



# LOCAL AGENCY FORMATION COMMISSION

455 COUNTY CENTER, 2ND FLOOR • REDWOOD CITY, CA 94063-1663 • PHONE (650) 363-4224 • FAX (650) 363-4849

## REGULAR MEETING

### AGENDA

**Wednesday, January 17, 2024**

**2:30 pm**

**Board of Supervisors' Chambers**

Hall of Justice and Records

400 County Center

Redwood City, CA 94063

This meeting of San Mateo Local Agency Formation Commission (LAFCo) will be in person at the above-mentioned address. Members of the public will be able to participate in the meeting remotely via the Zoom platform or in person at 400 County Center Redwood City, CA 94063. For information regarding how to participate in the meeting, either in person or remotely, please refer to instructions at the end of the agenda.

### **Hybrid Public Participation**

The January 17, 2024 LAFCo regular meeting may be accessed through Zoom online at <https://smcgov.zoom.us/j/93703834059>. The webinar ID is: 937 0383 4059. The meeting may also be accessed by telephone by dialing +1 669 900 6833 (local) and entering webinar ID then #. Members of the public may also attend this meeting physically in the Board of Supervisors Chambers at 400 County Center, Redwood City, CA 94063.

\*Written public comments may be emailed to [lafco@smcgov.org](mailto:lafco@smcgov.org), and should include the specific agenda item on which you are commenting.

\* Spoken public comments will be accepted during the meeting in person or remotely through Zoom at the option of the speaker. Public comments via Zoom will be taken first, followed by speakers in person.

**\*Please see instructions for written and spoken public comments at the end of this agenda.**

### **ADA Requests**

Individuals who require special assistance or a disability-related modification or accommodation to participate in this meeting, or who have a disability and wish to request an alternative format for the agenda, meeting notice, agenda packet or other writings that may be distributed at the meeting, should contact LAFCo staff as early as possible but no later than

(OVER)

**COMMISSIONERS:** ANN DRAPER, CHAIR, PUBLIC ▪ KATI MARTIN, VICE CHAIR, SPECIAL DISTRICT ▪ VIRGINIA CHANG-KIRALY, SPECIAL DISTRICT ▪ HARVEY RARBACK, CITY ▪ TYGARJAS BIGSTYCK, CITY ▪ WARREN SLOCUM, COUNTY ▪ RAY MUELLER, COUNTY

**ALTERNATES:** CHRIS MICKELSEN, SPECIAL DISTRICT ▪ ANN SCHNEIDER, CITY ▪ JAMES O'NEILL, PUBLIC ▪ NOELIA CORZO, COUNTY

**STAFF:** ROB BARTOLI, EXECUTIVE OFFICER ▪ SOFIA RECALDE, MANAGEMENT ANALYST ▪ TIM FOX, LEGAL COUNSEL ▪ ANGELA MONTES, CLERK

10:00am the day before the meeting at [lafco@smcgov.org](mailto:lafco@smcgov.org). Notification in advance of the meeting will enable the Staff to make reasonable arrangements to ensure accessibility to this meeting, the materials related to it, and your ability to comment.

\*All items on the consent agenda may be approved by one roll call vote unless a request is made at the beginning of the meeting that an item be withdrawn. Any item on the consent agenda may be transferred to the regular agenda.

1. Roll Call
2. Public Comment for Items Not on the Agenda and on Consent Agenda
3. Appointment of Chair and Vice Chair for 2024 *(Page 5)*
4. Consent Agenda\* *(Page 6)*
  - a. Approval of Action Minutes: November 15, 2023
  - b. Time Extension for LAFCo File No. 19-03 - Proposed Annexation of 252 Club Drive, Unincorporated San Mateo County (APN 049-050-050) to the City of San Carlos

#### Public Hearings

5. Consideration of LAFCo File No. 20-10: Proposed annexation of APNs 046-032-030, 046-32-040, 046-032-080, 046-032-090, and associated right-of-way to the City of Belmont from unincorporated San Mateo County and detachment from the Harbor Industrial Sewer Maintenance District and Belmont Highway Lighting District *(Page 39)*

#### Regular Agenda

6. Broadmoor Police Protection District Update *(Page 203)*
7. Appointment of Budget and Legislative/Policy Committees for 2024 *(Page 205)*
8. Consider approval of the draft audit prepared by O'Connor & Company of the San Mateo Local Agency Formation Commission's Financial Statements for the Fiscal Year ending June 30, 2022 *(Page 206)*
9. Quarterly LAFCo Budget Update – Information Only *(Page 237)*
10. Legislative and Policy Committee
  - a. Legislative Report – Information Only *(Page 242)*
11. CALAFCO 2023 Journal *(Page 250)*
12. Commissioner/Staff Reports – Information Only
  - a. Update from Westborough Water District *(Page 273)*
13. Adjournment

**\*Instructions for Public Comment During Teleconference Meetings**

During LAFCo hybrid meeting, members of the public may address the Commission as follows:

**\*Written Comments:**

Written public comments may be emailed in advance of the meeting. Please read the following instructions carefully:

1. Your written comment should be emailed to [lafco@smcgov.org](mailto:lafco@smcgov.org).
2. Your email should include the specific agenda item on which you are commenting or note that your comment concerns an item that is not on the agenda or is on the consent agenda.
3. Members of the public are limited to one comment per agenda item.
4. The length of the emailed comment should be commensurate with the two minutes customarily allowed for verbal comments, which is approximately 250-300 words.
5. If your emailed comment is received by 5:00 p.m. on the day before the meeting, it will be provided to the Commission and made publicly available on the agenda website under the specific item to which your comment pertains. If emailed comments are received after 5:00p.m. on the day before the meeting, the Clerk will make every effort to either (i) provide such emailed comments to the Commission and make such emails publicly available on the agenda website prior to the meeting, or (ii) read such emails during the meeting. Whether such emailed comments are forwarded and posted, or are read during the meeting, they will still be included in the administrative record.

**\*Spoken Comments**

**In person Participation:**

1. If you wish to speak to the Commission, please fill out a speaker's slip located at the entrance. If you have anything that you wish distributed to the Commission and included in the official record, please hand it to the Clerk who will distribute the information to the Commission members and staff.

**Via Teleconference (Zoom):**

1. The Commission meeting may be accessed through Zoom online at <https://smcgov.zoom.us/j/93703834059>. The webinar ID is: 937 0383 4059. The Commission meeting may also be accessed via telephone by dialing +1 669 900 6833 (local). Enter the webinar ID, then press #. Members of the public can also attend this meeting physically in the Board of Supervisor's Chambers at 400 County Center, Redwood City, CA 94063.
2. You may download the Zoom client or connect to the meeting using an internet browser. If using your browser, make sure you are using a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer.
3. You will be asked to enter an email address and name. We request that you identify yourself by name as this will be visible online and will be used to notify you that it is your turn to speak.
4. When the Commission Chair or Clerk calls for the item on which you wish to speak, click on "raise hand." Speakers will be notified shortly before they are called to speak.

**\*Additional Information:**

For any questions or concerns regarding Zoom, including troubleshooting, privacy, or security settings, please contact Zoom directly.

Public records that relate to any item on the open session agenda for a regular Commission meeting are available for public inspection. Those records that are distributed less than 72 hours prior to the meeting are available for public inspection at the same time they are distributed to all members, or a majority of the members of the Commission.

**NOTICE:** State law requires that a participant in a LAFCo proceeding who has a financial interest in the decision and who has made a campaign contribution of more than \$250 to any Commissioner in the past year must disclose the contribution. If you are affected, please notify commission staff before the hearing.

Agendas and meeting materials are available at [www.sanmateolafco.org](http://www.sanmateolafco.org)

SAN MATEO



# LOCAL AGENCY FORMATION COMMISSION

455 COUNTY CENTER, 2ND FLOOR • REDWOOD CITY, CA 94063-1663 • PHONE (650) 363-4224 • FAX (650) 363-4849

January 10, 2024

**To:** LAFCo Commissioners  
**From:** Rob Bartoli, Executive Officer  
 Sofia Recalde, Management Analyst  
**Subject:** Appointment of Chair and Vice Chair for 2024

## Summary

This staff report requests that the Commission appoint a Chair and Vice Chair for 2024. It is Commission practice to appoint the Chair and Vice Chair at the last meeting of the calendar year for the upcoming year. The custom has been that these positions rotate by type of Commission membership in the following order: County, City, Public, and Special District. If the Commission desires to follow the traditional rotation, with the current Vice Chair being Kati Martin to become Chair, it would be appropriate to appoint a County member as Vice Chair.

## Recommended Commission Action:

By motion, appoint a Chair and Vice Chair for 2024.

**COMMISSIONERS:** ANN DRAPER, CHAIR, PUBLIC ▪ KATI MARTIN, VICE CHAIR, SPECIAL DISTRICT ▪ VIRGINIA CHANG-KIRALY, SPECIAL DISTRICT ▪ HARVEY RARBACK, CITY ▪ TYGARJAS BIGSTYCK, CITY ▪ WARREN SLOCUM, COUNTY ▪ RAY MUELLER, COUNTY

**ALTERNATES:** CHRIS MICKELSEN, SPECIAL DISTRICT ▪ ANN SCHNEIDER, CITY ▪ JAMES O'NEILL, PUBLIC ▪ NOELIA CORZO, COUNTY

**STAFF:** ROB BARTOLI, EXECUTIVE OFFICER ▪ SOFIA RECALDE, MANAGEMENT ANALYST ▪ TIM FOX, LEGAL COUNSEL ▪ ANGELA MONTES, CLERK

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## Action Minutes San Mateo Local Agency Formation Commission Meeting November 15, 2023

Chair Draper called the Wednesday, November 15, 2023, meeting of the Local Agency Formation Commission (LAFCo) to order at 6:08 pm in the East Palo Alto City Council Chambers, 2415 University Ave, East Palo Alto, CA. Members of the public were also able to participate in the meeting remotely via the Zoom.

### 1) Roll Call

Members Present: Commissioners Anne Draper, Tygarjas Bigstyck, Virginia Chang-Kiraly, Kati Martin (late), Harvey Rarback (late), Warren Slocum (joined remotely). Commission Slocum noted that he was participating remotely due to a potential contagious illness.

Members Absent: Ray Mueller

Alternate Members Present: James O'Neil

Staff Present: Rob Bartoli, Executive Officer; Sofia Recalde, Management Analyst; Timothy Fox (joined remotely), Legal Counsel; Kelsey Mollura (joined remotely), Legal Counsel; Angela Montes Cardenas, Clerk

### 2) Public Comment for Items Not on the Agenda

There were four anonymous commenters that expressed racist, antisemitic views and/or profanity via Zoom.

### 3) Consent Agenda

#### a. Approval of Action Minutes: October 25, 2023

#### b. Consideration of LAFCo File No. 23-10: Proposed Outside Service Agreement for Water by the City of Redwood City to Parcel 2 of 909 Hillcrest Drive (APN: 058-265-020), Unincorporated Redwood City

Commission Action: Commissioner Chang-Kiraly moved to approve the consent agenda items. Commissioner Bigstyck seconded the motion which passed unanimously by roll call vote. (Ayes: Commissioners Bigstyck, Rarback, Slocum, Chang-Kiraly, and Chair Martin. Absent: Martin, Rarback.)

**COMMISSIONERS:** ANN DRAPER, CHAIR, PUBLIC ▪ KATI MARTIN, SPECIAL DISTRICT, VICE CHAIR ▪ VIRGINIA CHANG-KIRALY, SPECIAL DISTRICT ▪ HARVEY RARBACK, CITY ▪ TYGARJAS BIGSTYCK, CITY ▪ WARREN SLOCUM, COUNTY ▪ RAY MUELLER, COUNTY

**ALTERNATES:** CHRIS MICKELSEN, SPECIAL DISTRICT ▪ ANN SCHNEIDER, CITY ▪ JAMES O'NEILL, PUBLIC ▪ NOELIA CORZO, COUNTY

**STAFF:** ROB BARTOLI, EXECUTIVE OFFICER ▪ SOFIA RECALDE, MANAGEMENT ANALYST ▪ TIM FOX, LEGAL COUNSEL ▪ ANGELA MONTES, CLERK

**4) Consideration of LAFCo File No. 22-09 – 1) City of East Palo Alto Proposal to establish the East Palo Alto Sanitary District (EPASD), an independent special district, as a subsidiary district the City of East Palo Alto, and 2) East Palo Alto Sanitary District Alternative Application to retain the District’s governance model, amend its sphere of influence (SOI) to be coterminous with its geographic service boundaries, and remove the District’s territory from the SOI of the West Bay Sanitary District (WBSD)**

Commissioner Martin joined the LAFCo meeting at 6:23pm. Commissioner Rarback joined the LAFCo meeting at 6:32pm.

Executive Officer, Rob Bartoli, presented on the proposal submitted by the City of East Palo Alto (City) to establish East Palo Alto Sanitary District (EPASD) as a subsidiary district of the City. He explained that the only change that would occur if the District became a subsidiary district would be a change in governance, from the current EPASD Board of Directors to the East Palo Alto City Council. Mr. Bartoli reviewed background on both the City and EPASD, the previous Municipal Service Review for the two agencies, the purpose of the proposal, the content of the proposal, including its 5-year budget for the sanitary sewer operations & maintenance and capital improvements to the system. He also reviewed staff’s analysis of the proposal against several factors that shall be considered by the Commission for proposals of a change of organization.

Mr. Bartoli then presented on the alternative application that was submitted by EPASD in response to the City’s proposal. He explained that a special district that is the subject of a subsidiary proposal has a right to submit an alternative proposal. The District’s submission proposed to retain its existing governance model, amend its sphere of influence (SOI) to be coterminous with its geographic service boundaries, and to remove the District’s territory from the SOI of the West Bay Sanitary District (WBSD). LAFCo staff determined the District’s alternative application did not meet the definition of an “alternative proposal” as the submission did not propose a change of organization. Nonetheless, staff reviewed the application against the criteria of a SOI amendment and the factors for a change of organization similar to the evaluation done for the City’s proposal. Staff did not recommend the approval of the alternative application.

Mr. Bartoli explained that any proposal for a merger or establishment of a subsidiary district shall require consideration of the alternative. Staff did not recommend a merger of EPASD into the City because it was desirable to maintain the district separate from the City for services and accountability reasons, and because the District is not entirely located within the boundaries of the City. Staff recommended approval of the City’s proposal, conditioned on several terms and conditions including the City entering into an agreement with a contracted sewer service provider and submission of a plan for the establishment of an advisory committee to EPASD that includes one reserved seat for a resident of the City of Menlo Park.

Commissioner Chang-Kiraly asked if the District provided any solutions in the alternative application. Staff stated that the alternative application did not include an adopted capital improvement budget or adopted funding mechanisms that would address the identified system deficiencies. Commissioner Chang Kiraly asked if the City of Menlo Park offer a suggestion regarding representation on the EPASD advisory committee that would be formed. The City of Menlo Park reviewed both proposals and did not provide feedback regarding representation on the advisory committee.

Commissioner Bigstycyk asked if the District had a capital improvement plan. Staff noted that the District does have a Master Plan that was last updated in 2021, but it does not address the findings from the District's most recent studies on the condition of the system. Commissioner Bigstycyk requested clarification on the protest procedure for rate increases, and staff responded that the City would be subject to the same laws that they are now related to rate increases.

Commissioner Bigstycyk inquired whether the District is required to accommodate development and whether the City is harmed if they are not able to meet the Regional Housing Need Allocation (RHNA) is not met due to lack of development due to EPASD. Staff is not aware of a law that requires the District to accommodate development, but there could be a negative impact to the City if they unable to comply with RHNA. Commissioner Bigstycyk also asked about the structure and makeup of the advisory committee, and staff stated there is specificity about the requirement of at least one seat being reserved for a resident of Menlo Park.

Chair Draper asked if the process for setting fees is set by state law and the same for both City and EPASD. LAFCo staff stated that is correct. Chair Draper also asked if EPASD's funds would be maintained separate from the City's general budget. Staff confirmed that is correct.

Commissioner Martin asked how many connections are in the District. Staff responded that approximately 92% of residents of EPASD reside within the City of East Palo Alto. Commissioner Martin asked about retirement for current and former District employees would be handled. Staff responded that those responsibilities would remain with EPASD and were included in the City's propose budget.

Chair Draper opened the public hearing.

City of East Palo Mayor Lisa Gauthier and City Manager Melvin gave a presentation in support of the City's proposal. Joan Cox, Special Counsel for EPASD, gave a presentation in support of the District's alternative application.

Public comment was provided by sixteen attendees in the audience and six attendees via Zoom. Fifteen attendees expressed support for the City's proposal, and seven attendees expressed support for EPASD to remain an independent special district.

Chair Draper closed the public hearing.



Commissioners posed several questions to the City and EPASD regarding sewer rates, the development of a capital improvement plan to address existing deficiencies and the impact that delayed will serve letters has on the City's ability to meet RHNA goals.

Commission Action: Commissioner Slocum moved to approve staff's recommendation to establish the East Palo Alto Sanitary District (EPASD), an independent special district, as a subsidiary district the City of East Palo Alto subject to terms and conditions, to file a CEQA notice of exemption, and to delegate to the Executive Officer the authority to conduct protest proceedings. Commissioner Rarback seconded the motion which passed unanimously by roll call vote. Commissioner Chang-Kiraly made a request to amend the condition regarding the formation of an advisory committee to EPASD to include consideration of an additional seat dedicated to the representative of Menlo Park District 5. Commissioner Slocum accepted the change and Rarback seconded. Motion carried unanimously.

(Ayes: Commissioners Bigstycck, Chang-Kiraly, Rarback, Slocum, Martin and Chair Draper;  
Noes: None)

Mr. Bartoli described the next steps, including a 30-day reconsideration period and a protest period following the end of the reconsideration period.

#### **5) Broadmoor Police Protection District Update – Information Only**

Sofia Recalde, Management Analyst, gave an update on the fiscal status of the Broadmoor Police Protection District (BPPD), including an update on their fund balance, potential bankruptcy, status in the County Pool, and the District's FY 21-22 audit findings.

Commissioners asked several questions about the District's conversations with the Sherriff's Office and current staffing levels and expressed concerns about the District's ability to continue to provide police protection services. Chair Draper requested a study session on the topic for the January Commission meeting.

Andrea Hall, Broadmoor resident, provided public comment stating her concern regarding the District's financial practices.

#### **6) Commissioner/Staff Reports – Information Only**

Chair Draper noted that LAFCo Chair and Vice-Chair Elections will be held at the January meeting.

Commissioner Bigstycck recommended listening to his talk show how elected officials from various agencies in the County are addressing heckling during public comment.

Commissioner Chang-Kiraly thanked staff for their work, and Commissioner Rarback seconded.

**7) Adjournment**

Chair Draper adjourned the meeting at 10:01am. The next LAFCo meeting will be held on January 17, 2024 at 2:30pm at the Board of Supervisors Chambers in Redwood City.

SAN MATEO



# LOCAL AGENCY FORMATION COMMISSION

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January 10, 2024

**To:** LAFCo Commissioners

**From:** Rob Bartoli, Executive Officer  
Sofia Recalde, Management Analyst

**Subject:** Time Extension for LAFCo File No. 19-03 - Annexation of 252 Club Drive, Unincorporated San Mateo County (APN 049-050-050) to the City of San Carlos

## Summary

On January 15, 2020, the Commission approved the annexation of 252 Club Drive to the City of San Carlos because the septic system on the property had failed and the owner wished to obtain sewer service from the City. The City of San Carlos has approved the pre-zoning of the parcel and both the City and the County approved the required property tax exchange.

The Commission's approval was conditional upon the submittal of the map and legal description and Board of Equalization fee for the annexation and that the applicant completing all work associated with any County permits for the property. The map and legal description still need to be submitted to LAFCo for review and the applicants also need to finalize work regarding legalizing a basement conversion and the abandonment of the existing septic system.

Per Government Code Section 57001, if a certificate of completion for a change of organization or reorganization has not been filed within one year after the commission approves a proposal for that proceeding, the proceeding shall be deemed terminated unless prior to the expiration of that year the Commission authorizes an extension of time for that completion. The original approval expired on January 15, 2022, and upon request from the owner, the Commission has approved two one-year extensions so that the owner can complete the conditions of approval. The owner is requesting a third one-year extension to complete the conditions of approval.

## Recommended Commission Action by Resolution

By motion, approve a one-year time extension for LAFCo File No. 19-03 - Annexation of 252 Club Drive, Unincorporated San Mateo County (APN 049-050-050) to the City of San Carlos so that the annexation is completed no later than January 15, 2025.

## Attachments

- A. November 16, 2022 LAFCo staff report
- B. November 17, 2021 LAFCo staff report
- C. January 15, 2020 LAFCo staff report

**COMMISSIONERS:** ANN DRAPER, CHAIR, PUBLIC ▪ KATI MARTIN, SPECIAL DISTRICT, VICE CHAIR ▪ VIRGINIA CHANG-KIRALY, SPECIAL DISTRICT ▪ HARVEY RARBACK, CITY ▪ TYGARJAS BIGSTYCK, CITY ▪ WARREN SLOCUM, COUNTY ▪ RAY MUELLER, COUNTY

**ALTERNATES:** CHRIS MICKELSEN, SPECIAL DISTRICT ▪ ANN SCHNEIDER, CITY ▪ JAMES O'NEILL, PUBLIC ▪ NOELIA CORZO, COUNTY

**STAFF:** ROB BARTOLI, EXECUTIVE OFFICER ▪ SOFIA RECALDE, MANAGEMENT ANALYST ▪ TIM FOX, LEGAL COUNSEL ▪

ANGELA MONTES, CLERK

cc: Henry and Maria Zuschlag, Property Owners  
Grace Lee and Andrea Mardesich, City of San Carlos  
Tiffany Gee and Summer Burlison, San Mateo County Planning Department  
Greg Smith, San Mateo County Environmental Health Services

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# LOCAL AGENCY FORMATION COMMISSION

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**November 9, 2022**

**To:** LAFCo Commissioners

**From:** Rob Bartoli, Executive Officer  
Sofia Recalde, Management Analyst

**Subject:** Time Extension for LAFCo File No. 19-03 - Annexation of 252 Club Drive, Unincorporated San Mateo County (APN 049-050-050) to the City of San Carlos

## Summary

On January 15, 2020, the Commission approved the annexation of 252 Club Drive to the City of San Carlos because the septic system on the property had failed and the owner wished to obtain sewer service from the City. The City of San Carlos has approved the pre-zoning of the parcel and both the City and the County approved the required property tax exchange.

The Commission's approval was conditional upon the submittal of the map and legal description and Board of Equalization fee for the annexation and that the applicant completing all work associated with any County permits for the property. The map and legal description still need to be submitted to LAFCo for review and the applicants also need to finalize work regarding legalizing a basement conversion and the abandonment of the existing septic system.

Per Government Code Section 57001, if a certificate of completion for a change of organization or reorganization has not been filed within one year after the commission approves a proposal for that proceeding, the proceeding shall be deemed terminated unless prior to the expiration of that year the Commission authorizes an extension of time for that completion. The original approval expired on January 15, 2022, and upon request from the owner, the Commission approved a one-year extension to January 15, 2023 as COVID-19 has impacted their ability to complete the conditions of approval. The owner is requesting a second one-year extension to complete the conditions of approval due to the impact of the on-going pandemic.

## Recommended Commission Action by Resolution

By motion, approve a one-year time extension for LAFCo File No. 19-03 - Annexation of 252 Club Drive, Unincorporated San Mateo County (APN 049-050-050) to the City of San Carlos so that the annexation is completed no later than January 15, 2024.

**COMMISSIONERS:** MIKE O'NEILL, CHAIR, CITY ▪ ANN DRAPER, VICE CHAIR, PUBLIC ▪ HARVEY RARBACK, CITY ▪ DON HORSLEY, COUNTY ▪ WARREN SLOCUM, COUNTY ▪ KATI MARTIN, SPECIAL DISTRICT ▪ RIC LOHMAN, SPECIAL DISTRICT

**ALTERNATES:** VACANT, SPECIAL DISTRICT ▪ DIANA REDDY, CITY ▪ JAMES O'NEILL, PUBLIC ▪ DAVE PINE, COUNTY

**STAFF:** ROB BARTOLI, EXECUTIVE OFFICER ▪ SOFIA RECALDE, MANAGEMENT ANALYST ▪ TIMOTHY FOX, LEGAL COUNSEL ▪ ANGELA MONTES, CLERK

**Attachments**

- A. January 15, 2020 LAFCo staff report
- B. November 17, 2021 LAFCo staff report

cc: Henry and Maria Zuschlag, Property Owners  
Jeff Maltbie, City of San Carlos  
Grace Lee, City of San Carlos  
Andrea Mardesich, City of San Carlos  
Kanoa Kelley, San Mateo County Planning Department  
Greg Smith, San Mateo County Environmental Health Services

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## LOCAL AGENCY FORMATION COMMISSION

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**November 10, 2021**

**To:** LAFCo Commissioners

**From:** Martha Poyatos, Executive Officer  
Rob Bartoli, Management Analyst

**Subject:** Time Extension for LAFCo File No. 19-03 - Annexation of 252 Club Drive, Unincorporated San Mateo County (APN 049-050-050) to the City of San Carlos

### Summary

On January 15, 2020, the Commission approved the annexation of 252 Club Drive to the City of San Carlos because the septic system on the property had failed and the owner wished to obtain sewer service from the City. The City of San Carlos has approved the pre-zoning of the parcel and both the City and the County approved the required property tax exchange.

The Commission's approval was conditional upon the submittal of the map and legal description and Board of Equalization fee for the annexation and that the applicant completing all work associated with any County permits for the property. The map and legal description still need to be submitted to LAFCo for review and the applicants also need to finalize work regarding legalizing a basement conversion and the abandonment of the existing septic system.

Per Government Code Section 57001, if a certificate of completion for a change of organization or reorganization has not been filed within one year after the commission approves a proposal for that proceeding, the proceeding shall be deemed terminated unless prior to the expiration of that year the commission authorizes an extension of time for that completion. The original approval is set to expire on January 15, 2021. The owner has requested an additional extension to January 15, 2023 as COVID-19 has impacted their ability to complete the conditions of approval.

### Recommended Commission Action by Resolution

By motion, approve a one-year time extension for LAFCo File No. 19-03 - Annexation of 252 Club Drive, Unincorporated San Mateo County (APN 049-050-050) to the City of San Carlos so that the annexation is completed no later than January 15, 2023.

**COMMISSIONERS:** WARREN SLOCUM, CHAIR, COUNTY ▪ MIKE O'NEILL, VICE CHAIR, CITY ▪ HARVEY RARBACK, CITY ▪ DON HORSLEY, COUNTY  
▪ JOSHUA COSGROVE, SPECIAL DISTRICT ▪ RIC LOHMAN, SPECIAL DISTRICT ▪ ANN DRAPER, PUBLIC

**ALTERNATES:** KATI MARTIN, SPECIAL DISTRICT ▪ DIANA REDDY, CITY ▪ JAMES O'NEILL, PUBLIC ▪ DAVE PINE, COUNTY

**STAFF:** MARTHA POYATOS, EXECUTIVE OFFICER ▪ TIM FOX, LEGAL COUNSEL ▪ ROB BARTOLI, MANAGEMENT ANALYST ▪ ANGELA MONTES, CLERK

**Attachments**

A. January 15, 2020 LAFCo staff report

cc: Henry and Maria Zuschlag, Property Owners  
Jeff Maltbie, City of San Carlos  
Grace Lee, City of San Carlos  
Andrea Mardesich, City of San Carlos  
Kanoa Kelley, San Mateo County Planning Department  
John Brennan, San Mateo County Building Department  
Greg Smith, San Mateo County Environmental Health Services





## LOCAL AGENCY FORMATION COMMISSION

455 COUNTY CENTER, 2ND FLOOR • REDWOOD CITY, CA 94063-1663 • PHONE (650) 363-4224 • FAX (650) 363-4849

January 8, 2020

**To:** LAFCo Commissioners

**From:** Martha Poyatos, Executive Officer *M. Poyatos*

**Subject:** LAFCo File No. 19-03 - Proposed Annexation of 252 Club Drive (APN 049-050-050) to the City of San Carlos (0.15 acres)

### Summary

This proposal, submitted by landowner petition, requests annexation of 252 Club Drive, (APN 049-050-050) to the City of San Carlos. On March 20, 2019 the Commission approved an Emergency Outside Service Agreement (LAFCo File No. 19-01) to allow the City of San Carlos to serve the existing house at 252 Club Drive, as the septic system on the property had failed. A condition of approval for this Outside Service Agreement required that the property owners apply for annexation to the City of San Carlos. The City of San Carlos has approved the pre-zoning of the parcel and both the City and the County have approved the required property tax exchange. The proposal has 100 percent landowner consent and requests waiver of conducting authority proceedings. Commission approval of the proposal is recommended.

### Background

252 Club Drive is developed with one single-family home that was constructed in 1936. The property is located in unincorporated San Mateo County, but it is within the Sphere of Influence of the City of San Carlos. The parcel is located in an established single-family neighborhood and abuts the City boundary line on three sides. As shown on Attachment B, 252 Club Drive is one of five parcels on this side of Club Drive that are unincorporated. On the south side of Club there are three unincorporated developed parcels and many unincorporated parcels that are not developed due to topography, lot size and lack of access.

### Departmental Reports

**County Assessor:** The net assessed land valuation shown in the records of the County Assessor for 252 Club Drive is \$25,248. The boundaries of the annexation as proposed conform to lines of assessment and ownership.

**COMMISSIONERS:** JOSHUA COSGROVE, CHAIR, SPECIAL DISTRICT ▪ WARREN SLOCUM, VICE CHAIR, COUNTY ▪ RICH GARBARINO, CITY ▪ DON HORSLEY, COUNTY ▪ MIKE O'NEILL, CITY ▪ RIC LOHMAN, SPECIAL DISTRICT ▪ ANN DRAPER, PUBLIC

**ALTERNATES:** KATI MARTIN, SPECIAL DISTRICT ▪ HARVEY RARBACK, CITY ▪ JAMES O'NEILL, PUBLIC ▪ DAVE PINE, COUNTY

**STAFF:** MARTHA POYATOS, EXECUTIVE OFFICER ▪ REBECCA ARCHER, LEGAL COUNSEL ▪ ROB BARTOLI, MANAGEMENT ANALYST ▪ ANGELA MONTES, CLERK

*County Clerk:* The territory has one registered voter. Annexation would not conflict with any political subdivision boundaries. If the annexation was approved, the address would be changed from unincorporated to the City of San Carlos.

*County Public Works:* No comments. Club Drive is already within the City of San Carlos boundary.

The map and legal description required by the State Board of Equalization have not yet been submitted.

*County Planning:* The San Mateo County General Plan encourages the annexation of the urban unincorporated parcels needing municipal service. The property is located within the existing sphere of influence for the City of San Carlos and currently served by water and sewer providers.

The property has two open Building permits, one to complete the sewer connection (BLD2019-00393) and one to legalize a basement conversion (BLD2019-00487). These two permits shall be completed prior to recordation of the annexation.

*County Environmental Health Services:* The property is served by a domestic water and a City sewer connection. Environmental Health is supportive of the annexation.

*City of San Carlos:* The City of San Carlos supports the annexation proposal. The City Council approved a General Plan amendment and pre-zoning of the subject parcel, on November 12, 2019. The site is contiguous to the City boundary and City maintained Club Drive. Annexation of the parcel results in the addition of one single-family home into the City's housing stock and slight increase in the annual property tax revenue to be received. The use and nature of the existing single-family home is consistent and complimentary to the established surrounding land use pattern of other single-family homes in the adjacent City neighborhoods.

The City of San Carlos is requesting that the two associated building permits for this property that are currently open with the County be resolved prior to recording the certificate of completion for the annexation.

### **Existing and Proposed Land Use Designations**

The property is developed with an existing single-family residence. No change to the use of the property is proposed. The current San Mateo County General Plan designation for the area is Medium Density Residential-Urban and the zoning designation is R-1/S-71 (Single Family Residential). The City of San Carlos City Council approved a General Plan designation of Single Family, Low Density and a pre-zoning designation of RS-3, Low Density to the proposal area on November 12, 2019. The City designations for both land use and zoning are consistent with neighboring parcels that are already located in the City.

### **Sphere of Influence**

The sphere of influence of the City of San Carlos was most recently updated by LAFCo in 2011 and included the Devonshire area where 252 Club Drive is located. The subject parcel is not located within the service area or the sphere of influence of any County-governed special district.

**Current and Proposed Services**

Changes in service that would occur as a result of the reorganization are summarized below:

<b>Service</b>	<b>Current Service Provider</b>	<b>Proposed Service Provider</b>
Police	San Mateo County Sheriff	City of San Carlos (Contract with San Mateo County Sheriff)
Fire	San Mateo County Fire (CAL Fire)	City of San Carlos (Contract with Redwood City Fire Department)
Streets/Storm Water	County of San Mateo	City of San Carlos
Water	California Water Services Company	California Water Services Company
Sewer	City of San Carlos	City of San Carlos
Street Lighting	None	City of San Carlos
Parks	County of San Mateo	City of San Carlos
Library	Library Joint Power Authority	Library Joint Power Authority

No change in service delivery patterns will occur for water or sewer as the property already receives service from the California Water Services Company and the City of San Carlos respectively. Annexation to the City will result in transfer of service responsibility for police, fire, parks and recreation, and street lights and transfer of associated property tax revenue to the City of San Carlos.

**Property Tax Exchange**

As noted, annexation to the City will result in transfer of service responsibility and associated property tax revenue to the City of San Carlos. Both the City of San Carlos and the County of San Mateo have adopted resolutions of property tax exchange pursuant to Revenue and Tax Code Section 99.

The County and the City agreed to a tax exchange that approximates the County and City shares elsewhere in the City. The agreed upon property tax transfers in tax rate area 053-010 are summarized in the following chart.

<b>From</b>	<b>To</b>	<b>Incremental Factor</b>
County Fire	City of San Carlos	0.078037767
County of San Mateo	City of San Carlos	0.054962233

The total increment transferred to the City of San Carlos is 0.1330000000. The remaining tax share for the County is 0.2329735117. Based on the proposed transfers, after the annexation and amendments are complete, the City of San Carlos will receive \$109.65 based on the current value of the home.

While this does not appear to have a large fiscal impact based on the amounts noted above, if the property was sold and reassessed, it is likely that taxes would significantly increase, and the incremental tax revenues will be distributed based on the proposed incremental factors. This property tax exchange was approved by both the San Mateo County Board of Supervisor and the City of San Carlos City Council in 2019.

**Applicable Factors to be Considered for Annexation (Government Code Section 56668)**

a. Population and the likelihood of significant growth in the area, during the next 10 years.

The population of unincorporated Devonshire as of 2010 is approximately 2,546. The parcel is developed, and would not have an impact on the overall population of the area. The annexation is occurring in an already developed single-family neighborhood. Due to the location, size, and lack of development activity, it is not anticipated that additional growth will occur relating to this annexation.

b. The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the County.

The proposal to annex the property will allow the City of San Carlos to more efficiently provide the residents of the property with public services. The City now provides sewer service to the property and the annexation would allow the City to provide municipal service, such as fire, police, and park and recreation services. Due to the existing development on the property, the annexation of the parcel to the City would have minimal impact on municipal service demand.

The proposal is consistent with existing residential uses in the surrounding neighborhood and would have negligible, if any, impact on adjacent areas, social and economic interests, and the local government structure of the county.

c. The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development and definiteness and certainty of the boundaries of the territory, the creation of islands or corridors of unincorporated territory.

The proposal conforms with LAFCo and County General Plan policies that encourage the annexation of areas within city spheres of influence. The property is adjacent to the City boundary on three sides. The Club Drive road right-of-way is already located in the City of San Carlos.

d. Consistency with city or county general and specific plan and the sphere of influence of any local agency which may be applicable to the proposal being reviewed.

The property owner is requesting annexation in order to comply with a condition of approval for the related Emergency Outside Service Agreement. No development is proposed on the property with the exception of completing existing permits regarding the sewer connection and the legalization of a previous basement conversion.

As noted above, the proposal is consistent with both City and County General Plan policies encouraging the annexation of areas in city spheres of influence.

- e. The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.

The proposal area is already receiving water and sewer service consistent with other areas in the City of San Carlos. The City has indicated in a fiscal analysis of the proposal that the City would receive a minor net fiscal benefit and that no additional recurring service costs would be directly associated with the annexed parcel.

- f. The extent to which the proposal will assist the receiving entity in achieving its fair share of the regional housing needs as determined by the appropriate council of governments.

While there will be minimal impact to the City's regional housing need, the provision of sewer service by the City allows the residential use on the property to remain. This sewer connection allows for an increased opportunity for the development of an Accessory Dwelling Unit (ADU) on the property that would not otherwise be allowed with a septic system.

- g. The extent to which the proposal will promote environmental justice.

The project area does not include a disadvantaged unincorporated community (DUC), as defined in Section 56033.5. (i.e., residents making less than 80% of the statewide annual median household income). At the census tract level, there are no DUCs identified in San Mateo County.

- h. Information contained in a safety element of general plan, local hazard mitigation plan, and any maps that identify land as a very high fire hazard zone or state responsibility area.

Based on a review of all relevant plans and maps, the area proposed to be annexed is located in a local very high fire area. The property is developed with an existing single-family home which was constructed in 1936. The very high fire area designation is applied to all properties, both incorporated and unincorporated, in the Devonshire area. If development is proposed in the future, the City of San Carlos will apply the applicable regulations and standards for construction within the very high fire hazard zone.

### **California Environmental Quality Act**

The proposal is categorically exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) exempt under State CEQA Guidelines Section 15319(a) & (b) (Annexations of Existing Facilities and Lots for Exempt Facilities).

**Waiver of Conducting Authority Proceedings**

Section 56663(c) of the Cortese-Knox-Herzberg (CKH) Act specifies that the Commission may waive conducting authority proceedings for annexations of uninhabited territory with 100 percent landowner consent provided that no objection is submitted by subject property owners or voters. The purpose of the conducting authority proceedings is to measure landowner or voter protest within the affected territory. Paragraph (c) was added to Government Code Section 56663 to streamline proceedings in which landowners have already given consent to an uninhabited annexation. The landowners have requested, and staff recommends, waiver of conducting authority proceedings.

**Recommended Commission Action by Resolution**

The proposal is consistent with the spheres of influence of the City, General Plans of the County and the City and the service delivery patterns in the area. Staff respectfully recommends that the Commission approve the proposal by taking the following action:

By resolution, approve LAFCo File No. 19-03– Proposed Annexation of 252 Club Drive (APN 049-050-050) to the City of San Carlos and direct the Executive Officer to waive the conducting of the conducting authority proceedings subject to the following conditions of approval:

San Mateo LAFCo:

1. Submittal of the map and legal description prepared by a licensed surveyor, that meet the requirements of the State Board of Equalization along with filing fee.

City of San Carlos:

2. The applicant shall complete all work associated with any County of San Mateo permits, including BLD2019-00393 and BLD2019-00487, prior to the recording of the annexation.

**Attachments**

A. Annexation Application

B. Vicinity Map

C. City of San Carlos Resolutions

cc: Henry and Maria Zuschlag, Property Owners  
Jeff Maltbie, City of San Carlos  
Grace Lee, City of San Carlos  
Andrea Mardesich, City of San Carlos  
Kanoa Kelley, San Mateo County Planning Department  
John Brennan, San Mateo County Building Department  
Greg Smith, San Mateo County Environmental Health Services

APPLICATION FOR A CHANGE OF ORGANIZATION OR REORGANIZATION TO THE SAN MATEO LOCAL AGENCY FORMATION COMMISSION

RECEIVED

MAR 22 2019

LAFCO

A. GENERAL INFORMATION

1. Briefly describe the nature of the proposed change of organization or reorganization.

Annexation of 252 Club Drive, unincorporated San Carlos (APN 049-050-050) to the City of San Carlos

2. An application for a change of organization or reorganization may be submitted by individuals in the form of a petition or by an affected public agency in the form of a certified resolution. This application is submitted by (check one):

- X Landowners or registered voters, by petition
An affected public agency, by resolution

(If this application is submitted by petition of landowners or registered voters in the affected territory, complete the petition form.)

3. What are the reasons for the proposal?

The annexation of the property is a requirement of an approved Outside Service Agreement with the City of San Carlos (LAFCo File No. 19-01) for a sewer connection.

4. Does this application have 100% consent of landowners in the affected area?

- X Yes No

5. Estimated acreage: 0.15 acres

B. SERVICES

1. List the name or names of all existing cities and special districts whose service area or service responsibility would be altered by the proposed change of organization or reorganization.

City of San Carlos, County of San Mateo, County Fire (CAL Fire)

2. List all changes to the pattern of delivery of local services to the affected area. For each service affected by the proposed change(s) of organization, list the present source of service (state "none")

if service is not now provided), the proposed source of service and the source of funding for construction of necessary facilities (if any) and operation. Example is given on the first two lines of the space provided for your response.

SERVICE	PRESENT SOURCE	PROPOSED SOURCE	FUNDING SOURCE	
			CONSTRUCTION	OPERATING
<i>Police</i>	<i>Co. Sheriff</i>	<i>Co. Sheriff (by contract with the City of San Carlos)</i>	<i>N/A</i>	<i>Taxes</i>
<i>Sewer</i>	<i>City of San Carlos</i>	<i>City of San Carlos</i>	<i>N/A</i>	<i>Fees</i>
<i>Water</i>	<i>California Water Service – San Carlos</i>	<i>California Water Service – San Carlos</i>	<i>N/A</i>	<i>Fees</i>
<i>Fire</i>	<i>CAL Fire</i>	<i>City of San Carlos</i>	<i>N/A</i>	<i>Taxes</i>
<i>Solid Waste</i>	<i>Recology San Mateo County (under franchise agreement with San Mateo County)</i>	<i>Recology San Mateo County (under franchise agreement with City of San Carlos)</i>	<i>N/A</i>	<i>Fees</i>
<i>Storm Drain</i>	<i>City of San Carlos</i>	<i>City of San Carlos</i>	<i>N/A</i>	<i>Taxes</i>

**C. PROJECT PROPOSAL INFORMATION**

1. Please describe the general location of the territory which is the subject of this proposal. Refer to major highways, roads and topographical features.

252 Club Drive (APN 049-050-050) is located in unincorporated San Carlos (Devonshire)

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2. Describe the present land use(s) in the subject territory.

The property is developed with an existing single-family residence.

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3. How are adjacent lands used?

North: Developed with a single-family residence.

South: Club Drive roadway, across the road is a single-family residence

East: Developed with a single-family residence.



West: California Water Service water tank

4. Will the proposed change of organization result in additional development? If so, how is the subject territory to be developed?

The proposed annexation of an existing house will not result in additional development. The annexation of the property is a requirement of an approved Outside Service Agreement with the City of San Carlos (LAFCo File No. 19-01) for a sewer connection. No new development of the property is proposed at this time.

5. What is the general plan designation of the subject territory?

Medium Density Residential Urban (San Mateo County)

6. What is the existing zoning designation of the subject territory?

R-1/S-71/DR (San Mateo County)

7. What rezoning, environmental review or development approvals have already been obtained for development in the subject territory?

An Outside Service Agreement for a sewer connection has been approved by the City of San Carlos and LAFCo. An application for rezoning has been submitted to the City of San Carlos.

8. What additional approvals will be required to proceed?

The City of San Carlos will need to approve the rezoning and environmental documents for the project. A property tax exchange for the annexation of the property will need to be approved by the City and County.

9. Does any portion of the subject territory contain any of the following --agricultural preserves, sewer or other service moratorium or wetlands subject to the State Lands Commission jurisdiction?

The property does not contain agricultural preserves, sewer or other service moratorium or wetlands subject to the State Lands Commission jurisdiction.

10. If no specific development projects are associated with this proposal, will the proposal increase the potential for development of the property? If so, how?

The existing property has existing sewer and water connections and is located within an existing single-family neighborhood. Any proposed development on the property will need to conform to the general plan and zoning designations of the City of San Carlos after the property is annexed, which is highly likely to maintain the single-family character of the property.

\* \* \* \* \*

LAFCo will consider the person signing this application as the proponent of the proposed action(s). Notice and other communications regarding this application (including fee payment) will be directed to the proponent at:

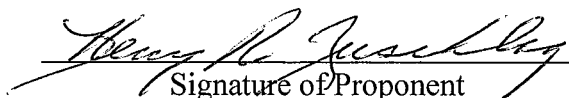
NAME: HENRY ZUSCHLAG

EMAIL: dianariz252@gmail.com

ADDRESS: 252 CLUB DR.

TELEPHONE: (650) 339-1505

ATTN: \_\_\_\_\_

  
Signature of Proponent

Applica\_blk.doc  
(10/6/2000)

MAR 22 2019

LAFCO

PETITION  
FOR PROCEEDINGS PURSUANT TO  
THE CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT REORGANIZATION ACT OF  
2000

The undersigned hereby petition(s) the Local Agency Formation Commission of San Mateo County for approval of a proposed change of organization or reorganization, and stipulate(s) as follows:

1. This proposal is made pursuant to Part 3, Division 3, Title 5 of the California Government Code (commencing with Section 56000, Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000
2. The specific change(s) of organization proposed (i.e., annexation, detachment, reorganization, etc. is/are: Annexation of 252 Club Drive to the City of San Carlos.
3. The boundaries of the territory(ies) included in the proposal are as described in Exhibit(s) attached hereto and by this reference incorporated herein.
4. The territory(ies) included in the proposal is/are: 252 Club Drive, unincorporated San Carlos (APN 049-050-050)  
  
\_\_\_ inhabited (12 or more registered voters) X Uninhabited
5. This proposal is X is not \_\_\_ consistent with the sphere of influence of the affected city and/or district(s).
6. The reason(s) for the proposed annexation (annexation, detachment, reorganization, etc.) is/are:

The annexation of the property is a requirement of an approved Outside Service Agreement with the City of San Carlos (LAFCo File No. 19-01) for a sewer connection.

7. The proposed annexation is requested to be made subject to the following terms and conditions:

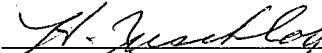
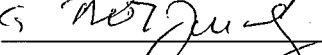
The City of San Carlos will need to approve the rezoning and environmental documents for the project. A property tax exchange for the annexation of the property will need to be approved by the City and County.

8. The persons signing this petition have signed as:

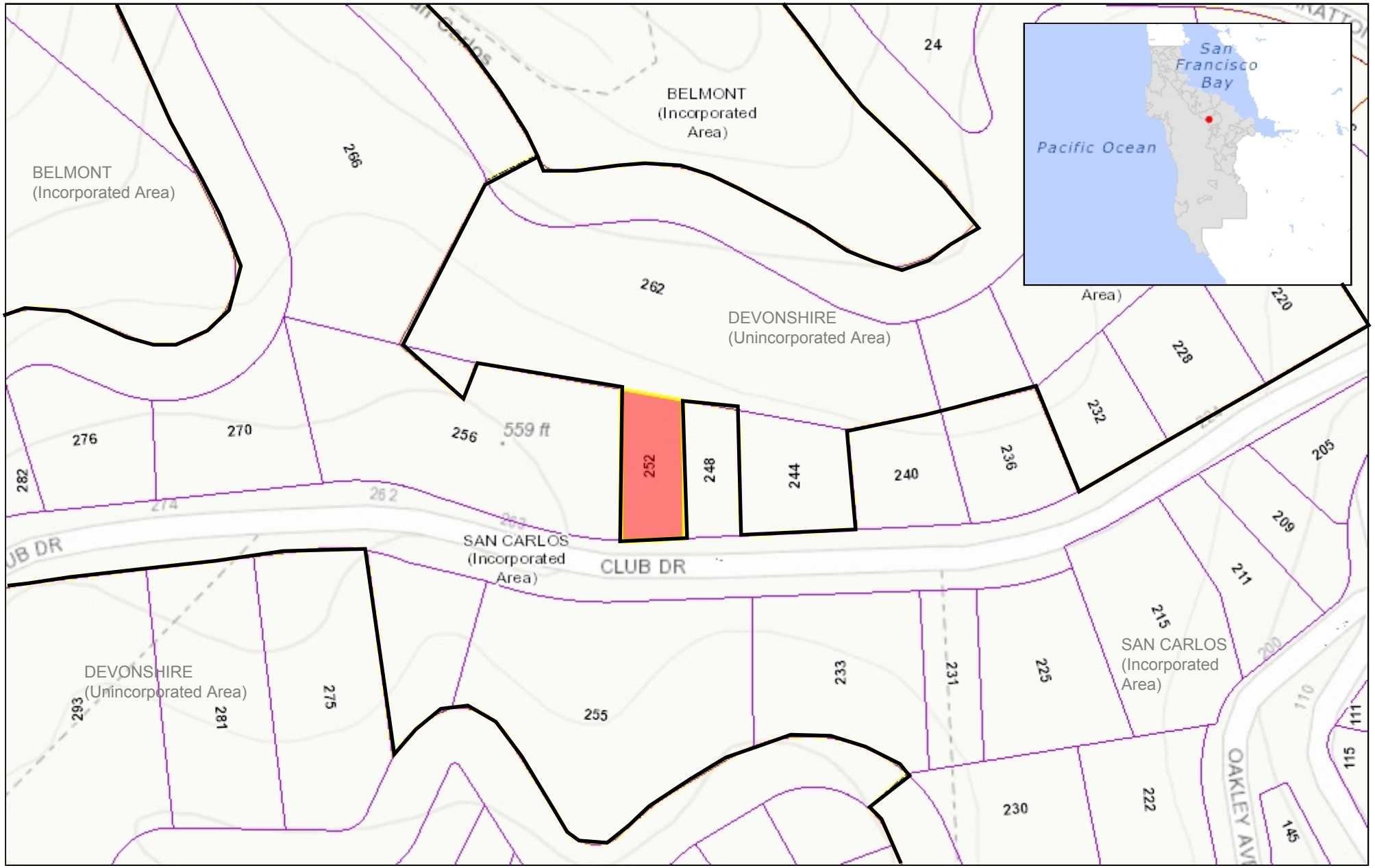
           registered voters **or**   X   Owners of land (check one)  
within the subject territory.

Wherefore, petitioner(s) request(s) that proceedings be taken in accordance with the provisions of Section 56000, et seq. Of the Government Code and herewith affix signatures as follows:

Chief Petitioners (not to exceed three):

Date:	Printed Name:	Signature/Residence address	APN*
22 MAR 2019	H. ZUSCHLAG	 252 CLUB DR.	
20 Mar 2019	M ZUSCHLAG	 252 CLUB DR	
_____	_____	_____	

\*Assessor's Parcel Number of parcel(s) proposed for annexation.



WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
 © Latitude Geographics Group Ltd.

1:1,781

29

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

**RESOLUTION NO. 2019 - 092**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CARLOS  
ADOPTING A GENERAL PLAN MAP AMENDMENT FOR THE PROPERTY LOCATED AT  
252 CLUB DRIVE (APN: 049-050-050) TO A LAND USE DESIGNATION OF SINGLE  
FAMILY, LOW DENSITY (3 DU/ACRE).**

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**WHEREAS**, the San Carlos City Council has received an application from the property owners of 252 Club Drive (Assessor's Parcel Number (APN) 049-050-050) for a General Plan Map Amendment to a land use designation of Single Family, Low Density (3 DU/Acre) with the associated request for a Zoning District Boundary Map Amendment as initial steps to rezoning and annexation of the subject property from the County of San Mateo into the City of San Carlos ("Project"); and

**WHEREAS**, it is determined that the aforementioned property is located within the Local Agency Formation Commission ("LAFCo") adopted sphere of influence ("SOI") of San Carlos; and

**WHEREAS**, in accordance with the California Environmental Quality Act ("CEQA"), the City Council has determined that the application for a General Plan Map Amendment and associated Zoning District Boundary (Map) Amendment for the aforementioned property is exempt from the provisions of CEQA pursuant to Section 15061(b)(3) Common Sense Exemption and Section 15319 Annexation of Existing Facilities and Lots for Exempt Facilities; and

**WHEREAS**, on October 21, 2019 the San Carlos Planning Commission conducted a public hearing to consider a recommendation to the City Council regarding a General Plan Map amendment for the aforementioned property to a land use designation of Single Family, Low Density (3 DU/acre); and

**WHEREAS**, on October 21, 2019 the San Carlos Planning Commission adopted Planning Commission Resolution No. 2019-09 recommending City Council approval of such, which includes the reasons for the recommendation, findings for a General Plan Amendment in Chapter 18.34 and the relationship of the proposed amendment to applicable general and specific plans; and

**WHEREAS**, on November 12, 2019 the City Council conducted a public hearing to receive Planning Commission Resolution 2019-09 recommending approval and to consider the application from the property owners of the aforementioned property regarding a General Plan Map amendment to a land use designation of Single Family, Low Density (3 DU/acre) in conformance with Chapters 18.27 Common Procedures and 18.34 Amendments to the General Plan of the San Carlos Municipal Code; and

**WHEREAS**, the City Council finds that an amendment to the General Plan Map to a land use designation of Single Family, Low Density (3 DU/acre) for the aforementioned property is consistent the San Carlos General Plan and Municipal Code.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of San Carlos does hereby resolve, determine and order as follows:

A. Findings

The City Council determines that the General Plan Map Amendment meets, and is consistent with, the following required General Plan policies:

1. POLICY LU-4.2 Annexation of all or portions of unincorporated residential areas shall only be permitted when public services and facilities meeting City standards are available to the lands proposed for inclusion in the city. All streets, sewage and drainage systems and police and fire protection must meet City standards. In no case shall the city taxpayer be burdened with paying for additional services for newly annexed lands. Funds for these services shall be generated through property tax revenue, the establishment of special assessment districts or they shall be paid for by the developer/property owner.
2. POLICY LU-4.5 Annexation of developed parcels shall be in substantial compliance with the following criteria:
  - a. The parcel is contiguous to parcels located in the City of San Carlos and contiguous to city streets.
  - b. The parcel is connected to the city's sanitary sewer system or can be connected to the city's sewer to the satisfaction of the City Engineer.
  - c. The structure on the parcel shall comply with the Building Codes in effect at the time the structures were constructed. A Code Compliance evaluation prepared by a licensed Civil Engineering or Architect shall be submitted to the San Carlos Building Department for review and approval prior to annexation.
3. POLICY LU-4.6 Parcels proposed for annexation to the City shall be rezoned:
  - a. (b) Other parcels proposed for annexation shall be rezoned R-1-LD Low-Density, Single-Family Residential District.
4. POLICY LU-4.7 Prior to annexation of parcels, public services and facilities meeting City standards shall be installed or provisions for their installation shall have been made to the satisfaction of the City Engineer. Public services and utilities include:
  - a. Construction and acceptance of improvements shall be completed prior to issuance of Building Permits or sewer connections.
  - b. Construction of streets meeting City subdivision street standards from the terminus of city streets currently meeting City standards to and throughout the subdivision. Where possible and appropriate and subject to environmental, health and safety considerations, rural road standards shall apply. Assessment districts may be used by the developer for installation of portions of the street which is the responsibility of the owner of abutting unimproved lands at the time their development.
5. POLICY LU-4.8 Annexation of parcels shall be in compliance with City General Plan policies.
6. POLICY LU-4.9 An environmental analysis under the provisions of the California Environmental Quality Act and a fiscal impact analysis shall be conducted.

B. Adoption

1. The City Council adopts an amendment to the General Plan Map with a land use designation of Single Family, Low Density (3 DU/Acre) for 252 Club Drive (APN: 049-050-050) as set forth in Exhibit "A".

\* \* \* \* \*

I, Crystal Mui, hereby certify that the foregoing Resolution was duly and regularly passed and adopted as a Resolution of the City Council of the City of San Carlos at a regular meeting thereof held on the 12<sup>th</sup> day of November, 2019 by the following vote:

<b>AYES, COUNCILMEMBERS:</b>	<u>COLLINS, MCDOWELL, PARMER-LOHAN, RAK, OLBERT</u>
<b>NOES, COUNCILMEMBERS:</b>	<u>NONE</u>
<b>ABSENT, COUNCILMEMBERS:</b>	<u>NONE</u>
<b>ABSTAIN, COUNCILMEMBERS:</b>	<u>NONE</u>

  
CITY CLERK of the City of San Carlos


APPROVED:   
MAYOR of the City of San Carlos

Exhibit A: General Plan Map for 252 Club Drive



**Exhibit A to Resolution No 2019 - 092  
General Plan Map Amendment for 252 Club Drive, San Carlos**



**.....General Plan Map Amendment, Land Use Designation: Single Family, Low Density (3 DU/AC)**

**ORDINANCE NO. 1558**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CARLOS  
ADOPTING A ZONING DISTRICT BOUNDARY MAP AMENDMENT FOR THE PROPERTY  
LOCATED AT 252 CLUB DRIVE (APN: 049-050-050) TO ALLOW FOR PRE-ZONING OF  
THE PROPERTY TO RS-3: SINGLE FAMILY, LOW DENSITY.**

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The City Council of the City of San Carlos does ordain as follows:

**SECTION 1:**

**WHEREAS**, the San Carlos City Council has received an application from the property owners of 252 Club Drive (Assessor's Parcel Number (APN) 049-050-050) for a Zoning District Boundary Map Amendment to allow for a rezoning designation of RS-3: Single Family, Low Density as initial steps to annexation of the subject property from the County of San Mateo into the City of San Carlos; and

**WHEREAS**, the San Carlos City Council has received an associated application from the owners of the aforementioned property for a General Plan Amendment to a land use designation of Single Family, Low Density (3 DUs/Acre); and

**WHEREAS**, it is determined that the aforementioned property is located within the Local Agency Formation Commission ("LAFCo") adopted sphere of influence ("SOI") of San Carlos; and

**WHEREAS**, in accordance with the California Environmental Quality Act ("CEQA"), the City Council has determined that the application for associated Zoning District Boundary (Map) Amendment and associated General Plan Map Amendment for the aforementioned property is exempt from the provisions of CEQA pursuant to Section 15061(b)(3) Common Sense Exemption and Section 15319 Annexation of Existing Facilities and Lots for Exempt Facilities; and

**WHEREAS**, on October 21, 2019 the San Carlos Planning Commission conducted a public hearing for consideration of a Zoning District Boundary Map Amendment and Rezoning and Annexation for the aforementioned property to RS-3: Single Family, Low Density in consideration of a recommendation to the City Council regarding adoption of an Ordinance; and

**WHEREAS**, on October 21, 2019 the San Carlos Planning Commission adopted Planning Commission Resolution No. 2019-10 recommending City Council approval of a Zoning District Boundary Map Amendment and Rezoning and Annexation, which include the reasons for the recommendation, findings related to the criteria for zoning amendments in Section 18.35.080 and the relationship of the proposed amendment to applicable general and specific plans; and

**WHEREAS**, on November 12, 2019 City Council conducted a public hearing to consider the application from the property owners of the aforementioned property regarding a Zoning District Boundary Map Amendment and Rezoning of RS-3: Single Family, Low Density in conformance with Chapters 18.27 Common Procedures, 18.35 Amendments to the Zoning Ordinance and Map and 18.38 Rezoning and Annexation Procedure of the San Carlos

Municipal Code and to receive Planning Commission Resolution No. 2019-10 recommending approval of such; and

**WHEREAS**, the City finds that a Zoning District Boundary Map Amendment and Rezoning of RS-3: Single Family, Low Density for the aforementioned property is consistent with the City of San Carlos General Plan and Municipal Code.

