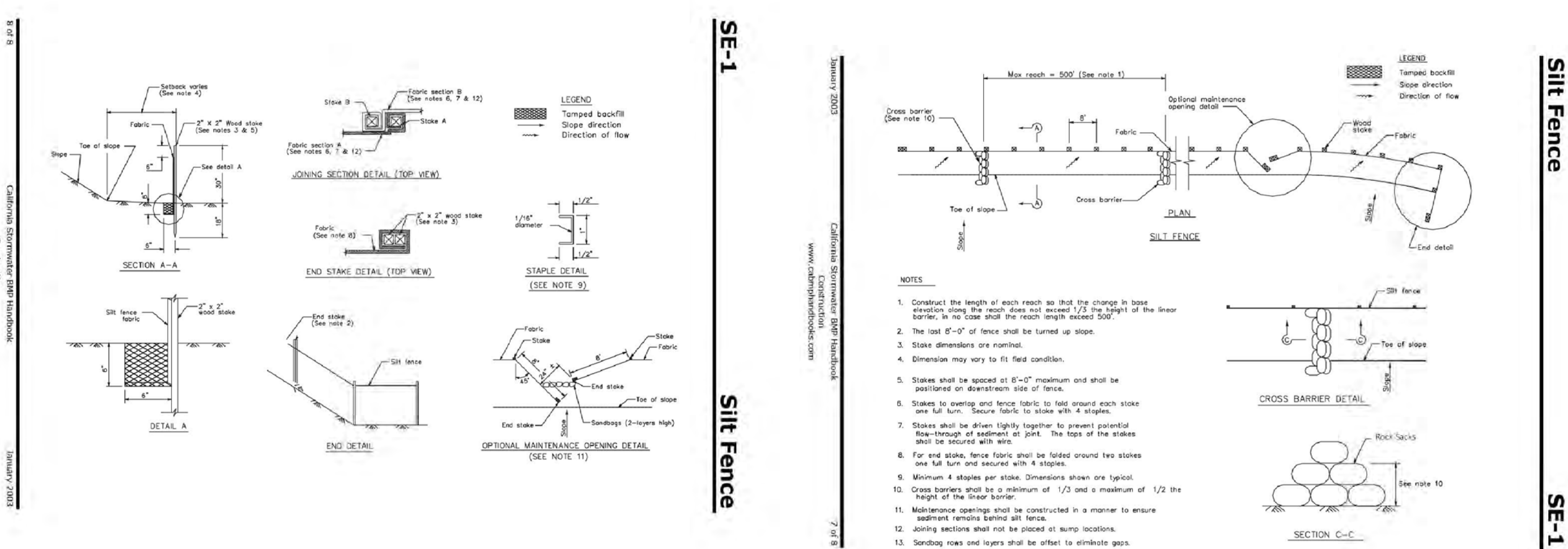
SCALE
1/8"=1'-0"

SHEET
LP
LIGHTING PLAN





BMP Notes
 Erosion Control Point of Contact: Sanjeet Dutta, 250 Bonita Road, Portola Valley, sanjeetdutta@yahoo.com
 <mailto:sanjeetdutta@yahoo.com>, 408-644-4064.
 Perform clearing and earth-moving activities only during dry weather. Measures to ensure adequate erosion and sediment control shall be installed prior to earth-moving activities and construction.
 Measures to ensure adequate erosion and sediment control are required year-round. Stabilize all denuded area and maintain erosion control measures continuously between October 1 and April 30.
 Store, handle, and dispose of construction materials and wastes properly, so as to prevent their contact with stormwater.
 Control and prevent 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.
 Use sediment control or filtration to remove sediment when dewatering site and obtain Regional Water Quality Control Board (RWQCB) permit(s) as necessary.
 Avoid cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained and treated.
 Limit and time applications of pesticides and fertilizers to prevent polluted runoff.
 Limit construction access routes to stabilized, designated access points.
 Avoid tracking dirt or other materials off-site; clean off-site paved areas and sidewalks using dry sweeping methods.
 Train and provide instruction to all employees and subcontractors regarding the Watershed protection Maintenance Standards and Construction Best Management Practices.
 Placements of erosion materials at these locations are required on weekends and during rain events.
 The areas delineated on the plans for parking, grubbing, storage, etc., shall not be enlarged or "run over".
 Construction sites are required to have erosion control materials on-site during the "off-season".
 Dust control is required year-round.
 Erosion control materials shall be stored on-site.
 Use of plastic sheeting between October 1 and April 30 is not acceptable, unless for used on stockpiles where the stockpile is also protected with fiber rolls containing the base of the stockpile.
 Tree protection shall be in place before any demolition, grading, excavating or grubbing is started.

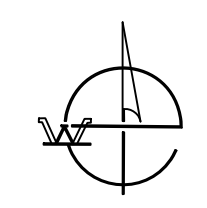


SCALE: 1"=10'

CONSTRUCTION ENTRANCE IS NOT REQUIRED FOR THIS PROJECT. ALL VEHICLES TO STAY IN THE PAVED DRIVEWAY.



NO.	BY	DATE	REVISION	BY	DATE	DATE: SEPTEMBER 2020
						SCALE: HOR. 1"=10'
						VERT.
						DESIGNED: JC
						CHECKED: KC
						BY: KAREL CYMBAL, RCE 3453
						DATE:
						PROJ. ENGR: JC



WESTFALL ENGINEERS, INC.
 14583 BIG BASIN WAY, SARATOGA, CA 95070 (408)867-0244

EROSION CONTROL PLAN
 250 BONITA ROAD, PORTOLA VALLEY

JOB NO. 2018-002
 SHEET 3
 OF 4



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT B

COUNTY OF SAN MATEO, PLANNING AND BUILDING DEPARTMENT

**NOTICE OF INTENT TO ADOPT
MITIGATED NEGATIVE DECLARATION**

A notice, pursuant to the California Environmental Quality Act of 1970, as amended (Public Resources Code 21,000, et seq.), that the following project: Landscape and Grading, when adopted and implemented, will not have a significant impact on the environment.

