

TOWN OF WOODSIDE

TOWN COUNCIL MEETING AGENDA

January 22, 2008

Independence Hall, 2955 Woodside Road, Woodside

7:30 p.m.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

COMMUNICATIONS

Persons wishing to address the Council on any matter not on the posted agenda are invited to do so. Please note, however, that the Council is not able to undertake extended discussion or to act on non-agendized items. Such items can be referred to staff for appropriate action, which may include placement on a future agenda. This communication period is limited to five persons, three minutes each. Any additional persons wishing to be heard will be scheduled at the end of Regular Business.

INTERVIEW AND APPOINTMENT OF CANDIDATES FOR PLANNING COMMISSION (DISTRICTS 1, 5, and 7)

7:35 p.m. Sara Jorgensen (District 1)
 7:40 p.m. Jennifer Gonzales (District 1)
 7:45 p.m. Diane Elder (District 7)
 7:50 p.m. (District 5)

CONSENT CALENDAR

All items on the Consent Calendar are considered to be routine and will be approved by one roll call motion unless a request is made at the beginning of the meeting that an item be withdrawn or transferred to the regular agenda.

1. Monthly Investment Report for December, 2007.
2. 1) Resolution Declaring Saturday, May 3, 2008, as May Day and Requesting Approval from the State Department of Transportation for the Woodside Elementary School PTA to Hold a Parade and the Woodside Recreation Committee to hold a "Fun Run" on a State Highway; and (2) Consideration of Special Event Permits for May Day Parade (Woodside PTA) and Fun Run (Woodside Recreation Committee) on May 3, 2008. Resolution No. 2008 - _____
3. Approval of Minutes: Town Council Meeting of December 11, 2007.
4. Resolution Approving a Memorandum of Understanding Between the Town of Woodside and the Woodside Fire Protection District for Fire Code Compliance and Inspection Procedures and Authorizing the Town Manager to Execute the Memorandum on Behalf of the Town. Resolution No. 2008 - _____ **(Continued by staff to February 12, 2008.)**
5. Resolution Authorizing a Second Amendment to the Agreement with the County of San Mateo for the Provision of Animal Control Services. Resolution No. 2008 - _____
6. Town Manager's Report to Town Council.

NEW BUSINESS

7. Resolution Approving Modifications of the Charter of the Woodside Bicycle Committee. Resolution No. 2008 - _____

PUBLIC HEARING

The Mayor will declare the public hearing open. Town staff will present a staff report on the aspects of the application or issue, which will be followed by staff recommendations. The applicant or his/her representative may make a presentation. Thereafter, those in support of or in opposition to the proposal may speak. When all interested parties have had an opportunity to be heard, the hearing will be closed. After that time, no further discussion from the floor will be held. The Town Council will consider the evidence and either approve, disapprove, or continue the item to a subsequent meeting date.

8. Appeal by Roger and Jodi Lawler of the Planning Commission's certification of the Final Environmental Impact Report (EIR) and adoption of a Mitigation Monitoring Program for construction of a private roadway, bridges for two driveways across creeks, a detention basin and drainage improvements on 92.2 acres of land; approval of Lot Line Adjustment 2003-005 to adjust the property lines of four existing parcels; approval of Conditional Use Permit 2004-001 to construct three bridges and a roadway in the stream corridor, and approval of Site Development Permit SDPC 2004-001 to permit grading in excess of 1500 cubic yards to construct a roadway.
Woodside Developers LLC, Sandhill Estates, Lawler Ranch Road

APPOINTMENTS

9. Report and Recommendation from the Town Council Committees Appointments Subcommittee: Open Space Committee.
10. Mayor's Councilmember Committee Appointments. **(The Mayor will appoint members of the Town Council to represent the Town with various outside agencies and as liaisons to the Town's volunteer committees.)**

REPORTS

11. Mayor and Councilmember Communications.

COMMUNICATIONS

ADJOURNMENT

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITY ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE TOWN CLERK AT (650) 851-6790. NOTIFICATION IN ADVANCE OF THE MEETING WILL ENABLE THE TOWN TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING.

PLEASE NOTE THAT PURSUANT TO THE STATE OF CALIFORNIA'S OPEN MEETING RULES, THIS MEETING IS BEING AUDIO TAPED.

TOWN OF WOODSIDE

Report to Town Council
From: Susan George, Town Manager

Agenda Item 1
January 22, 2008

SUBJECT: MONTHLY INVESTMENT REPORT FOR THE MONTH OF DECEMBER, 2007

RECOMMENDATION

It is recommended that the Town Council review and accept this report.

DISCUSSION

The Town Treasurer (whose duties have been delegated to the Town Manager) is required by State law to report to the Town Council on the investment activities of the Town. This report has been prepared in accordance with that requirement.

The Town only receives investment income from the Local Agency Investment Fund (LAIF), which is managed and administered by the State of California's Treasurer. This investment income is received on a quarterly basis, for the quarters ending March 31st, June 30th, September 30th, and December 31st. The Town receives an investment income statement and the cash from the State in the month following the end of the involved quarter. Thus, such revenue is actually received in July, October, January, and April. The July receipt is recognized on an accrual basis as June revenue for the previous fiscal year. Thus, to date in 2007-08, one quarter's interest has been received.

	Month	Interest Rate	QTD	FYTD
July	-			
August	-			
September	-			
Quarter Total			-	-
October	112,818.15	5.24%		
November	-			
December	-			
Quarter Total			112,818.15	112,818.15
January				
February	-			
March	-			
Quarter Total			-	112,818.15
April				
May	-			
June	-			
Quarter Total			-	112,818.15
Total	\$ 112,818.15		\$ 112,818.15	\$ 112,818.15

CONCLUSION

This report is provided to the Town Council each month to meet State reporting requirements.

TOWN OF WOODSIDE{PRIVATE }

Report to Town Council

Agenda Item 2

From: Janet Koelsch, Town Clerk

January 22, 2008

SUBJECT: (1) Resolution Declaring Saturday, May 3, 2008, as May Day and Requesting Approval from the State Department of Transportation for the Woodside Elementary School PTA to Hold a Parade and the Woodside Recreation Committee to hold a "Fun Run" on a State Highway; and (2) Consideration of Special Event Permits for May Day Parade (Woodside PTA) and Fun Run (Woodside Recreation Committee) on May 3, 2008.

RECOMMENDATION

It is recommended that the Town Council: (1) adopt the attached resolution which declares Saturday, May 3, 2008, as May Day and requests the State Department of Transportation's permission to hold a parade and run on a State Highway and (2) approve the attached Special Events Permit applications for the May Day Parade and Fun Run.

DISCUSSION

The Woodside Elementary School will once again be sponsoring the annual May Day parade and has forwarded the application and information necessary to obtain approvals from the State Department of Transportation and the Town for the May Day Parade.

Additionally, the Woodside Recreation Committee sponsors a "Fun Run" on May Day in tandem with the school's activities. This year the events will take place on May 3rd.

In order to receive formal permission from the State for these events to take place, the Town Council must first provide its own approvals and then forward a request to the State for its consideration.

CONCLUSION

It would be appropriate for the Town Council to adopt the attached resolution, granting its approval for the events and requesting approval from the State. Following adoption of the resolution, the Sheriff's Department and CalTrans will be contacted for their approvals.

Attachments

RESOLUTION NO. 2008 - {PRIVATE }

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WOODSIDE
DECLARING SATURDAY, MAY 3, 2008, AS MAY DAY
AND REQUESTING STATE DEPARTMENT OF TRANSPORTATION'S
PERMISSION TO HOLD A PARADE AND A FUN RUN ON A STATE HIGHWAY**

WHEREAS, the Parent/Teachers Association of the Woodside Elementary School has requested the Council to designate Saturday, May 3, 2008, as **May Day** and procure necessary approval to allow a parade to be held and conducted on May 3, 2008, by said P.T.A. upon a portion of Woodside Road (State Highway Route 84); and

WHEREAS, the Woodside Recreation Committee has requested approval of a Fun Run to be held prior to the parade along the same route; and

WHEREAS, the Council must secure permission from the Department of Transportation of the State of California before such a parade and fun run may be held; and

WHEREAS, the Council desires to be of assistance in this matter.

**NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED AS
FOLLOWS:**

1. Saturday, May 3, 2008, is hereby declared to be **May Day** in the Town of Woodside.

2. The Council does hereby grant permission to the P.T.A. of Woodside Elementary School to hold and conduct a parade and permission to the Woodside Recreation Committee to hold and conduct a Fun Run, on **May Day**, May 3, 2008, in and upon a portion of Woodside Road (State Route 84) provided that permission therefor is also given by the Department of Transportation of the State of California.

3. The Council does hereby request the Department of Transportation of the State of California to grant permission to the P.T.A. of said school to hold and conduct a parade between the hours of 10:00 a.m. and 11:00 a.m., and to the Woodside Recreation Committee to hold and conduct a Fun Run between the hours of 8:30 a.m. and 9:30 a.m., in and upon that portion of Woodside Road (State Route 84) between its intersections with Miramontes Road and Cañada Road, all within the territorial limits of the Town of Woodside.

4. The Council does hereby order that the local police will control or detour public traffic as may be necessary for the safe and expeditious movement of public traffic and for the safety of the participants in the parade.

5. Certified copies of this resolution, together with other necessary transmittal documents, are directed to be forwarded to the appropriate State and County offices and officials.

* * * * *

Passed and adopted by the Town Council of the Town of Woodside, California, at a meeting thereof held on the 22nd day of January 2008, by the following vote of the members thereof:

AYES, and in favor thereof, Councilmembers:

NOES, Councilmembers:

ABSENT, Councilmembers:

ABSTAIN, Councilmembers:

Mayor of the Town of Woodside

ATTEST:

Clerk of the Town of Woodside

TOWN OF WOODSIDE

Report to Town Council

Agenda Item 3

From: Janet Koelsch, Town Clerk

January 22, 2008

SUBJECT: MINUTES FOR APPROVAL

The minutes of the Regular Town Council Meeting of December 11, 2007, are attached for review and approval.

Attachment

TOWN OF WOODSIDE
{ PRIVATE }

TOWN COUNCIL MEETING MINUTES

December 11, 2007

Independence Hall, 2955 Woodside Road, Woodside

CALL TO ORDER

Mayor Boynton called the Meeting to order at 7:30 P.M.

ROLL CALL

Present: Councilmember Burow, Gordon, Hodges, Mason, Romines, Tanner, Mayor Boynton

Absent: None

Staff Present:

Susan George, Town Manager

Jean Savaree, Town Attorney

Hope Sullivan, Director of Community Design and Development/Assistant Town Manager

Janet Koelsch, Town Clerk

PLEDGE OF ALLEGIANCE

Millo Fenzi, Cañada Road, Bicycle Committee Chair, led the Pledge of Allegiance.

COMMUNICATIONS

Millo Fenzi, Cañada Road, Bicycle Committee Chair, presented the Committee's "Most Aggressive Rider" Trophy to Councilmember Gordon for her performance, in spite of an injured foot, at the Second Annual Woodside Wander Bicycle Ride.

Becky Witter, Montelena Court, expressed concern with staff's recent position regarding her request to amend conditions of a conservation easement and described the public benefit which would be provided to the Town by allowing horses to be sheltered in the easement.

Anne Kasten, Eleanor Drive, requested a study be performed to post Woodside Road at North Gate for "no parking" because construction trucks parking at the intersection were obstructing the visibility for cars making left hand turns onto Woodside Road. She added that construction trucks were also parking in the currently posted "no parking" zone on Woodside Road.

Ms. Kasten reiterated the need for the Park and Ride on Woodside Road to be cleaned and landscaped and suggested that the Woodside Landscape Committee be contacted regarding the project.

REORGANIZATION OF TOWN COUNCIL

Councilmember Tanner nominated Councilmember Romines for Mayor.

Motion seconded by Councilmember Hodges and carried by roll call vote:

AYES: Councilmember Burow, Gordon, Hodges, Mason, Tanner, Mayor Boynton

NOES: None

ABSENT: None

ABSTAIN: Councilmember Romines

Mayor Romines nominated Councilmember Mason for Mayor Pro Tempore.

Motion seconded by Councilmember Burow and carried by roll call vote:

AYES: Councilmember Boynton, Burow, Gordon, Hodges, Tanner, Mayor Romines
NOES: None
ABSENT: None
ABSTAIN: Councilmember Mason

ACKNOWLEDGEMENTS

Mayor Romines presented a Commendation to Sue Boynton in recognition of her service as Mayor of the Town of Woodside.

Ms. George thanked Councilmember Boynton for her work as mayor.

Councilmember Boynton noted her enjoyment working closely with staff during the year.

INTERVIEW OF CANDIDATE(S) FOR AND APPOINTMENT TO ARCHITECTURAL AND SITE REVIEW BOARD

The Council interviewed Barbara Hoskinson for appointment to the Architectural and Site Review Board for a seat expiring February 2011.

Councilmember Mason moved appointment of Barbara Hoskinson to the Architectural and Site Review Board.

Motion seconded by Councilmember Boynton and carried by roll call vote:

AYES: Councilmember Boynton, Burow, Gordon, Hodges, Mason, Tanner, Mayor Romines
NOES: None
ABSENT: None

CONSENT CALENDAR

1. **Approval of Waiver of Full Reading of Ordinances, per Government Code Section 36934**
2. **Monthly Financial Report for November of 2007.**
3. **Annual Road Program Report.**
4. **Resolutions: (a) Modifying the Procedure for Payment of Approved Claims by Substituting the Director of Community Design and Development/Assistant Town Manager for the Town Engineer as an Authorized Check Signatory and (b) Authorizing Investment of Monies in the Local Agency Investment Fund and Designating Authorized Signatories. Resolutions No. 2007 - 6661 and No. 2007 - 6662**
5. **Resolution Authorizing the Town Manager to Execute Agreements and Submit a Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2008/09 Transportation Development Act (TDA) Article 3 Funds to Support three Projects Totaling \$95,000. Resolution No. 2007 - 6663**

Councilmember Gordon moved adoption of the Consent Calendar as presented.

Motion seconded by Councilmember Hodges and carried by roll call vote:

AYES: Councilmember Boynton, Burow, Gordon, Hodges, Mason, Tanner, Mayor Romines
NOES: None
ABSENT: None

PUBLIC HEARING

- 6. Request to Amend Conditions of a Conservation Easement Associated with Land Division 251 to Permit Construction of Horse Shelters and Panel Fencing within the Easement (Kip and Becky Witter - 1 Montelena Court).

Mayor Romines pointed out that staff was recommending continuation of Item 6 to a date uncertain.

Ms. George clarified that staff was uncertain of the amount of time that would be required to research information requested by the applicants' counsel.

Councilmember Hodges moved continuance to a date uncertain the Request to Amend Conditions of a Conservation Easement Associated with Land Division 251 to Permit Construction of Horse Shelters and Panel Fencing within the Easement.

Motion seconded by Councilmember Mason and carried by roll call vote:

AYES: Councilmember Boynton, Burow, Gordon, Hodges, Mason, Tanner, Mayor Romines
 NOES: None
 ABSENT: None

- 7. **Adoption of an Ordinance Amending Chapter 150 of the Woodside Municipal Code, and Adopting by Reference the California Code of Regulations Title 24, 2007 Edition of the California Building Standards Code including the Following Parts: Part 1 California Administrative Code, Part 2 California Building Code including Selected Appendices, including Modifications Regarding Fire Retardant Roofing Materials and Automatic Fire Sprinklers, Part 3 California Electrical Code including Selected Appendices, Part 4 California Mechanical Code including Selected Appendices, Part 5 California Plumbing Code including Selected Appendices, Part 6 California Energy Code, Part 7 California Elevator Safety Construction Code; Part 8 California Historical Building Code, Part 10 2007 California Existing Building Code Appendix Chapter A1, Part 12 California Referenced Standards, Uniform Code for the Abatement of Dangerous Buildings (1997 Edition), Portions of the Uniform Housing Code (1997 Edition), and Portions of the 2001 California Building Code. Ordinance No. 2007 - 539**

Ms. Sullivan noted that the ordinance which incorporated two changes was introduced on November 27th. She updated the Council on the information provided to CalFire by the Woodside Fire Protection District Fire Marshal regarding areas to be included on the High Severity Fire Zone Maps and clarified that the Fire Marshal's input will be reviewed by State fire scientists to determine whether the proposed areas would be included on the final map. Ms. Sullivan noted that the final maps would be published in late February 2008, providing 120 days for the Town to either adopt the State map or adopt a more restrictive map. She confirmed that training regarding the new designations would be provided for the Town's boards.

The Council discussed the use of swimming pools for fire suppression.

Ms. Sullivan confirmed that staff would address the fire suppression issue during discussions with the Woodside Fire Protection District regarding adoption of the Fire Zone Map.

There was no public comment.

Councilmember Gordon moved adoption of an Ordinance Amending Chapter 150 of the Woodside Municipal Code, and Adopting by Reference the California Code of Regulations Title 24, 2007 Edition of the California Building Standards Code including the Following Parts: Part 1 California Administrative Code, Part 2 California Building Code including Selected Appendices, including Modifications Regarding Fire Retardant Roofing Materials and Automatic Fire Sprinklers, Part 3 California Electrical Code including Selected Appendices,

Part 4 California Mechanical Code including Selected Appendices, Part 5 California Plumbing Code including Selected Appendices, Part 6 California Energy Code, Part 7 California Elevator Safety Construction Code; Part 8 California Historical Building Code, Part 10 2007 California Existing Building Code Appendix Chapter A1, Part 12 California Referenced Standards, Uniform Code for the Abatement of Dangerous Buildings (1997 Edition), Portions of the Uniform Housing Code (1997 Edition), and Portions of the 2001 California Building Code.

Motion seconded by Councilmember Tanner and carried by roll call vote:

AYES: Councilmember Boynton, Burow, Gordon, Hodges, Mason, Tanner, Mayor Romines
NOES: None
ABSENT: None

REPORTS

8. Mayor and Councilmember Communications.

Councilmember Hodges thanked staff for their work on the recent Volunteer Reception.

COMMUNICATIONS

ADJOURNMENT

The Meeting was adjourned at 8:25 P.M.

SUBJECT: RESOLUTION AUTHORIZING A SECOND AMENDMENT TO THE AGREEMENT WITH THE COUNTY OF SAN MATEO FOR THE PROVISION OF ANIMAL CONTROL SERVICES

RECOMMENDATION

It is recommended that the Town Council adopt the attached resolution authorizing the Mayor to execute a Second Amendment to the Agreement with San Mateo County for the provision of Animal Control Services, extending the term of the agreement through June of 2011 and amending the payment schedule to the County.

BACKGROUND

The County has contracted with Peninsula Humane Society (PHS) for animal control services provided to all cities and the unincorporated areas of the County for approximately 50 years. Each of the twenty cities contracts with the County to pay for PHS' services. On June 17, 2003 the Board of Supervisors approved an agreement with PHS for shelter and field animal control services for the entire County and approved the corresponding agreement with the twenty cities. Both agreements were three-year contracts that were set to terminate on June 30, 2006. In addition, there is a land lease agreement between the County and PHS for certain land on Coyote Point. On December 14, 2004, the Board extended the terms of all three agreements through June 30, 2008.

DISCUSSION

The County intends to negotiate a new long-term agreement with PHS for provision of animal control services. At this juncture, a shorter-term amendment is necessary to ensure continuity of service as well as protection of public health and safety in the interim period. The County, cities and PHS wish to extend the animal control services contract an additional three years through June 30, 2011. In order to facilitate this, the PHS Amendment also extends the County's land lease with PHS through June 30, 2011. The amendment between the County and cities and the amendment between the County and PHS are both contingent upon the full execution of the other. The County's agreement with PHS is included for reference purposes.

In general, the amendment to the PHS contract will result in a reduction of costs to all public entities of approximately \$360,000 for the first year of the extension. Subsequent year's payments will be based on this reduced amount. Specifically, the payment due on the last year of the current contract (FY 2007-2008) is \$5,236,086. Under the Amendment, the payment in 2008-2009 will be \$4,750,000 and will increase by five percent each year, resulting in a payment of \$4,987,500 in FY 2009-2010 and \$5,236,875 for FY 2010-2011. However, under the amendment PHS will retain approximately \$125,000 per year in adoption fees which it collects. These fees were previously remitted to the County. The city and County cost distribution formula is based on service usage and updated yearly. In FY 2007-08, Woodside's share of the total Animal Control contract is \$55,171, based on the Town's service levels. Assuming service levels remain the same, the Town's share of the PHS contract in FY 2008-2009 should be a lesser amount.

The County also changed the Hold Harmless language in the Second Amendment. The Second

Amendment contains a provision that requires each city to defend and indemnify the County from lawsuits arising out of the conduct of PHS within the city's jurisdiction. The County has been sued for this type of thing within the last couple of years. Some of the City Attorneys had concerns about this change, because the cities do not have a contract with PHS and do not receive a defense and indemnity promise from them, as the County does. Several of the City Attorneys pursued this matter with the County, which would not agree to amend its contract with PHS to require the addition of such language for cities. PHS was contacted directly and although it will not enter into a side agreement to indemnify and defend the cities, it did agree to list any city that requests it to be listed as additional insured under its liability insurance policy. The Town Attorney and staff recommend that the Town pursue this option with PHS.

CONCLUSION

Staff recommends adoption of the attached resolution approving the second amendment to the agreement for the provisions of animal control services. Once all cities approve the contract amendment, the County of San Mateo will take official action to amend the contract with the Peninsula Humane Society.

Attachment

RESOLUTION NO. 2008 -

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WOODSIDE AUTHORIZING A SECOND AMENDMENT TO THE AGREEMENT WITH THE COUNTY OF SAN MATEO FOR THE PROVISION OF ANIMAL CONTROL SERVICES

WHEREAS, the County of San Mateo has contracted with the Peninsula Humane Society (PHS) for approximately 50 years for Animal Control Services and the twenty cities in the County have in turn contracted with the County for the provision of such services; and

WHEREAS, the Town Council of the Town of Woodside adopted Resolution No. 2003-6400 on June 24, 2003, approving a three-year Agreement with the County for shelter and field Animal Control Services through June 30, 2006; and

WHEREAS, the Town Council of the Town of Woodside adopted Resolution No. 2005-6491 on February 8, 2005, approving an amendment to the three-year Agreement, which extended it through June 30, 2008 and changed the payment schedule to the County; and

WHEREAS, the County and cities again wish to amend the Agreement to extend the animal control services contract through June 30, 2011 to allow for continuity of these services, while the County negotiates a longer-term Agreement with PHS and to change the payment schedule to the County; and

WHEREAS, the Town of Woodside has been presented with a Second Amendment and desires to enter into same.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Woodside does hereby authorize a second amendment to the agreement with the County of San Mateo for the provision of animal control services and authorizes the Mayor to execute same on behalf of the Town.

PASSED AND ADOPTED by the Town Council of the Town of Woodside, California, at a meeting thereof held on the 22nd of January 2008 by the following vote of the members thereof:

AYES, and in favor thereof, Councilmembers:

NOES, Councilmembers:

ABSENT, Councilmembers:

Mayor of the Town of Woodside

ATTEST:

Clerk of the Town of Woodside
Animal Control 2008

TOWN OF WOODSIDE

Report to Town Council
From: Susan George, Town Manager

Agenda Item 6
January 22, 2008

SUBJECT: TOWN MANAGER'S REPORT TO THE TOWN COUNCIL

We will be discussing the current year's Work Plan when you consider the 2007-08 Mid-year Budget Review next month. In the meantime, I thought a brief report on other issues and activities might be timely.

Welcome to Paul Nagengast

Paul is now on board full time as the Town Engineer and Kent Dewell has returned to Town Hall to help Paul through a period of transition, made more critical with the departure of Richard Chiu on January 1st. Paul has already proven himself to be a quick study and is getting up to speed on Woodside ways and issues in record time. It is great to have him as a part of the team and it's great to have Kent back in the fold as we start the new year. Kent will be on staff for about another month to assist with the transition and provide background to Paul.

New Addition to the Staff

I am pleased to announce that I have hired an Assistant to the Town Manager. His name is Kevin Bryant and he will begin his tenure at Town Hall on February 11th. Kevin currently works for the City of Sausalito where he has held positions as Deputy Planner and Assistant to the City Manager. He was previously with the Town of Tiburon. Although his educational background is in regional planning, he has several years of administrative experience under his belt and will be someone I can delegate many of my day-to-day tasks to, freeing up my time to do more strategic planning and organizational development. Unlike the Assistant Town Manager position I was trying to fill last year, Kevin will function as my strong right hand, but will not act in my capacity if I am absent. Kevin will be taking on the committees for me - something I discuss a bit later in this report. You will be able to welcome Kevin at your February 12th Council meeting.