**SECTION 2:**

The City Council makes the following findings:

A. Regarding Section 18.35.080 B. Zoning District Boundary Map Amendments of the San Carlos Municipal Code:

1. The change in district boundaries is consistent with the General Plan;

*The site is proposed for a General Plan land use designation of Single Family, Low Density (3 DU/Acre), which is consistent and reflective of applicable General Plan policies.*

2. The change in district boundaries is consistent with the purpose of this title to promote the growth of the city in an orderly manner and to promote and protect the public health, safety, peace, comfort and general welfare;

*Annexation of this parcel is occurring in an orderly and systematic matter as City jurisdiction and services are currently immediately adjacent to the subject site would simply be extended to cover this one developed parcel. Annexation will provide clear and efficient emergency service to the site, which if left in its current state, could potentially harm the public health, safety, peace, comfort and general welfare.*

3. The change in district boundaries is necessary to achieve the balance of land uses desired by the City, consistent with the General Plan, and to increase the inventory of land within a given zoning district;

*Annexation of the parcel results in the addition of one new single-family home into the City's housing stock and slight increase in the annual property tax revenue to be received. The use and nature of the existing single-family home is consistent and complimentary to the established surrounding land use pattern of other single-family homes in the adjacent City neighborhoods.*

B. Regarding Section 18.38.040 Annexation Regulations:

1. The site is located contiguous both to the City boundary and a City maintained street. A fiscal impact analysis has been prepared by an economic development and consulting firm, which concludes that the City will receive annual net revenue and that no additional recurring service costs are directly associated. Public services and facilities are determined to be available. The site meets the minimum lot size and density standards of the Zoning and Subdivision Ordinance.

**SECTION 3:** The approved Zoning District Boundary Map Amendment to prezone the property to RS-3: Single Family, Low Density is set forth in the map listed as Exhibit "A" and

with conditions of approval as set forth in Exhibit "B".

**SECTION 4: Severability.** That the City Council hereby declares that it would have passed this Ordinance sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that any provisions of this Ordinance are severable and, if for any reason any sentence, paragraph or section of this Ordinance shall be held invalid, such decision shall not effect the validity of the remaining parts of this Ordinance.

**SECTION 5: Publication.** This Ordinance shall be published and posted according to law and shall take effect and be in force from and after 30 days after its passage and adoption.

\* \* \* \* \*

I, Crystal Mui, hereby certify that the foregoing Ordinance was introduced on the 12<sup>th</sup> day of November, 2019 and passed and adopted as an Ordinance of the City Council of the City of San Carlos at a regular meeting thereof held on the 25<sup>th</sup> day of November, 2019, by the following vote:

**AYES, COUNCILMEMBERS:** COLLINS, MCDOWELL, PARMER-LOHAN, RAK, OLBERT

**NOES, COUNCILMEMBERS:** NONE

**ABSENT, COUNCILMEMBERS:** NONE

**ABSTAIN, COUNCILMEMBERS:** NONE

  
**CITY CLERK** of the City of San Carlos


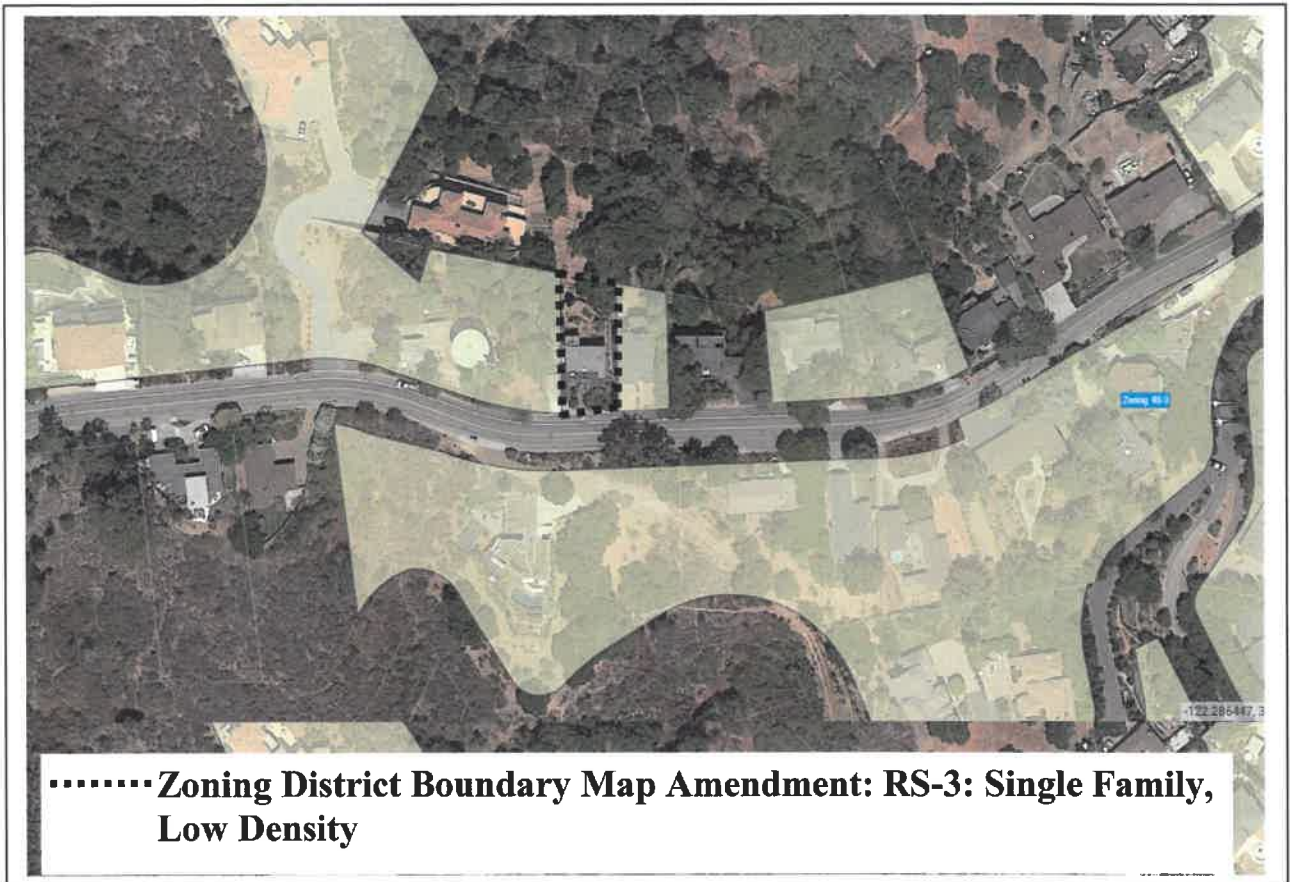
APPROVED:   
**MAYOR** of the City of San Carlos

Exhibit A: Zoning District Boundary Map Amendment

Exhibit B: Conditions of Approval

**Exhibit A to Ordinance No.1558**

**Zoning District Boundary Map Amendment Map – 252 Club Drive, San Carlos**



**Exhibit B to Ordinance No. 1558  
Zoning District Boundary Map Amendment Conditions of Approval**

**ZONING DISTRICT BOUNDARY MAP AMENDMENT CONDITIONS OF APPROVAL  
FOR ANNEXATION OF 252 CLUB DRIVE (APN: 049-050-050)**

1. The applicant shall apply to the Local Agency Formation Commission (LAFCo) for annexation to the City of San Carlos.
2. The rezoning shall remain the same for two years after annexation in compliance with Chapter 18.38 of the San Carlos Municipal Code.
3. The applicant shall comply with all future conditions of the Public Works Division, to the satisfaction of the Public Works Director, prior to annexation.
4. The applicant shall comply with any and all future conditions of the Building Division, to the satisfaction of the Chief Building Official, prior to annexation.
5. The applicant shall be responsible to obtain any and all required approvals from the San Mateo County Environmental Health Department.
6. The applicant shall comply with any and all future conditions of the Fire Department, to the satisfaction of the Fire Marshal prior to annexation.

SAN MATEO



# LOCAL AGENCY FORMATION COMMISSION

455 COUNTY CENTER, 2ND FLOOR • REDWOOD CITY, CA 94063-1663 • PHONE (650) 363-4224 • FAX (650) 363-4849

**January 10, 2024**

**To:** LAFCo Commissioners

**From:** Rob Bartoli, Executive Officer  
Sofia Recalde, Management Analyst

**Subject:** LAFCo File No. 20-10: Proposed annexation of APNs 046-032-030, 046-032-040, 046-032-080, 046-032-090, and associated right-of-way to the City of Belmont from unincorporated San Mateo County and detachment from the Harbor Industrial Sewer Maintenance District and Belmont Highway Lighting District

## Summary

This proposal, submitted by landowner petition, requests annexation of 608 Harbor Blvd. (APNs 026-032-030, 046-032-040, 046-032-080, 046-032-090) to the City of Belmont and detachment from the Harbor Industrial Sewer Maintenance District and the Belmont Highway Lighting District. The proposal also includes the annexation of associated road Right-of-Way on Old County Road and a portion of Harbor Boulevard. The annexation area lies within the City of Belmont's Sphere of Influence and is designated as Harbor Industrial Area (HIA-1) in the City's General Plan and zoned as HIA-1 in the City's Zoning map. Annexation would allow for City services to be provided to the annexed properties, including connection to the City's sewer system.

The project is to develop a 5-story, multifamily residential building with 103 housing units and 69 vehicle space in a first-floor parking garage. The project proposes a lot merger to consolidate the four parcels and develop the combined 0.71-acre lot located at the northwest corner of Harbor Boulevard and Old County Road.

The proposal has 100 percent landowner consent and waiver of conducting authority proceedings is also requested. Commission approval is recommended.

## Existing and Proposed Land Use Designations

All properties within the proposal area are developed with light industrial uses. The current San Mateo County General Plan designation for the area is General Industrial Urban and the zoning

**COMMISSIONERS:** ANN DRAPER, CHAIR, PUBLIC ▪ KATI MARTIN, VICE CHAIR, SPECIAL DISTRICT ▪ HARVEY RARBACK, CITY ▪ TYGARJAS BIGSTYCK, CITY ▪ WARREN SLOCUM, COUNTY ▪ RAY MUELLER, COUNTY ▪ VIRGINIA CHANG-KIRALY, SPECIAL DISTRICT

**ALTERNATES:** CHRIS MICKELSEN, SPECIAL DISTRICT ▪ ANN SCHNEIDER, CITY ▪ JAMES O'NEILL, PUBLIC ▪ NOELIA CORZO, COUNTY

**STAFF:** ROB BARTOLI, EXECUTIVE OFFICER ▪ SOFIA RECALDE, MANAGEMENT ANALYST ▪ TIM FOX, LEGAL COUNSEL ▪ ANGELA MONTES, CLERK

designation is M-1 (Light Industrial District). The City of Belmont applied a General Plan designation of Village Corridor Mixed Use and a pre-zoning designation of Village Corridor Mixed Use (VCMU) to the proposal area.

### **Sphere of Influence**

The sphere of influence of the City of Belmont was most recently adopted by LAFCo in 2011, which included the Harbor Industrial area, as well as one other unincorporated area. The subject parcels are also currently located in the service area of two San Mateo County governed districts, the Harbor Industrial Sewer Maintenance District (HISMD) and Belmont Highway Lighting District (BHLD). Both of these two districts are limited to a service area within the existing unincorporated area.

### **Departmental Reports**

*County Assessor:* The total net assessed land valuation for the parcels shown in the records of the County Assessor is \$3,134,711. The boundaries of the annexation as proposed conform to lines of assessment and ownership.

*County Clerk:* The territory has zero registered voters. If the annexation is approved, the property will need to be assigned to a precinct within the City of Belmont.

*County Public Works:* The annexation proposal will require the properties to be removed from the Harbor Industrial Sewer Maintenance District and the Belmont Highway Lighting District. Ownership and maintenance responsibility of four streetlights on Old County Road within the proposed annexation limits will be affected and transferred to the City of Belmont. The County has requested that the City of Belmont also take part of Elmer Street to the east of the parcels proposed to be annexed. This portion of Elmer Street is currently not recommended to be annexed by LAFCo staff.

*County Planning:* The County's General Plan designation is General Industrial, and the proposal of a multi-family development is not in conformance with the County General Plan. The area will be pre-zoned and all environmental impacts will be evaluated by the City of Belmont prior to annexation. The proposed 103 units will not significantly increase population densities and would not have an impact to the overall population of the area, and hence will not have an impact of regional resources.

*City of Belmont:* The City's General Plan designation of the annexation area is Harbor Industrial Area 1 (HIA-1), and has been zoned HIA-1. The proposal is compatible with the City's General Plan and pre-zoning. The property will be subject to the Belmont Library Communities Facilities District special tax.

*County Environmental Health:* The Mid-Peninsula Water District and San Mateo County Harbor Industrial Sewer Maintenance District provide the available water and sewer service in the area. This proposal is appropriate and will not create any unusual health hazards or problems.



*Mid-Peninsula Water District:* The four parcels in the proposal are existing Mid-Peninsula Water District customers. No change to their water service or connection will occur as a result of this proposal.

**Current and Proposed Services**

Changes in service that would occur as a result of the reorganization are summarized below:

<b>Service</b>	<b>Current Service Provider</b>	<b>Proposed Service Provider</b>
Police	San Mateo County Sheriff	City of Belmont Police Department
Fire	Belmont Fire Protection District	Belmont Fire Protection District
Streets/Storm Water	County of San Mateo	City of Belmont
Water	Mid-Peninsula Water District	Mid-Peninsula Water District
Sewer	Harbor Industrial Sewer District (County of San Mateo)	City of Belmont
Street Lighting	Belmont Highway Lighting District (County of San Mateo)	City of Belmont
Parks	County of San Mateo	City of Belmont
Library	Library Joint Power Authority	Library Joint Power Authority

No change in service delivery patterns will occur for water as the properties already receive service from the Mid-Peninsula Water District. The properties are currently connected to sewer from the Harbor Industrial Sewer District, a County-governed special district. As part of the proposal, the properties will detach from the Harbor Industrial Sewer District and will be served by the City of Belmont for sewer. Annexation to the City and detachment from the districts will result in transfer of service responsibility for police, fire, streets and stormwater, sewer, parks and recreation, and street lights and transfer of associated property tax revenue to the City of Belmont.

**Property Tax Exchange**

As noted, annexation to the City and detachment from the Harbor Industrial Sewer Maintenance District and the Belmont Highway Lighting District will result in transfer of service responsibility and associated property tax revenue to the City of Belmont. Both the City of Belmont and the County of San Mateo have adopted resolutions of property tax exchange

pursuant to Revenue and Tax Code Section 99, which stipulates that the County shall negotiate on behalf of special districts.

The County and the City agreed to a tax exchange that approximates the County and City shares elsewhere in the city. Because the parcels are being detached from the HISMD and BHL D, staff recommended transferring 100% of the tax share from these districts to the City of Belmont. The recommended tax share transfers are summarized in the following chart.

From	To	Incremental Factor
HISMD	City of Belmont	0.0094812614
BHL D	City of Belmont	0.0077590724
County of San Mateo	City of Belmont	0.0791307437

The total incremental factor transferred to the City of Belmont is 0.0963710775. This property tax exchange was approved by both the San Mateo County Board of Supervisor and the City of Belmont City Council in 2023.

The properties will also be subject to the Belmont Library Community Facilities District special tax.

**Applicable Factors to be Considered for Annexation (Government Code Section 56668)**

- a. Population and the likelihood of significant growth in the area, during the next 10 years.

The annexation of the parcels and roadway that are currently located in the unincorporated area of San Mateo County are part of a larger development application for a multi-family building that has been submitted to the City of Belmont. This development proposes 103 residential rental units in a five-story building. It is anticipated that that the project will increase the City of Belmont population by 160 new residents once the project is completed. Due to the location, size, and lack of other significant development activity, the City does not anticipate additional growth directly relating to this project.

- b. The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the County.

The proposal to annex will allow the City of Belmont to implement the Belmont Village Specific Plan, which promotes economic development and provides much needed housing. As reviewed by the City of Belmont, the proposed development of the multi-family building allows the Plan to achieve the stated goals of increasing density and intensity of residential and commercial uses, develops a visitor serving use through the creation of a public plaza and available space for a non-profit art instruction use, and allows for enhanced circulation of people, bikes, and vehicles in the area.

The alternative of no annexation would prohibit the City of Belmont from implementing the specific plans in unincorporated areas of the Belmont Village Specific Plan area and continue to require the County maintenance of portions of the roadway along Old County Road and Harbor Blvd.

- c. The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development and definiteness and certainty of the boundaries of the territory, the creation of islands or corridors of unincorporated territory.

The proposal conforms with LAFCo and County General Plan policies encouraging annexation of areas within city spheres of influence and would reduce unincorporated areas within Harbor Industrial requiring County services. The portions of the right-of-way along Old County Road and Harbor Boulevard that will be incorporated into the City of Belmont which will allow for greater certainty regarding maintenance responsibility.

- d. Consistency with city or county general and specific plan and the sphere of influence of any local agency which may be applicable to the proposal being reviewed.

The application requests annexation in order to allow the development of a multi-family residential building in the City of Belmont. The development would include the construction of 103 new residential units, 16 of which will be affordable to low-income households. The proposal area is currently eligible for development in the County subject to County zoning, which does not allow for residential uses.

The Belmont Village Specific Plan allows for residential uses and contains a number of policies that promote higher density, transit-oriented, and mixed-use development. As reviewed by the City of Belmont, the proposed development of a 160-unit multi-family apartment building is consistent with the adopted Specific Plan.

As noted above, the proposal is consistent with both City and County General Plan policies encouraging annexation of areas in city spheres of influence. Detachment from the special districts is consistent with policies discouraging overlapping service delivery patterns and within the spheres of influence of the districts.

- e. The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.

The proposal area is already receiving water and sewer service consistent with other areas in the City of Belmont and in the unincorporated area of Harbor Industrial. The City has indicated that there are sufficient revenue and resources to serve the property. The proponent has received will-serve letters from all affected utilities, and the proposed project would not exceed the anticipated buildout of the Belmont Village Specific Plan.

The City's General Plan EIR indicates that the buildout of the General Plan and Belmont Village Specific Plan is not expected to result in significant impacts to Fire and Police service levels, as new development would primarily be concentrated in infill areas already adequately served by both departments. The project would also be required to pay all applicable school, park, storm water fees, and sewer impact fees to the City and other relevant agencies.

- f. The extent to which the proposal will assist the receiving entity in achieving its fair share of the regional housing needs as determined by the appropriate council of governments.

The project was proposed after adoption of the City's Housing Element, and so the additional housing proposed was not anticipated; however, the annexation and construction of the project would result in 103 housing units and 16 affordable units, which would make a positive contribution towards the City achieving its respective fair share of regional housing needs.

- g. The extent to which the proposal will promote environmental justice.

The project area does not include a disadvantaged unincorporated community (DUC), as defined in Section 56033.5. (i.e., residents making less than 80% of the statewide annual median household income). At the census tract level, there are no DUCs identified in San Mateo County. The project area to be annexed is uninhabited and located within the City's SOI. The pre-zoned properties would allow for additional development density and intensity, and would allow for construction of 103 housing units, including 16 affordable, low income, housing units. Thus, the annexation of the properties would not displace existing, disadvantaged, unincorporated communities, and there is no indication that it would result in social inequities.

- h. Information contained in a safety element of general plan, local hazard mitigation plan, and any maps that identify land as a very high fire hazard zone or state responsibility area.

Based on a review of all relevant plans and maps, the area proposed to be annexed is not located in a very high fire or a state responsibility area.

#### California Environmental Quality Act

In 2017, the City of Belmont certified a programmatic Final Environmental Impact Report (FEIR) for the Belmont 2035 General Plan to approve Phase 1 Zoning, which amended the Belmont Zoning Ordinance by adding the Harbor Industrial Area (HIA) and designating the HIA with pre-zoning districts (HIA-1 and HIA-2). The HIA districts establish permitted and conditional uses to match the uses allowed under the corresponding General Plan land use designation and requirements governing building heights, lot coverage, landscaping, development standards, and design review process. The pre-zoning districts become effective upon annexation.

In its evaluation of Phase 1 Zoning, the General Plan EIR evaluated the environmental effects of future development of the Harbor Industrial Area in accordance with the HIA zoning district

requirements rather than a specific development on a particular parcel for which a developer sought land use entitlements. The General Plan EIR provided analysis regarding potential significant impacts and mitigation measures related to the City's plans for future development in the HIA and requires that any individual development projects comply with the mitigation measure adopted in the General Plan Mitigation and Monitoring Reporting Program.

The City of Belmont conducted a Consistency Analysis Initial Study Checklist as required by the California Environmental Quality Act, which did not identify new significant environmental effects in the General Plan EIR or substantial increases in the severity of any previously identified significant effects. It also found that the project is consistent with the development density established by existing zoning, community plan or general plan policies. As a result, no further analysis is required because the General Plan EIR analyzed and addressed all potential significant effects to the environment, and the project is complying with any required mitigation measures.

#### Waiver of Conducting Authority Proceedings

Sections 56662-56663 of the Cortese-Knox-Hertzberg (CKH) Act specifies that the Commission may waive conducting authority proceedings for annexations of uninhabited territory with 100 percent landowner consent provided that no objection is submitted by subject property owners or voters. The purpose of the conducting authority proceedings is to measure landowner or voter protest within the affected territory. The landowners have requested, and staff recommends waiver of conducting authority proceedings.

#### Recommended Commission Action by Resolution

The proposal is consistent with the spheres of influence of the City and special districts, General Plans of the County and the City, and the service delivery patterns in the area. Staff respectfully recommend that the Commission approve the proposal by taking the following actions:

1. By motion, certify that the Commission has reviewed and considered the Belmont Village Specific Plan Environmental Impact Report and subsequent addendum for the Windy Hill Project including any findings and the mitigation and monitoring program, prepared by the City of Belmont as lead agency and that mitigation measures are within the responsibility and jurisdiction of the City of Belmont and not within the responsibility and jurisdiction of San Mateo LAFCo (Section 15091(a)(2)).
2. By resolution, approve LAFCo File LAFCo File No. 20-10: Proposed annexation of APNs 046-032-030, 046-032-040, 046-032-080, 046-032-090, and associated right-of-way to the City of Belmont from unincorporated San Mateo County and detachment from the Harbor Industrial Sewer Maintenance District and Belmont Highway Lighting District and direct the Executive Officer to waive the conducting of the conducting authority proceedings.

**Attachments**

- A. LAFCo Resolution 1313
- B. Annexation Application for 608 Harbor Boulevard
- C. Vicinity Map
- D. Annexation Maps
- E. EIR Addendum and Notice of Determination
- F. San Mateo County Board of Supervisors Resolution No. 079993 regarding property tax exchange between the County and the City of Belmont
- G. City of Belmont Resolution regarding property tax exchange between the County and the City of Belmont

Afshin Oskoui, City of Belmont

cc:

Ann Stillman, San Mateo County Public Works

Tiffany Gee and Summer Burlison, San Mateo County Planning & Building

Gregory Smith, San Mateo County Environmental Health

Penny Boyd, San Mateo County Clerk

Andrew Smith, San Mateo County Assessor

Kat Wuelfing, Mid-peninsula Water District

Jamie D'Alessandro, Applicant

RESOLUTION NO. 1313

**RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION  
OF THE COUNTY OF SAN MATEO  
MAKING DETERMINATIONS, APPROVING LAFCO FILE 20-10  
PROPOSED ANNEXATION OF APNS 046-032-030, 046-032-040, 046-032-080, 046-032-090, AND  
ASSOCIATED RIGHT-OF-WAY TO THE CITY OF BELMONT FROM UNINCORPORATED SAN MATEO  
COUNTY AND DETACHMENT FROM THE HARBOR INDUSTRIAL SEWER MAINTENANCE DISTRICT AND  
BELMONT HIGHWAY LIGHTING DISTRICT**

**RESOLVED**, by the Local Agency Formation Commission of the County of San Mateo, State of California, that

**WHEREAS**, a proposal for the annexation of certain territory in the County of San Mateo to the City of Belmont and detachment from the Harbor Industrial Sewer Maintenance District and Belmont Highway Lighting District was heretofore filed with the Executive Officer of this Local Agency Formation Commission pursuant to Title 5, Division 3, commencing with Section 56000 of the Government Code; and

**WHEREAS**, a Certificate of Filing was issued for the Proposal on November 20, 2023; and

**WHEREAS**, the Executive Officer has reviewed the proposal and prepared a report, including the recommendations thereon, the proposal and report having been presented to and considered by this Commission; and

**WHEREAS**, it appears to the satisfaction of this Commission that all owners of the land included in the proposal consent to the proceeding; and

**WHEREAS**, a public hearing by this Commission was held on the proposal and at the hearing this Commission heard and received all oral and written protests, objections and evidence which were made, presented or filed, and all persons present were given an opportunity to hear and be heard with respect to the proposal and the Executive Officer's report; and

**WHEREAS**, the Commission has reviewed and considered the Belmont Village Specific Plan Environmental Impact Report and subsequent addendum for the Windy Hill Project including any findings and the mitigation and monitoring program, prepared by the City of Belmont as lead agency and that mitigation measures are within the responsibility and jurisdiction of the City of Belmont and not within

**NOW, THEREFORE**, the Local Agency Formation Commission of the County of San Mateo DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

Section 1. This proposal is approved, subject to the following conditions: None.

Section 2. The boundaries as set forth in the application are hereby approved as submitted and are as described in Exhibit "A" attached hereto and by this reference incorporated herein.

Section 3. The territory consists of 2.09 acres, is found to be uninhabited, and is assigned the following distinctive short form designation: Annexation of 608 Harbor Blvd. to the City of Belmont.

Section 4. The regular County Assessor's roll will be utilized.

Section 5. The territory will be taxed for existing bonded indebtedness of the City of Belmont.

Section 6. Conducting authority proceedings are hereby waived in accordance with Government Code Sections 56662 and 56663 and this annexation is hereby ordered.



Regularly passed and adopted this \_\_\_\_ day of \_\_\_\_\_.

Ayes and in favor of said resolution:

Commissioners:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Noes and against said resolution:

Commissioner(s):

\_\_\_\_\_

Absent and/or Abstentions:

Commissioner(s):

\_\_\_\_\_

\_\_\_\_\_

Chair  
 Local Agency Formation Commission  
 County of San Mateo  
 State of California

ATTEST:

\_\_\_\_\_

Rob Bartoli  
 Executive Officer  
 Local Agency Formation Commission

Date: \_\_\_\_\_

I certify that this is a true and correct copy of the resolution above set forth.

\_\_\_\_\_

Clerk to the Commission  
 Local Agency Formation Commission

Date: \_\_\_\_\_

**APPLICATION FOR A CHANGE OF ORGANIZATION, REORGANIZATION, OR OUTSIDE SERVICE AGREEMENT TO THE SAN MATEO LOCAL AGENCY FORMATION COMMISSION**

**A. GENERAL INFORMATION**

1. Briefly describe the nature of the proposed change of organization, reorganization, or outside service agreement.

APNs 046-032-030, 046-032-040, 046-032-080, 046-032-090 are currently in San Mateo County and are proposed to be annexed into the City of Belmont. The jurisdictional line between San Mateo County and City of Belmont on Old County Road between Harbor Blvd. and the north of the project site is proposed to shift from Old County Road to Elmer Street. Detachment from the Harbor Industrial Sewer Maintenance District and the Belmont Highway Lighting District is also requested.

2. An application for a change of organization or reorganization may be submitted by individuals in the form of a petition or by an affected public agency in the form of a certified resolution. This application is submitted by (check one):

- Landowners or registered voters, by petition
- An affected public agency, by resolution

**(If this application is submitted by petition of landowners or registered voters in the affected territory, complete the petition form.)**

3. What are the reasons for the proposal?

These areas lie within City of Belmont Sphere of Influence and are designated Harbor Industrial Area 1 (HIA-1) in the City of Belmont General Plan and are also zoned Harbor Industrial Area 1 (HIA-1) in the City of Belmont Zoning Map. Annexation would allow for city services to be provided to the project. Specifically, the project proposes to connect to the City's sewer system and have the City of Belmont provide The project is under preliminary review by the City of Belmont and proposes the construction of 103 multi-family rental units in a 5-story building. The units would be studios, 1-bedroom and 2-bedroom units ranging from 404-1,813 square feet in size. Open space, landscaping and amenity space is proposed for the use of the residents, as well as a public plaza to enhance the pedestrian environment. Street trees, wider sidewalk widths and street furniture are also proposed. The project will be connecting to the City of Belmont sewer system via a new 8" main in Elmer Road which will route flows from the project site northwest and connect to the existing City sewer manhole at the intersection of O'Neill Ave and Elmer Road. These flows converge with the existing city sewer flows and are routed northeast in O'Neill Ave, ultimately discharging to the Redwood Shores treatment facility. No other development projects are proposed to connect to this main.

4. Does this application have 100% consent of landowners in the affected area?

- Yes  No

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JUN 27 2023  
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5. Estimated acreage: 2.09

**B. SERVICES**

1. List the name or names of all existing cities and special districts whose service area or service responsibility would be altered by the proposed change of organization or reorganization.

City of Belmont, Harbor Industrial Sewer Maintenance District and Belmont Highway Lighting District

2. List all changes to the pattern of delivery of local services to the affected area. For each service affected by the proposed change(s) of organization, list the present source of service (state "none" if service is not now provided), the proposed source of service and the source of funding for construction of necessary facilities (if any) and operation. Example is given on the first two lines of the space provided for your response.

SERVICE	PRESENT SOURCE	PROPOSED SOURCE	FUNDING SOURCE	
			CONSTRUCTION	OPERATING
<i>Police</i>	<i>Co. Sheriff</i>	<i>City Police</i>	<i>N/A</i>	<i>Taxes</i>
<i>Sewer</i>	<i>Harbor Industrial Sewer Maintenance District</i>	<i>City of Belmont</i>	<i>Proponent</i>	<i>Fees</i>
<i>Water</i>	<i>Mid-Peninsula Water District</i>	<i>Mid-Peninsula Water District</i>	<i>Proponent</i>	<i>Fees</i>
<i>Storm Drain</i>	<i>County of San Mateo</i>	<i>City of Belmont</i>	<i>Proponent</i>	<i>Fees</i>
<i>Gas/Electric</i>	<i>PG&amp;E</i>	<i>PG&amp;E</i>	<i>Proponent</i>	<i>Fees</i>
<i>Telecom</i>	<i>AT&amp;T, Comcast</i>	<i>AT&amp;T, Comcast</i>	<i>Proponent</i>	<i>Fees</i>
<i>Fire</i>	<i>Belmont Fire Protection District</i>	<i>Belmont Fire Protection District</i>	<i>N/A</i>	<i>Taxes</i>

**C. PROJECT PROPOSAL INFORMATION**

1. Please describe the general location of the territory which is the subject of this proposal. Refer to major highways, roads and topographical features.

APNs 046-032-030, 046-032-040, 046-032-080, 046-032-090 at the intersection of Old County Road and Harbor Blvd, extending to Elmer Street. The easterly portion of Old County Road north of Harbor Blvd. directly fronting the project site. The northerly portion of Harbor Blvd. from Old County Road directly fronting the project site.

2. Describe the present land use(s) in the subject territory.

APNs 046-032-030, 046-032-040, 046-032-080, 046-032-090 are currently used as commercial/light industrial uses, including a gas service station and car wash. A vacant lot is also included. Old County Road and Harbor Blvd. are both public streets.

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3. How are adjacent lands used?

North: light industrial – self storage facility

South: light industrial-auto related uses (car rental, car repair)

East: light industrial/restaurant use-building supplies

West: light industrial/recreational use-building supplies, children's gym

4. Will the proposed change of organization result in additional development? If so, how is the subject territory to be developed?

Yes. APNs 046-032-030, 046-032-040, 046-032-080, 046-032-090s will be redeveloped into a multi-family housing development. Old County Road and Harbor Blvd. will remain public streets with new public improvements such as new, wider sidewalks. The project will be connecting to the City of Belmont sewer system via a new 8" main in Elmer Road which will route flows from the project site northwest and connect to the existing City sewer manhole at the intersection of O'Neill Ave and Elmer Road. These flows converge with the existing city sewer flows and are routed northeast in O'Neill Ave, ultimately discharging to the Redwood Shores treatment facility. No other development projects are proposed to connect to this main.

5. What is the general plan designation of the subject territory?

The General Plan Designation is Harbor Industrial Area 1 (HIA-1).

6. What is the existing zoning designation of the subject territory?

The Zoning Designation is Harbor Industrial Area 1 (HIA-1).

7. What rezoning, environmental review or development approvals have already been obtained for development in the subject territory?

The site has been rezoned by the City of Belmont as part of the recently adopted General Plan and Zoning Code Amendments to implement the General Plan. A final EIR was adopted by the City to provide environmental review for the overall General Plan. (General Plan, Phase I Zoning and Climate Action Plan Final Environmental Impact Report SCH #201608207 5). The proposed development project includes the development of multi-family residential uses.

8. What additional approvals will be required to proceed?

The project will require project specific approvals including a Multi-Family Design Review Permit and Tentative Parcel Map. The permits will rely on the recently adopted General Plan, Phase I Zoning and Climate Action Plan Final Environmental Impact Report (SCH #2016082075). It is anticipated that an EIR Consistency Analysis. (pertinent CEQA Sections 15168, 15162, 15163 and 15183) will be prepared to specifically analyze the potential project impacts.

9. Does any portion of the subject territory contain any of the following --agricultural preserves, sewer or other service moratorium or wetlands subject to the State Lands Commission jurisdiction?

The subject property does not contain agricultural preserves, sewer or other service moratoriums, nor wetlands subject to State Lands Commission jurisdiction.

10. If no specific development projects are associated with this proposal, will the proposal increase the potential for development of the property? If so, how?

A specific development project is associated with this proposal as noted above in #4.


\* \* \* \* \*

LAFCo will consider the person signing this application as the proponent of the proposed action(s). Notice and other communications regarding this application (including fee payment) will be directed to the proponent at:

NAME: Jamie D'Alessandro, Windy Hill Property Ventures EMAIL: jamie@windyhillpv.com

ADDRESS: 530 Emerson Street, Suite 150, Palo Alto, CA 94301 TELEPHONE: 650-847-1266

ATTN: Jamie D'Alessandro

  
Richard Teske, Chairman of Nella Invest, LLC

Applica\_blk.doc  
(10/6/2000)

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JUN 27 2023  
LAFCO

DT

Addendum to Application titled LAFCo File No. 20-10

Proposed Annexation of Lands of Nella-604 and 608 Harbor Blvd.

APN's 046-032-030, 046-032-040, 046-032-080, 046-032-090  
to City of Belmont and Detachment  
from the Harbor Industrial Sewer  
Maintenance District and the Belmont  
Highway Lighting District

*As part of above noted application submitted by petition, the Chief Applicants, **Richard Teske - Nella Invest, LLC** as Applicants and subject landowner(s), real parties in interest, agree to defend, indemnify, hold harmless, and release the San Mateo LAFCO, its agents, Commissioners, Executive Officer, attorneys, and employees from any claim, action, proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, and expenses, including attorney fees. The person signing this addendum to above noted application will be considered the proponent for the proposed action(s) and will receive all related notices and other communications.*



Date

6/20/2023

Richard Teske, Chairman

Date

Date

Date

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JUN 27 2023

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**PETITION  
FOR PROCEEDINGS PURSUANT TO  
THE CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT REORGANIZATION ACT  
OF 2000**

The undersigned hereby petition(s) the Local Agency Formation Commission of San Mateo County for approval of a proposed change of organization or reorganization, and stipulate(s) as follows:

1. This proposal is made pursuant to Part 3, Division 3, Title 5 of the California Government Code (commencing with Section 56000, Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000
2. The specific change(s) of organization proposed (i.e., annexation, detachment, reorganization, etc. is/are: Annexation of 608 Harbor Blvd to the City of Belmont and Detachment from the Harbor Industrial Sewer Maintenance District and the Belmont Highway Lighting District.
3. The boundaries of the territory(ies) included in the proposal are as described in Exhibit(s) attached hereto and by this reference incorporated herein.
4. The territory(ies) included in the proposal is/are:  
  
inhabited (12 or more registered voters)  Uninhabited
5. This proposal is  is not consistent with the sphere of influence of the affected city and/or district(s).
6. The reason(s) for the proposed annexation and detachment are:

These areas lie within City of Belmont Sphere of Influence and are designated Harbor Industrial Area 1 (HIA-1) in the City of Belmont General Plan and are also zoned Harbor Industrial Area 1 (HIA-1) in the City of Belmont Zoning Map. Annexation would allow for city services to be provided to the project. The project is under preliminary review by the City of Belmont and proposes the construction of 103 multi-family rental units in a 5-story building. The units would be studios, 1-bedroom and 2-bedroom units ranging from 404-1,357 square feet in size. Open space, landscaping and amenity space is proposed for the use of the residents, as well as a public plaza to enhance the pedestrian environment. Street trees, wider sidewalk widths and street furniture are also proposed. The project will be connecting to the City of Belmont sewer system via a new 8" main in Elmer Road which will route flows from the project site northwest and connect to the existing City sewer manhole at the intersection of O'Neill Ave and Elmer Road. These flows converge with the existing city sewer flows and are routed northeast in O'Neill Ave, ultimately discharging to the Redwood Shores treatment facility. No other development projects are proposed to connect to this main.

7. The proposed Annexation and Detachment is requested to be made subject to the following terms and conditions: None
8. The persons signing this petition have signed as:  
  
registered voters or X Owners of land (check one) within the subject territory.

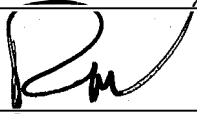
**RECEIVED**

JUN 22 2023

**LAFCO**

Wherefore, petitioner(s) request(s) that proceedings be taken in accordance with the provisions of Section 56000, et seq. Of the Government Code and herewith affix signatures as follows:

Chief Petitioners (not to exceed three):

Date:	Printed Name:	Signature/Residence	APN* 046-032-030,
June 14, 2023	Richard Teske	Address: 2349 Rickenbaker Way, Auburn, CA 95602	046-032-040, 046- 032-080, 046-032- 090
			
	RICHARD TESKE		

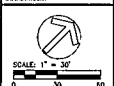
\*Assessor's Parcel Number of parcel(s) proposed for annexation.

**RECEIVED**  
AUG 14 2023  
**LAFCO**





© BKF Engineers

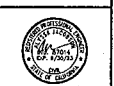


**NOTES**  
 1. LOT AND PORTIONS OF ADJACENT STREET WILL BE ANNEXED INTO THE CITY OF BELMONT. LIMITS TO BE DETERMINED BY LAFCO.

**VESTING TENTATIVE MAP**

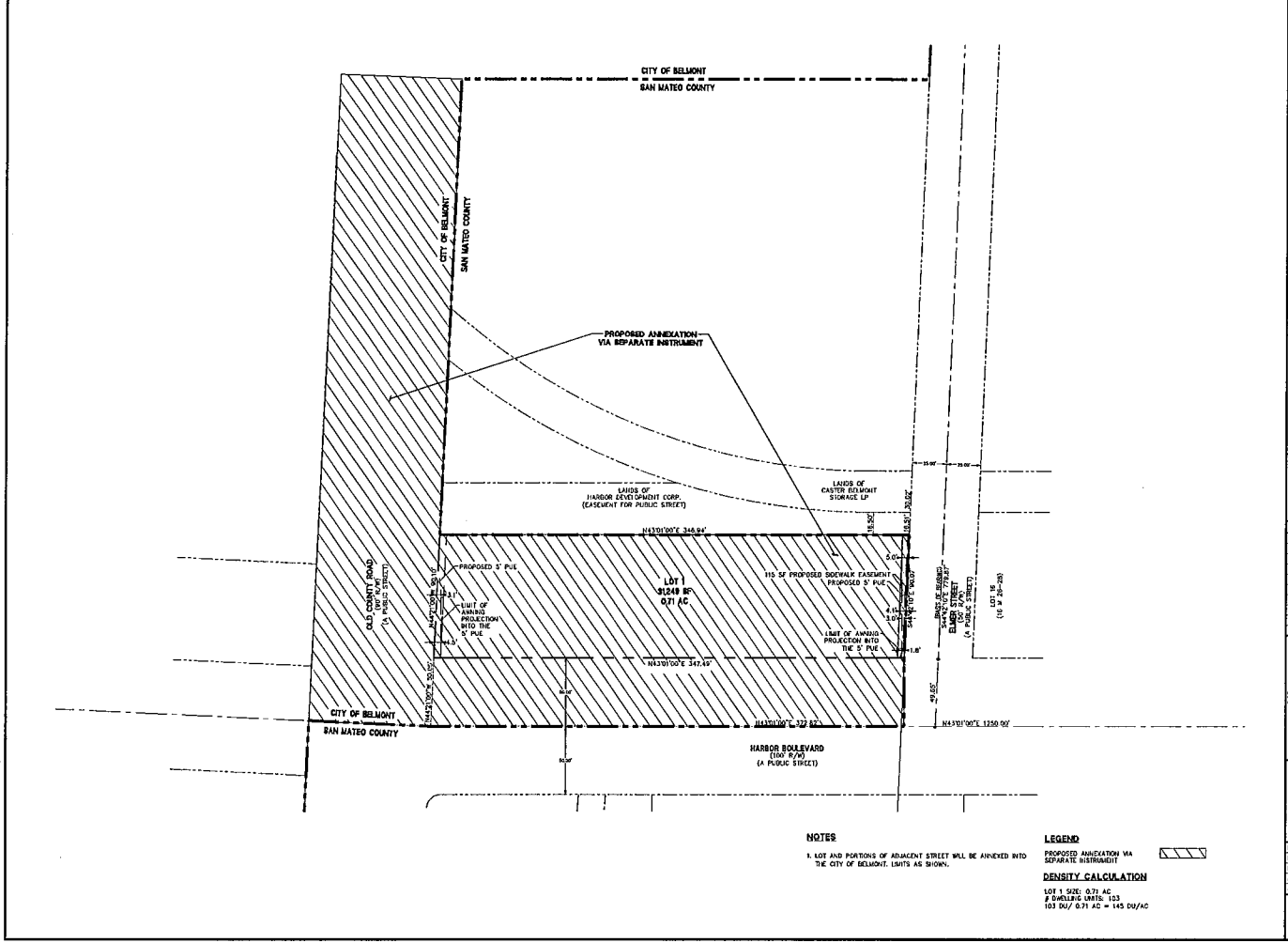
No.	Revision
09.30.21	100% SD
11.23.21	PLANNING
02.03.22	RESPONSE
05.15.22	RESPONSE
05.16.23	RESPONSE

**608 HARBOR BLVD**  
 BELMONT, CA  
 SAN MATEO COUNTY  
**PRELIMINARY PARCEL MAP**



Date: 05/28/2023  
 Drawn: JFC  
 Drawn: JHS  
 Approved: AMJ  
 Job No: 20181343  
 Working Number:  
**C2.2**  
 5 of 13

NOT FOR CONSTRUCTION



DRAWING NAME: VESTING TENTATIVE MAP FOR 608 HARBOR BLVD, BELMONT, CA. DATE: 05/28/2023. PLOT DATE: 05-29-23

**RECEIVED**  
 JUN 22 2023  
**LAFCO**

*JFC*



August 4, 2023  
BKF Job No: 20191349

**EXHIBIT A**  
**LEGAL DESCRIPTION**  
**ANNEXATION**

Real property situate in the unincorporated area of the County of San Mateo, State of California, described as follows:

Being all of Lots 1-13 and a portion of Lot 14 of Block 1 as shown on that certain map entitled "Port San Francisco", filed for record on August 8, 2017 in Book 16 of Maps at Pages 26 through 28, inclusive, in the Office of the County Recorder of San Mateo County and portions of Old County Road and Harbor Boulevard as they now exist, more particularly described as follows:

**BEGINNING** at a point on the common City/County Line between the City of Belmont and the County of San Mateo at the easterly corner of the "Old County Road – Annexation" area described in the document entitled "Annexation of 1304 Elmer Street and 633 O'Neill Avenue to the City of Belmont" recorded on January 8, 2020 as Document No. 2020-001665, Official Records of San Mateo County, which was accepted by Resolution 1242, adopted on June 17, 2019, said point being the intersection of the northeasterly line of Old County Road (width varies) with said City/County Line;

- Course 1) **THENCE** along said northeasterly line of Old County Road (width varies) South 43°39'33" East, 58.56 feet to an angle point in said line as shown on that certain Record of Survey filed for record on August 16, 2004 in Book 26 of Licensed Land Surveyor Maps at Pages 57-63, inclusive, in the Office of the County Recorder of San Mateo County
- Course 2) **THENCE** continuing along said northeasterly line South 43°18'46" East, 275.87 feet to the intersection with the northwesterly line of Block 1 as said block is shown and described in said map entitled "Port San Francisco" (16 Maps 26-28);
- Course 3) **THENCE** along said northwesterly line, North 44°03'14" East, 346.94 feet to the southwesterly line of Elmer Street (50 feet wide);
- Course 4) **THENCE** along said southwesterly line South 43°39'56" East, 90.07 feet to the intersection with a certain 10 foot strip conveyed to the County of San Mateo for widening of Harbor Boulevard by deed from California Pacific Title & Trust Company dated September 8, 1931 and recorded September 28, 1931 in Book 555 at Page 57, Official Records of San Mateo County;
- Course 5) **THENCE** leaving said point of intersection and continuing perpendicular to the centerline of Harbor Boulevard South 45°56'46" East, 50.00 feet to said centerline as shown on said map (16 Maps 26-28);
- Course 6) **THENCE** along said centerline South 44°03'14" West, 349.79 feet to an angle point in said Harbor Boulevard said point being along the point of intersection with the northeasterly line of Old County Road;
- Course 7) **THENCE** continuing along said centerline of Harbor Boulevard, South 46°41'14" West, 88.95 feet to the southeasterly extension of the southwesterly line of Old County Road being also a point on the line of said City/County Line;
- Course 8) **THENCE** along said southwesterly line of Old County Road and City/County Line North 43°18'46" West, 415.85 feet to an angle point in said line;

4670 Willow Road  
Suite 250  
Pleasanton  
California 94588  
phone 925.396.7700  
fax 925.396.7799  
www.bkf.com



August 4, 2023  
BKF Job No: 20191349

- Course 9) **THENCE** continuing along said southwesterly line and the City/County Line North 43°39'46" West, 54.74 feet to the southerly corner of the "Old County Road – Annexation" area described in Document No. 2020-001665 (Resolution 1242) being also the southwesterly extension of the southeasterly line of Parcel 1 as said parcel is shown and described in that certain Parcel Map No. 18-06 filed for record on May 7, 2021 as File No. 2021-900047 in Book 85 of Parcel Maps at Pages 87 through 89, inclusive, in the Office of the County Recorder of San Mateo County;
- Course 10) **THENCE** along the southeasterly line of said annexation North 44°07'14" East, 89.02 feet to the **POINT OF BEGINNING**.

Containing an area of 90,718 square feet or 2.083 acres, more or less.

**As shown on plat attached hereto and by this reference made part hereof as Exhibit B.**

For: BKF Engineers

\_\_\_\_\_  
Davis Thresh, P.L.S. No. 6868

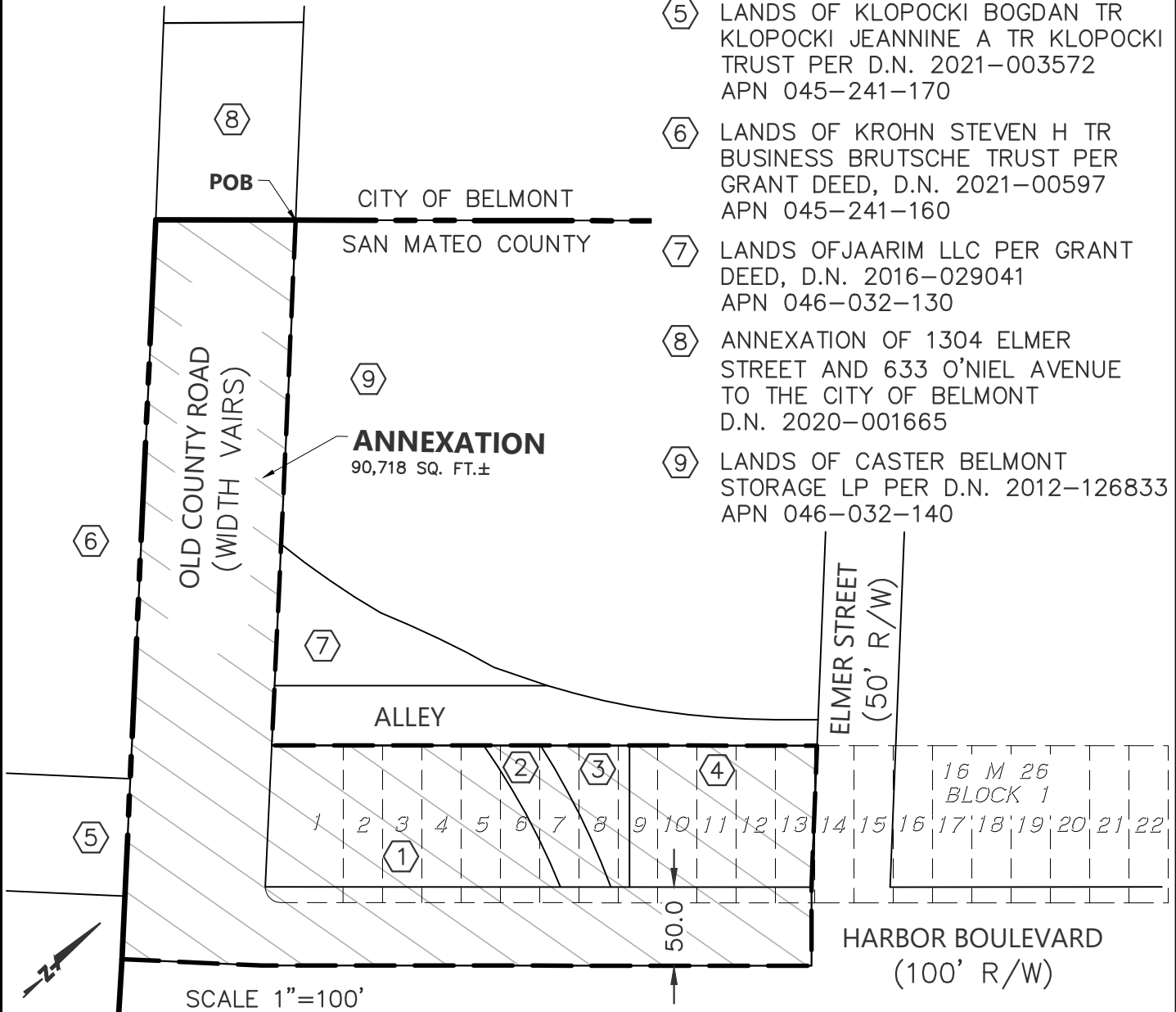
\_\_\_\_\_  
8/4/2023  
Dated



LEGEND

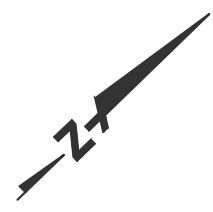
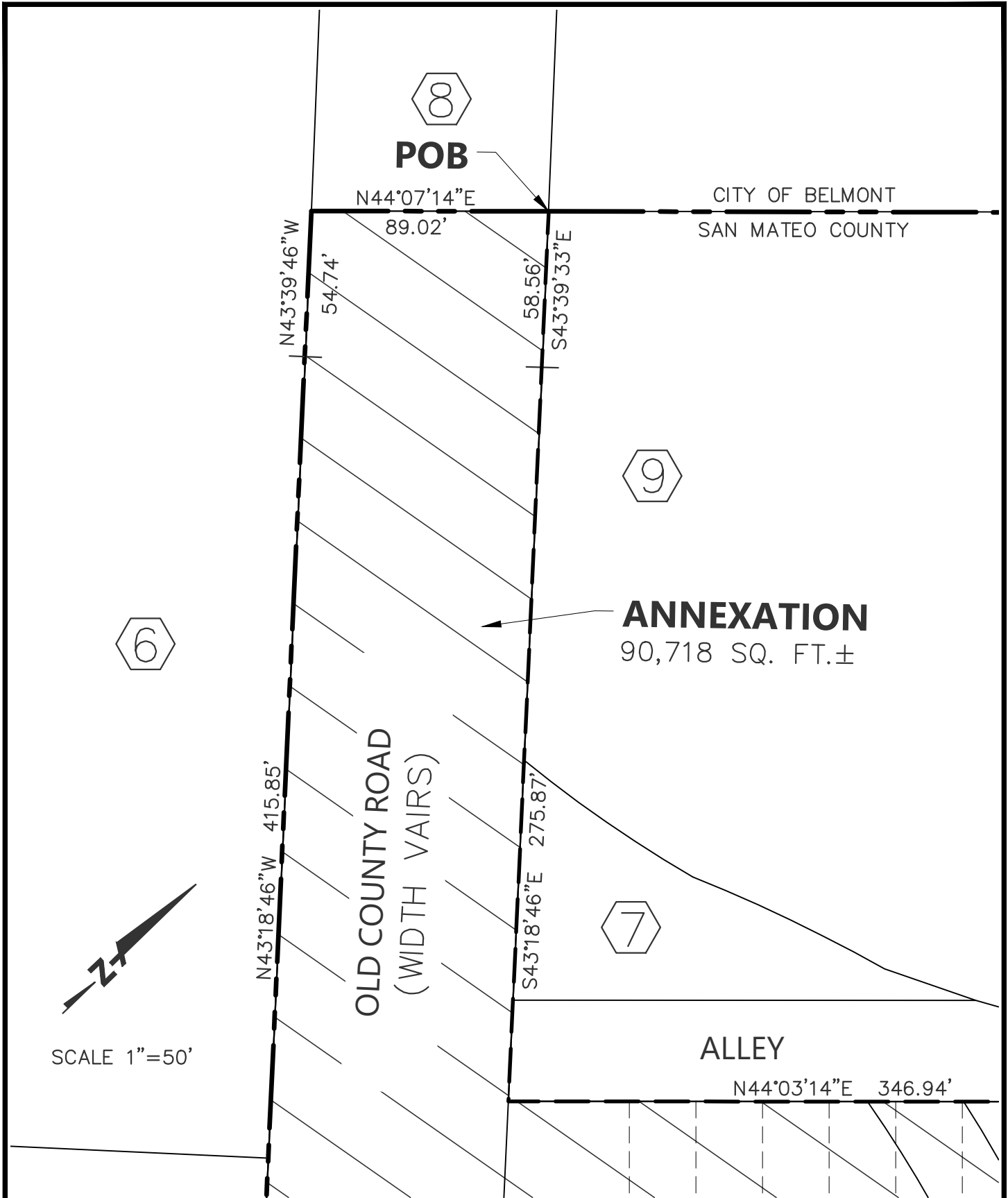
- LOT LINE
- - - EXISTING CITY LIMIT LINE
- - - PROPOSED CITY LIMIT LINE
- APN ASSESSOR'S PARCEL NUMBER
- D.N. DOCUMENT NUMBER
- POB POINT OF BEGINNING

- ① LANDS OF NELLA INVEST, LLC PER GRANT DEED, D.N. 2021-176497 APN 046-032-080
- ② LANDS OF NELLA INVEST, LLC PER GRANT DEED, D.N. 2021-176497 APN 046-032-090
- ③ LANDS OF NELLA INVEST, LLC PER GRANT DEED, D.N. 2021-176497 APN 046-032-040
- ④ LANDS OF NELLA INVEST, LLC PER GRANT DEED, D.N. 2021-176497 APN 046-032-030
- ⑤ LANDS OF KLOPOCKI BOGDAN TR KLOPOCKI JEANNINE A TR KLOPOCKI TRUST PER D.N. 2021-003572 APN 045-241-170
- ⑥ LANDS OF KROHN STEVEN H TR BUSINESS BRUTSCHE TRUST PER GRANT DEED, D.N. 2021-00597 APN 045-241-160
- ⑦ LANDS OF JAARIM LLC PER GRANT DEED, D.N. 2016-029041 APN 046-032-130
- ⑧ ANNEXATION OF 1304 ELMER STREET AND 633 O'NIEL AVENUE TO THE CITY OF BELMONT D.N. 2020-001665
- ⑨ LANDS OF CASTER BELMONT STORAGE LP PER D.N. 2012-126833 APN 046-032-140



