

COUNTY OF SAN MATEO, PLANNING AND BUILDING DEPARTMENT

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

A notice, pursuant to the California Environmental Quality Act of 1970, as amended (Public Resources Code 21,000, et seq.), that the following project: General Plan Amendment & Minor Subdivision for 890 Upland Road, Emerald Lake Hills, when adopted and implemented, will not have a significant impact on the environment.

FILE NO.: PLN2022-00321

OWNER/APPLICANT: Paul Goswamy, 152 Nevada Street, Redwood City, CA 94062

ASSESSOR'S PARCEL NO.: 058-272-120

LOCATION: 890 Upland Road at Foss Drive, located in the unincorporated Emerald Lake Hills area of San Mateo County.

PROJECT DESCRIPTION

The project requires a Minor Subdivision, Grading Permit, and General Plan (GP) Amendment for a 3-lot subdivision of a 44,721 square feet (s.f.) single-family residential parcel, with proposed lot sizes of 12,010 s.f., 19,023 s.f., and 13,687 s.f. The GP amendment would change the Land Use Designation from Low Density Residential to Medium-Low Density Residential, which would allow the parcel's subdivision into 3 parcels. Applicant proposes to demolish a house built in 1920 and an existing septic system, build 3 new single-family residences, and connect the 3 new parcels to a public sewer and water system (property is not currently located in a sewer or water district). Project includes removal of a 54" d.b.h. Heritage Valley Oak tree (Tree #3), as well as 6 other significant trees. A total of 850 c.y. of cut is needed for driveway improvements.

FINDINGS AND BASIS FOR A NEGATIVE DECLARATION

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

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

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

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

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

**Mitigation Measure 1:** Upon the start of excavation activities and through to the completion of the project, the applicant shall be responsible for ensuring that the following dust control guidelines are implemented:

- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- h. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

- i. Construction-related activities shall not involve simultaneous occurrence of more than two construction phases (e.g., paving and building construction would occur simultaneously).

**Mitigation Measure 2:** Tightly woven fiber netting or similar material shall be used for erosion control or other purposes to ensure amphibian and reptile species do not get trapped. Plastic monofilament netting (erosion control matting) or similar material shall not be used. The applicant shall demonstrate compliance with this requirement in plans submitted at the time of building permit application.

**Mitigation Measure 3:** A pre-construction, migratory bird nesting survey shall be conducted prior to any proposed tree removal, ground disturbance, demolition, or any other construction-related activities during the nesting bird season (February 1 to August 31). The survey shall be performed both in and within 250 feet of the proposed development area and the results reported to the County. If, for any reason, construction activities do not commence within 10 days of completion of the survey, the survey shall be repeated and results reported to the County. If active nests are discovered, no construction-related activities, including grading and tree removal, are allowed until birds have fledged from nests, as confirmed by a biologist.

**Mitigation Measure 4:** The owner shall comply with the following requirements pertaining to the heritage tree and 6 significant trees proposed for removal:

- a. The issuance of a tree removal permit for Trees #3 and 26 will be conditioned on an issued building permit for homes on the subdivided parcels where the trees are located (Lots 1 and 2, respectively), and replacement as specified. Replacement for Tree #3 shall be 2 - 48" box Valley Oak (*Quercus lobata*), and replacement for Tree #26 shall be 1 - 36" box Valley Oak (*Quercus lobata*). Location of replacement trees for Trees #3 and #26 are shown in Attachment E3, except that the County Arborist has required the applicant to move the replacement tree shown on Lot 3 at least 6 feet from exterior property line. Replacement trees shall be planted prior to final approval of building permits for homes on the proposed lots.
- b. The owner shall maintain and protect Tree #45 (13.6" d.b.h Coast Live Oak), as it does not conflict with subdivision improvements nor is in poor health. The tree may be proposed for removal at the time of the development, subject to County review and approval along with home construction on Lot 3.
- c. The issuance of a tree removal permit for the other 4 significant trees shall be conditioned on an issued building permit for subdivision improvements. These trees shall be replaced in a manner consistent with Section 6565.21. Replacement trees shall be planted prior to final approval of building permits for homes on the proposed lots.
- d. All replacement trees shall be shown on a landscape plan submitted prior to recordation of the subdivision map.

**Mitigation Measure 5:** Prior to issuance of a building permit for subdivision improvements and residential development, the applicant shall protect all significant trees which are not approved for removal, including submittal of a tree protection plan, as prepared by a certified arborist and consistent with the protection measures of the County's Significant Tree Regulations and County Arborist, as listed below. Tree protection measures shall also be shown on the Erosion and Sedimentation Control Plan.