FILE NO.: PLN 2020-00130

OWNER: Sanjeet Dutta

APPLICANT: Sanjeet Dutta

NAME OF PERSON UNDERTAKING THE PROJECT OR RECEIVING THE PROJECT APPROVAL (IF DIFFERENT FROM APPLICANT): Same as applicant

ASSESSOR'S PARCEL NO.: 080-060-570

LOCATION: 250 Bonita Road, Portola Valley

PROJECT DESCRIPTION

Grading Permit for 728 cubic yards of grading (544 cy cut and 187 cy fill) related to landscape improvements (including retaining walls). Nine significant trees are proposed for removal (two Madrones ranging from 12-inch-18-inch diameter at breast height (dbh)); five California bays ranging from 14.5-inch-21-inch dbh; two Black oaks 15.9-inch-16.9-inch dbh). Existing leach lines and expansion lines will be abandoned and replaced with new primary and expansion lines.

FINDINGS AND BASIS FOR A NEGATIVE DECLARATION

The Current Planning Section has reviewed the initial study for the project and, based upon substantial evidence in the record, finds that:

1. The project will not adversely affect water or air quality or increase noise levels substantially.
2. The project will not have adverse impacts on the flora or fauna of the area.
3. The project will not degrade the aesthetic quality of the area.
4. The project will not have adverse impacts on traffic or land use.
5. In addition, the project will not:
 - a. Create impacts which have the potential to degrade the quality of the environment.

- b. Create impacts which achieve short-term to the disadvantage of long-term environmental goals.
- c. Create impacts for a project which are individually limited, but cumulatively considerable.
- d. Create environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

The County of San Mateo has, therefore, determined that the environmental impact of the project is insignificant.

MITIGATION MEASURES included in the project to avoid potentially significant effects:

Mitigation Measure 1: The applicant shall implement the following basic construction measures at all times:

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

Mitigation Measure 2: The applicant shall implement the following dust control measures during grading and construction activities:

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

Mitigation Measure 3: All trees proposed for removal shall be replaced at a 1:1 ratio, minimum 15-gallon size stock. All proposed replacement trees shall be shown on a Tree Replanting Plan or Landscape Plan and shall include species, size, and location. The Plan shall be submitted to the County Planning and Building Department for review and approval as part of the building permit plan sets.

Mitigation Measure 4: The applicant shall submit a detailed Tree Protection Plan incorporating measures from a certified arborist as part of the building permit plan sets.

Mitigation Measure 5: In the event that cultural, paleontological, or archaeological resources are encountered during site grading or other site work, such work shall immediately be halted in the area of discovery and the project sponsor shall immediately notify the Community Development Director of the discovery. The applicant shall be required to retain the services of a qualified archaeologist for the purpose of recording, protecting, or curating the discovery as appropriate. The cost of the qualified archaeologist and of any recording, protecting, or curating shall be borne solely by the project sponsor. The archaeologist shall be required to submit to the Community Development Director for review and approval a report of the findings and methods of curation or protection of the resources. In addition, an archaeological report meeting the Secretary of the Interior's Standards detailing the findings of the monitoring will be submitted to the Northwest Information Center after monitoring has ceased. No further grading or site work within the area of discovery shall be allowed until the preceding has occurred.

Mitigation Measure 6: In the event of discovery or recognition of any human remains during project construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The applicant shall then immediately notify the County Coroner's Office and possibly the State Native American Heritage Commission to seek recommendations from a Most Likely Descendant (Tribal Contact) before any further action at the location of the find can proceed. All contractors and sub-contractors shall be made aware of these requirements and shall adhere to all applicable laws including State Cultural Preservation laws. Disposition of Native American remains shall comply with CEQA Guidelines Section 15064.5(e).

Mitigation Measure 7: The applicant shall submit an erosion control plan in compliance with the County's General Erosion and Sediment Control Plan Guidelines Checklist for review and approval as part of the building permit plans submittal.

Mitigation Measure 8: No grading shall be allowed during the wet weather season (October 1 through April 30) to avoid increased potential soil erosion, unless the applicant applies for an Exception to the Winter Grading Moratorium and the Community Development Director grants the exception. Exceptions will only be granted if dry weather is forecasted during scheduled grading operations, and the erosion control plan includes adequate winterization measures (amongst other determining factors).

Mitigation Measure 9: An Erosion Control and Tree Protection Pre-Site Inspection shall be conducted prior to the issuance of a grading permit "hard card" and building permit to ensure the approved erosion control.

Mitigation Measure 10: In the event that cultural, paleontological, or archaeological resources be encountered during site grading or other site work, such work shall immediately be halted in the area of discovery and the project sponsor shall immediately notify the Community Development Director of the discovery. The applicant shall be required to retain the services of a qualified archaeologist for the purpose of recording, protecting, or curating the discovery as appropriate. The cost of the qualified archaeologist and of any recording, protecting, or curating shall be borne solely by the project sponsor. The archaeologist shall be required to submit to the Community Development Director for review and approval a report of the findings and methods of curation or protection of the resources. No further grading or site work within the area of discovery shall be allowed until the preceding has occurred. Disposition of Native American remains shall comply with CEQA Guidelines Section 15064.5(e).

Mitigation Measure 11: Noise sources associated with demolition, construction, repair, remodeling, or grading of any real property shall be limited to the hours from 7:00 a.m. to 6:00 p.m. weekdays and 9:00 a.m. to 5:00 p.m. Saturdays. Said activities are prohibited on Sundays, Thanksgiving and Christmas (San Mateo Ordinance Code Section 4.88.360).

Mitigation Measure 12: Should any traditionally or culturally affiliated Native American tribe respond to the County's issued notification for consultation, such process shall be completed and any resulting agreed upon measures for avoidance and preservation of identified resources be taken prior to implementation of the project.

Mitigation Measure 13: In the event that tribal cultural resources are inadvertently discovered during project implementation, all work shall stop until a qualified professional can evaluate the find and recommend appropriate measures to avoid and preserve the resource in place, or minimize adverse impacts to the resource, and those measures shall be approved by the Current Planning Section prior to implementation and continuing any work associated with the project.

Mitigation Measure 14: Any inadvertently discovered tribal cultural resources shall be treated with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, protecting the cultural character and integrity of the resource, protecting the traditional use of the resource, and protecting the confidentiality of the resource.

RESPONSIBLE AGENCY CONSULTATION

None

INITIAL STUDY

The San Mateo County Current Planning Section has reviewed the Environmental Evaluation of this project and has found that the probable environmental impacts are insignificant. A copy of the initial study is attached.