Huddart-Wunderlich Parks Master Plan Environmental Impact Report (EIR)

We just learned that the County's Parks Department issued the Final EIR for the Huddart-Wunderlich Parks Master Plan last week and that it's on the department's website. I have printed it in hard copy and left a copy in your mailboxes at Town Hall. The responses to the Town's comment are less than reassuring (and frankly not very responsive to say the least). We are trying to pin County staff down about the timing from this point forward. The Final EIR says that the County's Parks Commission will likely certify the document in "early 2008", but no date is set as yet. The County's Senior Planner has told staff that he believes the EIR will go to the Board of Supervisors in March. In any event, your staff has started to work on this issue once again. I am working with Jean Savaree and outside counsel who specializes in the California Environmental Quality Act. We will analyze the Final EIR and prepare a report for a near term future Council agenda. As we promised, we are notifying all of the interested Town committees and other bodies of the availability of the Final EIR and any other information we glean from County staff.

Committee Orientation

On February 12th, you will be making appointments and reappointments to the Town's standing committees. Once that is done and new members are notified of their appointments, the Town Attorney and I will start to make the rounds of all the Committees, plus the Architectural and Site Review Board and Planning Commission, to provide orientation sessions, much like the one you had last week. I will be introducing Kevin Bryant to the Committees as a part of that process, as he will be attending all future Committee meetings on my behalf. Kevin's presence will assure the Committee's that they have the information and guidance they need as they undertake their charges. The Trails Committee will be first, scheduled for February 14th.

Witter Conservation Easement

The Witters notified me in early January that based upon the advice of their counsel, they believe that no binding conservation easement exists on their property and, for that reason, they have withdrawn their request for an amendment to the conservation easement. You will recall that this item was continued to a date uncertain at the December 11, 2007 Council meeting. Your staff and legal counsel is reviewing the matter and will provide our assessment, position, and advice at a later date. I thought you should know about the Witters' position in case you are approached by members of the community.

Mathisen Barn

In case you haven't noticed, the high winds and heavy rains on January 5th took their anger out on the old Mathisen barn. It was reduced to a pile of rubble. We will have to clean up the area, but will seek assistance in determining whether any of the "remains" have value for any purpose. The ground is too soggy to do this work right now, but we will move forward as soon as feasible.

Thornewood Preserve: Mid-peninsula Regional Open Space District Appeal

The Town Attorney, staff, and I met last week with representatives of the District to see if we can find a win-win scenario for this project. We had a very positive meeting and agreed that we all wished to find a solid solution. We are targeting your February 12th meeting for discussion of a mutually acceptable approach and hope to have such an approach fully developed within the next week or so.

Tree City USA

I completed and submitted the Town's application for Tree City USA designation, as promised, over the holiday break. The application is with the California State Department of Forestry for review and assessment. According to Tree City USA procedures, we will be notified by February 15th whether we qualify or not. If not, we will be provided with advice on what we need to do to secure this designation in the future. I'll keep you and the Conservation and Environmental Health Committee posted.

Fire Safe Issues

I have made contact with a consulting group from Colorado - Anchor Point Fire Management (www.anchorpointgroup.com) - to assist the Town with the development of fire fuel management plans. You might check out their website for interesting articles about wildfire

risk and precautions. I am expecting a proposal from them this week or next. The timing is good, given the Chapter 7A requirements coming in July. My contact at Anchor Point provided me with the attached press release from Senator Feinstein's office. The senator has introduced a series of four bills regarding wildfire risk and post-fire event assistance. On another note, we sent two members of our maintenance crew to training last week so that the Town can be certified to avail itself of Fire Safe crews for brush clearance and other fire fuel reduction jobs. We hope to get a crew in Town within the next month or so to get a jumpstart on reducing our fire fuel load.

That's it for now. See you on January 22nd. In the meantime, don't hesitate to contact me if you have questions about other matters not discussed here.

Susan George
Town Manager

Attachment

SUBJECT: RESOLUTION APPROVING MODIFICATION OF THE CHARTER OF THE WOODSIDE BICYCLE COMMITTEE

RECOMMENDATION

It is recommended that the Town Council adopt the attached resolution which approves a modification of the formal charter of the Woodside Bicycle Committee.

DISCUSSION

Late in 2005, the Town's Bicycle Committee developed proposed changes to the committee's formal charter. There are two primary modifications proposed:

- ✓ The addition of oversight of pedestrian pathways as an area of responsibility, leading to the renaming of the committee as the "Bicycle and Pedestrian Committee" and adding references to pedestrian pathways throughout the charter, as appropriate.
- ✓ The addition of an area of responsibility to mirror the charters of other Town committees, specifically, to be included as a committee to which the Planning Director transmits applications for land divisions and subdivisions for purposes of providing review and recommendations. This responsibility is called out in the formal charter of the Trails Committee. It is also assigned to the Trails, Conservation and Environmental Health, and Open Space Committees and to the Architectural and Site Review Board in Section 152.025 (A) of the Woodside Municipal Code. The Open Space Committee was added by the Town Council to the Municipal Code in October of 2005.

The Bicycle Committee has written its own letter of transmittal to the Town Council. It is attached to this report.

Staff is supportive of the expansion of the committee's charter to include pedestrian pathways and matters related to pedestrian pathways. There was some concern that this inclusion might overlap with the Town's Trails Committee and its charter, which reads, in part: "The Trails Committee reviews land divisions, subdivisions, and conditional use permits for locations for equestrian, pedestrian, and bicycle trails..." In practice, the committee primarily focuses upon equestrian trails and their maintenance.

Staff is neutral regarding the addition of the Bicycle Committee to the list of reviewing committees for subdivisions and land divisions, applications for which are relatively infrequent. The General Plan, in its Circulation Element, itself favors the use of public rights-of-way for pedestrian and bicycle paths and ways:

Policy P21: "Paths for use by pedestrians generally shall be located in the rights-f-way of public roads, rather than on easements between private properties."

Policy P38: "Bikeways should generally be located in the rights-of-way of public roads. In limited and specific cases, bike paths may be located on easements between private properties only where an alternative, safe bikeway cannot be constructed along a public road

or when the path can provide a safe and substantially shorter and more convenient route than exists along public roads.”

Municipal Code Section 152.025(A) already provides that applications for subdivisions and land divisions may be routed to “other appropriate committees” beyond those specifically referenced. If the Bicycle Committee’s charter is amended to add the review of land divisions and subdivisions, the Municipal Code will require further modification to reflect this change. Since the committee may already be involved at the discretion of the Planning Director, the formal inclusion of the Bicycle Committee is not actually necessary in order for the staff to avail itself of the advice and recommendation of that body.

CONCLUSION

The draft resolution attached to this report incorporates all of the changes proposed by the Bicycle Committee of its formal charter. The Town Council should decide whether it supports all of the proposed modifications and adopt the resolution language accordingly.

Attachments

To: The Woodside Town Council
From: The Woodside Bicycle Committee

Date: Nov 15, 2007

Subject: Revised WBC Charter

The Woodside Bicycle Committee (“Committee”) proposes that its charter be revised to include pedestrian issues. This revision would better structure the Committee to **fulfill community goals, secure outside funds and coordinate with regional entities**. The revision clarifies the Committee's scope regarding pedestrian issues and recognizes the Committee's advisory role in reviewing land divisions. The Committee passed a motion approving this revised charter on November 9th, 2005. The revised charter was shared with and distributed to the Trails Committee in public communication at their November 2005 meeting. Susan George received the draft charter as a formal recommendation on November 10th, 2005. This memo to the Town Council states the rationale for the revisions.

Fulfill Community Goals

The Town’s 1988 General Plan states the intent, under “Community General Goals” (1400) in item G10b, “To provide a system of paths, trails and roads to permit safe, pleasant, and reasonably convenient travel between parts of the community”. The revisions structure the Committee to successfully implement this aspect of the 19-year- old General Plan and make travel in Woodside a superior experience.

All Woodside residents experience the daily traffic melee at Woodside Elementary School’s pick-up/drop-off and chronic parking shortages at Town events (e.g. the Church Rummage Sale) and local businesses (e.g. lunch at Buck’s). A robust system of paths and bikeways would ameliorate these conditions by providing Town residents with alternatives to driving.

This noble goal of providing a pathway system becomes more essential and relevant with each passing day. Traffic is increasing, the school is expanding, petroleum becomes more expensive, and Woodside residents are becoming increasingly concerned about climate change and more interested in going “Green.” (NB the recent formation of the Woodside Green Committee.).

The Town just completed a fantastic new community asset, Barkley Field. Unfortunately, it is only accessible by auto . No sidewalk exists for any pedestrian access. This omission demonstrates a Town blind spot and underscores the need for formal pedestrian input to Town planning and development issues.

Secure Outside Funds and Coordinate with Regional Entities

State funding for bicycle and pedestrian projects is available under the Transportation Development Act (TDA) Article 3 Program. This has been an important source of funds for bicycle and pedestrian path projects in Woodside, including the Canada Road bike lanes and pedestrian path and bike lanes along Woodside and Kings Mountain Roads. Project proposals from jurisdictions throughout the County are evaluated and ranked by the C/CAG Bicycle and Pedestrian Committee. Last year C/CAG had \$2.2M to spend, most of it allocated to pedestrian projects. Your taxes pay for these funds; a Bicycle and Pedestrian Committee better positions Woodside to enjoy its fair share of those tax dollars.

For the last two years the Committee pursued three safety initiatives. One is Safe Access to Skyline Blvd, a key cyclists' goal. The other two are Safe Access to Woodside Elementary School (#25 on the Town's project list) and Barkley Field. These last two are primarily pedestrian projects. Last year the Barkley Field project narrowly missed the C/CAG preliminary project cut. This year the Committee will refine and resubmit the Barkley Field project proposal.

Bicycle and pedestrian are the primary forms of non-motorized transportation in Woodside and surrounding communities. The funding, as well as natural synergy between pedestrians' and cyclists' needs and solutions, drives local and regional government to increasingly seek advice from committees comprising both bicyclists and pedestrians. A bicycle and pedestrian Committee will increase Woodside's ability to influence and coordinate with our surrounding communities and regional entities

The Committee recommends two changes (*in bold italics*) to its charter:

1. **Clarify** the charter to explicitly include policies for planning, developing, maintaining and usage of the Town's bikeways and *pedestrian pathways system*
2. **Recognize** the Committee's advisory role to *review land divisions, subdivisions, and conditional use permits for locations of pedestrian pathways and bikeways.*

The first recommendation better positions the Committee to secure outside funds and coordinate with regional entities. It reflects the reality that the Committee has a two-year track record of championing pedestrian causes. Finally, it provides a clear home for Woodside's pedestrian community issues.

The second recommendation is the fundamental tool by which the Committee can advise and influence land use. The Trails Committee has this duty and executes it effectively to ensure the robustness of our excellent equestrian trails system. The equestrian community describes the years of effort and dedication required to create the Town's trails system, demonstrably one of the best in the Nation. For the pedestrian and bicycle community to make a similar journey, we need this tool so that we can make recommendations on land use for the very few remaining parcel divisions. Woodside has exactly one paved pedestrian pathway, the one along north-bound Canada Road to Jefferson Avenue. Woodside has no separated bike paths (not even a single dirt loop trail on which a child can learn to ride a bike safely away from automobiles). To realize more bikeways and paths the Committee needs to have a voice at the table when land use decisions are considered and made.

Please adopt these recommendations. They recognize the Committee's current activity in pedestrian concerns and better structure the Committee to fulfill the General Plan's Community Goal to make travel in Woodside a superior experience. For your convenience the current Bicycle Committee and Trails Committee duties are attached, as well as those for the proposed Bicycle and Pedestrian Committee.

Regards,

The Woodside Bicycle Committee: Walter Cook, Susan Doherty, Millo Fenzi (Chair), Bruce Matheson (Vice-Chair), Bob Page

1. Current Bicycle Committee Duties: (From Town website 10/24/2007)

The Bicycle Committee advises and recommends to the Town Council on policies for planning, developing, maintaining, and usage of the Town's bikeways system, including reviewing and making recommendations on:

1. applications for special bicycle event use permits for the Town's roadways,
2. elements of the Annual Road Program relating to the Town's bikeways, and
3. Bicycle access to and parking at institutional, commercial and office facilities.

The Committee addresses issues relating to bicycle safety and usage of the roads and trails throughout the Town, including joint use by equestrians, pedestrians, and bicyclists; and educates children and the general public in State law pertaining to bicycling and safe bicycling practices.

The Committee provides an open forum for bicycle issues; offers communication links to diverse local, regional and state bicycle organizations and to bicycle clubs; and offers participation on the C/CAG Bicycle and Pedestrian Advisory Committee.

2. Current Trail Committee Duties: (From Town Website 10/24/2007)

The Trails Committee reviews land divisions, subdivisions, and conditional use permits for locations for equestrian, pedestrian and bicycle trails and makes recommendations to staff and to the Planning Commission. It also advises on trail maintenance projects and on rules, regulations and ordinances pertaining to the trails.

3. Recommended Bicycle and Pedestrian Committee Duties: (Proposed)

[Additions/revisions to current duties of Bicycle Committee are in *italics*.]

The Bicycle *and Pedestrian* Committee advises on and recommends to the Town Council policies for planning, developing, maintaining, and usage of the Town's bikeways system *and pedestrian paths*, including reviewing and making recommendations on:

3. bicycle *and pedestrian* access to and parking at institutional, commercial and office facilities,
4. elements of the Annual Road Program relating to *maintenance and repair of* the Town's bikeways *and pedestrian paths*, and
5. applications for special event permits for *bicycle and pedestrian use of* the Town's roadways.
- 6.

The Committee reviews land divisions, subdivisions, and conditional use permits for locations for pedestrian paths, bikeways and bicycle facilities and makes recommendations to Town staff and to the Planning Commission.

The Committee addresses issues relating to bicycle *and pedestrian* safety and usage of the roads and *paths* throughout the Town, including joint use by equestrians, pedestrians, and bicyclists; and educates children and the general public in State law pertaining to bicycles and safe bicycling practices.

The Committee provides an open forum for bicycle *and pedestrian* issues; offers communication links to diverse local, regional and state bicycle *and pedestrian* organizations and clubs; and offers participation on the C/CAG Bicycle and Pedestrian Advisory Committee.

RESOLUTION NO. 2008 - {PRIVATE }

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WOODSIDE
APPROVING MODIFICATION OF THE CHARTER OF THE WOODSIDE BICYCLE COMMITTEE

WHEREAS, on February 10, 2004, the Town Council approved the revised version of "A Handbook for Members of the Planning Commission, Architectural and Site Review Board, and Citizen Advisory Committees" through the adoption of Resolution No. 2004-6434; and

WHEREAS, the charter statement for the Town's Bicycle Committee was included within the approved "Handbook"; and

WHEREAS, the members of the Bicycle Committee have reviewed this statement and have proposed modifications to the charter of the Committee.

NOW, THEREFORE BE IT RESOLVED THAT, the Town Council of the Town of Woodside does hereby adopt the amended charter statement of the Bicycle Committee, as included in "Exhibit A", hereto attached.

* * * * *

PASSED AND ADOPTED by the Town Council of the Town of Woodside, California, at a meeting thereof held on the 22nd of January 2008 by the following vote of the members thereof:

AYES, and in favor thereof, Councilmembers:

NOES, Councilmembers:

ABSENT, Councilmembers:

ABSTAIN, Councilmembers:

Mayor of the Town of Woodside

ATTEST:

Clerk of the Town of Woodside
BicycleCommitteeCharter08

Exhibit A

BICYCLE AND PEDESTRIAN COMMITTEE

The Bicycle and Pedestrian Committee advises and recommends to the Town Council on policies for planning, developing, maintaining, and usage of the Town's bikeways system and pedestrian paths, including reviewing and making recommendations on:

1. applications for special event permits for bicycle and pedestrian use of the Town's roadways;
2. elements of the Annual Road Program relating to Maintenance and repair of the Town's bikeways and pedestrian paths; and
3. bicycle and pedestrian access to and parking at institutional, commercial and office facilities.

The Committee reviews land divisions, subdivisions, and conditional use permits for locations for pedestrian paths, bikeways, and bicycle facilities and makes recommendations to Town staff and to the Planning Commission.

The Committee addresses issues relating to bicycle and pedestrian safety and usage of the roads and trails throughout the Town, including joint use by equestrians, pedestrians, and bicyclists; and educates children and the general public in State law pertaining to bicycling and safe bicycling practices.

The Committee provides an open forum for bicycle and pedestrian issues; offers communication links to diverse local, regional and state bicycle and pedestrian organizations and clubs; and participates on the C/CAG Bicycle and Pedestrian Advisory Committee.

**TOWN OF WOODSIDE
REPORT TO TOWN COUNCIL**

Meeting Date: January 22, 2008
Prepared by: Hope Sullivan, Director of Planning & Building
Approved by: Susan George, Town Manager

Agenda Item: 8

-
- Subject:** **Appeal of the Planning Commission's decision to:**
- (1) Certify the Final Environmental Impact Report (EIR) for Sandhill Estates and adopt a Mitigation Monitoring Plan. In accordance with the California Environmental Quality Act (CEQA), the EIR analyzes the environmental impacts of the construction of a private roadway and bridges for two driveways across creeks, as well as a detention basin and drainage improvements, on 92.2 acres of land.**
 - (2) Approve LLA2003-005: A request for a lot line adjustment to allow for the adjustment of property lines of four existing parcels.**
 - (3) Approve CUP2004-001: A request for a Conditional Use Permit to construct three bridges and a roadway in the stream corridor.**
 - (4) Approve SDPC2004-001: A request for site development approval in accordance with the provisions of Woodside Municipal Code section 151.22 to permit grading in excess of 1500 cubic yards for purposes of a roadway. The mass grading quantities are projected to be 4200 cubic yards of fill and 4700 cubic yards of cut.**

Property Information

Address: Lawler Ranch Road

APN: 073-150-060, 073-150-070, 073-150-080 and 073-150-090

Property Owner: Woodside Developers LLC

Zoning: SCP 7.5

General Plan: Residential – Environmentally Sensitive Area

Total Area: 92 Acres (includes Parcel 5)

Existing Lot Area: Parcel 1: 7.4 acres (Gross)
(Before LLA) Parcel 2: 33.5 acres (Gross)
Parcel 3: 23.0 acres (Gross)
Parcel 4: 11.7 acres (Gross)

Proposed Lot Area: Parcel 1: 15.2 acres (Gross) / 14.3 acres (Net)
(After LLA)
Parcel 2: 15.6 acres (Gross) / 15.1 acres (Net)
Parcel 3: 22.7 acres (Gross) / 22.1 acres (Net)
Parcel 4: 22.2 acres (Gross) / 22.2 acres (Net)

RECOMMENDATION

Staff recommends that the Town Council conduct a public hearing and, at the conclusion of the public hearing, uphold the decision of the Planning Commission and:

- ✓ Adopt the attached resolution certifying the final environmental impact report, approving the statement of findings under CEQA (Public Resources Code Section 21081), and adopting the Mitigation Monitoring Plan.
- ✓ Approve LLA2003-005: Upon making the required findings as outlined in the staff report, approve the request for a lot line adjustment to allow for the adjustment of property lines of four existing parcels subject to the following conditions:
 1. The conservation easement is to be recorded with the lot line adjustment. The conservation easement must be clearly defined and delineated. Prior to consideration by the Town Council, the easement baseline document and the easement language must be reviewed by the Open Space Committee for a recommendation to the Town Council, and the request will be reviewed by the Planning Commission for a finding of General Plan consistency.
 2. That a roadway system meeting the design standards of the Town of Woodside, and including an emergency egress to Quail Meadow, be constructed or bonded for prior to the recordation of the Lot Line Adjustment. The emergency egress to Quail Meadows is not intended to serve as a through road, nor are improvements not specifically allowed in the easement language to be constructed.
 3. A deed restriction prohibiting future subdivision of land is to be recorded with the lot line adjustment.
 4. Leach fields are prohibited in the conservation easements.
- ✓ Approve CUP2004-001: Upon making the required findings as outlined in the staff report, approval of a request for a Conditional Use Permit to construct two bridges and a roadway in the stream corridor subject to the following conditions:
 1. A construction permit for the bridges shall not be issued until such time as roadways of adequate width and design, as determined by the Town Engineer, have been constructed.
- ✓ Approve SDPC2004-001: Approval of a request for site development to allow projected mass grading quantities of 4200 cubic yards of fill and 4700 cubic yards of cut subject to the following conditions:
 1. The project roadway alignment is to be aligned so as to incorporate Mitigation Measure 3.4-8 of the Final EIR.
 2. The equestrian easement proposed along the roadway on Parcels 1, 2, and 3 is to be relocated based on which roadway alignment is selected (see condition #1) so that the

- equestrian easement continues to be adjacent to the roadway.
3. The equestrian easements are to be dedicated prior to final inspection of the roadway.
 4. A road maintenance agreement acceptable to the Town Engineer is to be recorded prior to final inspection of the roadway.
 5. That post-development runoff would not exceed pre-development runoff to the satisfaction of the Town Engineer
 6. That at the time of construction plan submittal, the Town shall hire, and the applicant shall post a deposit to cover the cost of, an environmental consultant to oversee the mitigation monitoring of the project. The consultant shall remain employed until the completion of the construction of the roadway, bridges, and drainage improvements.

PROPERTY / PROJECT DESCRIPTION

The subject property is comprised of five parcels on 92 acres of land. The property is located west of Highway 280, and accessed from Lawler Ranch Road. The site is highly constrained due to the noise impacts of Highway 280, creeks running through the property, ponds located on the property, slopes in excess of 35 percent, stands of trees and landslide issues.

The proposed project, in general, involves the shifting of the lot lines of four of the five existing lots, the construction of the roadway with associated drainage improvements, the construction of two driveways that will include bridges, and the construction of an emergency vehicle access easement. The applicant also proposes the dedication of easements for utilities and trails, as well as the construction of drainage improvements to ensure there is no increase of storm water runoff into the Atherton Channel.

As the roadways and bridges will be in the stream corridor, a conditional use permit is required. As the grading will exceed 1500 cubic yards, Planning Commission review and approval was required.

RELEVANT CODE SECTIONS

In accordance with Section 153.335.B of the Woodside Municipal Code, “an appeal may be made to the Council by the applicant or any other interested party on any decision of the Planning Commission under this chapter.”

Per Section 153.338 of the Woodside Municipal Code, when the Town Council is considering an appeal of the Planning Commission’s decision, “the Planning Director shall transmit all documents, including minutes, that constitute the record of the action taken by the Planning Commission to the Town Council.” The Town Council shall hear the matter de novo.

In accordance with the provisions of Section 152.021, the Planning Commission has the authority to approve a lot line adjustment upon making a finding that the lot line adjustment will conform to the General Plan, the Zoning Code, and the Building Codes.

In accordance with the provisions of Section 153.208 of the Woodside Municipal Code, bridges and roads are permitted in the stream corridor subject to the issuance of a conditional use permit by the Planning Commission. In accordance with Section 153.250 of the Woodside Municipal Code, the Planning Commission may issue a Conditional Use Permit upon making the six required findings prescribed in Section 153.251 of the Woodside Municipal Code.

In accordance with the provisions of Section 151.22 of the Woodside Municipal Code, the Planning Commission has the authority to approve grading in excess of 1500 cubic yards.

PLANNING COMMISSION ACTION

The Planning Commission initially considered this application at its meeting of April 21, 2004. At that meeting, the Commission took the following actions:

- ✓ Upon making the required findings as outlined in the staff report, approved Lot Line Adjustment 03-005 subject to the following conditions:
 1. That the equestrian easements be dedicated as shown in the future trails diagrams in the General Plan. The proposed easements should be staked for review and recommendation by the Trails Committee prior to presentation to the Town Council.
 2. That a roadway system meeting the design standards of the Town of Woodside, and including an emergency egress to Quail Meadow, be constructed or bonded for prior to the recordation of the Lot Line Adjustment.

- ✓ Approved Site Development SDPC 04-001 subject to the following condition:
 1. That post-development runoff would not exceed pre-development runoff to the satisfaction of the Town Engineer.

- ✓ Upon making the required findings as outlined in the staff report, approved Conditional Use Permit 04-001 subject to the following condition:
 1. That the construction permit would not be issued until such time as roadways of adequate width and design, as determined by the Town Engineer, are in place.

The decision of the Planning Commission was appealed. In the letter of appeal, the appellant explained that the basis of the appeal was inadequate environmental review. Therefore, the Town hired an environmental consulting firm to prepare an environmental impact report on the project.

At its meeting of August 7, 2007, the Planning Commission considered the Final Environmental Impact Report (EIR) as well as the requests for lot line adjustment, conditional use permit, and site development approval. To comply with the provisions of the California Environmental Quality Act, the Planning Commission was required to certify the EIR prior to taking action on the project. At its meeting of August 7, 2007, the Planning Commission took the followings actions.