- a. A root barrier shall be required at the existing driveway during driveway improvement construction for the Pistache and Oak trees along driveway. The Project Arborist shall prepare root barrier details to be submitted at the time of a building permit application for subdivision improvements, subject to review by the County Arborist.
- b. Identify, establish, and maintain tree protection zones throughout the entire duration of the project.
- c. Isolate tree protection zones using 5-ft. tall, orange plastic fencing supported by poles pounded into the ground, located at the driplines as described in the arborist's report.
- d. Maintain tree protection zones free of equipment and materials storage; contractors shall not clean any tools, forms, or equipment within these areas.
- e. If any large roots or large masses of roots need to be cut, the roots shall be inspected by a certified arborist or registered forester prior to cutting as required in the arborist's report. Any root cutting shall be undertaken by an arborist or forester and documented. Roots to be cut shall be severed cleanly with a saw or topers. A tree protection verification letter from the certified arborist shall be submitted to the Planning Department within five (5) business days from the site inspection following root cutting.
- f. Normal irrigation shall be maintained, but oaks shall not need summer irrigation, unless the arborist's report directs specific watering measures to protect trees.
- g. Street tree trunks and other trees not protected by dripline fencing shall be wrapped with straw wattles, orange fence, and 2x4 boards in concentric layers to a height of eight feet.
- h. Prior to Issuance of a Building Permit, the Planning and Building Department shall complete a pre-construction site inspection, as necessary, to verify that all required tree protection and erosion control measures are in place.

**Mitigation Measure 6:** Although proposed project area itself has low possibility of containing unrecorded archaeological site(s), it is possible that subsurface deposits may yet exist or that evidence of such resources has been obscured by more recent natural or cultural factors such as downslope aggradation and alluviation and the presence of non-native trees and vegetation. Archaeological and historical resources and human remains are protected from unauthorized disturbance by State law, and supervisory and construction personnel therefore must notify the County and proper authorities if any possible archaeological or historic resources or human remains are encountered during

construction activities and halt construction to allow qualified Archaeologists to identify, record, and evaluate such resources and recommend an appropriate course of action.

**Mitigation Measure 7:** In the event that cultural, paleontological, or archeological resources are encountered during site grading or other site work, such work shall immediately be halted in the area of discovery and the project sponsor shall immediately notify the Community Development Director of the discovery. The applicant shall be required to retain the services of a qualified archeologist for the purpose of recording, protecting, or curating the discovery as appropriate. The cost of the qualified archeologist and any recording, protecting, or curating shall be borne solely by the project sponsor. The archeologist shall be required to submit to the Community Development Director for review and approval a report of the findings and methods of curation or protection of the resources. No further grading or site work within the area of discovery shall be allowed until the preceding has occurred. Disposition of Native American remains shall comply with CEQA Guidelines Section 15064.5(e).

**Mitigation Measure 8:** The applicants and contractors must be prepared to carry out the requirements of California State law with regard to the discovery of human remains, whether historic or prehistoric, during grading and construction. In the event that any human remains are encountered during site disturbance, all ground-disturbing work shall cease immediately and the County coroner shall be notified immediately. If the coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within 24 hours. A qualified archaeologist, in consultation with the Native American Heritage Commission, shall recommend subsequent measures for disposition of the remains.

**Mitigation Measure 9:** Prior to the issuance of a building permit for site development, the applicant shall demonstrate compliance with the recommendations of the Project Engineer as described in Geotechnical Investigation, prepared by Silicon Valley Soil Engineering (SVSE) dated September 21, 2021.

**Mitigation Measure 10:** Prior to issuance of the grading permit hard card, the applicant shall demonstrate that all cut spoils will be hauled off-site to a County-approved location.

**Mitigation Measure 11:** The applicant shall adhere to the San Mateo County-wide Stormwater Pollution Prevention Program “General Construction and Site Supervision Guidelines,” including, but not limited to, the following:

- a. Delineation with field markers clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses within the vicinity of areas to be disturbed by construction and/or grading.
- b. Protection of adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.
- c. Performing clearing and earth moving activities only during dry weather.

- d. Stabilization of all denuded areas (on and off-site) and maintenance of erosion control measures continuously between October 1 and April 30. Stabilization shall include both proactive measures, such as the placement of hay bales or coir netting, and passive measures, such as re-vegetating disturbed areas with plants propagated from seed collected in the immediate area.
- e. Storage, handling, and disposal of construction materials and wastes properly, so as to prevent their contact with stormwater.
- f. Control and prevention of the discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, wash water or sediments, and non-stormwater discharges to storm drains and watercourses.
- g. Use of sediment controls or filtration to remove sediment when dewatering site and obtain all necessary permits.
- h. Avoiding cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained and treated.
- i. Limiting and timing applications of pesticides and fertilizers to prevent polluted runoff.
- j. Limiting construction access routes and stabilization of designated access points.
- k. Avoiding tracking dirt or other materials off-site; cleaning off-site paved areas and sidewalks using dry sweeping methods.
- l. Training and providing instruction to all employees and subcontractors regarding the Watershed Protection Maintenance Standards and construction Best Management Practices.
- m. Additional Best Management Practices in addition to those shown on the plans may be required by the Building Inspector to maintain effective stormwater management during construction activities. Any water leaving site shall be clear and running slowly at all times.