REVIEW PERIOD: April 26, 2021 – May 17, 2021

All comments regarding the correctness, completeness, or adequacy of this Negative Declaration must be received by the County Planning and Building Department, 455 County Center, Second Floor, Redwood City, no later than **5:00 p.m., May 17, 2021**.

CONTACT PERSON

Melissa Ross, Planning Services Manager
mross@smcgov.org



Melissa Ross, Planning Services Manager



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT C

June 23, 2021

Sanjeet Dutta
250 Bonita Road
Portola Valley, CA 94028

Dear Sanjeet Dutta,

SUBJECT: Staff-Level Grading Permit
250 Bonita Road, Portola Valley
APN 080-060-570; County File No. PLN 2020-00130

Staff has completed its review of your application for a Grading Permit to allow 728 cubic yards of earthwork in association with landscape improvements, including retaining walls and associated stairs and walkways, and replacement of expansion leach lines for the septic system, located on a developed parcel. Nine trees are proposed for removal. The project has been reviewed by the Department of Public Works, Geotechnical Engineer, Drainage Engineer, Cal Water, Building Department, County Arborist, Environmental Health Services and Woodside Fire Protection District.

The required public notice of this project was made on March 3, 2021. The public comment period ended on March 12, 2021, with one request for additional information. An Initial Study and Mitigated Negative Declaration (MND) were prepared for this project and circulated from April 26, 2021 to May 18, 2021. Two comments from one individual were received in response to the CEQA document.

Staff has approved the project, subject to the following findings and conditions of approval.

FINDINGS

Staff found that:

1. For the Environmental Review:
 - a. **That the Initial Study and Mitigated Negative Declaration are complete, correct, adequate, and prepared in accordance with the California Environmental Quality Act (CEQA) and the applicable State and County Guidelines.** An Initial Study and a Mitigated Negative Declaration were prepared and issued with a public review period from April 26, 2021 to May 18, 2021.



During the 20-day public review period, two sets of comments were received from an interested member of the public. Comments are summarized and addressed below. Original comments and applicant response are included as Attachment C. Comments and Responses:

1. *Concern that the grading work could cause further uncontrolled soil movement and could destabilize the hillside slope.*

This project includes changing the contours of the hillside by shifting the bulk of the hillside lower and creating terraces by inserting retaining walls. Per the submitted geotechnical report (*Supplemental Evaluation Proposed Site Retaining Walls and Landscaping Improvements Dutta Property*, by C2Earth, Inc., dated June 26, 2020), removing material from the upper area of the slope and placing it on the lower area of the slope, with the addition of retaining walls, will yield a slightly increased level of slope stability, and therefore would not destabilize the hillside slope. This report has been reviewed and conditionally approved by the County's geotechnical engineer. This report also notes that it is possible that the property is on the site of a former landslide deposit; if so, the landslide deposit would be a coherent conglomerate block. Per the Project Geotechnical Consultant, the stability of this coherent block would not be impacted by the construction of the proposed retaining walls.

- 2) *Concerned that grading equipment could cause road damage.*

This project has been reviewed by the Department of Public Works (DPW). DPW has included Conditions of Approval 25 through 27 to ensure that any damage that occurs to the public road will be repaired at the applicant's expense, and that the applicant has permission to traverse any private roads for this purpose.

- 3) *Concern about the loss of foliage, light pollution, and the dark sky character of the community.*

This property is not within a Design Review District; therefore, the loss of plant foliage is not within the jurisdiction's ability to regulate. However, the County has the authority to require replacement of the trees proposed for removal. While nine trees are proposed to be removed, the landscape plans include 597 new plants, including 15 trees. All exterior lighting proposed to be installed on this property is downcast and dark-sky compliant.

- 4) *Concern about the proximity to the San Andreas fault and subsequent soil movement potential.*

As noted in the Item 7.A of the MND, this project is located within the Alquist-Priolo earthquake fault zone and is subject to violent shaking from the San Andreas fault. As previously noted, the proposed project will slightly increase the slope stability and, therefore, is unlikely to result in additional slope movement risk during an earthquake event.

- 5) *Concern that the soil samples were not taken from the project site and that they may not be representative of soils in the landslide debris zone.*

As noted in the applicant's geotechnical report, test pits were taken in four locations at the site including the location of the proposed project. These test pits revealed dense indurated Santa Clara formation conglomerate. For further discussion, see Comment and Response 1.

- 6) *Concern that climate change will change peak rainfall intensity (inches per hour), which will alter historic soil saturation and runoff.*

This property is located in a high landslide hazard area, however, as this project would increase slope stability, including during intense rainstorm events, additional soil saturation mitigation is not needed. The project was reviewed and preliminarily approved by the County's Drainage Section. Condition 23 requires a final grading and drainage plan stamped and signed by a registered Civil Engineer at the time of building permit submittal.

- 7) *Concern that a stream adjacent to the property has not been considered in the environmental evaluation, referred to as a drainage path in the "Storm Drainage Management Plan" for the Los Trancos County Water District.*

The drainage path identified in the Los Trancos County Water District map is not considered a stream under the U.S. Fish and Wildlife Service Wetland Mapper or County maps. Per the County's Drainage Engineer, a drainage path allows for drainage during rain events, is typically only wet during those events, and is typically not associated with biological habitat, while a stream is generally wet for a longer duration and often has associated sensitive habitat.

- b. That, on the basis of the Initial Study and comments received hereto, there is no substantial evidence that the project, if subject to the mitigation measures contained in the Mitigated Negative Declaration, will have a significant effect on the environment. The mitigation measures in the categories of air quality, biological resources, cultural resources, geology, noise, and tribal cultural resources have been incorporated as conditions of approval of this project and implementation of the measures would reduce the impact of the project a less than significant level.**
- c. That the mitigation measures identified in the Mitigated Negative Declaration, agreed to by the applicant, placed as conditions on the project, and identified as part of this public hearing, have been incorporated as conditions of project approval.**

The mitigation measures contained in the Mitigated Negative Declaration have been included as conditions of project approval.

- d. That the Initial Study and Mitigated Negative Declaration reflect the independent judgment of the County.**

The Initial Study and Mitigated Negative Declaration have been conducted without bias and reflect the independent judgment of the County of San Mateo.