- ✓ Adoption of Resolution 2007-001: A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF WOODSIDE CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (FEIR), AND APPROVING THE STATEMENT OF FINDINGS UNDER CEQA (PUBLIC RESOURCES CODE SETION 21081), AND APPROVING THE PROJECT , SUBJECT TO CONDITIONS, FOR THE CONSTRUCTION OF A PRIVATE ROADWAY AND BRIDGES FOR TWO DRIVEWAYS ACROSS CREEKS, AS WELL AS A DETENTION BASIN AND DRAINAGE IMPROVEMENTS ON 92.2 ACRES OF LAND KNOWN AS SAND HILL ESTATES, LAWLER RANCH ROAD.

- ✓ Upon making the required findings as outlined in the staff report, approved Lot Line Adjustment 03-005 subject to the following conditions:
 1. The conservation easement is to be recorded with the lot line adjustment. The conservation easement must be clearly defined and delineated. Prior to consideration by the Town Council, the easement baseline document and the easement language must be reviewed by the Open Space Committee for a recommendation to the Town

Council, and the request will be reviewed by the Planning Commission for a finding of General Plan consistency.

2. That a roadway system meeting the design standards of the Town of Woodside, and including an emergency egress to Quail Meadow, be constructed or bonded for prior to the recordation of the Lot Line Adjustment. The emergency egress to Quail Meadows is not intended to serve as a through road, nor are improvements not specifically allowed in the easement language to be constructed.
 3. A deed restriction prohibiting future subdivision of land is to be recorded with the lot line adjustment.
 4. Leach fields are prohibited in the conservation easements.
- ✓ Approved Site Development SDPC 04-001 subject to the following conditions:
1. The project roadway alignment is to be aligned so as to incorporate Mitigation Measure 3.4-8 of the Final EIR.
 2. The equestrian easement proposed along the roadway on Parcels 1, 2, and 3 is to be relocated based on which roadway alignment is selected (see condition #1) so that the equestrian easement continues to be adjacent to the roadway.
 3. The equestrian easements are to be dedicated prior to final inspection of the roadway.
 4. A road maintenance agreement acceptable to the Town Engineer is to be recorded prior to final inspection of the roadway.
 5. That post-development runoff would not exceed pre-development runoff, to the satisfaction of the Town Engineer.
- ✓ Upon making the required findings as outlined in the staff report, approved Conditional Use Permit 04-001 subject to the following condition:
1. A construction permit for the bridges shall not be issued until such time as roadways of adequate width and design, as determined by the Town Engineer, have been constructed.

Each of these four actions is being appealed to the Town Council. The letter of appeal is included as Attachment 2.

ENVIRONMENTAL REVIEW

The Town is serving as the lead agency in preparing an Environmental Impact Report (EIR) for this project. The Council may not take action on the project until it has certified the Environmental Impact Report and adopted a Mitigation Monitoring Plan. The Environmental Impact Report is a disclosure document that will help the Town determine if the proposed project could result in significant impacts to the environment, and whether those impacts could be avoided, eliminated, compensated for, or reduced to less-than-significant levels.

In certifying the EIR, the Town Council will be certifying that:

- (1) The final EIR has been completed in compliance with CEQA;
- (2) The final EIR was presented to the decision making body of the lead agency, and that the decision making body reviewed and considered the information contained in the final EIR prior to approving the project; and
- (3) The final EIR reflects the lead agency's independent judgment and analysis.

EIR CERTIFICATION

In accordance with Section 15092(a) of the CEQA guidelines, "After considering the final EIR and in conjunction with making findings under 15091, the lead agency may decide whether or how to approve or carry out the project."

With the implementation of the mitigation measures identified in the EIR, the project can be constructed as proposed with all potential environmental impacts being mitigated to a less-than-significant level. Of note, with the certification of the EIR, the Council will adopt the Mitigation Monitoring Plan. This plan identifies all of the mitigations, the timing, and the responsible parties for implementation.

The EIR reviews alternatives to the proposed project and concludes that, other than the "no project alternative," the Revised Roadway Alignment alternative (Alternative 3) and the Hybrid Roadway Alignment alternative (Alternative 4) would comprise equally Environmentally Superior alternatives for this site. These alternatives would reduce impacts associated with tree removal and grading for the private roadway, and would eliminate traffic safety concerns related to roadway geometrics by avoiding the need for two 90-degree turns in the road. The Revised Roadway Alignment alternative (Alternative 3) would reduce the visibility of the future home on Parcel 1, and would preserve additional trees on that parcel. The Hybrid Roadway Alignment alternative (Alternative 4) would provide additional water quality buffering of the roadway through Parcel 1 from the lower Pond, and would avoid the need to bisect that parcel with the road. These alternatives would also be most consistent with Town policies regarding grading and tree removal, and with the Town's roadway design criteria.

LOT LINE ADJUSTMENT

In accordance with Section 152.021 of the Woodside Municipal Code, the lot line adjustment may be approved upon finding that the proposal is consistent with the General Plan and with the zoning provisions. The Council may assign conditions as necessary to comply with the General Plan or the Zoning Ordinance.

The subject property currently consists of 5 lots. The applicant is seeking to shift the property lines of four of these lots to yield more attractive building sites.

The Land Use and Community Design and Aesthetics Element of the General Plan outlines the Town's policies with respect to subdivisions. These policies and staff's comments in terms of compliance are as follows:

P9 Subdivision of property containing existing structures of cultural or aesthetic merit shall be carefully conceived to preserve the integrity of original "core" estate buildings, grounds, and heritage trees.

This is a vacant site, so there are no structures to be preserved. The actual lot line adjustment does not impact any trees, although the proposed roadway alignment addressed later in this report, does.

P10 The number of lots permitted in a subdivision is dependent on the characteristics of the area, as well as the minimum lot area required by ordinance.

There is no increase in the number of lots. Each of the resulting lots is well in excess of the required 7.5 acres. Staff finds this will allow adequate space to build while avoiding environmentally sensitive areas.

P11 Lots shall be adequate in size and appropriate in shape for the range of accessory uses which

are typical for this area without creating a feeling of overcrowding, creating measurable, negative environmental impacts, creating the need for variances.

Each of the resulting lots is well in excess of the required 7.5 acres. Staff finds this will allow adequate space to build while avoiding environmentally sensitive areas. Each lot has adequate space to allow the range of uses typical for this area without creating a feeling of overcrowding.

P12 Lots shall be free of excessive jogs in alignment if possible. This should not preclude property lines which follow topographic features and other natural features such as stream corridors, ridgelines, drainage areas, etc.

The shared property line between Parcel 3 and 4 follows the creek. This is consistent with property lines following natural features. All other proposed property lines are free of excessive jogs.

P13 Visibility of structures, preservation of natural land form and vegetation, topography, noise exposure, maintenance or rural quality and relationship to the surrounding properties shall be considered in preparing subdivision designs. Subdivision density, or number of lots, will ultimately be determined by these and other factors.

The EIR has analyzed the environmental impacts including noise, and visibility of structures and identified mitigation measures to yield a less than significant impact. With implementation of the mitigation measures, this policy will be met.

P14 Major developments, including subdivisions and use permits, shall be based on land and environmental sensitivity analysis prepared by an architect, landscape architect, land planner, or other qualified professional.

As this is a lot line adjustment, the development potential of the land will not change. Additionally, the property owner has agreed to place a deed restriction on the property to preclude future land division. The impact of the lot line adjustment has been analyzed by experts in an environmental impact report and mitigation measures have been identified to ensure that all potential environmental impacts are less than significant.

P15 The designation of building envelopes shall be required on final maps where appropriate.

The lot line adjustment map depicts potential building sites.

The Town's Trails Diagram of the General Plan depicts three proposed trails going from north to south on this property and one proposed trail going from east to west. The applicant has proposed two "north to south" equestrian easements, one parallel to Highway 280 and one along the roadway. The applicant also proposes an "east to west" equestrian easement that will run along the property line of Parcel 4. Staff finds that the proposed equestrian easements are substantially consistent with the Town's Trails Diagram of the General Plan. Staff recognizes that given the topography of the area, some of the equestrian trails will be steep. However, staff still finds for General Plan consistency.

SITE DEVELOPMENT

In accordance with Section 151.22 of the Woodside Municipal Code, in approving a site development plan, the Town Council may approve such conditions as it deems necessary to substantially secure the objectives of the ordinance. Per Section 151.22 of the Woodside Municipal Code, the Planning Commission is required to review grading quantities totaling 1,500 cubic yards or more.

The proposal involves site development review of a grading plan consisting of 4,700 cubic yards of cut

and 4,200 cubic yards of fill. The proposed grading is to accommodate the construction of roadways and driveways.

Per Section 151.23 of the Woodside Municipal Code, the following factors shall be considered by the Town in its review of any application for a site development permit.

- A. *The degree of saturation of the fill and unsupported cuts by water, both natural and domestic.* This will be analyzed in construction plan review.
- B. *The runoff of surface waters which have a potential to produce erosion, siltation, and other adverse impacts on stream corridors or flood plains.* The Town Engineer has requested documentation that pre-development runoff not exceed post-development runoff. This is a requirement as storm water from this site runs into the Atherton Channel. As part of the construction plan review, the applicant must demonstrate that the post-development runoff will not exceed pre-development runoff quantities.
- C. *The subsurface conditions, such as the rock strata and faults.* The Town Engineer is reviewing this matter and will address it as part of construction plan review.
- D. *The nature and type of the soil or rock.* This is analyzed in the environmental impact report.
- E. *The effect upon the potential for future subdivision design.* The roadway is designed so that it can service the five lots. The property owner has volunteered to place a restrictive covenant on the land so as to preclude future land division. Therefore, the improvements will be adequate for the existing five lots and will not have the demands of future land division.
- F. *The visual relationship with other development in the vicinity.* Staff finds that with the incorporation of the mitigation measures contained in the EIR, the grading is visually harmonious with the neighboring property. The EIR provides mitigation measures that will be required to be implemented to ensure that all potential impacts are mitigated to a less-than-significant level. In making this finding, the Planning Commission underscored that Mitigation Measure 3.4-8 would be implemented to ensure that the roadway construction would not impact trees on the adjacent property. Additionally, the development of the neighboring property at 1 Lawler Ranch Road is a substantial distance from the proposed improvement.
- G. *The relationship of the proposed site development to the character of the community.* Given the size of the parcel, staff does not find that the proposed site development will impact the general character of the community. A majority of the land will remain undisturbed.
- H. *The capability of the proposed slopes to be landscaped.* With the mitigation measures of the EIR, the proposed slopes can be adequately landscaped.
- I. *Unnecessary scarring of the natural landscape through the proposed grading or removal of vegetation.* Staff finds that with the incorporation of Mitigation Measures 3.5-1 through 3.5-5, all potential visual and aesthetic impacts will be mitigated to a less-than-significant impact. These mitigation measures include guidance on grading and landscaping.

Mitigation Measure 3.4-3 calls out a conservation easement area to protect the natural landscape including wetland areas and the woodlands. In the final EIR, the legal instrument to be utilized has not been defined. Throughout the review process, staff has advocated that the

legal instrument utilized be a conservation easement as that is an administratively feasible instrument given staffing levels. At the Planning Commission meeting, the property owner agreed to utilizing conservation easements as the legal instrument for protecting these sensitive areas.

Mitigation Measure 3.4-4 calls for septic leach fields to be an allowable use in these easement areas. The Planning Commission found septic leach fields to be incompatible for the conservation easement and conditioned the project to prohibit septic leach fields in the conservation easement. The property owner has agreed to configure the conservation easement so that leach fields are not in the conservation easement. The Planning Commission recognized that this may result in a slightly smaller conservation easement.

The draft EIR included a mitigation measure that required signage at the edges of the easement. In reviewing the draft EIR, a number of Planning Commissioner were not supportive of utilizing signage due to the visual impact. The final EIR does not include a requirement for signage at the boundary of the easement.

- J. *Any other measures contained within any environmental impact report which will eliminate or mitigate environmental drainage;* The EIR contains a number of mitigation measures that address stormwater runoff and drainage so as to protect water quality and to ensure that there is no change in the amount or velocity of storm water runoff into the Atherton Channel.

CONDITIONAL USE PERMIT FINDINGS

In accordance with Section 153.208 of the Woodside Municipal Code, bridges and roads may be located in the stream corridor subject to the issuance of a conditional use permit. Work in the stream corridor must comply with the general limitations outlined in Section 153.209 of the Woodside Municipal Code. The Conditional Use Permit may be approved only upon the Commission making the required findings.

Section 153.251 of the Woodside Municipal Code states the six findings required to be made in order to grant a conditional use permit. Staff's responses follow:

- (1) **The proposed use at such location is necessary or desirable to provide a facility or service which will contribute to the general well-being of the neighborhood or community or which needs to be located where proposed due to the operating requirements of a public utility or service;**

Staff can make this finding. The five residential parcels currently exist. Due to the streams and natural terrain of the land, bridges will be necessary to provide access to these properties.

- (2) **That the proposed use at the particular location will be consistent with the intent, purpose, and objectives of this chapter and the General Plan;**

The subject property is designated as a Residential Environmentally Sensitive Area. A residential use is consistent with this General Plan designation. The request for roads and bridges does not change or intensify the development potential of the land. It is simply a necessity of residential development given the site conditions.

Section 152.066.F.2 of the Woodside Municipal Code states "No lot shall be divided by a road, driveway, or access easement, except where located adjacent to a conservation easement or

open space easement extending from the road, driveway, or access easement to the property line.” The Commission found that the applicant’s proposed roadway alignment avoided causing the lot to be divided by a road, thus complying with the provisions of Section 152.066.F.2. Alternatives 3 and 4 of the EIR contemplate utilizing the existing alignment of the informal roadway. The Commission found that the roadway alignment of Alternative 3 and Alternative 4 would violate the provisions of Section 152.066.F.2 of the Woodside Municipal Code.

Policy P1 of the Circulation Element of the General Plan states “Whenever the design of any new road or change in any existing road within the Woodside Planning Area is being considered, great care must be taken to assure that the scenic character, rural residential qualities and the privacy of the areas through which they pass will be maintained.” The Planning Commission found that the alternative roadway alignments included as Alternative 3 and Alternative 4 in the EIR would compromise the rural residential qualities of Parcel 1 and Parcel 2 as well as compromise the future owners’ privacy. The Commission found that the proposed alignment best meets the objectives of Policy P1 of the Circulation Element.

- (3) That the proposed use in such location will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity of such use or be injurious to property or improvements in the vicinity;**

Any injury to property will be due to the construction methods used in designing and building the roads and bridges, as opposed to the improvement themselves. Prior to the issuance of any construction permits, the applicant must obtain written approval from California Fish and Game, United States Fish and Wildlife Service, California Regional Water Quality Control Board, and United States Army Corps of Engineers. Any conditions that these agencies impose on the roads and bridges will be implemented during construction.

Additionally, the EIR identifies mitigation measures to ensure that noise and dust that may occur during construction will be mitigated to a less than significant level.

- (4) That the site for the proposed use is adequate in size, shape, and topography to accommodate the proposed use;**

The roads and bridges are part of the single family development of the individual parcels. The site currently has five parcels. The roads and bridges are necessary to create safe access to the five parcels.

- (5) That the site for the proposed use can be served by roads of adequate width and design to accommodate the quantity and type of traffic generated by such use;**

The individual sites are not currently served by roads of adequate width and design. The project is to construct roads of adequate width and design. The roads will meet the Town’s standards for a minor rural residential road, or the applicant will obtain permission from the Planning Commission to deviate from the Town’s standards prior to construction plan approval. Staff recommends that, as a condition of approval, that building permits for the bridges be withheld until the Town Engineer determines that roads of adequate width and design are in place.

- (6) That adequate utilities and other services required of such use exist or can be provided;**

The roads and bridges will not demand services. Therefore, based on the demand, adequate utilities and services are present.

CONCLUSION

Staff notes that the ability to make the required findings relies on the implementation of the Mitigation Monitoring Plan. The EIR identifies 40 specific mitigations that must be implemented in order for the potential environmental impacts of the project to be less-than-significant. The Town staff is responsible for verifying the implementation of each of the 40 mitigation measures. Given the technical nature of the mitigation measures as well as the number of mitigation measures, staff recommends that the Town hire, at the expense of the applicant, an environmental consultant to monitor the mitigation measures. Staff recommends that such consultant be employed at the time of application for construction plans and remain employed until the completion of the road, bridge, and drainage improvements. This will ensure that the Town meets its responsibility of verifying the implementation of the mitigation measures as well as improve the Town's ability to provide prompt responses during construction on reports and other materials from the applicant.

Overall, staff is supportive of the development of the subject 92 acre property for five residential lots. With the implementation of the Mitigation Monitoring Plan, all potentially significant environmental impacts will be mitigated to a less-than-significant level, thus allowing development of this environmentally sensitive land in a way that will allow residents to enjoy their land while protecting its environmentally sensitive aspects.

OPTIONS

Option A:

- ✓ Adopt the attached resolution certifying the final environmental impact report, approving the statement of findings under CEQA (Public Resources Code Section 21081), and adopting the Mitigation Monitoring Plan.
- ✓ Approve LLA2003-005: Upon making the required findings as outlined in the staff report, approve the request for a lot line adjustment to allow for the adjustment of property lines of four existing parcels subject to the following conditions:
 1. The conservation easement is to be recorded with the lot line adjustment. The conservation easement must be clearly defined and delineated. Prior to consideration by the Town Council, the easement baseline document and the easement language must be reviewed by the Open Space Committee for a recommendation to the Town Council, and the request will be reviewed by the Planning Commission for a finding of General Plan consistency.
 2. That a roadway system meeting the design standards of the Town of Woodside, and including an emergency egress to Quail Meadow, be constructed or bonded for prior to the recordation of the Lot Line Adjustment. The emergency egress to Quail Meadows is not intended to serve as a through road, nor are improvements not specifically allowed in the easement language to be constructed.
 3. A deed restriction prohibiting future subdivision of land is to be recorded with the lot line adjustment.
 5. Leach fields are prohibited in the conservation easements.

- ✓ Approve CUP2004-001: Upon making the required findings as outlined in the staff report, approval of a request for a Conditional Use Permit to construct two bridges and a roadway in the stream corridor subject to the following condition:
 1. A construction permit for the bridges shall not be issued until such time as roadways of adequate width and design, as determined by the Town Engineer, have been constructed.

- ✓ Approve SDPC2004-001: Approval of a request for site development to allow projected mass grading quantities of 4200 cubic yards of fill and 4700 cubic yards of cut subject to the following conditions:
 1. The project roadway alignment is to be aligned so as to incorporate Mitigation Measure 3.4-8 of the Final EIR.
 2. The equestrian easement proposed along the roadway on Parcels 1, 2, and 3 is to be relocated based on which roadway alignment is selected (see condition #1) so that the equestrian easement continues to be adjacent to the roadway.
 3. The equestrian easements are to be dedicated prior to final inspection of the roadway.
 4. A road maintenance agreement acceptable to the Town Engineer is to be recorded prior to final inspection of the roadway.
 5. That post-development runoff would not exceed pre-development runoff to the satisfaction of the Town Engineer
 6. That at the time of construction plan submittal, the Town shall hire, and the applicant shall post a deposit to cover the cost of, an environmental consultant to oversee the mitigation monitoring of the project. The consultant shall remain employed until the completion of the construction of the roadway, bridges, and drainage improvements.

OPTION B:

Take the actions outline in Option A, but assign different conditions of approval.

OPTION C:

Do not certify the EIR and articulate how the EIR should be enhanced so as to be a document that can be certified.

OPTION D:

Continue the matter so as to obtain additional information.

ATTACHMENTS

1. Resolution
2. Letter of Appeal Dated August 17, 2007 from Shute, Mihaly & Weinberger LLP
3. Letter of August 7, 2007 from Shute, Mihaly & Weinberger, LLP
4. Letter of October 11, 2006 from Shute Mihaly & Weinberger, LLP
5. August 7, 2007 Staff Report to Planning Commission with Attachments
6. A copy of the power point presentation presented by the property owner to the Planning Commission on August 7, 2007.

**TOWN COUNCIL
STATEMENT OF CEQA FINDINGS FOR THE
SAND HILL ESTATES PRIVATE ROADWAY AND DRIVEWAY BRIDGES
FINAL ENVIRONMENTAL IMPACT REPORT**

I. INTRODUCTION

The California Environmental Quality Act (“CEQA”) at Public Resources Code Section 21081 provides that “[N]o public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out” unless one or more of the following findings is made with respect to each significant effect: (1) changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment; (2) those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency; or (3) specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the environmental impact report. In making the findings required by Section 21081, the public agency must base its findings on substantial evidence in the record.

As demonstrated below, for each significant or potentially significant impact on the environment identified in the environmental impact for the project, changes or alterations have been required in, or incorporated into, the project which mitigate or avoid that significant or potentially significant impact.

Therefore, in accordance with the California Environmental Quality Act (“CEQA”), the following findings (the “Findings”) are hereby adopted by the Planning Commission of the Town of Woodside (“Planning Commission”) with respect to the application submitted by Woodside Developers, LLC (“Woodside Developers”) for a Site Development Permit, a Conditional Use Permit and a Lot Line Adjustment (together, the “Project Entitlements”) to construct a private roadway, bridges and drainage facilities to facilitate development of five single-family homes on 92.2 acres of land located west of Interstate Highway 280 (“Project Site”), between Woodside Road and Sand Hill Road in the Town of Woodside (“Town”).

A Mitigation Monitoring and Reporting Program (“MMRP”) has been prepared to monitor and report the implementation of the mitigation measures identified for the project. The MMRP was developed in compliance with Public Resources Code Section 21081.6 and is contained in a separate document. The MMRP has been provided to the Planning Commission and the Planning Commission will take action on the MMRP in connection with its action on the Project Entitlements.

II. DESCRIPTION OF THE PROJECT PROPOSED FOR APPROVAL

Woodside Developers has applied to: (i) construct a private roadway and bridges for two driveways across creeks located on the Project Site; (ii) construct a detention basin and drainage improvements on the Project Site; and (iii) process a Lot Line Adjustment pursuant to which four of the five existing lots comprising the Project Site would be reconfigured. The above actions

are collectively referred to herein as the “Project.” While Woodside Developers ultimately plans to develop the five parcels for single-family homes, Woodside Developers has not yet applied to the Town to do so and the development of the homes is not considered part of the Project for the purposes of these Findings.

The Project was the subject of a Final Environmental Impact Report prepared by MHA Environmental Consulting entitled “Sand Hill Estates: Private Roadway and Driveway Bridges” (SCH # 2005012030) (the “FEIR”), dated July 2007, which was certified by the Town Council pursuant to Resolution No. _____ on _____, 2008. The FEIR includes both the Draft EIR (the “DEIR”) for the Project which was published on August 27, 2005, as well as the Responses to Comments received on the DEIR, which are together collectively referred to herein as the “EIR.”¹ As described on page 2-5 of the EIR, the Project Site is bounded on the north by three residential lots in the Quail Meadows subdivision, on the south by the Lawler property (an approximately 40-acre lot with one home) and the Woodside Horse Park and Equestrian Center, on the east by Interstate 280, and on the west by two estate residential lots. Interstate 280 provides regional access to the Project Site via Sand Hill Road and Lawler Ranch Road.

The Project Site is currently undeveloped, except for an existing dirt and partially paved road providing access from the end of Lawler Ranch Road through the eastern portion of the Project Site to the Lawler property adjacent and to the southwest, along with associated drainage infrastructure. The Project Site has generally hilly topography and includes a combination of oak woodland and rolling grassland. The Project Site is described in more detail in Section 2.3 of the EIR.

The Project, which is described in more detail in Section 2.4 of the EIR, includes the following elements:

- Construction of a two-lane roadway through the site, from the existing terminus of the public Lawler Ranch Road on the south to provide vehicular access within the site and to connect (as an emergency access easement only) to Quail Meadows Road on the north, and including a bridge crossing of Atherton Creek;
- Construction of two driveways with bridges across creeks to provide access to future building sites on Parcels 3 and 4 (the remaining driveways are not specifically laid out as the specific building pad locations are not known);
- Dedications of easements for utilities and trails; and
- Construction of drainage facilities, including the provision of detention capacity at the Lower Pond area by improving the existing berm and increasing the berm height.²

¹ All EIR pagination references are to the relevant page in the FEIR.

² The applicant originally proposed to construct a new detention basin on the northeast tributary of Atherton Creek. As described in more detail on pages 3-29 through 3-31 of the EIR, the applicant has modified the Project design to provide detention capacity at the Lower Pond area of the Project Site.