**Mitigation Measure 12:** Once approved, erosion and sediment control measures of the revised Erosion Control Plan shall be installed prior to beginning any site work and maintained throughout the term of grading and construction, until all disturbed areas are stabilized. Failure to install or maintain these measures will result in stoppage of construction until corrections have been made and fees paid for staff enforcement time. Revisions to the approved erosion control plan shall be prepared and signed by the engineer and submitted to the Building Inspection Section.

**Mitigation Measure 13:** It shall be the responsibility of the engineer of record to regularly inspect the erosion control measures for the duration of all grading remediation activities, especially after major storm events, and determine that they are functioning as designed and that proper maintenance is being performed. Deficiencies shall be immediately corrected, as determined by and implemented under the observation of the engineer of record.

**Mitigation Measure 14:** The property owner shall file a Notice of Intent (NOI) with the Regional Water Quality Board to obtain coverage under the State General Construction Activity

NPDES Permit. A copy of the project's NOI and Stormwater Pollution Prevention Plan (SWPPP) shall be submitted to the Current Planning Section, prior to the issuance a building permit and any land disturbance.

**Mitigation Measure 15:** At the time of building permit application, the applicant shall demonstrate compliance with the measures indicated on the applicant-completed development checklist (Attachment H) or equivalent measures, to the extent feasible. Such measures shall be shown on building plans.

**Mitigation Measure 16:** At the time of building permit application, the applicant shall demonstrate compliance with the following measures, to the extent feasible, where such measures shall be shown on building plans:

- a. BAAQMD BMP: Use alternative fueled (e.g., biodiesel, electric) construction vehicles/equipment of at least 15 percent of the fleet;
- b. BAAQMD BMP: Use local building materials of at least 10 percent;
- c. BAAQMD BMP: Recycle or reuse at least 50 percent of construction waste.

**Mitigation Measure 17:** All project related construction vehicle parking shall be limited to on-site areas. Should street parking be necessary, any and all project-related on-street construction parking is subject to review and approval by the Project Planner and the County Department of Public Works. Prior to issuance of the building permit, the applicant shall show location of all on-street construction parking on plans submitted for the building permit application.

**Mitigation Measure 18:** Prior to the issuance of the building permit for the project, a copy of the Notice of Intent (NOI) with the State Water Resources Board, including WDID number, to obtain coverage under the NPDES Permit, shall be submitted to the Project Planner, if project land disturbance is an acre or larger.

**Mitigation Measure 19:** The project shall not use a pile-driven pier foundation.

**Mitigation Measure 20:** Prior to issuance of a demolition permit for the house and outbuildings, the owner shall provide evidence of having complied with HRAB's stipulations for demolition of the existing structures:

- a. Photograph (with high resolution camera) the exterior and interior of the house and outbuildings. Such photos shall be provided to the County Historical Review Advisory Board.
- b. Salvage and save special elements such as art glass windows, redwood beams, built ins, and the like.

**Mitigation Measure 21:** Should any traditionally or culturally affiliated Native American tribe respond to the County's issued notification for consultation, such process shall be completed and any resulting agreed upon measures for avoidance and preservation of identified resources be taken prior to implementation of the project.

**Mitigation Measure 22:** Any inadvertently discovered tribal cultural resources shall be treated with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, protecting the cultural character and integrity of the resource, protecting the traditional use of the resource, and protecting the confidentiality of the resource.

**Mitigation Measure 23:** In the event that cultural, paleontological, or archeological resources are encountered during site grading or other site work, such work shall immediately be halted in the area of discovery, County staff shall be notified, and the applicant shall be required to retain the services of a qualified archeologist for the purpose of recording, protecting, or curating the discovery as appropriate.

### RESPONSIBLE AGENCY CONSULTATION

San Mateo County Local Agency Formation Commission (LAFCo)

### INITIAL STUDY

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

**REVIEW PERIOD:** October 19, 2023 to November 19, 2023

All comments regarding the correctness, completeness, or adequacy of this Negative Declaration must be received by the County Planning and Building Department, no later than **5:00 p.m.**, November 19, 2023. Copies of the Initial Study and Mitigated Negative Declaration can be viewed at 455 County Center, Second Floor, Redwood City or online at: <https://www.smcgov.org/planning/project-ceqa-documents>

**PLACE OF PUBLIC HEARING:** Planning Commission Meeting of December 13, 2023 (Tentatively scheduled), Board Chambers, 400 County Center, Redwood City, 94063, California

### CONTACT PERSON

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