**BKF ENGINEERS**  
 4670 WILLOW ROAD  
 SUITE 250  
 PLEASANTON, CA 94588  
 (925) 396-7700  
 www.bkf.com

Subject EXHIBIT B  
PLAT TO ACCOMPANY LEGAL DESCRIPTION  
 Job No. 20191349  
 By MO Date 8/7/2023 Chkd. MGR  
 SHEET 1 OF 4

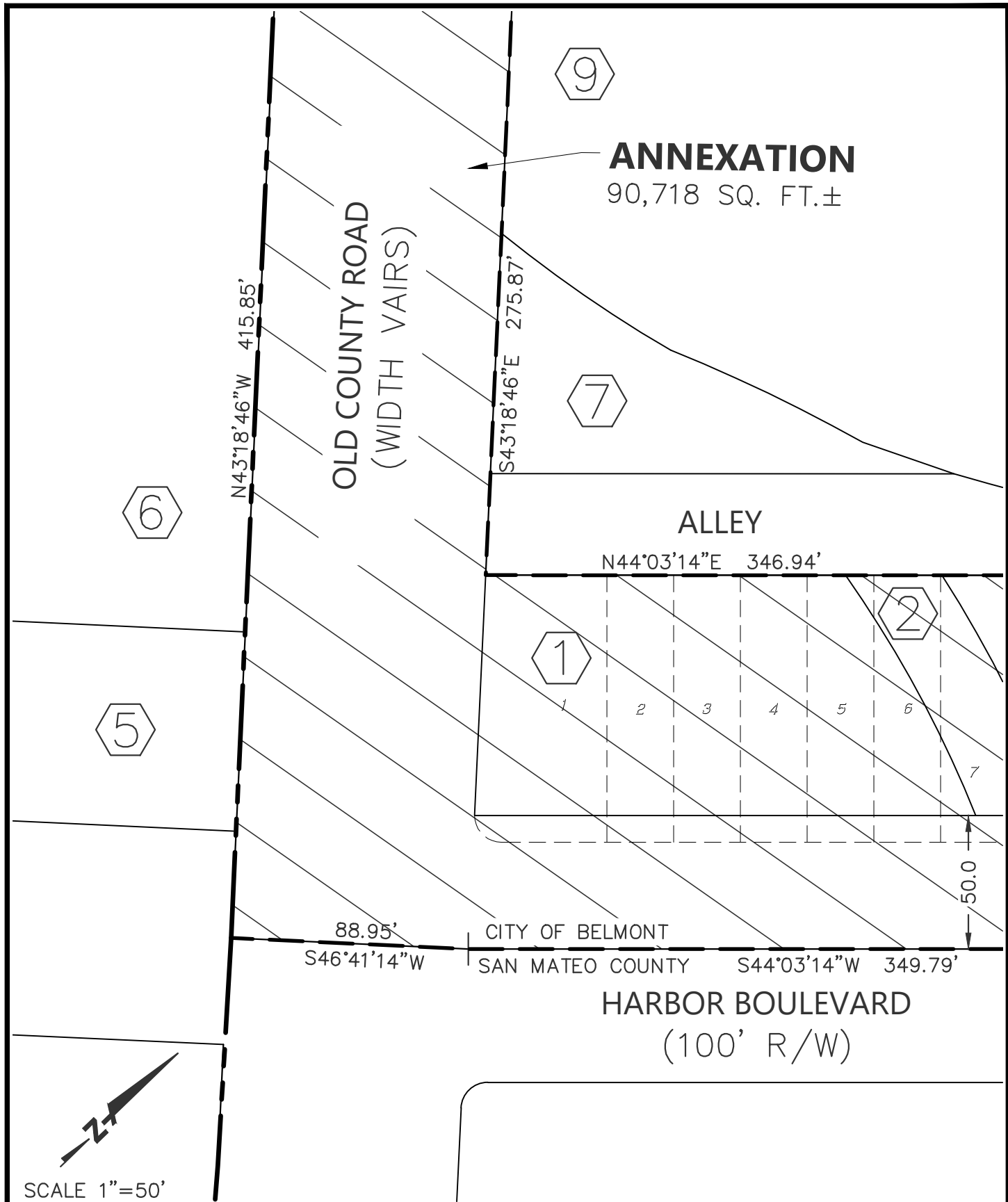


SCALE 1"=50'



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 By MO Date 8/7/2023 Chkd. MGR  
 SHEET 2 OF 4

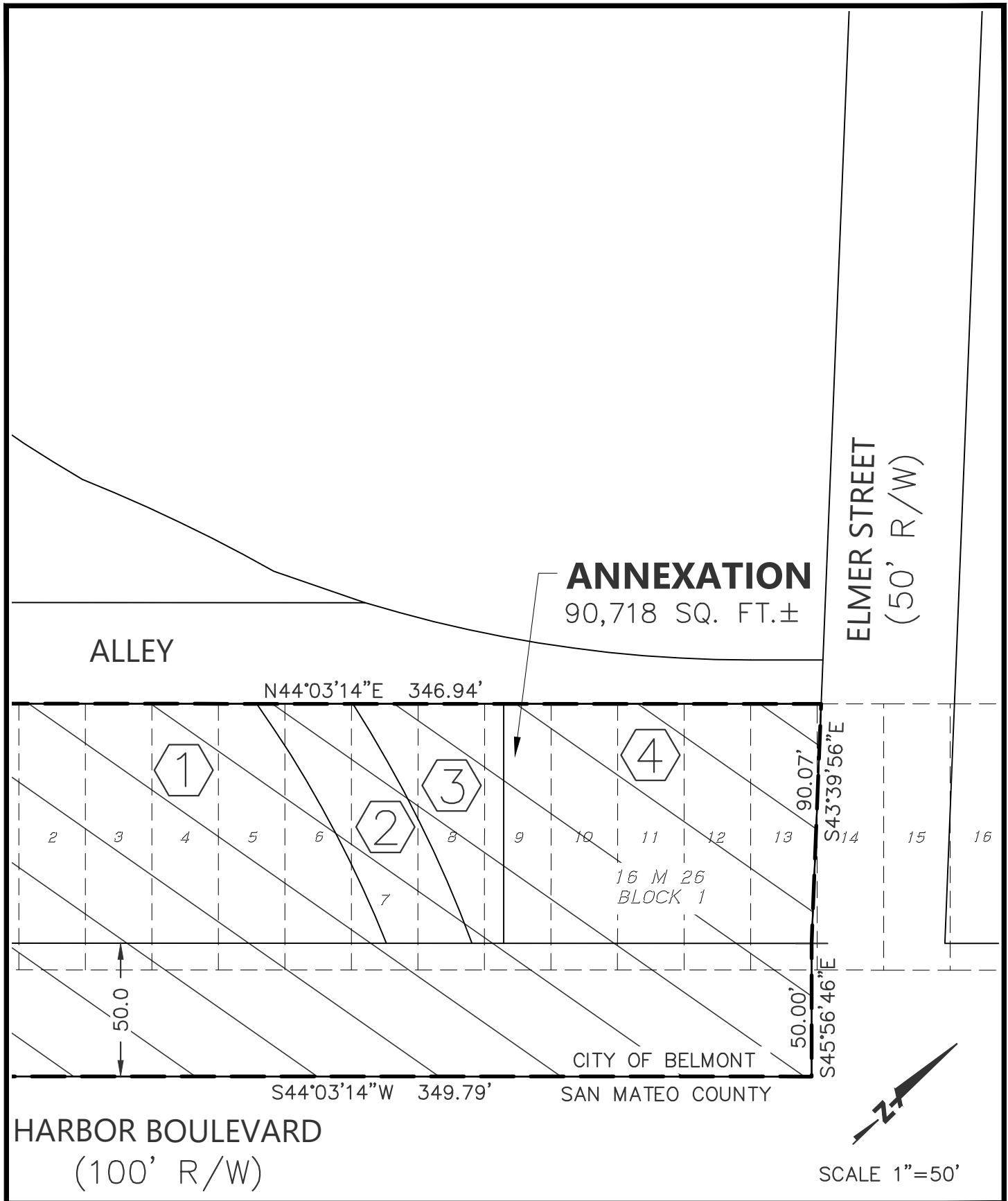


Plot Aug 07, 2023 at 9:38am



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Subject EXHIBIT B  
 PLAT TO ACCOMPANY LEGAL DESCRIPTION  
 Job No. 20191349  
 By MO Date 8/7/2023 Chkd. MGR  
 SHEET 3 OF 4



**ANNEXATION**  
90,718 SQ. FT. ±

ALLEY

ELMER STREET  
(50' R/W)

N44°03'14"E 346.94'

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16

16 M 26  
BLOCK 1

50.0

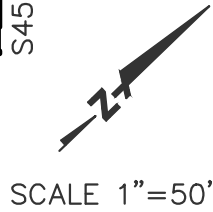
90.07  
50.00'

S43°39'56"E  
S45°56'46"E

S44°03'14"W 349.79'

CITY OF BELMONT  
SAN MATEO COUNTY

HARBOR BOULEVARD  
(100' R/W)



**BKF ENGINEERS**  
4670 WILLOW ROAD  
SUITE 250  
PLEASANTON, CA 94588  
(925) 396-7700  
www.bkf.com

Subject EXHIBIT B  
PLAT TO ACCOMPANY LEGAL DESCRIPTION  
Job No. 20191349  
By MO Date 8/7/2023 Chkd. MGR  
SHEET 4 OF 4

# 608 Harbor Boulevard Project Initial Study for EIR Consistency Analysis (June 21, 2023)

## 1 Project Information

---

**1. Project Title:**

608 Harbor Boulevard Project

**2. Lead Agency Name and Address:**

City of Belmont, 1 Twin Pines Lane, Belmont, CA 94002

**3. Contact Person and Phone Number:**

Rob Gill, AICP  
Senior Planner  
(650) 598-4204 | rgill@belmont.gov

**4. Project Location:**

See attached Figures 1 and 2. The project site comprises four parcels totaling 0.71 acres that are located at the northeast corner of Old County Road and Harbor Boulevard in unincorporated San Mateo County. Project property addresses include 604, 608, and 610 Harbor Boulevard. The project site is located within the City of Belmont's Harbor Industrial Area planning area.

**5. Project Assessor's Parcel Number:**

604 Harbor Boulevard (APN 046-032-030)  
608 Harbor Boulevard (APN 046-032-040; APN 046-032-090)  
610 Harbor Boulevard (APN 046-032-080)

**6. Project Sponsor's Name and Address:**

Windy Hill Property Ventures  
530 Emerson Street, Suite 150, Palo Alto, California, 94301

**7. General Plan Designation:**

San Mateo County: General Industrial  
City of Belmont Pre-zoning: Harbor Industrial Area (HIA-1)

**8. Zoning:**

The project parcels are within the City's Harbor Industrial Area (HIA-1) zoning district, which is a pre-zoning designation applied to parcels located within the unincorporated area of San Mateo County within Belmont's Sphere of Influence where high-density residential uses are allowed consistent with the General Plan. The project site's pre-zoning becomes effective at the time of annexation.

The Belmont Pre-zoning designation is HIA-1, which allows high density residential uses as well as light industrial, retail, hotel uses and research and development laboratories.



## 9. Description of the Project:

### ***Site Development***

See attached Figures 3 through 9. The project consists of the development of a 5-story multi-family residential building with 103 rental dwelling units (apartments) and 69 vehicle spaces in a first-floor parking garage. The project proposes a lot merger to consolidate four parcels (APN 046-032-030, 046-032-040, 046-032-090, 046-032-080) and develop the resulting 0.71-acre consolidated lot located at the northwest corner of Harbor Blvd and Old County Road. The project site is located in unincorporated San Mateo County and is proposed for annexation into the City of Belmont.

The proposed building would have 111,654 square feet of gross floor area, including residential, garage, common use, and maintenance areas, on a 31,065 square-foot (0.71-acre) lot. Project density is proposed at 145 dwelling units (DU) per acre. The building would have an 87 percent lot coverage and a floor area ratio (FAR) of 3.59. The building would be 56 feet, 6 inches to the roofline and 65 feet tall to top of parapet.

The proposed ground level, enclosed parking garage would include 69 private parking spaces for building tenants. Of the 69 total proposed parking spaces, three spaces would be reserved for Americans with Disabilities Act (ADA) use and additional spaces would be reserved for electric vehicle (EV) use. Vehicle access to the parking garage would be from an entrance driveway on Elmer Street. The project proposes 11 on-street parking stalls, ten on Harbor Boulevard and one on Elmer Street.

The project includes 67 long-term bicycle parking spaces in a secured bike room in the parking garage and 14 short-term bicycle parking spaces on the sidewalk along Harbor Boulevard.

The project would provide private balconies for some dwelling units, landscaped areas along all street frontages, public seating on the sidewalk on Harbor Boulevard, and interior common spaces including a lobby, fitness room, and co-worker lounge. The project site is completely developed and does not contain any natural habitat.

Project construction begins with the demolition and removal of hardscape and structures associated with the existing car wash and gas station located on site, including the removal of two petroleum storage tanks and associated piping that serve the gas station. A Soil and Groundwater Management Plan and Construction Risk Management Plan has been prepared to address the removal of the underground petroleum storage tanks and the required site remediation that must occur before the project is constructed. The San Mateo County Groundwater Protection Program would permit and oversee the petroleum tank removal and site remediation.

Project construction would include grading and construction of the new building, installation of new utilities and hardscape around the new building, replacement of existing sidewalks, curb, and gutters along Old County Road, Harbor Boulevard, and Elmer Street; removal of nine onsite trees, ground-level landscaping improvements, including new trees, shrubs, and groundcover; and striping for new surface parking spaces on Harbor Boulevard and Elmer Street.

Grading would include approximately 552 cubic yards of cut and 1,300 cubic yards of fill, resulting in a net fill of 748 cubic yards of grading for construction activities.

The proposed project would connect to existing potable water, sanitary sewer, storm drain, natural gas, electrical power, and telecommunications utilities located along Old County Road, Harbor Boulevard, and a utility easement immediately northwest of the project site.

The project would be required to underground the existing overhead electrical power and telecommunications lines located in the adjacent utility easement to the northwest.

### ***Existing Uses On-Site***

Currently, the project site is occupied by a gas station at 610 Harbor Blvd, a car wash at 604 Harbor Blvd, a defunct railroad track, pavement for on-site parking and internal circulation, a billboard, sidewalks, utilities infrastructure, ornamental vegetation. A railroad easement and a public utility easement are located on the project site. Prior to project construction, all existing structures and pavement would be removed. Existing easements on the property would be vacated under a legal instrument separate from City approval action on this project.

### ***Hazardous Materials and Cleanup***

The project site was originally developed in the 1960s as a parking lot and was later host to a series of gas stations, including the existing Flyers gas station, and a self-service car wash, the existing Clean Machine car wash. Past and current businesses on-site have installed and replaced a number of underground fuel storage tanks (USTs) and associated fuel dispensers and piping throughout the site's history. The project site has a history of leaking underground storage tanks (LUSTs) and release of other hazardous materials (e.g., diesel, benzene, ethylbenzene, TCE, and cis-1,2-DCE). Past environmental investigations, including soil and groundwater sampling and vapor intrusion investigation, have revealed elevated levels of hazardous materials. Because of the site's history of operating with LUSTs and gasoline station and USTs/piping are still present, the current station represents an ongoing hazardous materials concern. Further, there is also an ongoing vapor intrusion concern at the subject property.

The project is required to ensure existing hazardous materials concerns on-site do not pose a risk to future building occupants. See Section 2.9 Hazards and Hazardous Materials for a detailed summary of the project site's hazardous materials conditions and the measures the project applicant would be required to take to remediate existing hazardous materials concerns.

### ***Required Approvals***

The project requires the following approvals and entitlements by the City of Belmont.

- Design Review Permit
- Tentative Map
- Grading Plan
- Building Permit
- Encroachment Permit
- Affordable Housing Plan
- Transportation Demand Management Program
- Exterior Noise Levels Exemption (Exemption to BVSP Policy 6.5-2)
- LAFCO Approval for HIA Annexation into City of Belmont/Application (Plan for Services)
- Sewer Permit (City of Belmont)

The project would also require approval of the required Construction Risk Management Plan (CRMP) and Soil and Groundwater Management Plan (SGMP) from the San Mateo County Groundwater Protection Program (GPP) for the petroleum tank removal and site remediation.

### ***Previous CEQA Analysis and Purpose of Initial Study***

In October 2017, the City of Belmont certified a programmatic Environmental Impact Report (EIR) for the Belmont 2035 General Plan, Phase 1 Zoning, Belmont Village Specific Plan (BVSP), and Climate Action Plan (CAP). The EIR (State Clearinghouse #2016082075) is hereafter referred to as the General Plan EIR. The approved Phase 1 Zoning amended the Belmont Zoning Ordinance by adding Section 5B Harbor Industrial Area to designate the HIA with pre-zoning districts (HIA-1 and HIA-2). The HIA districts establish permitted and conditional uses to match the uses allowed under the corresponding General Plan land use designation and requirements governing building heights, lot coverage, landscaping, development standards, and design review process. The pre-zoning districts become effective upon annexation.

The certified General Plan EIR is a program EIR defined as “an EIR which may be prepared on a series of actions that can be characterized as one large project” (CEQA Guidelines §15168[a]). In its evaluation of Phase 1 Zoning, the General Plan EIR evaluated the environmental effects of future development of the Harbor Industrial Area in accordance with the HIA zoning district requirements rather than a specific development on a particular parcel for which a developer sought land use entitlements. The General Plan EIR provides analysis regarding potential significant impacts, mitigation measures, and alternatives related to the City’s plans for future development in the HIA. The intended use of the General Plan EIR includes providing environmental impact discussion for subsequent projects subject to CEQA review (EIR pg. 2-1):

*The lead agency responsible for reviewing these projects shall determine the level of review needed, and the scope of that analysis will depend on the specifics of the particular project. These projects may, however, use the discussion of impacts in this EIR as a basis of their assessment of these regional, citywide, or cumulative impacts. These projects will not be required to examine effects that the lead agency determines were:*

- *Mitigated or avoided as a result of this EIR; or*
- *Examined at a sufficient level of detail in this EIR to enable those effects to be mitigated or avoided by site-specific revisions, the imposition of conditions, or by other means in connection with project approval.*

Relevant to future development projects in the HIA, the General Plan EIR identifies: 1) the potential impacts of the buildout of the General Plan; and 2) the General Plan, Phase 1 Zoning, and CAP policies that would reduce or mitigate project impacts. As such, development projects are considered to be within the scope of the project covered by the General Plan EIR when they are found consistent with these relevant General Plan, Phase 1 Zoning, and CAP policies designed to mitigate or reduce impacts; however, individual development projects also need to comply with mitigation measures identified in the adopted General Plan Mitigation and Monitoring Reporting Program (MMRP).

Accordingly, the purpose of this Initial Study is to determine whether the project proposed for 608 Harbor Boulevard requires further environmental review beyond that which was provided by the General Plan program EIR. The following Initial Study has been prepared for this task. Pursuant to CEQA Guidelines Sections 15168, 15162, and 15163 (Program EIRs, Subsequent EIRs and Negative Declarations, and Supplements to EIRs), it analyzes whether there are any new significant environmental effects not identified in the General Plan EIR or substantial increases in the severity of any previously identified significant effects. It also analyzes the extent to which the project is consistent with the development density established by existing zoning, community plan, or general plan policies and

whether further environmental review is required pursuant to CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan or Zoning).

**10. Surrounding Land Uses and Setting:**

The project site is located in unincorporated San Mateo County but within the City of Belmont Sphere of Influence, in an industrial district surrounded by properties supporting industrial, manufacturing, warehousing, and storage land uses. Residential uses are located west of El Camino Real and north of O'Neill Avenue. The Caltrain rail line runs parallel to Old County Road near the west side of the property.

**11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun?**

This Initial Study is a consistency analysis with the certified General Plan EIR. Tribal outreach and consultation occurred under the 2035 GP Program EIR process. The consistency analysis does not require tribal notification. See Environmental Checklist Section 2.18, Tribal Cultural Resources.

**12. Other Public Agencies Whose Approval is Required:**

The project would require approvals from the following responsible agencies:

- City of Belmont: Sewer Permit
- San Mateo County LAFCo: Annexation to the City of Belmont
- San Mateo County Groundwater Protection Program

**13. Belmont Project Conditions of Approval:**

The City of Belmont has provided a set of project-specific Conditions of Approval (COA), which include the relevant General Plan EIR mitigation measures, the City's standard conditions applicable to the project, and recommended avoidance and minimization measures from the project's technical reports. The project conditions of approval are included throughout the Environmental Checklist where they would reduce the project's level of environmental impact. Attachment 1 compiles the project conditions of approval from the City's Public Works, Planning, Building, Fire, and Police Departments.

## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

<input type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Agriculture and Forestry Resources	<input type="checkbox"/>	Air Quality
<input type="checkbox"/>	Biological Resources	<input type="checkbox"/>	Cultural Resources	<input type="checkbox"/>	Energy
<input type="checkbox"/>	Geology/Soils	<input type="checkbox"/>	Greenhouse Gas Emissions	<input type="checkbox"/>	Hazards and Hazardous Materials
<input type="checkbox"/>	Hydrology/Water Quality	<input type="checkbox"/>	Land Use/Planning	<input type="checkbox"/>	Mineral Resources
<input type="checkbox"/>	Noise	<input type="checkbox"/>	Population/Housing		Public Services
<input type="checkbox"/>	Recreation	<input type="checkbox"/>	Transportation	<input type="checkbox"/>	Tribal Cultural Resources
<input type="checkbox"/>	Utilities/Service Systems	<input type="checkbox"/>	Wildfire	<input type="checkbox"/>	Mandatory Findings of Significance
<b>X</b>	None	<b>X</b>	No New Significant Impacts or Substantial Increase in the Severity of Previously Identified Significant Impacts; this activity is within the scope of the previously certified City of Belmont General Plan EIR.		

### DETERMINATION:

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there would not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- X** I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed

adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

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City of Belmont

Date

## EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less Than Significant with Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analyses,” as described in 5. below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (Section 15063(c)(3)(D)). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are “Less Than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources. A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. Explanation(s) of each issue should identify:
  - a) The criteria or threshold, if any, used to evaluate the significance of the impact addressed by each question; and
  - b) The mitigation measures, if any, prescribed to reduce the impact below the level of significance.

## 2 Environmental Checklist

### 2.1 AESTHETICS

<i>Would the project:</i>	<i>Potentially New Impact – Further Investigation to be Undertaken</i>	<i>New Impact – Reduced to Less than Significant with New Mitigation Identified</i>	<i>No Change to Previous Impact, but New or Revised Mitigation Identified</i>	<i>No Change to Previous Impact or Mitigation Identified</i>	<i>Topic Not Previously Analyzed; No Impact or Less than Significant Impact</i>
1.a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
1.b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
1.c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
1.d. Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### **Documentation:**

**1.a Scenic Vistas.** The General Plan EIR evaluated the effect of the HIA Zoning District development standards in the Phase 1 Zoning (pre-zoning the HIA), which allow for greater building density, intensity, and height in the HIA. The EIR determined that future redevelopment projects and development of vacant lots within and adjacent to already-established neighborhoods would keep development from occurring in open spaces and be subject to regulation and design review mechanisms to ensure there is no substantial adverse effect on scenic vistas (EIR p. 4.1-17). The EIR concluded that implementation of the General Plan and Phase 1 Zoning regulations would not have a significant impact on scenic vistas (Impact 4.1-1) and no mitigation was required.

The project site is located in an industrial area and is developed with multiple structures (Figure 2). The proposed project complies with all aesthetic-related development standards (e.g., site



layout, height, setbacks) and is required to go through the City's Design Review process (Zoning Ordinance Section 13) to address landscaping design and maintenance, exterior lighting, and building aesthetics. Therefore, project implementation would not result in any new significant impacts on scenic vistas or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.

**1.b Scenic Resources.** The General Plan EIR determined the Phase 1 Zoning does not have elements that would damage scenic resources visible from designated or eligible state or county scenic highways and therefore would have no impact on scenic highways (EIR p.4.1-22; Impact 4.1-2). The project site is located within the HIA district of Belmont between the Caltrain rail line to the west and the Bayshore Freeway (U.S. Highway 101) to the east. There are no scenic resources in the HIA project vicinity (e.g., trees, rock outcroppings, and historic buildings located within a scenic highway). As such, redevelopment of the project site would have no impact on scenic resources. Therefore, project implementation would not result in any new significant impacts on scenic resources or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.

**1.c. Visual Character and Public Views.** The General Plan EIR analyzed the effects of new development in the HIA resulting from the Phase 1 Zoning and determined the changes would create minimal contrasts with the scale, form, color, or overall visual character of existing neighborhoods. Almost all the development anticipated in the General Plan and Phase 1 Zoning is infill development - development on vacant or underutilized sites in existing neighborhoods. The EIR found that new investment in urban infill areas typically improves visual quality by developing vacant or underutilized properties and improving maintenance of existing structures and yards.

General Plan Policy 2.13-3 reduces the potential impact of new development that is inconsistent with established neighborhoods. New development of high-quality design can enhance the built environment with new architecture that is in character with or complements existing structures. General Plan Policy 2.5-4 supports upgrades to existing establishments through façade and streetscape improvements. New development in the HIA would occur at similar levels of density and intensity as are currently permitted by San Mateo County zoning that applies to unincorporated areas within Belmont's Sphere of Influence; the City's development standards in the Phase 1 zoning establish stricter standards for design and compatibility with a project's surroundings than the current San Mateo County zoning standards. The EIR determined taller or larger buildings do not necessarily constitute a visual impact and the General Plan and Phase 1 Zoning standards would keep taller or larger buildings from being developed in a way that block important viewsheds (EIR pp. 4.1-22-4.1-23). As a result, the EIR concluded that the Phase 1 Zoning regulations would not substantially degrade the visual character or quality of the City (Impact 4.1-3). The impact is less than significant, and no mitigation was required.

The project would remove existing structures on the site and construct a single 5-story building that is 56 feet, 6 inches tall. Parapets would extend the building height to 65 feet. The building height and mass is substantially larger than the existing surrounding development; however, the building height (65 feet) is consistent with the maximum height limit allowed by the HIA-1 pre-zoning district and the building mass (3.59 FAR) is less than the maximum allowable 5.0 FAR. Though the project would result in a substantial change in the visual character of the site from

existing conditions, the increased development density and intensity proposed by this project was envisioned by the City in the adopted General Plan and Phase 1 Zoning.

The proposed project building volume is designed to set back at multiple levels utilizing façade projections, awnings, and balconies in the upper floors of the building to reduce the overall scale of the building. The length of the building facade is broken down strategically with its building and landscape material pallet. The main building entrance incorporates a public plaza that includes an art installation and landscaping. The project will be subject to the City Design Review process to determine consistency with City design regulations.

Given the project's consistency with the Phase 1 Zoning development standards and further compliance with City design review requirements, the project would not substantially degrade the visual character or quality of the area. Therefore, project implementation would not result in any new significant impacts on scenic resources or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.

**1.d Light and Glare.** The General Plan EIR evaluated the effects of new building construction in the Planning Area on nighttime light and daytime glare. General Plan Policy 2.13-4 requires light and glare to be minimized. Policy 5.3-6 requires developers to use design features to avoid light pollution and glare and to install the minimum amount of outdoor lighting necessary for safety and security. The EIR found infill development of underutilized or vacant parcels could result in new light sources but would likely be congruous with nearby light sources. Design standards require exterior light fixtures to direct all light downward to reduce unwanted glare that may affect nighttime views (EIR p. 4.1-26). As a result, the EIR concluded that the impact of new sources of substantial light and glare that could adversely affect day or nighttime views in the area is less than significant (Impact 4.1-4) and no mitigation was required.

The proposed building exteriors would predominately be concrete of various colors as shown in Figure 4. Because the building exterior would consist primarily of non-reflective materials and reflective glass would be used only for building windows, the project is not anticipated to cause visual glare impacts affecting nearby San Carlos airport operations or residential hillside development facing the development. The project proposes exterior and interior lighting. Exterior lighting would consist of shielded LED street pole lights, LED pedestrian pole lights, and LED bollard lights installed along Old County Road, Harbor Boulevard, and Elmer Street, and shielded LED bollard lights installed on the building's second-floor outdoor landscaped area.

Given the non-reflective materials used in the building design and design controls placed on exterior lighting, the project would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area. Therefore, project implementation would not result in any new significant impacts on light or glare or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.

## 2.2 AGRICULTURAL AND FOREST RESOURCES

<i>Would the project:</i>	<i>Potentially New Impact – Further Investigation to be Undertaken</i>	<i>New Impact – Reduced to Less than Significant with New Mitigation Identified</i>	<i>No Change to Previous Impact, but New or Revised Mitigation Identified</i>	<i>No Change to Previous Impact or Mitigation Identified</i>	<i>Topic Not Previously Analyzed; No Impact or Less than Significant Impact</i>
2.a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.c. Conflict with existing zoning for, or cause rezoning of, forestland (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.d. Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### **Documentation:**

**2.a – 2.e Farmland and Forestland.** There are no farmland or forestland resources present within the General Plan planning area; therefore, these resources were not addressed in the General Plan or the General Plan EIR (Notice of Preparation, p. 15). The project site is located in a developed industrial area. There are no farmland or forestland resources located within the project site or that would otherwise be affected by the proposed project. Therefore, project implementation would not introduce new impacts or require new mitigation related to farmland or forestland resources.

## 2.3 AIR QUALITY

<i>Would the project:</i>	<i>Potentially New Impact – Further Investigation to be Undertaken</i>	<i>New Impact – Reduced to Less than Significant with New Mitigation Identified</i>	<i>No Change to Previous Impact, but New or Revised Mitigation Identified</i>	<i>No Change to Previous Impact or Mitigation Identified</i>	<i>Topic Not Previously Analyzed; No Impact or Less than Significant Impact</i>
3.a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.b. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.c. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3.d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### **Documentation:**

**3.a. Air Quality Plans.** The General Plan EIR evaluated the potential for development under the Phase 1 Zoning of the HIA to obstruct implementation of the local Clean Air Plan. Phase 1 Zoning requires implementation of Transportation Demand Management (TDM) measures for development projects larger than 10,000 square feet that would result in an increase of average daily vehicle trips of 10 percent or greater (EIR p. 4.2-31). The EIR concluded that the Phase 1 Zoning regulations would not conflict with the applicable local air quality plan with the requirement that applicable development projects implement TDMs (Impact 4.2-1); the impact is less than significant, and no mitigation was required.

The project applicant submitted a Transportation Demand Management (TDM) Plan for the project that identifies specific measures that would be implemented to encourage employees to use alternative modes of travel to reduce VMT (Nelson Nygaard 2020). The measures include improvements to pedestrian and bicycle facilities, bicycle parking for residents/visitors, free public rail system (Caltrain) rides, and carpool services. The full list of TDM measures is presented in Section 2.17 Transportation. With the implementation of the project's TDM Plan, the project is anticipated to achieve a 38.7 percent overall trip reduction, which would exceed the Belmont General Plan citywide trip reduction goal of 15 percent. As such, the project would comply with the City's trip reduction policies, which contribute to compliance with the local Clean Air Plan. Therefore, project implementation would not result in any new significant impacts related to conflict with air quality plans or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.

**3.b. Non-Attainment Pollutants.** The General Plan EIR evaluated the potential for construction and operational emissions from individual development projects to occur in excess of BAAQMD's project level thresholds. The EIR determined that emissions from individual phases and during concurrent construction may exceed BAAQMD's ROG and NOx thresholds. Fugitive dust emissions would also be significant without application of standard BMPs. General Plan EIR Mitigation Measures AQ-1 through AQ-4 would reduce construction-related emissions and General Plan Policy 5.10-3 would help minimize short-term air quality impacts. The EIR concluded that buildout conditions of the General Plan would exceed BAAQMD's NOx threshold resulting in a significant and unavoidable air quality impact during project construction (Impact 4.2-2).

The General Plan EIR further concluded that buildout conditions of the General Plan would exceed the maximum daily emissions for ROG, NOx, CO, PM10, and PM2.5 under project operation conditions (Impact 4.3-3). The General Plan and CAP include numerous policies to reduce VMT and associated mobile sources, as well as policies to increase energy efficiency and reduce energy consumption. Additionally, Phase 1 Zoning regulations requires implementation of Transportation Demand Management measures for projects exceeding a certain size to further curb emissions. General Plan EIR Mitigation Measure AQ-5 promotes use of green consumer products. The EIR concluded there were no measures to reduce operational emissions beyond Mitigation Measure AQ-5 and as a result, the air quality impact remained significant and unavoidable. The EIR further concluded that the new development contemplated in the General Plan would result in a cumulatively considerable net increase of a criteria pollutant for which the project region is a nonattainment area for an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors (impact 4.2-4). This impact was determined to be significant and unavoidable.

The project would contribute emissions of criteria pollutants through construction activities and project operation. Project construction would involve the use of heavy construction equipment with engines that emit criteria pollutants and potential dust emissions. Project operation would generate emissions largely through resident vehicle use but also through the use of building heating and cooling systems. As a development project, the project would be required to implement Mitigation Measures AQ-1 through AQ-5 identified in the General Plan EIR. Project implementation of Mitigation Measures AQ-1 through AQ-4 would minimize the project's short-term emissions impacts due to construction activities. The project is required to implement applicable General Plan and CAP policies to reduce VMT and associated mobile emissions sources and to increase project energy efficiency. As discussed under 3.a, the project's proposed TDM strategies would achieve a trip reduction rate beyond what is required by the City. The project is also required to comply with Belmont Municipal Code Chapter 7, Article IV. (Construction Regulations), which implements Title 24 of the California Building Code, which establishes building efficiency standards. In addition, project implementation of Mitigation Measure AQ-5 would help minimize project operational emissions. Project compliance with City requirements and the mitigation measures identified in the General Plan EIR would help reduce project emissions and ensure the project alone does not have significant air quality impacts. However, as concluded by the General Plan EIR, new development considered in the General Plan would cumulatively have a significant and unavoidable air quality impact.

The General Plan and Phase I Zoning's significant and unavoidable air quality impacts were evaluated in the General Plan EIR, which prescribed emissions-related mitigation measures. The project would implement the applicable General Plan EIR air quality mitigation measures as project conditions of approval. Therefore, project implementation would not result in any new significant impacts related to conflict with air quality plans or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.

### **Conditions of Approval – Non-Attainment Pollutants**

#### Air Quality

- a. Pursuant to GP EIR Mitigation Measure AQ-1, the applicant shall require their contractors, as a condition of contract, to further reduce construction-related exhaust emissions by ensuring that all off-road equipment greater than 50 horsepower (hp) and operating for more than 20 total hours over the entire duration of construction activities shall operate on an EPA-approved Tier 4 or newer engine. Exemptions can be made for specialized equipment where Tier 4 engines are not commercially available within 200 miles of the project site. The construction contract must identify these pieces of equipment, document their unavailability, and ensure that they operate on no less than an EPA-approved Tier 3 engine. ARB regulations will result in the percentage of Tier 4 engines increasing over the next several years.
- b. Pursuant to GP EIR Mitigation Measure AQ-2, the applicant shall require their contractors, as a condition of contract, to reduce construction-related exhaust emissions by ensuring that all off-road equipment greater than 50 horsepower (hp) and operating for more than 20 total hours over the entire duration of construction activities shall operate on renewable diesel (such as Diesel high performance renewable). Renewable diesel is currently commercially available in San Francisco Bay Area.
- c. Pursuant to GP EIR Mitigation Measure AQ-3, the applicant shall require their contractors, as a condition of contract, to reduce construction-related fugitive ROG emissions by ensuring that low-VOC coatings that have a VOC content of 10 grams/liter (g/L) or less are used during construction. The project applicant will submit evidence of the use of low-VOC coatings to BAAQMD prior to the start of construction.
- d. Mitigation Measure AQ-4: Require Fugitive Dust Best Management Practices. All applicants proposing development of projects within Belmont shall require their contractors, as a condition of contract, to reduce construction-related fugitive dust by implementing BAAQMD's basic control measures at all construction and staging areas. The following measures are based on BAAQMD's current CEQA guidelines:
  - i. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
  - ii. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
  - iii. 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.

- iv. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
  - v. 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.
  - vi. Post a publicly visible sign with the telephone number and the name of the person to contact at the lead agency regarding dust complaints. This person will respond and take corrective action within 48 hours. The phone number of the District will also be visible to ensure compliance.
- e. Pursuant to GP EIR Mitigation Measure AQ-5, the developer(s) shall provide education for residential and commercial tenants concerning green consumer products. Prior to receipt of any certificate of final occupancy, the project sponsors shall work with the City of Belmont to develop electronic correspondence to be distributed by email to new residential and commercial tenants that encourages the purchase of consumer products that generate lower than typical VOC emissions. Examples of green products may include low-VOC architectural coatings, cleaning supplies, and consumer products, as well as alternatively fueled landscaping equipment.
- f. The applicant must require their contractors, as a condition of contract, to reduce construction-related exhaust emissions by implementing following measures during construction related activities:
- i. Idling times must be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage must be provided for construction workers at all access points.
  - ii. All construction equipment must be maintained and properly tuned in accordance with manufacturer's specifications. All equipment must be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- g. The applicant must require their contractors, as a condition of contract, to reduce construction-related fugitive ROG emissions by ensuring that paints and solvents have a VOC content of 100 grams per liter or less for interior surfaces and 150 grams per liter or less for exterior surfaces.

**3.c. Sensitive Receptors.** The General Plan EIR indicates that the construction of individual development projects has the potential to expose sensitive receptors (residential uses, hospitals, schools, daycare centers, etc.) to toxic air contaminants (TACs). Mitigation Measure AQ-6 requires that all projects proposing development within 1,000 feet of existing sensitive receptors prepare a site-specific health risk assessment (HRA). The General Plan EIR concluded that implementation of the General Plan would potentially expose sensitive receptors to substantial pollutant concentrations from new sources of toxic air containments (Impact 4.2-5) and that this impact was significant and unavoidable.

**Mitigation Measure AQ-6:** Require Future Projects Located within 1,000 Feet of Receptors Perform a Construction Health Risk Assessment. All applicants proposing development of projects within 1,000 feet of existing sensitive receptors, as defined by the Bay Area Air Quality Management District (BAAQMD), shall prepare a site-specific construction health risk assessment (HRA). If the HRA demonstrates, to the satisfaction of the City, that the health risk exposures for adjacent receptors will be less than BAAQMD project-level thresholds, then additional mitigation would be unnecessary. However, if the HRA demonstrates that health risks would exceed BAAQMD project level thresholds, additional feasible on- and offsite mitigation shall be analyzed by the applicant to help reduce risks to the greatest extent practicable.

The project is located within 1,000 feet of sensitive receptors. The City implemented AQ-6 during the project application process and required the applicant to prepare an HRA for the proposed project. The applicant has submitted an HRA (Attachment 2) for the project that demonstrates compliance with BAAQMD project level thresholds. Therefore, project implementation would not result in any new significant impacts related to conflict with air quality plans or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.

**3.d. Other Emissions.** The General Plan EIR evaluated potential odor emitters during construction activities that are likely to occur in the General Plan Area including diesel exhaust, asphalt paving, and architectural coatings and solvents. Construction-related operations near existing receptors would be temporary, and construction activities would not be likely to result in nuisance odors that would violate BAAQMD Regulation 7. The EIR concluded that given mandatory compliance with BAAQMD rules, no construction activities or materials associated with implementation of the General Plan would create a significant level of objectionable odors. Accordingly, odor impacts would be less than significant (Impact 4.2-7).

The project would emit odors during construction activities due to the emission of diesel exhaust, asphalt paving, and architectural coatings and solvents. The project would comply with mandatory BAAQMD rules related to emission of objectionable odors and the City's conditions of approval related to dust control, which require the preparation of a project dust control plan (see Public Works Department COA #32, listed in section 2.10 Hydrology and Water Quality). Therefore, project implementation would not result in any new significant impacts related to conflict with air quality plans or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.



## 2.4 BIOLOGICAL RESOURCES

<i>Would the project:</i>	<b><i>Potentially New Impact – Further Investigation to be Undertaken</i></b>	<b><i>New Impact – Reduced to Less than Significant with New Mitigation Identified</i></b>	<b><i>No Change to Previous Impact, but New or Revised Mitigation Identified</i></b>	<b><i>No Change to Previous Impact or Mitigation Identified</i></b>	<b><i>Topic Not Previously Analyzed; No Impact or Less than Significant Impact</i></b>
4.a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<i>Would the project:</i>	<i>Potentially New Impact – Further Investigation to be Undertaken</i>	<i>New Impact – Reduced to Less than Significant with New Mitigation Identified</i>	<i>No Change to Previous Impact, but New or Revised Mitigation Identified</i>	<i>No Change to Previous Impact or Mitigation Identified</i>	<i>Topic Not Previously Analyzed; No Impact or Less than Significant Impact</i>
4.f. Conflict with the provisions of an adopted Habitat Conservation Plan (HCP), Natural Conservation Community Plan (NCCP), other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Documentation:**

**4.a. Habitat Modification & Protected Species.** The General Plan EIR determined that the implementation of the Phase I Zoning would allow for infill development and redevelopment of vacant and underutilized parcels in the Harbor Industrial Area. The EIR also determined the General Plan and Phase I Zoning include policies and regulations that would minimize or avoid impacts to sensitive species by requiring the protection and preservation of such resources. Policy 4.4-6 requires the City to develop programs to control invasive species, which could modify habitats; Policy 5.1-3 protects against ecological succession and pathogen threats; Policy 5.3-1 requires the City to support the protection of habitats of special status species; Policy 5.3-2 requires the City to protect ecologically important areas; and Policy 5.3-3 requires protection of sensitive habitat and special-status species from disturbance by development to the greatest extent feasible by requiring appropriate and feasible mitigation measures. Policies 5.1-1 and 5.1-4 ensure that improvements and planning of open spare areas are consistent with the particular type of open space and the City’s open space strategy. In addition, Policies 2.14-3 and 5.1-2 specifically address the interface between natural and developed areas to support wildlife needs. As a result, the EIR determined that the Phase 1 Zoning impact would not have a substantial adverse effect on any sensitive species identified as a candidate, sensitive, or special-status species in local or regional plans (Impact 4.3-1) and no mitigation was required.

The project site is an urban commercial/industrial area developed with paved surfaces and building structures with the engineered Belmont Creek flood control channel flowing approximately 400 feet south of the site across the Harbor Boulevard and Old County Road intersection. A biological resource analysis conducted for the project in April 2020 by Johnson Marigot Consulting determined there is no habitat suitable for special-status habitats, plants, or wildlife within the development footprint (Attachment 3).

Special-Status Bats: The shrubs and trees on the project site provide potentially suitable roosting habitat for the western red bat (*Lasiurus blossevillii*), California Species of Special Concern, which are known to occur in the San Francisco Bay Area. The project biological resources analysis recommends avoidance and minimization measures due to the presence of suitable onsite roosting habitat. The City will require as a standard condition of approval the implementation of the recommended avoidance and minimization measures to protect special-status bats from project-related impacts. Compliance with this condition of approval would

ensure implementation of the proposed project would not result in impacts to special-status bats.

### **Conditions of Approval – Nesting Birds and Special-Status Bats**

#### *Planning Division*

#### Nesting Birds & Roosting Bats – Preconstruction Surveys

- a. To minimize potential impacts on nesting birds, the applicant shall avoid construction activities (i.e., tree pruning, tree removal, tree protection work, demolition, grading, and construction) during the active nesting season (between February 1, and August 31). If it is not possible to schedule construction activities between September 1 and January 31, then pre-construction surveys for nesting birds should be conducted by a qualified biologist to ensure that no nests will be disturbed during project implementation. These surveys shall be conducted no more than 7 days prior to the initiation of construction activities. During this survey, a qualified biologist will inspect all trees and other potential nesting habitats (e.g., trees, shrubs, and structures) in and immediately adjacent to the impact areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by these activities, the biologist will determine the extent of a construction-free buffer zone to be established around the nest (typically 300 ft for raptors and 100 ft for other species, typically recommended by the California Department of Fish and Wildlife), to ensure that no nests of species protected by the Migratory Bird Treaty Act and California Fish and Game Code will be disturbed during project implementation.
- b. If construction activities will not be initiated until after the start of the nesting season, all potential nesting substrates (e.g., bushes, trees, grasses, and other vegetation) that are scheduled to be removed by the Project should be removed prior to the start of the nesting season (e.g., prior to February 1). This will reduce the initiation of nests in the vegetation and reduce potential delays of the Project due to the presence of active nests within these substrates.
- c. A qualified biologist shall visually inspect trees to be removed for bat roosts within 7 days prior to their removal. The biologist will look for signs of bats including sightings of live or dead bats, bat calls or squeaking, the smell of bats, bat droppings, grease stains, or urine stains around openings in trees or structures, or flies around such openings. Trees with multiple hollows, crevices, forked branches, woodpecker holes or loose and flaking bark have the highest chance of occupation and shall be inspected the most carefully.
- d. If signs of bats are detected, CDFW should be contacted about how to proceed. Echo-location surveys may be needed to verify the presence of bats, or an exclusion zone around the occupied tree may be recommended until bats leave the roost. Due to restrictions of the California Health Department, direct contact by workers with any bat is not allowed. The qualified bat biologist shall be contacted immediately if a bat roost is discovered during project construction.

Migratory Birds. The trees and shrubs, as well as the billboard on the project site provide suitable nesting habitat for a variety of raptors and passerines. Removal of onsite trees, demolition, grading, excavation, and construction activities could impact nesting birds if such activities are scheduled during the breeding season (February 15 through August 31). This type of impact would be considered a violation of the MBTA and California Fish and Game Code.

The project biological resources analysis recommended standard avoidance and minimization measures to avoid project-related impacts on migratory birds. Compliance with the recommended standard avoidance and minimization measures as a condition of approval that requires the applicant either avoid construction activities (i.e., tree removal, demolition, grading, and construction) during the active nesting season or conduct preconstruction surveys for nesting birds and provide appropriate buffer zones would reduce potential impacts and disturbance of nesting birds. The project would also be required to comply with General Plan Policy 5.3-3, which directs the City to ensure that development does not disturb special status species by requiring appropriate and feasible mitigation measures. Compliance with these policies would further ensure that significant impacts related to nesting birds would be avoided. Subject to the standard conditions of project approval for nesting birds identified above, no significant impacts would occur with respect to nesting migratory birds.

Given the developed nature of the project site and the absence of special-status species habitat within the project footprint, the project would not substantially modify habitat values. Further, project conditions of approval would implement protection measures for protected bat and nesting bird species that may potentially utilize the on-site vegetation and billboard. Therefore, project implementation would not result in any new significant impacts on special-status species or their habitat or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.

**4.b. Riparian Areas and Sensitive Habitat Communities.** The General Plan EIR evaluated the potential impacts of implementing the Phase I Zoning, which would allow for infill development and redevelopment of vacant and underutilized parcels near aquatic habitats east of Highway 101. The General Plan EIR determined that although development of these vacant parcels may affect riparian or sensitive habitat, the areas that may develop are already designated for urban uses. Further, the General Plan includes policies that would minimize or avoid impacts to sensitive habitat by requiring the protection and preservation of such resources. Policy 4.5-2 protects Belmont Creek from encroachment; Policy 5.3-2 requires the City to ensure that development does not disturb sensitive habitat and special status species, including the creek corridors; and Policy 5.4-3 requires the City to protect wildlife habitat along Belmont's waterways. As a result, the EIR concluded that implementation of the Phase 1 zoning would not have a substantial adverse effect on riparian habitat or other sensitive natural communities identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service (Impact 4.3-2); the impact was less than significant, and no mitigation was required.

The project site contains ruderal and ornamental vegetation. No riparian areas or sensitive habitat communities are located on the site. The project biological resource analysis concludes the project would not impact sensitive habitat because there is no such habitat located onsite. Therefore, project implementation would not result in any new significant impacts on riparian and sensitive habitat communities or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.

**4.c. Protected Wetlands.** The General Plan EIR determined that although implementation of the General Plan and Phase I Zoning may result in actions that could adversely affect jurisdictional wetlands or waters, they include policies and regulations that would minimize or

avoid impacts to these resources by requiring the protection and preservation of such resources. Implementation of General Plan policies as well as compliance with federal, State, and local regulations would ensure that impacts to wetlands are less than significant (Impact 4.3-3) and no mitigation was required.

The project site does not contain federally protected wetlands (USFWS 2021). Therefore, project implementation would not result in any new significant impacts on riparian or sensitive habitats or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.

**4.d. Wildlife Movement, Corridors, Nursery Sites.** The General Plan EIR evaluated the likelihood of development within the General Plan area to impact wildlife corridors for common and listed species (EIR p. 4.3-39). The EIR determined that infill parcels designated for urban uses in a developed area are unlikely to function as wildlife corridors. The General Plan includes policies that would minimize or avoid impacts to important wildlife corridors and linkages by requiring the protection and preservation of such resources. Policy 5.3-4 requires the city to maintain wildlife corridors, and Policy 5.4-3 requires the City to protect a continuous corridor of riparian habitat. As a result, implementation of the General Plan policies and Phase 1 Zoning would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites (Impact 4.3-4). This impact is less than significant; no mitigation was required.

According to the project biological resources analysis, the project site's regional location is not within or adjacent to known regional or local wildlife corridors for any common or special-status species. The site's location within the highly urbanized portion of San Mateo County precludes its use as a wildlife corridor as it is embedded within a matrix of barriers to wildlife movement (i.e., heavily trafficked roadways and buildings). As such, the development of the site would not interrupt any regional or local migration corridors. Therefore, project implementation would not result in any new significant impacts on wildlife movement or use of wildlife nursery sites or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.

**4.e. Local Biological Resource Protection Policies.** The General Plan EIR evaluated the impact of implementing the General Plan on local policies or ordinances protecting biological resources (p. 4.3-40). The EIR determined that the City of Belmont has a Tree Ordinance (Chapter 25 of the Belmont Municipal Code) to promote the healthy growth of trees, control the removal of trees, and encourage the replacement of trees within the City. The City's Tree Ordinance prohibits removal of regulated trees without a permit approved by the City's Tree Board. Regulated trees include:

- Coast Live Oak, Valley Oak, Coast Redwood, Madrone, Bay Laurel, and Buckeye having a single main stem or trunk of ten (10) inches or more diameter at breast height (DBH - measured across the widest face of the trunk at four and one-half (4.5) feet above the natural grade).
- All other species with a main stem or trunk of fourteen (14) inches or more DBH.
- Multi-stemmed trees totaling eighteen (18) inches or more DBH.

Policy 2.4-2 in the General Plan requires the City to maintain tree protection and removal standards, implemented by the Tree Ordinance. Buildout activity under the General Plan would continue to follow these regulations. As a result, the EIR concluded that development under the General Plan and Phase 1 Zoning would not conflict with local policies or ordinances protecting biological resources (Impact 4.3-5). There is no impact and no mitigation was required.

The project involves demolition, grading, excavation, and construction activities that would result in the removal of on-site landscaping trees. The project applicant submitted an arborist report (Kielty Arborist Services LLC, March 20, 2020) evaluating the potential impacts of project construction on trees (Attachment 4). The nine trees on the project site would be removed as part of project implementation. While a majority of these trees are not protected species or of a protected size class, two coast redwoods and one valley oak that qualify as regulated trees due to their species occur on the site. The arborist report indicated that removal and replacement of all of the trees onsite is recommended as the form of the trees will never improve and all of the trees are replaceable, even those that are considered protected species. Removal of the two coast redwoods and one valley oak occurring on the project site would require a tree removal permit from the City of Belmont.

The project would be required to comply with the City's Tree Ordinance and undergo the tree removal permit application process, which requires replacement tree plantings or the payment of in lieu fees. Environmental impacts are considered mitigated for projects that adhere to this policy. Subject to the conditions of the required City-issued tree removal permit, the project would not have a significant impact on trees and would not conflict with City policies or ordinances protecting biological resources, such as the Tree Ordinance. Therefore, project implementation would not result in any new significant impacts related to conflicts with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.

**4.f. Conservation Plans.** No habitat conservation plans have been adopted in the Planning Area (EIR p. 4.3-41). The General Plan EIR concluded that future development under the General Plan would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan (Impact 4.3-6). Therefore, project implementation would not result in any new significant impacts on conservation plans or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.

## 2.5 CULTURAL RESOURCES

<i>Would the project:</i>	<i>Potentially New Impact – Further Investigation to be Undertaken</i>	<i>New Impact – Reduced to Less than Significant with New Mitigation Identified</i>	<i>No Change to Previous Impact, but New or Revised Mitigation Identified</i>	<i>No Change to Previous Impact or Mitigation Identified</i>	<i>Topic Not Previously Analyzed; No Impact or Less than Significant Impact</i>
5.a. Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Section 15064.5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5.b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5.c. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### **Documentation:**

**5.a. Historic Resource.** The General Plan EIR (Chapter 4.4 Cultural Resources) evaluated the potential for impacts to historical resources within the planning area. The EIR identified historical resources that could potentially be impacted and identifies General Plan policies (2.23-1 through 2.23-4) that would minimize or avoid impacts to historical resources by requiring the protection and preservation of such resources (EIR pp. 4.4-19 and 4.4-20). The EIR concluded that the impact to historical resources (Impact 4.4-1) from Phase 1 Zoning would be less than significant and no mitigation was required.

The project site does not contain known historical resources. No historical resources in the Harbor Industrial Area were identified in the General Plan EIR. Additionally, the project Applicant engaged Archaeological Resource Management to prepare a site-specific cultural resources evaluation, titled, “Cultural Resource Evaluation of the Project at 608 Harbor Boulevard in Belmont, California,” and dated March 4, 2020. The cultural resource evaluation included archival research to determine the presence of recorded historic sites within the project site. The cultural resource evaluation concluded there are no historic sites within the project site. Therefore, 608 Harbor Boulevard project implementation would not result in any new significant impacts on historical resources or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.

**5.b. Archaeological Resource.** The General Plan EIR (Chapter 4.4 Cultural Resources) evaluated the impact of future development on archaeological resources from Phase 1 zoning. Future development projects would involve grading, excavation, or other ground-disturbing activities, which could disturb or damage unknown archaeological resources. The General Plan includes policies and regulations that would minimize or avoid impacts by requiring the protection and preservation of such resources. Policy 5.12-1 requires mitigation for development on sites suspected of being archeologically significant, including the three identified prehistoric

sites; and Policy 5.12-2 requires that, if archaeological resources are discovered during construction, an evaluation be completed before construction activities resume. As a result of implementation of the proposed General Plan policies, as well as compliance with federal, State, and local regulations, the EIR concluded (pp. 4.4-21 and 4.4-22) that the General Plan and Phase 1 Zoning development would not cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064 (Impact 4.4-2); the impact is less than significant, and no mitigation was required.

The project site has been previously developed and does not contain known archaeological resources. No archaeological resources in the Harbor Industrial Area were identified in the General Plan EIR. Additionally, the project cultural resources evaluation (Archaeological Resource Management 2020) reports that historic record searches identified no archaeological resources on the project property. One previously recorded prehistoric cultural resource is located within a one-half mile radius of the proposed project area. No prehistoric resources were identified during Archaeological Resource Management's archaeological survey of the site; however, due to poor surface visibility during the survey and the general sensitivity of the project area and vicinity to buried prehistoric cultural resources, Archaeological Resource Management recommends that a qualified archaeologist monitor construction activities into native soils for the proposed project.

The City of Belmont includes protection of archaeological discoveries as a standard condition of approval. The recommendations in the project cultural resources evaluation are consistent with General Plan Policy 5.12-1, which requires monitoring during any ground disturbance for all development in areas of historical and archaeological sensitivity. In addition, the project would implement the City's standard project conditions of approval (COAs) for construction crew training, and protocols for unanticipated cultural resource finds. Therefore, the project would not result in any new significant impacts on archaeological resources or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.

### **Conditions of Approval – Cultural Resources**

#### *Planning Division*

#### Cultural Resources

- a. Prior to issuance of building permits, the applicant shall demonstrate that construction crews have proper training for the discovery, handling, and retention methods for paleontological, archeological and/or cultural resources found at the project site. Project personnel should not collect cultural resources. Prehistoric resources include: chert, or obsidian flakes, projectile points, mortars and pestles, dark, friable soil containing shell and bone dietary debris, heat- affected rock, or human burials. Historic resources include: stone or adobe foundations or walls, structures and remains with square nails, and refuse deposits or bottle dumps.
- b. In the event that paleontological, archaeological, and/or cultural resources are encountered during construction activities, all construction activity in the area of the find shall be halted, and the Community Development Director shall be notified; an archaeologist shall examine the find and make appropriate recommendations. A plan for the mitigation of impacts to the resources will be prepared and submitted to the City of



Belmont for approval. Additional CEQA review may be required depending upon the evaluation of the find.

**5.c. Human Remains.** The General Plan EIR addressed potential impacts for discovery of human remains (EIR pp. 4.4-24 and 4.4-25). All future development in the General Plan Planning Area would be subject to State laws pertaining to the discovery of human remains. Development projects would be required to comply with the procedures identified in the General Plan EIR for the discovery of any human remains (i.e., halting of construction, contacting the County Sheriff and Coroner, consulting with the Native American Heritage Commission, if applicable, etc.). General Plan Policy 5.12-1 requires mitigation for development on sites suspected of being culturally significant, while Policy 5.12-2 requires that, if cultural resources are discovered during construction, an evaluation be completed before construction activities resume. As a result, the EIR concluded that implementation of the General Plan and Phase 1 Zoning would not disturb any human remains including those interred outside of formal cemeteries (Impact 4.4-4); the impact is less than significant, and no mitigation was required.

The project site has been previously developed and does not contain known human remains. Project compliance with General Plan policy 5.12-2 would ensure that adverse impacts to discovered human remains would not occur. The City of Belmont includes protection of human remains discoveries as a standard condition of approval. Therefore, the project would not result in any new significant impacts on human remains or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan Program EIR.

