

3.0 COMMENTS ON THE RECIRCULATED DRAFT EIR AND RESPONSES TO COMMENTS

3.1 INDEX TO COMMENTS

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

**Table 3.0-1
Index to Comments**

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

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

3.2 RESPONSES TO INDIVIDUAL COMMENTS

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

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

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Insert Comment Letter SA-1

Response to Comment Letter SA-1

Response to Comment SA-1-1

The comment is noted.

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Insert Comment Letter LA-1

Response to Comment Letter LA-1

Response to Comment LA-1-1

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

Response to Comment LA-1-2

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

Response to Comment LA-1-3

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

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Insert Comment Letter ORG-1

Response to Comment Letter ORG-1

Response to Comment ORG-1-1

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

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

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

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

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

Response to Comment ORG-1-2

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

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

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

Response to Comment ORG-1-3

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

Response to Comment ORG-1-4

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

Response to Comment ORG-1-5

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

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

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

Response to Comment ORG-1-6

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

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

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

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

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

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

Response to Comment ORG-1-7

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

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

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

Response to Comment ORG-1-8

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

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

Response to Comment ORG-1-9

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

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

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

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

Response to Comment ORG-1-10

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

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

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

Response to Comment ORG-1-11

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

Response to Comment ORG-1-12

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

Response to Comment ORG-1-13

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

Response to Comment ORG-1-14

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

Response to Comment ORG-1-15

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

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

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

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

Response to Comment ORG-1-16

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

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

Response to Comment ORG-1-17

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

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

Response to Comment ORG-1-18

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

Response to Comment ORG-1-19

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

Response to Comment ORG-1-20

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

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

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

Response to Comment ORG-1-21

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

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

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

Response to Comment ORG-1-22

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

Response to Comment ORG-1-23

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

Response to Comment ORG-1-24

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

Response to Comment ORG-1-25

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

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

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

Response to Comment ORG-1-26

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

Response to Comment ORG-1-27

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

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

Response to Comment ORG-1-28

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

Response to Comment ORG-1-29

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

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

Response to Comment ORG-1-30

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

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

Response to Comment ORG-1-31

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

Response to Comment ORG-1-32

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

Response to Comment ORG-1-33

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

Response to Comment ORG-1-34

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

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

Response to Comment ORG-1-35

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

Response to Comment ORG-1-36

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

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

Response to Comment ORG-1-37

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

3.0 Comments on the Recirculated Draft EIR and Responses to Comments

Insert Comment Letter ORG-2

Response to Comment Letter ORG-2

Response to Comment ORG-2-1

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

Response to Comment ORG-2-2

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

Response to Comment ORG-2-3

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

Response to Comment ORG-2-4

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

3.0 Comments on the Recirculated Draft EIR and Responses to Comments

Insert Comment Letter ORG-3

Response to Comment Letter ORG-3

Response to Comment ORG-3-1

The comment is noted.

3.0 Comments on the Recirculated Draft EIR and Responses to Comments

Insert Comment Letter ORG-4

Response to Comment Letter ORG-4

Response to Comment ORG-4-1

The comment is noted.

Response to Comment ORG-4-2

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

Response to Comment ORG-4-3

The comment is noted.

3.0 Comments on the Recirculated Draft EIR and Responses to Comments

Insert Comment Letter ORG-5

Response to Comment Letter ORG-5

Response to Comment ORG-5-1

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

Response to Comment ORG-5-2

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

Response to Comment ORG-5-3

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

Response to Comment ORG-5-4

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

Response to Comment ORG-5-5

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

Response to Comment ORG-5-6

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

Response to Comment ORG-5-7

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

Response to Comment ORG-5-8

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

3.0 Comments on the Recirculated Draft EIR and Responses to Comments

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

Response to Comment ORG-5-9

The comment is noted.

Response to Comment ORG-5-10

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

Response to Comment ORG-5-11

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

Response to Comment ORG-5-12

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

Response to Comment ORG-5-13

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

3.0 Comments on the Recirculated Draft EIR and Responses to Comments

Insert Comment Letter I-1

Response to Comment Letter I-1

Response to Comment I-1-1

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

Response to Comment I-1-2

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

Response to Comment I-1-3

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

Response to Comment I-1-4

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

Response to Comment I-1-5

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

3.0 Comments on the Recirculated Draft EIR and Responses to Comments

Response to Comment I-1-6

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

3.0 Comments on the Recirculated Draft EIR and Responses to Comments

Insert Comment Letter I-2

Response to Comment Letter I-2

Response to Comment I-2-1

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

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

3.0 Comments on the Recirculated Draft EIR and Responses to Comments

Insert Comment Letter I-3

Response to Comment Letter I-3

Response to Comment I-3-1

The comment is noted.

Response to Comment I-3-2

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

Response to Comment I-3-3

The comment is noted.

Response to Comment I-3-4

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

Response to Comment I-3-5

The comment is noted.

Response to Comment I-3-6

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

Response to Comment I-3-7

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

Response to Comment I-3-8

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

3.0 Comments on the Recirculated Draft EIR and Responses to Comments

Insert Comment Letter I-4

Response to Comment Letter I-4

Response to Comment I-4-1

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

Response to Comment I-4-2

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

Response to Comment I-4-3

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