III. GENERAL

The Town Council, having independently reviewed and considered the information contained in the EIR, the appendices, and the record of proceedings, finds as follows:

A. General Findings

The Town Council hereby finds as follows:

1. The foregoing and following statements are true and correct;
2. The EIR was completed in compliance with CEQA;
3. The EIR reflects the Town Council's independent judgment;
4. The Town Council reviewed and considered the information and analysis in the EIR before acting upon any of the Project Entitlements;
5. In December 2003, the Town received an application for the Project. The Planning Commission approved that application on April 21, 2004. The neighboring property owner then appealed the approval to the Town Council. The Town Manager then authorized the preparation of an EIR for the Project in June 2004;
6. In January 2005, the Town completed an Initial Study for the Project, which determined that an EIR must be prepared for the Project;
7. The Notice of Preparation of the Draft EIR ("DEIR") was issued on January 7, 2005. It requested that responsible agencies respond as to the scope and content of the environmental information germane to that agency's specific responsibilities;
8. The public review period for the DEIR began on August 27, 2005, and the DEIR and appendices were available for public review on that date. The public review and comment period ended on October 11, 2005;
9. On October 5, 2005, the Planning Commission held a public hearing to receive comments on the DEIR;
10. The Town prepared responses to comments on environmental issues received at the public hearing and in writing during the public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and clarified factual information in the DEIR. This material was presented in a "Final Environmental Impact Report" (the "Prior FEIR") published in September 2006, which was available to others upon request at the Planning Department's offices;
11. In response to the comments received on the DEIR, the Project applicant revised the Project to include changes to the proposed equestrian trail alignment

12. As a result of the changes to the Project, the Town revised its responses to comments and prepared relevant revisions to the text of the DEIR. This material was presented in the “Comments and Responses” section of the FEIR that was published in July 2007, which was distributed to the Planning Commission and to all parties who commented on the DEIR, and was available to others upon request at the Planning Department’s offices;

13. The FEIR has been prepared by MHA Environmental Consulting, which supercedes the Prior FEIR and consists of the DEIR, any consultations and comments received during the review process, and the Comments and Responses all as required by law. Since publication of the DEIR, no significant new information has become available that would require recirculation of the EIR under CEQA Guidelines Section 15088.5;

14. On July 30, 2007, a public meeting was held by the Town’s Open Space Committee to consider the impacts of the Project;

15. On July 23, 2007, a public meeting was held by the Town’s Conservation & Environmental Health Committee to consider the impacts of the Project;

16. On August 7, 2007, public hearings were held before the Planning Commission to consider certification of the EIR and the approval of the Project Entitlements. The Planning Commission reviewed and considered the information contained in the EIR and found that the contents of said report and the procedures through which the EIR was prepared, publicized and reviewed comply with the provisions of CEQA and the CEQA Guidelines;

17. The Planning Commission found that the EIR: reflected the independent judgment and analysis of the Town of Woodside; was adequate, accurate and objective; and that the Comments and Responses contained no significant revisions to the DEIR; and then certified the EIR as complete by Resolution No. 2007-001 on August 7, 2007. The neighboring property then appealed the approval to the Town Council.

18. On August 7, 2007, public hearings were held before the Town Council to consider certification of the EIR and the approval of the Project Entitlements. The Town Council reviewed and considered the information contained in the EIR and found that the contents of said report and the procedures through which the EIR was prepared, publicized and reviewed comply with the provisions of CEQA and the CEQA Guidelines;

19. The Town Council found that the EIR: reflected the independent judgment and analysis of the Town of Woodside; was adequate, accurate and objective; and that the Comments and Responses contained no significant revisions to the DEIR; and then certified the EIR as complete by Resolution No. 2007-001 on August 7, 2007. The neighboring property then appealed the approval to the Town Council.

20. The Town Council, in adopting the Mitigation Monitoring Plan, modified Mitigation Measure 3.4-4 so as to not allow septic leachfields in the conservation easement areas.

21. The Town Council found that the revised mitigation measure is equal to or more effective in mitigating the potential environmental effects of the project.

22. The Project plans have been prepared and analyzed so as to provide for public involvement in the planning and CEQA processes;

23. Copies of all of the documents incorporated by reference in the EIR are and have been available upon request at all times at the offices of the Town Clerk, custodian of record for such documents or other materials;

24. Project files are and have been made available for review by the Planning Commission and the public. These files are available for public review by appointment at the Planning Department offices at 2955 Woodside Road, and are part of the record before the Commission;

25. The Town is the “Lead Agency” for the Project. The Town Council finds that the DEIR and the FEIR were prepared in compliance with CEQA and the CEQA Guidelines. The Town Council finds that it has independently reviewed and analyzed the DEIR and the FEIR for the project, and that the FEIR reflects the independent judgment of the Town Council;

26. The Town Council finds that the EIR provides objective information to assist the decision-makers and the public at large in their consideration of the environmental consequences of the Project. The public review period provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the DEIR. The FEIR was prepared after the review period and responds to comments made during that review period;

27. The Town evaluated comments on environmental issues received from persons who reviewed the DEIR. In accordance with CEQA, the Town prepared written responses describing the disposition of significant environmental issues raised. The FEIR provides adequate, good faith and reasoned responses to the comments. The responses to the comments on the DEIR, which are contained in the FEIR, clarify and extend the analysis in the DEIR;

28. The Town Council has reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts identified in the EIR. The Town Council, and Town as Lead Agency, have based their actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these Findings, concerning the environmental impacts identified and analyzed in the EIR;

29. Textual refinements, miscellaneous analyses and errata were compiled and presented to the decision-makers for review and consideration of the Town Council. Town staff has made every effort to notify the decision-makers and the interested public agencies of each textual change in the various documents associated with the review of the Project. These textual refinements arise for a variety of reasons. First, it is inevitable that draft documents will require clarifications and corrections. Second, textual clarifications were necessitated in order to describe Project refinements (such as the revisions to the equestrian trail alignment and location of the detention basin) suggested as part of the public participation process;

30. Having reviewed the information contained in the DEIR and the FEIR and in the administrative record as well as the requirements of CEQA and the CEQA Guidelines regarding

recirculation of EIRs, and having analyzed the differences between the DEIR to the FEIR, the Planning Commission finds that there is no new significant information in the FEIR and that recirculation of the DEIR is not required;

31. Comments regarding the DEIR received during the public review period have been adequately responded to in written Responses to Comments in the FEIR. Any significant effects described in such comments were avoided or substantially lessened by the mitigation measures described in the EIR;

32. To the degree that any impacts described in the EIR are perceived to have a significant effect on the environment, or such impacts appear ambiguous as to their effect on the environment, any significant effect of such impacts has been substantially lessened or avoided by the mitigation measures set forth in the FEIR;

33. The impacts of the Project have been analyzed to the extent feasible at the time of certification of the EIR and to the extent additional studies or subsequent approvals are required, the EIR establishes standards for such studies and approvals which shall mitigate any associated significant impact;

34. The Town Council finds that there are no cumulative or growth inducing impacts associated with the Project for the reasons stated in the EIR and based on other documents and comments in the record of proceedings;

35. In determining whether the Project has a significant impact on the environment, and in adopting these Findings pursuant to CEQA Section 21081, the Town Council has complied with CEQA Section 21082.2.

36. The Town Council has made no decisions related to approval of the Project prior to certification of the EIR, nor has the Town Council previously committed to a definite course of action with respect to the Project;

37. CEQA requires the Lead Agency approving a project to adopt a mitigation monitoring and reporting program for the changes to the Project which it has adopted or made a condition of Project approval in order to ensure compliance with the mitigation measures set forth in the EIR. The MMRP upon which the Town Council will take action in connection with the Planning Commission's actions on the Project Entitlements serves that function. The MMRP includes all of the adopted mitigation measures and has been designed to ensure compliance during implementation of the Project. In accordance with CEQA, the MMRP provides the mechanisms to ensure that the mitigation measures are fully enforceable;

38. The MMRP designates responsibility and anticipated timing for the implementation of mitigation;

39. The Town Council has certified an EIR for, and is approving, and adopting findings for, the entirety of the actions described in these Findings. There may be a variety of actions undertaken by other state and local agencies. Because the Town is the Lead Agency for the Project, the EIR is intended to be the basis for compliance with CEQA for each of the

possible discretionary actions by other state and local agencies (known as “responsible agencies” under CEQA) to carry out the Project.

B. Public Input

There have been numerous opportunities for public review and comment upon the Project, including, but not limited to, the public forums and hearings set forth below:

1. Planning Commission hearing dated October 5, 2005;
2. Open Space Committee meeting dated July 30, 2007; and
3. Planning Commission hearing dated August 7, 2007.
4. Town Council hearing dated January 22, 2007.

C. Record of Proceedings

For purposes of CEQA and these Findings, the record of proceedings for the Project consists of the following documents and other evidence, at a minimum:

1. The Notice of Preparation and all other public notices issued by the Town Clerk, the Planning Commission, Town Council or other Town body or representative in conjunction with the Project;
2. The DEIR;
3. The FEIR;
4. All written comments submitted by agencies or members of the public during the public review comment period on the DEIR and all responses to those comments;
5. All written and verbal public testimony presented during noticed public hearings for the Project at which such testimony was taken or written or verbal information presented to the Town Council prior to the making of any Project approvals;
6. The MMRP;
7. The reports, analyses and information included in the EIR and all documents referenced therein;
8. The ordinances and resolutions adopted by the Planning Commission and/or Town Council in connection with the Project, and all documents incorporated by reference therein;
9. Matters of common knowledge to the Town Council, including but not limited to federal, state and local laws and regulations;

10. Any documents cited in these Findings; and
11. Any other materials required to be in the record of proceedings by Section 21167.6(e) of CEQA.

The documents and other materials that constitute the record of proceedings upon which the Town Council's decision is based are located at the Town of Woodside. The custodian for these documents is the Town Clerk, whose office is located at 2955 Woodside Road, Woodside, CA 94062. Copies of all these documents, which constitute the record of proceedings, are and at all relevant times have been available upon request at the Town offices at the above address. This information is provided in compliance with the relevant provisions of CEQA and the CEQA Guidelines.

IV FINDINGS REGARDING INSIGNIFICANT IMPACTS

A. Findings

The Town Council finds that the EIR properly concludes the following potentially significant environmental impacts are less than significant and do not require any associated mitigation:

1. Impact 3.3-2: Depletion of Groundwater Supplies and Groundwater Recharge;
2. Impact 3.5-4: Creation of Light or Glare;
3. Impact 3.6-2: Increase in Groundborne Vibration or Groundborne Noise Level;
4. Impact 3.6-3: Increase in Ambient Noise Levels;
5. Impact 3.7-1: Increase in Traffic;
6. Impact 3.7-2: Degradation of Traffic Levels of Service;
7. Impact 3.7-5: Inadequate Parking Capacity;
8. Impact 3.7-6: Conflict with Alternative Transportation Programs;
9. Impact 3.8-1: Conflict with Applicable Air Quality Plan;
10. Impact 3.10-1: Increase in Use of Recreational Facilities; and
11. Impact 3.10-2: Requirement of Additional Recreational Facilities.

B. Facts in Support of Findings and Rationale

The EIR identifies numerous potential impacts which after analysis and thorough and extensive public review have been determined to be insignificant because no significant impact

has been identified. Therefore, no findings or mitigations are required to be made or adopted for the impacts listed above.

V. FINDINGS REGARDING POTENTIALLY SIGNIFICANT IMPACTS OF THE PROJECT WHICH CAN BE AVOIDED OR LESSENED TO BELOW A LEVEL OF SIGNIFICANCE

The Town Council has reviewed and considered the EIR, and as a result of such review and consideration and pursuant to CEQA, the following findings are made for each of the potentially significant effects identified in the EIR. The number references correspond with the impact and mitigation measure numbering used in the EIR.

Impact 3.2-1:

Impacts due to Seismic Events. As described in the EIR, page 3-10, the Project Site is in an area of potential seismic activity, located near the San Andreas Fault, and the Project Site contains steep slopes, small landslides, and expansive soils. There is no known active faulting at the Project Site, so the potential for ground rupture by faulting is low. However, ground shaking, landslides, ground failure, ground lurching and roadway and foundation damage are potential impacts of the Project.

Findings. Pursuant to CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which mitigate, avoid or substantially lessen the potentially significant environmental effect summarized above and described in detail in the EIR and reduce the effect to below a level of significance.

Facts in Support of Findings and Rationale. This potentially significant impact can be substantially reduced by implementing Mitigation Measure 3.2-1 (EIR pages 3-10 to 3-11). Mitigation Measure 3.2-1 requires that the Project sponsor provide a feasibility study and bridge geotechnical investigation for the review and approval of the Town Engineer and Town Geologist prior to issuance of a grading permit. Such studies shall incorporate measures to reduce potential impacts from slope instability. Future applications for home construction on the Project Site will require geotechnical reports for review and approval by the Town Engineer and Town Geologist, and will require compliance with California Building Code criteria to assure safety of the structures and residents from seismic-induced hazards. Implementation of this mitigation measure will reduce the impact to a less-than-significant level by ensuring proper and adequate design and construction practices. Mitigation Measure 3.2-1 as set forth in the EIR is incorporated by reference, is feasible and is made binding through the Project approvals and the MMRP.

Impact 3.2-2:

Impacts Due to Soil Erosion or Loss of Topsoil. As described in the EIR, page 3-11, the Project proposes an estimated 4,700 cubic yards of cut and 4,200 cubic yards of fill, with cuts of up to 10 feet in height and fills of up to 15 feet in depth. The combined effects of moderate to steep slopes, prolonged heavy rainfall, and denuded slopes from grading for the roadway,

bridges, and detention basin could present a temporary potential for increased soil erosion and subsequent siltation in the drainage channels and the ponds.

Findings. Pursuant to CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which mitigate, avoid or substantially lessen the potentially significant environmental effect summarized above and described in detail in the EIR and reduce the effect to below a level of significance.

Facts in Support of Findings and Rationale. This potentially significant impact can be substantially reduced by implementing Mitigation Measures 3.2-2, 3.2-3 and 3.2-4 (EIR page 3-11). Mitigation Measure No. 3.2-2 requires preparation of a Storm Water Pollution Prevention Plan (SWPPP) which must incorporate recommendations for protection of soils from erosion. These recommendations must be incorporated into the Project plans and approved by the Town Engineer prior to issuance of a grading permit. Mitigation Measure No. 3.2-3 requires that all grading be conducted during the dry season (April 15 through October 15) only, and all areas of exposed soils shall be replanted within three months of completion of grading (or prior to October 30, whichever is earlier) in order to minimize erosion and subsequent sedimentation. Grading must also be coordinated consistent with Mitigation Measures 3.4-2(b) and 3.4-11 (see below) to assure protection of special status species. Mitigation Measure 3.2-4 requires hydroseeding or hydromulching with specified types of grasses for slopes of 30 percent or less, and requires preparation of a revegetation plan that includes specified elements for slopes in excess of 30 percent. Finally, future applications for construction of homes on the Project Site will require design-level geotechnical investigations and erosion control plans to address potential erosion and sedimentation. Implementation of these mitigation measures would reduce the Project's potential impact to a less-than-significant level by ensuring proper and adequate design and construction practices. Mitigation Measures 3.2-2, 3.2-3 and 3.2-4 as set forth in the EIR are incorporated by reference, are feasible and are made binding through the Project approvals and the MMRP.

Impact 3.2-3:

Impacts Due to Soil Instability. As described in the EIR, page 3-12, on-site dormant and active landslide deposits could experience additional movement in the future. The proposed project grading could also reactivate existing dormant and active landslides, if these deposits are not properly repaired. The roadway, retaining walls, and utilities that are constructed near existing landslide deposits could be subject to substantial damage by future slope movement. Earth Investigations Consultants (2004B) has provided information substantiating that the proposed bridges are feasible from a geotechnical standpoint with mitigation incorporated and has also made recommendations in a feasibility study for site and roadway infrastructure developments. However, potential significant adverse impacts could result from slope hazards from existing landslides or potentially unstable slopes for the bridges and the roadway.

Findings. Pursuant to CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which mitigate, avoid or substantially lessen the potentially significant environmental effect

summarized above and described in detail in the EIR and reduce the effect to below a level of significance.

Facts in Support of Findings and Rationale. This potentially significant impact can be substantially reduced by implementing Mitigation Measure 3.2-1 (EIR pages 3-10 to 3-11). Mitigation Measure 3.2-1 requires that the Project sponsor provide a feasibility study and bridge geotechnical investigation for the review and approval of the Town Engineer and Town Geologist prior to issuance of a grading permit. Such studies shall incorporate measures to reduce potential impacts from slope instability. Future applications for home construction on the Project Site will require geotechnical reports for review and approval by the Town Engineer and Town Geologist, and will require compliance with California Building Code criteria to assure safety of the structures and residents from seismic-induced hazards. Implementation of this mitigation measure will reduce the impact to a less-than-significant level by ensuring proper and adequate design and construction practices. Mitigation Measure 3.2-1 as set forth in the EIR is incorporated by reference, is feasible and is made binding through the Project approvals and the MMRP.

Impact 3.2-4:

Impacts Due to Expansive Soil. As described in the EIR, page 3-12, the Project Site is underlain at relatively shallow depths by bedrock materials of the Whiskey Hill formation and younger Ladera sandstone. The bedrock commonly decomposes to produce highly expansive soils. Expansive soils shrink or swell in volume during changes in moisture content and can cause damage to pavement sections and bridge foundations/footings. Structures constructed on expansive soil with improper subsurface drainage facilities, and structures constructed atop expansive fill soils that are not properly engineered and placed may be damaged by shrink-swell earth movement. Shrinkage, swelling and creep of expansive soils by moisture variation can cause structural distress to the proposed roadway pavements, concrete slab-on-grade, curbs and gutters, driveways, and other flatwork.

Findings. Pursuant to CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which mitigate, avoid or substantially lessen the potentially significant environmental effect summarized above and described in detail in the EIR and reduce the effect to below a level of significance.

Facts in Support of Findings and Rationale. This potentially significant impact can be substantially reduced by implementing Mitigation Measure 3.2-5 (EIR page 3-12). This mitigation measure requires that prior to the issuance of a grading permit, the applicant must submit for review and approval by the Town Engineer and Town Geologist geotechnical specifications in the construction plans for the roadway and bridges, providing measures to minimize impact from expansive soil conditions. Furthermore, design level investigations for the future development of homes would include recommendations to mitigate potential hazards from expansive soils, as required by the Town's Site Development Ordinance. Residence plans would be subject to geotechnical report review and approval at the time of the residence applications, and residences would be subject to protective measures defined by the Town's site development regulations and approved by the Town Geologist. Implementation of this

mitigation measure will reduce the impact to a less-than-significant level by ensuring proper and adequate design and construction practices. Mitigation Measure 3.2-5 as set forth in the EIR is incorporated by reference, is feasible and is made binding through the Project approvals and the MMRP.

Impact 3.3-1:

Impacts Due to Violation of Water Quality Standards or Waste Discharge Requirements. As described in the EIR, pages 3-23 to 3-27, while there are no designated beneficial uses for Atherton Creek and its tributaries, the water quality and habitat values of the streams and ponds could be impaired by soil erosion, sedimentation, or other degradation of surface water quality during construction or post-construction (including roadway drainage).

Findings. Pursuant to CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which mitigate, avoid or substantially lessen the potentially significant environmental effect summarized above and described in detail in the EIR and reduce the effect to below a level of significance.

Facts in Support of Findings and Rationale. This potentially significant impact can be substantially reduced by implementing Mitigation Measures 3.3-1, 3.3-2, 3.3-3, 3.3-4 and 3.3-5 (EIR pages 3-24 to 3-27). Mitigation Measure 3.3-1 requires that prior to issuance of grading or building permits for the roadway and driveways, the applicant must develop and submit to the Town an erosion control plan incorporating construction-phase measures to limit and control erosion and siltation, and containing other specified components and treatment measures. Mitigation Measure 3.3-2 requires that the applicant submit to the Town and to the Regional Water Quality Control Board (RWQCB) a Storm Water Pollution Prevention Plan (SWPPP) for the Project, which shall include water quality control measures and incorporate the erosion control measures outlined in Mitigation Measure 3.3-1. The applicant is also required to submit a Notice of Intent (NOI) to the State Water Resources Board. Prior to Town approval, the SWPPP must be submitted to the Atherton Channel Drainage District engineer for review and comment. The NOI shall be submitted to the State Regional Water Quality Control Board and the SWPPP shall be reviewed and approved by the Town and the RWQCB prior to issuance of grading or building permits. The future construction of homes and other development on each of the five parcels will also require submittal of erosion control and storm water pollution control plans for each site, pursuant to the Town's Site Development Ordinance. Mitigation Measure 3.3-3 requires that the Project engineer prepare hydrologic and hydraulic analyses and computations to determine the appropriate location of clear-span bridge abutments and other appropriate design details. Scour analysis shall be completed to demonstrate that the abutment or pier protection and channel scour protection design is adequate. Such analyses and design refinements shall comply with the State of California engineering standards and shall be subject to review and comment from the Atherton Channel Drainage District Engineer, and review and approval by the Town Engineer, prior to issuance of any grading or building permits. Mitigation Measure 3.3-4 requires that the applicant's SWPPP identify the best management practices that will be used to provide for treatment of 80 to 85 percent of the runoff from new impervious areas. The plan must also include provisions for distributing educational/outreach materials to property owners describing the use of native vegetation, responsibilities for use of landscaping

chemicals, waste storage and litter control, materials handling practices, and locations for disposal of hazardous materials. Post-development runoff shall not be permitted to exceed pre-development runoff and the Project may not impact the storm water runoff or storm water velocity to the Atherton channel. The applicant must prepare and submit disclosure statements for each of the five parcels outlining these provisions. The disclosure statements must be approved by the Town Engineer prior to issuance of grading or building permits for the roadway and driveways. Mitigation Measure 3.3-5 requires the applicant to submit a revised drainage design for the roadway that minimizes concentration of discharges from the roadway and complies with specified design requirements. Post-development runoff shall not be permitted to exceed pre-development runoff and the Project may not impact the storm water runoff or storm water velocity to the Atherton channel. The drainage plan shall be approved by the Town Engineer prior to issuance of grading or building permits for the roadway or driveways. Implementation of these mitigation measures would reduce the Project's potential impact to a less-than-significant level by ensuring proper and adequate design and construction practices. Mitigation Measures 3.3-1, 3.3-2, 3.3-3, 3.3-4 and 3.3-5 as set forth in the EIR are incorporated by reference, are feasible and are made binding through the Project approvals and the MMRP.

Impact 3.3-4:

Impacts Due to Increase in Runoff Water. As described in the EIR, pages 3-28 to 3-31, construction of the private road and future construction of driveways and houses would increase the amount of directly connected impervious area, which typically increases the volume and peak rate of surface runoff to local streams and drainages. Without mitigation, higher peak runoff flows could potentially result in channel erosion, reduce habitat values in local streams and ponds, increase risks of flooding downstream, and raise maintenance costs or require modifications of the existing drainage infrastructure.

Findings. Pursuant to CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which mitigate, avoid or substantially lessen the potentially significant environmental effect summarized above and described in detail in the EIR and reduce the effect to below a level of significance.

Facts in Support of Findings and Rationale. This potentially significant impact can be substantially reduced by implementing Mitigation Measures 3.3-6 and 3.3-7 (EIR pages 3-30 to 3-31). Mitigation Measure 3.3-6 requires the Project applicant to provide an alternative detention approach that eliminates from the plans the proposed in-line detention dam in the northeast tributary of the Project Site. The detention capacity shall instead be provided at the Lower Pond area by improving the existing berm and increasing the berm height (in combination with Mitigation Measure 3.3-7). The pond modifications shall be designed to minimize water level rise and fall, with appropriate sediment controls upstream of the pond and wetland, and in the area of construction. The pond shall be modified such that it will safely pass a 100-year, 24-hour design storm with adequate factors of safety. Post-development runoff shall not exceed pre-development runoff and the Project may not impact the storm water runoff or storm water velocity to the Atherton channel. The plans shall be prepared in consultation with the U.S. Army Corps of Engineers (ACOE) and California Department of Fish and Game (CDFG) and/or the U.S. Fish and Wildlife Service (USFWS). All resource agency recommendations to protect

special status species from impacts during construction and post-construction, including pond maintenance, shall be incorporated into the Project plans prior to issuance of grading permits for the Project (see Mitigation Measures 3.4-2 and 3.4-6, below). The Project applicant has agreed to incorporate Mitigation Measure 3.3-6 as part of the Project design. Mitigation Measure 3.3-7 requires that post-Project peak flow rates must be maintained at pre-development levels. Additional detention capacity required to achieve no increase in net flow rates downstream of the Project Site must be accomplished through lot-specific detention on each of the home sites using specified structures and methods. Deed restrictions for each parcel, or other legal instruments satisfactory to the Town Attorney and Town Engineer, shall be recorded incorporating the requirements of this mitigation measure. Upon future applications for development of each site, plans for the design of each system must be submitted for review and approval by the Town Engineer prior to issuance of grading or building permits for the relevant residence. Implementation of these mitigation measures would reduce the Project's potential impact to a less-than-significant level by ensuring proper and adequate design and construction practices. Mitigation Measures 3.3-6 and 3.3-7 as set forth in the EIR are incorporated by reference, are feasible and are made binding through the Project approvals and the MMRP.