### ***Conditions of Approval – Human Remains***

#### *Planning Division*

#### Human Remains

- a. If any human remains are discovered or recognized in any location on a project site, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
- b. The San Mateo County Coroner/Sheriff has been informed and has determined that no investigation of the cause of death is required; and
- c. If the remains are of Native American origin:
  - i. The descendants of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98; or
  - ii. The Native American Heritage Commission was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the commission.

## 2.6 ENERGY

<i>Would the project:</i>	<i>Potentially New Impact – Further Investigation to be Undertaken</i>	<i>New Impact – Reduced to Less than Significant with New Mitigation Identified</i>	<i>No Change to Previous Impact, but New or Revised Mitigation Identified</i>	<i>No Change to Previous Impact or Mitigation Identified</i>	<i>Topic Not Previously Analyzed; No Impact or Less than Significant Impact</i>
6.a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### **Documentation:**

**6.a Energy Consumption.** The General Plan EIR did not include evaluation of the General Plan and Phase I Zoning’s buildout and if it would lead to a wasteful, inefficient, or unnecessary consumption of energy resources within its scope. However, the General Plan EIR evaluated the construction and operation GHG emissions of potential new development under the General Plan and Phase I Zoning in EIR Chapter 4.6 Energy, Greenhouse Gases, and Climate Change. Both the General Plan and the Climate Action Plan (CAP) include numerous policies that promote energy efficiency and encourage the use of renewable energy. EIR Table 4.6-5 shows operational sources under the General Plan would reduce energy use relative to existing and 2035 no plan conditions due to energy efficiency measures of the CAP (EIR p. 4.6-19). The General Plan and CAP include policies to reduce the severity of growth-related vehicle miles traveled (VMT) transportation related impacts. Phase 1 Zoning regulations require Transportation Demand Management measures for all nonresidential projects greater than 10,000 square feet that would result in a net increase in average daily vehicle trips of 10 percent or greater. As a result, the EIR concluded that new development implemented under the General Plan would not lead to wasteful, inefficient, or unnecessary consumption of energy (Impact 4.6-3 and 4.6-4); the impact is less than significant; and no mitigation was required.

As discussed in Section 2.3 Air Quality, the project would exceed the Belmont General Plan citywide trip reduction goal of 15 percent and would comply with required Title 24 building efficiency measures. Project compliance with the City’s required energy efficiency policies and regulations (Belmont Building Standards Code 2022) would ensure the project does not lead to a wasteful, inefficient, or unnecessary consumption of energy. Therefore, project implementation would not result in any new significant impacts wasteful, inefficient, or unnecessary energy consumption or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.

**6.b Energy Plans.** The General Plan EIR did not include evaluation of the General Plan and Phase I Zoning’s consistency with state or local plan for renewable energy or energy efficiency

within its scope. However, the General Plan EIR evaluated the General Plan and Phase 1 Zoning's compliance with an applicable plan, policy, or regulation for renewable energy or energy efficiency in EIR Chapter 4.6 Energy, Greenhouse Gases, and Climate Change. The General Plan EIR evaluated the General Plan and Phase I Zoning buildout's consistency with Assembly Bill (AB) 32, the Metropolitan Transportation Plan and Sustainable Communities Strategy, and Senate Bill 32 and Executive Order EO S-3-05. The General Plan EIR concluded that the policies of the CAP, General Plan, and BVSP would reduce per capita GHG emissions from passenger vehicles, directly reduce building energy consumption emissions through support for increased energy efficiency and renewable energy, and reduce emissions from water consumption and waste generation, all of which would ensure consistency with the plans listed above. The EIR concluded that the Phase 1 Zoning regulations would not conflict with state or local plan for renewable energy or energy efficiency (Impact 4.6-5); the impact is less than significant, and no mitigation was required.

As discussed in Section 2.3 Air Quality, the project would exceed the Belmont General Plan citywide trip reduction goal of 15 percent, and would comply with required current Title 24 building efficiency measures. Compliance with City VMT reduction and energy efficiency requirements would ensure the project does not conflict with a state or local plan for renewable energy or energy efficiency. The City of Belmont adopted its Energy Reach Codes Update adopting and amending the 2022 CalGreen Building Standards Code in January 2023. The project is subject to the current Reach Codes energy requirements, including an all-electric building requirement for new construction. The project applicant is requesting a Density Bonus Incentive to be relieved of the City's Reach Codes requirement regarding all-electric buildings and Electric Vehicle charging per Ordinance No. 2023-1170 (Windy Hill Property Ventures 2023). If the applicant's Density Bonus Incentive is approved, the project would not be subject to the updated Reach Codes energy requirements requiring building electrification. With City approval of the applicant's Density Bonus Incentive to the current Reach Codes energy requirements, project implementation would not result in any new significant impacts related to conflict with a state or local plan for renewable energy or energy efficiency or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.

## 2.7 GEOLOGY AND SOILS

	<b>Potentially New Impact – Further Investigation to be Undertaken</b>	<b>New Impact – Reduced to Less than Significant with New Mitigation Identified</b>	<b>No Change to Previous Impact, but New or Revised Mitigation Identified</b>	<b>No Change to Previous Impact or Mitigation Identified</b>	<b>Topic Not Previously Analyzed; No Impact or Less than Significant Impact</b>
<i>Would the project:</i>					
7.a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i. 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 significant evidence of a known fault? <i>Note: Refer to Division of Mines and Geology Special Publication 42.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7.b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7.c. 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, severe erosion, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7.d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7.e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7.f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## **Documentation:**

**7.a.i-iv. Fault Rupture, Groundshaking, Liquefaction, and Landslides.** The General Plan EIR addresses seismic-related impacts in Chapter 4.5 Geology, Soils and Seismicity. EIR Figure 4.5-1 maps the seismic and geologic hazards in the General Plan Area. No fault zones are known to occur in Belmont. While Belmont is located in a region subject to seismic groundshaking due to proximity to the San Andreas fault, new development associated with the General Plan must conform to California Building Code requirements which provide for the latest in earthquake safety and minimize losses from an earthquake. General Plan Policies (6.1-4 and 6.1-5) require new development to perform geotechnical studies that address seismic dangers. General Plan Policy 6.1-3 prohibits development in areas at risk of landslide or high or very high liquefaction. General Plan Policies (4.4-3, 5.2-1, 6.1-11) also address landslide prone areas. As a result, the EIR concluded that implementation of the General Plan and Phase 1 Zoning would not 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 or based on other substantial evidence of a known fault; strong seismic groundshaking; seismic-related ground failure, including liquefaction; and landslides (Impact 4.5-1); the impact is less than significant, and no mitigation was required.

As shown in the General Plan EIR, the project site is located in a geographically flat area with no potential for landsliding. There are no seismic faults in proximity to the project site, and the project site does not contain areas of high liquefaction potential. The geotechnical investigation prepared for the project (Cornerstone Earth Group 2021) evaluates subsurface conditions and potential geologic hazards at the project site (Attachment 5). The geotechnical report concludes that the potential for fault surface rupture, liquefaction, ground rupture, lateral spreading, and differential seismic settlement is low. The project would construct the new building consistent with California Building Code requirements in accordance with recommendations of the geotechnical site investigation as a condition of approval. Therefore, the project would not result in any new significant impacts or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.

## ***Conditions of Approval – Geotechnical Investigation***

### *Planning Division*

#### **Geotechnical Conditions**

- a. **Geotechnical Plan Review** – After the project plans are developed, the Geotechnical Engineer of Record (GEOR) should review the geotechnical aspects of the completed project civil and architectural drawings and provide a professional certification letter to the City. In addition, the GEOR should review the completed structural plans and calculations for the new residential building for conformance to their geotechnical recommendations, provide supplemental recommendations as necessary, and provide a professional certification letter to the City to that effect.
- b. **Geotechnical Construction Observation and Testing** –The Geotechnical Engineer of Record (GEOR) should be retained to observe the geotechnical and foundation aspects of the construction. The GEOR should observe foundation excavations and based on their

observations, confirm that adequate embedment has been achieved in supporting materials judged as competent. In addition, the GEOR should prepare and submit at the completion of project construction a final report that addresses the following items:

- Summary of earthwork operations, including subgrade preparation, earthwork construction, and site drainage installations, as applicable;
- Recording of test locations and results of field and laboratory compaction tests where testing is determined to be appropriate by the project geotechnical engineer;
- Building foundations, including observation of foundation supporting materials, and confirmation of foundation embedment (as applicable) with respect to the geotechnical engineer's recommendations; and
- Site drainage, including finish grading around the new building and other site improvements, and discharge of collected surface and subsurface water to appropriate discharge facilities.

The final report the address the above items shall be prepared by the GEOR in a certification letter and submitted to the City Engineer for review prior to a final (granting of occupancy).

#### *Public Works Department*

- A letter from the geotechnical consultant, shall inspect, test (as needed) and approve all geotechnical aspects of the project construction. The inspections shall include, but not necessarily be limited to site preparations and grading, site surface and subsurface drainage improvements, and excavations for foundations and retaining walls prior to the replacement of steel and concrete. The geotechnical consultant shall observe all excavations during project grading to verify anticipated geologic conditions and to check for any apparent indications of temporary excavation instability. In addition, the geotechnical consultant shall observe installation of construction shoring measures. A final geotechnical inspection shall be performed of completed drainage improvements to verify conformance with geotechnical standards. The results of these inspections as the as-built conditions of the project shall be described by the geotechnical consultant in a letter and submitted to the City Engineer for review prior to final (granting of occupancy) project approval.

**7.b. Soil Erosion.** The General Plan EIR assessed the potential for erosion impacts from development within the Planning Area (EIR p. 4.5-20). Earthwork activities could expose soils to the effects of erosion or loss of topsoil and stockpiled soils, if not managed appropriately are left exposed to the effects of wind and water. City Grading Permit requirements (Municipal Code Chapter 9) include measures to protect exposed soils such as limiting work to dry seasons and covering stockpiled soils. NPDES permit requirements include Best Management Practices specifically addressing soil erosion and loss of topsoil. Additionally General Plan Policies (3.4-6, 6.1-2, 6.1-5, 6.1-6, 6.1-11) address prevention of erosion from new development. As a result, the EIR concluded that implementation of the proposed General Plan and Phase I zoning would not result in substantial soil erosion or topsoil loss; the impact is less than significant and no mitigation was required.

Project construction involves excavation (cut) of 552 cubic yards of soil and placement (fill) of 1,300 cubic yards of soil. The project would import soil materials to the site via the haul route permitted in the required construction traffic management plan.

The City's project conditions of approval require the Applicant to submit an erosion and sedimentation control plan with BMPs that would be implemented to prevent soil, dirt, and debris from entering the storm drain system. See Section 2.10 Hydrology, Flooding, and Water Quality in which the Public Works Department's COA #41 is included.

With implementation of erosion control COAs, the project would not result in any new significant impacts related to soil erosion or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.

**7.c. and 7.d. Unstable and Expansive Soils.** The General Plan EIR identified that some improvements associated with implementation of the General Plan and Phase I Zoning could be located on geologic units or soils that are unstable or could become unstable and result in geologic hazards if not addressed appropriately. Areas of expansive soil (moderate to high soil shrink/swell potential) are identified in EIR Figure 4.5-4. The EIR identified that soils with expansive properties could result in damage to foundations, walls, or other improvements. The EIR states that California Building Code requirements minimize risk associated with these hazards and identifies General Plan Policies (6.1-4, 6.1-5, and 6.1-6) requiring geotechnical investigations to evaluate these issues and proposed mitigation measures, if necessary. General Plan Policy 6.1-3 prevents development in areas at risk of landslides and liquefaction. As a result, the General Plan EIR concluded that development implemented under the General Plan and Phase 1 Zoning would not locate structures on expansive soils or 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 and create substantial risks to life or property (Impact 4.5-3); the impact is less than significant, and no mitigation was required.

The project geotechnical investigation evaluates subsurface conditions and potential geologic hazards at the project site. The geotechnical report concludes that the site has low expansion potential to wetting and drying cycles (Cornerstone, p. 5). The project would construct new buildings consistent with California Building Code requirements in accordance with recommendations of the geotechnical site investigation as a Condition of Approval. Therefore, the project would not result in any new significant impacts related to unstable geologic units or soils and expansive soils or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.

**7.e. Soils Supporting Septic Use.** The General Plan EIR states that future development that may result from the General Plan and Phase I Zoning would not require septic systems or other alternative wastewater disposal systems. General Plan Policy 6.5-5 mandates all new development be connected to the City's sewer system. As a result, the General Plan EIR concludes that no impact would occur on project soils from use of septic tanks or alternative wastewater disposal systems (Impact 4.5-4) and no mitigation was required.

The project would connect to the City of Belmont sewer system and would not utilize septic tanks or alternative wastewater systems that rely on project soils for wastewater disposal.

Therefore, the project would not result in any new significant impacts regarding use of project soils for wastewater disposal or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.

**7.f. Paleontological Resource.** The General Plan EIR evaluated the impact of future development on paleontological resources from General Plan and Phase 1 Zoning development (EIR p. 4.4-23). Future development and redevelopment allowed under the proposed General Plan and Phase I Zoning could result in direct or indirect impacts to paleontological resources. The EIR determined that although no paleontological resources in the Planning Area have been identified for protection, construction activities such as grading, excavation, and ground disturbing activities may result in the accidental destruction or disturbance of paleontological sites. Given that most development anticipated under the General Plan would involve redevelopment of or new development within existing developed areas, the likelihood of finding new or undiscovered paleontological resources is limited. General Plan Policy 5.12-1 requires mitigation for development on sites suspected of being paleontologically significant and Policy 5.12-2 requires that if paleontological resources are discovered during construction, an evaluation be completed before construction activities resume. As a result, the EIR concluded that the General Plan and Phase 1 Zoning development would not cause a substantial adverse change in the significance of a paleontological resource pursuant to §15064 (Impact 4.4-3); the impact is less than significant, and no mitigation was required.

The project site has been previously developed and does not contain known paleontological resources. The General Plan EIR did not identify any paleontological resources in the Harbor Industrial Area. Project compliance with General Plan Policy 5.12-2 would ensure that adverse impacts to undocumented paleontological resources, if discovered, would not occur. The City of Belmont includes protection of paleontological discoveries as a standard condition of approval (see Cultural Resources discussion). Therefore, the project would not result in any new significant impacts on paleontological resources or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.



## 2.8 GREENHOUSE GAS EMISSIONS

<i>Would the project:</i>	<i>Potentially New Impact – Further Investigation to be Undertaken</i>	<i>New Impact – Reduced to Less than Significant with New Mitigation Identified</i>	<i>No Change to Previous Impact, but New or Revised Mitigation Identified</i>	<i>No Change to Previous Impact or Mitigation Identified</i>	<i>Topic Not Previously Analyzed; No Impact or Less than Significant Impact</i>
8.a. Generate greenhouse gas (GHG) emissions (including methane), either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8.b. Conflict with an applicable plan (including a local climate action plan), policy or regulation adopted for the purpose of reducing the emissions of GHGs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### **Documentation:**

**8.a GHG Emissions.** The General Plan EIR evaluated GHG emissions of potential new development in EIR Chapter 4.6 Energy, Greenhouse Gases, and Climate Change. Both the General Plan and the Climate Action Plan (CAP) include numerous policies that promote energy efficiency and encourage the use of renewable energy. EIR Table 4.6-5 shows operational sources under the General Plan would reduce energy use relative to existing and 2035 no plan conditions due to energy efficiency measures of the CAP (EIR p. 4.6-19). The General Plan and CAP include policies to reduce the severity of growth-related vehicle miles traveled (VMT) transportation related impacts. Phase 1 Zoning regulations require Transportation Demand Management measures for all nonresidential projects greater than 10,000 square feet that would result in a net increase in average daily vehicle trips of 10 percent or greater. As a result, the EIR concluded that new development implemented under the General Plan would not generate GHG emissions, either directly or indirectly, during construction or operation that may have a significant impact on the environment (Impact 4.6-3 and 4.6-4); the impact is less than significant; and no mitigation was required.

The project would generate GHG emissions in the construction period through use of construction equipment. The project would generate GHG emissions during operation through resident, visitor, and building staff vehicle trips; use of heating and cooling systems; and water use and wastewater and solid waste generation.

Therefore, project implementation would not result in any new significant GHG emissions impacts or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.

### ***Conditions of Approval – Greenhouse Gas Emissions***

*Planning Division*

Green House Gases

- a. A minimum of 10% of the construction materials shall be acquired (sourced) within 100 miles of the planning area. Documentation shall be provided before the final building permit inspection.
- b. A minimum of 65% of the construction waste generated by this project shall be recycled or salvaged for use. Documentation shall be provided before the final building permit inspection. Sample forms located <https://www.hcd.ca.gov/> may be used to assist in documenting compliance.
- c. Prior to issuance of a building permit, the applicant shall provide documentation (i.e., construction contracts or signed agreements) demonstrating that all contractors and subcontractors agree to operate all off-road equipment greater than 50 horsepower (hp) and operating for more than 20 total hours over the entire duration of work on renewable diesel (such as Diesel high performance renewable).

**8.b. GHG Reduction Plan, Policy or Regulation.** The General Plan EIR evaluated the General Plan and Phase 1 Zoning’s compliance with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs in EIR Chapter 4.6 Energy, Greenhouse Gases, and Climate Change. The General Plan EIR evaluated the General Plan and Phase I Zoning buildout’s consistency with Assembly Bill (AB) 32, the Metropolitan Transportation Plan and Sustainable Communities Strategy, and Senate Bill 32 and Executive Order EO S-3-05. The General Plan EIR concluded that the policies of the CAP, General Plan, and BVSP would reduce per capita GHG emissions from passenger vehicles, directly reduce building energy consumption emissions through support for increased energy efficiency and renewable energy, and reduce emissions from water consumption and waste generation, all of which would ensure consistency with the plans listed above. The EIR concluded that the Phase 1 Zoning regulations would not conflict with state or local plan for renewable energy or energy efficiency (Impact 4.6-5); the impact is less than significant, and no mitigation was required.

As discussed in Section 2.3 Air Quality, the project would exceed the Belmont General Plan citywide trip reduction goal of 15 percent and would comply with required Title 24 building efficiency measures that were in place at the time the project application was submitted in February 2020. Compliance with City VMT reduction and energy efficiency requirements would ensure the project does not conflict with a state or local plan for renewable energy or energy efficiency. The City of Belmont adopted its Energy Reach Codes Update adopting and amending the 2022 CalGreen Building Standards Code in January 2023. The project is subject to the current Reach Codes energy requirements, including an all-electric building requirement for new construction. The project applicant is requesting a Density Bonus Incentive to be relieved of the City’s Reach Codes requirement regarding all-electric buildings and Electric Vehicle charging per Ordinance No. 2023-1170 (Windy Hill Property Ventures 2023). If the applicant’s Density Bonus Incentive is approved, the project would not be subject to the updated Reach Codes energy requirements requiring building electrification. With City approval of the applicant’s Density Bonus Incentive to the current Reach Codes energy requirements, project implementation would not result in any new significant impacts related to conflict with an applicable plan (including a local climate action plan), policy or regulation adopted for the purpose of reducing the emissions of GHGs or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are also adequately evaluated in the certified General Plan program EIR.

## 2.9 HAZARDS AND HAZARDOUS MATERIALS

<i>Would the project:</i>	<b><i>Potentially New Impact – Further Investigation to be Undertaken</i></b>	<b><i>New Impact – Reduced to Less than Significant with New Mitigation Identified</i></b>	<b><i>No Change to Previous Impact, but New or Revised Mitigation Identified</i></b>	<b><i>No Change to Previous Impact or Mitigation Identified</i></b>	<b><i>Topic Not Previously Analyzed; No Impact or Less than Significant Impact</i></b>
9.a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9.b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9.c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9.d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9.e. For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9.f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9.g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## **Documentation:**

**9.a. Transport, Use, or Disposal.** The General Plan EIR evaluated hazardous materials sites within the General Plan Planning Area (Chapter 4.7 Hazards and Hazardous Materials). The General Plan EIR determined that future uses would require the routine use, transport, and disposal of hazardous materials and waste and may increase exposure to risk of hazards. Future construction activities may also generate hazardous materials and waste, such as fuels and oils from construction equipment and vehicles. Activities involving the handling, use, and disposal of hazards and hazardous materials during construction and operation are heavily regulated at the federal, state, and local levels (e.g., Resource Conservation and Recovery Act, California Hazardous Waste Control Law, and Occupational Safety and Health Act). The County of San Mateo Division of Environmental Health Services is responsible for implementing hazardous waste and materials State standards, including the following programs:

- Hazardous Materials Business Plan Program: Requires businesses to complete a Business Plan for the safe storage and use of chemicals;
- Hazardous Waste Generator Program: Requires businesses that generate hazardous waste to properly store, manage, and dispose of the waste;
- CalARP: Requires businesses that handle regulated substances to complete a CalARP Program registration and submit it to the CUPA;
- Tiered Permitting Program: Requires businesses planning to treat hazardous waste on-site to notify the CUPA and obtain authorization;
- Underground Storage Tank Program: Requires inspection of storage tank facilities; and
- Aboveground Petroleum Storage Tank Program: Requires inspection of the aboveground tanks and the preparation of a Spill Prevention Control and Countermeasure plan, in certain circumstances.

The General Plan EIR concluded (p. 4.7-29) that with implementation of existing federal, state, and local programs and regulations as well as the proposed General Plan Policy 6.4-1 supporting hazardous waste collection and Policy 6.4-2 requiring educating residents and businesses about proper handling and disposal of hazardous materials, the General Plan and Phase 1 Zoning would not create a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials (Impact 4.7-1); the impact is less than significant and no mitigation was required.

The project would include the construction of a 5-story multi-family residential building. Residential developments do not routinely involve the use of hazardous materials that could be released into the environment during upset conditions; however, hazardous materials (i.e., paints, architectural coatings, fuels for landscaping equipment) may be used routinely on-site for building maintenance, residents would likely use household chemicals on a routine basis, and routine vehicle trips by residents could potentially lead to the unintended release of fuels on-site.

Hazardous materials that would be used routinely on-site are subject to local, state, and federal safety regulations. The building manager must comply with all federal, state, and local regulations regarding handling of hazardous materials. Based on compliance with required regulations and programs, the hazardous materials impact of the project would be less than significant consistent with the General Plan EIR. Therefore, the project would not result in any new significant impacts or substantially increase the severity of previously identified impacts in

the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.

**9.b. Release through Upset Conditions.** The General Plan EIR evaluated the potential for new developments to result in upset and accident conditions involving the release of hazardous materials into the environment (EIR pp. 4.7-30 and 4.7-31). Individual projects in the General Plan Planning Area could result in the potential for upset and accident conditions for which there are significant impacts and would require project-level environmental review at the time they are proposed. As discussed in 9.a. above, hazardous materials in the General Plan Planning Area are regulated. The General Plan EIR concluded that although the risk of upset and accident conditions involving the release of hazardous materials into the environment cannot be completely eliminated, it can be reduced to a manageable level through compliance with the Certified Unified Program Agency's (CUPA) requirements (EIR p. 4.7-31). As a result, the EIR concluded that the General Plan and Phase 1 Zoning development would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment (Impact 4.7-2); the impact is less than significant, and no mitigation was required.

The project, as discussed in 9.a. above, is a multi-family residential development. The project may involve the storage and use of hazardous substances, which could be released to the environment in upset or accident conditions. With required compliance with federal, state, and local programs managing hazardous substances described above in 9.a., the proposed multi-family residential use would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials. Therefore, the project would not result in any new significant impacts or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.

**9.c. Hazards Near Schools.** The General Plan EIR evaluated the potential for land uses to handle hazardous materials or generate hazardous emissions near schools. There are no Regional Commercial or Industrial zoned land uses within a quarter mile of existing schools (EIR Figure 4.7-2). As a result, the EIR concluded that the implementation of the General Plan and Phase 1 Zoning would have a less than significant impact of generating hazardous emissions or hazardous materials within one-quarter mile of an existing or proposed school (Impact 4.7-3); the impact is less than significant, and no mitigation was required.

The project is located outside of the quarter-mile buffer zone of the closest school (EIR Figure 4.7-2). Therefore, the project would not result in any new significant impacts or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.

**9.d. Hazardous Material Sites.** The General Plan EIR evaluated hazardous materials sites within the General Plan Planning Area (Chapter 4.7 Hazards and Hazardous Materials). EIR Table 4.7-1 lists sites with known or suspected release of hazardous materials to soil and groundwater and where current cleanup activities are monitored by the State Water Quality Control Board or the California Department of Toxic Substances. The list of sites was compiled pursuant to Government Code Section 65962.5. Several sites occur in the Harbor Industrial Area (EIR Figure 4.7-1) and have reported releases to the ground resulting in soil and groundwater contamination and which are subject to various State and federal laws and

regulators, including CERCLA, EPA, DTSC, and the RWQCB. The proposed General Plan and Phase I Zoning anticipate and regulate infill development in areas where there are known hazardous materials sites. The EIR determined that although development in these areas could potentially pose a significant hazard to the public or environment through releases of hazardous materials to the environment, these sites are regulated by existing federal and state policies and have been or are being investigated and remediated. In addition, General Plan Policy 6.3-1 requires the City to facilitate cleanup programs at contaminated sites; Policy 6.3-2 requires applicants for development projects in potentially contaminated locations to perform inspection and cleanup; and Policy 6.3-3 establishes that the City will require project applicants to have sites inspected by a registered Environmental Assessor (EIR P. 4.7-33). As a result, the EIR concluded that implementation of the General Plan and Phase 1 Zoning could result in development located on a site which is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and create a hazard to the public or the environment (Impact 4.7-4); the impact is less than significant, and mitigation was not required.

The project site contains hazardous materials conditions as described in a Phase I Environmental Site Assessment (Phase I, or Phase I ESA) prepared by PES Environmental, dated August 27, 2019 and a subsequent Phase II Environmental Site Assessment and Pre-Construction Investigation Report prepared by PES Environmental, dated February 29, 2020. Various environmental investigations and soil aeration activities were conducted at the site between 2003 and 2019. The findings of these environmental investigations are summarized in the Phase I and Phase II ESAs (see Attachment 6 and Attachment 7). A summary of the Phase I and Phase II ESA reports and their findings is provided below.

### Phase I - Background

604 Harbor Boulevard was undeveloped until the 1960s, when it was developed as a paved parking lot. The existing Clean Machine self-serve car wash building was constructed between 1982 and 1992, and the business began operations in 1992. 608 Harbor Boulevard was undeveloped until the 1950s when the east-west traversing railroad spur was constructed. The railroad spur remained active until the 1990s. 610 Harbor Boulevard was undeveloped until approximately 1970 when a Shell Oil Company service station began operating onsite and installed an unspecified number of former underground storage tanks (USTs) and former three fuel dispensers. In 1982, Peninsula Oil Company leased the site and installed four 10,000-gallon underground storage tanks (USTs) onsite. In 2003, Nella Oil Company took over site operations and replaced the four USTs with two upgraded USTs and associated dispensers and piping. In 2013, Flyers Energy LLC took over site operations.

Previous investigations at 610 Harbor Boulevard include a total of 20 borings drilled for soil and groundwater sampling. Analytical results for the borings indicated that elevated TPHg, TPHd, and MTBE were present in the soil and groundwater in the vicinity of the former Shell dispenser islands, product lines, and USTs. In 2011, one of the borings, CB-1, was advanced to evaluate hydrocarbon concentrations in groundwater. The groundwater data indicated hydrocarbon concentrations had decreased one to two orders of magnitude over eight years. Groundwater from borings SB-4 and SB-7 onsite were analyzed for chlorinated solvents, but none were detected. TCE and cis-1,2-DCE were detected in offsite borings B-9 and B-10 located in the alley immediately northwest of the site. The recorded concentrations of 2,000 µg/L TCE and 130 µg/L cis-1,2-DCE exceeded San Francisco RWQCB residential groundwater vapor intrusion ESLs of 1.2 µg/L TCE and 49 µg/L cis-1,2-DCE.

In 2003, soil samples were collected during the removal and replacement of fuel USTs, dispensers and piping. No petroleum hydrocarbons were detected in the tank pit soil samples, with the exception of MTBE concentrations up to 5 mg/kg and TBA. Petroleum hydrocarbons were detected beneath dispensers and piping at concentrations up to 8,200 mg/kg TPHd, 730 mg/kg TPHg, 1 mg/kg benzene, and 30 mg/kg MTBE. Total lead concentrations were detected up to 9.2 mg/kg in tank pit soil and up to 14 mg/kg beneath dispensers and piping. Approximately 1,285 tons of non-hazardous hydrocarbon-impacted soil generated during replacement activities were transported for offsite disposal and 97,188 gallons of hydrocarbon-impacted groundwater pumped from the tank pit were discharged to the sanitary sewer under permit.

Periodic groundwater monitoring of nine wells (MW-1 through MW-9) occurred from 2005 to 2009. No benzene was detected in the monitoring results. All monitoring wells were removed in 2012 and the open LUST case SCMo Site #120041 received regulatory case closure from the San Mateo County Health System (SMCHS) in 2012.

Previous investigations at 604 and 608 Harbor Boulevard (as part of a Phase II ESA) include soil and groundwater sampling at the railroad spur area and car wash area. In 2016, three borings, RR-1 through RR-3, were advanced in the railroad spur area and three boring, CW-1 through CW-3, were advanced in the car wash area for a Phase II investigation. No chlorinated solvents were detected in soil and groundwater samples from the car wash area. Concentrations up to 473 mg/kg TPHd, 1,530 mg/kg TPHmo, and 441 mg/kg lead were detected in shallow soil in the eastern side of the former railroad spur (RR-1). 1.5 µg/L TCE and 2.0 µg/L cis-1,2-DCE were detected in groundwater samples from boring RR-3. The TCE concentrations exceeded San Francisco RWQCB residential groundwater vapor intrusion ESLs, but the cis-1,2-DCE concentrations fell below the ESLs.

The Phase I report identified the following Recognized Environmental Conditions (RECs) based on the preceding prior investigations onsite:

- A gasoline service station has operated at the 610 Harbor Boulevard property since the 1970s and was an open LUST case as the result of a release of fuel from the former leaking underground storage tanks. All monitoring wells were destroyed and the SMCHS issued a letter dated March 28, 2012 confirming the completion of site investigation and corrective action. Additionally in 2017, a release of 8 to 10 gallons of diesel to the pavement occurred when a customer drove off without replacing the fueling nozzle. The release was immediately contained and cleaned up. As such, these historical case issues are considered an HREC. Because the site continues to be used as a gasoline station and USTs/piping are still present the current station represents a REC especially considering soil and groundwater contamination was not cleaned up to current regulatory standards for unrestricted use. Furthermore, because there is little documentation regarding the removal of the former Shell station fueling facilities in the early 1980s, the potential exists for USTs to still be present at the site, and
- With the historical presence of benzene and ethylbenzene in groundwater beneath the western portion of the subject property and TCE and cis-1,2-DCE in soil and groundwater adjacent to the northwestern side of the site, the potential exists for these constituents to remain beneath and adjacent to the site at concentrations exceeding the RWQCB residential groundwater intrusion ESLs of 0.42 µg/L benzene, 3.5 µg/L ethylbenzene, 1.2 µg/L TCE, and 49 µg/L cis-1,2-DCE. Additionally, a former dry cleaner

(New Mode Cleaner) with an open SLIC case is located at 615 Harbor Boulevard, approximately 150 feet southeast of the subject property. Therefore, a vapor intrusion concern exists at the subject property and is considered a REC.

## Phase II – Conclusions

A project Phase II ESA was prepared by PES Environmental, titled Phase II Environmental Site Assessment and Pre-Construction Investigation Report 604-610 Harbor Boulevard Belmont, California, and dated February 19, 2020. A subsurface investigation was conducted to: (1) collect soil and groundwater samples to evaluate the current environmental conditions beneath the properties and (2) provide data for use in profiling the soils and groundwater generated during redevelopment excavation and dewatering that will require proper disposal.

The subsurface investigation occurred in 2019 when 22 borings (PSB1 through PSB22) were advanced to depths ranging 6.5 to 20 feet below ground surface (bgs). The investigation yielded the following findings:

- Measurable groundwater accumulated in four of the borings after a period of 24 hours.
- TPH and VOCs were primarily detected in the soil beneath the Flyers Service Station and adjacent to the westernmost self-service car wash bay/catch basin.
- Detectable concentrations of petroleum hydrocarbons, VOCs, SVOCs, and OCPs and PCBs were observed in several soil samples but are at concentrations that would not require disposal as a hazardous waste. Additionally, no detected concentrations exceeded the construction worker direct exposure ESLs with the exception of TPHd in soil at 2 feet bgs from PSB6 (Cell B5) and in soil at 5 feet bgs from PSB11 (cell A3), PSB15 (cell A2), PSB20 (cell B2), PSB21 (cell B2), and PSB22 (cell B3). Furthermore, elevated PID readings, staining, and/or odors were also observed in these borings.
- Detectable concentrations of petroleum hydrocarbons and VOCs were observed in the four grab groundwater samples with concentrations above the Tier I ESLs, primarily in borings PSB11, PSB13, and PSB14.
- The VOCs benzene, MTBE, PCE, and TCE were detected in groundwater at concentrations above their respective vapor intrusion-based residential ESLs.
- Several detectable concentrations of arsenic, cobalt, and nickel exceeded their respective construction worker direct exposure ESLs at various locations and depths throughout the site. Locations and metals are listed below.
  - Arsenic (naturally occurring) in all cells;
  - Cobalt in cells A6 and B2; and
  - Nickel in cells A5, A6, A7, B1, B2, B4, B5, B6, and B7.
- Total metals concentrations were below TTLC criteria. The concentrations of chromium and nickel are largely below the maximum concentrations of 170 mg/kg chromium and 145 mg/kg nickel identified in adjacent northern Santa Clara County soils (DTSC, 1997). As such, the presence of chromium and nickel in the soil samples is attributable to a background soil condition. Nevertheless, select soil samples were run for WET or TCLP extractable concentrations to confirm the absence of soluble chromium and nickel from these background soils. All concentrations were below the laboratory reporting limits and/or STLC and TCLP limits.
- No lead concentrations detected during this investigation exceeded the Tier 1 (32 mg/kg) or construction worker (160 mg/kg) ESLs. To confirm elevated lead concentrations



previously detected in shallow soil between 0.5- and 1-foot bgs at the former railroad spur, shallow soil samples SS1, SS2, and SS3 were collected at the same locations and depths of the 2016 RR-1, RR-2, and RR-3 samples. The highest concentration detected in the SS samples was 31 mg/kg which is below the Tier 1 ESL, the construction worker ESL, and the TTLC criteria.

- Based on the planned excavation depths (10 feet bgs) and dimensions, it is estimated that a total of approximately 13,000 cubic yards, or 20,800 tons of material will be removed (assuming a conversion factor of 1.6 tons per cubic yard, and not counting soil that may be removed as part of the UST removals). Using data obtained from this pre-construction investigation, it is estimated that excavated material would be classified as Class II Non-Hazardous.

The Phase II report includes the following recommendations to address the existing onsite RECs:

- Appropriate personal protective equipment and air monitoring should be used when excavating the six boring areas identified above and where other hydrocarbons may be encountered during construction.
- Further comparison to sewer acceptance criteria will be needed if a sewer discharge permit is required for disposal of construction dewatering fluids.
- Vapor mitigation (e.g., an appropriate vapor barrier that is impermeable to the above constituents) is recommended to be incorporated into the design of the future building to address the potential for vapor intrusion. Note that if a barrier is selected as a mitigation measure it should be chemically resistant to the constituents detected in groundwater, such as the petroleum hydrocarbons.
- Appropriate personal protective equipment and air monitoring should be used during excavation where concentrations of arsenic, cobalt, and nickel exceeded their respective construction worker direct exposure ESLs.
- Prior to grading, the USTs and associated piping will require removal under County permit. Additional sampling will be required for the purpose of obtaining closure on the tank removals. Removal of the USTs/piping and associated sampling will require a separate submittal to the permitting agency.
- Grading and excavation will be performed following removal of the USTs/piping in association with construction of the commercial/residential structure, and one level of below grade parking development. The maximum depth of excavation is generally not expected to exceed approximately 10 feet bgs. During excavation activities, an engineer or geologist should be present to observe exposed and excavated soil for the presence of unanticipated discoloration and/or odors. If identified, further evaluation of the suspect soil may be conducted in accordance with contingency procedures.
- Because of the presence of petroleum hydrocarbons in soil and groundwater, a Soil and Groundwater Management Plan (SGMP) should be prepared to address proper procedures for managing soil and groundwater during construction and provide contingency procedures.

On April 22, 2022 PES Environmental submitted a Soil and Groundwater Management Plan (SGMP) for the proposed project titled, "Soil and Groundwater Management Plan and Construction Risk Management Plan, 604-610 Harbor Boulevard Belmont, California." The project SGMP addresses proper protocols for handling, managing, and disposing of

contaminated subsurface media during site redevelopment activities and evaluates if project activities would create new complete exposure pathways to human health and/or the environment and, if so, how those risks would be mitigated.

The project SGMP and CRMP includes procedures to ensure the proper removal of existing onsite subsurface structures and chemically-affected soil. Prior to site redevelopment, the project would remove two USTs, five fuel dispensers, and piping associated with the Flyers gas station; the catch basins, drainage piping, and clarifier associated with the car wash facility; and collected compliance soil and groundwater if required at the direction of the San Mateo County Environmental Health Services, the Certified Unified Program Agency (CUPA). In addition, PES Environmental would screen excavated soils to assess the presence of VOCs and observe the remedial excavation of soil with petroleum hydrocarbons and lead above construction worker ESLs. Soil samples would be collected in compliance with the SWRCB's Low Threat Closure Policy. PES Environmental would also collect groundwater samples if groundwater is encountered during site excavation. Soil excavated during UST and piping removal would be stockpiled onsite or direct-loaded to haul trucks (depending on prior soil sampling results) for disposal at a State-approved landfill.

In conformance with the General Plan EIR, the proposed project would continue to be subject to all applicable existing local-, county-, regional-, State- and federally- mandated site assessment, remediation, removal, and disposal requirements of the City of Belmont, San Mateo County Environmental Health, Regional Water Quality Control Board (RWQCB), State Water Resources Control Board, California Department of Toxic Substances Control (DTSC), and other responsible agencies. This includes the review by the San Mateo County Groundwater Protection Program (GPP) of the Soil and Groundwater Management Plan and Construction Risk Management Plan for the safe removal and disposal of excavated material from the project site. These uniformly applicable policies, standards, and regulations are included in the City's conditions of approval for the project, shown below, and would adequately assure that possible health and safety impacts related to exposure to existing hazardous materials contamination would be less than significant. Therefore, the project would not result in any new significant impacts or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.

### ***Conditions of Approval – On-Site Hazardous Materials Conditions***

#### *Planning Division*

#### Hazardous Materials

- a. The applicant must engage the services of a qualified hazardous materials abatement specialist to;  
a) Conduct a survey for hazardous materials (e.g., lead, Polychlorinated biphenyls, asbestos, mold, mercury, etc.) in the existing structures, prior to demolition; and  
b) remove any hazardous materials in compliance with all pertinent regulations regarding handling and disposal of these hazardous materials, including City demolition permit requirements.
  
- b. A Health and Safety Plan (HSP) pursuant to the Occupational Health and Safety Administration Standard "Hazardous Waste Operations and Emergency Response" guidelines (29 CFR 1910.120) and the California Occupational Health and Safety Administration "Hazardous Waste Operations and Emergency Response" guidelines

(CCR Title 8, Section 1592), must be submitted to the City Building Division, prior to issuance of any demolition, grading or building permits. A plan sheet must be prepared noting the requirements of the HSP as a part of the demolition, grading and building permit submittal.

- c. Site work shall be consistent with the Soil and Groundwater Management Plan (SGMP) and Construction Risk Management Plan (CRMP), prepared by PES Environmental on April 22, 2022.
- d. A copy of the Soil and Groundwater Management (SGMP) and Construction Risk Management Plan (CRMP) and any associated environmental investigations shall be provided to the City of Belmont Community Development Department, prior to issuance of a grading permit. All measures from the GMP and CRMP shall be printed on all construction documents, contracts, and project plans prior to issuance of grading permits.
- e. Prior to issuance of a grading permit or building permit, the applicant shall demonstrate that contractor compliance with the SGMP and CRMP obligations have been specified in the project proponent's contract documentation for the contractors performing subsurface work. Each contractor must require its employees who may directly contact impacted media to perform all activities in accordance with the contractor's HSP. Each construction contractor must ensure that its on-site construction workers will have the appropriate level of health and safety training and Site-specific training and will use the appropriate level of personal protective equipment (PPE) as determined in the relevant HSP based upon the evaluated job hazards and monitoring results.
- f. Prior to issuance of grading or building permits, the applicant shall submit a site access control plan, which at minimum shall include perimeter fencing, the closing and locking of gates during non-construction hours, and the posting of "no trespassing" signs in prominent locations that are visible to the general public. Said plan shall be implemented prior to the occurrence of any onsite grading work.
- g. A qualified environmental consultant (as identified in the project SGMP/CRMP) and a licensed contractor with a Hazardous Substance Removal Certification from the State of California must be on site during demolition, grading, and trenching activities to oversee operations. This requirement must be noted on the plans approved for demolition, grading and construction. No permits will be issued in the absence of noting and fulfilling this requirement.
- h. The Project site must be posted with a sign on all sides identifying the name and telephone number of the project sponsor and environmental consultant. Contact information will be provided for the public to report visible dust so that fugitive dust can be promptly addressed. The contact information will allow for a "visible dust alert" hotline that is monitored by the responsible person (or designee) during construction hours and allows for voice messaging at all other times.
- i. A schedule of the anticipated demolition, grading and construction operations must be prepared that identifies the types of activities and duration of the activities on the Project site. The Project sponsor shall mail the schedule to the owners and occupants of properties within a 300-foot radius of the Project site no less than two weeks prior to the start of demolition, grading, or construction. Proof of mailing shall be provided to the Planning

Division. The schedule shall be posted on the jobsite visible from all four sides of the project site.

- j. The soil and groundwater management plan approved by San Mateo County Health Groundwater Protection Program (SMCEH-GPP) shall be submitted to the City Building Division, prior to issuance of any demolition, grading or building permits. A plan sheet must be prepared noting the requirement to follow the SGMP and CRMP, and all of provisions of the Site Management Plan as a part of the demolition, grading and building permit submittal. Said plan sheet must also include the approval letter from SMCEH-GPP, and any identified conditions of approval. Unless specifically addressed in the SMCEH-GPP conditions of approval or not required by the Certified Unified Program Agencies (CUPA) due to the specific site/project circumstances, the following standards are required:
  - i. All contaminated soil removed for the construction of project shall be disposed off-site at an appropriately licensed landfill. It is the responsibility of the property owner representative, and the lead environmental consultant, to ensure that soil management and disposal procedures are followed.
  - ii. A temporary construction dewatering plan shall be provided with the application for a grading permit. Said plan shall identify methods to remove, store, characterize, and properly dispose of water from excavations during construction activities. Contained water or groundwater can be disposed of off-site at an appropriate facility, under permit to the local sanitary sewer, or under a NPDES permit if sewer discharge cannot be obtained. Prior to discharge to the sewer, the water must be tested and permitted in accordance with the Silicon Valley Clean Water requirements.
  - iii. It is the responsibility of the property owner representative, and the lead environmental consultant, to inform the CUPA (SMCEH-GPP) with regard to the project schedule and completion.
  - iv. The project plans submitted for grading and building permits shall include a sheet that identifies any Mitigation Measures for Visible Dust identified in the Dust and Vapor Control Plan (DVCP). Said measures shall be implemented at all times during construction activities, or as specified in the DVCP. A copy of the plan shall be maintained on site and made available for construction inspectors upon request.
  - v. A Stormwater Pollution Prevention Program (SWPPP) shall be submitted prior to issuance of grading permit for the project. Said plan shall describe the stormwater pollution prevention measures that contractors will implement during construction. Compliance with the SWPPP must be maintained throughout the duration of the construction work. In addition, the contractor will comply with the San Mateo Stormwater Pollution Prevention Plan (STOPPP) requirements and BMPs. These requirements and BMPs are available at the following website: [www.flowstobay.org](http://www.flowstobay.org)
  - vi. The project plans submitted for grading and building permits shall include a sheet that identifies the protocols to be followed for Unanticipated Conditions (as identified in the SGMP/CRMP).

- vii. A comprehensive report, including results of soil disposal manifests/receipts, groundwater discharge and permits, associated laboratory reports, and soil gas sample results, shall be submitted to the CUPA following completion of site activities.
- k. A final letter of No Further Action (or equivalent assurance) from SMCEHD-GPP documenting completion of cleanup activities and installation of an appropriate soil gas ventilation system, as required, must be provided to the City of Belmont Community Development Department at the completion of remediation activities, and before the construction of the building foundation for the affected site. No further inspections will occur for the affected project site unless this documentation is received.
- l. The project is subject to the conditions and recommendations of the San Mateo County Groundwater Protection Program (SMCH-GPP) outlined in a letter dated April 28, 2022, including but not limited to the following:
  - i. Underground Storage Tank (UST) system removal confirmation sample locations, depths, and analyses are subject to a CUPA permit and staff requirements. Contact CUPA staff to initiate UST removal permitting. Information regarding the program can be found at the following webpage: <https://www.smchealth.org/cupa/ust>
  - ii. Soil identified for off-site disposal should be properly disposed at a licensed landfill under manifest and may be sampled in accordance with the receiving landfill requirements. Off-site reuse of any soil generated from this project is prohibited, unless sampled in accordance with SW-846 requirements and demonstrated to be clean fill.
  - iii. The applicant and the lead environmental consultant shall ensure that soil management and disposal procedures are followed.
  - iv. The plan proposes to use imported fill in accordance with DTSC's *Information Advisory, Clean Imported Fill Material* (October 2001) to fill the proposed excavations. The advisory is not intended for soils originating from urban development sites or agricultural properties that may contain contamination. Soils from these types of properties should be sampled using EPA SW-846 criteria for adequate statistical characterization to determine if potential fill is unimpacted prior to reuse. Imported soil originating from these properties must receive prior approval in writing from SMCEHD-GPP.
  - v. The applicant shall be responsible for providing plans to the SMCEHD-GPP for the Vapor Intrusion Mitigation System (VIMS) that will be installed as part of the project. SMCEHD-GPP requires that passive systems to be designed and built with the ability to be converted to active sub-slab depressurization systems, if needed. The VIMS plan should also include performance monitoring criteria and schedule. Performance monitoring should occur on a semi-annual basis for the first three years or until consistent verification that the system is meeting established performance measures in accordance with DTSC (2011) guidance. Indoor air should be sampled prior to occupancy to confirm a preferential pathway does not exist.
  - vi. The applicant must submit a comprehensive management plan implementation report, including pertinent excavation maps, disposal manifests/receipts documentation, associated laboratory reports, and applicable permits to the SMCEHD-GPP within 45-days following receipt of the final documents associated with the project.

- vii. Prior to the start of construction, the applicant shall provide SMCEHD-GPP a schedule of construction activities and inform them when the work has been completed.

**9.e. Airport Safety.** The San Carlos Airport is located approximately two miles southeast of the General Plan Planning Area. The EIR determined that the eastern Belmont area, including the entire Harbor Industrial Area, is located within San Carlos Airport Influence Area B (EIR pp. 4.7-12, 4.4-23 -10, and Figure 4.7-4). There are no private air strips in the Planning Area. General Plan Policy 2.16-1 requires new development located in the Airport Influence Area to comply with land use compatibility provisions of the Airport Land Use Compatibility Plan (ALUCP), and Policy 2.16-2 requires the City to coordinate with the City/County Association of Governments (C/CAG) and the Federal Aviation Administration (FAA) to protect public health and safety. As a result of implementation of existing State regulations, policies in the General Plan and the ALUCP, the EIR concluded that the General Plan would not result in a safety hazard for people residing or working within an airport land use plan area (Impact 4.7-5); the impact is less than significant, and no mitigation was required.

The project is consistent with General Plan land use and zoning regulations, which comply with the provisions of the ALUCP. Therefore, the project would not result in any new significant impacts or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.

**9.f. Emergency Response Plan.** The City has an Emergency Response Plan that provides adequate response to disasters, including emergency ingress and egress, and defines the expected roles of City, County, and regional agencies. The General Plan EIR concluded (p. 4.7-38) that while new development and population could increase demand for emergency services, General Plan policies reduce the potential impact (Policies 6.7-1 through 6.7-6, 6.7-9, 6.9-1 through 6.9-3, and 6.10-1). As a result of implementation of these policies, the General Plan and Phase 1 Zoning would not physically interfere with an adopted emergency response plan or emergency evacuation plan (Impact 4.7-7); the impact is less than significant, and no mitigation was required.

The project design would be required to comply with all applicable City codes and regulations pertaining to emergency access, as well as fire protection and security. As a City standard condition of approval for all development projects, the project applicant must prepare a mandatory construction traffic routing and parking plan subject to City review and approval to ensure that adequate emergency access is maintained during construction; all traffic control for lane closures during construction shall conform to the Work Area Traffic Control Handbook administered by the City. See the Traffic Control Plan condition of approval in section 2.17 Transportation.

As a result of the required traffic control plan, the proposed project would not impair or interfere with emergency access, and the impact is considered less than significant. Therefore, the project would not result in any new significant impacts or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.

**9.g. Wildland Fire Risk.** The General Plan EIR concluded that risk associated with wildland fires (Impact 4.7-8) is less than significant, and no mitigation was required. The project site is

located in an urban environment not adjacent to wildlands and therefore would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires. Therefore, the project would not result in any new significant impacts or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.

**2.10 HYDROLOGY, FLOODING, AND WATER QUALITY**

<i>Would the project:</i>	<i>Potentially New Impact – Further Investigation to be Undertaken</i>	<i>New Impact – Reduced to Less than Significant with New Mitigation Identified</i>	<i>No Change to Previous Impact, but New or Revised Mitigation Identified</i>	<i>No Change to Previous Impact or Mitigation Identified</i>	<i>Topic Not Previously Analyzed; No Impact or Less than Significant Impact</i>
10.a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10.b. Substantially decrease groundwater supplies or interfere significantly with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10.c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10.d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10.e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Documentation:**



**10.a. Water Quality.** San Mateo County Permittees are currently subject to NPDES Permit No. CAS612008 issued by Order No. R2-2015-0049 on November 19, 2015, and amended by Order No. R2-2019-0004 on February 13, 2019, to discharge stormwater runoff from storm drains and watercourses within their jurisdictions. The General Plan EIR evaluated the potential for the General Plan and Phase 1 Zoning to violate water quality standards and waste discharge requirements set out in Municipal Regional Stormwater Permit Order No. R2-2015-0049 NPDES Permit No. CAS612008, issued by the San Francisco Bay RWQCB. The San Mateo County Water Pollution Prevention Program, which was established in response to NPDES permit requirements, requires every construction activity within Belmont that has potential to negatively affect water quality to comply with the NPDES Stormwater Discharge Permit. General Policies 6.2-9 and 6.2-10 require compliance with the NPDES requirements and the federal Clean Water Act. Additionally General Plan Policy 5.5-3 requires development projects to incorporate BMPs consistent with the NPDES permit guidelines to ensure that new construction is required to reduce its contribution of water pollutants to less than significant levels. (EIR p. 4.8-18). The EIR concludes as a result of implementation of these policies, development under the General Plan and Phase 1 Zoning would not violate any federal, State, or local water quality standards or waste discharge requirements (Impact 4.8-1); the impact is less than significant, and no mitigation was required.

Project construction or operations of the proposed building do not involve discharges to land or surface waters and would not degrade water quality or violate waste discharge requirements. Cut and fill grading activity would be minor for the project building; however, deeper cuts will be necessary to remove the undocumented fills at the site. Groundwater was observed on-site at depths of 6.5 to 20 feet below ground surface (bgs). According to the project geotechnical investigation, groundwater levels on-site can be as high as about 3 to 4 feet below grade seasonally; therefore, temporary dewatering will likely be necessary during construction in areas with deeper excavation (Cornerstone 2021). Design, selection of the equipment and dewatering method, and construction of temporary dewatering would be the responsibility of the project contractor.

Construction dewatering is regulated under state requirements for stormwater pollution prevention and control and requires a discharge permit from San Mateo County for disposal in conformance with San Mateo Countywide Water Pollution Prevention Program. Prior to permit issuance, water quality testing is required to confirm water quality standards are met. If the groundwater quality is contaminated, the discharge permit would require that total maximum daily loads and water quality standard aren't exceeded by managing discharge rates or treating water on site by a portable treatment unit as needed.

With the discharge permit requirements in place to ensure state water quality standards are met, the disposal of construction dewatering into the sanitary sewer system would not affect water quality entering the local wastewater treatment system. As a result of the above requirements, the proposed project would not violate water quality standards or discharge requirements or otherwise impair water quality, and the impact is considered less than significant. Therefore, the project would not result in any new significant water quality impacts or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.

Construction and post-construction activities would be required to adhere to various federal, State, and regional water quality standards, including the National Pollution Discharge

Elimination System (NPDES) General Permit for storm water discharges associated with construction and land disturbance activities, and SWRCB Municipal Regional Stormwater NPDES Permit. Compliance with required regulatory standards would likely reduce potential impacts related to water quality.

**10.b. Groundwater.** The General Plan EIR evaluated groundwater conditions in the General Plan Planning Area and concluded that increased demands for water from additional development would not impact local groundwater supplies. The project site is located within the Santa Clara Valley Groundwater Basin, San Mateo Subbasin. The groundwater in this basin is not considered a good source for irrigation or municipal water use due to the high content of chloride, sulfate, and total dissolved solids. The Mid-Peninsula Water District (MPWD) is the primary water purveyor serving the city and does not utilize local groundwater or surface water supplies. The EIR concluded that new development would increase demand for water but would not impact local groundwater supplies as potable water is provided by the MPWD and is not dependent upon local groundwater supplies (EIR p. 4.8-20). Further, General Plan Policy 5.9-2 requires the City to encourage site design measure that facilitate groundwater recharge, and Policy 5.3-5 requires new construction to use best practices to preserve permeable surfaces. As a result, new development under the General Plan and Phase 1 Zoning would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge, such that there would be a net deficit in aquifer volume or a lowering of local groundwater tables (Impact 4.8-2); the impact is less than significant, and no mitigation was required.

The project site is developed with paved surfaces, vacant, graveled areas, and structures in its existing condition. The site currently contains 3,875 square feet of roof surface area, 24,714 square feet of impervious paving, and 2,660 square feet (or roughly 8.51% of the site) of pervious landscaping that sheet flows to Old County Road, Harbor Boulevard, and Elmer Street (BKF Engineers 2023). The project would result in 25,316 square feet of roof, 808 square feet of impervious paving, and 5,125 square feet (or roughly 16.40% of the site) of pervious landscaping. The project would result in a total of 26,124 square feet of on-site impervious surface area. Redevelopment of the project site would increase pervious area relative to existing conditions. The proposed landscaped areas, including stormwater treatment planters, would allow for groundwater percolation throughout the site. The project would comply with the current regional NPDES Permit No. CAS612008 issued by Order No. R2-2015-0049 on November 19, 2015, and amended by Order No. R2-2019-0004 on February 13, 2019 and would not interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of local groundwater tables. The project would not interfere with groundwater recharge rates or result in any new significant impacts to groundwater recharge or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.

**10.c.i and c.ii. Altered Drainage Patterns – Erosion or Siltation, Flooding.** The General Plan EIR identified that the implementation of the General Plan and Phase 1 Zoning would not involve the direct alteration of existing streams, rivers, or other drainage patterns but could impact the existing drainage system from increased storm runoff from increases in impervious surfaces from new development. New development in flood hazard areas is required to comply with flood damage prevention measures contained in Chapter 7, Article IX of Belmont's Municipal Code. Policies 3.4-6 and 6.1-11 reduce the potential for erosion, which will help to

preserve the existing drainage pattern within the Planning Area; Policies 4.5-2, 5.3-2, 5.4-1, 5.4-2, 5.4-3, and 5.4-4 address the maintenance and restoration of Belmont Creek and other waterways, thereby preventing alteration of the course of a stream or river in connection with future development permitted under the proposed General Plan or Phase I Zoning; and Policy 5.9-1 requires the City to continue to make improvements to the drainage system to improve drainage in areas that are currently underserved. As a result, the EIR concluded (pp. 4.8-22 and 4.8-23) that development under the General Plan and Phase 1 Zoning would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or by increasing the rate or amount of surface runoff, in a manner that would result in substantial erosion, siltation, or flooding on- or offsite (Impact 4.8-3); the impact is less than significant, and no mitigation was required.

Existing drainage from the project site flows as sheet flow to catch basins, which enter the storm drain systems along Harbor Boulevard. Project implementation does not involve direct alterations to drainage patterns. No grading is planned within 25 feet of a stream or river. Application of City ordinances would ensure no significant erosion or siltation during construction (Belmont Municipal Code Chapter 9, Article IV). The proposed project would capture storm flows for discharge into the existing storm drain system (Figure 8. Stormwater Control Plan). Drainage patterns would not be substantially altered from existing conditions and would not result in on- or off-site erosion or siltation.

Demolition, grading, excavation, and construction activities could result in soil disturbance leading to siltation. Construction and post-construction activities would be required to adhere to various federal, State, and regional water quality standards, including the National Pollution Discharge Elimination System (NPDES) General Permit for storm water discharges associated with construction and land disturbance activities, and SWRCB Municipal Regional Stormwater NPDES Permit. Compliance with required regulatory standards would reduce potential impacts related to water quality. Therefore, the project would not result in any new significant impacts of erosion, siltation, or flooding or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.

### ***Conditions of Approval - Erosion Control***

#### *Public Works Department*

- The applicant shall submit an erosion and sedimentation control plan describing Best Management Practices (BMPs) to be used to prevent soil, dirt, and debris from entering the storm drain system. The plan shall include the following items:
  - a. A site plan showing the property lines, existing and proposed topography, and slopes; areas to be disturbed, locations of cut/fill and soil storage/disposal area; areas with existing vegetation to be protected; existing and proposed drainage patterns and structures; watercourses or sensitive areas on-site or immediately downstream of project; and designated construction access routes, staging areas and washout areas.
  - b. Erosion and sediment controls to be used during construction, selected as appropriate from the California Regional Water Quality Control Board, San Francisco Bay Region Erosion and P.O. Box 791, Oakland, CA 94604-0791.