2. For the Grading Permit:

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

The proposed project involves approximately 187 cubic yards of fill and 544 cubic yards of cut in order to establish landscape terraces, retaining walls, stairways and paths. The lot is currently developed with a single-family house, and the proposed grading would increase the overall slope stability of the parcel. The continuation of the residential use and additional accessory landscaping is consistent with the intent and development density established for this community.

- b. **That the project conforms to the criteria of Chapter 5, Division VII, San Mateo County Ordinance Code, including the standards referenced in Section 9296.**

County staff, including Planning staff, Department of Public Works staff, Geotechnical Engineer, Drainage Engineer, Building Inspection staff, County Arborist, and Environmental Health Services staff, have reviewed the project and have determined its conformance to the criteria of Chapter 5, Division VII, San Mateo County Ordinance Code, including the standards referenced in Section 9296 and the San Mateo County General Plan, including timing of grading activity, implementation of erosion and sediment control measures, and dust control measures.

- c. **That the project is consistent with the General Plan.**

The subject site has a General Plan land use designation of Low Density Residential. The existing development consists of a single-family residence. The proposed grading and landscaping of the backyard is consistent with the allowed density and use of the designation. The project also conforms with the land use policies of the General Plan as the proposed development conforms to the zoning regulations for the parcel which aids in the orderly and harmonious development of the parcel in relation to the neighboring development. Policy 4.25 (Earthwork Operations) calls for development to keep grading or earth-moving operations to a minimum, and, where grading is necessary, to make graded areas blend with adjacent landforms through the use of contour grading rather than harsh cutting or terracing of the site. While the project proposes to terrace portions of the property near the house for increased slope stability, landscaping, and recreational use, the topography of the rear half of the property would remain unterraced. Therefore, the project as proposed and conditioned is consistent with the San Mateo County General Plan.

- d. **That the project is consistent with the provisions of the Significant Tree Removal Ordinance, the provisions of which must be considered and applied as part of the grading permit approval process (Significant Tree Removal Ordinance Section 12.020.1(e)). The number of trees proposed for removal has been minimized through trail design that only removes trees necessary for the development and providing tree replacements.**

Nine trees have been proposed for removal in order to complete the proposed grading. This application has been reviewed by the County Arborist and conditioned to provide a tree protection plan and tree replacements at a 1:1 ratio, through Condition of Approval 3 and 4. The submitted landscape plans include planting 15 trees, and only the trees that are necessary for the project are proposed to be removed.

CONDITIONS OF APPROVAL

Current Planning Section

1. This approval applies only to the proposal, documents, and plans described in this letter, and submitted to and approved by the Community Development Director. Minor revisions or modifications to the project may be made subject to the review and approval of the Community Development Director.
2. This approval shall be valid for one (1) year from the date of this letter by which time a valid building permit shall have been issued. Any extension of this permit shall require submittal of an application for permit extension and payment of applicable permit extension fees sixty days prior to expiration.
3. **Mitigation Measure 1:** The applicant shall implement the following basic construction measures at all times:
 - a. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxic Control Measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - b. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
 - c. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person, or his/her designee, shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
4. **Mitigation Measure 2:** The applicant shall implement the following dust control measures during grading and construction activities:
 - a. Water all active construction and grading areas at least twice daily.
 - b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
 - c. Apply water two times daily or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at the project site.

- d. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets/roads.
 - e. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.)
5. Mitigation Measure 3: All trees proposed for removal shall be replaced at a 1:1 ratio, minimum 15-gallon size stock. All proposed replacement trees shall be shown on a Tree Replanting Plan or Landscape Plan and shall include species, size, and location. The Plan shall be submitted to the County Planning and Building Department for review and approval as part of the building permit plan sets.
 6. Mitigation Measure 4: The applicant shall submit a detailed Tree Protection Plan incorporating measures from a certified arborist as part of the building permit plan sets.
 7. Mitigation Measure 5: In the event that cultural, paleontological, or archaeological resources are encountered during site grading or other site work, such work shall immediately be halted in the area of discovery and the project sponsor shall immediately notify the Community Development Director of the discovery. The applicant shall be required to retain the services of a qualified archaeologist for the purpose of recording, protecting, or curating the discovery as appropriate. The cost of the qualified archaeologist and of any recording, protecting, or curating shall be borne solely by the project sponsor. The archaeologist shall be required to submit to the Community Development Director for review and approval a report of the findings and methods of curation or protection of the resources. In addition, an archaeological report meeting the Secretary of the Interior's Standards detailing the findings of the monitoring will be submitted to the Northwest Information Center after monitoring has ceased. No further grading or site work within the area of discovery shall be allowed until the preceding has occurred.
 8. Mitigation Measure 6: In the event of discovery or recognition of any human remains during project construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The applicant shall then immediately notify the County Coroner's Office and possibly the State Native American Heritage Commission to seek recommendations from a Most Likely Descendant (Tribal Contact) before any further action at the location of the find can proceed. All contractors and sub-contractors shall be made aware of these requirements and shall adhere to all applicable laws including State Cultural Preservation laws. Disposition of Native American remains shall comply with CEQA Guidelines Section 15064.5(e).
 9. Mitigation Measure 7: The applicant shall submit an erosion control plan in compliance with the County's General Erosion and Sediment Control Plan Guidelines Checklist for review and approval as part of the building permit plans submittal.
 10. Mitigation Measure 8: No grading shall be allowed during the wet weather season (October 1 through April 30) to avoid increased potential soil erosion, unless the applicant applies for an Exception to the Winter Grading Moratorium and the Community Development Director grants the exception. Exceptions will only be

granted if dry weather is forecasted during scheduled grading operations, and the erosion control plan includes adequate winterization measures (amongst other determining factors).