Impact 3.3-5:

Impacts Due to Degradation of Water Quality. As described in the EIR, page 3-31, groundwater in the vicinity of the Project Site could be degraded due to petroleum products, solvents, detergents, nutrients and pesticides. Because recharge on the Project Site is generally limited due to the slowly permeable soils, and because development as proposed would result in only a relatively small acreage of impervious surfaces, potential impacts to groundwater quality would be limited to the construction-phase of development.

Findings. Pursuant to CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which mitigate, avoid or substantially lessen the potentially significant environmental effect summarized above and described in detail in the EIR and reduce the effect to below a level of significance.

Facts in Support of Findings and Rationale. This potentially significant impact can be substantially reduced by implementing Mitigation Measure 3.3-2 (EIR page 3-24). [The EIR actually says "implementation of MM 3.3-1 to develop and implement a SWPPP," but it is MM 3.3-2 which requires the SWPPP. This fact should be noted in an errata sheet and placed into the record.] Mitigation Measure 3.3-2 requires that the applicant submit to the Town and to the RWQCB a SWPPP for the Project, which shall include water quality control measures and incorporate the erosion control measures outlined in Mitigation Measure 3.3-1. The applicant is also required to submit an NOI to the State Water Resources Board. Prior to Town approval, the SWPPP must be submitted to the Atherton Channel Drainage District engineer for review and comment. The NOI shall be submitted to the State Regional Water Quality Control Board and the SWPPP shall be reviewed and approved by the Town and the RWQCB prior to issuance of grading or building permits. Implementation of this mitigation measure would reduce the Project's potential impact to a less-than-significant level by ensuring proper and adequate design and construction practices. Mitigation Measure 3.3-2as set forth in the EIR is incorporated by reference, is feasible and is made binding through the Project approvals and the MMRP.

Impact 3.4-1:

Impacts on Special-Status Species. As described in the EIR, pages 3-50 to 3-55, construction and post-construction impacts to biological resources on the Project site could occur where proposed construction could result in temporary or permanent modification of sensitive communities or habitats potentially occupied by special status species. These activities could also result in direct impacts (e.g., loss or injury) to special status species. The following special status plant species were identified to have moderate potential to occur onsite (though were not observed to exist on the Project Site in June 2005): (i) Western leatherwood; (ii) Congdon's tarplant; and (iii) Slender-leaved pondweed. The following special status wildlife species were observed on, or flying over, the Project Site: (a) California red-legged frog (CRLF); (b) Western pond turtle (WPT); (c) San Francisco dusky footed woodrat (DFWR); and (d) Golden eagle. Most of the sensitive areas are located in or near the creeks or ponds, and significant potential impacts to these habitats and species could occur from water quality impacts due to construction activities and post-development runoff.

Findings. Pursuant to CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which mitigate, avoid or substantially lessen the potentially significant environmental effect summarized above and described in detail in the EIR and reduce the effect to below a level of significance.

Facts in Support of Findings and Rationale. This potentially significant impact can be substantially reduced by implementing Mitigation Measures 3.4-1, 3.4-2, 3.4-3 and 3.4-4 (EIR pages 3-50 to 3-55). Mitigation Measure 3.4-1 requires that prior to issuance of grading permits for the construction of homes or associated development on each parcel, a lot-specific survey of special status plant species must be prepared and submitted to the Town Planning Department for review and approval. If any special status species are identified, appropriate mitigation measures must be developed by a botanist and submitted to the Town. The property owner must consult with the USFWS and/or CDFG to determine appropriate measures to ensure the protection of the species and its habitat during construction and post-construction development and occupation. Mitigation Measure 3.4-2 requires the applicant to prepare and submit a Comprehensive Special Status Species Mitigation and Monitoring Program, which must include the measures and actions set forth on pages 3-51 and 3-52 of the EIR, to ensure protection of special status species during and after construction of the Project. The program must be approved by the Planning Director prior to the issuance of grading or building permits for the Project. The program must first be submitted to the CDFG and USFWS for comment. Mitigation Measure 3.4-3 requires the applicant to submit to the Town an appropriate legal document, acceptable to the Planning Director, Town Engineer, and Town Attorney, to create a conservation easement corridor throughout the Project Site, incorporating the three jurisdictional waterways and the five wetland areas. The conservation easement areas must be mapped, restricted, and recorded against each parcel affected, prior to issuance of grading permits for the roadway and driveways and prior to recordation of the Lot Line Adjustment. Mitigation Measure 3.4-4 requires that the conservation easement document outline the basis for the easement and be accompanied by baseline documentation of the present condition of the conservation corridor. The conservation document must include the restrictions and conditions specified on page 3-54 of the EIR. Implementation of these mitigation measures would reduce the Project's potential impact to a less-than-

significant level by providing adequate protection measures before, during and after construction. Mitigation Measures 3.4-1, 3.4-2, 3.4.3 and 3.4-4 as set forth in the EIR are incorporated by reference, are feasible and are made binding through the Project approvals and the MMRP.

Impact 3.4-2:

Impacts on Important or Sensitive Habitat. As described in the EIR, pages 3-55 to 3-60, the Project Site includes five small jurisdictional wetland areas and three ephemeral streams that form the headwaters of Atherton Creek. Approximately 55% of the Project Site is covered by oak woodland with blue oak as the dominant tree species (blue oak woodland, as a whole, is given consideration by the San Mateo County General Plan as a sensitive community because of its rarity). Some of these trees are in excess of 30 inches (9.5 inches diameter at breast height) in circumference and thus are considered “significant” and protected pursuant to the Town’s Zoning Ordinance. Significant potential impacts to these areas and species could occur due to construction activities, post-development runoff, operation of the proposed in-line detention basin and post-development landscaping.

Findings. Pursuant to CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which mitigate, avoid or substantially lessen the potentially significant environmental effect summarized above and described in detail in the EIR and reduce the effect to below a level of significance.

Facts in Support of Findings and Rationale. This potentially significant impact can be substantially reduced by implementing Mitigation Measures 3.3-1, 3.3-2, and 3.4-3 through 3.4-10 (EIR pages 3-24 to 3-25 and 3-52 to 3-60). Mitigation Measure 3.3-1 requires that prior to issuance of grading or building permits for the roadway and driveways, the applicant must develop and submit to the Town an erosion control plan incorporating construction-phase measures to limit and control erosion and siltation, and containing other specified components and treatment measures. Mitigation Measure 3.3-2 requires that the applicant submit to the Town and to the Regional Water Quality Control Board (RWQCB) a Storm Water Pollution Prevention Plan (SWPPP) for the Project, which shall include water quality control measures and incorporate the erosion control measures outlined in Mitigation Measure 3.3-1. The applicant is also required to submit a Notice of Intent (NOI) to the State Water Resources Board. Prior to Town approval, the SWPPP must be submitted to the Atherton Channel Drainage District engineer for review and comment. The NOI shall be submitted to the State Regional Water Quality Control Board and the SWPPP shall be reviewed and approved by the Town and the RWQCB prior to issuance of grading or building permits. The future construction of homes and other development on each of the five parcels will also require submittal of erosion control and storm water pollution control plans for each site, pursuant to the Town’s Site Development Ordinance. Mitigation Measure 3.4-3 requires the applicant to submit to the Town an appropriate legal document, acceptable to the Planning Director, Town Engineer, and Town Attorney, to create a conservation easement corridor throughout the Project Site, incorporating the three jurisdictional waterways and the five wetland areas. The conservation easement areas must be mapped, restricted, and recorded against each parcel affected, prior to issuance of grading permits for the roadway and driveways and prior to recordation of the Lot Line

Adjustment. Mitigation Measure 3.4-4 requires that the conservation easement document outline the basis for the easement and be accompanied by baseline documentation of the present condition of the conservation corridor. The conservation document must include the restrictions and conditions specified on page 3-54 of the EIR. Mitigation Measure 3.4-5 requires that prior to Town issuance of grading permits, the applicant must obtain (i) a Section 404 permit from the ACOE (including a 1:1 ratio for mitigation replacement for any disturbed wetlands or other waters of the U.S.), (ii) a Section 401 Water Quality Certification from the RWQCB and (iii) the necessary Streambed Alteration Agreements from the CDFG. Mitigation Measure 3.4-6 requires the applicant to provide an alternative detention approach that eliminates from the plans the proposed in-line detention dam in the northeast tributary of the Project Site. The detention capacity shall instead be provided at the Lower Pond area by improving the existing berm and increasing the berm height. The pond modifications shall be designed to minimize water level rise and fall, with appropriate sediment controls upstream of the pond and wetland, and in the area of construction so as to minimize effects on CRLF or WPT. The plans shall be submitted to the Town and to resource agencies (ACOE, CDFG and/or USFWS) as required. All agency recommendations to protect special status species from impacts during construction and post-construction shall be incorporated into the Project plans prior to issuance of grading permits for the Project. Mitigation Measure 3.4-7 requires that a certified arborist mark trees for removal or protection prior to issuance of grading permits. Trees to remain shall be fenced for protection during construction. Field adjustments of the construction plan must be made to minimize tree losses. Where equipment may compact soil between tree canopies, temporary construction fencing must be placed to prevent vehicular access or storage of materials. During and after road and driveway construction an assessment of removed and damaged trees shall be made to determine the number of replacement plantings required. Mitigation Measure 3.4-8 requires the applicant to either relocate the private roadway on Parcels 1 and 2 to follow the road alignment now existing through the Project Site, or revise the alignment to the north a minimum of 40 feet from the property line on Parcel 2 and sufficiently on Parcel 1 to avoid loss or damage to trees on the adjacent property. If the road is realigned, a certified arborist must submit and report and recommendations assuring that trees on the adjacent properties to the north will not suffer loss or damage from construction. The applicant must submit final roadway plans incorporating the arborist's report and recommendations for review and approval by the Planning Director and Town Engineer prior to issuance of grading permits for the roadway and driveways. Mitigation Measure 3.4-9 requires the applicant to submit a Comprehensive Tree Mitigation, Monitoring and Management Plan to the Town for approval prior to the issuance of any grading or building permits. The plan must include the measures specified on page 3-59 of the EIR. Mitigation Measure 3.4-10 requires that before issuance of grading and/or building permits for the roadway and driveways, property restrictions shall be prepared for each parcel requiring that for any future housing development, the property owners shall be required to maintain and plant native and non-invasive species on the property to the greatest extent feasible. Areas of turf or non-native plantings shall be prohibited within any conservation easement (see Mitigation Measures 3.4-3 and 3.4-4) to ensure that native vegetation buffers remain between each home and riparian areas and other natural features. Other areas of native plantings may be required by the Architectural and Site Review Board as conditions of site and design review. The property restrictions shall be recorded upon approval of the language and form by the Planning Director and Town Attorney. Implementation of these mitigation measures would reduce the Project's potential impact to a less-than-significant level by providing adequate protection measures

before, during and after construction. Mitigation Measures 3.3-1, 3.3-2, and 3.4-3 through 3.4-10 as set forth in the EIR are incorporated by reference, are feasible and are made binding through the Project approvals and the MMRP.

Impact 3.4-3:

Impacts on Movement of Wildlife or with Established Wildlife Corridors. As described in the EIR, page 3-60, the native plant communities on the Project Site provide excellent habitat for many migratory bird species. Removal of oak trees could reduce foraging, roosting, and nesting habitat. During construction of the roads, driveways, bridges, and detention basin, direct mortality to nests and young could occur if trees are cleared that contain nests, or if equipment operation disturbs nearby nests and results in nest abandonment by the adult birds.

Findings. Pursuant to CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which mitigate, avoid or substantially lessen the potentially significant environmental effect summarized above and described in detail in the EIR and reduce the effect to below a level of significance.

Facts in Support of Findings and Rationale. This potentially significant impact can be substantially reduced by implementing Mitigation Measures 3.4-3 and 3.4-11 (EIR pages 3-52 through 3-54 and 3-60). Mitigation Measure 3.4-3 requires the applicant to submit to the Town an appropriate legal document, acceptable to the Planning Director, Town Engineer, and Town Attorney, to create a conservation easement corridor throughout the Project Site, incorporating the three jurisdictional waterways and the five wetland areas. The conservation easement areas must be mapped, restricted, and recorded against each parcel affected, prior to issuance of grading permits for the roadway and driveways and prior to recordation of the Lot Line Adjustment. Mitigation Measure 3.4-11 requires that if tree clearing is not performed between September 1 and January 30, then a pre-construction survey for nesting birds must be conducted prior to clearing of trees. The survey must include the timing and parameters discussed on page 3-60 of the EIR. If occupied migratory bird nests are found within the construction zone, clearing should either stop or continue only after the nests are protected by an adequate setback approved by a qualified biologist in consultation with the CDFG. Implementation of this mitigation measure would reduce the Project's potential impact to a less-than-significant level by providing adequate protection measures before, during and after construction. Mitigation Measures 3.4-3 and 3.4-11 as set forth in the EIR are incorporated by reference, are feasible and are made binding through the Project approvals and the MMRP.

Impact 3.4-4:

Conflicts with Policies or Ordinances Protecting Biological Resources. As described in the EIR, pages 3-60 to 3-61, the Town's Zoning Code (Section 153.060) provides protection for "significant trees." Removal of approximately 230 significant trees at the Project Site would potentially conflict with this provision. The Town's General Plan provides protection of special communities that are rare in the region. Removal of blue oak trees at the Project Site would potentially conflict with this provision. Finally, the Town's General Plan also requires that areas

rich in wildlife or of a fragile ecological nature be avoided for development. Construction and post-development impacts to the habitat of special status-species would potentially conflict with this provision.

Findings. Pursuant to CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which mitigate, avoid or substantially lessen the potentially significant environmental effect summarized above and described in detail in the EIR and reduce the effect to below a level of significance.

Facts in Support of Findings and Rationale. These potentially significant impacts can be substantially reduced by implementing Mitigation Measures 3.4-3, 3.4-7, 3.4-8, 3.4-9 and 3.4-10 (EIR pages 3-52 through 3-54 and pages 3-58 through 3-60). Mitigation Measure 3.4-3 requires the applicant to submit to the Town an appropriate legal document, acceptable to the Planning Director, Town Engineer, and Town Attorney, to create a conservation easement corridor throughout the Project Site, incorporating the three jurisdictional waterways and the five wetland areas. The conservation easement areas must be mapped, restricted, and recorded against each parcel affected, prior to issuance of grading permits for the roadway and driveways and prior to recordation of the Lot Line Adjustment. Mitigation Measure 3.4-7 requires that a certified arborist mark trees for removal or protection prior to issuance of grading permits. Trees to remain shall be fenced for protection during construction. Field adjustments of the construction plan must be made to minimize tree losses. Where equipment may compact soil between tree canopies, temporary construction fencing must be placed to prevent vehicular access or storage of materials. During and after road and driveway construction an assessment of removed and damaged trees shall be made to determine the number of replacement plantings required. Mitigation Measure 3.4-8 requires the applicant to either relocate the private roadway on Parcels 1 and 2 to follow the road alignment now existing through the Project Site, or revise the alignment to the north a minimum of 40 feet from the property line on Parcel 2 and sufficiently on Parcel 1 to avoid loss or damage to trees on the adjacent property. If the road is realigned, a certified arborist must submit a report and recommendations assuring that trees on the adjacent properties to the north will not suffer loss or damage from construction. The applicant must submit final roadway plans incorporating the arborist's report and recommendations for review and approval by the Planning Director and Town Engineer prior to issuance of grading permits for the roadway and driveways. Mitigation Measure 3.4-9 requires the applicant to submit a Comprehensive Tree Mitigation, Monitoring and Management Plan to the Town for approval prior to the issuance of any grading or building permits. The plan must include the measures specified on page 3-59 of the EIR. Mitigation Measure 3.4-10 requires that before issuance of grading and/or building permits for the roadway and driveways, property restrictions shall be prepared for each parcel requiring that for any future housing development, the property owners shall be required to maintain and plant native and non-invasive species on the property to the greatest extent feasible. Areas of turf or non-native plantings shall be prohibited within any conservation easement (see Mitigation Measures 3.4-3 and 3.4-4) to ensure that native vegetation buffers remain between each home and riparian areas and other natural features. Other areas of native plantings may be required by the Architectural and Site Review Board as conditions of site and design review. The property restrictions shall be recorded upon approval of the language and form by the Planning Director and Town Attorney. Implementation of these mitigation measures would reduce the Project's potential impact to a

less-than-significant level by providing adequate protection measures before, during and after construction. Mitigation Measures 3.4-3, 3.4-7, 3.4-8, 3.4-9 and 3.4-10 as set forth in the EIR are incorporated by reference, are feasible and are made binding through the Project approvals and the MMRP.

Impact 3.5-1:

Impacts on Scenic Vistas. As described in the EIR, pages 3-79 through 3-83, Interstate 280 (I-280) is a designated State Scenic Highway. Lands visible from I-280 have been identified by the Town as an environmentally sensitive landscape. Motorists have varying degrees of views into the site that differ in exposure and duration between the south and north travel lanes. The proposed roadway alignment, removal of trees and construction of residences and other structures on the Project Site would degrade the scenic character of I-280.

Findings. Pursuant to CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which mitigate, avoid or substantially lessen the potentially significant environmental effect summarized above and described in detail in the EIR and reduce the effect to below a level of significance.

Facts in Support of Findings and Rationale. This potentially significant impact can be substantially reduced by implementing Mitigation Measures 3.4-8 and 3.5-1 through 3.5-5 (EIR page 3-58 and pages 3-60 through 3-83). Mitigation Measure 3.4-8 requires the applicant to either relocate the private roadway on Parcels 1 and 2 to follow the road alignment now existing through the Project Site, or revise the alignment to the north a minimum of 40 feet from the property line on Parcel 2 and sufficiently on Parcel 1 to avoid loss or damage to trees on the adjacent property. If the road is realigned, a certified arborist must submit and report and recommendations assuring that trees on the adjacent properties to the north will not suffer loss or damage from construction. The applicant must submit final roadway plans incorporating the arborist's report and recommendations for review and approval by the Planning Director and Town Engineer prior to issuance of grading permits for the roadway and driveways. Mitigation Measure 3.5-1 requires the private roadway surface and retaining walls to be composed of materials that are colored to blend with the surrounding native soils and other design elements intended to blend with adjacent landscaping. Final roadway plans must be submitted for review and approval by the Town Engineer prior to issuance of grading permits for the roadway and driveways. Mitigation Measure 3.5-2 requires that any tree removed that is greater than 30 inches in circumference at breast height must be replaced at a 3:1 ratio in designated sizes and locations. The applicant must submit a planting and screening plan for the roadway for review and approval by the Planning Director, after recommendation from the Architectural and Site Review Board, prior to issuance of grading and/or building permits. The landscape improvements must be completed before the roadway receives final approval and prior to application for home construction. Bonds must be posted to assure maintenance of the plantings for a minimum of three years after installation and replacement of plantings if necessary. Mitigation Measure 3.5-3 requires that the emergency roadway on Parcel 5 be relocated to follow the existing road alignment or moved to the west a sufficient distance to avoid the need for tree removal. The driveway north of the private drive to the home on the site to its terminus at Quail Meadows Drive must be composed of materials other than concrete or asphalt, subject to

approval by the Woodside Fire District and Town Engineer. The applicant must submit final roadway plans for review and approval by the Fire District and Town Engineer prior to issuance of grading permits for the roadway and driveways. Mitigation Measure 3.5-4 requires that all visible grading be contour-graded to blend with the adjacent land form. Size, placement, and density of plants shall be sufficiently random such that the visual growth pattern after a 5-year period mimics a developing oak forest/chaparral landscape. A grading plan shall be submitted for review and approval by the Town Engineer prior to issuance of any building or grading permits for the roadway and driveways. Mitigation Measure 3.5-5 requires the applicant to submit disclosure statements to be recorded for all parcels including certain specified statements and noting that the construction of future homes and appurtenant structures may have potentially significant visual impacts from I-280, and that the location and design of such structures may be limited or modified through the Town's review process to minimize visual impacts. Plans developed for each site shall respond to these concerns and require review and approval by the Planning Director, after review by the Architectural and Site Review Board, prior to issuance of building or grading permits for the new construction. The disclosure statements must be approved by the Planning Director and Town Attorney. Implementation of these mitigation measures would reduce the Project's potential impact to a less-than-significant level by reducing the Project's potential impact on the views from I-280 to an acceptable level. Mitigation Measures 3.4-8 and 3.5-1 through 3.5-5 as set forth in the EIR are incorporated by reference, are feasible and are made binding through the Project approvals and the MMRP.

Impact 3.5-2:

Impacts on Scenic Resources. As described in the EIR, page 3-83, Interstate I-280 is a designated State Scenic Highway. All proposed site improvements and all site disturbing activities would be within an area that contains significant scenic resources, such as mature trees and open grasslands. Thus, the proposed site improvements and site-disturbing activities would potentially impact scenic resources.

Findings. Pursuant to CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which mitigate, avoid or substantially lessen the potentially significant environmental effect summarized above and described in detail in the EIR and reduce the effect to below a level of significance.

Facts in Support of Findings and Rationale. This potentially significant impact can be substantially reduced by implementing Mitigation Measures 3.5-1, 3.5-2, 3.5-3, 3.5-4 and 3.5-5 (EIR pages 3-60 through 3-83). Mitigation Measure 3.5-1 requires the private roadway surface and retaining walls to be composed of materials that are colored to blend with the surrounding native soils and other design elements intended to blend with adjacent landscaping. Final roadway plans must be submitted for review and approval by the Town Engineer prior to issuance of grading permits for the roadway and driveways. Mitigation Measure 3.5-2 requires that any tree removed that is greater than 30 inches in circumference at breast height must be replaced at a 3:1 ratio in designated sizes and locations. The applicant must submit a planting and screening plan for the roadway for review and approval by the Planning Director, after recommendation from the Architectural and Site Review Board, prior to issuance of grading and/or building permits. The landscape improvements must be completed before the roadway

receives final approval and prior to application for home construction. Bonds must be posted to assure maintenance of the plantings for a minimum of three years after installation and replacement of plantings if necessary. Mitigation Measure 3.5-3 requires that the emergency roadway on Parcel 5 be relocated to follow the existing road alignment or moved to the west a sufficient distance to avoid the need for tree removal. The driveway north of the private drive to the home on the site to its terminus at Quail Meadows Drive must be composed of materials other than concrete or asphalt, subject to approval by the Woodside Fire District and Town Engineer. The applicant must submit final roadway plans for review and approval by the Fire District and Town Engineer prior to issuance of grading permits for the roadway and driveways. Mitigation Measure 3.5-4 requires that all visible grading be contour-graded to blend with the adjacent land form. Size, placement, and density of plants shall be sufficiently random such that the visual growth pattern after a 5-year period mimics a developing oak forest/chaparral landscape. A grading plan shall be submitted for review and approval by the Town Engineer prior to issuance of any building or grading permits for the roadway and driveways. Mitigation Measure 3.5-5 requires the applicant to submit disclosure statements to be recorded for all parcels including certain specified statements and noting that the construction of future homes and appurtenant structures may have potentially significant visual impacts from I-280, and that the location and design of such structures may be limited or modified through the Town's review process to minimize visual impacts. Plans developed for each site shall respond to these concerns and require review and approval by the Planning Director, after review by the Architectural and Site Review Board, prior to issuance of building or grading permits for the new construction. The disclosure statements must be approved by the Planning Director and Town Attorney. Implementation of these mitigation measures would reduce the Project's potential impact to a less-than-significant level by reducing the visibility of the Project Site improvements and site-disturbing activities to acceptable levels. Mitigation Measures 3.5-1, 3.5-2, 3.5-3, 3.5-4 and 3.5-5 as set forth in the EIR are incorporated by reference, are feasible and are made binding through the Project approvals and the MMRP.

Impact 3.5-3:

Impacts on Existing Visual Character of Project Site. As described in the EIR, page 3-83, the proposed site improvements and site disturbing activities would degrade the existing visual quality of the Project Site.

Findings. Pursuant to CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which mitigate, avoid or substantially lessen the potentially significant environmental effect summarized above and described in detail in the EIR and reduce the effect to below a level of significance.