- c. Methods and procedures to stabilize denuded areas and install and maintain temporary erosion and sediment control continuously until permanent erosion controls have been established.
  - d. Provision for preventing erosion and trapping sediment on-site, such as sediment basins or traps, earthen dikes or berms, fiber rolls, silt fence, check dams, storm drain inlet protection, soil blankets or mats, covers for soil stockpiles and/or other measures.
  - e. Provisions for installing vegetative cover in disturbed areas, including areas to be seeded, planted, and/or mulched, and types of vegetation proposed.
  - f. Provision for diverting on-site runoff around exposed areas and diverting off-site runoff around the project site (e.g., swales and dikes).
  - g. Notes, specifications, and/or attachments describing the construction, operation and maintenance of erosion and sediment control measures, including inspection frequency; methods and schedule for grading, excavation, filling clearing of vegetation and storage and disposal of excavated or cleared material; types of vegetative cover and mulch, including methods and schedules for planting and fertilization; and provisions for temporary and permanent irrigation.
- If construction is not complete by the start of the wet season (November 15 through April 15), prior to November 15 the developer shall implement a winterization program to minimize the potential for erosion and sedimentation. As appropriate to the site and status of construction, disturbed soils through temporary or permanent seeding, mulching, matting, tarping or other winterization requirements shall include inspecting/maintaining/cleaning all soil erosion and sedimentation controls prior to, during, and immediately after each storm event; stabilizing physical means; rocking unpaved vehicle access to limit dispersion of mud onto public right-of-way; covering/tarping stored construction materials, fuels, and other chemicals. Plans to include proposed measures to prevent erosion and polluted runoff from all site conditions. As site conditions warrant, the Department of Public Works may direct the developer to implement additional winterization requirements.

***Conditions of Approval – Construction-Period Stormwater Quality Protection***

*Public Works Department*

- The owner/applicant shall submit a dust control plan for approval by the Department of Public Works. To reduce dust levels, exposed earth surfaces shall be watered as necessary. The application of water shall be monitored to prevent runoff into the storm drain system. Spillage resulting from hauling operations along or across any public or private property shall be removed immediately. Dust nuisances originating from the contractor’s operations, either inside or outside of the right-of-way shall be controlled. The measures shall also include:
  - a. Water all active construction sites at least twice daily.
  - b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.

- c. Pave, apply water three times daily, or apply (non-toxic) 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.
  - e. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
  - f. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
  - g. Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiled materials.
  - h. Install sandbags or other erosion-control measures to prevent silt runoff to public roadways.
  - i. Replant vegetation in disturbed areas as quickly as possible.
  - j. Watering should be used to control dust generation during the break-up of pavement.
  - k. Cover all trucks hauling demolition debris from the site.
  - l. Use dust-proof chutes to load debris into trucks whenever feasible.
  - m. Water or cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.
  - n. 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 in proper running order prior to operation.
  - o. Diesel powered equipment shall not be left inactive and idling for more than five minutes and shall comply with applicable BAAQMD rules.
  - p. Use alternative fueled construction equipment, if possible.
  - q. All vehicle speeds on unpaved roads shall be limited to 15 mph.
  - r. Post a 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 24 hours. The Air District phone number shall also be visible to ensure compliance with applicable regulations.
- The owner/applicant shall ensure that all construction personnel follow standard BMPs for stormwater quality protection during construction of project. These includes, but are not limited to, the following:

- a. Store, handle and dispose of construction materials and wastes properly, so as to prevent their contact with stormwater.
- b. Control and prevent the discharge of all potential pollutants, including solid wastes, paints, concrete, petroleum products, chemicals, washwater or sediment, and non-stormwater discharges to storm drains and watercourses.
- c. Use sediment controls, filtration, or settling to remove sediment from dewatering effluent.
- d. Do not clean, fuel, or maintain vehicles on-site, except in a designated area in which runoff is contained and treated.
- e. Delineate clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses with field markers or fencing.
- f. Protect adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching or other measures as appropriate.
- g. Perform clearing and earth moving activities only during dry weather (April 15 through November 14).
- h. Limit and time applications of pesticides and fertilizers to prevent polluted runoff.
- i. Limit construction access routes and stabilize designated access points.
- j. Do not track dirt or other materials off-site; clean off-site paved areas and sidewalks using dry sweeping methods.

***Conditions of Approval – NPDES and MRP Regulated Project Stormwater Controls***

*Public Works Department*

- The Developer shall dedicate sufficient areas to treat Stormwater per the requirements of the MRP and as indicated in the Stormwater Requirements checklist. Plans shall show the tributary areas used for sizing of the treatment areas, such as bio-retention areas, the storm drain system in and out of the treatment areas throughout the site and the cross-sectional details of such areas. The project is a Category C Special Project due to its density and location within 0.5 miles of a transit station and within a Priority Development Area (PDA) and qualifies for up to 75% of stormwater treatment to be done via non-Low-Impact Development (LID) treatment measures as shown on the stormwater control plan in the entitlement planning submittal drawings.
- The Developer shall submit an updated C.3 & C.6 stormwater pollution prevention checklist, impervious calculation checklist, and BMP measures checklist with the building permit submittal. The C.3 & C.6 checklist provided during the planning phase are subject to change based on the C.3 & C.6 checklist submitted for the building permit.
- The Project shall comply with all requirements of the Municipal Regional Stormwater NPDES Permit Provision C.3. Please refer to the San Mateo Countywide Water Pollution

Prevention Program's (SMCWPPP) C.3 Stormwater Technical Guidance Manual for assistance in implementing LID measures at the site.

- On-site storm drain inlets shall be clearly marked with the words "No Dumping! Flows to Bay," or equivalent using thermoplastic material or a plaque.
- Biotreatment measures (including bioretention areas, flow-through planters and non-proprietary tree well filters) shall be sized to treat run-off from 100% of the applicable drainage area (all impervious areas and applicable landscaped areas) using flow or volume based sizing criteria as described in the Provision C.3.d of the MRP, or using the simplified sizing method (4% rule of thumb), described in the C.3 Technical Guidance and based on the flow-based sizing criteria in Provision C.3.d.i.(2)(c).
- All plans shall conform to the requirements of the City NPDES stormwater discharge permit and the San Mateo Stormwater Pollution Prevention Plan (STOPPP). The project plans shall include permanent storm water quality protection measures. The project plans shall identify Best Management Practices (BMPs) appropriate to the uses to be conducted on-site to effectively prohibit the discharge of pollutants with storm water run-off. A Maintenance and Operation Agreement shall be prepared by the applicant incorporating the conditions of this section.
- The Applicant shall prepare a Stormwater Management Plan (SWMP) that includes, at a minimum, exhibit(s) showing drainage areas and location of Low Impact Development (LID) treatment measures; project watershed; total project site area and total area of land disturbed; total new and/or replaced impervious area; treatment measures and hydraulic sizing calculations; a listing of source control and site design measures to be implemented at the site; hydromodification management measures and calculations, if applicable; NRCS soil type; saturated hydraulic conductivity rate(s) at relevant locations or hydrologic soil type (A, B, C or D) and source of information; elevation of high seasonal groundwater table; a brief summary of how the project is complying with Provision C.3 of the MRP; and detailed Maintenance Plans for each site design, source control and treatment measure requiring maintenance.
- Other parameters of final design shall be consistent with the design guidelines presented in the latest version of the C.3 Technical Guidance.

**10.c.iii. Altered Drainage Patterns – Drainage Systems and Polluted Runoff.** The General Plan EIR identified that implementation of the General Plan and Phase 1 Zoning would not involve the direct alteration of existing streams, rivers, or other drainage patterns but could impact the existing drainage system from increased storm runoff from increases in impervious surfaces from new development. The EIR noted requirements of future projects to comply with the San Mateo County Water Pollution Prevention Program as well as applicable state and federal laws regarding water quality of storm runoff. General Plan Policy 5.9-1 requires the City to continue to upgrade the drainage system, and Policy 6.2-3 requires all new drainage facilities to comply with the city's storm drainage facility requirements, which also would make sure that new development does not exceed the capacity of existing or planned storm drain systems (EIR p. 4.8-26). As a result, the EIR concluded development under the General Plan and Phase 1 Zoning would not create or contribute runoff that would exceed the capacity of existing or

planned storm drain systems, or that would provide substantial additional sources of polluted runoff (Impact 4.8-4); the impact is less than significant, and no mitigation was required.

The project would incorporate Low Impact Development (LID) techniques (e.g., bioretention areas and other landscaped areas) to reduce runoff from the project site. The project site's storm flow would be discharged to Elmer Street through a curb drain outlet (BKF Engineers 2023). The storm flows on site would be detained so that the discharged flows under proposed conditions would be less than the flows under existing conditions. From the curb drain outlet, drainage would flow down the existing curb and gutter in Elmer Street to an existing storm inlet where it would be collected by the San Mateo County storm drain system. Flow continues north in the San Mateo County storm drain system where it crosses Highway 101 and eventually discharges to Belmont Slough. The project would decrease the runoff to the County storm drain system by implementing a 4,400-gallon detention vault to detain the difference between the post-development and pre-development peak flows.

In addition, compliance with required regulatory standards pertaining to water quality and implementation of LID techniques would reduce impacts to a less-than-significant level. The project would also be required to comply with General Plan Policies 5.5-3 and 5.5-4, which require development projects to incorporate structural and non-structural BMPs to minimize impacts water quality, mitigate or reduce increases in pollutant loads in accordance with NPDES, and ensure that construction does not contribute to erosion, or creek and/or wetland siltation. Compliance with these policies would further ensure that significant impacts related to water quality would be avoided. Therefore, the project would not result in any new significant impacts related to drainage systems or sources of polluted runoff or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.

**10.c.iv. Altered Drainage Patterns – Flood Flows.** The General Plan EIR addresses impacts associated with development within the flood hazard areas of Belmont Creek (EIR p. 4.8-34). The Federal Emergency Management Agency (FEMA) prepares Flood Insurance Rate Maps (FIRMs), which identify 100-year and 500-year flood zones. Belmont General Plan Policy 6.2-5 would reduce potential impact by requiring protective structures around development in the 100-year Flood Zone. The 100-year Flood Zone in Belmont includes much of the area east of Highway 101 and areas along Belmont Creek. Belmont requires a special use permit for any development proposed in areas of special flood hazards and areas of flood-related erosion hazards (Municipal Code Chapter 7, Article IX). The ordinance also restricts or prohibits land uses considered unsafe in a floodplain and proposed grading and drainage improvements are analyzed to ensure that drainage is not diverted from its natural drainage basin to another basin that was not designed to take that additional flow. As a result, the EIR concluded that development under the General Plan and Phase 1 Zoning would not place within a 100-year flood hazard area structures which would impede or redirect flood waters (Impact 4.8-7); the impact is less than significant, and no mitigation was required.

The project site is outside of the 100-year flood hazard area (FEMA Zone A) area but located within 500-year flood zone (FEMA Zone B; EIR Figure 4.8-1). The proposed building ground floor would be elevated one foot above the 500-year FEMA floodplain. Belmont Municipal Code Chapter 7, Article IX restricts or prohibits land uses considered unsafe in a floodplain. Drainage from proposed grading and improvements must not be diverted from the original natural drainage basin. The project site is currently developed with multiple structures. Proposed



redevelopment of the site would not increase impervious surface ground cover nor would the project redirect flood flows in the Harbor Industrial Area.

Therefore, the project would not result in any new significant impacts on flooding or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.

**10.d. Flood, Tsunami, Seiche.** The General Plan EIR addresses risks from flood, tsunami, and seiche (p.4.8-37 and 8-38). The EIR identifies 100-year and 500-year flood plain hazard areas (EIR Figure 4.8-1). The 100-year flood zone does not encompass the project site. However, the project site lies within the 500-year flood zone. According to the San Mateo County Tsunami Hazard Area Map from March 23, 2021, no regions in the project area are at risk for tsunami inundation. The site is not in a seiche zone as seiche energy should be decreased upon reaching the developed portions and wetlands acting as a buffer to the General Plan Planning Area. As a result, the EIR concluded that development under the General Plan and Phase 1 Zoning would not expose people or structures to inundation by seiche or tsunami (Impact 4.8-9) or impede or redirect flood waters (Impact 4.8-7) as described above in Response 10.c.iv.; the impact is less than significant, and no mitigation was required.

The project site location is outside of the 100-year flood hazard area and would not be subject to inundation by seiche or tsunami (EIR Figure 4.8-1). The project building would have a finished floor elevated to or above the 500-year FEMA flood plain elevation in compliance with Municipal Code Section 7-217. Therefore, the project would not result in any new significant impacts related to flood, tsunami, or seiche or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.

**10.e. Water Quality/Groundwater Plans.** The General Plan EIR noted that the proposed General Plan and Phase I Zoning would allow for new development that could potentially degrade water quality. The General Plan EIR concluded that, because development would be subject to the county's SMCWPPP and the General Plan contains goals and policies intended to protect water quality (e.g., Policy 5.5-1 through Policy 5.5-5), the impact of the General Plan and Phase I Zoning would be less than significant (Impact 4.8-5). No mitigation was required.

The General Plan EIR did not address whether the General Plan and Phase I Zoning would obstruct implementation of a sustainable groundwater management plan. However, as discussed in 10.b., the General Plan EIR concluded that increased demands for water from additional development would not impact local groundwater supplies as potable water is provided by the MPWD and is not dependent upon local groundwater supplies. The General Plan EIR noted development anticipated in the General Plan and Phase I Zoning may increase the amount of impervious surface. The General Plan EIR concluded General Plan policies (i.e., Policy 5.9-2, Policy 5.3-5, Policy 4.4-1, and Policy 4.4-3) would help to preserve permeable surfaces in the Planning Area, which help recharge groundwater supplies. The impact was less than significant (Impact 4.8-2), and no mitigation was required.

The project site lies on the edge of the San Mateo Plain Subbasin, and activities on-site may affect the subbasin. The proposed development project could increase demands for water; however, this increase in water demand would not impact local groundwater supplies as the primary purveyor of water for the city is the MPWD, which currently does not utilize any local groundwater or surface water supplies to serve the City. In addition, the project includes site

design measures to facilitate groundwater recharge (inclusion of street trees, shrubs, and vegetated swales), consistent with General Plan Policies that have been identified to reduce groundwater impacts to less than significant.

The project would not conflict with the implementation of the San Mateo Plain Subbasin's Groundwater Sustainability Plan if construction activities do not result in an exceedance of any sustainability metrics set forth in the Plan. Actions that lower groundwater levels, degrade water quality, diminish surface water flow, increase rates of subsidence, or otherwise negatively affect groundwater sustainability must be evaluated with regard to the Plan to ensure no risk of conflicts.

## 2.11 LAND USE AND PLANNING

<i>Would the project:</i>	<i>Potentially New Impact – Further Investigation to be Undertaken</i>	<i>New Impact – Reduced to Less than Significant with New Mitigation Identified</i>	<i>No Change to Previous Impact, but New or Revised Mitigation Identified</i>	<i>No Change to Previous Impact or Mitigation Identified</i>	<i>Topic Not Previously Analyzed; No Impact or Less than Significant Impact</i>
11.a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11.b. Cause a significant environmental impact due to a conflict with any land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### **Documentation:**

**11.a. Physically Divide a Community.** The General Plan EIR evaluated community and land use compatibility concerns (Chapter 4.9 Land Use, Housing, and Population) associated with zoning the Harbor Industrial Area for higher intensity uses (Phase 1 Zoning). The Harbor Industrial Area (HIA) is outside and adjacent to the Belmont city limits but is within Belmont’s approved planning area (Sphere of Influence). The EIR concluded the Phase 1 Zoning does not physically divide any established community but rather by allowing for compact and concentrated development in already-urbanized neighborhoods, increasing opportunities for housing and economic development, and improving linkages, the Phase 1 Zoning would provide improved connections to and continuity with surrounding neighborhoods (EIR pp. 4.9-21 and 4.9-22). As a result, the EIR concluded that Phase 1 Zoning would not physically divide an established community (Impact 4.9-1); the impact is less than significant, and no mitigation was required.

The proposed project would replace a gas station and car wash business on 0.71 acres located at the corner of Harbor Boulevard and Old County Road with a 5-story, 111,654-square-foot building. The project would be an infill development within the 62-acre Harbor Industrial Area urban environment. Sidewalk and landscape improvements would be included to connect the site to the existing community. Consistent with the program EIR, the proposed project would not physically divide an existing community. Therefore, the project would not result in any new significant impacts or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.

**11.b. Conflict with Land Use Plan, Policy, or Regulation.** The General Plan EIR evaluated the Phase 1 Zoning and Land Use Diagram that establish the Harbor Industrial Area land use designations (EIR Figure 3-4 and Figure 3-5). The HIA zoning districts (HIA-1 and HIA-2) provide for light industrial, retail, hotel, and research and development uses with a maximum floor to area ratio (FAR) of 5.0 and maximum building height of 65 feet. New construction is subject to design review and landscaping requirements. The General Plan EIR considered all potential environmental impacts under an assumed maximum buildout for the City in 2035. The General Plan EIR determined that the General Plan and Phase 1 Zoning do not conflict with the San Mateo County General Plan and the inclusion of the HIA within the General Plan Planning

Area is consistent with the City's LAFCo-approved Sphere of Influence (EIR p. 9.4-25). As a result, the EIR concluded that the implementation of the General Plan and Phase 1 Zoning would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect (Impact 4.9-2); the impact is less than significant, and no mitigation was required.

The project site's General Plan land use designation is General Industrial within the Harbor Industrial Area. HIA-1 is intended to provide high density residential as well as light industrial, retail, hotel, and research and development uses. The project's proposed high-density, multi-family residential building is consistent with the allowed uses of the Harbor Industrial Area land use designations.

The project's consistency with applicable General Plan policies is demonstrated in Table 1 below.

**Table 1. Project Consistency with Applicable General Plan Policies**

Applicable General Plan Policy	Project Consistency
<b><i>Land Use Element</i></b>	
Policy 2.3-4 Focus new development in or directly adjacent to already-developed areas, where it can be served by existing public services and infrastructure.	The project would construct a new multi-family residential building directly adjacent to already-developed areas. The project is consistent with this policy.
Policy 2.4-2 Maintain adequate and reasonable tree protection and removal standards and best management practices, implemented by the City's Tree Ordinance	The project proposes tree removal and replacement activities. The project would comply with the City's Tree Ordinance. The project is consistent with this policy.
Policy 2.8-1 Enable infill properties to develop with uses and development intensities supporting a cohesive development pattern.	The project consists of in-fill development of a five-story multi-family residential building in a dense urban environment with a mix of commercial, industrial, and residential uses in the Harbor Industrial Area of unincorporated San Mateo County. The project is consistent with this policy.
Policy 2.9-2 Require that new development "pays its way" so as to limit fiscal impacts on the City.	The project would be required to pay applicable development impact fees as required by the City's development review process. The project is consistent with this policy.
Policy 2.13-1 Ensure that new development is balanced with preservation of open space and natural features.	The project site is located in a fully developed area of Belmont with no open space features. The project is consistent with this policy.
Policy 2.13-2 Promote compatibility of adjacent land uses along the interface of different residential density and non-residential intensity categories, such as where the Harbor Industrial Area borders Belmont Village and the Homeview neighborhood. Special attention should be given to buffering and transitional methods.	The project proposes a multi-family residential building in the Harbor Industrial Area. The project site is located between small-scale commercial uses and residential uses along the western side of El Camino Real and larger-scale commercial and industrial uses to the east of El Camino Real and Old County Road. The project would serve as

Applicable General Plan Policy	Project Consistency
	<p>a transitional site from lower density single-family residential areas in the southeastern portion of Belmont to the high-density multi-family residential, commercial, and industrial uses within the Harbor Industrial Area. The project's proposed development is compatible with adjacent land uses per the HIA-1 zoning district. The project is consistent with this policy.</p>
<p>Policy 2.13-3 Ensure that the scale and character of new development is appropriate to the setting and intended use. Promote development that is scaled and sited to respect the natural terrain, so that hills, parks, open space, trees, and distant vistas, rather than buildings, dominate the overall landscape, while also developing the Belmont Village PDA and other focus areas for economic growth as concentrated, urban-scale nodes of activity.</p>	<p>The proposed five-story multi-family residential building is appropriate to the site's setting and character. The new multi-family residential building would not interfere with the overall existing character of the surroundings, which includes existing large-scale commercial and industrial uses and will likely include high-density multi-family development as the Harbor Industrial Area transitions to high density housing, light industrial, retail, hotel, and research and development uses. The project is consistent with this policy.</p>
<p>Policy 2.13-4 Minimize light and glare from new development. See also Policy 5.3-6 in the Conservation Element.</p>	<p>Project lighting is required to comply with the City's lighting standards. The City's development review process would ensure light and glare from the new residence are minimized. The project is consistent with this policy.</p>
<p><b><i>Circulation Element</i></b></p>	
<p>Policy 3.1-5 Require new development and redevelopment projects to construct or pay their fair share toward improvements for all travel modes to provide and enhance connectivity to existing transportation facilities.</p>	<p>The project proposes improvements to pedestrian and bicycle facilities along Harbor Boulevard, Old County Road, and Elmer Street, and some improvements within the site-adjacent travel lanes to establish new on-street parking spaces. The project developer would pay for these proposed improvements and would pay any required fair share development fees, as included in Attachment 1. The project is consistent with this policy.</p>
<p>Policy 3.4-5 Design new roads and improvements to existing roads to minimize visual and environmental impacts.</p>	<p>The project proposes minimal improvements to the existing adjacent roadways to establish on-street parking spaces. The project would also replace existing public sidewalks along Harbor Boulevard, Old County Road, and Elmer Street with new sidewalks. Construction of these improvements would comply with the City's grading, stormwater control, and air quality protection measures, which are included in the project as conditions of approval. Further, these improvements are street-level improvements and would have little impact on the existing visual</p>

Applicable General Plan Policy	Project Consistency
	quality of the project vicinity. The project is consistent with this policy.
Policy 3.5-3 Require public sidewalks in all new residential developments except in areas where construction of sidewalks would be incompatible with existing development and/or require excessive grading or tree removal. In such cases, adequate roadway shoulders, or alternative trails and pathways shall be provided to ensure the safety of pedestrians and cyclists.	The project proposal includes the replacement of existing public sidewalks with new sidewalks along Harbor Boulevard, Old County Road, and Elmer Street. The project is consistent with this policy.
Policy 3.5-15 Ensure that new development projects provide bicycle and pedestrian improvements to facilitate the implementation of adopted Safe Routes to School plans.	The project includes new public sidewalks on Harbor Boulevard, Old County Road, and Elmer Street. The project is consistent with this policy.
Policy 3.6-4 Ensure that major new development is adequately served by transit.	The project site is located within 0.5 mile of the Belmont Caltrain station and within 0.25 mile of several bus stops.
<b><i>Parks, Recreation, and Open Space Element</i></b>	
Policy 4.1-3 Ensure that all development projects comply with the City's parkland dedication requirements, in accordance with the Quimby Act, to provide adequate land for parks, open space, landscaping, and trails in appropriate locations through the dedication of land or otherwise providing for mini parks, planned trails, and other recreational space.	The project is to provide certain open space per each residential development unit, landscaped area, and publicly accessible open space. The project would provide open space and landscaped area that exceeds the project-specific requirements. The project is also required to pay a park impact fee. The project is consistent with this policy.
Policy 4.7-1 Ensure that residential and nonresidential development projects contribute to the City's park, recreation, and open space resources commensurate with their impacts, through the Quimby Act and establishment and collection of park impact fees.	The project is to provide open space per each residential development unit, landscaped area, and public accessible open space. The project would provide open space and landscaped area that exceeds the project-specific requirements. The project is also required to pay a park impact fee. The project is consistent with this policy.
<b><i>Conservation Element</i></b>	
Policy 5.3-3 To the greatest extent feasible, ensure that development does not disturb sensitive habitat and special status species by requiring appropriate and feasible mitigation measures.	The project would not disturb sensitive habitat as the project site does not contain any sensitive habitat per the project biological resources assessment. The project would implement conditions of approval (see section 2.4 Biological Resources) to ensure potential impacts to special-status wildlife species are less than significant. The project is consistent with this policy.
Policy 5.3-5 In design and construction, require use of best practices that preserve natural	The project has been designed according to the project geotechnical investigation, which

Applicable General Plan Policy	Project Consistency
resources, such as soil, trees, native plants, and permeable surfaces.	considered site soils. In its existing condition, the project site is almost entirely paved and contains few natural resources consisting of several landscaping trees. The project would remove the existing on-site trees but would replace said trees and increase the number of trees on site compared to existing conditions. The project would implement best management practices during construction to protect special-status species (see section 2.4 Biological Resources). The project is consistent with this policy.
Policy 5.3-6 Avoid light pollution and unnecessary glare by requiring development projects to use design features and shielding methods that cast outdoor light downward and minimize glare and to install the minimum amount of outdoor lighting necessary for safety and security.	Project lighting is required to comply with the City's lighting standards. The City's development review process would ensure light and glare from the new residence are minimized. The project is consistent with this policy.
Policy 5.3-7 Encourage the planting of native trees, shrubs, and grasslands in order to preserve the visual integrity of the landscape, provide habitat conditions suitable for native vegetation, and ensure the maximum number and variety of well-adapted plants are maintained.	Several of the new tree, shrub, and groundcover species to be installed by the project would be California native species. The remainder of the new plantings are locally acclimated species. The project is consistent with this policy.
Policy 5.3-8 Use native or drought-resistant vegetation in landscaping on City-owned property, and encourage private property owners to use native or drought-resistant vegetation in landscaping on private property.	Several of the new tree, shrub, and groundcover species to be installed by the project would be California native species. The remainder of the new plantings are locally acclimated species. All new plantings would be medium or low water use species. The project is consistent with this policy.
Policy 5.5-3 Require development projects to incorporate structural and non-structural best management practices (BMPs) to mitigate or reduce the projected increases in pollutant loads, in accordance with the NPDES permit guidelines.	The project includes BMPs to reduce project increases in pollutant loads in accordance with City requirements and NPDES permit guidelines (see section 2.10 Hydrology and Water Quality). The project proposal includes a stormwater capture system that would help control stormwater runoff onsite. The project is consistent with this policy.
Policy 5.5-4 Ensure that the design and construction of new infrastructure elements does not contribute to stream bank or hillside erosion or creek or wetland siltation, and incorporates site design and source control BMPs, construction phase BMPs, and treatment control BMPs to minimize impacts to water quality.	The design and construction of the project's new infrastructure elements, including the sidewalks and road improvements extension and new utilities infrastructure, would not contribute to stream bank erosion or wetland siltation because no such features exist in the project vicinity. The project would implement site design and source control BMPs, construction phase BMPs, and treatment control BMPs included as project conditions of approval (see section 2.10

Applicable General Plan Policy	Project Consistency
	Hydrology and Water Quality). The project is consistent with this policy.
<p>Policy 5.6-4 Set appropriate conditions of approval for each new development proposal to ensure that the necessary water supply facilities and water resources are in place prior to occupancy.</p>	<p>The project is required to comply with the conditions of approval included in Attachment 1. These conditions of approval include water supply and water resources conditions. The project is consistent with this policy.</p>
<p>Policy 5.9-2 Encourage development projects of all sizes to incorporate site design measures that facilitate groundwater recharge and natural hydrological processes, allowing stormwater to infiltrate the ground on-site and/or be collected for reuse in landscaping and designated to on-site stormwater detention facilities. Such measures may include:</p> <ul style="list-style-type: none"> <li>• Canopy trees or shrubs to absorb rainwater;</li> <li>• Grading that lengthens flow paths over permeable surfaces and increases runoff travel time to reduce the peak hour flow rate;</li> <li>• Partially removing curbs and gutters from parking areas where appropriate to allow stormwater sheet flow into vegetated areas;</li> <li>• Installation of green roofs on buildings;</li> <li>• Use of permeable paving in parking lots and other areas characterized by significant impervious surfaces;</li> <li>• On-site stormwater detention, use of bioswales and bioretention basins to facilitate infiltration; and</li> <li>• Integrated or subsurface water retention facilities to capture rainwater for use in landscape irrigation and other non-potable uses.</li> </ul>	<p>The project incorporates site design measures that facilitate groundwater recharge and collection of stormwater for conveyance to stormwater detention facilities. Specific proposed design measures include canopy trees and shrubs and stormwater infrastructure (e.g., bioretention areas and storm filter areas) to capture and convey onsite stormwater to the City's stormwater drainage system. The project is consistent with this policy.</p>
<p>Policy 5.10-3 Ensure that construction and grading activities minimize short-term impacts to air quality by employing appropriate mitigation measures and best practices.</p>	<p>The project would implement the construction phase air quality protection measures included in section 2.3 Air Quality. The project is consistent with this policy.</p>
<p>Policy 5.12-1 Ensure that development avoids potential impacts to sites suspected of being archeologically, paleontologically, or culturally significant, tribal or otherwise, or of concern by requiring appropriate and feasible mitigation.</p>	<p>The project would implement the cultural resources conditions of approval included in section 2.5 Cultural Resources, which are intended to protect archaeological resources and human remains in the event of accidental</p>



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	discovery. Project compliance with cultural resources conditions of approval would result in less than significant cultural resources impacts. The project is consistent with this policy.
<p>Policy 5.12-2 If cultural, archaeological, paleontological, or cultural resources, tribal or otherwise, are discovered during construction, grading activity in the immediate area shall cease and materials and their surroundings shall not be altered or collected until evaluation by a qualified professional is completed.</p>	<p>The project would implement the cultural resources conditions of approval included in section 2.5 Cultural Resources, which are intended to protect archaeological resources and human remains in the event of accidental discovery and include construction phase resource impact avoidance and minimization measures. Project compliance with cultural resources conditions of approval would result in less than significant cultural resources impacts. The project is consistent with this policy.</p>
<b>Safety Element</b>	
<p>Policy 6.1-1 Continue to maintain and enforce appropriate standards to ensure new development is designed to meet current safety codes and requirements associated with seismic activity. Require public and private development to be located, designed, and constructed to minimize the risk of loss of life and injury in the event of a major earthquake or other natural disaster.</p>	<p>The proposed multi-family residential building would meet current safety codes, including the California Building Code (2022), and requirements associated with seismic activity per the City's development review process. The proposed residence was sited and designed according to the geotechnical investigation that was prepared for the project. The project's implementation of the recommendations contained within the geotechnical investigation would minimize the risk of loss of life and injury in the event of a major earthquake or other natural disaster. The project is consistent with this policy.</p>
<p>Policy 6.1-2 Continue to regulate development, including remodeling or structural rehabilitation, to ensure adequate mitigation of safety hazards on sites having a history or threat of seismic dangers, erosion, landslides, or shrink swell.</p>	<p>The project would implement the recommendations contained within the project geotechnical investigation to reduce the potential impacts of any site-specific geological hazards. Further, the project must comply with the City's building standards for development in areas that may be subject to geological hazards to receive a use permit and building permit(s). The project is consistent with this policy.</p>
<p>Policy 6.1-4 Continue to require geotechnical site analysis for proposed development on sites as specified in the Municipal Code, prior to allowing site development.</p>	<p>A geotechnical investigation was prepared for the proposed development. The project is consistent with this policy.</p>
<p>Policy 6.1-5 Geotechnical studies shall identify any geologic hazards affecting the proposed project site, any necessary mitigation measures, and a statement of the site's suitability for the proposed development and whether or not it will</p>	<p>The project geotechnical investigation identifies the geologic hazards that affect the project site, recommendations to be incorporated into the project design, and a statement of the site's suitability for the proposed development. The</p>

Applicable General Plan Policy	Project Consistency
<p>be safe from geologic hazard for its expected life. The study shall identify net developable areas, if any, based on landslide or ground shaking potential or erosion risk. Impacts from the development, such as those resulting from increased water runoff, shall also be determined. Such studies must be signed by a licensed Certified Engineering Geologist or Geotechnical Engineer and are subject to review and approval by City staff and/or contracted employees.</p>	<p>project geotechnical investigation determined the project site is suitable for the proposed multi-family residential building, provided the recommendations presented in the geotechnical investigation are followed during design and construction. The geotechnical investigation was prepared by a licensed Registered Professional Geotechnical Engineer. The project is consistent with this policy.</p>
<p>Policy 6.1-6 Require any geotechnical studies to include the study of expansive and creeping soils, as well as analysis of erosion, seismic, and other geotechnical hazards, and make recommendations, as warranted.</p>	<p>The project geotechnical investigation studied the site's soils for expansive properties and erosion, seismic, and other geotechnical hazards. The geotechnical investigation provided recommendations to be followed during project design and construction. The project must implement the geotechnical investigation's recommendations per the City's standard COAs. The project is consistent with this policy.</p>
<p>Policy 6.1-7 Prohibit mitigation measures for potential geotechnical hazards if those measures could adversely affect surrounding property, including the use of public rights-of-way, or adversely affect public health, safety, and welfare.</p>	<p>The geotechnical investigation's recommendations for project design and construction would not adversely affect surrounding property, or public health, safety, and welfare. The project is consistent with this policy.</p>
<p>Policy 6.1-8 Ensure consideration of seismic and geologic hazards at the earliest possible point in the development process, preferably before comprehensive engineering work has commenced.</p>	<p>The project's geotechnical investigation was prepared prior to the preparation of the project civil and design plans. The project is consistent with this policy.</p>
<p>Policy 6.2-3 Require all proposed drainage facilities to comply with the city's storm drainage facility requirements to ensure they are properly sized to handle 100-year flood conditions.</p>	<p>The project's proposed stormwater collection, detention, and drainage facilities would comply with the City's sizing requirements. The project is consistent with this policy.</p>
<p>Policy 6.2-10 Continue to comply with the Municipal Regional Stormwater Permit requirements for municipal authorities to address water quality and flow-related impacts of stormwater runoff; continue to enforce NPDES permits in Belmont; and continue to participate in the San Mateo Countywide Water Pollution Prevention Program.</p>	<p>The project is required to comply with the requirements of the City's NPDES permit and the San Mateo Countywide Water Pollution Prevention Program per the City's standard COAs for water quality protection. These standard COAs are included in section 2.10 Hydrology and Water Quality. The project is consistent with this policy.</p>
<p>Policy 6.2-11 Comply with Section 402(p) of the federal Clean Water Act, as amended by the Water Quality Act of 1987, which requires NPDES permits for stormwater discharges from municipal storm sewer systems, stormwater discharges associated with industrial activity (including</p>	<p>The project is required to comply with the requirements of the City's NPDES permit and the San Mateo Countywide Water Pollution Prevention Program per the City's standard COAs for water quality protection. These standard COAs</p>

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construction activities), and designated stormwater discharges.	are included in section 2.10 Hydrology and Water Quality. The project is consistent with this policy.
Policy 6.3-2 Require applicants for development projects in a potentially contaminated location to perform inspection and cleanup if the site is found to be contaminated with hazardous substances.	The project would be located on a site that is affected by hazardous materials discharged by existing and previous land uses. The project applicant has conducted a Phase I ESA and Phase II ESA to investigate the on-site contamination and provide direction for remediation. The project would implement remediation efforts, which has been incorporated into the project conditions of approval (see section 2.9 Hazards and Hazardous Materials. The project is consistent with this policy.
Policy 6.3-3 Require project applicants of potentially contaminated sites to have the site inspected by a registered Environmental Assessor. Reports detailing the results must be submitted for City review, and level of remediation and cleanup must be in compliance with federal and State standards.	The project site has been inspected by a registered Environmental Assessor. The project applicant has prepared a Phase I ESA and Phase II ESA. The Phase I ESA and Phase II ESA results have been submitted to the City for review. Remediation and cleanup efforts would be conducted in compliance with federal and State standards as ensured by the project conditions of approval (see section 2.9 Hazards and Hazardous Materials). The project is consistent with this policy.
Policy 6.5-2 Require new development to underground service lines and utilities, and continue to pursue and implement projects to underground existing overhead utility lines.	The project proposes to underground all existing and new utility lines. The project is consistent with this policy.
Policy 6.5-5 Require all new development to be connected to the City's sewer system.	The project would connect to the City's sewer system. The project is consistent with this policy.
Policy 6.6-3 Continue to review development proposals to ensure that they incorporate appropriate fire-mitigation measures, including adequate provisions for evacuation and access by emergency responders.	The project proposes provisions for evacuation and access by emergency responders in the form of internal evacuation routes and emergency services building frontage access for the entire building along Old County Road, Harbor Boulevard, Elmer Street, and the private alley immediately northwest of the project site. The project would also install new fire hydrants and a fire sprinkler system per State and local regulations. The proposed multi-family residential building would be fully outfitted with a residential fire sprinkler system in accordance with the National Fire Protection Association (NFPA) 13D and State and local requirements. The project's development proposal was reviewed by the City and the San Mateo Consolidated Fire Department. The project is consistent with this policy.

Applicable General Plan Policy	Project Consistency
<p>Policy 6.6-4 Continue the Belmont Fire Protection District's participation in plan review of new buildings in potentially fire-prone areas.</p>	<p>The project design and application materials were reviewed by the San Mateo Consolidated Fire Department. The project is consistent with this policy.</p>
<p><b>Noise Element</b></p>	
<p>Policy 7.1-2 Use the Community Noise Level Exposure Standards, shown in Table 7-1, as review criteria for new land uses. Require all new development that would be exposed to noise greater than the “normally acceptable” noise level range to reduce interior noise through design, sound insulation, or other measures.</p>	<p>Project occupants may be exposed to greater than the “normally acceptable” noise levels shown in Table 7-1 at the private balconies, private patios, and walkways. The project would install building sound insulation measures including mechanical ventilation for all residential units and sound-rated windows and doors as project conditions of approval (see section 2.13 Noise). The City is recommending approval of a noise mitigation exemption for the exceedance of allowable noise exposure standards at the proposed private balconies, patios, and pathways. The project is consistent with this policy.</p>
<p>Policy 7.1-3 Require noise-reducing mitigation to meet allowable outdoor and indoor noise exposure standards in Table 7-2. Noise mitigation measures that may be approved to achieve these noise level targets include but are not limited to the following:</p> <ul style="list-style-type: none"> <li>• Construct façades with substantial weight and insulation;</li> <li>• Use sound-rated windows for primary sleeping and activity areas;</li> <li>• Use sound-rated doors for all exterior entries at primary sleeping and activity areas;</li> <li>• Use minimum setbacks and exterior barriers;</li> <li>• Use acoustic baffling of vents for chimneys, attic and gable ends; and</li> <li>• Install a mechanical ventilation system that provides fresh air under closed window conditions.</li> </ul>	<p>The project would meet the allowable outdoor and indoor noise exposure standards in Table 7-2 through the installation of building sound insulation measures including mechanical ventilation for all residential units, installation of sound-rated windows and doors, and the City's approval of a noise mitigation exemption for the exceedance of allowable noise exposure standards at the proposed private balconies, patios, and pathways. These noise-reducing measures are incorporated into the project conditions of approval, as shown in section 2.13 Noise. The project is consistent with this policy.</p>
<p>Policy 7.1-5 Ensure that building regulations require that noise-generating appliances serving new multi-family or mixed-use residential development are located or adequately insulated to protect residents from the noise.</p>	<p>The project would ensure noise-generation mechanical equipment serving the new multi-family residential building is adequately located and/or insulated to protect residents from noise per the City's standard conditions of approval (see section 2.13 Noise). The project is consistent with this policy.</p>

Applicable General Plan Policy	Project Consistency
<p>Policy 7.1-10 Require developers of new development anticipated to generate a substantial amount of vibration during construction to implement mitigation practices to reduce vibration, which can include: operating heavy equipment as far as practical from residential uses; using smaller bulldozers (operating weight less than 20,000 pounds) when grading must occur within approximately 50 feet of residential uses or other vibration sensitive uses; and using quiet pile driving technology when feasible.</p>	<p>The project is required to comply with conditions of approval intended to reduce potential groundborne vibrations that may be generated by project construction activities. These conditions of approval are included in section 2.13 Noise. The project is consistent with this policy.</p>

The project site’s zoning district is HIA-1 (Harbor Industrial Area-1). The project is consistent with the type, intensity, and character of the anticipated new uses and development facilitated by the Phase 1 Zoning. Multi-family dwellings are a permitted use in the HIA-1 zoning district. The project proposal’s compliance with applicable zoning regulations for the HRO-1 zoning district is demonstrated in Table 2 below.

**Table 2. Project Consistency with Applicable HIA -1 Zoning Regulations**

Applicable Zoning Ordinance Section	Zoning Regulation Text	Project Consistency
<p>Automobile Parking and Loading Facilities (5B.1.5)</p>	<p>Parking and loading facilities shall be provided in accordance with the provisions of Sections 8 and 8A.</p>	<p>The project proposes a total of 69 automobile parking spaces, which does not meet the number of minimum parking spaces required for the project pursuant to Zoning Code Section 8. The project is seeking an exception to the City’s minimum parking requirements under AB 2097. With City approval of the requested reduction in parking requirements, the project would comply with this standard.</p>
<p>Floor Area Ratio (5B.1.6)</p>	<p>The maximum floor area ratio in the HIA-1 District shall be 5.0.</p>	<p>The project proposes a maximum floor area ratio of 3.59. The project complies with this standard.</p>
<p>Landscaping (5B.1.9)</p>	<p>All new structures established in this District are subject to landscaping requirements in Section 13.3 and the following additional requirements. Residential and mixed use projects with residential units shall provide a minimum of 10 percent of the site in landscaping plus a minimum of</p>	<p>The project proposes 8,118 square feet of landscaped area, which comprises approximately 26 percent of the 31,065-square-foot project site. The project proposes 21 street trees and 13 podium-level trees within the 8,118 square feet of landscaping area. The project is consistent with the landscaping requirements in Section 13.3 of the City Code. The</p>

Applicable Zoning Ordinance Section	Zoning Regulation Text	Project Consistency
	one tree for each 400 square feet of landscape area.	project complies with this standard.
Building Height (5B.1.10)	No building shall exceed 65 feet in height.	The building would be 56 feet, 6 inches to the roofline and 65 feet tall to top of parapet. The project complies with this standard.
Site Development Standards (5B.1.11)	<p>All development shall conform to the following:</p> <p>(a) Minimum lot size shall be 7,200 square feet.</p> <p>(b) Minimum lot width shall be 60 feet.</p> <p>(c) Minimum setback requirements: None except where an interior lot line abuts a residential zoning district in which case the interior setbacks required of the abutting lot must be provided (e.g. six feet plus two feet for each additional story above two stories for interior side lot lines).</p> <p>(d) On development sites with residential uses, on-site pedestrian circulation and access must be provided according to the following standards.</p> <p>(1) Internal Connections. A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.</p> <p>(2) To Circulation Network. Regular connections between on-site walkways and the public sidewalk shall be provided. An on-site walkway shall connect the primary building entry or entries to a public sidewalk</p>	<p>(a) The lot size is 31,065 square feet, which exceeds the minimum lot size of 7,200 square feet.</p> <p>(b) The minimum lot width is approximately 100 feet, which exceeds the minimum lot width of 60 feet.</p> <p>(c) The project site does not have an interior lot line that abuts a residential zoning district. The minimum setback requirements do not apply.</p> <p>(d)(1) The project consists of one multi-family residential building. The project provides pedestrian access to the interior parking garage within the building, to the podium-level landscaped pedestrian amenities and to street-level exterior landscaping.</p> <p>(d)(2) The project would provide contiguous connections between the on-site public sidewalks and the primary building entry. There are no exterior on-site walkways as the proposed building would occupy a substantial portion of the site.</p> <p>(d)(3) The project site is connected to adjacent properties via public sidewalks along Harbor Boulevard, Old County Road, and Elmer Street.</p> <p>(d)(4)(A) The project is one multi-family residential building. The project does not propose interior pedestrian walkways.</p> <p>(d)(4)(B) The public sidewalk along Elmer Street would cross</p>

Applicable Zoning Ordinance Section	Zoning Regulation Text	Project Consistency
	<p>on each street frontage. Such walkway shall be the shortest practical distance between the main entry and sidewalk, generally no more than 125 percent of the straight line distance.</p> <p>(3) To Neighbors. Direct and convenient access shall be provided from commercial and mixed-use projects to adjoining residential and commercial areas to the maximum extent feasible while still providing for safety and security.</p> <p>(4) Interior Pedestrian Walkway Design.</p> <p>(A) Walkways shall have a minimum unobstructed width of six feet and shall be hard-surfaced.</p> <p>(B) Where a required walkway crosses driveways, parking areas, or loading areas, it must be clearly identifiable through the use of a raised crosswalk, a different paving material, or similar method.</p> <p>(C) Where a required walkway is parallel and adjacent to an auto travel lane, it must be raised or separated from the auto travel lane by a raised curb at least four inches high, bollards, or other physical barrier.</p>	<p>the driveway into the interior parking garage. The project would comply with City standards to clearly identify this crossing through a raised crosswalk, different paving materials, or similar method.</p> <p>(d)(4)(C) The project provides public sidewalks along auto travel lanes. The public sidewalks would be separated from the auto travel lanes by raised curbs at least four inches high per City standards.</p> <p>The project complies with this standard.</p>
Residential Building Design Standards (5B.1.12)	<p>All development with residential uses shall conform to the following:</p> <p>(a) Building Entrances. The primary pedestrian access to all ground-level residential uses shall be from a public sidewalk. In mixed-use</p>	<p>(a) The project provides primary pedestrian access to the proposed residential building from public sidewalks along Harbor Boulevard and Old County Road.</p> <p>(b) The project would provide common open space in the form of a podium-level landscaped garden</p>

Applicable Zoning Ordinance Section	Zoning Regulation Text	Project Consistency
	<p>developments, entrances to residential units shall be physically separated from the entrance to the commercial use and clearly marked with a physical feature such as a recess or projection incorporated into the building or appropriately-scaled element applied to the façade.</p> <p>(b) Outdoor Living Area For Residential Units. A minimum of 36 square feet per unit of outdoor living area must be provided for residential units. This requirement may be met by common or private open space or a combination of the two. Common areas may consist of landscaped areas, patios, swimming pools, barbeque areas, and similar improvements designed to serve residents. Landscaped rooftop gardens may fulfill up to 50 percent of this requirement. Private areas may consist of balconies, decks, fenced yards, and similar areas directly accessible from a unit.</p>	<p>and patio and private open space in the form of landscaped yards and balconies for a select number of units. The project would provide a total of 6,885 square feet of outdoor living area (not including street level landscaping), which equates to approximately 69 square feet of outdoor living area per residential unit.</p> <p>The project complies with this standard.</p>

The City has reviewed the project plans and determined that the project conforms to General Plan land use and zoning district requirements, as demonstrated in Table 1 and Table 2. Therefore, the project would not result in any new significant impacts or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.



## 2.12 MINERAL RESOURCES

<i>Would the project:</i>	<i>Potentially New Impact – Further Investigation to be Undertaken</i>	<i>New Impact – Reduced to Less than Significant with New Mitigation Identified</i>	<i>No Change to Previous Impact, but New or Revised Mitigation Identified</i>	<i>No Change to Previous Impact or Mitigation Identified</i>	<i>Topic Not Previously Analyzed; No Impact or Less than Significant Impact</i>
12.a. Result in the loss of availability of a known mineral resource that would be of value to the region or the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12.b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### **Documentation:**

**12.a – 12.b. Mineral Resources.** There are no mineral resources present within the General Plan planning area; therefore, mineral resources were not addressed in the General Plan or General Plan EIR (Notice of Preparation, p. 15). The project site is not located in an area containing mineral resources and no mineral resources would be affected by the project. Therefore, project implementation would not introduce new impacts or require new mitigation related to mineral resources.

## 2.13 NOISE

<i>Would the project:</i>	<i>Potentially New Impact – Further Investigation to be Undertaken</i>	<i>New Impact – Reduced to Less than Significant with New Mitigation Identified</i>	<i>No Change to Previous Impact, but New or Revised Mitigation Identified</i>	<i>No Change to Previous Impact or Mitigation Identified</i>	<i>Topic Not Previously Analyzed; No Impact or Less than Significant Impact</i>
13.a. Generation of substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
13.b. Generation of excessive ground-borne vibration or ground-borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
13.c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, exposure to people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Documentation:

**13.a Construction and Operational Noise & Vibration.** The General Plan EIR indicates that construction noise and vibration associated with future development (i.e., General Plan and BVSP buildout) could expose sensitive receptors to noise and vibration levels that exceed the standards identified in the General Plan (a potentially significant and unavoidable impact). Increased operational noise from traffic, trains, and stationary sources is also identified as a potentially significant and unavoidable impact.

The potential construction noise, ground borne vibration, and operational noise impacts of the General Plan/BVSP buildout cannot be fully mitigated at the Program EIR (General Plan EIR) level, because of the uncertainty involved in evaluating the impacts on all potential future users of new development. The evaluation of noise impacts is “project/location-specific,” and noise impacts change over time as development occurs and traffic patterns change. Therefore, in order to address potential noise impacts, the General Plan EIR: 1) identified comprehensive policies to limit the exposure of sensitive receptors to construction noise, ground borne vibration, and operational noise; and 2) required that applicants for individual development projects evaluate potential noise and vibration impacts and develop appropriate mitigation measures to reduce these impacts.

## *Construction Noise*

A project noise assessment was prepared by Illingworth and Rodkin, titled, "608 Harbor Boulevard Multi-Family Residential Project Noise Assessment," and dated May 4, 2020 (see Attachment 8). The noise assessment evaluated project/location-specific noise impacts. The noise assessment determined that temporary construction noise impacts would be less than significant with implementation of the City's Municipal Code limits on allowable construction hours and the recommended best management practices (BMPs) provided in the assessment.

The recommended construction noise BMPs have been made conditions of project approval. In addition, conditions of approval are required by the City to ensure effective implementation of the noise assessment's BMPs. The City will require the project to implement to recommended BMPs contained within the noise assessment in addition to the City's standard noise-related conditions of approval, as shown below. Subject to these project conditions of approval, construction noise impacts would be less than significant (Impacts 4.10-1, 4.10-2, and 4-10-4).

### **Conditions of Approval – Construction Noise**

#### *Planning Division*

#### Noise Standard Conditions

- a. Noise Control Plan. The applicant must prepare and implement a noise control plan. Said plan must incorporate the noise reduction measures identified in the Noise and Vibration study prepared for the project by Illingworth & Rodkin, Inc, and the City standard construction noise COAs required for all projects, identified below.
- b. Noise Coordinator. Prior to construction activities, the project applicant or contactor shall designate a "Construction Noise Coordinator" who would be responsible for responding to any local complaints about construction noise. The Construction Noise Coordinator shall determine the cause of the complaint and shall require that reasonable measures warranted to correct the problem be implemented. The telephone number for the Construction Noise Coordinator must be conspicuously posted at the construction site. Prior to construction activities, the project applicant or contactor shall notify adjacent residents of the construction schedule in writing and provide them with the contact information of the Construction Noise Coordinator.
- c. Notice. The applicant shall notify property owners within 300 feet of the project site two weeks prior to the initiation of construction activities on site. A schedule of construction activities, contact phone number for the Noise Coordinator, and a copy of the noise control plan shall be included with this notice.
- d. Grading & Building Noise. The applicant must ensure that the following preventative and monitoring measures are enforced during grading and building operations:
  - i. Limit construction activity to the hours listed in the City Noise Ordinance. (8:00 am to 5:00 pm on weekdays, 10:00 am to 5:00 pm on Saturdays, no construction activity on Sundays and holidays). Exceptions to these hours may be approved by the Building Official through the standard City process.

- ii. Schedule highest noise-generating activity and construction activity away from noise-sensitive land uses.
  - iii. Equip internal combustion engine-driven equipment with original factory (or equivalent) intake and exhaust mufflers which are maintained in good condition.
  - iv. Prohibit and post signs prohibiting unnecessary idling of internal combustion engines.
  - v. Locate all stationary noise-generating equipment such as air compressors and portable generators as far as practicable from noise-sensitive land uses.
  - vi. Utilize “quiet” air compressors and other stationary equipment where feasible and available.
- a. Noise Barrier Standards. When noise barriers are required or proposed, their design and placement must be reviewed and approved by the project noise consultant, prior to issuance of grading or building permits. These barriers must be installed prior to grading and excavation activities and must be inspected by the project noise consultant to ensure that it has been properly constructed/installed. The barrier must remain in place for the duration of grading and excavation activities, unless approved for removal by the noise consultant to allow work at that location.
  - b. Engine Noise. Prior to issuance of grading or building permits, the applicant must demonstrate that a condition of contract of all contractors and subcontractors requires the use of internal combustion engine-driven equipment with original factory (or equivalent) intake and exhaust mufflers, which are maintained in good condition.
  - c. Equipment Noise. Prior to issuance of grading or building permits, the applicant must demonstrate that a condition of contract of all contractors and subcontractors requires the use of “quiet” air compressors and other stationary equipment. If the applicant demonstrates that the use of quiet air compressors and other stationary equipment is not feasible, moveable sound barriers or portable sound huts must be used for noise mitigation.
  - d. The Project Noise Consultant shall conduct an acoustic analysis of all mechanical and HVAC equipment proposed with the final building permit plans. The results of the analysis and design recommendations to ensure compliance with the City’s Noise Ordinance shall be summarized by the Consultant in a letter submitted with the building permit plans. The consultant’s recommendations shall be incorporated into the building plans, prior to issuance of a building permit.
  - e. Noise Impacted locations. All new development that would be exposed to noise greater than the “normally acceptable” noise level range, and residential and other noise-sensitive land uses within the 65 dB contours, as shown in [BVSP] Figure 6-6d are required to reduce interior noise through design, sound insulation, or other measures to achieve an interior noise level of not more than 45 dBA. At minimum, the following is required:

- vii. A detailed acoustical analysis of the project must be completed by a qualified acoustical consultant to define the measures required such that the interior noise level requirements are satisfied.
- viii. Prior to issuance of a Building Permit, the project noise consultant must certify in writing that the submitted Building Plans include all required noise reduction recommendations specified in the detailed acoustical analysis (i.e., construction methods, increased insulation, noise baffling, etc.) to reduce interior noise levels below the City and State level of 45 dB.
- ix. The final project design must include a suitable form of forced-air mechanical ventilation, as determined by the local building official, for all residential units so that windows can be kept closed at the occupant's discretion to control interior noise and achieve the interior noise standards.

#### Noise & Vibration – Project Specific Conditions

- a. In accordance with the recommendations provide in the Noise and Vibration study prepared for the project by Illingworth & Rodkin, Inc., the following is required:
  - i. Use of a concrete saw shall be limited to within 50 feet of residences where feasible.
  - ii. Use construct temporary noise barriers where feasible to screen mobile and stationary construction equipment. Temporary noise barrier fences would provide noise reduction if the noise barrier interrupted the line-of-sight between the noise source and receiver and if the barrier is constructed in a manner that eliminates any cracks or gaps.
  - iii. All gasoline-powered construction equipment shall be equipped with an operating muffler or baffling system as originally provided by the manufacturer, and no modification to these systems is permitted.
  - iv. Unnecessary idling of internal combustion engines shall be strictly prohibited.
  - v. Construction staging areas shall be established at locations that will create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
  - vi. When necessary, erected a temporary noise control blanket barrier along building facades facing construction sites. This measure would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.
  - vii. Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
  - viii. The contractor shall prepare a detailed construction schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.

- ix. Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include the contact information in the notice sent to neighbors regarding the construction schedule.
  - x. Prior to the issuance of building permits, mechanical equipment shall be selected and designed to reduce impacts on surrounding uses to meet the City's requirements. A qualified acoustical consultant shall be retained by the project applicant to review mechanical noise as the equipment systems are selected to determine specific noise reduction measures necessary to reduce noise to comply with the City's 45 dBA Leq noise limit at any receiving property line. Noise reduction measures may include, but are not limited to, selection of equipment that emits low noise levels and/installation of noise barriers such as enclosures and parapet walls to block the line of sight between the noise source and the nearest receptors.
- b. A construction vibration-monitoring plan shall be implemented to document conditions at all structures located within 20 feet of proposed construction prior to, during, and after vibration generating construction activities. All plan tasks shall be in accordance with industry accepted standard methods. The construction vibration monitoring plan should be implemented to include the following tasks:
- i. Identification of sensitivity to groundborne vibration of all structures located within 20 feet of construction.
  - ii. Performance of a photo survey, elevation survey, and crack monitoring survey for all structures located within 20 feet of construction. Surveys shall be performed prior to, in regular intervals during, and after completion of vibration generating construction activities and shall include internal and external crack monitoring in the structure, settlement, and distress to the extent that access is provided by the owner of the building. The survey shall document the condition of the foundation, walls and other structural elements in the interior and exterior of said structures.
  - iii. Conduct a post-survey on the structure where either monitoring has indicated high levels or complaints of damage. Make appropriate repairs or provide compensation where damage has occurred as a result of construction activities.
  - iv. Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.

### *Public Works Department*

- All construction and related activities which require a City permit shall be allowed only during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday and 10:00 a.m. to 5:00 p.m., Saturdays. No construction activity or related activities shall be allowed outside of the aforementioned hours or on Sundays and the following holidays: New Year's Day, President's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving Day and Christmas Day. All gasoline powered construction equipment shall be equipped with

an operating muffler or baffling system as originally provided by the manufacturer, and no modification to these systems is permitted.

### Operational Noise

Operational noise from residential projects typically results from increased traffic noise and noise from heating, ventilation, and air conditioning (HVAC) systems.