11. Mitigation Measure 9: An Erosion Control and Tree Protection Pre-Site Inspection shall be conducted prior to the issuance of a grading permit "hard card" and building permit to ensure the approved erosion control.
12. Mitigation Measure 10: In the event that cultural, paleontological, or archaeological resources be encountered during site grading or other site work, such work shall immediately be halted in the area of discovery and the project sponsor shall immediately notify the Community Development Director of the discovery. The applicant shall be required to retain the services of a qualified archaeologist for the purpose of recording, protecting, or curating the discovery as appropriate. The cost of the qualified archaeologist and of any recording, protecting, or curating shall be borne solely by the project sponsor. The archaeologist shall be required to submit to the Community Development Director for review and approval a report of the findings and methods of curation or protection of the resources. No further grading or site work within the area of discovery shall be allowed until the preceding has occurred. Disposition of Native American remains shall comply with CEQA Guidelines Section 15064.5(e).
13. Mitigation Measure 11: Noise sources associated with demolition, construction, repair, remodeling, or grading of any real property shall be limited to the hours from 7:00 a.m. to 6:00 p.m. weekdays and 9:00 a.m. to 5:00 p.m. Saturdays. Said activities are prohibited on Sundays, Thanksgiving and Christmas (San Mateo Ordinance Code Section 4.88.360).
14. Mitigation Measure 12: Should any traditionally or culturally affiliated Native American tribe respond to the County's issued notification for consultation, such process shall be completed and any resulting agreed upon measures for avoidance and preservation of identified resources be taken prior to implementation of the project.
15. Mitigation Measure 13: In the event that tribal cultural resources are inadvertently discovered during project implementation, all work shall stop until a qualified professional can evaluate the find and recommend appropriate measures to avoid and preserve the resource in place, or minimize adverse impacts to the resource, and those measures shall be approved by the Current Planning Section prior to implementation and continuing any work associated with the project.
16. Mitigation Measure 14: Any inadvertently discovered tribal cultural resources shall be treated with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, protecting the cultural character and integrity of the resource, protecting the traditional use of the resource, and protecting the confidentiality of the resource.

17. Prior to final approval of the building permit, the applicant shall implement the approved Landscape Plan, including plant all replacement trees as shown on the approved Tree Replanting Plan, except that one new Oak tree (minimum 15-gallon stock) shall be planted for each significant Oak tree removed. In addition, all disturbed land shall be stabilized.
18. Prior to final approval of the building permit, the applicant shall submit a completed WELO Certificate of Completion and Installation, as well as a completed Landscape Certification, with required materials as stated on the forms. Forms are available at: <https://planning.smcgov.org/water-efficient-landscape-ordinance-welo>
19. No vegetation/ tree removal, land disturbance, or grading activities shall commence until the property owner has been issued a grading permit (issued as the "Hard Card" with all necessary information filled out and signatures obtained) by the Current Planning Section. All associated building permit(s) shall be issued concurrently with the Grading Permit. No grading activities shall commence until all permits have been issued.
20. The provision of the San Mateo County Grading Ordinance shall govern all grading on and adjacent to this site. Per San Mateo County Ordinance Section 9296.5, all equipment used in grading operations shall meet spark arrester and firefighting tool requirements, as specified in the California Public Resources Code.
21. The engineer who prepared the approved grading plan shall be responsible for the inspection and certification of the grading as required by Section 9297.1 of the Grading Ordinance. The engineer's responsibilities shall include those relating to non-compliance detailed in Section 9297.4 of the Grading Ordinance.
22. Erosion and sediment control during the course of this grading work shall be installed and maintained according to a plan prepared and signed by the engineer of record and approved by the Current Planning Section. Revisions to the approved erosion and sediment control plan shall be prepared and signed by the engineer.
23. It shall be the responsibility of the engineer of record to regularly inspect the erosion control measures for the duration of all grading remediation activities, especially after major storm events, and determine that they are functioning as designed and that proper maintenance is being performed. Deficiencies shall be immediately corrected as determined by and implemented under the observation of the engineer of record.
24. For the final approval of the grading permit, the property owner shall ensure the performance of the following activities within thirty 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, and the Grading Regulations, to the Department of Public Works and the Planning and Building Department's Geotechnical Engineer.

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

Drainage Section

25. A final grading and drainage plan stamped and signed by a registered Civil Engineer will be required at the building permit submittal

California Water Service

26. Any improvements to the water system will be at the owner's expense including additional services or fire protection needs. All storm and sewer lines must have separation from Water of 10-foot horizontal separation and 1-foot vertical separation below the Water main or service line, service lines which go through one property to another property must have legal easements granted with documentation submitted to Cal Water before installation.

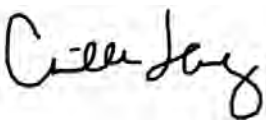
Department of Public Works

27. Should the access shown on the plans go through neighboring properties, the applicant shall provide documentation that "ingress and egress" easements exist providing for this access, prior to issuance of Building permit.
28. The applicant shall provide a haul route showing the location of the export site, the designated truck route, hours of operation, scheduled haul dates for review and coordination to the Department of Public Works. Applicant will be responsible for repairs to any damage on the roadway due to hauling operations for this project as determined by the road inspector.

This Grading Permit approval may be appealed by the applicant or any aggrieved party on or before **5:00 p.m., on July 8, 2021**, the tenth working day following action by the Community Development Director. An appeal is made by completing and filing a Notice of Appeal, including a statement of grounds for the appeal, with the Planning and Building Department, and paying the \$616.35 appeal fee.

Further information may be obtained by contacting Kelsey Lang, Project Planner, at klang@smcgov.org.

FOR STEVE MONOWITZ,
COMMUNITY DEVELOPMENT DIRECTOR, By:



Camille Leung, Senior Planner

CML:KGL:agv – KGLFF0680_WAN.DOCX

cc: Bob Zimmerman

Attachments:

A – Plans

B – Notice of Intent to Adopt the MND

C – Public Comments



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT D

From: [Bob Zimmerman](#)
To: [Kelsey Lang](#); [Melissa Ross](#)
Subject: Re: PLN2020-00130 Decision Letter - Notice of Appeal
Date: Thursday, July 8, 2021 2:29:07 PM
Attachments: [PastedGraphic-1.tiff](#)

CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

Hi -

It is my intent to file an appeal in opposition to the approval of this project. Perhaps the project could be re-designed to pose less of a threat to itself and adjacent properties.

My primary concern is that this project, as proposed, will destabilize the hillside above it, and compromise my property and future usage and other adjacent up-hill properties to the south. Given the extensive volume of proposed earthwork, and the location at the bottom of a large multi-acre drainage field whose upper rim is defined by the roadway of Old Spanish Trail, I am concerned that the analysis and proposed mitigations have not considered the upward shift in rain fall intensity, duration, and frequency (IDF) curves that are accompanying climate change and will become more problematic. I do not want to be sued or held liable when the inevitable drainage (inundation) or landslide issues become manifest. It is not apparent that the proposed retaining walls would prevent such problems. I could not locate any analysis from the geotechnical consultants that addressed this, but if it exists, I would welcome the opportunity to review it.