Facts in Support of Findings and Rationale. This potentially significant impact can be substantially reduced by implementing Mitigation Measures 3.5-1, 3.5-2, 3.5-3, 3.5-4 and 3.5-5 (EIR pages 3-60 through 3-83). Mitigation Measure 3.5-1 requires the private roadway surface and retaining walls to be composed of materials that are colored to blend with the surrounding native soils and other design elements intended to blend with adjacent landscaping. Final roadway plans must be submitted for review and approval by the Town Engineer prior to issuance of grading permits for the roadway and driveways. Mitigation Measure 3.5-2 requires

that any tree removed that is greater than 30 inches in circumference at breast height must be replaced at a 3:1 ratio in designated sizes and locations. The applicant must submit a planting and screening plan for the roadway for review and approval by the Planning Director, after recommendation from the Architectural and Site Review Board, prior to issuance of grading and/or building permits. The landscape improvements must be completed before the roadway receives final approval and prior to application for home construction. Bonds must be posted to assure maintenance of the plantings for a minimum of three years after installation and replacement of plantings if necessary. Mitigation Measure 3.5-3 requires that the emergency roadway on Parcel 5 be relocated to follow the existing road alignment or moved to the west a sufficient distance to avoid the need for tree removal. The driveway north of the private drive to the home on the site to its terminus at Quail Meadows Drive must be composed of materials other than concrete or asphalt, subject to approval by the Woodside Fire District and Town Engineer. The applicant must submit final roadway plans for review and approval by the Fire District and Town Engineer prior to issuance of grading permits for the roadway and driveways. Mitigation Measure 3.5-4 requires that all visible grading be contour-graded to blend with the adjacent land form. Size, placement, and density of plants shall be sufficiently random such that the visual growth pattern after a 5-year period mimics a developing oak forest/chaparral landscape. A grading plan shall be submitted for review and approval by the Town Engineer prior to issuance of any building or grading permits for the roadway and driveways. Mitigation Measure 3.5-5 requires the applicant to submit disclosure statements to be recorded for all parcels including certain specified statements and noting that the construction of future homes and appurtenant structures may have potentially significant visual impacts from I-280, and that the location and design of such structures may be limited or modified through the Town's review process to minimize visual impacts. Plans developed for each site shall respond to these concerns and require review and approval by the Planning Director, after review by the Architectural and Site Review Board, prior to issuance of building or grading permits for the new construction. The disclosure statements must be approved by the Planning Director and Town Attorney. Implementation of these mitigation measures would reduce the Project's potential impact to a less-than-significant level by reducing the visibility of the Project Site improvements and site-disturbing activities to acceptable levels. Mitigation Measures 3.5-1, 3.5-2, 3.5-3, 3.5-4 and 3.5-5 as set forth in the EIR are incorporated by reference, are feasible and are made binding through the Project approvals and the MMRP.

Impact 3.6-1:

Noise Impacts in Excess of Applicable Noise Level Standards. As described in the EIR, pages 3-89 through 3-90, the future development of homes on the Project Site would expose all but one potential housing site (Parcel 4) to noise levels above the Town's exterior noise criterion of 55 dBA (noise at the Parcel 4 house may also exceed this standard). Most areas of the Project Site have a high ambient background noise level due to proximity to I-280.

Findings. Pursuant to CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which mitigate, avoid or substantially lessen the potentially significant environmental effect summarized above and described in detail in the EIR and reduce the effect to below a level of significance.

Facts in Support of Findings and Rationale. This potentially significant impact can be substantially reduced by implementing Mitigation Measure 3.6-1 (EIR page 3-90). Mitigation Measure 3.6-1 requires that property restrictions be recorded for each of the five parcels, requiring compliance with the Town's noise levels for interior (40dBA) and exterior (55 dBA) areas. Prior to approval of applications for development of a home on a parcel, the applicant must demonstrate how compliance with the Town's noise standards will be achieved. Specific measures for noise mitigation, as determined by the Architectural and Site Review Board and the Planning Commission, shall be included in the conditions of approval for each home, and shall be incorporated into the Project design prior to issuance of a building permit. The property restrictions must be recorded in a form acceptable to the Town Attorney prior to the issuance of grading or building permits for the proposed roadway. Implementation of this mitigation measure would reduce the Project's potential impact to a less-than-significant level by reducing noise impacts to comply with the Town's noise level regulations. Mitigation Measure 3.6-1 as set forth in the EIR is incorporated by reference, is feasible and is made binding through the Project approvals and the MMRP.

Impact 3.6-4:

Increase in Ambient Noise Levels. As described in the EIR, pages 3-91 through 3-92, construction activities at the Project Site would generate noise for a temporary duration. Nearby homes would be exposed to such noise and equestrians and wildlife could also be sensitive to construction noise.

Findings. Pursuant to CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which mitigate, avoid or substantially lessen the potentially significant environmental effect summarized above and described in detail in the EIR and reduce the effect to below a level of significance.

Facts in Support of Findings and Rationale. This potentially significant impact can be substantially reduced by implementing Mitigation Measure 3.6-2 (EIR pages 3-91 and 3-92). Mitigation Measure 3.6-2 requires that the following noise mitigation measures must be incorporated into the construction plans: (a) all construction equipment powered by internal combustion engines shall be properly maintained and muffled and shall not be idled near sensitive noise receptors; (b) stationary equipment shall be located as far away from residences as possible; and (c) a primary contact shall be designated to be responsible for responding to any local complaints about construction noise. The contact shall determine the cause of the noise complaint (e.g., starting too early, bad mufflers, etc.) and institute reasonable measures warranted to address the problem. Construction plans that reflect the above measures shall be submitted for review and approval prior to issuance of grading or building permits for the roadway or driveways. Implementation of this mitigation measure would reduce the Project's potential impact to a less-than-significant level by identifying and reducing noise impacts to sensitive receptors to an acceptable level. Mitigation Measure 3.6-2 as set forth in the EIR is incorporated by reference, is feasible and is made binding through the Project approvals and the MMRP.

Impact 3.7-3:

Increase in Hazards Due To Design Feature or Incompatible Use. As described in the EIR, pages 3-96 to 3-97, the proposed roadway design includes two right-angle turns. The right-angle turn near the entrance to the Lawler property, at the rear boundary of Parcel 2, does not provide an adequate radius for trucks due to the combination of the sharp turn, the significant change in grade (approximately 1-15 feet through the turn), and the raised median proposed for the road at that point (which reduces the effective lane width to 7 feet with a 2-foot shoulder). This turn is considered to be potentially hazardous.

Findings. Pursuant to CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which mitigate, avoid or substantially lessen the potentially significant environmental effect summarized above and described in detail in the EIR and reduce the effect to below a level of significance.

Facts in Support of Findings and Rationale. This potentially significant impact can be substantially reduced by implementing Mitigation Measure 3.7-1 (EIR page 3-98). Mitigation Measure 3.7-1 requires that the inside radius of the proposed 90-degree turn near the entrance to the Lawler property be widened to accommodate truck turning movements, including those for fire vehicles. The proposed median should be removed to allow for all of the road width to be available for turning movements. Prior to issuance of a grading permit for the roadway, a revised plan must be submitted for review and approval of the Town Engineer. The plan should indicate a wider inside turn, deletion of the median and any other modifications proposed to accommodate truck turning movements. Additional grading and/or tree removal should also be noted on the plans and should be minimized by the use of retaining walls and tree protection measures. Implementation of this mitigation measure would reduce the Project's potential impact to a less-than-significant level by ensuring that the right-angle turn near the entrance to the Lawler property is not hazardous for trucks. Mitigation Measure 3.7-1 as set forth in the EIR is incorporated by reference, is feasible and is made binding through the Project approvals and the MMRP.

Impact 3.7-4:

Inadequate Emergency Access. As described in the EIR, page 3-98, access for emergencies at the Project Site and to the Lawler property during construction could be limited or obstructed by the placement of equipment, vehicles and construction activities.

Findings. Pursuant to CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which mitigate, avoid or substantially lessen the potentially significant environmental effect summarized above and described in detail in the EIR and reduce the effect to below a level of significance.

Facts in Support of Findings and Rationale. This potentially significant impact can be substantially reduced by implementing Mitigation Measure 3.7-2 (EIR page 3-98). Mitigation Measure 3.7-2 requires the applicant to provide a construction operations plan that depicts and describes locations for vehicle parking and equipment storage, trailers, toilets, and other construction facilities. The facilities should be located to avoid sensitive areas and to maintain

clear routes for emergency vehicle access to all areas of the Project Site and for all access to the adjacent Lawler property. The plan shall be submitted for review and approval by the Town Engineer prior to issuance of a grading permit. Implementation of this mitigation measure would reduce the Project's potential impact to a less-than-significant level by ensuring that emergency vehicles will be able to travel to emergencies at the Project site and at the Lawler property during construction activities. Mitigation Measure 3.7-2 as set forth in the EIR is incorporated by reference, is feasible and is made binding through the Project approvals and the MMRP.

Impact 3.7-6:

Potential to Conflict with Adopted Policies, Plans or Programs Supporting Alternative Transportation. As described in the EIR, pages 3-98 to 3-99, there are equestrian trail easements proposed along the eastern, northern and southern perimeters of the Project Site. As originally designed, these trails potentially conflicted with policy P16 of the Circulation Element of the General Plan, which states that the trails and paths shall provide reasonably direct and convenient routes and should enhance the recreation experience, and with policy P19, which requires effective separation between the trail and motorized traffic. The current design of the Project has been revised so that the trails have been set back from Highway 280 and varying distances from other property lines, thus ensuring that this previously-identified potential conflict no longer exists.

Findings. Pursuant to CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which mitigate, avoid or substantially lessen the potentially significant environmental effect summarized above and described in detail in the EIR and reduce the effect to below a level of significance.

Facts in Support of Findings and Rationale. Impact 3.7-6 was identified in the DEIR as a potentially significant mitigable impact of the original project. It has been avoided due to changes and alterations incorporated into the Project as reflected in the plans submitted to the Town. These changes and alterations, as more particularly described and analyzed in the EIR, will substantially reduce the potentially significant impacts to a less than significant level without the implementation of any mitigation measures, and no additional mitigation is required as a result of any such change or alteration.

Impact 3.8-2:

Potential Violation of Air Quality Standards. As described in the EIR, pages 3-102 through 3-104, construction of the Project could generate dust (including PM₁₀ and PM_{2.5}) from sources such as earthmoving activities and vehicle travel over unpaved surfaces. Such particulate emissions can lead to adverse health effects as well as nuisance concerns, such as reduced visibility and soiling of exposed surfaces. Construction-related dust emissions would vary from day to day, depending on the level and type of activity, silt content of the soil, and the weather. Larger dust particles would settle out of the atmosphere close to the construction site resulting in potential impacts to adjacent uses.

Findings. Pursuant to CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which mitigate, avoid or substantially lessen the potentially significant environmental effect summarized above and described in detail in the EIR and reduce the effect to below a level of significance.

Facts in Support of Findings and Rationale. This potentially significant impact can be substantially reduced by implementing Mitigation Measure 3.8-1 (EIR page 3-103). Mitigation Measure 3.8-1 requires that prior to issuance of a grading permit, the applicant must submit a grading plan to the Town Engineer for review and approval. The grading plan must include measures to reduce emissions from construction equipment and wind blown soils and shall be followed for all construction activities for the Project. The following measures, which are recommended in the Bay Area Air Quality Maintenance District (BAAQMD) *Bay Area 2000 Clean Air Plan* for construction to prevent PM₁₀ emissions, shall be incorporated into the grading plan: (a) water all active construction and disturbed areas at least twice daily during dry periods; (b) cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard; (c) pave, apply water three times daily, or apply (nontoxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites; (d) sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites. Dust, sediment, and debris shall not be washed into the storm drain system; (e) sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets. Dust, sediment, and debris shall not be washed into the storm drain system; (f) hydroseed or apply (nontoxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more); (g) enclose, cover, water twice daily or apply (nontoxic) soil binders to exposed stockpiles (dirt, sand, etc.); and (h) limit traffic speeds on unpaved roads to 15 mph. If the Project coincides with future residential development of the Project Site and the combination would disturb more than 4 acres of land, all applicable provisions of Table 2 of BAAQMD's CEQA Guidelines shall be incorporated into the grading plan. Implementation of this mitigation measure would reduce the Project's potential impact to a less-than-significant level by reducing dust creation and actively managing dust concerns. Mitigation Measure 3.8-1 as set forth in the EIR is incorporated by reference, is feasible and is made binding through the Project approvals and the MMRP.

Impact 3.8-3:

Cumulatively Considerable Net Increase of Criteria Pollutants. As described in the EIR, page 3-104, the surface disturbance of approximately 3 acres of land for 5,100 feet of roadway over a period of 3 to 6 months would not cause a considerable net increase in any criteria pollutant. Impacts would be short term and would not substantially contribute to violation of standards.

Findings. Pursuant to CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which mitigate, avoid or substantially lessen the potentially significant environmental effect summarized above and described in detail in the EIR and reduce the effect to below a level of significance.

Facts in Support of Findings and Rationale. Although this impact is less than significant, it nevertheless may be further reduced by implementing Mitigation Measure 3.8-1 (EIR page 3-103). Mitigation Measure 3.8-1 requires that prior to issuance of a grading permit, the applicant must submit a grading plan to the Town Engineer for review and approval. The grading plan must include measures to reduce emissions from construction equipment and wind blown soils and shall be followed for all construction activities for the Project. The following measures, which are recommended in the Bay Area Air Quality Maintenance District (BAAQMD) *Bay Area 2000 Clean Air Plan* for construction to prevent PM₁₀ emissions, shall be incorporated into the grading plan: (a) water all active construction and disturbed areas at least twice daily during dry periods; (b) cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard; (c) pave, apply water three times daily, or apply (nontoxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites; (d) sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites. Dust, sediment, and debris shall not be washed into the storm drain system; (e) sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets. Dust, sediment, and debris shall not be washed into the storm drain system; (f) hydroseed or apply (nontoxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more); (g) enclose, cover, water twice daily or apply (nontoxic) soil binders to exposed stockpiles (dirt, sand, etc.); and (h) limit traffic speeds on unpaved roads to 15 mph. If the Project coincides with future residential development of the Project Site and the combination would disturb more than 4 acres of land, all applicable provisions of Table 2 of BAAQMD's CEQA Guidelines shall be incorporated into the grading plan. Implementation of this mitigation measure would reduce the Project's potential impact to a less-than-significant level by reducing dust creation and actively managing dust concerns. Mitigation Measure 3.8-1 as set forth in the EIR is incorporated by reference, is feasible and is made binding through the Project approvals and the MMRP.

Impact 3.8-4:

Exposure of Sensitive Receptors to Pollutants. As described in the EIR, pages 3-104 to 3-105, Project construction activities and vehicle movement along unpaved surfaces would generate dust emissions. The nearest receptors would be the Lawler property adjacent to the Project Site and homes at the end of the Quail Meadows cul-de-sac. Other sensitive areas could include the ponds that provide habitat for sensitive species such as the CRLF.

Findings. Pursuant to CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which mitigate, avoid or substantially lessen the potentially significant environmental effect summarized above and described in detail in the EIR and reduce the effect to below a level of significance.

Facts in Support of Findings and Rationale. This potentially significant impact can be substantially reduced by implementing Mitigation Measure 3.8-1 (EIR page 3-103). Mitigation Measure 3.8-1 requires that prior to issuance of a grading permit, the applicant must submit a grading plan to the Town Engineer for review and approval. The grading plan must include measures to reduce emissions from construction equipment and wind blown soils and shall be followed for all construction activities for the Project. The following measures, which are

recommended in the Bay Area Air Quality Maintenance District (BAAQMD) *Bay Area 2000 Clean Air Plan* for construction to prevent PM₁₀ emissions, shall be incorporated into the grading plan: (a) water all active construction and disturbed areas at least twice daily during dry periods; (b) cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard; (c) pave, apply water three times daily, or apply (nontoxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites; (d) sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites. Dust, sediment, and debris shall not be washed into the storm drain system; (e) sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets. Dust, sediment, and debris shall not be washed into the storm drain system; (f) hydroseed or apply (nontoxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more); (g) enclose, cover, water twice daily or apply (nontoxic) soil binders to exposed stockpiles (dirt, sand, etc.); and (h) limit traffic speeds on unpaved roads to 15 mph. If the Project coincides with future residential development of the Project Site and the combination would disturb more than 4 acres of land, all applicable provisions of Table 2 of BAAQMD's CEQA Guidelines shall be incorporated into the grading plan. In addition, about two thirds of the construction would occur within moderately to heavily wooded areas. The wind-breaking effect of the trees would further protect Project-generated dust emissions from reaching the neighboring properties in substantial concentrations. Implementation of this mitigation measure would reduce the Project's potential impact to a less-than-significant level by reducing dust creation and actively managing dust concerns. Mitigation Measure 3.8-1 as set forth in the EIR is incorporated by reference, is feasible and is made binding through the Project approvals and the MMRP.

Impact 3.9-1:

Impacts on Historical or Archaeological Resources. As described in the EIR, pages 3-107 to 3-108, prehistoric and historic cultural resources sites have been identified in the vicinity of the Project Site, but not on the Project Site itself. Reliable water sources cross through the Project Site, including Atherton Creek within the San Francisquito Creek watershed, which could have supported historic occupancy and use by Native Americans. Prehistoric, historic, and archaeological resources could be encountered during Project construction activities. Such resources could be damaged by such construction activities.

Findings. Pursuant to CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which mitigate, avoid or substantially lessen the potentially significant environmental effect summarized above and described in detail in the EIR and reduce the effect to below a level of significance.

Facts in Support of Findings and Rationale. This potentially significant impact can be substantially reduced by implementing Mitigation Measures 3.9-1 and 3.9-2 (EIR page 3-108). Mitigation Measure 3.9-1 requires that a qualified archaeologist/paleontologist shall be retained by the applicant during the course of all site grading activities to monitor the uncovering of any archaeological or paleontological remains. The specialist shall be available until all grading activities are complete, and shall prepare a summary report for submittal to the Town of any such findings during that period. Mitigation Measure 3.9-2 requires that if any cultural or

paleontological resources or human remains are discovered during construction activities, work shall be halted within 50 feet of the discovery until a qualified specialist is retained to inspect the discovery. If it is determined that an intake cultural resource would be further damaged by construction activities, it shall be the responsibility of the applicant to submit a plan for the evaluation and mitigation (which may include avoidance, preservation in place, curation, and/or other measures) of any such resource to the relevant lead agency and receive approval of that plan before construction can resume in the area of the resource. If the cultural resources contain human remains, the San Mateo County Coroner shall be notified. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission within 24 hours. Native American monitors shall be allowed to observe conditions following any such discovery. Disposition of Native American human remains shall comply with CEQA Guidelines Section 15064.5(e). Implementation of these mitigation measures would reduce the Project's potential impact to a less-than-significant level by ensuring proper and adequate construction practices. Mitigation Measures 3.9-1, and 3.9-2 as set forth in the EIR are incorporated by reference, are feasible and are made binding through the Project approvals and the MMRP.

Impact 3.9-2:

Impacts on Paleontological Resources or Unique Geological Features. As described in the EIR, page 3-108, there is a high likelihood for encountering paleontological resources within the Ladera Formation and the Whiskey Hills Formation at the Project Site. Such resources could be damaged by construction activities.

Findings. Pursuant to CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which mitigate, avoid or substantially lessen the potentially significant environmental effect summarized above and described in detail in the EIR and reduce the effect to below a level of significance.

Facts in Support of Findings and Rationale. This potentially significant impact can be substantially reduced by implementing Mitigation Measure 3.9-1, 3.9-2 and 3.9-3 (EIR page 3-108). Mitigation Measure 3.9-1 requires that a qualified archaeologist/paleontologist shall be retained by the applicant during the course of all site grading activities to monitor the uncovering of any archaeological or paleontological remains. The specialist shall be available until all grading activities are complete, and shall prepare a summary report for submittal to the Town of any such findings during that period. Mitigation Measure 3.9-2 requires that if any cultural or paleontological resources or human remains are discovered during construction activities, work shall be halted within 50 feet of the discovery until a qualified specialist is retained to inspect the discovery. If it is determined that an intake cultural resource would be further damaged by construction activities, it shall be the responsibility of the applicant to submit a plan for the evaluation and mitigation (which may include avoidance, preservation in place, curation, and/or other measures) of any such resource to the relevant lead agency and receive approval of that plan before construction can resume in the area of the resource. If the cultural resources contain human remains, the San Mateo County Coroner shall be notified. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission within 24 hours. Native American monitors shall be allowed to observe conditions

following any such discovery. Disposition of Native American human remains shall comply with CEQA Guidelines Section 15064.5(e). Implementation of these mitigation measures would reduce the Project's potential impact to a less-than-significant level by ensuring proper and adequate construction practices. Mitigation Measure 3.9-3 requires that if paleontological resources are discovered during excavation, all work shall be suspended in the immediate area and a qualified paleontologist shall be contacted to investigate and evaluate the discovery. If sensitive resources are identified, the site shall be avoided or data collection shall be implemented, as recommended by a paleontologist, to retain and/or record the information contained in the site. Implementation of this mitigation measure would reduce the Project's potential impact to a less-than-significant level by ensuring proper and adequate construction practices. Mitigation Measures 3.9-1, 3.9-2 and 3.9-3 as set forth in the EIR are incorporated by reference, are feasible and are made binding through the Project approvals and the MMRP.

Impact 3.9-3:

Impacts on Human Remains. As described in the EIR, pages 3-107 to 3-108, prehistoric and historic cultural resources sites have been identified in the vicinity of the Project Site, but not on the Project Site itself. Reliable water sources cross through the Project Site, including Atherton Creek within the San Francisquito Creek watershed, which could have supported historic occupancy and use by Native Americans. Prehistoric, historic, and archaeological resources (including human remains interred both within and outside of formal cemeteries) could be encountered during Project construction activities. Such resources could be damaged by such construction activities.

Findings. Pursuant to CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the Project which mitigate, avoid or substantially lessen the potentially significant environmental effect summarized above and described in detail in the EIR and reduce the effect to below a level of significance.

Facts in Support of Findings and Rationale. This potentially significant impact can be substantially reduced by implementing Mitigation Measures 3.9-1 and 3.9-2 (EIR page 3-108). Mitigation Measure 3.9-1 requires that a qualified archaeologist/paleontologist shall be retained by the applicant during the course of all site grading activities to monitor the uncovering of any archaeological or paleontological remains. The specialist shall be available until all grading activities are complete, and shall prepare a summary report for submittal to the Town of any such findings during that period. Mitigation Measure 3.9-2 requires that if any cultural or paleontological resources or human remains are discovered during construction activities, work shall be halted within 50 feet of the discovery until a qualified specialist is retained to inspect the discovery. If it is determined that an intake cultural resource would be further damaged by construction activities, it shall be the responsibility of the applicant to submit a plan for the evaluation and mitigation (which may include avoidance, preservation in place, curation, and/or other measures) of any such resource to the relevant lead agency and receive approval of that plan before construction can resume in the area of the resource. If the cultural resources contain human remains, the San Mateo County Coroner shall be notified. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission within 24 hours. Native American monitors shall be allowed to observe conditions

following any such discovery. Disposition of Native American human remains shall comply with CEQA Guidelines Section 15064.5(e). Implementation of these mitigation measures would reduce the Project's potential impact to a less-than-significant level by ensuring proper and adequate construction practices. Mitigation Measures 3.9-1, and 3.9-2 as set forth in the EIR are incorporated by reference, are feasible and are made binding through the Project approvals and the MMRP.

VI. FINDINGS REGARDING MITIGATION MEASURES FOR SIGNIFICANT IMPACTS THAT HAVE BEEN REJECTED

The Town Council finds that there are no mitigation measures that have been rejected because the Town Council has adopted feasible mitigation measures to reduce or eliminate all potential significant impacts to a level of less than significance. See Section V above.

VII. FINDINGS REGARDING SIGNIFICANT AND UNMITIGABLE IMPACTS

The Town Council finds that there are no significant and unmitigable impacts related to the Project because the Town Council has adopted mitigation measures that avoids or substantially lessens each significant effect identified in the EIR. After implementation of each such mitigation, the associated impact will be reduced to a less than significant level.

VIII. FINDINGS REGARDING ALTERNATIVES

No findings are necessary regarding feasibility of alternatives, because mitigation measures are being adopted that substantially lessen or avoid any significant adverse impacts of the Project.

MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Implementing Action	Timing of Implementation	Party Responsible for Verification	Date Monitored and Completed
Geology and Soils					
<p><i>Potential Impact 3.2-1:</i> The potential to expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; strong seismic shaking; seismic-related ground failure, including liquefaction; or landslides</p>	<p>Mitigation Measure 3.2-1: The project feasibility study and bridge geotechnical investigation shall be reviewed and approved by the Town Engineer and Town Geologist prior to issuance of a grading permit. The report shall also address stability of fill embankments for roadways and for the detention basin. Measures outlined in the approved geotechnical studies shall be incorporated into the construction plans. Measures to reduce potential impacts from slope instability may include, but are not limited to:</p> <ul style="list-style-type: none"> • Slope reconstruction • Installation of buttress or engineered fills • Installation of lateral restraint structures (e.g. retaining walls) 	<p>Applicant to submit a project feasibility study and bridge geotechnical investigation for approval</p>		<p>Town Engineer and Town Geologist</p>	
<p><i>Potential Impact 3.2-2:</i> The potential to result in substantial soil erosion or the loss of topsoil</p>	<p>Mitigation Measure 3.2-2: The applicant shall submit a Storm Water Pollution Prevention Plan (SWPPP) incorporating recommendations for protection of soils from erosion based on standard best management practices prescribed by the Town, the City/County Association of Governments (C/CAG) storm water program requirements, and the Regional Water Quality Control Board. The recommendations shall be incorporated into the project plans and shall be approved by the Town Engineer prior to issuance of a grading permit.</p>	<p>Applicant to submit a Storm Water Pollution Prevention Plan (SWPPP) and revised plans incorporating SWPPP recommendations</p>	<p>Compliance prior to issuance of a grading permit</p>	<p>Town Engineer</p>	

APPENDIX G: MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Implementing Action	Timing of Implementation	Party Responsible for Verification	Date Monitored and Completed
	<p>Mitigation Measure 3.2-3: All grading shall be conducted during the dry season (April 15 through October 15) only, and all areas of exposed soils shall be replanted within three months of completion of grading (or prior to October 30, whichever is earlier) to minimize erosion and subsequent sedimentation. Grading shall also be coordinated consistent with Mitigation Measures 3.4-2(b) and 3.4-11 to assure protection of special status species.</p>	<p>Applicant to restrict construction to the dry season (April 15 through October 15) only</p>	<p>Ongoing compliance throughout construction</p>	<p>Planning Director</p>	
	<p>Mitigation Measure 3.2-4: Hydroseeding and hydromulching with grasses native or compatible with the site vegetation shall be used on slopes of 30 percent or less, but for steeper slopes the developer shall submit a revegetation plan prepared by an ecologist with at least three years of experience in preparing revegetation plans. The plan shall stress the use of drought tolerant native species and plants that are adaptive to conditions in this part of San Mateo County. The plan should include a mix of grasses, shrubs and trees. The plan shall be submitted to Town staff and approved prior to issuance of a grading permit.</p>	<p>Developer to use hydroseeding and hydromulching with grasses native or compatible with the site vegetation on slopes of 30 percent or less and shall submit a revegetation plan prepared by an ecologist with at least three years of experience in preparing revegetation plans</p>	<p>Compliance prior to issuance of a grading permit</p>	<p>Town Engineer</p>	
<p><i>Potential Impact 3.2-3: The potential to be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse</i></p>	<p>Mitigation Measure 3.2-1 (see above)</p>	<p>(see above)</p>	<p>(see above)</p>	<p>(see above)</p>	
<p><i>Potential Impact 3.2-4: The potential to be located</i></p>	<p>Mitigation Measure 3.2-5: Prior to the issuance of a grading permit the applicant shall submit for review</p>	<p>The applicant to submit geotechnical</p>	<p>Compliance prior to issuance of grading</p>	<p>Town Engineer and</p>	

Impact	Mitigation Measure	Implementing Action	Timing of Implementation	Party Responsible for Verification	Date Monitored and Completed
<p><i>on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property</i></p>	<p>and approval by the Town Engineer and Town Geologist geotechnical specifications in the construction plans for the roadway and bridges, providing measures to minimize impact from expansive soil conditions. Measures shall be based on the geotechnical report recommendations and may include measures such as the following:</p> <ul style="list-style-type: none"> • Treatment or replacement of expansive or soft soils in project development areas with non-expansive material (plasticity index of 12 or less). • Design of retaining and bridge abutment walls to resist anticipated earth pressures from expansive soil and bedrock as described by Earth Investigations Consultants (2004b) or other geotechnical reports. 	<p>specifications in the construction plans for the roadway and bridges</p>	<p>permit</p>	<p>the Town Geologist</p>	
<p>Hydrology and Water Quality</p>					
<p><i>Potential Impact 3.3-1: The potential to violate any water quality standards or waste discharge requirements</i></p>	<p>Mitigation Measure 3.3-1: Prior to issuance of grading or building permits for the roadway and driveways, the applicant shall develop and submit to the Town of Woodside an erosion control plan incorporating construction-phase measures to limit and control erosion and siltation. The erosion control plan shall include components such as: phasing of grading, limiting areas of disturbance, designation of restricted-entry zones, diversion of runoff away from disturbed areas, protective measures for sensitive areas, outlet protection, and provision for revegetation or mulching (ABAG 1995). The plan shall also prescribe treatment measures to trap sediment once it has been mobilized, at a scale and density appropriate to the size and slope of the catchment. These measures typically include: inlet protection, straw bale barriers, straw mulching, straw wattles, silt fencing, check dams, terracing, and siltation or sediment ponds.</p>	<p>The applicant to submit an erosion control plan</p>	<p>Compliance prior to issuance of grading or building permits for roadway and driveway</p>	<p>Town Engineer</p>	

APPENDIX G: MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Implementing Action	Timing of Implementation	Party Responsible for Verification	Date Monitored and Completed
	<p>Mitigation Measure 3.3-2: The applicant shall submit to the Town of Woodside and to the Regional Water Quality Control Board (RWQCB) a Storm Water Pollution Prevention Plan (SWPPP) for the project. The SWPPP shall include water-quality control measures to reduce potential risks of surface water and groundwater contamination during the construction and post-construction stages of project development. The SWPPP shall incorporate the erosion control measures outlined in Mitigation Measure 3.3-1, and shall be consistent with the treatment requirements contained in the city-county NPDES Municipal Stormwater Permit. The applicant shall also submit a Notice of Intent (NOI) to the State Water Resources Board, since the area of land disturbance will exceed one acre. Prior to Town approval, the SWPPP shall be submitted to the Atherton Channel Drainage District Engineer for review and comment. The NOI shall be submitted to the State Regional Water Quality Control Board and the SWPPP shall be reviewed and approved by the Town and the RWQCB prior to issuance of grading or building permits.</p>	<p>The applicant to submit a Storm Water Pollution Prevention Plan</p>	<p>Compliance prior to issuance of grading permit</p>	<p>Town Engineer and Regional Water Quality Control Board</p>	
	<p>Mitigation Measure 3.3-3: The project engineer shall complete hydrologic and hydraulic analyses and computations to determine the appropriate location of clear-span bridge abutments and other appropriate design details. Scour analysis shall be completed to demonstrate that the abutment or pier protection and channel scour protection design is adequate. All of these analyses and design refinements shall comply with State of California engineering standards and shall be subject to review and comment from the Atherton Channel Drainage District Engineer, and review and approval by the Town Engineer, prior to issuance of any grading or building permits.</p>	<p>The project engineer to complete and submit a hydrologic and hydraulic analysis and calculations</p>	<p>Compliance prior to issuance of grading or building permits</p>	<p>Town Engineer and Atherton Channel Drainage District Engineer</p>	

Impact	Mitigation Measure	Implementing Action	Timing of Implementation	Party Responsible for Verification	Date Monitored and Completed
	<p>Mitigation Measure 3.3-4: The applicant’s Storm Water Pollution Prevention Plan (SWPPP) shall identify the best management practices that will be used to provide for treatment of 80 to 85 percent of the runoff from new impervious areas, including on-site treatment of runoff through dispersed flow over established vegetation, or through other design techniques (e.g., filter trenches, buffer strips, bioretention, media filters, level spreaders, microponding, vegetated swales, centrifugal separators, holding tanks with metered release, etc.). The plan shall also include provisions for distributing educational/outreach materials to property owners describing the use of native vegetation, responsibilities for use of landscaping chemicals, waste storage and litter control, materials handling practices, and locations for disposal of hazardous materials. Post-development runoff shall not exceed pre-development runoff and the project may not impact the storm water runoff or storm water velocity to the Atherton channel. The applicant shall prepare and submit disclosure statements for each of the five parcels outlining these provisions. The disclosure statements shall be reviewed and approved by the Town Attorney and the SWPPP shall be approved by the Town Engineer prior to issuance of grading or building permits for the roadway or driveways.</p>	<p>The applicant to prepare and submit a Storm Water Pollution Prevention Plan</p> <p>The applicant to prepare and submit a disclosure statements for each of the five parcels</p>	<p>Compliance prior to issuance of grading or building permits for the roadway or driveways</p>	<p>Town Engineer</p> <p>Town Attorney</p>	
	<p>Mitigation Measure 3.3-5: The applicant shall submit a revised drainage design for the roadway that minimizes concentrations of discharges from the roadway. Possible approaches may include, but are not limited to, upslope of the road to diffuse the runoff downslope or more frequent discharges that would minimize concentration at discharge points. For roadway segment 46+00 to 51+00 closest to the Lower Pond, the road shall be upsloped (away from the Pond) and vegetated swales shall be provided to treat runoff prior to discharge across land towards the Pond. The design of the roadway across the berm on the Middle Pond shall assure that disturbance is limited to</p>	<p>The applicant to submit a revised drainage design for the roadway</p>	<p>Compliance prior to issuance of grading or building permits for the roadway or driveways</p>	<p>Town Engineer</p>	

APPENDIX G: MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Implementing Action	Timing of Implementation	Party Responsible for Verification	Date Monitored and Completed
	<p>the downhill side of the berm (away from the Pond) and shall provide for reduced velocities and energy dissipaters to reduce potential erosion and sedimentation. Post-development runoff shall not exceed pre-development runoff and the project may not impact the storm water runoff or storm water velocity to the Atherton channel. The drainage plan shall be approved by the Town Engineer prior to issuance of grading or building permits for the roadway or driveways.</p>				
<p><i>Potential Impact 3.3-4: The potential to create or contribute runoff water which would exceed the capacity of stormwater drainage systems or provide substantial additional sources of polluted runoff</i></p>	<p>Mitigation Measure 3.3-6: The project applicant shall provide an alternative detention approach that eliminates from the plans the proposed in-line detention dam in the northeast tributary of the site. The detention capacity shall instead be provided at the Lower Pond area by improving the existing berm and increasing the berm height (in combination with Mitigation Measure 3.3-7). The pond modifications shall be designed to minimize water level rise and fall, with appropriate sediment controls upstream of the pond and wetland, and in the area of construction. The pond shall be modified such that it will safely pass a 100-year, 24-hour design storm with adequate factors of safety. Post-development runoff shall not exceed pre-development runoff and the project may not impact the storm water runoff or storm water velocity to the Atherton channel. The plans shall be prepared in consultation with the ACOE and CDFG and/or USFWS. All resource agency recommendations to protect special status species from impacts during construction and post-construction shall be incorporated into the project plans prior to issuance of grading permits for the project (see Mitigation Measure 3.4-6 in the Biological Resources section).</p>	<p>Applicant to provide an alternative detention approach in consultation with ACOE and CDFG and/or USFWS for incorporation into project plans</p>	<p>Compliance prior to issuance of grading permit</p>	<p>Planning Director</p>	

Impact	Mitigation Measure	Implementing Action	Timing of Implementation	Party Responsible for Verification	Date Monitored and Completed
	<p>Mitigation Measure 3.3-7: The Town of Woodside’s drainage design guidelines require all new residential projects to maintain post-project peak flow rates at pre-development levels. Additional detention capacity required to achieve no increase in net flow rates downstream of the site shall be accomplished through lot-specific detention on each of the home sites. Storm water runoff from structures and paved surfaces on each lot shall be detained in a tank, cistern or oversized storm drain pipe and released gradually to assure there is no increase in downstream runoff rates. The release shall be dispersed over multiple outlets and across vegetated areas away from creeks or drainage channels. Deed restrictions for each parcel, or other legal instruments satisfactory to the Town Attorney and Town Engineer, shall be recorded, incorporating the requirements of this mitigation measure, including an estimate of the quantity of water to be retained at maximum buildout (of buildings and paved areas) for each site, prior to issuance of grading or building permits for the roadway and driveways. Upon future applications for development of each site, plans for the design of each system shall be submitted for review and approval by the Town Engineer, prior to issuance of grading or building permits for each residence.</p>	<p>Deed restrictions for each parcel, or other legal instruments satisfactory to the Town Attorney and Town Engineer, to be recorded, incorporating the requirements of this mitigation measure</p>	<p>Compliance prior to issuance of grading or building permits for the roadway or driveways</p>	<p>Town Attorney and Town Engineer</p>	
<p><i>Potential Impact 3.3-5: The potential to otherwise substantially degrade water quality</i></p>	<p>Mitigation Measure 3.3-1 (see above)</p>	<p>(see above)</p>	<p>(see above)</p>	<p>(see above)</p>	
<p>Biological Resources</p>					
<p><i>Potential Impact 3.4-1: The potential to adversely affect a special status species</i></p>	<p>Mitigation Measure 3.4-1: Prior to issuance of grading permits for the construction of homes or associated development on each parcel, a lot-specific survey of special status plant species shall be prepared and submitted to the Town Planning Department for review and approval. The survey shall be conducted by a qualified botanist over the project parcel in areas proposed for grading or modification,</p>	<p>Property owner to provide lot specific survey of special status plant species and protection measures developed in consultation with the USFWS and</p>	<p>Compliance prior to issuance of grading or building permits for the construction of homes or associated development</p>	<p>Planning Director</p>	

APPENDIX G: MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Implementing Action	Timing of Implementation	Party Responsible for Verification	Date Monitored and Completed
	<p>during the blooming period for each species. If any special status species are identified, appropriate mitigation measures shall be developed by a botanist with at least three years of professional experience and submitted to the Town. The property owner shall consult with the USFWS and CDFG to jointly determine appropriate measures to ensure the protection of the species and its habitat during construction and post-construction development and occupation. Mitigation may include avoidance, habitat restoration, or offsite mitigation. Onsite relocation to suitable habitat may be considered, but is generally not preferred.</p>	CDFG			
	<p>Mitigation Measure 3.4-2: The applicant shall retain a qualified biologist with at least three years of professional experience to prepare and submit a Comprehensive Special Status Species Mitigation and Monitoring Program to ensure protection of special status species during and after project construction. The program must be approved by the Planning Director prior to the issuance of grading or building permits for the project. The program shall first be submitted to the CDFG and USFWS, for comment. This program shall include, but is not limited to the following measures.</p> <p>a. The biologist shall conduct an education training session for all construction personnel prior to beginning grading or construction of the proposed road, driveways, and detention basin on the site. The program shall consist of a brief presentation explaining endangered species concerns, to include 1) a description of each of the special status species and their habitat needs, 2) an explanation of the status of the species during project construction and implementation, and 3) measures to protect and avoid effects to the species. A fact sheet conveying this information shall be prepared for distribution to the above-mentioned personnel and anyone else who may enter the</p>	<p>Applicant to submit a Comprehensive Special Status Species Mitigation and Monitoring Program</p> <p>Biologist to conduct an education training session for all construction personnel</p>	<p>Compliance prior to issuance of grading or building permits</p> <p>Compliance prior to beginning grading or construction of the proposed road, driveways, and detention basin</p>	<p>Planning Director</p> <p>Planning Director</p>	

Impact	Mitigation Measure	Implementing Action	Timing of Implementation	Party Responsible for Verification	Date Monitored and Completed
	<p>construction area. The biologist shall be bilingual (English and Spanish) or an interpreter shall participate to instruct personnel in Spanish as needed.</p>				
	<p>b. Grading, clearing and other land disturbance shall be scheduled to avoid the rainy season when California red-legged frogs are most likely to be moving between different bodies of water. Grading, clearing and other land disturbance shall generally be performed commencing after the first two week period without rainfall on or after April 15th and ending October 15th, or at the onset of fall rains, whichever occurs first. Construction timing shall also be consistent with any limitations imposed by the CDFG, RWQCB and/or the USFWS.</p> <p>c. Prior to issuance of grading permits for the roadway and bridges, the applicant shall prepare a frog and turtle exclusion fence plan. The plan shall include a fence design and installation location, which has been developed in consultation with the USFWS and CDFG. The fences shall be installed under the supervision of a qualified biologist prior to the start of construction.</p> <p>d. A qualified biological monitor with at least three years of professional experience shall monitor the site at least one week prior to and during all road construction work to ensure that there are no California red-legged frogs or western pond turtles that could be affected by construction activities and that exclusion fences are working properly. If any California red-legged frog individuals are identified within the construction zone (including in bridge overcrossings), work shall be halted until all individuals of that species have moved out of the project area. Workers should be instructed not to touch the frogs. If any western pond turtles are identified</p>	<p>Grading, clearing and other land disturbance to be scheduled to avoid the rainy season. Construction timing shall also be consistent with any limitations imposed by the CDFG, RWQCB and/or the USFWS</p> <p>Applicant to prepare a frog and turtle exclusion fence plan in consultation with the USFWS and CDFG</p> <p>Applicant to install exclusion fencing</p> <p>Monitoring by a qualified biological monitor</p>	<p>Ongoing compliance throughout grading</p> <p>Compliance prior to issuance of grading permits for the roadway and bridges</p> <p>Compliance prior to the start of construction</p> <p>Ongoing compliance throughout road construction work</p>	<p>Planning Director</p> <p>Planning Director</p> <p>Planning Director</p>	

Impact	Mitigation Measure	Implementing Action	Timing of Implementation	Party Responsible for Verification	Date Monitored and Completed
	<p>Mitigation Measure 3.4-3: The applicant shall submit to the Town an appropriate legal document, acceptable to the Planning Director, Town Engineer, and Town Attorney, and administratively feasible to implement and enforce, to create a conservation easement corridor throughout the property, incorporating the three jurisdictional waterways and the five wetland areas (see Figure 3.4-2 for a conceptual depiction of such an easement). The conservation easement areas shall be mapped, restricted, and recorded against each parcel affected, prior to issuance of grading permits for the roadway and driveways and prior to recordation of the Lot Line Adjustment. The minimum setback along the corridor shall be 100 feet from the centerline of the stream or 50 feet from the top of bank (whichever is further), and 100 feet from the edge of each wetland area around each pond, or an appropriate distance as determined through on-site assessment in coordination with the CDFG, ACOE, and RWQCB. The conservation area shall also be depicted to encompass approximately 80% of the oak woodlands area on the site, and providing for contiguous woodland areas is preferred. The final boundaries of the conservation easement shall be approved by the Planning Director prior to issuance of building or grading permits for the project and prior to recordation of the Lot Line Adjustment. The conservation area shall be clearly defined on parcel maps available to future owners.</p>	<p>Applicant to submit an appropriate legal instrument to create, map, restrict and record a conservation easement corridor</p>	<p>Compliance prior to issuance of building or grading permits for the project and prior to recordation of the Lot Line Adjustment</p>	<p>Planning Director</p>	
	<p>Mitigation Measure 3.4-4: The conservation easement document shall outline the basis for the easement (including, but not limited to, protection of water quality and biological resources) and shall be accompanied by baseline documentation (photos and surveys as determined by the Planning Director) of the present condition of the conservation corridor. The conservation easement restrictions shall prohibit any physical alterations or ground disturbing activity within the conservation corridor, except where approved by the Town for the purposes of planting or restoring</p>	<p>The conservation easement document shall follow requirements of this mitigation measure</p>	<p>Compliance prior to submittal of conservation easement document</p>	<p>Planning Director</p>	

APPENDIX G: MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Implementing Action	Timing of Implementation	Party Responsible for Verification	Date Monitored and Completed
	<p>appropriate vegetation, unpaved trails, split rail or similar open fencing (if approved by the Planning Director), and construction and maintenance of the private roadway, driveways and drainage improvements approved as part of this project. The conservation areas are sensitive habitats that require prohibition of any physical alterations or ground disturbing activity within the area, including but not limited to:</p> <ul style="list-style-type: none"> • Off-road vehicle access • Planting or vegetation removal, except where approved by the Town for restoration of native species or removal of noxious species, e.g., poison oak • Application of pesticides or herbicides • Access by pets and/or livestock <p>The conservation area shall be maintained by the property owners on the site, but the legal document shall allow for Town enforcement, where necessary, with procedures for recovering costs of enforcement from the property owners. Conservation area legal instruments for individual parcels shall be approved by the Planning Director, Town Engineer, and Town Attorney prior to recordation.</p>				
<p><i>Potential Impact 3.4-2: The potential to have a substantial adverse effect on any important or sensitive habitat</i></p>	<p>Mitigation Measure 3.3-1 (see above)</p>	<p>(see above)</p>	<p>(see above)</p>	<p>(see above)</p>	
	<p>Mitigation Measure 3.3-2 (see above)</p>	<p>(see above)</p>	<p>(see above)</p>	<p>(see above)</p>	
	<p>Mitigation Measure 3.4-3 (see above)</p>	<p>(see above)</p>	<p>(see above)</p>	<p>(see above)</p>	
	<p>Mitigation Measure 3.4-4 (see above)</p>	<p>(see above)</p>	<p>(see above)</p>	<p>(see above)</p>	

Impact	Mitigation Measure	Implementing Action	Timing of Implementation	Party Responsible for Verification	Date Monitored and Completed
	<p>Mitigation Measure 3.4-5: Prior to Town issuance of grading permits, the applicant shall obtain a Section 404 permit from the ACOE. The plan shall include mitigation replacement of any disturbed wetlands or other waters of the U.S. at a minimum 1:1 ratio, and shall include a monitoring plan to track the success of newly created wetlands. The applicant shall also apply for and receive a Section 401 Water Quality Certification from the Regional Water Quality Control Board and the necessary Streambed Alteration Agreements with the CDFG prior to issuance of a grading permit.</p>	<p>Applicant to obtain a Section 404 permit from the ACOE, a Section 401 Water Quality Certification from the Regional Water Quality Control Board, and the necessary Streambed Alteration Agreements with the CDFG</p>	<p>Compliance prior to issuance of grading permits</p>	<p>Planning Director</p>	
	<p>Mitigation Measure 3.4-6: The project applicant shall provide an alternative detention approach that eliminates from the plans the proposed in-line detention dam in the northeast tributary of the site. The detention capacity shall instead be provided at the Lower Pond area by improving the existing berm and increasing the berm height. The pond modifications shall be designed to minimize water level rise and fall, with appropriate sediment controls upstream of the pond and wetland, and in the area of construction so as to minimize effects on California red legged frog or western pond turtles. The plans shall be submitted to the Town and to resource agencies (ACOE, CDFG and/or USFWS) as required. All agency recommendations to protect special status species from impacts during construction and post-construction shall be incorporated into the project plans prior to issuance of grading permits for the project. Provisions could include, but are not limited to, use of a biological monitor to monitor construction areas for special status species, use of sediment controls such as silt fences, and limitations on time of year so that construction occurs outside of California red-legged frog or western pond turtle breeding season (generally late spring to early summer).</p>	<p>Applicant to provide plans for an alternative detention approach that eliminates from the plans the proposed in-line detention dam in the northeast tributary of the site.</p> <p>Applicant to incorporate all agency recommendations to protect special status species from impacts during construction and post-construction into the project plans</p>	<p>Compliance prior to issuance of grading permits for the project</p> <p>Compliance prior to issuance of grading permits</p>	<p>Planning Director and to resource agencies (ACOE, CDFG and/or USFWS) as required</p> <p>Planning Director</p>	