### *Traffic Noise*

Increased project-related traffic noise has the potential to cause impacts to current sensitive receptors, including noise-sensitive land uses along Old County Road and El Camino Real. A significant noise impact would occur if traffic generated by the project would substantially increase noise levels for sensitive receptors in the project vicinity. Based on the Belmont 2035 General Plan Draft Environmental Impact Report, future noise levels along Harbor Boulevard are calculated to increase by up to 3 dBA. Future noise levels along Old County Road are calculated to increase by up to 2 dBA. Neither the City of Belmont nor the State of California define the traffic noise level increase that is considered substantial (Illingworth and Rodkin, p. 31). A significant increase would typically be identified if project generated traffic were to result in a permanent noise level increase of 3 dBA DNL or greater in a residential area where the resulting noise environment would exceed or continue to exceed 60 dBA DNL. For reference, a 3 dBA DNL noise increase would be expected if the project would double existing traffic volumes along a roadway. To estimate the future noise environment at the project site, the project noise assessment compared the net generation of peak hour project trips to existing peak hour traffic volumes along Harbor Boulevard and Old County Road. The project noise assessment determined that the net peak hour generation of trips would result in a future noise increase of less than 1 dBA DNL, which falls below the 3 dBA DNL threshold. As a result, this impact would be less than significant (Impact 4.10-3).

### *HVAC Systems*

Detailed mechanical plans for HVAC systems have not yet been prepared for the project, and such plans are typically not required until building permit submittal (Illingworth & Rodkin, p. 31). While mechanical equipment noise specific to the project was not analyzed in the project noise assessment, rooftop mechanical equipment is often used in similar buildings. The project noise assessment notes HVAC systems design should take into account the noise criteria associated with such equipment and utilize site planning to locate equipment in less noise-sensitive areas. Other controls could include, but shall not be limited to, fan silencers, enclosures, and screen walls. The General Plan Draft Environmental Impact Report did not identify any significant impacts with respect to stationary mechanical equipment, assuming noise guideline policies are followed.

The project noise assessment documents the nearest noise-sensitive uses to the project site as commercial uses directly to the west of the project site, as well as to the south across Old County Road and to the east across Harbor Boulevard. The City's General Plan sets noise limits for stationary noise sources at 50 dBA Leq for daytime and 45 dBA Leq for nighttime. Given the close proximity to noise-sensitive uses and lack of sufficient details about the mechanical equipment, enclosures, and rooftop locations, there is the potential for noise from mechanical equipment to exceed 45 dBA Leq at noise-sensitive land uses in the immediate project vicinity (Illingworth & Rodkin, p. 32).

General Plan Policy 7.1-5 would be implemented as part of the project to ensure that noise-generating appliances serving new multi-family or mixed-use residential development are located or adequately insulated to protect residents from the noise. In addition, the City has included within its conditions of approval a measure to ensure the project HVAC and mechanical equipment design complies with the City's Noise Ordinance. See Planning Division COA #17 d. above.

Compliance with General Plan Policy 7.1-5 and the project conditions of approval above would ensure that significant noise impacts would not occur from project mechanical and HVAC equipment (Impact 4.10-3).

### Noise Exposure

CEQA does not require analysis of impacts of the existing environment on a project pursuant to the California Supreme Court decision in California Building Industry Association vs. Bay Area Air Quality Management District (CBIA v. BAAQMD). Therefore, noise impacts in this area would not be significant for CEQA purposes; however, the proposed residential project has the potential to expose persons (occupants) to noise levels in the vicinity of the project site that are in excess of standards established in the General Plan. This is a potentially significant impact that is identified in the General Plan EIR. As such, the General Plan EIR identifies polices to reduce or mitigate these potential impacts, including:

- **General Plan Policy 7.1-2** - Use the Community Noise Level Exposure Standards, shown in [General Plan] Table 7-1, as review criteria for new land uses. Require all new development that would be exposed to noise greater than the “normally acceptable” noise level range to reduce interior noise through design, sound insulation, or other measures.
- **BVSP Policy 6.5-1** - Require residential and other noise-sensitive land uses within the 65 dB contours, as shown in [BVSP] Figure 6-6, to incorporate adequate noise attenuation into the design and site planning of the project in order to achieve an interior noise level of not more than 45 dBA. Ensure that adequate noise attenuation methods are incorporated in new development prior to the issuance of building permits.
- **General Plan Policy 7.1-3** - Require noise-reducing mitigation to meet allowable outdoor and indoor noise exposure standards in Table 7-2. Noise mitigation measures that may be approved to achieve these noise level targets include but are not limited to the following:
  - Construct façades with substantial weight and insulation;
  - Use sound-rated windows for primary sleeping and activity areas;
  - Use sound-rated doors for all exterior entries at primary sleeping and activity areas;
  - Use minimum setbacks and exterior barriers;
  - Use acoustic baffling of vents for chimneys, attic and gable ends; and
  - Install a mechanical ventilation system that provides fresh air under closed window conditions. Alternative acoustical designs that achieve the prescribed noise level reduction may be approved, provided a qualified Acoustical Consultant submits information demonstrating that the required reductions to meet the specific targets for outdoor activity areas and interior spaces can be achieved and maintained.



### *Interior Noise*

The project noise assessment included measurements of existing noise levels. The assessment indicated that the southeastern façade of the building along Harbor Boulevard and the southwestern façade along Old County Road would be exposed to interior noise levels of up to 51 dBA DNL with standard construction and windows closed (Illingworth & Rodkin, p. 23). These estimated interior noise levels exceed the City's threshold for interior noise exposure.

The project noise assessment recommends building design measures to achieve interior noise levels of a maximum of 45 dBA DNL; thereby ensuring project consistency with the Belmont General Plan's maximum interior noise levels. The assessment's recommendations have been incorporated into the project conditions of approval, as shown below.

### **Conditions of Approval – Noise Exposure**

#### *Planning Division*

#### Design Measures to Reduce Future Noise Exposure

- a. Building sound insulation requirements would need to include the provision of forced-air mechanical ventilation for all residential units so that windows could be kept closed at the occupant's discretion to control noise.
- b. Windows and doors of all units should have the following minimum ratings:
  - i. STC 30 or greater for units having direct line-of-sight to Harbor Boulevard and Old County Road.
  - ii. STC 26 or greater for all other units.

The above recommendations should be re-evaluated by a qualified acoustical consultant if project plans change substantially.

Compliance with the interior noise COAs would ensure project consistency with General Plan interior noise standards, and impacts would be less than significant (Impact 4.10-2).

### *Exterior Noise*

The City's "normally acceptable" exterior noise level objective is 65 dBA DNL or less for the proposed multi-family residential land use. Preliminary project plans show outdoor use areas in the form of private patios and balconies and a shared open space area on the second floor. The project noise assessment measured future unmitigated exterior noise levels at the project site. At approximately 40 feet from the centerline of Harbor Boulevard, the future unmitigated noise level would be up to 72 dBA DNL (Illingworth & Rodkin, pp. 22-23). At approximately 50 feet from the centerline of Old County Road, the future unmitigated noise level would be up to 70 dBA DNL.

Future unmitigated noise levels would exceed the City's "normally acceptable" exterior noise level threshold of up to 65 dBA DNL at the proposed private balconies, patios, and pathways. The project noise assessment did not recommend mitigation to reduce exterior noise levels at the small private outdoor use areas (e.g., balconies, patios, etc.) or pathways proposed at the

project site because it is not possible to mitigate high noise exposures to meet the exterior noise thresholds without completely enclosing the space. The necessary mitigation to meet the exterior noise threshold would eliminate the outdoor space altogether.

Without mitigation, which the project noise assessment determined to be infeasible, the patios, balconies, and pathways would exceed exterior noise level thresholds. The project Applicant is seeking an exemption from BVSP Policy 6.5-2, which states the following:

**BVSP Policy 6.5-2** - Require projects in the Belmont Village Planning Area to incorporate noise mitigations to strive to achieve City standards for exterior noise levels. However, after incorporating noise mitigations, if a project still cannot achieve City standards for exterior noise levels, as determined by acoustical analysis by a licensed acoustical engineer, project sponsors may apply for an exception to City exterior noise standards. Such exception requests will be considered through a discretionary development entitlement process. Projects requesting exceptions to exterior noise standards should demonstrate that: (1) all feasible noise mitigations have been incorporated to lower exterior noise levels as close as possible to City standards; and (2) noise mitigations that lower interior noise levels below the City and State standard of 45 dB have been incorporated, to compensate for the high exterior noise levels which make outdoor activities uncomfortable.

The City has indicated the project qualifies for an exemption to BVSP Policy 6.5-2 and will allow the exceedance of the City's exterior noise level threshold at the proposed outdoor patios and balconies because: (1) all feasible noise mitigations have been incorporated to lower exterior noise levels as close as possible to City standards; and (2) noise mitigations that lower interior noise levels below the City and State standard of 45 dB have been incorporated, to compensate for the high exterior noise levels which make outdoor activities uncomfortable. As such, the project would not have a significant exterior noise impact from exterior noise levels that measure greater than 65 dBA DNL at the outdoor patios and balconies. This impact would be less than significant with City approval of the requested exemption to BVSP Policy 6.5-2 (Impact 4.10-3).

The open space area located on the second floor would experience future exterior noise levels less than 65 dBA DNL and would fall under the "normally acceptable" noise category (Illingworth & Rodkin, p. 23). The project's site design incorporates building shielding from the dominant noise sources along Harbor Boulevard and Old County Road.

With the City's approval of the project's exemption to BVSP Policy 6.5-2, this impact would be less than significant (Impact 4.10-3).

**13.b Groundborne Vibration.** The main concern for vibration generated by ground-disturbing construction activities is the potential for architectural/structural damage to adjacent vibration-sensitive receptors (VSRs), which include adjacent buildings and structures. Project construction has the potential to generate substantial vibration in the immediate vicinity through the use of heavy equipment and impact tools, which may include vibratory rollers, bulldozers, jackhammers, and clam shovel excavators. The project noise assessment analyzed the potential vibration levels generated by project construction activities and project-specific vibration impacts to surrounding VSRs (Illingworth & Rodkin, p. 33). While the City of Belmont's General Plan does not specify a construction vibration limit, Caltrans recommends construction vibration limits based on the structural integrity of surrounding buildings. The project noise

assessment compared potential vibration from project construction against the 0.3 in/sec PPV vibration limit, which is most applicable to structures in the site vicinity.

The project noise assessment determined that heavy construction equipment use located within 20 feet of structures would have the potential to exceed the 0.3 in/sec PPV threshold for buildings that are found to be structurally sound but where structural damage is a major concern (Illingworth & Rodkin, p. 33). The self-storage building to the northwest, which is located within 10 feet of the project construction envelope, could potentially be subject to vibration levels as high as 0.6 in/sec PPV. Vibration levels at all other buildings in the vicinity would be below the 0.3 in/sec PPV threshold and would not be anticipated to be impacted by project construction generated vibration.

Project-generated vibration levels could potentially cosmetically damage the self-storage building to the northwest of the project site when project construction activities are located within 20 feet of the structure (Illingworth & Rodkin, p. 34). Vibration levels would fall below the 0.3 in/sec PPV threshold at structures located 20 feet or further from construction. This is a potentially significant impact. The project noise assessment recommends measures to reduce the vibration impact of project construction on the self-storage building to the northwest. These measures have been incorporated in the project conditions of approval.

### ***Conditions of Approval – Construction Vibration***

#### *Planning Division*

#### Construction Vibration Standard Conditions

- a. After obtaining permission from the subject property owners, the applicant must conduct preconstruction photo surveys of foundation/building wall cracks in adjacent structures and install vibration monitors at any sensitive receptor sites identified in the project Vibration Assessment. The applicant must submit a copy of the photo survey and written confirmation from the Project Acoustic Consultant that all required monitors have been installed and inspected, and that they meet the consultant's specifications, prior to issuance of grading or building permits.
- b. The applicant must designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.
- c. Neighboring property owners within 300 feet of the project site must be noticed of the construction activities and construction schedule (including estimated dates of various construction phases) at least two weeks prior to the start of construction.
- d. The applicant must ensure that the preventative and monitoring measures identified in the Vibration Assessment are enforced during grading and building operations. The applicant must demonstrate that all project construction personnel have been made aware of these measures, prior to issuance of a grading or building permits. On-site identification of any buffer distances between construction (i.e., vibratory rollers, excavators, backhoes, etc.) and adjacent structures that are specified in the Vibration Assessment must occur prior to grading operations.

- e. Vibration monitors shall be placed at the sensitive receptors to monitor construction activities and make sure the project thresholds are met. Real-time alerts must be sent to the Contractor in case of near threshold vibration levels or in case of threshold exceedances. In case of exceedances, work must stop, and the source of the exceedance must be identified, and the required mitigation measure should be incorporated.
- f. Building structures near the project must be periodically checked for cracks, and any cracks must be monitored. If minor cracks are reported or existing cracks propagate, vibration project action levels must be restricted.
- g. Whenever possible, construction or equipment activity generating relatively high levels of vibration must not occur at the same time and shall be spaced as far apart in time as possible from one another. In general, the most severe activities must be reserved for the middle of the day (noon). If activities must occur simultaneously, they shall be performed as far away from one-another as possible within the construction zone.
- h. All deliveries of material and equipment must occur during daytime hours, including queueing of construction vehicles outside the site. Vehicles delivering materials and equipment must be operated in strict conformance with regulations established by the United States Department of Transportation and all State and Local requirements. All materials and equipment must be stored on-site and within the confines of the construction barricades.
- i. Stationary and portable construction equipment must be located at positions where the noise/vibration impact to nearby noise/vibration-sensitive receptors is minimal. At times where the equipment cannot be positioned at a minimal noise/vibration impacting location, mitigation devices shall be implemented, as determined by the Project Acoustic Consultant, or designated Vibration Monitor.
- j. After construction activities are complete, the applicant must conduct a post-construction photo survey of previously surveyed buildings for foundation /building wall cracks. The post construction survey, and a summary letter of any resulting actions taken (repairs or restitutions) must be provided to the Community Development Department, prior to final building permit inspection.

#### Noise & Vibration – Project Specific Conditions

- b. A construction vibration-monitoring plan shall be implemented to document conditions at all structures located within 20 feet of proposed construction prior to, during, and after vibration generating construction activities. All plan tasks shall be in accordance with industry accepted standard methods. The construction vibration monitoring plan should be implemented to include the following tasks:
  - i. Identification of sensitivity to groundborne vibration of all structures located within 20 feet of construction.
  - ii. Performance of a photo survey, elevation survey, and crack monitoring survey for all structures located within 20 feet of construction. Surveys shall be performed prior to, in regular intervals during, and after completion of vibration generating construction

activities and shall include internal and external crack monitoring in the structure, settlement, and distress to the extent that access is provided by the owner of the building. The survey shall document the condition of the foundation, walls and other structural elements in the interior and exterior of said structures.

- iii. Conduct a post-survey on the structure where either monitoring has indicated high levels or complaints of damage. Make appropriate repairs or provide compensation where damage has occurred as a result of construction activities.
- iv. Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.

Implementation of the conditions of approval listed above would ensure project construction vibration impacts are less than significant (Impacts 4.10-1, 4.10-2, and 4.10-4).

**13.c Private Airstrips & Airport Noise.** According to the General Plan EIR, no private airfields are located in the Planning Area (EIR p. 4.10-46). Residents and employees within these areas would not be exposed to adverse levels of noise from aircraft overflights associated with private airfields. No impact would occur, and no mitigation would be necessary.

There are no private airstrips in the vicinity of Belmont. The project site is not located within the San Francisco International Airport Influence Area, and therefore, would not be subject to excessive noise from the San Francisco International Airport. The project site is located within the San Carlos Airport Safety Zone 6, the traffic pattern zone. The project site is not located in an area that would be subject to excessive noise from the San Carlos Airport. Therefore, noise from a private airstrip is not applicable to the project, and no significant impacts are expected with respect to aircraft noise from airports (Impacts 4.10-5 & 4.10-6).

## 2.14 POPULATION AND HOUSING

<i>Would the project:</i>	<i>Potentially New Impact – Further Investigation to be Undertaken</i>	<i>New Impact – Reduced to Less than Significant with New Mitigation Identified</i>	<i>No Change to Previous Impact, but New or Revised Mitigation Identified</i>	<i>No Change to Previous Impact or Mitigation Identified</i>	<i>Topic Not Previously Analyzed; No Impact or Less than Significant Impact</i>
14.a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14.b. Displace substantial numbers of existing people or housing necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### **Documentation:**

**14.a Population Growth.** The General Plan EIR determined that by 2035, Belmont’s population is projected to increase by about 4,100 residents and the number of households is projected to increase by 1,500 households (EIR pp. 4.9-13). Much of the growth is expected to happen in eastern Belmont. New homes and businesses planned for in the General Plan and Phase I Zoning would accommodate growth in Belmont that is commensurate with the city’s size, growth rate, and place in the region (EIR pp. 4.9-28 and 4.9-29). The EIR concluded that providing for new commercial/industrial development areas would help Belmont reach closer parity between jobs and housing, ensuring that growth in the Planning Area results in a more efficient land use and transportation pattern (EIR p. 4.9-28). As a result, the General Plan and Phase 1 Zoning would not induce substantial population growth in an area, either directly or indirectly (Impact 4.9-4); the impact is less than significant, and no mitigation was required.

Development within the HIA has already been contemplated in, and is consistent with, the adopted General Plan and the General Plan EIR, and such development will not represent growth for which adequate planning has not occurred. No significant adverse growth-inducing impacts were anticipated from the General Plan and Phase 1 Zoning or from individual development projects occurring consistent with the General Plan (see General Plan EIR Chapter 9, Land Use, Population and Housing).

The project would construct a 111,654-square-foot building for multi-family residential use. The multi-family residential building would provide 103 dwelling units and based on the most recent persons per household rate for Belmont,<sup>1</sup> house an estimated 258 people. The project is

<sup>1</sup> The United States Census Bureau’s 2017-2021 persons per household rate for Belmont, CA is 2.51 person per household (<https://www.census.gov/quickfacts/fact/table/belmontcitycalifornia/IPE120220>).

estimated to account for approximately nine percent of the City's projected population growth and 9.7 percent of the projected increase in households under buildout of the General Plan.

The project's addition of 103 housing units is not anticipated to cause the General Plan's buildout scenario to be exceeded, even considering the addition of new housing units currently under review, approved and awaiting construction, and recently constructed. As such, the project remains within the buildout scenario analyzed in the General Plan EIR. Therefore, the project would not result in any new significant impacts or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.

**14.b. Displaced Housing or People.** The EIR determined that the General Plan and Phase I Zoning focus on infill development opportunities in vacant and underutilized areas in Belmont (EIR p. 4.9-30). Furthermore, the General Plan and Phase I Zoning increases the capacity for the overall number of dwelling units (1,500 new dwelling units). As a result, the EIR concluded that the General Plan and Phase 1 Zoning would not displace substantial numbers of existing housing units or people, necessitating the construction of replacement housing elsewhere (Impact 4.9-5); the impact is less than significant, and no mitigation was required.

The project would be constructed in a commercial and industrial use area. Existing buildings on the project site (see Project Description) would be displaced by the new development. The existing uses are commercial businesses; as such, no people or housing would be displaced. Therefore, the project would not result in any new significant impacts or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.

## 2.15 PUBLIC SERVICES

	<i>Potentially New Impact – Further Investigation to be Undertaken</i>	<i>New Impact – Reduced to Less than Significant with New Mitigation Identified</i>	<i>No Change to Previous Impact, but New or Revised Mitigation Identified</i>	<i>No Change to Previous Impact or Mitigation Identified</i>	<i>Topic Not Previously Analyzed; No Impact or Less than Significant Impact</i>
15.a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### **Documentation:**

**15a.i-ii. Fire and Police Protection.** The General Plan EIR indicates that the buildout of the General Plan/BVSP is not expected to result in significant impacts to fire and police service levels, as new development would primarily be concentrated in infill areas already adequately served by both departments. However, the General Plan EIR identifies General Plan and BVSP policies that are intended to reduce the potential fire and police service level impacts of individual development projects. These policies generally encourage focusing development in already developed areas where it can be served by existing public services and allowing sufficient density/intensity to enable development to support all required infrastructure/community facilities. The policies also require Fire and Police Department review of individual development projects to ensure consideration of potential impacts to public safety. As a result, the EIR concluded that Phase 1 Zoning would not substantially adversely impact fire and police protection services (Impact 4.11-1); the impact is less than significant, and no mitigation was required.

The proposed development project would be located in an urbanized part of the city, which is accessible by major streets. According to Chapter 4.11 (Public Services) of the General Plan EIR, the BVSP Area has an average fire service response time of 4 minutes and 32 seconds, which is well under the average response time benchmark of 6 minutes and 59 seconds for the city. While the project would not be located in the BVSP Area, the site is located just outside of



the BVSP Area. Further, Fire Station 14 is located approximately 0.34 miles northwest of the project site.

The project would be constructed to its maximum density/intensity and would contribute to infrastructure upgrades and street improvements impacted by or in the immediate vicinity of the site. The Fire and Police Departments have reviewed the proposed development project and provided appropriate conditions of approval. Neither the Police nor the Fire Department have identified that an increased need for staffing facilities or equipment would be required to serve the site. Therefore, the project would not result in any new significant impacts or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.

#### **15.a.iii-v. Schools, Parks, and Other Public Facilities.**

##### Schools

The General Plan EIR indicates that the potential increased enrollment of students resulting from the buildout of the General Plan/BVSP would exceed the designated capacity for both the Belmont Redwood Shores (BRSSD) and the Sequoia Unified High School (SUHSD) School Districts. The EIR notes that additional elementary school facilities may need to be constructed, but that the siting and construction of new schools is regulated by the California Department of Education, not the City of Belmont. However, future school expansions and new school construction would be subject to CEQA.

The General Plan EIR includes policies that encourage the City to continue to coordinate and collaborate with the public school districts that serve Belmont in an effort to ensure the appropriate accommodation of future student populations. In addition, the General Plan EIR notes that funding for new school construction is provided through state and local revenue sources, and Senate Bill (SB) 50 (Chapter 407, Statutes of 1998) governs the amount of school-impact fees that can be levied against new development. Subject to the payment of school impact fees, individual development projects are considered fully mitigated, according to the General Plan EIR. As a result, the EIR concluded that Phase 1 Zoning would not substantially adversely impact the provision of school services (Impact 4.11-2); the impact is less than significant, and no mitigation was required.

Pursuant to Section 17620(b) of the California Education Code, the City will require proof of payment of school impact fees prior to issuance of building permits for the project. These fees are collected for the sole purpose of funding the construction or reconstruction of school facilities. Therefore, the project would not result in any new significant impacts or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.

### Parks and Recreational Facilities

The General Plan EIR indicates that the population increase associated with buildout of the General Plan/BVSP would place additional physical demands on existing parks and City facilities, potentially shortening their useful lives. In addition, the developed park acres presently identified in the General Plan will not be enough to satisfy the standard set by the General Plan. However, the EIR notes that Belmont does have enough parkland and open space citywide to meet the needs of its current and future population, and the EIR identifies policies, programs and actions that will ensure that the parks/recreation and public facility needs of the population of the Planning Area will be met under the buildout of the General Plan/BVSP (i.e., impacts would be less than significant).

The General Plan EIR indicates that the construction of parks has the potential to negatively impact the environment through habitat disturbance and water pollution during construction, increased exposure of sensitive habitats to human activity and traffic, installation of impermeable surfaces, introduction of invasive species, and the conversion of open space that could otherwise have been preserved. However, the General Plan includes policies to mitigate the potential impacts of park construction, and the impacts of future park construction would be considered under a separate CEQA review, when the scope of the park construction project and its potential impacts are understood.

As a result, the EIR concluded that Phase 1 Zoning would not substantially adversely impact parks and recreational facilities or develop new parks and recreational facilities in a way that would have an adverse significant effect on the environment (Impact 4.11-3 and 4.11-4); the impact is less than significant, and no mitigation was required.

The project would generate a demand for use of existing recreational facilities. The project does not propose new or expanded recreation facilities to meet the recreational use demand generated by the project; however, the project would pay park impact fees as required by the City of Belmont, ensuring the project would contribute to the City's park and recreation resources commensurate with its impact. Therefore, the project would not result in any new significant impacts or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.

## 2.16 RECREATION

	<i>Potentially New Impact – Further Investigation to be Undertaken</i>	<i>New Impact – Reduced to Less than Significant with New Mitigation Identified</i>	<i>No Change to Previous Impact, but New or Revised Mitigation Identified</i>	<i>No Change to Previous Impact or Mitigation Identified</i>	<i>Topic Not Previously Analyzed; No Impact or Less than Significant Impact</i>
16.a. Would the project Increase the use of existing neighborhood or regional parks or other recreational facilities such that significant physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16.b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### **Documentation:**

**16.a. and 16.b. Existing and New Recreation Facilities.** The General Plan EIR concluded that though the General Plan and Phase 1 Zoning could increase demand for parkland, there is sufficient vacant land to meet future parkland needs within the General Plan planning area (EIR p. 4.11-32). There would be no significant parks and recreation impacts resulting from the General Plan or Phase 1 Zoning projects built under the General Plan (Impact 4.11-3 and Impact 4.11-4). The impacts would be less than significant, and no mitigation was required.

The project proposes a high-density residential development in an area zoned for commercial and industrial uses. The project would increase Belmont’s population by an estimated 368 people. No parks are located within the quarter mile service area of the project site (EIR Figure 4.11-4). The project would generate a demand for use of existing recreational facilities. The project does not propose new or expanded recreation facilities to meet the recreational use demand generated by the project; however, the project would pay park impact fees as required by the City of Belmont, ensuring the project would contribute to the City’s park and recreation resources commensurate with its impact. The project does not propose any new or expanded existing recreational facilities. The project would not have an adverse physical effect on the environment related to recreational facilities.

## 2.17 TRANSPORTATION

<i>Would the project:</i>	<i>Potentially New Impact – Further Investigation to be Undertaken</i>	<i>New Impact – Reduced to Less than Significant with New Mitigation Identified</i>	<i>No Change to Previous Impact, but New or Revised Mitigation Identified</i>	<i>No Change to Previous Impact or Mitigation Identified</i>	<i>Topic Not Previously Analyzed; No Impact or Less than Significant Impact</i>
17.a. Conflict with a program, plan, ordinance or policy addressing the circulation system, including, transit, roadway, bicycle, and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17.b. Conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17.c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17.d. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### **Documentation:**

**17.a. Transportation Programs.** The General Plan, BVSP, and CAP contain numerous policies that promote higher density, transit-oriented, mixed-use development, and the implementation of adopted Complete Streets standards. The development project is proposed at its maximum permitted density and would be located in close proximity to public transit. In addition, the project would include street improvements consistent with adopted Complete Streets standards. As such, the proposed project would be consistent with programs that promote the development of public transit, bicycle, or pedestrian facilities, and increase use of these facilities.

Therefore, the project would not result in any new significant impacts or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.

**17.b. CEQA Guidelines 15064.3(b).** The Belmont City Council adopted Resolution 2021-021 on February 23, 2021 establishing a VMT policy that addresses key metrics for CEQA analyses including baseline VMT, VMT thresholds, VMT exemptions, and requirements for measuring VMT for transportation projects. The City's VMT policy establishes a VMT threshold for new development of 15 percent below the Countywide average VMT. According to the City/County of Association of Governments of San Mateo (C/CAG) Travel Demand Model, the San Mateo County average daily VMT per employee is 17.9, which translates to a Belmont citywide threshold of 15.22 daily VMT per employee for non-residential projects.

A transportation impact analysis titled, “608 Harbor Boulevard Residential Development Transportation Impact Analysis,” dated June 14, 2021, and prepared by Hexagon was prepared for the project (Attachment 9).

The OPR guidelines state that transit-oriented development projects located within ½ mile of an existing major transit stop would have a less-than-significant impact on VMT. According to the project TIA, the proposed project is located within 2,000 feet of the Belmont Caltrain station, which qualifies as a major transit stop (Hexagon 2021, p. 23). Therefore, the project would be presumed to have a less-than-significant impact on VMT per OPR guidelines.

The Transportation Demand Management (TDM) Plan (Nelson Nygaard 2023) prepared for the project identifies specific measures that would be implemented to encourage employees to use alternative modes of travel to reduce VMT (Attachment 10). The measures include improvements to pedestrian and bicycle facilities, bicycle parking for residents/visitors, free public rail system (Caltrain) rides, and curbside carpool services. The City has incorporated implementation of the project-specific TDM strategies into project conditions of approval (see Attachment 1).

### ***Condition of Approval – Transportation Demand Management***

#### *Public Works Department*

The applicant shall demonstrate compliance with the City of Belmont’s TDM programs by submitting a completed TDM application form (available on the City website) which will be subject to review and approval by the Department of Public Works. The applicant shall implement the TDM program as described in the approved TDM Plan. The applicant shall submit an annual TDM compliance report and pay a TDM review fee, as specified in the City’s Master Fee Schedule. In addition, the following is required:

- a. The Applicant, using the adopted TDM program, shall provide a tally of how many points and under which categories the project will be achieving TDM measures.
- b. The Applicant shall implement the TDM measures identified in the final approved Traffic Impact Analysis. The applicant shall submit an annual TDM compliance report and pay a TDM review fee, as specified in the City’s Master Fee Schedule.
- c. The TDM program shall be evaluated annually to assess the actual level of trip reduction achieved at the site and to identify any adjustments to the program necessary to ensure the TDM measures are successful. Consistent with common traffic engineering data collection principles, trip generation shall be monitored annually by means of AM and PM commute hour driveway counts. The counts shall be conducted between 7:00 AM and 9:00 AM and between 4:00 PM and 6:00 PM one day per year on a typical weekday (Tuesday, Wednesday, or Thursday) during the fall when school is in session. Mechanical tube counts, hand counts, or video counts may be used. The peak 60-minute period should be calculated for each two-hour traffic count period.
- d. An annual resident survey should be conducted to determine transportation mode choice (i.e., drive alone, carpool, bus, Caltrain, etc.). The site TDM coordinator shall work with an independent consultant to obtain traffic count data, implement the annual commuter surveys and document the results in a TDM monitoring report.

- e. The annual monitoring report shall be submitted to the Public Works Director or citywide TMA by the TDM coordinator. The data shall be reviewed by the City to assess whether the goal of a 15% trip reduction is being met.
- f. In addition to the annual monitoring reports, a five-year review shall be conducted to evaluate the overall effectiveness of the TDM measures. If the city determines that the trip reduction goal is not being achieved, additional TDM measures may be implemented. Modifications to the TDM plan may include additional programs or services listed in the City of Belmont's TDM program or otherwise available for achieving vehicle trip reductions.
- g. The annual TDM monitoring report shall describe any planned modifications to the TDM program intended to ensure compliance with the trip reduction targets established for this project.

Based on these measures, the project is anticipated to achieve a 38.7 percent overall trip reduction, which would exceed the Belmont General Plan citywide trip reduction goal of 15 percent. Without accounting for reduction of trips due to TDM, the site is anticipated to generate a net increase of 356 trips (Nelson Nygaard 2023, p. 8). As a result of the proposed TDM measures, the project is expected to generate a reduction of 221 net trips per day compared to the typical daily trips for a multi-family housing development (Nelson Nygaard 2023, p. 9). With the implementation of the proposed TDM program as a project COA, the project would not result in any new significant impacts or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.

**17.c. Road Hazards.** The General Plan EIR concluded that any transportation and circulation improvements implemented under the General Plan and Phase I Zoning would be designed and constructed to local, regional, and Federal standards, and as such, would not be expected to introduce any hazardous design features. There would be no significant roadway hazardous design features resulting from the projects built under the General Plan or Phase 1 Zoning (Impact 4.12-8). The impact is less than significant, and no mitigation was required.

In its existing condition, the project site is served by three driveways on Old County Road, Harbor Boulevard, and Elmer Street. The project would remove the driveway on Harbor Boulevard and construct new driveways on Elmer Street and Old County Road. The Elmer Street driveway would provide access to the building's ground-level parking garage, and the Old County Road driveway would be used only for loading purposes.

The proposed driveway along Elmer Street would be 22.5 feet wide and the loading driveway along Old County Road would be 12 feet wide, which meets the City's standard. According to the project transportation impact analysis (TIA), the project would follow the following measures to ensure adequate site access:

1. The project driveways should be free and clear of any obstructions to optimize sight distance, thereby ensuring that exiting vehicles can see pedestrians on the sidewalk and other vehicles traveling on adjacent roadways.
2. Any landscaping and signage should be located in such a way as to ensure an unobstructed view for drivers entering and exiting the site.

3. Adequate corner sight distance (sight distance triangles) should be provided at all site access points in accordance with the City's standards. Sight distance triangles should be measured approximately 15 feet back from the traveled way.

The project driveways would be constructed to local, regional, and Federal standards, and as such, would not be expected to introduce any hazardous design features.

Project construction related traffic (including worker vehicles and large trucks) would interact with other vehicles, bicyclists, and pedestrians and could create traffic safety hazards. During the construction period, trucks delivering materials and equipment would travel to and from the project site along local streets in Belmont. The presence of slow-moving, large construction vehicles could obstruct passenger vehicle drivers' field of vision and make turns or passing more hazardous for all roadway users. The creation of potential traffic safety hazards as a result of project construction would be a potentially significant impact. The City requires approval of a Traffic Control Plan as part of the project. Implementation of a project traffic control plan would reduce project construction traffic safety impacts to a less-than-significant level.

### ***Condition of Approval – Traffic Control Plan***

#### *Public Works Department*

##### c) Traffic Control Plan

Routes for construction-related traffic (hauling, deliveries, works, etc.) shall be identified in consultation with the Department of Public Works. Grading, hauling, and construction delivery traffic shall be timed to avoid peak hour school and work commute traffic. The CMP shall identify the maximum size of construction equipment /trucks, during construction, expected temporary street closure and the use of flag personnel during construction, and the location of construction worker parking/car-pooling. Comprehensive traffic control measures shall be identified, including: any required detour signage, lane closures, and sidewalk closures. A 24 Hour Written notice must be given to the Public Works and Police Departments prior to lane closures. Trained flag persons shall be positioned at both ends of blocked traffic lanes to ensure safe movement of vehicles, and pedestrians. The proposed traffic control plan may require review by a traffic engineer, to ensure an adequate intersection/driveway turning radius would be provided for large vehicles, and/or when other large projects are in construction at the same time.

The project would have less than significant construction-period and operational impacts related to road hazards. Therefore, the project would not result in any new significant impacts or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.

**17.d. Emergency Access.** The General Plan EIR concluded that to the extent that the General Plan and Phase I Zoning would affect average vehicle delay, there could be a corresponding change to the response times of the emergency vehicles traveling through these locations; therefore, the impact of the General Plan and Phase I Zoning on emergency access would be potential significant (Impact 4.12-9). Mitigation was required signal priority preemption equipment and strict adherence to emergency vehicle passing priority under state law could reduce the General Plan and Phase I Zoning's impact on emergency access; however, the

mitigation measures could not be accurately quantified, resulting in the impact remaining significant and unavoidable.

The project has been designed to accommodate emergency service vehicles along the street frontages of the building and a private alley along the back of the building. The project is required to comply with the City's emergency access requirements. Therefore, the project would not result in any new significant impacts or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.



## 2.18 TRIBAL CULTURAL RESOURCES

<i>Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</i>	<b>Potentially New Impact – Further Investigation to be Undertaken</b>	<b>New Impact – Reduced to Less than Significant with New Mitigation Identified</b>	<b>No Change to Previous Impact, but New or Revised Mitigation Identified</b>	<b>No Change to Previous Impact or Mitigation Identified</b>	<b>Topic Not Previously Analyzed; No Impact or Less than Significant Impact</b>
18.a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
18.b. A resource determined by the Lead Agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in Public Resources Code Section 5020.1(c). In applying Public Resources Code Section 5020.1(c), the Lead Agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### **Documentation:**

**18.a-b. Tribal Cultural Resources.** The General Plan EIR evaluated the potential for tribal cultural resources to be located within the General Plan Planning Area (EIR p. 4-26) through tribal outreach. The EIR determined that no available evidence suggests tribal cultural resources are present that were not already identified as archaeological or historical resources. As a result, the EIR concluded that the General Plan and Phase 1 Zoning would not cause a substantial adverse change in the significance of a tribal cultural resource (Impact 4.4-5); the impact was less than significant, and no mitigation was required.

The project site does not contain known tribal cultural resources. As discussed under Cultural Resources, General Plan Policy 5.12-1 requires mitigation for development on sites suspected of being culturally significant, while Policy 5.12-2 requires that, if cultural resources are discovered during construction, an evaluation be completed. The City's standard conditions of approval, which are listed in the Cultural Resources section of this Consistency Analysis, incorporate the General Plan's cultural resources requirements for implementation at the project-level. The project's implementation of the City's standard COAs would render the project's impacts on tribal resources less than significant. Therefore, the project would not result

in any new significant impacts on tribal cultural resources or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.

## 2.19 UTILITIES

<i>Would the project:</i>	<i>Potentially New Impact – Further Investigation to be Undertaken</i>	<i>New Impact – Reduced to Less than Significant with New Mitigation Identified</i>	<i>No Change to Previous Impact, but New or Revised Mitigation Identified</i>	<i>No Change to Previous Impact or Mitigation Identified</i>	<i>Topic Not Previously Analyzed; No Impact or Less than Significant Impact</i>
19.a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19.b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19.c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19.d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19.e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### **Documentation:**

**19.a Relocation or Construction of New Facilities.** The General Plan EIR concluded that, as a result of compliance with existing regulations, as well as implementation of proposed General Plan policies, the impact of the General Plan and Phase I Zoning related to the construction of water facilities would be less than significant outside of the BVSP Area (EIR, p. 4.13-32).

The General Plan EIR determined that implementation of the proposed General Plan and Phase I Zoning would result in future residential, commercial, office, and industrial uses in Belmont,

resulting in additional population that would generate additional wastewater. Therefore, wastewater collection, conveyance, and treatment services would increase over current levels (EIR p. 4.13-33). The General Plan EIR concluded as a result of compliance with existing regulations, as well as implementation of the proposed General Plan policies and CAP measures, the impact of the General Plan, Phase I Zoning, and CAP would be less than significant outside of the BVSP Area.

Regarding potential construction impacts of the proposed sanitary sewer system improvements discussed below under 19.c, the project would comply with the City's conditions of approval requiring the preparation and implementation of a Construction Management Plan, which must include details regarding project excavation and utility improvements. The project would also comply with General Plan Policy 2.3-4, which focuses new development near existing infrastructure, thereby reducing the potential for environmental impacts associated with extensive infrastructure improvements over long tracts of land. Project compliance with the City's conditions of approval related to construction management and applicable General Plan policies would reduce the level of impact of potential sewer system improvements to less than significant.

### ***Conditions of Approval – Construction Management Plan***

*Public Works Department*

#### Construction Management Plan

The Applicant shall prepare a construction management plan (CMP) for review and approval by the Public Works Department in consultation with the Community Development Department and Police Department. For properties located at or in close proximity to the City borders, the plan shall be routed to adjacent jurisdictions. The CMP shall include a response to construction-related conditions and requirements identified by reviewing City departments, and outside agencies for inclusion in the Plan. The plan shall include at least the following items:

a) Schedule

A project construction schedule shall be provided that includes the approximate date and expected time frame for each stage of construction. At minimum, the schedule shall include:

- Excavation & Shoring (as applicable)
- Below Grade & Foundation Construction
- Above Grade Construction & Framing
- Exterior & Interior Finish Work
- Public Frontage Improvements
- Offsite & Utility Improvements

b) Site & Logistics Plan

Site and logistics plan(s) shall be provided for each phase of project construction. Said plan(s) shall include:

- Location of Construction Fencing & Access Control for the site
- Proposed Circulation Pattern, including Access & Egress, for Each Phase of Construction
- Location of Dewatering Tanks, Construction Trailer, Temporary Power Pole, & Restrooms

- Erosion & Dust Control Plans
- Security & Lighting Plans
- Location of Construction Staging Areas for Materials, Equipment, & Vehicles
- Crane Plane (Location, Height, & Radius), as applicable
- Construction Worker Parking

c) Traffic Control Plan

Routes for construction-related traffic (hauling, deliveries, works, etc.) shall be identified in consultation with the Department of Public Works. Grading, hauling, and construction delivery traffic shall be timed to avoid peak hour school and work commute traffic. The CMP shall identify the maximum size of construction equipment /trucks, during construction, expected temporary street closure and the use of flag personnel during construction, and the location of construction worker parking/car-pooling. Comprehensive traffic control measures shall be identified, including: any required detour signage, lane closures, and sidewalk closures. A 24 Hour Written notice must be given to the Public Works and Police Departments prior to lane closures. Trained flag persons shall be positioned at both ends of blocked traffic lanes to ensure safe movement of vehicles, and pedestrians. The proposed traffic control plan may require review by a traffic engineer, to ensure an adequate intersection/driveway turning radius would be provided for large vehicles, and/or when other large projects are in construction at the same time.

d) Noticing

The CMP shall include notice to property owners within 300 feet of the project site two weeks prior to grading, and identification of haul route(s) and staging area for the project. The notice shall also include a process for responding to, and tracking, complaints pertaining to construction activity, including identification of an on-site complaint manager. 24-hour advance written notice shall also be provided to adjacent property owners, adjacent businesses, and Public Works and Police Department personnel prior to all major deliveries, detours, and lane closures.

e) Road Conditions

Documentation of road pavement conditions shall be provided to the Public Works Department for all routes that will be used by construction vehicles, both before and after project construction. Roads found to have been damaged by construction vehicles shall be repaired to the level at which they existed prior to project construction.

Water and sanitary sewer service would be provided by existing lines serving the project site. As discussed further under 19.b, the Mid-Peninsula Water District (MPWD) has indicated it has capacity to serve the project through its issuance of an “intent to serve” letter (see Attachment 11). As discussed further under 19.c, the City of Belmont has indicated it has capacity to serve the project through a project “will serve” letter.

The General Plan EIR indicates buildout under the General Plan and Phase I Zoning would result in increased flows that would in turn create a need for new infrastructure in growth areas to accommodate infiltration of stormwater or to convey stormwater to detention basins to prevent flooding. Construction of new stormwater infrastructure could in and of itself have adverse effects on the physical environment; however, the required improvements would occur within rights-of-way and other already disturbed areas within the development footprint of

General Plan and Phase I Zoning. General Plan Policy 6.2-9 ensures continued compliance from the City with the Regional Stormwater Permit (MRP), which requires local agencies in San Mateo County to incorporate stormwater controls in development projects, and provides specific guidelines on design measures, source controls, stormwater treatment measures, hydromodification management, and construction site controls. Plan Policy 2.3-4 promotes sustainability by locating new development near existing infrastructure, thereby reducing the potential for environmental impacts associated with extensive infrastructure improvements over long tracts of land. Furthermore, Policy 5.9-2 encourages development projects to incorporate site design measures that facilitate groundwater recharge and natural hydrological processes, reducing the need for construction of stormwater drainage facilities. The General Plan EIR concluded that, as a result of compliance with existing regulations and implementation of proposed General Plan policies and Phase I Zoning, the impact of the General Plan and Phase I Zoning would be less than significant (Impact 4.13-3). No mitigation was required.

Stormwater runoff would be captured and filtered through bioretention planters located along the rear side (private alley) of the building and a 4,400-gallon stormwater detention cistern. Stormwater would be directed from the new on-site stormwater features to an existing storm drain main line in Elmer Street. Additional stormwater capture capabilities would be provided by self-retaining landscape areas located along Elmer Street, Old County Road, and the rear side of the building and landscape strips along all sides of the building. The project would provide a total of 5,125 square feet of landscaped area to capture stormwater.

**19.b. Water Supplies.** The General Plan EIR concluded proposed General Plan policies 5.6-1, 5.6-3, and 5.6-5 expand water conservation programs and reduce per capita water use, which preserves water supplies. Policy 5.7-3 works to develop a purified/recycled water program, which also reduces water use. The General Plan EIR concluded that, as a result of compliance with existing regulations and implementation of General Plan policies, the impact of the General Plan and Phase I Zoning is less than significant (Impact 4.13-4). No mitigation was required.

The project is a 103-unit multi-family residential building that would generate a water demand for domestic and irrigation uses. The project has received an “intent to serve” letter from the Mid-Peninsula Water District (MPWD). As such, there would be sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years. The project would not result in any new significant impacts or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.

**19.c. Wastewater Capacity.** The General Plan EIR indicates wastewater collection, conveyance, and treatment needs would increase over current levels under the General Plan and Phase I Zoning buildout. Considering all ongoing and planned improvements, the existing wastewater system in the Planning Area is adequate in accommodating the anticipated flow in average and peak dry weather flow conditions by 2030. While anticipated wet weather inflow and infiltration during wet weather events is expected to exceed the existing system capacity by 2030, on-going Capital Improvement Programs for the rehabilitation and replacement of the wastewater system to address deferred sewer capital needs, including proposed flow equalization programs in Silicon Valley Clean Water’s service area, will accommodate the projected wet weather flow regardless of the adoption of the General Plan and Phase I Zoning.

Implementation of the adopted General Plan is expected to exceed the current and pending treatment capacities for the Planning Area, and additional capacity would need to be developed. The General Plan EIR notes General Plan has policies (e.g., Policy 5.7-1 and 5.7-2) to address this capacity need. In addition, current regulations require compliance with water quality

standards and would not allow development without adequate utility capacity, including wastewater treatment capacity. Future development projects allowed under the General Plan and Phase I Zoning would be reviewed by the City and the applicable wastewater providers to determine that sufficient capacity exists to serve the development. The General Plan EIR concluded that, as a result of compliance with existing regulations and implementation of proposed General Plan policies, the impact of the General Plan and Phase I Zoning would be less than significant outside of the BVSP Area (Impact 4.13-5). No mitigation was required.

The project is a 103-unit multi-family residential building that would generate sanitary sewer demand. The project has received a “will serve” letter from the City of Belmont Public Works Department (see Attachment 11). The City of Belmont will provide transport and treatment of sewage generated from the project. Service from the City is dependent upon receipt of all applicable fees and charges from the project, including but not limited to construction of needed mainline and/or lateral improvements from the project all the way to the City of Belmont system, coordination/permitting from the County for any work within their right-of-way, and the sewer connection fee and impact fee. These requirements have been incorporated into the City’s conditions of approval for the project, as shown below.

### **Conditions of Approval – Sanitary Sewer Service**

#### *Public Works Department*

- The project may connect to the City sewer main under O’Neill Avenue via private sewer lateral. The applicant must obtain a permanent encroachment permit from the City for the portion of the lateral located in the right of way prior building permit issuance.
- The applicant/developer agrees to pay a sewer connection fee as specified by each respective City Ordinance or the City’s Master Fee Schedule. Alternatively, the project may connect to the public sewer main under Harbor Boulevard if:
  - a. The City Engineer determines the sewer main and downstream infrastructure have capacity to serve the project, and,
  - b. The project pays a fair share contribution toward improvements made to the sewer main and downstream infrastructure based upon (formula/method of calculating fair share), and either:
    - i. The City and Harbor Industrial Sewer Maintenance District (HISMD) enter into a sewage transportation and treatment agreement allowing HISMD to convey the Project’s sewer flows via the Harbor Boulevard sewer main to the city sewer system, and the Developer pays a sewer connection fee in accordance with the terms of the transportation and treatment agreement between the City and HISMD, or
    - ii. The sewer main becomes part of the city sewer system as the result of a detachment from the HISMD and city annexation of Harbor Boulevard, and the project pays sewer connection fee to the city.
- The Developer shall obtain the County and the cities (City of Belmont and City of San Carlos) approval for any sewer monitoring, analysis, or capacity allocation as outlined in the “Sewer Improvements Coordination Memo” prepared by BKF, dated October 19, 2021. The Developer shall complete the construction of any upgrade, repair, and/or

replacement of any downstream sewers as required by the County and the cities to provide adequate capacities prior to building permit issuance.

In addition, BKF Engineers (BKF) prepared a Technical Memorandum for the project titled, "Sanitary Sewer Analysis: Impact to Existing O'Neill Ave. Sewer Trunk, & Minimum Pipe Size and Slope for Elmer St. Sewer Extension" and dated May 25, 2023. To provide sanitary sewer service to the project site, a sanitary sewer main extension is needed between 608 Harbor Boulevard and O'Neill Avenue. BKF evaluated a proposed sanitary sewer main extension in Elmer Street between the proposed development at 608 Harbor Boulevard and O'Neill Avenue (a run of approximately 840 linear-feet). The existing O'Neill sewer trunk would convey flows from the new extension to an existing sewer pump station on Shoreway Road. The new sewer main would be installed as part of the City of Belmont's sewer system.

For this analysis, BKF reviewed relevant materials, including sewer system capacity analysis report, the city's sewer model, flow data at various manholes in the Harbor Industrial Area, and sewer utility base maps to evaluate the existing flows. The project's projected sewer flows would amount to 9.73 gallons per minute (gpm) during the average dry weather scenario and 90.66 gpm during the peak wet weather scenario. Regarding capacity impacts to the O'Neill Avenue Sewer Trunk, BKF determined that the sewage generation from the proposed project would not have a detrimental impact to the existing 21-inch O'Neill sewer trunk. Although the O'Neill Avenue pipes continue to be surcharged, the additional sewage generation from the proposed project is negligible and would not cause the system to expel any sewer flows beyond the manholes onto the ground surface.

Sewage from the proposed project site would flow into the new sewer main extension via an 8-inch service lateral on the east side of the project site. BKF estimated maximum pipe capacities and flow velocities of the proposed sewer main. BKF determined that, based on the length of the proposed sewer run and existing tie in invert elevation, the Elmer Street sewer extension can only accommodate a slope of approximately 0.5%. Since plastic pipe is able to achieve flushing velocity, PVC or HDPE pipe would be used for the new main line. Modeling results confirmed the minimum flushing velocity of the proposed pipe exceeds the required 2 feet/second self-scouring/flushing velocity.

The project would not result in any new significant impacts or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.

**19.d-e. Solid Waste Disposal.** The General Plan EIR indicates that implementation of the General Plan/BVSP would result in additional population and increased solid waste generation within the City. AB 939 requires local governments to divert 50 percent of their community's solid waste, and the recent goal that has been set by CalRecycle of 75 percent recycling, composting, or source reduction of solid waste by 2020. These disposal targets for Belmont were met for both residential and employment disposal for the years 2013 through 2015.

Given the City's ability to meet its diversion targets, as well as the remaining capacity in landfills in the area, meeting the collection, transfer, recycling, and disposal needs of the projected population anticipated in the General Plan/BVSP is not expected to exceed existing permitted solid waste disposal capacity. In addition, the General Plan/BVSP and CAP contain policies for new development that require participation in all recycling, hazardous waste reduction, and solid waste diversion programs in effect at the time of issuance of building permits. Recycling is required for all multi-family residential projects of five or more units, pursuant to Assembly Bills 341 and 1826. As a result, buildout of the General Plan and Phase 1 Zoning would not generate solid waste in excess of State or local standards, or in excess of the capacity of local



infrastructure, nor would it conflict with local statutes and regulations related to solid waste (Impact 4.13-6 and 4-13.7); the impact is less than significant, and no mitigation was required.

The project applicant has submitted required plans and materials that provide the details for collecting trash and recycling for the proposed development project. A representative of the City's trash and recycling hauler (Recology) has reviewed the materials, determined the appropriate levels of service for the project, and issued a will serve letter for the project (see Attachment 11). Recology staff would verify compliance with the plan and State law requirements for recycling. Therefore, with implementation of the General Plan and CAP policies and zoning regulations, and other existing State regulations, the impacts of the proposed development project would be less than significant. The project would not result in any new significant impacts or substantially increase the severity of previously identified impacts in the General Plan EIR. All impacts are adequately evaluated in the certified General Plan program EIR.

## 2.20 WILDFIRE

<i>If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</i>	<i>Potentially New Impact – Further Investigation to be Undertaken</i>	<i>New Impact – Reduced to Less than Significant with New Mitigation Identified</i>	<i>No Change to Previous Impact, but New or Revised Mitigation Identified</i>	<i>No Change to Previous Impact or Mitigation Identified</i>	<i>Topic Not Previously Analyzed; No Impact or Less than Significant Impact</i>
20.a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
20.b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
20.c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
20.d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### **Documentation:**

**20.a-d. Wildfire Hazard.** The project site and project vicinity are located on flat bay land in a Local Responsibility Area that is outside of the High and Very High Fire Hazard Severity Zones (EIR Figure 4.7-3). The site is classified as a non-Very High Fire Hazard Severity Zone (See Cal Fire maps at:

<https://planning.smcgov.org/sites/planning.smcgov.org/files/documents/files/Fire%20Hazard%20Severity%20Zones.pdf>). As such, there are no wildland fire hazard conditions that would be affected by the proposed project. There are no new impacts not previously discussed or new mitigation required related to wildfire hazards. Also see discussion in Section 9.g., Hazards and Hazardous Materials, above.

## 2.21 MANDATORY FINDINGS OF SIGNIFICANCE

<i>Would the project:</i>	<b><i>Potentially New Impact – Further Investigation to be Undertaken</i></b>	<b><i>New Impact – Reduced to Less than Significant with New Mitigation Identified</i></b>	<b><i>No Change to Previous Impact, but New or Revised Mitigation Identified</i></b>	<b><i>No Change to Previous Impact or Mitigation Identified</i></b>	<b><i>Topic Not Previously Analyzed; No Impact or Less than Significant Impact</i></b>
21.a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
21.b. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
21.c. Does the project have environmental effects which will cause significant adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### **Documentation:**

**21.a-c. Mandatory Findings of Significance.** As discussed in the previous sections of this Initial Study, the proposed project would not degrade the quality of the environment with the implementation of the identified General Plan policies and mitigation measures contained within the General Plan EIR and standard conditions of approval required by the City.

Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects “that are individually limited, but cumulatively considerable.” As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means “that the incremental effects of an individual project are significant when viewed in connection

with the effects of past projects, the effects of other current projects, and the effects of probable future projects.” Using this definition, a project that has no impact in a given impact category cannot have a cumulatively considerable contribution because its contribution is zero.

The General Plan EIR identifies significant cumulative impacts that would result from implementation of the General Plan and Phase I Zoning. The project evaluated in this Initial Study is limited to the construction of one multi-family residential building. The project would have individual potential environmental effects, the impacts of which would be less than significant due to implementation of the identified General Plan policies and mitigation measures contained within the General Plan EIR and standard conditions of approval required by the City.

As noted in the General Plan (p. 2-19), the Harbor Industrial Area in which the project is located is intended to provide high density residential uses, as well as light industrial, hotel, and research and development uses. As such, it is anticipated that other high density residential developments would be constructed in the project vicinity over the course of General Plan and Phase I Zoning implementation. At the time of this Initial Study, no other similar projects are proposed in the project vicinity; therefore, short-term construction related impacts of the project (e.g., dust, potential soil contamination, noise and vibration, nesting bird disturbance, and water quality) would not combine with the impacts of other projects and would not be cumulatively considerable. Furthermore, mitigation measures and/or standard conditions of approval are included in the project to reduce construction-related impacts to a less than significant level.

The project would not have cumulatively considerable aesthetic, air quality, biological resources, cultural and tribal cultural resources, geology and soils, hydrology and water quality, public services, or recreation impacts.

As discussed in Section 2.17 Transportation, the project would increase the number of bicyclists and pedestrians using local bicycle and pedestrian facilities, which could increase the inherent risk due to more people on the street at any given time. However, the improvements proposed as part of the project, including the recommended roadway improvements contained within the project TIA, would reduce the risks associated with traditional bicycle and pedestrian use.

As discussed in Section 2.19 Utilities and Service Systems, the project would receive sanitary sewer service from the City of Belmont. According to City of Belmont staff, the project site is located in an area that is anticipating significant redevelopment with numerous redevelopment applications in the pipeline, including a life sciences development south of the site at 601 Harbor Boulevard. The construction of multiple large development projects in the general vicinity in and adjacent to the Harbor Industrial Area along similar timelines could result in a cumulative increase in sanitary sewer service demand that may strain local sanitary sewer conveyance infrastructure and regional wastewater treatment facilities. The project’s contribution to wastewater flows in the project vicinity was analyzed in the project sanitary sewer analysis, and it was determined that the project’s sewage generation would not have a detrimental impact on existing sanitary sewer infrastructure. Further, the City of Belmont has issued a will serve letter for the project even in consideration of other future potential development in and near the City boundaries. Future development projects in the project vicinity will undergo the entitlement process with the appropriate jurisdiction. This review would include assessment of the projects’ potential impacts on sanitary sewer service under CEQA and a determination by the Lead Agency of measures, such as payment of sanitary sewer fees and infrastructure improvements,

the project proponent would undertake to reduce potentially significant impacts. As a result, the project would not have a cumulatively considerable sanitary sewer impact.

As discussed in the previous sections of this Initial Study, the proposed project would not cause substantial adverse effects on human beings, either indirectly and directly, due to implementation of the identified General Plan policies and mitigation measures contained within the General Plan EIR and standard conditions of approval required by the City.

No project changes, changed circumstances, or new information affect the conclusions of the General Plan EIR. No new mitigation is required to address project impacts.

### 3 References

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## **4 Figures**

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The 608 Harbor Boulevard Project EIR Consistency Analysis Figures 1 through 9 are presented in the following pages.