Dismissing the drainage path as only wet during rain events, and that it is by definition not biological habitat, ignores the reality - recognized throughout the SouthWest, of flash floods during intense rain events. Item #6 in the June 23, 2021 response letter the claim of "increasing slope stability" applies only within the project site, not immediately uphill of it. This lack of acknowledgment of the site context raises questions of the sufficiency of other mitigation plans and proposed efforts.

The project site seems a textbook perfect example of the diagram on page 5 in the USGS The Landslide Handbook - A Guide to understanding landslides (Circular 1325, 2008) - attached below. The upper scarp and head of the landslide is on my property at 265 Old Spanish Trail, with the debris field, foot and toes of the landslide on the property of 250 Bonita Road.

The property owner, geotechnical consultants, and contractors should be aware of the site history. In 1975 when I purchased the property uphill of 250 Bonita, I looked into purchasing the adjacent downhill parcel (now subdivided and known as 250 Bonita Rd). I was told that it was considered unbuildable by both the realtor (Hal Cenedella - now deceased) who was very active in Los Trancos Woods properties and an engineering consultant who reviewed my foundation, a Stanford PhD in civil engineering with knowledge of local geology and engineered structures. I would hope this was disclosed to the present owners who should have been aware of the risks and constraints of the property.

Is there a copy of the arborists report on the proposed tree removal? There are currently multiple trees, visible from the property line, whose growth pattern clearly demonstrates a substantial shift in the underlying ground (an earth flow) in relatively recent time (past 50-100

yers) consistant with the foot of a landslide.

I am told that it is a principle of California law, that activities on one property should not be permitted which would destabilize the adjacent, uphill or other properties. Is this no longer true?

Beyond this letter, are there documented procedures for filing an appeal?

Can the appeal fee be paid electronically? If so, how and at what electronic address?

Thank You,
Robert Zimmerman
Portola Valley

Diagram for reference: Extracted from USGS - Circular 1325 referenced above.



On Jun 23, 2021, at 2:03 PM, Kelsey Lang <klang@smcgov.org> wrote:

Hi Sanj,

Please see the attached decision letter approving your application. Please be aware that the appeal period will conclude at **5 pm on July 8, 2021**. If the period concludes with no appeals, at that point the approval is considered final and you may proceed with updating the plans for your building permit.

Best,
Kelsey Lang, AICP (she/her)
Planner III
Planning & Building Dept. | County of San Mateo
455 County Center, 2nd Floor | Redwood City, CA | 94063
klang@smcgov.org | planning.smcgov.org

<WPC Final Grading Permit PLN 2020-00130 (Dutta)
Kglff0680_wan_signed.pdf>

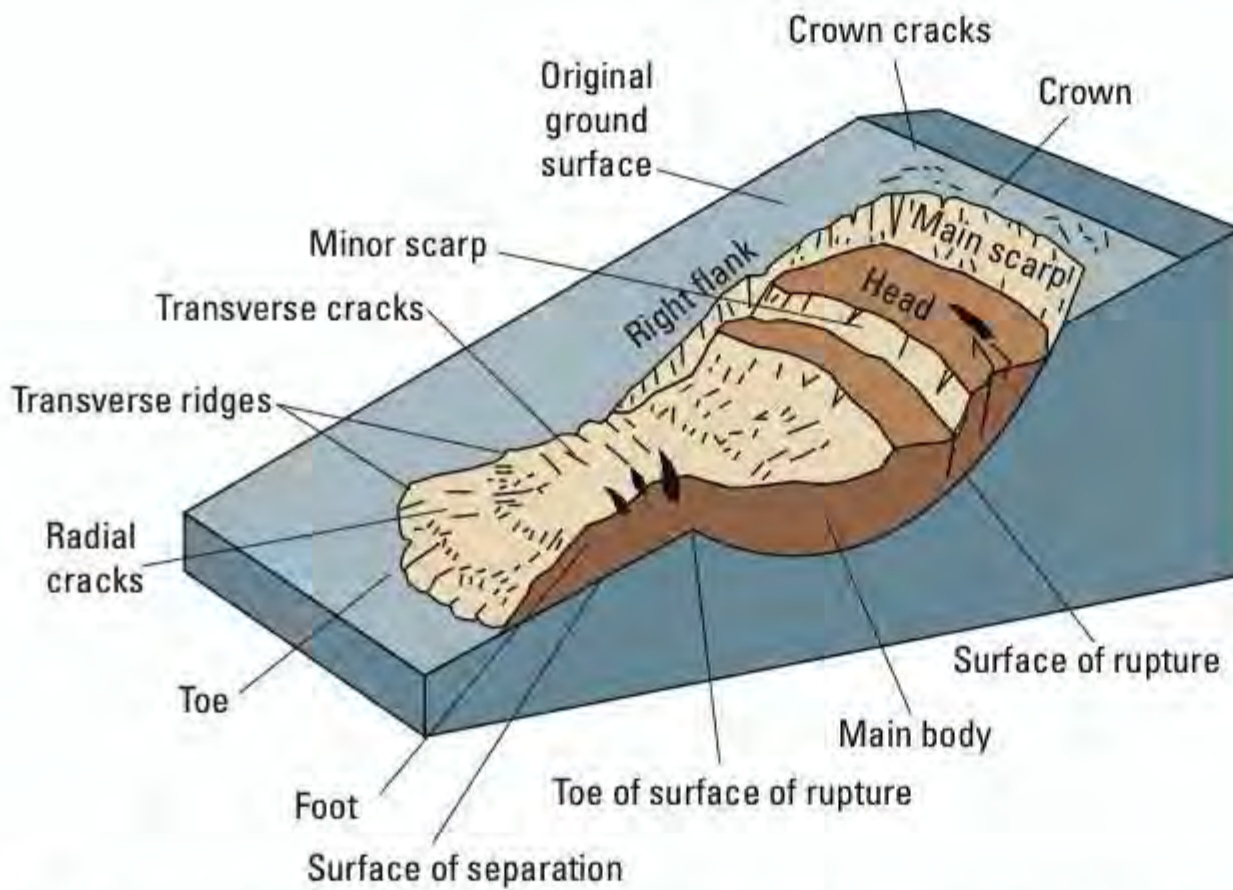


Figure 2. A simple illustration of a rotational landslide that has evolved into an earthflow. Image illustrates commonly used labels for the parts of a landslide (from Varnes, 1978, Reference 43).