APPENDIX G: MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Implementing Action	Timing of Implementation	Party Responsible for Verification	Date Monitored and Completed
	<p>Mitigation Measure 3.4-7: A certified arborist shall mark trees for removal or protection prior to issuance of grading permits. Trees to remain shall be fenced for protection during construction. Field adjustments of the construction plan should be made to minimize tree losses. Where equipment may compact soil beneath tree canopies, temporary construction fencing should be placed to prevent vehicular access or storage of materials. During and after road and driveway construction an assessment of removed and damaged trees shall be made to determine the number of replacement plantings required.</p>	<p>Applicant to employ a certified arborist to mark trees for removal or protection.</p> <p>Trees to remain shall be fenced for protection.</p> <p>Applicant to provide assessment of removed and damaged trees to determine the number of replacement plantings required</p>	<p>Compliance prior to issuance of grading permits</p> <p>Prior to start of construction and grading activities</p> <p>Continuous throughout road and driveway construction and following completion</p>	<p>Planning Director</p>	
	<p>Mitigation Measure 3.4-8: The applicant shall either relocate the private roadway on Parcels 1 and Parcel 2 to follow the road alignment now existing through the site, or revise the alignment to the north a minimum of 40 feet from the property line on Parcel 2 and sufficiently on Parcel 1 to avoid loss or damage to trees on the adjacent property (see Figure 3.5-5 in Aesthetics and Visual Resources for a conceptual representation of this alignment). If the existing road alignment is not used, a certified arborist shall submit a report and recommendations assuring that trees on the adjacent properties to the north will not suffer loss or damage from construction. The applicant shall submit final roadway plans incorporating the arborist's report and recommendations for review and approval by the Planning Director and Town Engineer prior to issuance of grading permits for the roadway and driveways.</p>	<p>Applicant to either relocate the private roadway, or revise the alignment.</p> <p>Applicant shall submit a report and recommendations by a certified arborist assuring that trees on the adjacent properties to the north will not suffer loss or damage from construction if the existing roadway alignment is not used.</p> <p>Applicant to submit final roadway plans incorporating the</p>	<p>Compliance prior to issuance of grading permits for the roadway and driveways</p>	<p>Planning Director and Town Engineer</p>	

Impact	Mitigation Measure	Implementing Action	Timing of Implementation	Party Responsible for Verification	Date Monitored and Completed
		arborist's report and recommendations			
	<p>Mitigation Measure 3.4-9: The applicant shall submit a Comprehensive Tree Mitigation, Monitoring, and Management Plan (MMMP), prepared by a certified arborist and/or landscape architect, to the Town for approval prior to the issuance of any grading or building permits. The Plan shall include, but is not limited to, the following measures.</p> <ul style="list-style-type: none"> a. Any tree removed greater than 30 inches in circumference (9.5 inches in diameter) at breast height shall be replaced at a 3:1 ratio. At least 25% of the trees shall be 24-inch box size, 25% shall be 15-gallon size, and the remainder shall be a mix of seedlings and D-pot stock, primarily of blue oak variety. b. The applicant shall submit a planting and screening plan for the roadway for review and approval by the Planning Director, after recommendation from the Architectural and Site Review Board, prior to issuance of grading and/or building permits. The larger replacement trees shall be used primarily for landscape buffering of the roadway but should avoid extensive conversion of grassland habitat. Planting specifications shall be included and plant materials propagated from locally-derived stock shall be used where feasible. The plans shall provide for appropriate irrigation of plantings. Protective sleeves and cages shall be used for seedlings and saplings to minimize deer browse. c. A monitoring schedule shall be outlined that establishes a minimum 5 year monitoring period after the date of Town acceptance of the roadway construction, with quantified performance standards and requirements for replacement of dead, dying, or diseased plantings. An annual report shall be provided to 	Applicant to submit a Comprehensive Tree Mitigation, Monitoring, and Management Plan (MMMP)	Compliance prior to the issuance of any grading or building permits	Planning Director	

APPENDIX G: MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Implementing Action	Timing of Implementation	Party Responsible for Verification	Date Monitored and Completed
	<p>the Town, with copies to resource agencies, if requested.</p> <p>d. The management plan shall include weed, insect, and other pest controls with minimal use of chemicals.</p> <p>e. The landscape improvements associated with the roadway shall be completed before the roadway receives final inspection approval and prior to issuance of site and design review approval for individual homes. A sufficient performance bond shall be posted to assure maintenance of the plantings for a minimum of five years after installation and replacement of plantings if necessary.</p> <p>f. The specifics of the Tree MMMP shall be included with the bid documents for project construction.</p>				
	<p>Mitigation Measure 3.4-10: Prior to issuance of grading and/or building permits for the roadway and driveways, property restrictions shall be prepared for parcels 1 through 5, requiring that for any future housing development, the property owners shall be required to maintain and plant native and non-invasive species on the site to the greatest extent feasible. Areas of turf or non-native plantings shall be prohibited within any conservation easement, as outlined in Mitigation Measures 3.4-3 and 3.4-4 to ensure that native vegetation buffers remain between the home and riparian areas and other natural features. Other areas of native plantings may be required by the Architectural and Site Review Board as conditions of site and design review. The property restrictions shall be recorded upon approval of the language and form by the Planning Director and Town Attorney.</p>	<p>Applicant to prepare property restrictions for parcels 1 through 5</p>	<p>Property restrictions to be recorded prior to the issuance of any grading or building permits for the roadway and driveways</p>	<p>Planning Director and Town Attorney</p>	
<p><i>Potential Impact 3.4-3: The potential to interfere substantially with the movement of any resident</i></p>	<p>Mitigation Measure 3.4-11: Clearing of trees shall be performed between September 1 and January 30 to prevent disturbance to potential nests. Grading shall be scheduled for a later time. If tree clearing is desired</p>	<p>Applicant to restrict tree removal to September 1 through January 30</p>	<p>Ongoing compliance throughout grading</p>	<p>Planning Director</p>	

Impact	Mitigation Measure	Implementing Action	Timing of Implementation	Party Responsible for Verification	Date Monitored and Completed
<p><i>or migratory species of wildlife or with established native resident or migratory wildlife corridors</i></p>	<p>outside of the above period, a pre-construction survey for nesting birds shall be conducted prior to clearing of trees. The surveys shall be conducted by a qualified ornithologist no more than 30 days prior to initiation of clearing. The survey area shall include all trees within the work area and within a 250-foot buffer zone of the limits of work. Trees with suitable tree cavities that are not currently occupied by resident species should be temporarily plugged by the qualified ornithologist to deter cavity-nesting species such as American kestrel and western screech owl. Work beginning before January 31 may continue without further surveys, after the start of the breeding period, as long as the work area does not encompass additional areas (as in a grading operation).</p> <p>If occupied migratory bird nests are found within the construction zone, clearing should either stop or continue only after the nests are protected by an adequate setback (in general, 50 feet for passerines and 250 feet for raptors) approved by a qualified biologist in consultation with the CDFG.</p>	<p>only</p> <p>For tree removal outside of the above period, a qualified ornithologist will conduct a pre-construction survey for nesting birds</p> <p>Trees with suitable tree cavities that are not currently occupied by resident species should be temporarily plugged</p> <p>Work beginning before January 31 may continue without further surveys, after the start of the breeding period, as long as the work area does not move (as in a grading operation).</p> <p>If occupied migratory bird nests are found within the construction zone, clearing should either stop or continue only after the nests are protected by an adequate setback</p>	<p>and construction</p> <p>Compliance prior to clearing of trees</p> <p>Ongoing compliance throughout grading and construction</p> <p>Ongoing compliance throughout grading and construction</p> <p>Ongoing compliance throughout grading and construction</p>		
	<p>Mitigation Measure 3.4-6 (see above)</p>	<p>(see above)</p>	<p>(see above)</p>	<p>(see above)</p>	

APPENDIX G: MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Implementing Action	Timing of Implementation	Party Responsible for Verification	Date Monitored and Completed
<i>Potential Impact 3.4-4: The potential to conflict with any policies or ordinances protecting biological resources, including HCP, National Conservation Plans, or General Plan policies</i>	Mitigation Measure 3.4-7 (see above)	(see above)	(see above)	(see above)	
	Mitigation Measure 3.4-8 (see above)	(see above)	(see above)	(see above)	
	Mitigation Measure 3.4-9 (see above)	(see above)	(see above)	(see above)	
	Mitigation Measure 3.4-10 (see above)	(see above)	(see above)	(see above)	
	Mitigation Measure 3.4-3 (see above)	(see above)	(see above)	(see above)	
Aesthetics and Visual Resources					
<i>Potential Impact 3.5-1: Would the proposed project have a substantial adverse effect on a scenic vista?</i>	Mitigation Measure 3.4-8 (see above)	(see above)	(see above)	(see above)	
	Mitigation Measure 3.5-1: The private roadway surface and retaining walls shall be composed of materials that are colored to blend with the surrounding native soils. Shoulders beyond the edge of pavement shall be composed of compacted soils and seeded to not leave base rock exposed. All visible grading shall be contour-graded to blend with the adjacent land form. The applicant shall submit final roadway plans for review and approval by the Town Engineer prior to issuance of grading permits for the roadway and driveways.	Applicant to submit final roadway plans	Compliance prior to issuance of grading permits for the roadway and driveways	Town Engineer	
	Mitigation Measure 3.5-2: Any tree removed greater than 30 inches in circumference at breast height shall be replaced at a 3:1 ratio and with a mix of sizes, consistent with Mitigation Measure 3.4-9 (Biological Resources section). A minimum of 50% of the	Applicant to submit a planting and screening plan for the roadway	Compliance prior to issuance of grading and/or building permits	The Planning Director, after recommendation from the Architectural and	

Impact	Mitigation Measure	Implementing Action	Timing of Implementation	Party Responsible for Verification	Date Monitored and Completed
	<p>replacement trees shall be planted in areas to screen the private roadway from I-280 views. In addition, shrubs native to the area that range in size from 3 feet to 15 feet at mature height shall be used along the I-280 side of the private roadway corridor to complement replacement trees in screening the drive from view. All plantings should be grouped to appear natural and to avoid a linear, manicured appearance. All areas disturbed by road construction shall be seeded with a native erosion control mix. The applicant shall submit a planting and screening plan for the roadway for review and approval by the Planning Director, after recommendation from the Architectural and Site Review Board, prior to issuance of grading and/or building permits. The landscape improvements shall be completed before the roadway receives final approval and prior to application for home construction. Bonds shall be posted to assure maintenance of the plantings for a minimum of three years after installation and replacement of plantings if necessary.</p>	<p>The landscape improvements shall be completed</p>	<p>Before the roadway receives final approval and to the application for home construction</p>	<p>Site Review Board Planning Director</p>	
	<p>Mitigation Measure 3.5-3: The emergency roadway on Parcel 5 shall be relocated to follow the existing road alignment or westerly sufficient to avoid the need for tree removal. The roadway north of the private drive to the home on the site to its terminus at Quail Meadows Drive shall be composed of materials other than concrete or asphalt, such as gravel or decomposed granite where grades are less than 3%, subject to approval by the Woodside Fire District and the Town Engineer. The applicant shall submit final roadway plans for review and approval by the Fire District and Town Engineer prior to issuance of grading permits for the roadway and driveways.</p>	<p>Applicant to submit final roadway plans</p>	<p>Compliance prior to issuance of grading permits for the roadway and driveways</p>	<p>Fire District and Town Engineer</p>	
	<p>Mitigation Measure 3.5-4: All visible grading shall be contour-graded to blend with the adjacent land form. Size, placement, and density of plants shall be sufficiently random such that the visual growth pattern after a 5-year period mimics a developing oak</p>	<p>The applicant shall prepare and submit to the Town a map and legal instruments</p>	<p>The map and documents shall be recorded prior to issuance of grading or building permits</p>	<p>The Planning Director and Town Attorney</p>	

APPENDIX G: MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Implementing Action	Timing of Implementation	Party Responsible for Verification	Date Monitored and Completed
	forest/chaparral landscape. A grading plan shall be submitted for review and approval by the Town Engineer, prior to issuance of any building or grading permits for the roadway and driveways.	establishing scenic easements (or other legal documents acceptable to the Planning Director and Town Attorney) and associated	for the roadway and driveway construction and prior to recordation of the Lot Line Adjustment		
	Mitigation Measure 3.5-5: The applicant shall submit disclosure statements to be recorded for all parcels, noting that the construction of future homes and appurtenant structures may have potentially significant visual impacts from I-280, and that the location and design of such structures may be limited or modified through the Town's review process to minimize visual impacts. The statements will include: the text of policies 19 and 20 of the Land Use, Community Design, and Aesthetics Element and policy P11 and objective O3 of the Open Space Element of the Woodside General Plan; language that all structures shall be sited to take advantage of existing topography and vegetation to minimize visibility from Highway 280; refer to or attach a copy of Appendix C (Residential Design Guidelines) and note that plans developed for each site shall respond to these concerns and require review and approval by the Planning Director, after review by the Architectural and Site Review Board prior to issuance of building or grading permits for the new construction. The disclosure statements must be approved by the Planning Director and Town Attorney.				
<i>Potential Impact 3.5-2: Would the proposed project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State Scenic Highway?</i>	Mitigation Measure 3.5-1 (see above)	(see above)	(see above)	(see above)	

Impact	Mitigation Measure	Implementing Action	Timing of Implementation	Party Responsible for Verification	Date Monitored and Completed
	Mitigation Measure 3.5-2 (see above)	(see above)	(see above)	(see above)	
	Mitigation Measure 3.5-3 (see above)	(see above)	(see above)	(see above)	
	Mitigation Measure 3.5-4 (see above)	(see above)	(see above)	(see above)	
<i>Potential Impact 3.5-3: Would the proposed project substantially degrade the existing visual character or quality of the site and its surroundings?</i>	Mitigation Measure 3.5-1 (see above)	(see above)	(see above)	(see above)	
	Mitigation Measure 3.5-2 (see above)	(see above)	(see above)	(see above)	
	Mitigation Measure 3.5-3 (see above)	(see above)	(see above)	(see above)	
	Mitigation Measure 3.5-4 (see above)	(see above)	(see above)	(see above)	
Noise					
<i>Potential Impact 3.6-1: The potential to result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies</i>	Mitigation Measure 3.6-1: Property restrictions shall be recorded for each of the five parcels, requiring compliance with the Town's noise levels for interior (40 dBA) and exterior (55 dBA) areas. Prior to approval of applications for development of a home on a parcel, the applicant shall demonstrate how compliance with the Town's noise standards will be achieved. Specific measures for noise mitigation, as determined by the Architectural and Site Review Board (ASRB) and the Planning Commission, shall be included in the conditions of approval for each home, and shall be incorporated into the project design prior to issuance of a building permit. The property restrictions shall be recorded in a form acceptable to the Town Attorney prior to issuance of grading or building permits for the proposed roadway.	Applicant to demonstrate how compliance with the Town's noise standards will be achieved The property restrictions shall be recorded in a form acceptable to the Town Attorney	Compliance prior to approval of applications for development of a home on a parcel Compliance prior to issuance of grading or building permits for the proposed roadway	Planning Director	
<i>Potential Impact 3.6-4: The potential to result in a</i>	Mitigation Measure 3.6-2: The following noise mitigation measures shall be incorporated into the	Applicant to submit construction plans	Compliance prior to issuance of grading	Town Engineer and	

APPENDIX G: MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Implementing Action	Timing of Implementation	Party Responsible for Verification	Date Monitored and Completed
<p><i>substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project</i></p>	<p>construction plans:</p> <ul style="list-style-type: none"> a. All construction equipment powered by internal combustion engines shall be properly maintained and muffled and shall not be idled near sensitive noise receptors. b. Stationary equipment shall be located as far away from residences as possible. <p>A primary contact shall be designated to be responsible for responding to any local complaints about construction noise. The contact shall determine the cause of the noise complaint (e.g. starting too early, bad mufflers, etc.) and institute reasonable measures warranted to correct the problem.</p>	<p>reflecting these measures, for review and approval</p>	<p>or building permits for the private roadway or driveways</p>	<p>Planning Director</p>	
<p>Transportation and Traffic</p>					
<p><i>Potential Impact 3.7-3: The potential to substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)</i></p>	<p>Mitigation Measure 3.7-1: The inside radius of the proposed 90-degree turn near the entrance to the Lawler property should be widened to accommodate truck turning movements, including those for fire vehicles. The proposed median should be removed to allow for all of the road width to be available for turning movements. Prior to issuance of a grading permit for the roadway, a revised plan shall be submitted for review and approval of the Town Engineer. The plan should indicate a wider inside turn, deletion of the median and any other modifications proposed to accommodate truck turning movements. Additional grading and/or tree removal should also be noted on the plans and should be minimized by the use of retaining walls and tree protection measures.</p>	<p>Applicant to submit a revised plan indicating a wider inside turn of the proposed 90-degree turn near the entrance to the Lawler property, deletion of the median and any other modifications proposed to accommodate truck turning movements.</p>	<p>Prior to issuance of a grading permit for the roadway</p>	<p>Town Engineer</p>	
<p><i>Potential Impact 3.7-4: The potential to result in inadequate emergency access</i></p>	<p>Mitigation Measure 3.7-2: The applicant shall provide a construction operations plan that depicts and describes locations for vehicle parking and equipment storage, trailers, toilets, and other construction facilities. The facilities should be located to avoid sensitive areas and to maintain clear routes for emergency vehicle access to all areas of the site and for all access to the adjacent Lawler property. The plan</p>	<p>The applicant to provide a construction operations plan</p>	<p>Submission for review and approval prior to issuance of a grading permit</p>	<p>Town Engineer</p>	

Impact	Mitigation Measure	Implementing Action	Timing of Implementation	Party Responsible for Verification	Date Monitored and Completed
	shall be submitted for review and approval by the Town Engineer prior to issuance of a grading permit.				
Air Quality					
<p><i>Potential Impact 3.8-2: The potential to violate any air quality standard or contribute substantially to an existing or projected air quality violation</i></p>	<p>Mitigation Measure 3.8-1: Prior to issuance of a grading permit, the applicant shall submit a grading plan to the Town Engineer for review and approval. The grading plan shall include measures to reduce emissions from construction equipment and wind blown soils and shall be followed for all construction activities for the project. The following measures, which are recommendations in the BAAQMD Bay Area 2000 Clean Air Plan for construction to prevent PM₁₀ emissions, shall be incorporated into the grading plan.</p> <ul style="list-style-type: none"> a. Water all active construction and disturbed areas at least twice daily during dry periods. b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard. c. Pave, apply water three times daily, or apply (nontoxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites. d. Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites. Dust, sediment, and debris shall not be washed into the storm drain system. e. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets. Dust, sediment, and debris shall not be washed into the storm drain system. f. Hydroseed or apply (nontoxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more). g. Enclose, cover, water twice daily or apply (nontoxic) soil binders to exposed stockpiles (dirt, sand, etc.) h. Limit traffic speeds on unpaved roads to 15 	<p>The applicant to submit a grading plan</p>	<p>Compliance prior to issuance of a grading permit</p>	<p>Town Engineer</p>	

APPENDIX G: MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Implementing Action	Timing of Implementation	Party Responsible for Verification	Date Monitored and Completed
	<p>mph.</p> <p>If the proposed project coincides with future residential development of the site and the combination would disturb more than 4 acres of land, all applicable provisions of Table 2 of BAAQMD's CEQA Guidelines shall be incorporated into the grading plan</p>				
<p><i>Potential Impact 3.8-3: The potential to result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard</i></p>	<p>Mitigation Measure 3.8-1 (see above)</p>	<p>(see above)</p>	<p>(see above)</p>	<p>(see above)</p>	
<p><i>Potential Impact 3.8-4: The potential to expose sensitive receptors to substantial pollutant concentrations</i></p>	<p>Mitigation Measure 3.8-1 (see above)</p>	<p>(see above)</p>	<p>(see above)</p>	<p>(see above)</p>	
<p>Cultural Resources</p>					
<p><i>Potential Impact 3.9-1: The potential to cause a substantial adverse change in the significance of a historical or archaeological resource</i></p>	<p>Mitigation Measure 3.9-1: A qualified archaeologist/paleontologist shall be retained by the applicant during the course of all site grading activities to monitor the uncovering of any archaeological or paleontological remains. The specialist shall be available until all grading activities are complete, and shall prepare a summary report for submittal to the Town of any such findings during that period.</p>	<p>The applicant to retain a qualified archaeologist/paleontologist to monitor the uncovering of any archaeological or paleontological remains.</p> <p>The specialist shall prepare a summary report for submittal to the Town of any such findings during</p>	<p>The specialist shall be available during the course of all site grading activities until all grading activities are complete</p> <p>The summary report will be submitted at the conclusion of</p>	<p>Town Engineer</p>	

Impact	Mitigation Measure	Implementing Action	Timing of Implementation	Party Responsible for Verification	Date Monitored and Completed
		that period	grading		
	<p>Mitigation Measure 3.9-2: If any cultural or paleontological resources or human remains are discovered during construction activities, work shall be halted within 50 feet of the discovery until a qualified specialist is retained to inspect the discovery. If it is determined that an intact cultural resource would be further damaged by construction activities, it shall be the responsibility of the applicant to submit a plan for the evaluation and mitigation (which may include avoidance, preservation in place, curation, and/or other measures) of any such resource to the relevant lead agency and receive approval of that plan before construction can resume in the area of the resource. If the cultural resources contain human remains, the San Mateo County Coroner shall be notified. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission within 24 hours. Native American monitors shall be allowed to observe conditions following any such discovery. Disposition of Native American human remains shall comply with CEQA Guidelines Section 15064.5(e).</p>	<p>Applicant to suspend work in the area 50 feet from any found cultural or paleontological resources or human remains and submit a plan for the evaluation and mitigation of any such resources</p>	<p>Upon discovery of cultural or paleontological resources or human remains</p>	<p>Planning Director</p>	
<p><i>Potential Impact 3.9-2: The potential to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature</i></p>	<p>Mitigation Measure 3.9-1 (see above)</p>	<p>(see above)</p>	<p>(see above)</p>	<p>(see above)</p>	
	<p>Mitigation Measure 3.9-2 (see above)</p>	<p>(see above)</p>	<p>(see above)</p>	<p>(see above)</p>	
	<p>Mitigation Measure 3.9-3: If paleontological resources are discovered during excavation, all work shall be suspended in the immediate area and a qualified paleontologist shall be contacted to investigate and evaluate the discovery. If sensitive resources are identified, the site shall be avoided or data collection shall be implemented, as</p>	<p>Applicant to suspend work in the area around any found paleontological resources</p>	<p>Upon discovery of paleontological resources</p>	<p>Planning Director</p>	

APPENDIX G: MITIGATION MONITORING PLAN

Impact	Mitigation Measure	Implementing Action	Timing of Implementation	Party Responsible for Verification	Date Monitored and Completed
	recommended by a paleontologist, to retain and/or record the information contained in the site.				
<i>Potential Impact 3.9-3: The potential to disturb any human remains, including those interred outside of formal cemeteries</i>	Mitigation Measure 3.9-1 (see above)	(see above)	(see above)	(see above)	
	Mitigation Measure 3.9-2 (see above)	(see above)	(see above)	(see above)	

RESOLUTION NO. 2008 - _____

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WOODSIDE CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (FEIR), APPROVING THE STATEMENT OF FINDINGS UNDER CEQA (PUBLIC RESOURCES CODE SECTION 21081), AND APPROVING THE MITIGATION MONITORING PLAN FOR THE CONSTRUCTION OF A PRIVATE ROADWAY AND BRIDGES FOR TWO DRIVEWAYS ACROSS CREEKS, AS WELL AS A DETENTION BASIN AND DRAINAGE IMPROVMENTS ON 92.2 ACRES OF LAND KNOWN AS SAND HILL ESTATES, LAWLER RANCH ROAD.

WHEREAS, the Final Environmental Impact Report for the Sand Hill Estates Private Roadway and Driveway Bridges dated July 2007 (State Clearinghouse No. 2005012030) (FEIR) identified significant environmental impacts prior to mitigation that may occur as a result of implementing the construction of a private roadway and driveway bridges; and

WHEREAS, the Final EIR has been completed in compliance with the California Environmental Quality Act; and

WHEREAS, the Final EIR was presented to the decision-making body of the lead agency and that decision-making body reviewed and considered the information contained in the Final EIR prior to acting on the project; and

WHEREAS, the Final EIR reflects the lead agency's independent judgment and analysis; and

WHEREAS, pursuant to Public Resources Code Section 21081 the Town of Woodside is required to adopt Findings as part of its action in certifying the Final EIR; and

WHEREAS, the required Findings are contained in Attachment A; and

WHEREAS, the Mitigation Monitoring Plan is contained in Attachment B; and

WHEREAS, pursuant to Public Resources Code Section 21081 the Town of Woodside is required to adopt Findings as part of its action in certifying the Final EIR and approving the Private Roadway and Driveway Bridges; and

WHEREAS, the Town Council has considered the Final EIR, the Appendices thereto and the Record of Proceedings.

* * * * *

NOW, THEREFORE, BE IT RESOLVED that the Town Council certifies the Final EIR, approves the attached Statement of Findings under CEQA identified as Attachment "A", and adopts the Mitigation Monitoring Plan identified as Attachment "B" for Sand Hill Estates Private Roadway and Driveway Bridges.

PASSED AND ADOPTED by the Town Council of the Town of Woodside, California, at a meeting thereof held on the ____ day of _____, 2008, by the following vote of the members thereof:

AYES, COUNCILMEMBERS:

NOES, COUNCILMEMBERS:

ABSENT, COUNCILMEMBERS:

ABSTAIN, COUNCILMEMBERS:

Mayor

ATTEST:

Town Clerk