Part B. Basic Landslide Types

A landslide is a downslope movement of rock or soil, or both, occurring on the surface of rupture—either curved (rotational slide) or planar (translational slide) rupture—in which much of the material often moves as a coherent or semicoherent mass with little internal deformation. It should be noted that, in some cases, landslides may also involve other types of movement, either at the inception of the failure or later, if properties change as the displaced material moves downslope.

This section provides descriptions and illustrations of the various types of landslides. Understanding the characteristics of the specific type of landslide hazard in your area is vitally important to consider when planning or adopting appropriate mitigative action to lessen the risk of loss and damage. The type of landslide will determine the potential speed of movement, likely volume of displacement, distance of run-out, as well as the possible effects of the landslide and the appropriate mitigative measures to be considered.

Landslides can be classified into different types on the basis of the type of movement and the type of material involved (please see References 9 and 39). In brief, material in a landslide mass is either *rock* or *soil* (or both); the latter is described as *earth* if mainly composed of sand-sized or finer particles and *debris* if composed of coarser fragments. The type of movement describes the actual internal mechanics of how the landslide mass is displaced: *fall*, *topple*, *slide*, *spread*, or *flow*. Thus, landslides are described using two terms that refer respectively to material and movement (that is, rockfall, debris flow, and so forth). Landslides may also form a complex failure encompassing more than one type of movement (that is, rock slide—debris flow).

For the purposes of this handbook we treat “type of movement” as synonymous with “landslide type.” Each type of movement can be further subdivided according to specific properties and characteristics, and the main subcategories of each type are described elsewhere. Less common subcategories are not discussed in this handbook but are referred to in the source reference.

Direct citations and identification of sources and references for text are avoided in the body of this handbook, but all source materials are duly recognized and given in the accompanying reference lists.

Application for Appeal

Planning and Building Department

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

To the Planning Commission

To the Board of Supervisors

1. Appellant Information

Name: Robert R Zimmerman

Address: 265 Old Spanish Trail

P o r t o l a V a

Phone, W: 6505204500 H: 6508512689

Zip: 94028

2. Appeal Information

Permit Numbers involved:

PLN 2020-00130

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

yes

no

I hereby appeal the decision of the:

- Staff or Planning Director
- Zoning Hearing Officer
- Design Review Committee
- Planning Commission

Appellant's Signature:

Robert R. Zimmerman

Date:

July 7, 2021

made on June 23 2021 to approve/deny the above-listed permit applications.

3. Basis for Appeal

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

The decision should be deferred or reversed until there is a comprehensive risk and mitigation plan.

It must incorporate all risks pertinent to the site within the context of the surrounding terrain.

The design should not potentially compromise the stability of the adjacent uphill properties, or the ability of those property owner to enjoy the usage of their properties.

The analysis should revisit the history of the site and why it was considered unbuildable.

The analysis should specifically address the proposed retaining walls, which will do nothing to prevent the uphill debris from subsequent motion.

There is no surface movement potential map to guide land use decisions.

At least 3 if not more properties in the Vista Verde / Los Trancos neighborhood, have

experienced substantial surface movement & damage, though approved by San Mateo County.

Subsequent Mitigation costs have run from \$500k to \$2 million: see earlier emails.

From: [Bob Zimmerman](#)
To: [Melissa Ross](#)
Subject: Re: 250 Bonita Rd | CEQA Posting
Date: Thursday, May 6, 2021 12:24:21 PM

CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

Hi Melissa,

Thank you for the link. My property (and other's) is immediately upslope of the proposed project and the proposed work appears to increase the risk of destabilizing that hillside above the project site. I do not find the reports persuasive that the conspicuous risks have been mitigated.

I will certainly have comments and questions, particularly on:

- 1) **slope movement potential**, the possibility of destabilizing the hillside slope immediately above (south of) their property line. This risk appears to be exacerbated by the substantial soil excavation undercutting the foot of the hillside which they identify as being **within a landslide deposit**. There are a number of trees on the site which are off vertical, thereby providing conspicuous evidence of slope movement within the recent past.
- 2) **road damage** and truck movement constraints imposed by the narrow roadway and sparse, seemingly fragile, roadbed that must be traversed by heavy earth moving equipment and trucks to access the site. Will the County and community be **indemnified for road repair or replacement?**
- 3) the **proposed tree removal** and the deterioration of the remaining root structure may negatively influence **slope stability**. The loss of foliage and its ability to screen adjacent properties from **light pollution**, may also impact adjacent property owners and the dark sky character of the community.

While there are copious drawings on the proposed project site, there is minimal consideration of the context and conditions surrounding the property boundaries.

The report by C2Earth contains a landslide interpretation map (Figure 1) based on Lidar imagery. They acknowledge that **the project is within a landslide deposit**. The Slope Stability Findings on page 3 of their June 20, 2020 report (first sentence) reads '...the proposed project has no negative influence on the overall stability of the site.' This does not address the risk of uphill, off site, slope stability nor the risk of a subsequent landslide (slope movement) impacting and burying the proposed project site. While it may be stable, it may also be buried. Would this then increase the liability exposure for all upslope property owners?

I would not expect the County Planning & Building Department to permit a project which could destabilize and imperil adjacent properties.

Thank you,
Bob

=====
Robert R. Zimmerman

mobile: [REDACTED]

On Apr 26, 2021, at 3:54 PM, Melissa Ross <mross@smcgov.org> wrote:

Hi Bob,

The Initial Study and Mitigated Negative Declaration has been posted to the Planning Department's website: <https://planning.smcgov.org/ceqa-document/mitigated-negative-declaration-landscaping-grading-250-bonita-rd>

The review period begins today, April 26th, and ends on May 17, 2021. Please let me know if you have any comments or questions on or before May 17th.

Thank you,
Melissa

Melissa Ross, Planning Services Manager
Planning & Building Department
455 County Center, 2nd Floor
Redwood City, CA 94063
Work Cell (650) 649-8358
planning.smcgov.org

Due to COVID-19, the Planning and Building Department is closed to the public. Please refer to our [website](#) for additional temporary closure information.

From: [Bob Zimmerman](#)
To: [Melissa Ross](#)
Cc: [Helene Atkin](#); [Lu Anne & Rob Kalman Chandler](#); [Bob + Sandy Jones](#)
Subject: Objection to approval of 250 Bonita | CEQA analysis
Date: Monday, May 17, 2021 4:56:19 PM
Attachments: [Bonita CEQA - Memorandum for the record.pdf](#)

CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

Hi Melisa,

This is intended as an extension of my earlier comments and concerns. I don't think the posted CEQA documents make the case that this project is ready for approval. I hope they will not be able to start excavation and grading until there is a satisfactory analysis and a plan to avoid risks and subsequent damage to the adjacent properties.

Thank you,
Robert Zimmerman
Portola Valley

Memorandum for the record

Subject: Proposed permit for Grading and Landscaping at 250 Bonita Road | CEQA Posting

To: Melissa Ross, San Mateo County Planning Department:

Date: May 17, 2021

This is an extension and expansion of concerns communicated on May 6, 2021.

I would not expect the County Planning and Building Department to permit a project which could destabilize the up-slope hillside and imperil both the project site and adjacent properties.

The grading permit application describes the project requiring movement of 728 cubic yards of dirt, 544 cu yd of cut, 187 cu yd of fill. This is a significant amount of material at the foot of a landslide zone, with visible, conspicuous debris mounds. It seems likely to contribute to the destabilization of the hillside slope to the south of the property line.

Having reviewed the project documents posted on the County web-site, I do not find that the reports are persuasive that the conspicuous risks have been mitigated. My property (and other's) is immediately up-slope of the proposed project and the work described appears to increase the risk of destabilizing the hillside properties above (south) of the project site. There a number of significant gaps in the analysis presented by the consultants contracted to the home owner. I don't know if the county actually reviews the submitted documents for thoroughness and competence of the analysis, but I find it falls considerably short of expectations for a thorough risk analysis and subsequent mitigation plan.

The reports lacks context, focused on the site itself and not the uphill soils, drainage, and potential seismic events that might initiate the movement of wet, saturated soil.

The slide debris zone is not just a risk, it is a reality.

The posted reports lack context. Proposed Project area is the base of a bowl with its upper rim formed by Old Spanish Trail, which follows the 1400' contour line. The USGS 1:24,000 map shows the proposed project site at approximately the 1200' contour. The project documents show contour lines at 520 to 560 feet but do not document their reference point. It is clearly not the usual mean sea level standard (MSL) in most USGS documents. What is it?

Would wet, saturated soil be more likely to move in a seismic event? *Yes!*

Would hillside soil movement put the home, property and proposed project site at risk? *Yes!*

Would potential soil movement put other homes an properties at risk, both above and below the proposed project site? *Not addressed in the planning documents.*

The submitted geotechnical report analyzed a single model under dry conditions, but does not show their work.

A more thorough and substantive analysis should consider wet and saturated soils and their stability under various seismic conditions. Wet soil should be anticipated under future climate change conditions as heavier rain fall rates are already being reported.

Documents state (show):

Static analysis, not dynamic or sensitivity probability of movement during seismic events. Soil characteristics derived from 7.5" USGS Mindogo Hill map, apparently not actually observed or measured on the specific site.

Shallow soils on the surface of the drainage bowl were not analyzed for potential water infiltration and weakening in nominal heavy rainfall events. The proposed project elevation begins is 200' below the nearest ridge, approximately 360' down slope. Rainfall patterns were neither mentioned or analyzed. With climate change in California , it is now widely recognized that peak rainfall intensity (inches per hour) has increased substantially, which will alter historic soil saturation and runoff models. Wetter soil and greater amounts of water at the foot of the slide zone may reduce slope stability and increase debris flow in a seismic event. Slide of this type can be found throughout the referenced USGS map and the Vista Verde ? Los Trancos Wood ares – on upper Vista Verde, and the intersection of Vista Verde nd Old Spanish Trail, and on the upper Alpine Road adjacent to open space land.

There is a stream adjacent to the property not shown on the site survey maps. It is referred to as a drainage path in communities Storm Drainage Management Plan dated December 2013 and performed by Schaaf and Wheeler for the Los Trancos County Water District.

Sample pit shown from 2001 is in a corner of the property remote from the proposed excavation work and may not be representative of soils down slope of the landslide debris zone.

The photographs supplied in the C2Earth report are not indexed as to location on site. Several of these photos show tree trunks that are substantially off vertical, a definitive sign of significant soil slippage in recent history. Additional off vertical tree trunks can be seen from Bonita Road just outside the driveway entrance. The soils in this area are conspicuously unstable and have moved in fairly recent time (last few decades?).

Summarizing:

The analysis lacks context as multiple off-site features are omitted from supplied maps:

1. San Andreas Fault:

Proximity to San Andreas fault and subsequent movement potential – OMITTED

2. Drainage path

Stream shown on surface water movement maps as bordering the subject property – OMITTED

3. Drainage Basin:

The project site is at the foot of a slope 200' lower elevation than the nearest ridge and the subsequent drainage is not mentioned or analyzed. The site is the foot of a drainage basin, a basin formed at the base of an open bowl formed by the ridge to the south capped by the roadway of Old Spanish Trail. OMITTED

4. Reference data elevation is not provided. USGS 1:24,000 Mindego Hill quadrant shows it is approximately along the 1200' contour line. OMITTED

5. There is no prior existing surface movement potential map as done for the land in the town of Portola Valley immediately to the north of the site of the proposed work. -ABSENT

There are clearly a lot of problems in the analysis of condition on the proposed work site, and therefore no basis for confidence in the proposed risk mitigations.

Has a county geologist, one experienced in the soils and slides of this area actually walked and examined the proposed project site and adjacent lands?

I do not believe the County planning department should allow this project to proceed until and unless the gaps in the analysis are resolved and the project can proceed in a safe manner which will not endanger the existing structure, the home on the property, or the properties of adjacent homeowners. This plan is not ready for approval.

Thank you for your time and consideration of these issues.

Robert Zimmerman
Portola Valley