Figure 1. Regional Location

Figure 2. Project Vicinity

Figure 3. Site Plan

Figure 4. Building Elevations

Figure 5. Landscaping Plan

Figure 6. Grading and Drainage Plan

Figure 7. Utility Plan

Figure 8. Stormwater Control Plan

Figure 9. Fire Access Plan



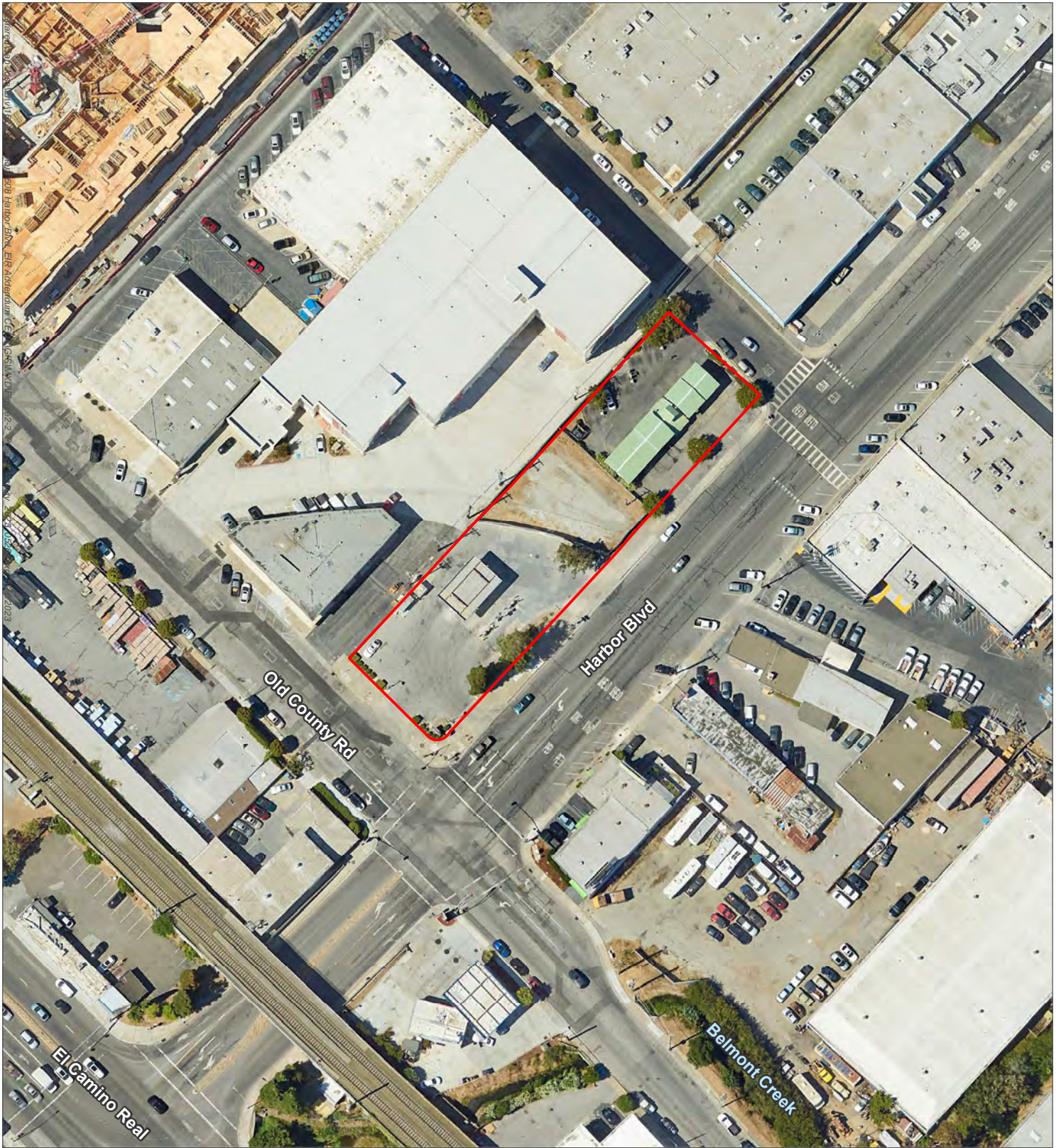


Source: ESRI 2023

★ Project Location



**Figure 1 Regional Location**

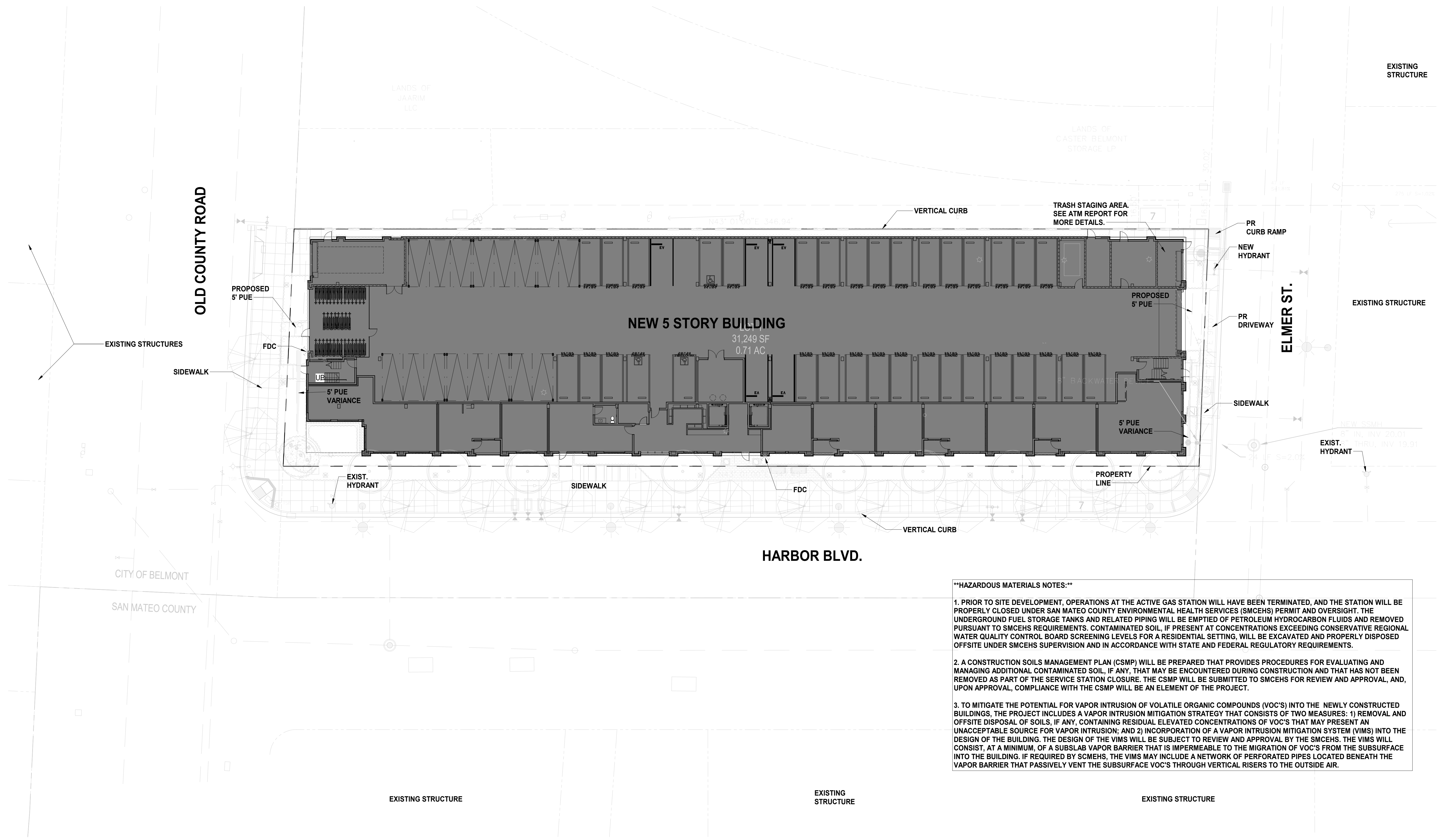


Source: Google Earth 4/5/2022

 Project Vicinity



**Figure 2 Project Vicinity**



**\*\*HAZARDOUS MATERIALS NOTES:\*\***

1. PRIOR TO SITE DEVELOPMENT, OPERATIONS AT THE ACTIVE GAS STATION WILL HAVE BEEN TERMINATED, AND THE STATION WILL BE PROPERLY CLOSED UNDER SAN MATEO COUNTY ENVIRONMENTAL HEALTH SERVICES (SMCEHS) PERMIT AND OVERSIGHT. THE UNDERGROUND FUEL STORAGE TANKS AND RELATED PIPING WILL BE EMPTIED OF PETROLEUM HYDROCARBON FLUIDS AND REMOVED PURSUANT TO SMCEHS REQUIREMENTS. CONTAMINATED SOIL, IF PRESENT AT CONCENTRATIONS EXCEEDING CONSERVATIVE REGIONAL WATER QUALITY CONTROL BOARD SCREENING LEVELS FOR A RESIDENTIAL SETTING, WILL BE EXCAVATED AND PROPERLY DISPOSED OFFSITE UNDER SMCEHS SUPERVISION AND IN ACCORDANCE WITH STATE AND FEDERAL REGULATORY REQUIREMENTS.
2. A CONSTRUCTION SOILS MANAGEMENT PLAN (CSMP) WILL BE PREPARED THAT PROVIDES PROCEDURES FOR EVALUATING AND MANAGING ADDITIONAL CONTAMINATED SOIL, IF ANY, THAT MAY BE ENCOUNTERED DURING CONSTRUCTION AND THAT HAS NOT BEEN REMOVED AS PART OF THE SERVICE STATION CLOSURE. THE CSMP WILL BE SUBMITTED TO SMCEHS FOR REVIEW AND APPROVAL, AND, UPON APPROVAL, COMPLIANCE WITH THE CSMP WILL BE AN ELEMENT OF THE PROJECT.
3. TO MITIGATE THE POTENTIAL FOR VAPOR INTRUSION OF VOLATILE ORGANIC COMPOUNDS (VOC'S) INTO THE NEWLY CONSTRUCTED BUILDINGS, THE PROJECT INCLUDES A VAPOR INTRUSION MITIGATION STRATEGY THAT CONSISTS OF TWO MEASURES: 1) REMOVAL AND OFFSITE DISPOSAL OF SOILS, IF ANY, CONTAINING RESIDUAL ELEVATED CONCENTRATIONS OF VOC'S THAT MAY PRESENT AN UNACCEPTABLE SOURCE FOR VAPOR INTRUSION; AND 2) INCORPORATION OF A VAPOR INTRUSION MITIGATION SYSTEM (VIMS) INTO THE DESIGN OF THE BUILDING. THE DESIGN OF THE VIMS WILL BE SUBJECT TO REVIEW AND APPROVAL BY THE SMCEHS. THE VIMS WILL CONSIST, AT A MINIMUM, OF A SUBSLAB VAPOR BARRIER THAT IS IMPERMEABLE TO THE MIGRATION OF VOC'S FROM THE SUBSURFACE INTO THE BUILDING. IF REQUIRED BY SMCEHS, THE VIMS MAY INCLUDE A NETWORK OF PERFORATED PIPES LOCATED BENEATH THE VAPOR BARRIER THAT PASSIVELY VENT THE SUBSURFACE VOC'S THROUGH VERTICAL RISERS TO THE OUTSIDE AIR.

**SITE PLAN 1**  
1/16" = 1'-0"

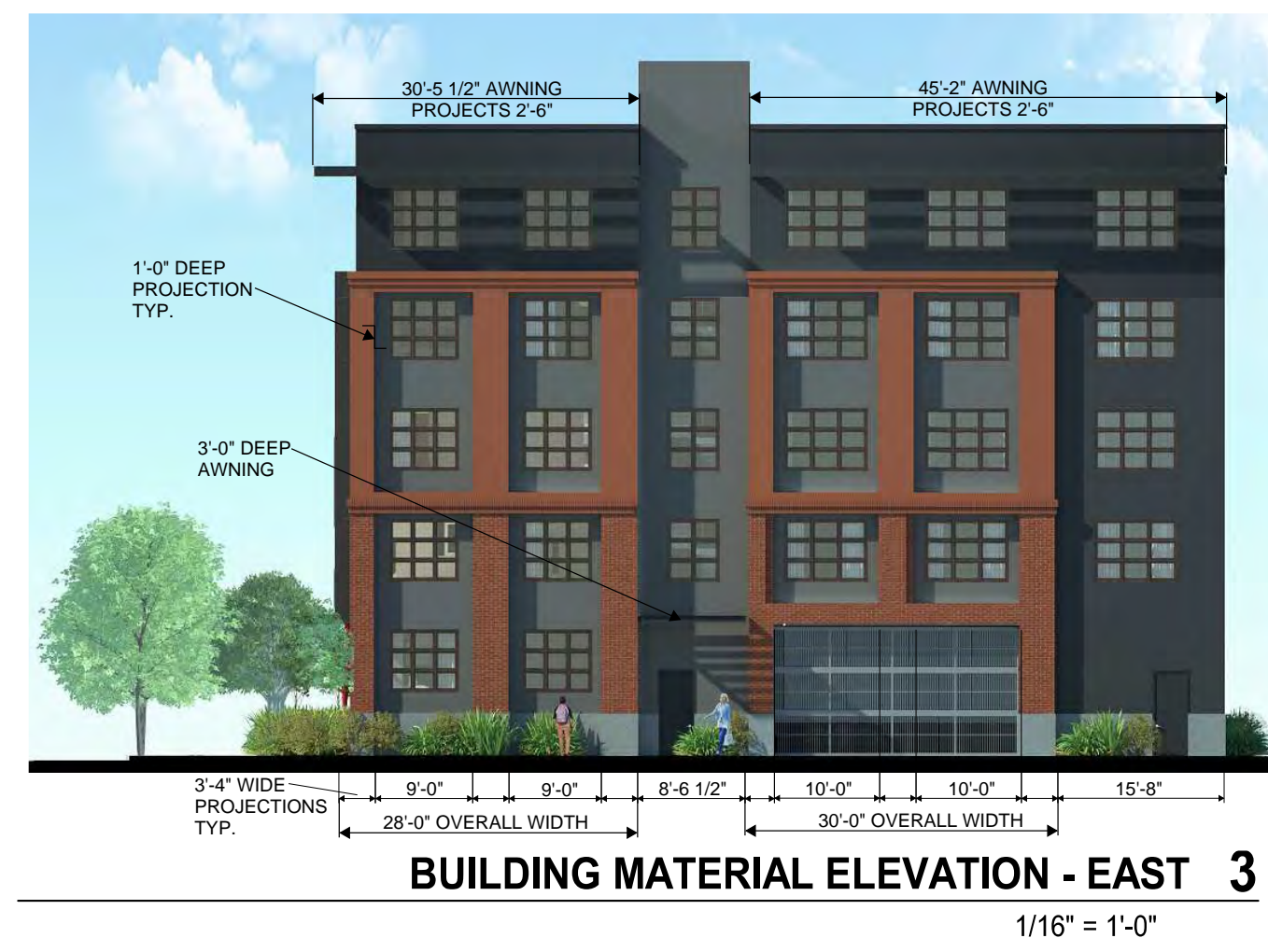
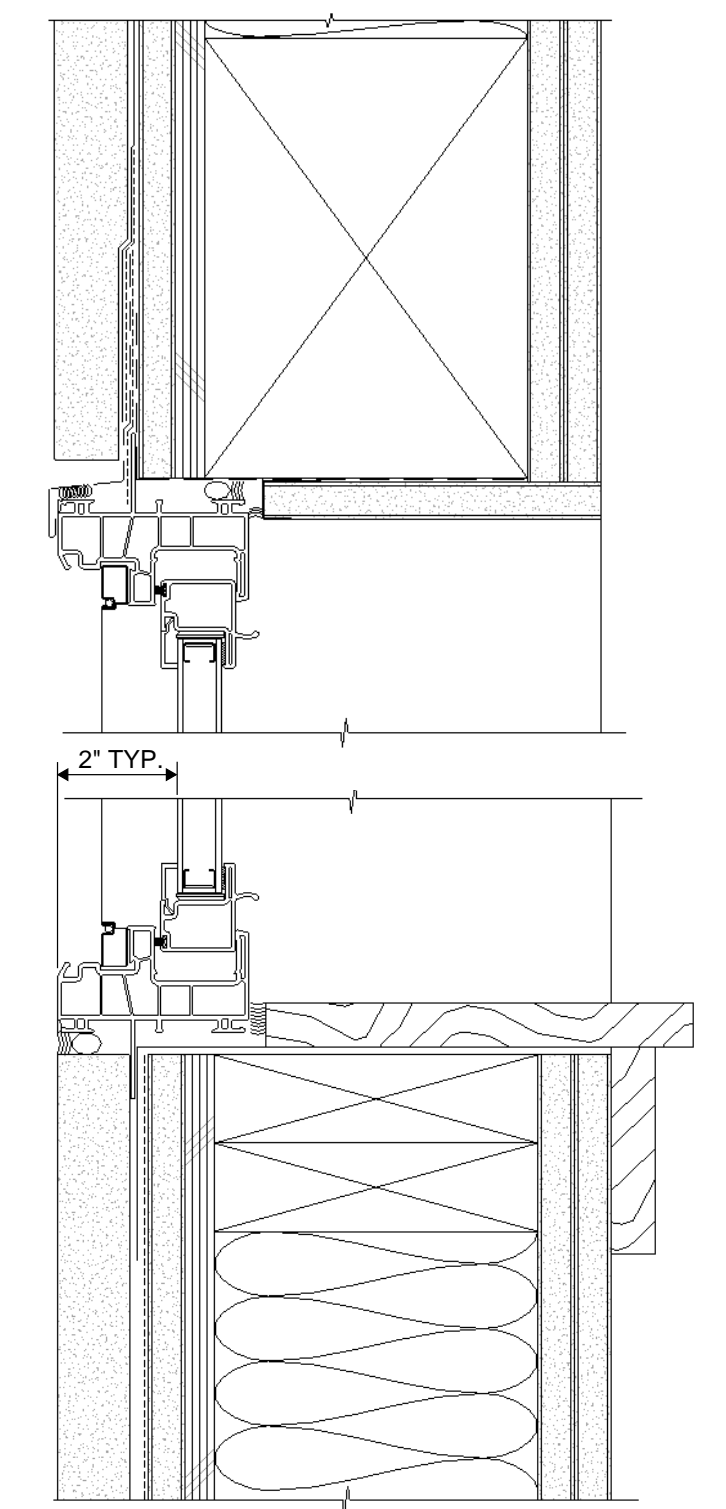


608 HARBOR BLVD., BELMONT, CA

09/30/2022

ARCH SITE PLAN  
AP1.01

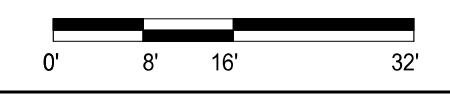
**Figure 3. Site Plan**

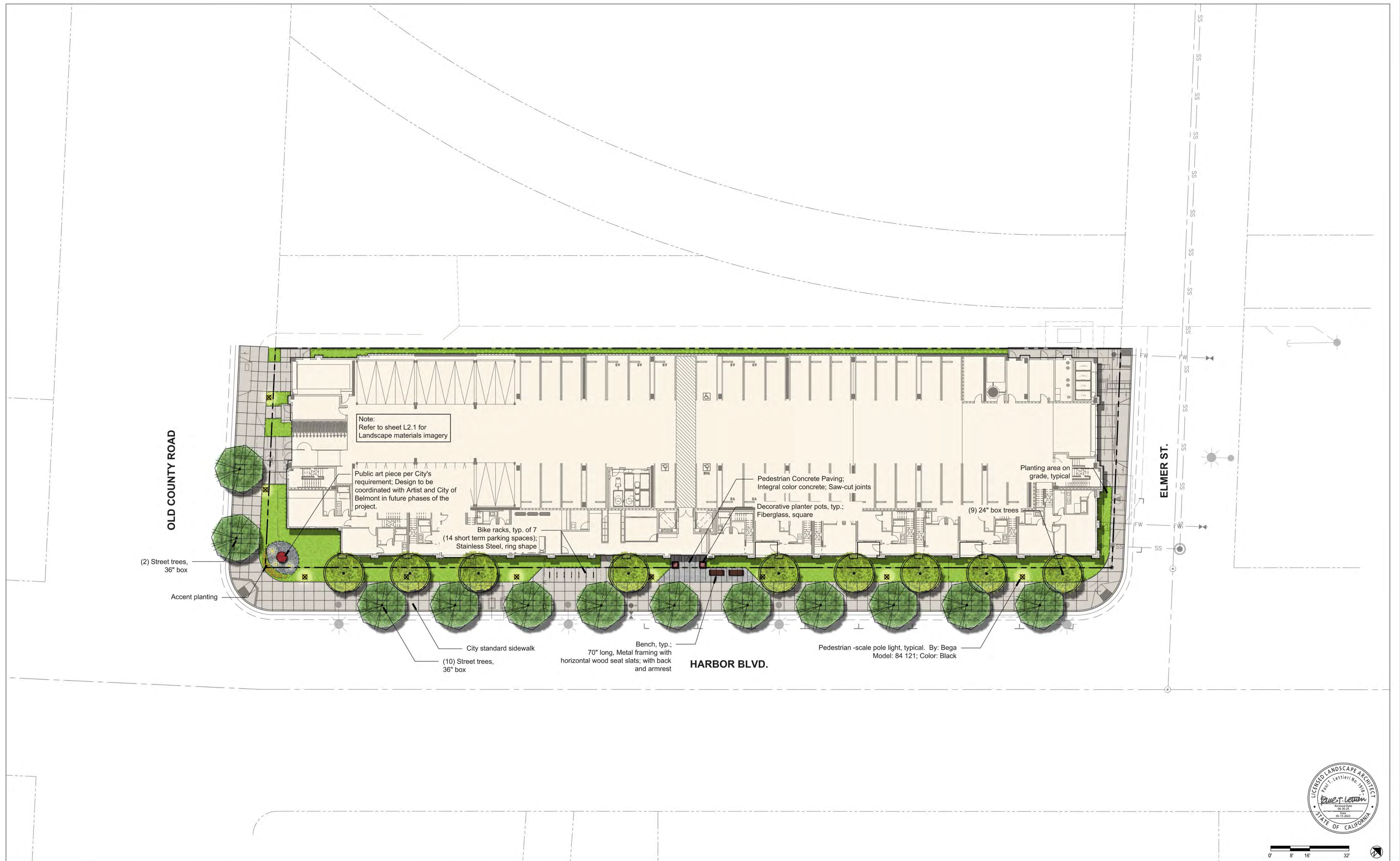


**SHEET NOTES**  
NOTE: NOT ALL NOTES ARE USED ON EVERY SHEET.

- 1 CONCRETE WALL, S.S.D.
- 2 ALUMINUM STOREFRONT SYSTEM
- 3 VINYL WINDOW
- 4 HOT DIPPED GALVANIZED PTD GUARDRAIL
- 5 EXTRUDED ALUMINUM LOUVER SYSTEM, PTD
- 6 GLASS GUARDRAIL SYSTEM

	BRICK COLOR 1
	BRICK COLOR 2
	LAP SIDING COLOR 1
	LAP SIDING COLOR 2
	FIBER CEMENT PANEL COLOR 2
	STUCCO COLOR 1
	STUCCO COLOR 2
	STUCCO COLOR 3
	STUCCO COLOR 4
	CAST STONE COLOR 1
	CAST STONE COLOR 2

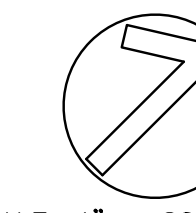




**Figure 5. Landscaping Plan**



150 CALIFORNIA ST.,  
SUITE 600  
SAN FRANCISCO, CA 94111  
(415) 930-7900  
www.bkf.com



SCALE: 1" = 20'  
0 20 40

**NOTES**

1. APPLICANT SHALL SUBMIT STRUCTURAL SHORING PLANS TO THE CITY FOR REVIEW AND APPROVAL PRIOR TO EXCAVATION OF THE PROPOSED BASEMENT GARAGE.

**VESTING TENTATIVE MAP**

No.	Revisions
09.30.21	- 100% SD
11.23.21	- PLANNING RESUBMITTAL
09.23.22	- RESPONSE TO COMMENTS
11.15.22	- RESPONSE TO COMMENTS
05.26.23	- RESPONSE TO COMMENTS

**608 HARBOR BLVD**  
BELMONT, CA  
SAN MATEO COUNTY

**GRADING AND DRAINAGE PLAN**

PRELIMINARY EARTHWORK	
	CUBIC YARDS (CY)
FRONTAGE	215
FOUNDATION <sup>2</sup>	(1,300)
(E) UNDERGROUND STORAGE TANKS <sup>3</sup>	200
UTILITY TRENCH SPOILS <sup>4</sup>	137
<b>NET</b>	<b>(748)</b>

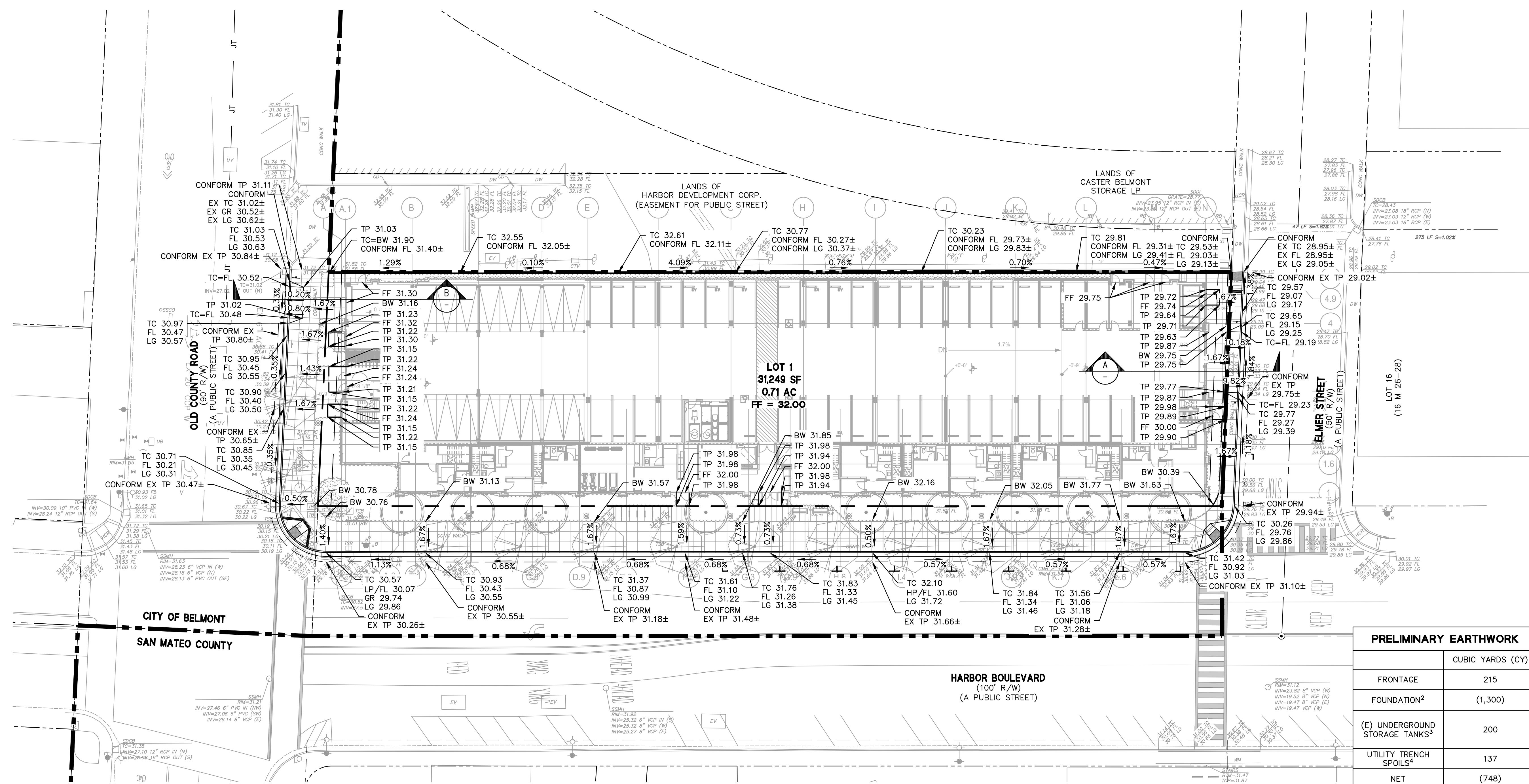
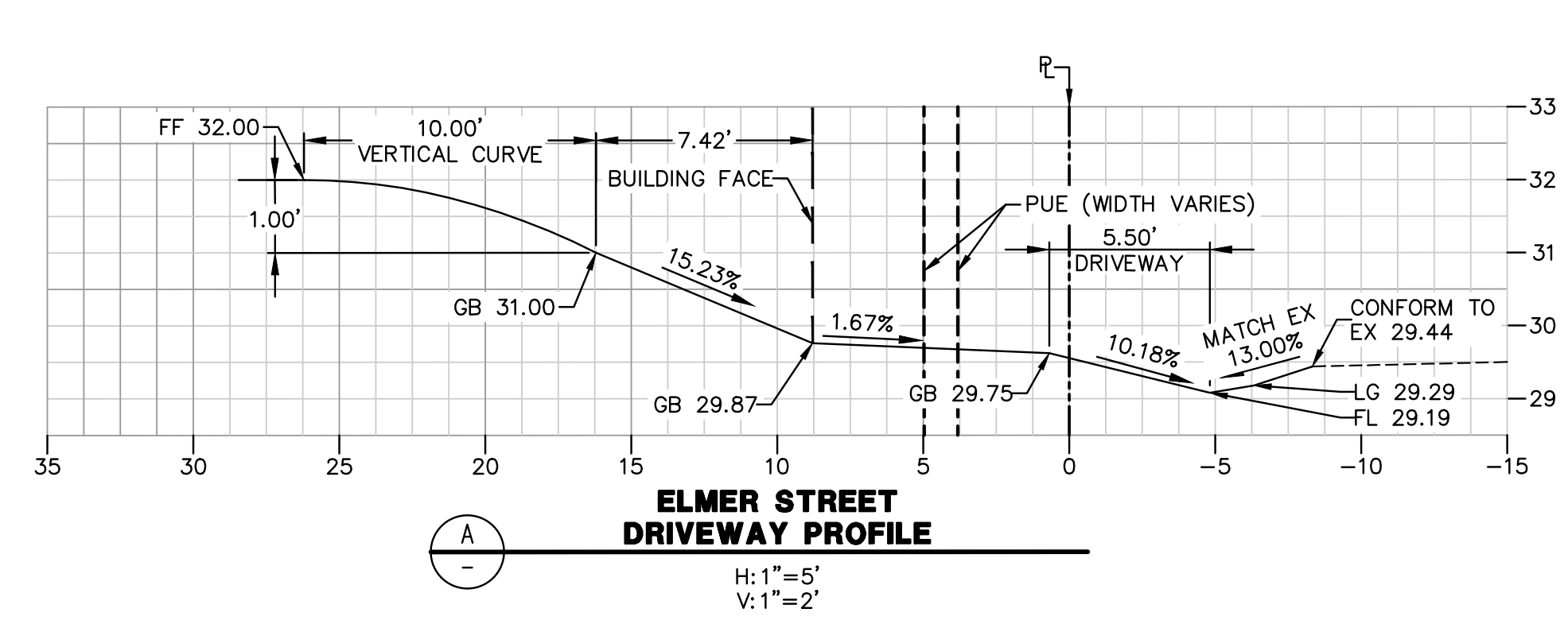
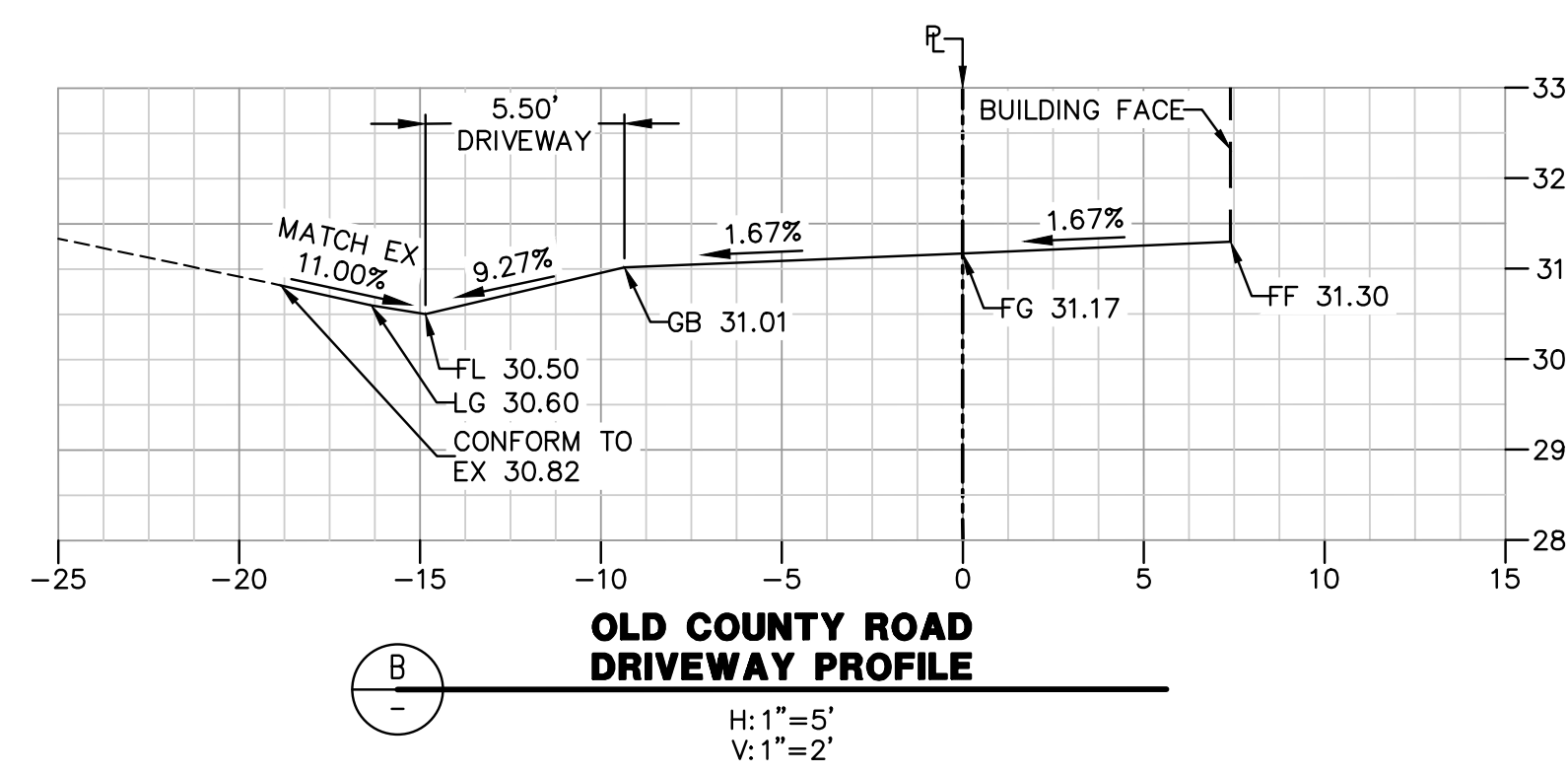
1. EARTHWORK VOLUMES ARE IN-PLACE VOLUMES AND DO NOT ACCOUNT FOR SHRINKAGE, SWELLING, FOUNDATION ELEMENTS, TOP SOIL, PAVEMENT SECTIONS, OR LIGHTWEIGHT FILL.
2. FOUNDATION THICKNESS ASSUMED TO BE 12" BUT IS PRELIMINARY UNTIL CONFIRMED BY THE STRUCTURAL ENGINEER.
3. APPROXIMATE VALUES BASED ON CONSERVATIVE SIZES OBTAINED FOR THE EXISTING UNDERGROUND STORAGE TANK (4-10,000 GALLON TANKS).
4. UTILITY TRENCH SPOILS ARE APPROXIMATE AND BASED ON STANDARD TRENCH SIZES.



Date 05/26/2023  
Design RFE  
Drawn HBI  
Approved AMJ  
Job No 20191349  
Drawing Number:

**C4.0**  
10 OF 13

NOT FOR CONSTRUCTION

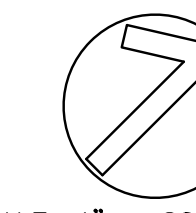


DRAWING NAME: \\BKF-SF\Vol 4\2019\191349\_604\_Harbor\_Belmont\ENG\PO1-PLANNING\C4\_0 GRADING PLAN.dwg  
PLOT DATE: 05-26-23 PLOTTED BY: eie

**Figure 6. Grading and Drainage Plan**



150 CALIFORNIA ST.,  
SUITE 600  
SAN FRANCISCO, CA 94111  
(415) 930-7900  
www.bkf.com



SCALE: 1" = 20'  
0 20 40

**NOTES**

1. EACH UNIT TO HAVE INDIVIDUAL WATER METER. METERS TO BE HOUSED IN DEDICATED METER ROOM. CONDUITS TO AMI TRANSMITTERS TO BE OUTSIDE OF BUILDING AT LOCATIONS SHOWN.
2. STORM DRAIN CATCH BASINS TO BE INSTALLED WITH DRAIN PAC STORM DRAIN FILTER INSERTS BY UNITED STORMWATER, INC. OR EQUAL.
3. STORM DRAIN CATCH BASINS TO BE INSTALLED WITH "NO DUMPING, DRAINS TO BAY" MOUNTING PLAQUE.

**VESTING TENTATIVE MAP**

No.	Revisions
09.30.21	- 100% SD
11.23.21	- PLANNING
	RESUBMITTAL
09.23.22	- RESPONSE
	TO COMMENTS
11.15.22	- RESPONSE
	TO COMMENTS
05.26.23	- RESPONSE
	TO COMMENTS

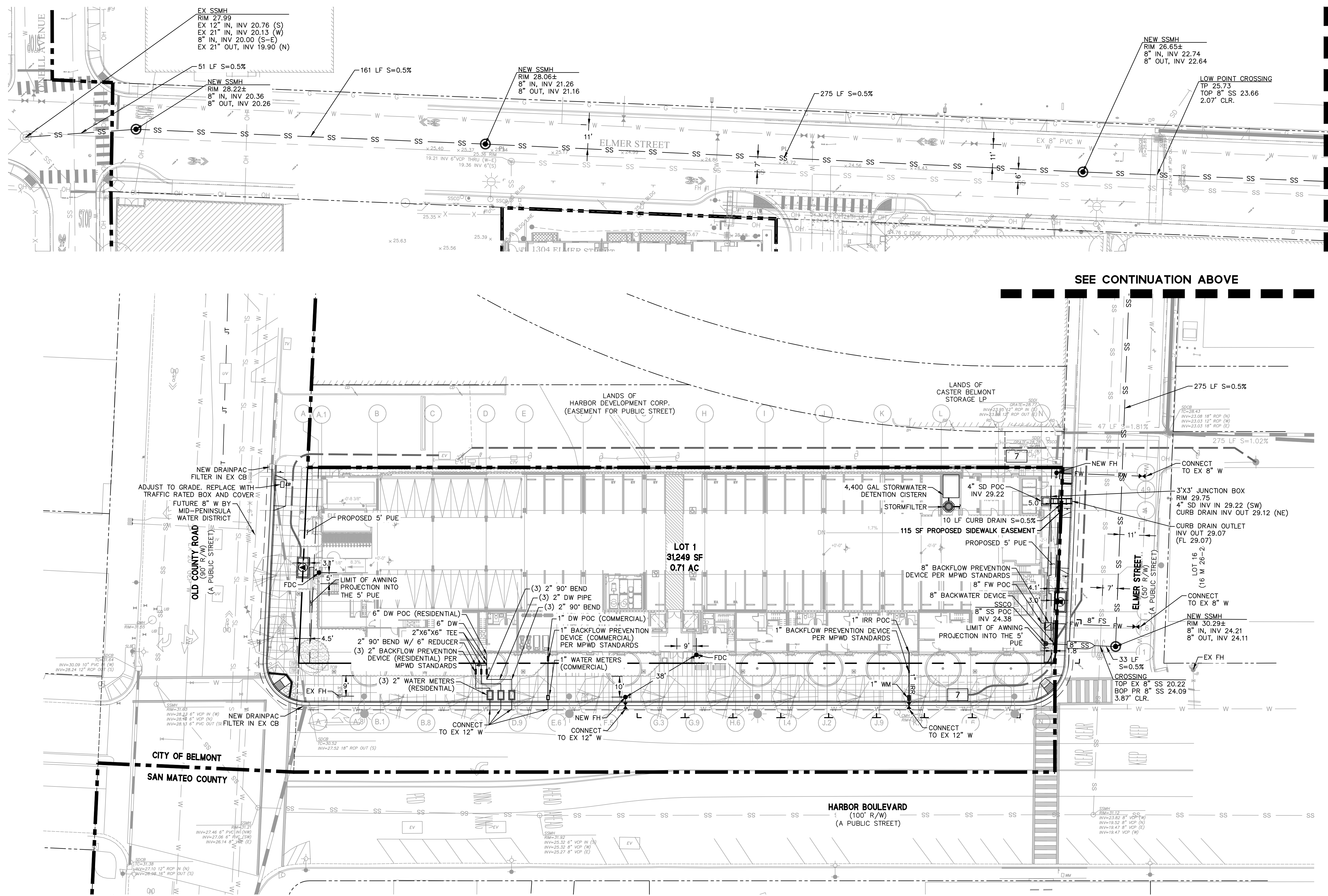
**608 HARBOR BLVD**  
BELMONT, CA  
SAN MATEO COUNTY  
**UTILITY PLAN**



Date	05/26/2023
Design	RFE
Drawn	HBI
Approved	AMJ
Job No	20191349
Drawing Number:	

**C5.0**  
11 OF 13

NOT FOR CONSTRUCTION



**NOTES**

1. STORM DRAIN CATCH BASINS TO BE INSTALLED WITH DRAIN PAC STORM DRAIN FILTER INSERTS BY UNITED STORMWATER, INC. OR EQUAL.
2. STORM DRAIN CATCH BASINS TO BE INSTALLED WITH "NO DUMPING, DRAINS TO BAY" MOUNTING PLAQUE.

**PIPE MATERIALS**

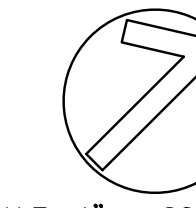
1. STORM DRAIN PIPE SHALL BE HDPE CALTRANS TYPE S SMOOTH INTERIOR, CORRUGATED EXTERIOR.
2. SANITARY SEWER PIPE SHALL BE PVC SDR 35.
3. WATER PIPE SHALL BE PVC C900.

DRAWING NAME: \\BKF-SF\Vol 4\2019\191349\_604\_Harbor\_Belmont\ENCL\01-PLANNING\C5.0 UTILITY PLAN.dwg  
PLOT DATE: 05-26-23 PLOTTED BY: eie

**Figure 7. Utility Plan**



150 CALIFORNIA ST.,  
SUITE 600  
SAN FRANCISCO, CA 94111  
(415) 930-7900  
www.bkf.com



SCALE: 1" = 20'  
0 20 40

**NOTES**

1. THERE ARE NO C.3 TREATMENT FACILITIES IN THE PUBLIC ROW.

**VESTING TENTATIVE MAP**

No.	Revisions
09.30.21	- 100% SD
11.23.21	- PLANNING RESUBMITTAL
09.23.22	- RESPONSE TO COMMENTS
11.15.22	- RESPONSE TO COMMENTS
05.26.23	- RESPONSE TO COMMENTS

**608 HARBOR BLVD**  
BELMONT, CA  
SAN MATEO COUNTY

**STORMWATER CONTROL PLAN**



Date	05/26/2023
Design	RFE
Drawn	HBI
Approved	AMJ
Job No	20191349
Drawing Number:	

**C6.0**  
12 OF 13

NOT FOR CONSTRUCTION

DRAINAGE MANAGEMENT AREA	TREATMENT CONTROL MEASURE	TREATMENT TYPE	ROOFS (SF)	CONCRETE (SF)	PAVEMENT (SF)	LANDSCAPE (SF)	TOTAL AREA (SF)	TOTAL IMPERVIOUS AREA (SF)	TREATMENT AREA REQUIRED (SF)	TREATMENT AREA PROVIDED (SF)	PONDING DEPTH (INCH)
1	1	BIORETENTION	10,088	0	0	327	10,414	10,088	304	327	6
2	-	SELF TREATING	0	0	0	864	864	0	864	864	NA
3	-	-	0	329	0	444	772	329	-	-	NA
4	-	-	0	52	0	1,121	1,173	52	-	-	NA
5	-	-	0	427	0	198	626	427	-	-	NA
6	6	STORMFILTER	15,229	0	0	2,171	17,399	15,229	STORMFILTER	STORMFILTER	NA
TOTAL			25,316	808	0	5,125	31,249	26,124			

**STORMWATER LID REDUCTION SUMMARY**

TOTAL LID TREATMENT AREA PROVIDED:  
10,088 SF + 864 SF = 10,952 SF

TOTAL SITE AREA: 31,249 SF

PERCENTAGE OF SITE AREA TREATED WITH LID TREATMENT MEASURES:  
10,952 SF / 31,249 SF (X100%) = 35%

TOTAL LID REDUCTION:  
100% - 35% = 65%

**STORMWATER LID REDUCTION CREDIT**

SPECIAL PROJECTS ARE ELIGIBLE FOR LOW IMPACT DESIGN TREATMENT REDUCTION CREDITS. THE LID TREATMENT REDUCTION CREDIT IS THE MAXIMUM PERCENTAGE OF THE AMOUNT OF RUNOFF THAT MAY BE TREATED WITH EITHER TREE-BOX-TYPE HIGH FLOWRATE BIOFILTERS OR VAULT-BASED HIGH FLOWRATE MEDIA FILTERS. THIS PROJECT IS CLASSIFIED AS A CATEGORY C SPECIAL PROJECT AND QUALIFIES FOR A TOTAL LID TREATMENT REDUCTION CREDIT OF 75% AS DESCRIBED BELOW.

**SPECIAL PROJECT CATEGORY "C"**

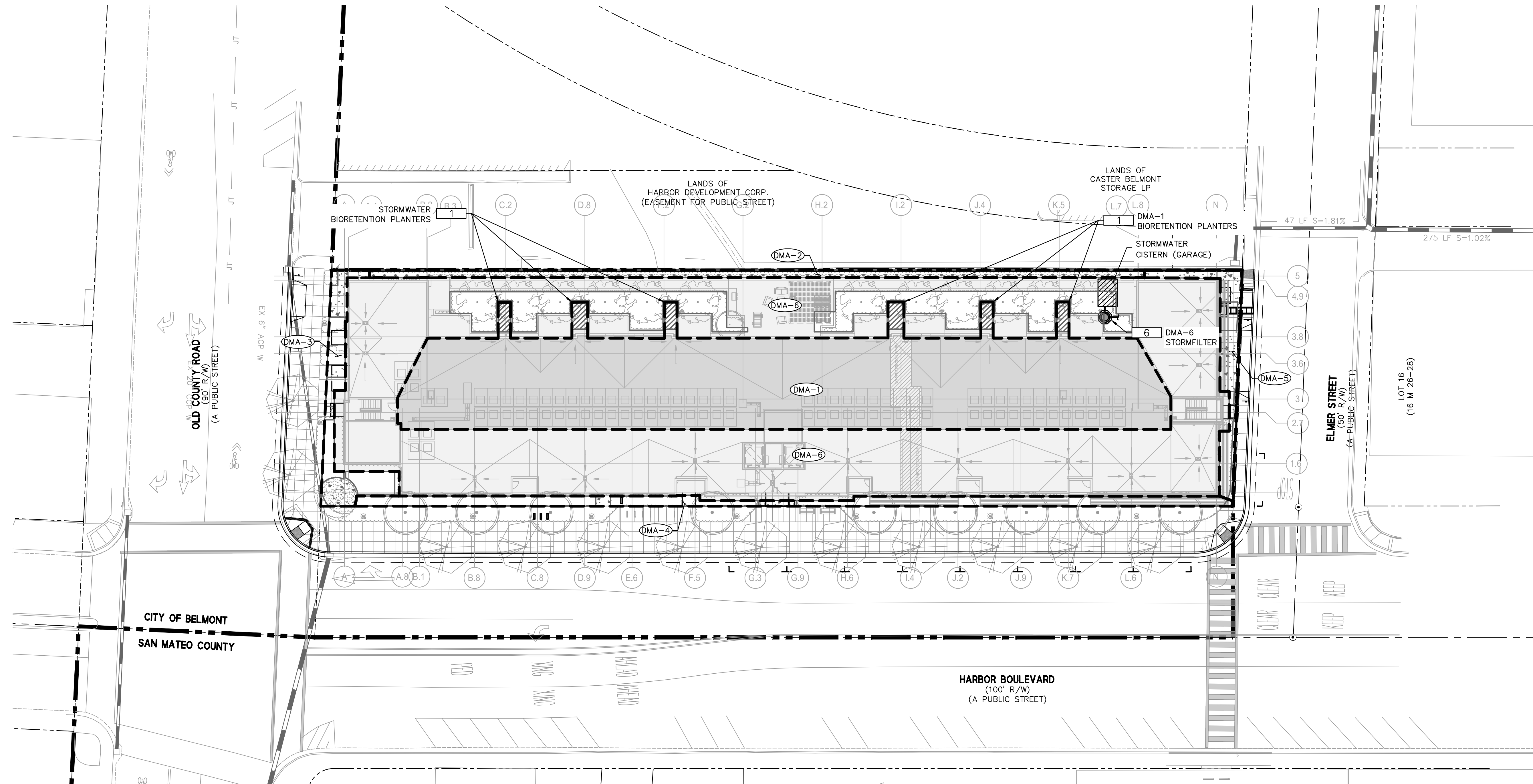
- AT LEAST 50% OF THE PROJECT AREA IS WITHIN 1/2 MILE OF AN EXISTING OR PLANNED TRANSIT HUB OR 100% WITHIN A PLANNED PRIORITY DEVELOPMENT AREA.
- INCLUDES NO SURFACE PARKING, EXCEPT FOR INCIDENTAL PARKING FOR EMERGENCY ACCESS, ADA ACCESS, AND PASSENGER OR FREIGHT LOADING ZONES.
- MINIMUM DENSITY OF 25 DWELLING UNITS PER ACRE FOR RESIDENTIAL PROJECTS.

THE PROJECT HAS A DENSITY OF 103 DU/0.71 AC = 145 DU/AC.

TOTAL CREDIT = 75%

**LEGEND**

- ROOF
- CONCRETE
- LANDSCAPE
- SELF-RETAINING AREA
- BIORETENTION PLANTERS
- DRAINAGE AREA BOUNDARY
- STORM DRAIN PIPE
- DRAINAGE MANAGEMENT AREA
- TREATMENT CONTROL MEASURE



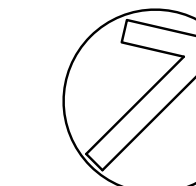
DRAWING NAME: \\BKF-SF\Vol 4\2019\191349\_604\_Harbor\_Belmont\ENG\PO1-PLANNING\G6\_0\_STORMWATER CONTROL PLAN.dwg  
PLOT DATE: 05-26-23 PLOTTED BY: eie

**Figure 8. Stormwater Control Plan**

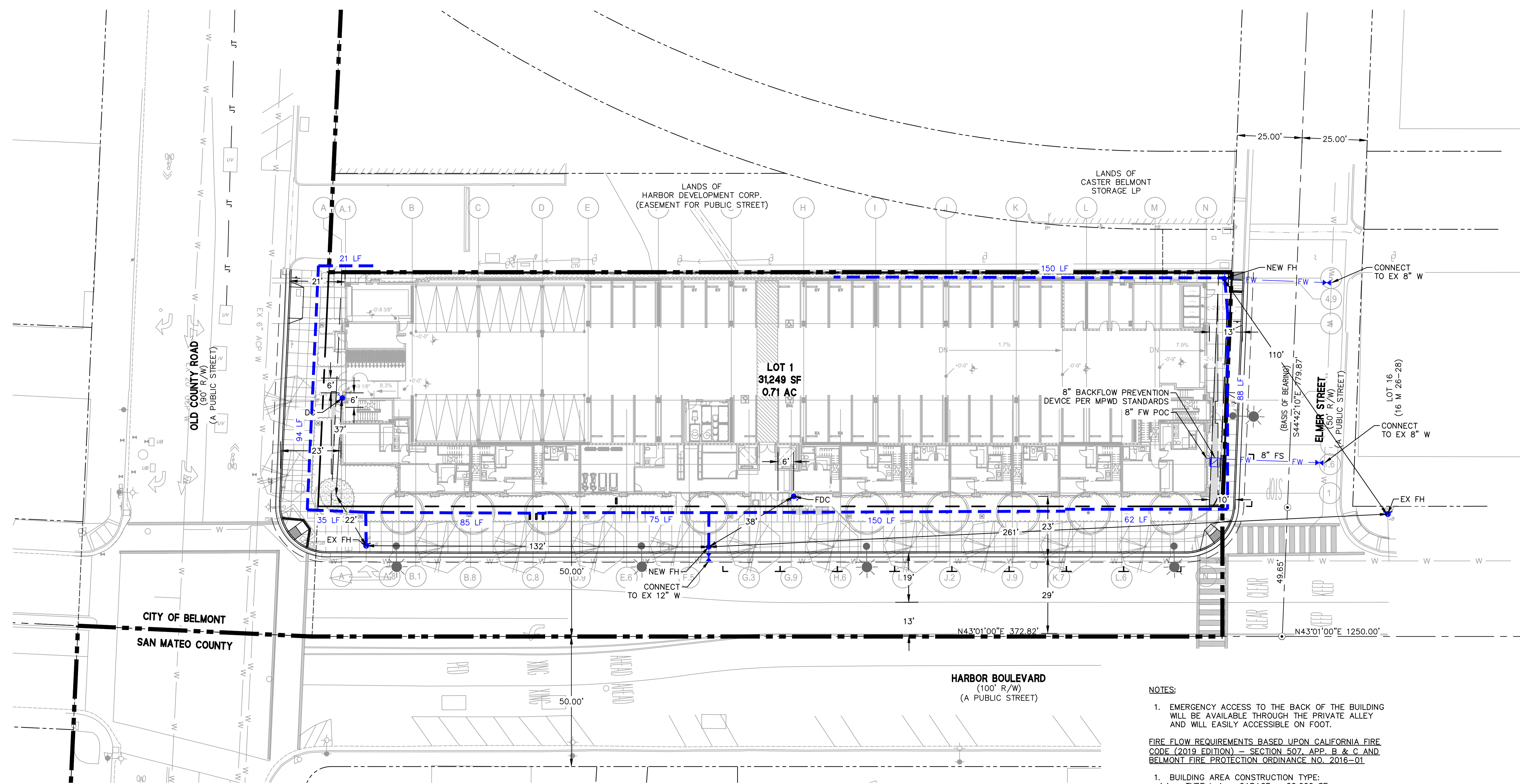




150 CALIFORNIA ST.,  
SUITE 600  
SAN FRANCISCO, CA 94111  
(415) 930-7900  
www.bkf.com



SCALE: 1" = 20'  
0 20 40



### VESTING TENTATIVE MAP

No.	Revisions
09.30.21	100% SD
11.23.21	PLANNING
RESUBMITTAL	
09.23.22	RESPONSE TO COMMENTS
11.15.22	RESPONSE TO COMMENTS
05.26.23	RESPONSE TO COMMENTS

608 HARBOR BLVD  
BELMONT, CA  
SAN MATEO COUNTY

### FIRE ACCESS PLAN



Date	05/26/2023
Design	RFE
Drawn	HBI
Approved	AMJ
Job No	20191349
Drawing Number:	

C7.0  
13 OF 13

- NOTES:**
- EMERGENCY ACCESS TO THE BACK OF THE BUILDING WILL BE AVAILABLE THROUGH THE PRIVATE ALLEY AND WILL EASILY ACCESSIBLE ON FOOT.
  - FIRE FLOW REQUIREMENTS BASED UPON CALIFORNIA FIRE CODE (2019 EDITION) - SECTION 507, APP. B & C AND BELMONT FIRE PROTECTION ORDINANCE NO. 2016-01**
    - BUILDING AREA CONSTRUCTION TYPE:
      - TYPE I-A - GARAGE = 20,600 SF
      - TYPE III-A - FLOORS 1-5 = 91,362 SF
    - PER TABLE B105.1 OF THE CALIFORNIA FIRE CODE, THE REQUIRED FIRE FLOW IS 4,520 GPM.
    - THE REQUIRED FIRE FLOW WITH A 50% REDUCTION IS 2,260 GPM.
    - PER TABLE C102.1 OF THE CALIFORNIA FIRE CODE AND LOCAL ORDINANCE, THE NUMBER OF HYDRANTS BASED ON THE FIRE FLOW IS 3.
    - PER TABLE C102.1 AND OF THE CALIFORNIA FIRE CODE AND LOCAL ORDINANCE, THE AVERAGE SPACING BETWEEN FIRE HYDRANTS SHALL BE 600' (450' + 50% INCREASE PER C120.1(f)).

DRAWING NAME: \\BKF-SF\vol 4\2019\191349\_604\_Harbor\_Belmont\ENG\01-PLANNING\C7.0 FIRE ACCESS PLAN.dwg  
PLOT DATE: 05-26-23 PLOTTED BY: eie]

NOT FOR CONSTRUCTION

# Figure 9. Fire Access Plan

**RESOLUTION NO. 079993**

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

\* \* \* \* \*

**RESOLUTION AUTHORIZING AND AGREEING TO AN EXCHANGE OF PROPERTY TAX BETWEEN THE COUNTY OF SAN MATEO AND THE CITY OF BELMONT FOR THE PROPOSED ANNEXATION OF 604-610 HARBOR BOULEVARD AND DETACHMENT FROM THE HARBOR INDUSTRIAL SEWER MAINTENANCE AND THE BELMONT HIGHWAY LIGHTING DISTRICTS**

---

**RESOLVED**, by the Board of Supervisors of the County of San Mateo, State of California, that

**WHEREAS**, pursuant to state law the County of San Mateo and the City of Belmont are required to agree to a property tax exchange as a result of the proposed annexation of the parcels known as 604-610 Harbor Boulevard (APNs 046-032-030, 046-032-040, 046-032-080, and 046-032-090) (collectively, "Parcels") to the City of Belmont and detachment of the Parcels from the Harbor Industrial Sewer Maintenance and the Belmont Highway Lighting District; and

**WHEREAS**, agreement on a property tax exchange is a condition precedent to the Executive Officer of the Local Agency Formation Commission issuing the Certificate of Filing on said proposal; and

**WHEREAS**, the County of San Mateo and the City of Belmont have proposed that a property tax incremental factor of 0.0094812614 for the Parcels be transferred from the Harbor Industrial Sewer Maintenance District to the City of Belmont; and

**WHEREAS**, the County of San Mateo and the City of Belmont have proposed that a property tax incremental factor of 0.0077590724 for the Parcels be transferred from the Belmont Highway Lighting District to the City of Belmont; and

**WHEREAS**, the County of San Mateo and the City of Belmont have proposed that a property tax incremental factor of 0.0791307437 for the Parcels will be transferred from the County of San Mateo to the City of Belmont.

**NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED** by the Board of Supervisors that:

1. The property tax incremental factor to be transferred from the Harbor Industrial Sewer Maintenance District to the City of Belmont is 0.0094812614.
2. The property tax incremental factor to be transferred from the Belmont County Lighting District to the City of Belmont is 0.0077590724.
3. The property tax incremental factor to be transferred from the County of San Mateo to the City of Belmont is 0.0791307437.

The transfer of said property tax incremental factors is approved conditioned upon completion of the proposed annexation of the Parcels.

\* \* \* \* \*

*Regularly passed and adopted this 17<sup>th</sup> day of October, 2023*

*AYES and in favor of said resolution:*

*Supervisors:* \_\_\_\_\_ *DAVE PINE*

\_\_\_\_\_ *NOELIA CORZO*

\_\_\_\_\_ *RAY MUELLER*

\_\_\_\_\_ *WARREN SLOCUM*

\_\_\_\_\_ *DAVID J. CANEPA*

*NOES and against said resolution:*


*Supervisors:* \_\_\_\_\_ *NONE*



\_\_\_\_\_  
*President, Board of Supervisors  
 County of San Mateo  
 State of California*

***Certificate of Delivery***

*I certify that a copy of the original resolution filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.*



\_\_\_\_\_  
*Assistant Clerk of the Board of Supervisors*

**RESOLUTION NO. 2023 – 083****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT MAKING A DETERMINATION OF PROPERTY TAX EXCHANGE, AND APPROVING A FEE SETTLEMENT AGREEMENT FOR ANNEXATION OF 604-610 HARBOR BOULEVARD**

---

WHEREAS, state law requires that the County of San Mateo (“County”) and City of Belmont (“City”) negotiate a property tax exchange relating to the proposed annexation of 604 through 610 Harbor Boulevard (Assessor’s Parcel Numbers 046-032-030, 046-032-040, 046-032-080, and 046-032-090), (“Harbor Boulevard Annexation”) to the City; and,

WHEREAS, the Harbor Boulevard Annexation is developed property comprised of 0.71 acres pre-zoned the Harbor Industrial Area (HIA-1) designation and the property owner has requested annexation of the subject property to the City of Belmont; and,

WHEREAS, the project applicant and City staff disagree whether SB 330 applies to the project and the amount of City impact fees the project must pay the City in light of the project being located in unincorporated San Mateo County and not within the City’s jurisdiction; and,

WHEREAS, the project applicant and City staff negotiated a proposed settlement to resolve the fee amounts the project will pay for transportation impact, park impact, public art, sewer connection, and General Plan maintenance; and,

WHEREAS, on June 22, 2023, the project applicant Windy Hill Ventures submitted to the San Mateo Local Agency Formation Commission an application for annexation to the City, referred to as File. No 20-10, for the subject properties (Assessor’s Parcel Numbers 046-032-030, 046-032-040, 046-032-080, and 046-032-090) from the county, detachment from the Harbor Industrial Sewer Maintenance District, and detachment from the Belmont County Lighting District; and,

WHEREAS, on June 26, 2023, the Belmont Planning Commission considered and approved Windy Hill Venture’s development applications for the Project, conditioned on the property underlying the Project being annexed to the City.

WHEREAS, the County and City staff have agreed to submit the following property tax incremental factors as the tax sharing agreement to their respective governing bodies:

- 1) 0.0094812614 for the detachment from the Harbor Industrial Sewer Maintenance District,
- 2) 0.0077590724 for the detachment from the Belmont County Lighting District, and,
- 3) 0.0791307437 for the annexation from the County General Fund.

NOW, THEREFORE, the City Council of the City of Belmont resolves as follows:

SECTION 1. The Council approves the incremental factors as the basis of the tax sharing agreement between the City and the County under Revenue and Taxation Code Section 99.

SECTION 3. The City of Belmont consents to LAFCo waiving authority proceedings under Government Code Section 56663 for the annexation.

SECTION 4. The territory will be taxed for bonded indebtedness and the regular county assessment roll will be used.

SECTION 5. The fee settlement agreement for the project is approved contingent on the County approving the incremental factors as the basis of the tax sharing agreement between the City and the County, that further annexation related agreements between the City and County are necessary, and the Board of Supervisors approves the annexation.

SECTION 6. The City Manager is authorized to execute the settlement agreement once all contingencies in section 5 are met.

\* \* \*

ADOPTED October 24, 2023 by the City of Belmont City Council by the following vote:

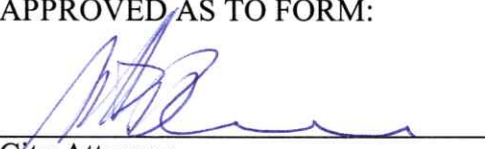
Ayes: Latimerlo, Pang-Maganaris, McCune, Hurt, Mates

ATTEST:

  
\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney



17872 GILLETTE AVE.  
SUITE 350  
IRVINE, CA 92614

714 541 4585  
INFO@WEBRSG.COM  
WEBRSG.COM

October 19, 2023

Via Electronic Mail

Carlos de Melo, Community Development Director  
CITY OF BELMONT  
One Twin Pines Lane, #320  
Belmont, CA 94002

### **FISCAL IMPACT ANALYSIS – 608 HARBOR BOULEVARD ANNEXATION**

Dear Mr. de Melo:

This letter presents an updated fiscal impact analysis completed by RSG, Inc. (“RSG”) of the proposed annexation and development of four parcels located at Old County Road and Harbor Boulevard (Assessor Parcel Numbers 046-032-030, -040, -080, and -090, collectively referred to as the “Project Site”) within the unincorporated Harbor Industrial Area into the City of Belmont (“City”). This updated fiscal impact analysis reflects the negotiated property tax sharing agreement for the Project Site between the City and the County of San Mateo as of September 2023.

The property owner/developer, Windy Hill Property Ventures (“Applicant”), proposes to develop a 103-unit multifamily development known as the 608 Harbor Multi-Family Apartment Development, or Windy Hill 2 (“Project”). Project entitlements are currently under review by the City’s Community Development Department. The property owner/developer has filed an annexation application with the County of San Mateo (“County”) Local Agency Formation Commission (“LAFCO”, File No. 20-10) to annex the entire Project Site plus right-of-way along Old County Road and Harbor Boulevard (“Annexation Area”).

This letter presents RSG’s findings with respect to the fiscal impact of annexation to the City based on information provided by LAFCO, the Applicant, and the City.

### **EXECUTIVE SUMMARY**

As shown on Figure 1, the Annexation Area will include portions of right-of-way within the County’s jurisdiction, specifically both sides of the right-of-way on Old County Road immediately west of the Project Site, and approximately half of the right-of-way to the centerline of Harbor Boulevard immediately south of the Project Site. Because the City is presently paying approximately \$12,500 annually for maintenance and flood incidents within this right-of-way, annexation in and of itself would only make these discretionary payments by the City mandatory once annexation places this area within the City’s legal jurisdiction. The City will additionally become responsible for street and pavement maintenance, storm drains, drainage inlets, street sweeping, and other public works costs associated with the right-of-way. Inclusive of the costs the City is already incurring

for flood incidents, these costs total approximately \$67,500 annually for the area. These costs are exclusive of needed capital improvements in the area.

Annexation would otherwise have relatively modest net new impacts on the General Fund given the limited size of the Annexation Area and scale of the proposed redevelopment project anticipated. Flood improvement costs are documented in external reports and are not part of RSG’s analysis.

## ANNEXATION AREA

The Annexation Area is entirely within the City’s Sphere of Influence. See Figure 1 (located at the end of the report) for a map of the subject properties, including the Annexation Area and Project Site. Table 1 summarizes the breakdown of the Project Site and Annexation Area:

Table 1: Annexation Area Proposed by Applicant

Parcel(s)	Jurisdiction	Acres	% of Total
046-032-030	County of San Mateo	0.24	11%
046-032-040	County of San Mateo	0.06	3%
046-032-080	County of San Mateo	0.34	16%
046-032-090	County of San Mateo	0.07	3%
<i>Parcel Subtotal</i>		<i>0.72</i>	<i>34%</i>
Right-of-Way		1.38	66%
Old County Road b/t Harbor Blvd and north of project site			
Harbor Blvd b/t City Boundary and Elmer St to centerline			
		2.1	100%

Presently, the Project Site contains a gas station, a car wash, and a vacant parcel. The Applicant is proposing to demolish the existing improvements following approvals and the issuance of permits in order to construct the Project as proposed.

## PLAN FOR SERVICES

The current and planned service providers affected by the annexation application are listed in Table 2. For the most part, the annexation would transfer most municipal services from the County to the City for the Annexation Area. Other special districts serving the Annexation Area include the following agencies:

1. For annexation to Belmont, the Annexation Area would need to be detached from a County-governed special district (Belmont Highway Lighting District) so that the corresponding services may be transferred to the City.



2. The Annexation Area would additionally need to be detached from a second County-governed special district, the Harbor Industrial Sewer District, so that those services can be transferred to the City.
3. The Annexation Area lies within the Belmont Fire Protection District, (“Belmont Fire”) which is a subsidiary district of the City and member of the joint powers authority (“JPA”) known as the San Mateo Consolidated Fire Department (“SMC Fire”). Since 2019, when SMC Fire merged three prior fire agencies in Belmont, the City of San Mateo, and the City of Foster City, SMC Fire provides fire and emergency services to these communities, that include the Annexation Area as well as the rest of unincorporated Belmont and the three cities. Upon annexation, SMC Fire would continue to function as the fire service provider collecting property taxes from Belmont Fire and other fees charged by SMC Fire for the services it provides in the Annexation Area today. As a result, annexation would result in no change of services or service providers, nor any fiscal impact to Belmont Fire.

Table 2: Plan for Services

<b>Service</b>	<b>Current Provider</b>	<b>Planned Provider</b>	<b>Annexation Effect</b>
General Government	County	City of Belmont	Annexation
Planning & Building	County	City of Belmont	Annexation
Code Enforcement	County	City of Belmont	Annexation
Parks & Recreation	County	City of Belmont	Annexation
Storm Drain	County	City of Belmont	Annexation
Road Maintenance: <i>Old County Rd and Harbor Blvd</i>	County	City of Belmont (Gas Tax Fund)	Annexation
Law Enforcement	County and California Highway Patrol (traffic)	City of Belmont	Annexation
Fire Protection	San Mateo Consolidated Fire Department JPA	San Mateo Consolidated Fire Department JPA	No Effect
Water	Mid – Peninsula Water District	Same	No Effect
Sewer	Harbor Industrial Sewer District	City of Belmont	Detachment
Gas/Electric	PG&E	PG&E	No Effect
Telecom	AT&T, Comcast	AT&T, Comcast	No Effect
Street Lighting	Belmont Highway Lighting District	City of Belmont	Detachment

Page 4

## ANALYSIS

RSG evaluated the scope of the proposed annexation, both under the current (undeveloped) use and as included in the proposed Project. Without the Project, the current use of the property has a small expenditure impact on the City due to the Public Works unreimbursed costs of discretionary maintenance and abatement of flood incidents in the County's jurisdiction.

With the Project's 103 new residential units, RSG anticipates an increase in population of less than 1 percent to the City, or approximately 160 new residents. Overall, the impact of annexation itself would have three fundamental impacts on the City:

1. Direct responsibility for maintenance and flood incident response at the intersection of Old County Road and Harbor Boulevard (as compared to the discretionary actions taken by the City due to the County's unresponsiveness),
2. Long term capital improvement costs in the millions of dollars for infrastructure investments to address drainage, sewer, and other existing deficiencies, and
3. Limited increased additional operational costs related to the relatively small increase in service demands due to the increase in population.

The most pressing demands on City services will be with increased roadway, traffic signal, and storm drainage infrastructure maintenance associated with the annexation. On a few occasions in the past decade, the intersection of Old County Road and Harbor has experienced flooding which requires staff resources for emergency response, road closures, as well as post-storm clean up.

RSG also anticipates some cumulative impact if the City continues to accept small piecemeal annexations, such as Artisan Crossing, also known previously as "Windy Hill 1" (1304 Elmer Street, LAFCO File No. 17-19) and the proposed project Windy Hill 2, over time. The cumulative impact should be considered as the City pursues additional annexations within the entire Harbor Industrial Area.

### Immediate Expenditure Impacts Are Minimal

Overall, after consultation with department heads and a review of the City budget and proposed development, RSG found that the cost of road maintenance and incidental flood remedies will not have a significant impact on the City's General Fund. Staff estimate that the ongoing cost of maintenance for Harbor Boulevard is \$12,500 annually. However, RSG did not find recurring incremental service or budget impacts beyond those associated with flood remedies. Annexation

and the Project would additionally result in some one-time costs, such as connection to the City’s lighting district, but these costs would be paid by Windy Hill 2 (property owner/developer) as a condition of approval of the Project. Nevertheless, if the City anticipates additional annexation proposals for small annexation areas in the future, there are ongoing expenses that could cumulatively impact the City’s budget over time. The Harbor Industrial Area as a whole has significant infrastructure deficiencies, which could have a sizable impact on the General Fund. Table 3 presents recurring annual expenditures derived from the Project.

Table 3: Recurring Annual City Expenditures

City Department	Current City Expenditures <sup>1</sup>	Project-Derived City Expenditures <sup>2</sup>	Total City Expenditures <sup>3</sup>	Percent Increase
City Attorney	\$ 624,003	\$ -	\$ 624,003	0.00%
City Manager	2,194,758	\$ -	2,194,758	0.00%
Community Development	4,742,228	\$ -	4,742,228	0.00%
Finance	3,059,870	\$ -	3,059,870	0.00%
Fire	12,317,615	\$ -	12,317,615	0.00%
Human Resources	1,218,303	\$ -	1,218,303	0.00%
Information Technology	2,537,680	\$ -	2,537,680	0.00%
Parks & Recreation	9,156,246	\$ 19,836	9,176,082	0.22%
Police	14,827,354	\$ 48,991	14,876,345	0.33%
Public Works	10,670,527	\$ 67,500	10,738,027	0.63%
<b>Total in FY 2022-23 Dollars</b>	<b>\$ 61,348,584</b>	<b>\$ 136,328</b>	<b>\$ 61,484,912</b>	<b>0.22%</b>
<i>Total in 2027-28 (assuming 3.5% annual inflation)</i>		<i>\$ 161,914</i>		

<sup>1</sup>City of Belmont FY 2022-23 Budget

<sup>2</sup>RSG identified departmental costs in the City of Belmont FY 2022-23 Budget that are variable costs as opposed to fixed costs. Variable costs are expenditures by the City that increase or decrease based on the residential and employee population in the City. For example, City Council and Human Resources salaries and wages generally are fixed costs that do not vary based on population. Meanwhile, Police, Fire, and Parks & Recreation will likely experience service cost increases due to the added population.

<sup>3</sup>Sum of current and project-derived City expenditures.

Sources: City of Belmont, RSG, Inc.

The Annexation Area would lie within Beat 1 for the City’s Police Department, defined as the area of the city east of Old County Road. Police Chief Stenquist does not anticipate a material increase in calls for service given the relatively small increase in population for this single annexation. However, when taken in context of multiple new developments within the City, all developments combined will have a material impact. If additional piecemeal annexations are anticipated in the immediate area of Old County Road and Harbor Boulevard in the near future, the City should consider the cumulative impact of recurring annual costs.

Page 6

As previously noted, Public Works staff estimate that the current cost of maintenance and emergency response for the intersection of Old County Road and Harbor Boulevard is approximately \$12,500. The City anticipates that the total cost for maintenance and emergency responses within the Annexation Area would be approximately \$67,500, inclusive of the \$12,500 they are currently spending in the area. This would include street and pavement maintenance, storm drain maintenance, street sweeping, and creek maintenance. While these costs are fairly minimal for this one annexation, infrastructure maintenance in the Harbor Industrial Area as a whole could be extremely costly for the City. There are infrastructure deficiencies in the area which may require tens of millions of dollars to remedy. The City must consider these costs for annexation of the area as a whole, even when considering piecemeal annexations.

There are some options for the City to pursue funding from sources such as the Federal Emergency Management Agency (FEMA) which may provide reimbursement for a portion of some of these costs, but FEMA funding requires discretionary actions by the Federal government when incidents occur and are not reliable as an on-going funding stream for long-term maintenance projects. Ultimately, the County bears the responsibility for the infrastructure issues in the Annexation Area and greater unincorporated area, and they along with the City, property owners and future development will need to share the burden of funding capital improvements in the area.

Annexation Area sewer services would be detached from the Harbor Industrial Sewer District and the property taxes associated with the District for these parcels will be transferred to the City. Staff noted that the City will need to build a new sewer line along Harbor Boulevard and the Developer has stated they may be able to monetarily contribute to those improvements. Street lighting along Old County Road may be replaced to match the design within the City limits; RSG has not made any conclusions as to how the entirety of these costs, which have not been fully identified, will be paid as future development alone may not be capable of bearing these costs due to both legal appropriateness and financial feasibility.

Fire and emergency services in the Annexation Area will remain within the Belmont Fire Protection District, a subsidiary district of the City and a member of the SMC Fire JPA. SMC Fire will continue to collect property taxes from the Belmont Fire Protection District for its services in the annexation area. Annexation will not result in a fiscal impact to Belmont Fire.

#### Minor Increase in Recurring General Fund Revenues

The City may collect an estimated \$96,600 annually from the Annexation Area, provided the proposed Project is developed; in the meantime, the Annexation Area would generate relatively little as undeveloped parcels. Table 4 presents a summary of the projected annual revenues (in 2023 dollars), followed by an explanation of the assumptions and methodology for each component in the estimate.

Table 4: Net New Recurring General Fund Impacts

Revenue Category	Current Use		As Developed	
Property Tax	\$	3,010	\$	72,463
Resident-Derived Sales Tax		-		11,072
Business License Fee		-		4,294
Franchise Fees		-		8,782
<b>Total Revenues (Rounded)</b>	<b>\$</b>	<b>3,000</b>	<b>\$</b>	<b>96,600</b>
Less City Expenditures		(12,500)		(136,328)
<b>NET NEW REVENUE TOTAL</b>	<b>\$</b>	<b>(9,500)</b>	<b>\$</b>	<b>(39,728)</b>

Property Taxes

The Annexation Area is comprised of public right of way and four privately-owned parcels currently on the San Mateo County Assessment Roll for \$3,123,443. Should property owner/developer proceed with the Project as proposed, RSG estimates the assessed value of this property could increase to approximately \$78 million as part of the larger multifamily project. We assume market rate rents would average \$3,300 per unit, and (for the 15 inclusionary housing units) affordable rents would need to conform to the requirements of the City’s inclusionary housing ordinance.

Annexation would result in the City receiving a partial transfer of property taxes from the County General Fund, as well as a full transfer of the tax shares for the detachment from the Belmont Highway Lighting District and the Harbor Industrial Sewer District. RSG assumes the tax shares transferred will be the property tax split tentatively agreed to between the City and the County Board of Supervisors on September 27, 2023 for the Project Site, which totals approximately 9.6 percent of the basic 1 percent general tax levy as presented in Table 5.

Table 5: Property Tax Estimates

	Current Use <sup>1</sup>	As Developed <sup>2</sup>
Annexation Area Assessed Value	\$3,123,443	\$78,314,576
1% Property Tax Share	31,234.43	783,145.76
<b>Property Tax Transfer = 0.0963710775</b>	<b>\$ 3,010</b>	<b>\$ 72,463</b>
From County General Fund	0.0791307437	0.0791307437
From Belmont Lighting District	0.0077590724	0.0077590724
From Harbor Industrial Sewer District	0.0094812614	0.0094812614

<sup>1</sup>Based on 2022-23 land and improvement value of APNs 046-032-030, -040, -080, and -090

<sup>2</sup>Inclusive of all four parcels proposed to be annexed into the City

Based on these shares, the City could expect to receive approximately \$72,000 in annual property taxes after the Project is fully developed.

Property Tax In Lieu of VLF

Unlike when a new development occurs within the City limits, State law (Tax and Revenue Code Section 97.7) does not provide a formula that allows cities to capture additional property taxes in lieu of motor vehicle license fees from annexed territory. As such, RSG did not include any forecast of these revenues in our forecast.

Sales Taxes from Resident Spending

RSG did not assume any direct (Project-generated) sales tax revenues because at this point we are not aware of any likely commercial tenants that would pay such taxes. However, with the increase in resident population, RSG expects to see an increase in spending due to added demand for more goods and services, including taxable goods purchased within the City. Table 7 presents the estimated \$11,000 in annual taxable sales revenues owing to the Project by considering annual average household spending within a 3-mile radius of the Project Site, then determined the portion of these sales that are taxable by category and how much of each category's taxable sales are presumed to be purchased (captured) in the City.

Table 7: Resident-Derived Sales Tax Revenue

Category	Taxable Sales				
	Avg Spending <sup>1</sup>	% Taxable <sup>2</sup>	Taxable Sales	Local Capture	Belmont Sales
Transportation and Travel	\$ 27,197	100%	\$ 27,197	0%	\$ -
Entertainment	7,750	100%	7,750	30%	2,324.97
Food at Home	12,918	15%	1,938	40%	775.06
Food Away from Home	9,399	100%	9,399	30%	2,820
Total Apparel	5,189	100%	5,189	30%	1,557
Health Care	13,806	0%	-	10%	-
Personal Care Products	2,186	100%	2,186	40%	874
Shelter/Housing Expenses	53,176	0%	-	100%	-
Household Equipment	5,442	100%	5,442	25%	1,360
Misc. Items	30,901	3%	927	30%	278
Alcoholic Beverages	1,662	100%	1,662	40%	665
Education	4,982	0%	-	30%	-
Housekeeping Supplies	1,768	100%	1,768	30%	530
<b>Total</b>	<b>\$ 176,375</b>		<b>\$ 63,456</b>		<b>\$ 11,184</b>
Assumed Occupied Units/Households <sup>3</sup>					99
<b>Total Project Local Spending</b>					<b>\$ 1,107,249</b>
<b>Local Sales Tax from Project</b>					<b>\$ 11,072</b>

<sup>1</sup> Based on 2022 estimates of average household spending within a 3 mile radius of the Site.

<sup>2</sup> RSG estimates of the portion of spending subject to sales and use taxes.

<sup>3</sup> Assumes 4.5% vacancy of Project's 103 units

Source: ESRI Business Analyst

Business License Fee Revenues

RSG has conservatively assumed only one business (the apartment project) would be charged a business license within the Annexation Area as shown in Table 8. RSG estimated the business license revenue based on a review of the City’s 2022-23 fee schedule.

Table 8: Business License Estimate

Category	Current Rate	Number	License Fee
General tax	\$ 341	1	<b>341</b>
SB 1186	4	1	<b>4</b>
Per dwelling unit	37	103	<b>3,811</b>
Per full-time employee	35	3	<b>105</b>
Per part-time employee	11	3	<b>33</b>
<b>Total - As Developed</b>			<b>\$ 4,294</b>

Franchise Fees

Finally, RSG estimated the amount of franchise fees from gas, electric, trash, and cable franchises within the City, using per capita estimates computed from the most recent City budget. Table 9 shows these estimates for the Project in total.

Table 9: Franchise Fees

	Current	Proposed
2022-23 Budget Estimates - Franchise Fees	\$ 1,493,186	
2022 Population (DOF, 1/2022)	27,203	
Franchise Fees/Capita	\$ 54.89	
<b>Projected Population</b>	-	<b>160</b>
<b>Projected Franchise Fees</b>	<b>\$ -</b>	<b>\$ 8,782</b>



Carlos de Melo, Community Development Director  
CITY OF BELMONT  
October 19, 2023

Page 11

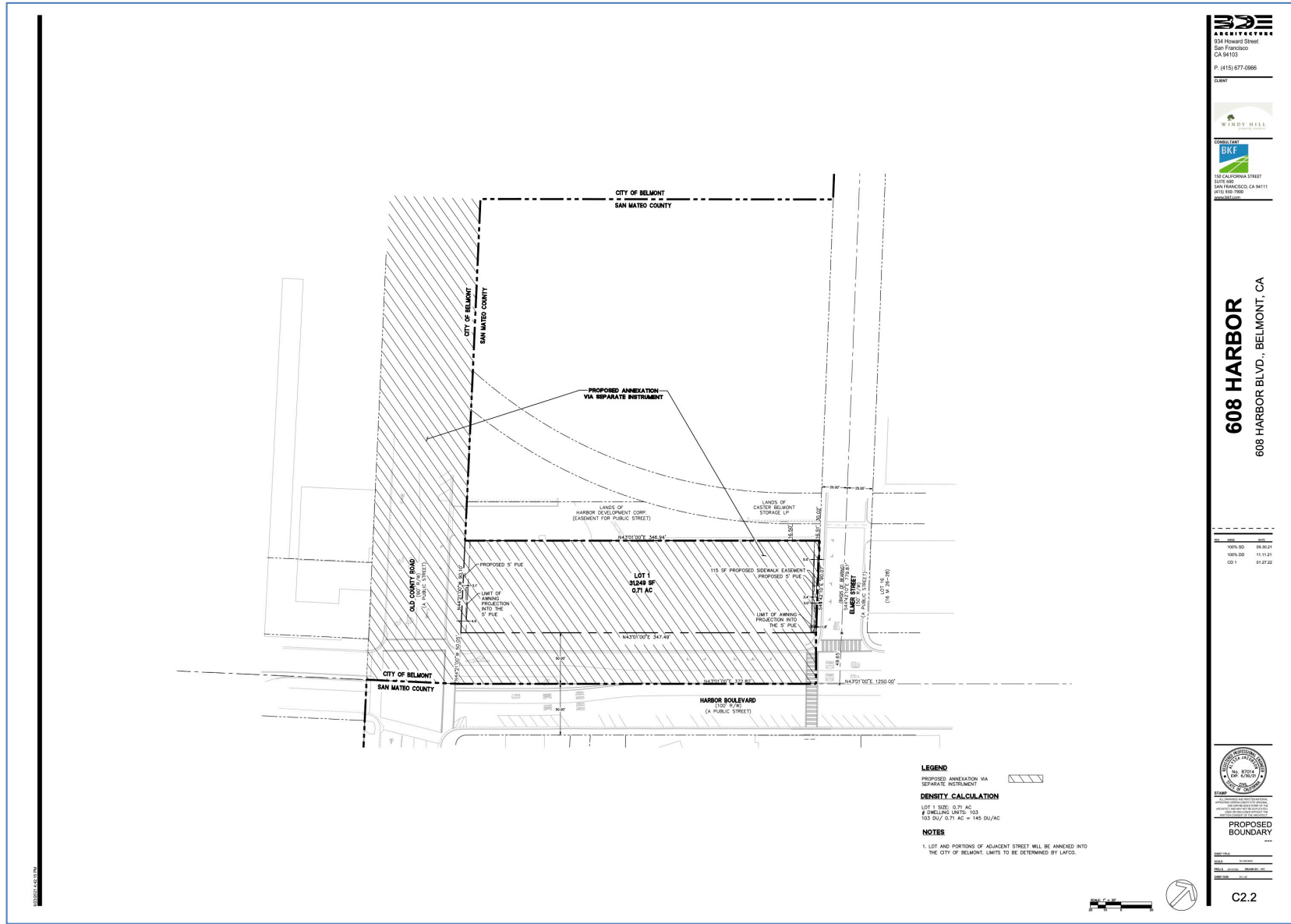
Overall, RSG anticipates net negative impact to the General Fund of approximately \$39,700 from annexation of the project. Because annexation would make the City permanently responsible for maintenance and repairs of the intersection of Old County Road and Harbor Boulevard, the cost associated with these activities could ultimately lead the project to have a total negative General Fund impact even after taking in the positive fiscal impacts of the Project. There may be opportunities to engage with the Developer or federal agencies to help offset the cost of maintenance and repairs along Harbor Boulevard, but long-term solutions like the creation of a CFD would potentially lead to a more sustainable revenue source.

Sincerely,  
RSG, INC.

A handwritten signature in black ink, appearing to read "Jim Simon", enclosed in a thin black rectangular border.

Jim Simon, Principal

Figure 1: Annexation Area (608 Harbor Annexation, Belmont, March 2021)



  
 834 Howard Street  
 San Francisco  
 CA 94103  
 P. (415) 677-0966  
 COUNTY

  
 CONSULTANT  
  
 110 CALIFORNIA STREET  
 SUITE 200  
 SAN FRANCISCO, CA 94111  
 415.389.7900  
 WWW.BKF.COM

**608 HARBOR**  
 608 HARBOR BLVD., BELMONT, CA

NO.	DATE	DESCRIPTION
001	03/20/21	ISSUED FOR PERMITTING

  
 STATE OF CALIFORNIA  
 PROFESSIONAL ENGINEER  
 No. 5706  
 Exp. 8/20/25  
 [Signature]  
 [Signature]

SAN MATEO



# LOCAL AGENCY FORMATION COMMISSION

455 COUNTY CENTER, 2ND FLOOR • REDWOOD CITY, CA 94063-1663 • PHONE (650) 363-4224 • FAX (650) 363-4849

January 10, 2024

To: LAFCo Commissioners

From: Rob Bartoli, Executive Officer  
Sofia Recalde, Management Analyst

Subject: Broadmoor Police Protection District Update – Information Only

## **Background**

LAFCo Commissioners approved the Broadmoor Police Protection District (BPPD) Special Study at the March 15, 2023 meeting and directed staff to request that the District respond in writing with their agreement or disagreement of the key issues and recommendations identified in the Special Study for inclusion in the agenda packet at this meeting. In addition, the Commission directed staff to present updates on the Broadmoor Police Protection District, specifically regarding the implementation of the Study's recommendations and the District's fiscal condition within 90 days (July), 6 months (September) and 12 months (March 2024) of the adoption of the Special Study.

## **Update**

### *Fiscal update*

On December 1, 2023, the County Treasurer-Tax Collector's Office transfer Broadmoor Police District's funds from the County investment pool and to an independent bank account. To ensure that the district's property tax income is handled efficiently, the Treasurer's office is collaborating with the Controller's office to personally deposit apportionment checks at the bank for expedited credit.

### *BPPD Meetings*

BPPD held meetings on January 4 and January 9. LAFCo staff will provide an update regarding these two meetings the January 17 LAFCo meeting.

### *BPPD Update to LAFCo*

LAFCo staff has not received any additional updates from the District.

**COMMISSIONERS:** ANN DRAPER, CHAIR, PUBLIC ▪ KATI MARTIN, VICE CHAIR, SPECIAL DISTRICT ▪ VIRGINIA CHANG-KIRALY, SPECIAL DISTRICT ▪ HARVEY RARBACK, CITY ▪ TYGARJAS BIGSTYCK, CITY ▪ WARREN SLOCUM, COUNTY ▪ RAY MUELLER, COUNTY

**ALTERNATES:** CHRIS MICKELSEN, SPECIAL DISTRICT ▪ ANN SCHNEIDER, CITY ▪ JAMES O'NEILL, PUBLIC ▪ NOELIA CORZO, COUNTY

**STAFF:** ROB BARTOLI, EXECUTIVE OFFICER ▪ SOFIA RECALDE, MANAGEMENT ANALYST ▪ TIM FOX, LEGAL COUNSEL ▪ ANGELA MONTES, CLERK

**Next Steps**

LAFCo staff will present an update regarding BPPD at the March 20, 2024 LAFCo meeting.

**Recommendation**

Receive informational report.

SAN MATEO



# LOCAL AGENCY FORMATION COMMISSION

455 COUNTY CENTER, 2ND FLOOR • REDWOOD CITY, CA 94063-1663 • PHONE (650) 363-4224 • FAX (650) 363-4849

January 10, 2024

**To:** LAFCo Commissioners  
**From:** Rob Bartoli, Executive Officer  
**Subject:** Appointment of Budget and Legislative/Policy Committees for 2024

This staff report requests that the Commission appoint members to serve on the Budget and Legislative/Policy Committees. Both committees typically have three members representing a combination of the types of LAFCo membership: County, City, Special District, and Public.

The Budget Committee provides direction to staff in preparation of the Commission's budget for the 2024-25 fiscal year and will review the independent audit. This Committee meets once prior to the March meeting, once before the May meeting and occasionally prior to the September meeting for recommended budget revisions. The Committee will also be asked to review the Commission's independent audit. The current Committee is comprised of Commissioners Mueller, Slocum, and Bigstyc.

The Legislative/Policy Committee meets as needed to provide direction to staff on pending legislation affecting LAFCos, review existing Commission policies and advise staff on new policies as needed. At times, the Committee may meet to discuss pending legislation and provide direction on a bill that merits a position letter outside of the regular Commission meeting cycle. In these cases, the Committee takes positions based on the adopted San Mateo LAFCo legislative policies. The current Committee members are Commissioners Rarback, Martin, and Draper.

### **Recommended Commission Action:**

By motion, appoint Commission members to serve on the Budget Committee and Legislative/Policy Committee for 2024.

**COMMISSIONERS:** ANN DRAPER, CHAIR, PUBLIC ▪ KATI MARTIN, VICE CHAIR, SPECIAL DISTRICT ▪ VIRGINIA CHANG-KIRALY, SPECIAL DISTRICT ▪ HARVEY RARBACK, CITY ▪ TYGARJAS BIGSTYCK, CITY ▪ WARREN SLOCUM, COUNTY ▪ RAY MUELLER, COUNTY

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**STAFF:** ROB BARTOLI, EXECUTIVE OFFICER ▪ SOFIA RECALDE, MANAGEMENT ANALYST ▪ TIM FOX, LEGAL COUNSEL ▪ ANGELA MONTES, CLERK

SAN MATEO



# LOCAL AGENCY FORMATION COMMISSION

455 COUNTY CENTER, 2ND FLOOR • REDWOOD CITY, CA 94063-1663 • PHONE (650) 363-4224 • FAX (650) 363-4849

January 10, 2024

**To:** LAFCo Commissioners

**From:** Rob Bartoli, Executive Officer  
Sofia Recalde Management Analyst

**Subject:** Consider approval of the draft audit prepared by O'Connor & Company of the San Mateo Local Agency Formation Commission's Financial Statements for the Fiscal Year ending June 30, 2022

## Summary

As part of the contract for personnel, office space and services with the County of San Mateo, the Commission's funds are held in the County treasury and included in the County's budget system. For the Fiscal Year beginning July 1, 2018, the Commission's budget was moved out of the General Fund to a separate trust fund, shown in the County's budget document as information only, consistent with its being the budget of an independent Commission. When the Commission's budget was part of the General Fund, the County's annual audit included the LAFCo budget. Moving the Commission's budget from the General Fund to a trust fund required that the Commission engage independent auditors to prepare an audit of Commission finances.

O'Connor & Company, formerly R. J. Ricciardi, Inc., has completed the fourth outside audit for San Mateo LAFCo covering the 2021-22 fiscal year. O'Connor & Company has not identified any deficiencies in internal controls nor any instances of non-compliance. The audit did not find any problems with the LAFCo financial statements. Financial transactions are viewed by staff from San Mateo County Planning and Building, the San Mateo County Controller's Office, and by San Mateo County CEO's Budget Office.

In the 2018-19 audit, it was recommended that all trial balances be reviewed on monthly basis and that cash accounts be reconciled each month. As noted in the report, LAFCo staff continues to review monthly reports for the LAFCo accounts and works with County staff to reconcile accounts. In addition, LAFCo staff now provides quarterly financial updates to the Commission which will allow for opportunities to review how LAFCo performed financially in the previous quarter as compared to the adopted budget and to discuss any issues as appropriate.

**COMMISSIONERS:** ANN DRAPER, CHAIR, PUBLIC ▪ KATI MARTIN, VICE CHAIR, SPECIAL DISTRICT ▪ VIRGINIA CHANG-KIRALY, SPECIAL DISTRICT ▪ HARVEY RARBACK, CITY ▪ TYGARJAS BIGSTYCK, CITY ▪ WARREN SLOCUM, COUNTY ▪ RAY MUELLER, COUNTY

**ALTERNATES:** CHRIS MICKELSEN, SPECIAL DISTRICT ▪ ANN SCHNEIDER, CITY ▪ JAMES O'NEILL, PUBLIC ▪ NOELIA CORZO, COUNTY

**STAFF:** ROB BARTOLI, EXECUTIVE OFFICER ▪ SOFIA RECALDE, MANAGEMENT ANALYST ▪ TIM FOX, LEGAL COUNSEL ▪ ANGELA MONTES, CLERK

**Recommendation Commission Action by Resolution**

By resolution, approve the draft audit prepared by O'Connor & Company of the San Mateo Local Agency Formation Commission's Financial Statements for the Fiscal Year ending June 30, 2022

**Attachments**

- A. Commissioners and Management Report for FY22 Audit
- B. Annual Financial Report for FY22 Audit
- C. Resolution No. 1314

**SAN MATEO LOCAL AGENCY  
FORMATION COMMISSION  
COMMISSIONERS & MANAGEMENT REPORT**

**For the Year Ended  
JUNE 30, 2022**





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Commissioners  
San Mateo Local Agency Formation Commission  
Redwood City, CA

In planning and performing our audit of the financial statements of San Mateo Local Agency Formation Commission as of and for the year ended June 30, 2022, in accordance with auditing standards generally accepted in the United States of America, we considered San Mateo Local Agency Formation Commission's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the organization's internal control. Accordingly, we do not express an opinion on the effectiveness of the organization's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A material weakness is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the organization's financial statements will not be prevented, or detected and corrected, on a timely basis.

Our consideration of internal control was for the limited purpose described in the first paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

This report is intended solely for the information and use of management, the Commissioners, and officials of the federal and state grantor agencies and should not be used by anyone other than these specified parties.

We thank San Mateo Local Agency Formation Commission's staff for its cooperation during our audit.

  
O'Connor & Company

Novato, California  
December 19, 2023

Commissioners  
San Mateo Local Agency Formation Commission  
Redwood City, CA

We have audited the basic financial statements of the San Mateo Local Agency Formation Commission (LAFCo) for the year ended June 30, 2022. Professional standards require that we provide you with the following information related to our audit.

#### Our Responsibility under U.S. Generally Accepted Auditing Standards

As stated in our engagement letter dated February 6, 2023, our responsibility, as described by professional standards, is to plan and perform our audit to obtain reasonable, but not absolute, assurance that the financial statements are free of material misstatement and are fairly presented in accordance with U.S. generally accepted accounting principles. Because an audit is designed to provide reasonable, but not absolute assurance and because we did not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by us.

As part of our audit, we considered the internal control of LAFCo. Such considerations were solely for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control.

#### **Qualitative Aspects of Accounting Practices**

Management is responsible for the selection and use of appropriate accounting policies. In accordance with the terms of our engagement letter, we advised management about the appropriateness of accounting policies and their application. The significant accounting policies used by LAFCo are described in Note 2 to the financial statements. No new accounting policies were adopted, and the application of existing policies was not changed during the year. We noted no transactions entered by LAFCo during the year for which there is a lack of authoritative guidance or consensus. There are no significant transactions that have been recognized in the financial statements in a different period than when the transaction occurred.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. We evaluated the key factors and assumptions used to develop the accounting estimates in determining that they are reasonable in relation to the financial statements taken as a whole. The most sensitive estimate(s) affecting the financial statements were:

- Fair value of investments and financial instruments.

#### **Difficulties Encountered in Performing the Audit**

We encountered no significant difficulties in dealing with management in performing and completing our audit.

#### **Corrected and Uncorrected Misstatements**

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements.

**Disagreements with Management**

For purposes of this letter, professional standards define a disagreement with management as a financial accounting, reporting, or auditing matter, whether resolved to our satisfaction, that could be significant to the financial statements or the auditors' report. We are pleased to report that no such disagreements arose during the course of our audit.

**Management Representations**

We have requested certain representations from management that are included in the management representation letter dated December 19, 2023.

**Management Consultations with Other Independent Accountants**

In some cases, management may decide to consult with other accountants about auditing and accounting matters, like obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to LAFCo's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

**Other Audit Findings or Issues**

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as LAFCo's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

**Other Matters**

We applied certain limited procedures to the Management's Discussion and Analysis and the Budgetary Comparison Schedule for the General Fund, which requires supplementary information (RSI) that supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI.

This report is intended solely for the information and use of management and the Commissioners of San Mateo Local Agency Formation Commission and others within the organization, and is not intended to be, and should not be, used by anyone other than these specified parties.

San Mateo Local Agency Formation Commission  
COMMISSIONERS & MANAGEMENT REPORT  
For the Year Ended June 30, 2022

**Current Year Observations**

There were no current year observations.

**Prior Year Observations**

There were no prior year observations.

**SAN MATEO LOCAL AGENCY  
FORMATION COMMISSION  
REDWOOD CITY, CALIFORNIA**

**ANNUAL FINANCIAL REPORT  
JUNE 30, 2022**



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## INDEPENDENT AUDITORS' REPORT

Commissioners  
San Mateo Local Agency Formation Commission  
Redwood City, CA

### Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities and the major fund of the San Mateo Local Agency Formation Commission, as of and for the year ended June 30, 2022, and the related notes to the financial statements, which collectively comprise the San Mateo Local Agency Formation Commission's basic financial statements as listed in the table of contents.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and the major fund of San Mateo Local Agency Formation Commission, as of June 30, 2022, and the respective changes in financial position for the year then ended in accordance with accounting principles generally accepted in the United States of America.

### Basis for Opinions

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of San Mateo Local Agency Formation Commission, and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

### Emphasis of a Matter

As discussed in Note 1, the financial statements are intended to present the financial position and the respective changes in financial position of only those transactions attributable to San Mateo Local Agency Formation Commission. They do not purport to, and do not, present fairly the financial position of the County of San Mateo in conformity with U.S. generally accepted accounting principles. Our opinion is not modified with respect to this matter.

### Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error. In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about San Mateo Local Agency Formation Commission's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

### Auditor's Responsibilities for the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with auditing standards generally accepted in the United States of America will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.

Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.



In performing an audit in accordance with auditing standards generally accepted in the United States of America, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of San Mateo Local Agency Formation Commission's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about San Mateo Local Agency Formation Commission's ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Other Matters

*Required Supplementary Information*

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis and budgetary comparison information on pages 3-6 and page 19, as listed in the table of contents, be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.



O'Connor & Company

Novato, California  
December 19, 2023

San Mateo Local Agency Formation Commission  
MANAGEMENT'S DISCUSSION AND ANALYSIS  
June 30, 2022

This section of San Mateo Local Agency Formation Commission's (LAFCo's) basic financial statements presents management's overview and analysis of the financial activities of the organization for the fiscal year ended June 30, 2022. We encourage the reader to consider the information presented here in conjunction with the basic financial statements as a whole.

**Introduction to the Basic Financial Statements**

This discussion and analysis is intended to serve as an introduction to LAFCo's audited financial statements, which are composed of the basic financial statements. This annual report is prepared in accordance with the Governmental Accounting Standards Board (GASB) Statement No. 34, *Basic Financial Statements – and Management's Discussion and Analysis – for States and Local Governments*. The Single Governmental Program for Special Purpose Governments reporting model is used, which best represents the activities of LAFCo.

The required financial statements include the Statement of Net Position and Governmental Funds Balance Sheet; and the Statement of Activities and Governmental Funds Revenues, Expenditures and Changes in Fund Balances.

These statements are supported by notes to the basic financial statements. All sections must be considered together to obtain a complete understanding of the financial picture of LAFCo.

**The Basic Financial Statements**

The Basic Financial Statements comprise the Combined Government-wide Financial Statements and the Fund Financial Statements; these two sets of financial statements provide two different views of LAFCo's financial activities and financial position.

The Government-wide Financial Statements provide a longer-term view of LAFCo's activities as a whole and comprise the Statement of Net Position and the Statement of Activities. The Statement of Net Position provides information about the financial position of LAFCo as a whole, including all of its capital assets and long-term liabilities on the full accrual basis, similar to that used by corporations. The Statement of Activities provides information about all of LAFCo's revenues and all of its expenses, also on the full accrual basis, with the emphasis on measuring net revenues or expenses of LAFCo's programs. The Statement of Activities explains in detail the change in Net Position for the year.

All of LAFCo's activities are grouped into Government Activities, as explained below.

The Fund Financial Statements report LAFCo's operations in more detail than the Government-wide statements and focus primarily on the short-term activities of LAFCo's Major Funds. The Fund Financial Statements measure only current revenues and expenditures and fund balances; they exclude capital assets, long-term debt and other long-term amounts.

Major Funds account for the major financial activities of LAFCo and are presented individually. Major Funds are explained below.

**The Government-wide Financial Statements**

Government-wide Financial Statements are prepared on an accrual basis, which means they measure the flow of all economic resources of LAFCo as a whole.

The Statement of Net Position and the Statement of Activities present information about the following:

*Governmental Activities* – LAFCo's basic services are governmental activities. These services are supported by specific general revenues from local agencies.

San Mateo Local Agency Formation Commission  
MANAGEMENT'S DISCUSSION AND ANALYSIS  
 June 30, 2022

**Fund Financial Statements**

The Fund Financial Statements provide detailed information about each of LAFCo's most significant funds, called Major Funds. The concept of Major Funds, and the determination of which are Major Funds, was established by GASB Statement No. 34 and replaces the concept of combining like funds and presenting them in total. Instead, each Major Fund is presented individually, with all Non-major Funds summarized and presented only in a single column. Major Funds present the major activities of LAFCo for the year and may change from year to year as a result of changes in the pattern of LAFCo's activities.

In LAFCo's case, there is only one Major Governmental Fund.

Governmental Fund Financial Statements are prepared on a modified accrual basis, which means they measure only current financial resources and uses. Capital assets and other long-lived assets, along with long-term liabilities, are not presented in the Governmental Fund Financial Statements.

Comparisons of Budget and Actual financial information are presented for the General Fund.

**Analyses of Major Funds**

Governmental Funds

General Fund revenues decreased \$328,084 this fiscal year compared to the prior year due primarily to decreases in intergovernmental charges and annexation charges. Annexation charges were unusually high in the prior year because of a one-time project. Actual revenues were less than budgeted amounts by \$311,614.

General Fund expenditures were \$706,300, an increase of \$103,969 from the prior year primarily due to an increase in contract services charges. Expenditures were \$190,251 less than budgeted.

**Governmental Activities**

Table 1  
Governmental Net Position

	2022 Governmental Activities	2021 Governmental Activities
Current assets	\$ 274,467	\$ 448,218
Total assets	274,467	448,218
Current liabilities	55,036	46,293
Total liabilities	55,036	46,293
Net position		
Unrestricted	219,431	401,925
Total net position	\$ 219,431	\$ 401,925

LAFCo's governmental net position amounted to \$219,431 as of June 30, 2022, a decrease of \$182,494 from 2021. This decrease is the Change in Net Position reflected in the Statement of Activities shown in Table 2.

San Mateo Local Agency Formation Commission  
MANAGEMENT'S DISCUSSION AND ANALYSIS  
 June 30, 2022

LAFCo's net position as of June 30, 2022 comprised the following:

- Cash and investments comprised \$273,556 of cash on deposit with the San Mateo County Treasury.
- Accounts receivable totaling \$911.
- Deferred revenue totaling \$45,114.
- Accounts payable totaling \$9,922.
- Unrestricted net position, the part of net position that can be used to finance day-to-day operations without constraints established by debt covenants or other legal requirements or restrictions. LAFCo had \$219,431 of unrestricted net position as of June 30, 2022.

The Statement of Activities presents program revenues and expenses and general revenues in detail. All of these are elements in the Changes in Governmental Net Position summarized below.

Table 2  
Changes in Governmental Net Position

	2022 Governmental Activities	2021 Governmental Activities
<u>Expenses</u>		
Local agency formation services	\$ 706,300	\$ 602,331
Total expenses	706,300	602,331
<u>Revenues</u>		
Program revenues:		
Charges for services	33,727	152,713
General revenues:		
Intergovernmental revenue	484,789	692,192
Taxes and other	5,290	6,985
Total general revenues	490,079	699,177
Total revenues	523,806	851,890
<u>Change in net position</u>	\$ (182,494)	\$ 249,559

As Table 2 above shows, \$33,727 or 6% of LAFCo's fiscal year 2022 governmental revenue, came from program revenues and \$490,079 or 94%, came from general revenues.

Program revenues consisted of annexation charges of \$33,727.

General revenues are not allocable to programs. General revenues are used to pay for the net cost of governmental programs.

**Capital Assets**

LAFCo has no capital assets.

**Debt Administration**

LAFCo does not utilize long-term debt to fund operations or growth.

San Mateo Local Agency Formation Commission  
MANAGEMENT'S DISCUSSION AND ANALYSIS  
June 30, 2022

**Economic Outlook and Major Initiatives**

Financial planning is based on specific assumptions from recent trends, State of California economic forecasts and historical growth patterns in the various agencies served by LAFCo.

The economic condition of LAFCo as it appears on the balance sheet reflects financial stability. LAFCo will continue to maintain a watchful eye over expenditure and remain committed to sound fiscal management practices to deliver the highest quality service to the citizens of the area.

**Contacting LAFCo's Financial Management**

The basic financial statements are intended to provide citizens, taxpayers, and creditors with a general overview of LAFCo's finances. Questions about this report should be directed to San Mateo Local Agency Formation Commission, 455 County Center, 2nd Floor, Redwood City, CA 94063.

San Mateo Local Agency Formation Commission  
STATEMENT OF NET POSITION  
 June 30, 2022

	Governmental Activities
<u>ASSETS</u>	
Current assets:	
Cash and investments	\$ 273,556
Accounts receivable	911
Total assets	274,467
 <u>LIABILITIES AND NET POSITION</u>	
Liabilities:	
Deferred revenue	45,114
Accounts payable and other accrued expenses	9,922
Total liabilities	55,036
 Net position:	
Unrestricted net position	219,431
Total net position	\$ 219,431

The accompanying notes are an integral part of these financial statements.

San Mateo Local Agency Formation Commission  
STATEMENT OF ACTIVITIES  
 For the Year Ended June 30, 2022

	<u>Governmental Activities</u>
Program expenses	
Services and supplies	\$ 706,300
Total program expenses	<u>706,300</u>
 Program revenues:	
Intergovernmental revenue	484,789
Charges for service	33,727
Other revenue	<u>5,290</u>
Total program revenue	<u>523,806</u>
Net program expense	<u>(182,494)</u>
 Changes in net position	 (182,494)
Net position, beginning of period	<u>401,925</u>
 Net position, end of period	 \$ <u>219,431</u>

The accompanying notes are an integral part of these financial statements.

San Mateo Local Agency Formation Commission  
GOVERNMENTAL FUNDS - BALANCE SHEET  
 June 30, 2022

	<u>General Fund</u>
<u>ASSETS</u>	
Cash and cash investments	\$ 273,556
Accounts receivable	911
Total assets	\$ 274,467
 <u>LIABILITIES</u>	
Deferred revenue	\$ 45,114
Accounts payable and other accrued expenses	9,922
Total liabilities	55,036
 <u>FUND BALANCES</u>	
Assigned fund balances	219,431
Total fund balances	219,431
Total liabilities and fund balances	\$ 274,467

The accompanying notes are an integral part of these financial statements.



San Mateo Local Agency Formation Commission  
Reconciliation of the  
GOVERNMENTAL FUNDS - BALANCE SHEET  
with the  
STATEMENT OF NET POSITION  
For the Year Ended June 30, 2022

TOTAL FUND BALANCE - TOTAL GOVERNMENTAL FUNDS	\$ 219,431
Amount reported for governmental activities in the Statement of Net Position are different from those reported in the Governmental Funds above because of the following:	
None	<u>-</u>
NET POSITION OF GOVERNMENTAL ACTIVITIES	<u>\$ 219,431</u>

The accompanying notes are an integral part of these financial statements.

San Mateo Local Agency Formation Commission  
STATEMENT OF REVENUES, EXPENDITURES  
AND CHANGES IN FUND BALANCES  
 June 30, 2022

	<u>General Fund</u>
Revenues	
Intergovernmental revenue	\$ 484,789
Charges for service	33,727
Other revenue	5,290
Total revenues	523,806
Expenditures	
Services and supplies	706,300
Total expenditures	706,300
Excess of revenues over (under) expenditures	(182,494)
Fund balances, beginning of the period	401,925
Fund balances, end of the period	\$ 219,431

The accompanying notes are an integral part of these financial statements.

San Mateo Local Agency Formation Commission  
Reconciliation of the  
STATEMENT OF REVENUES  
EXPENDITURES, AND CHANGES IN FUND BALANCES  
to the  
STATEMENT OF ACTIVITIES  
For the Year Ended June 30, 2022

NET CHANGE IN FUND BALANCES - GOVERNMENTAL FUND \$ (182,494)

The changes in Net Position reported for governmental activities in the Statement of Activities are different because:

None

-

CHANGE IN NET POSITION OF GOVERNMENTAL ACTIVITIES

\$ (182,494)

The accompanying notes are an integral part of these financial statements.

San Mateo Local Agency Formation Commission  
NOTES TO BASIC FINANCIAL STATEMENTS  
June 30, 2022

NOTE 1 - REPORTING ENTITY

A. Reporting Entity

The financial statements are intended to present the financial position and the respective changes in financial position of only those transactions attributable to San Mateo Local Agency Formation Commission. They do not purport to, and do not, present fairly the financial position of the County of San Mateo in conformity with U.S. generally accepted accounting principles.

B. Organization of LAFCo

San Mateo Local Agency Formation Commission (LAFCo) was formed in 1963. LAFCo is responsible for coordinating logical and timely changes in local government boundaries, conducting special studies that review ways to reorganize, simplify, and streamline governmental structure, and preparing a sphere of influence for each city and special district within its county. LAFCo's efforts are directed toward seeing that services are provided efficiently and economically while agricultural and open-space lands are protected. LAFCo also conducts service reviews to evaluate the provision of municipal services within its county.

C. Principles that Determine the Scope of Reporting Entity

LAFCo consists of seven voting members and four alternate members, and exercises the powers allowed by state statutes. This follows section 56325 of the Government Code. The basic financial statements of LAFCo consist only of the funds of LAFCo. LAFCo has no oversight responsibility for any other governmental entity since no other entities are controlled by, or dependent on, LAFCo.

NOTE 2 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A. Basis of Presentation

LAFCo maintains a cash receipts journal for recording fees collected at 1851 Lexington Avenue. The assessment of property, collection of taxes, disbursement of cash, and the maintenance of the general ledger for funds held by the County are provided by the County of San Mateo. Custodianship of LAFCo's account and records for funds held by the County are vested with the Treasurer of San Mateo County.

The County of San Mateo maintains its financial records on a computer, utilizing a monthly reporting cycle. Every month the Controller issues a computer printout of revenues collected, disbursements by objective and a trial balance for the period then ended.

B. Basis of Presentation

LAFCo's basic financial statements are prepared in conformity with U.S. generally accepted accounting principles. The Governmental Accounting Standards Board (GASB) is the acknowledged standard setting body for establishing accounting and financial reporting standards followed by governmental entities in the U.S.A.

Government-wide Financial Statements

LAFCo's financial statements reflect only its own activities; it has no component units. The statement of net position and statement of activities display information about the reporting government. They include all funds of the reporting entity. Governmental activities generally, are financed through intergovernmental revenues and charges for services for performing annexation services.

San Mateo Local Agency Formation Commission  
NOTES TO BASIC FINANCIAL STATEMENTS  
June 30, 2022

NOTE 2 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

B. Basis of Presentation (concluded)

The statement of activities presents a comparison between direct expenses and program revenues for each segment of LAFCo's governmental activities. Direct expenses are those that are specifically associated with a program or function and, therefore, are clearly identifiable to a particular function. Program revenues include charges paid by the recipients of goods and services offered by the program. Revenues that are not classified as program revenues, including all intergovernmental revenues, are presented as general revenues.

Fund Financial Statements

Fund financial statements of the reporting entity are organized into funds, each of which is a separate accounting entity. General Fund operations are accounted for with a separate set of self-balancing accounts that comprise its assets, liabilities, fund equity, revenues, and expenditures (or expenses) as appropriate. LAFCo's resources are accounted for based on the purposes for which they are to be spent and how spending activities are controlled. An emphasis is placed on major funds within the governmental categories.

The Fund Financial Statements are presented after the government-wide financial statements. These statements display information about major funds individually in a separate column and non-major funds in the aggregate for governmental funds. A fund is considered major if it is the primary operating fund of LAFCo or meets the following criteria: Total assets, liabilities, revenues, or expenditures (or expenses) of the individual governmental fund are at least 10 percent of the corresponding total for all funds of that category or type. The General Fund is always a major fund.

Governmental Funds

General Fund: This is the operating fund of LAFCo. The major revenue source for this fund is intergovernmental revenues. Expenditures are made for intergovernmental revenues projects and administration.

C. Basis of Accounting

The government-wide financial statements are reported using the *economic resources measurement focus* and the *full accrual basis* of accounting. Revenues are recorded when earned and expenses are recorded at the time liabilities are *incurred*, regardless of when the related cash flows take place.

Governmental funds are reported using the *current financial resources measurement focus* and the *modified accrual* basis of accounting. Under this method, revenues are recognized when "measurable and available." LAFCo considers all revenues reported in the governmental funds to be available if the revenues are collected within sixty days after year-end. Expenditures are recorded when the related fund liability is incurred, except for principal and interest on general long-term debt, claims and judgments, and compensated absences, which are recognized as expenditures to the extent they have matured. General capital asset acquisitions are reported as *expenditures* in governmental funds. Proceeds of general long-term debt and acquisitions under capital leases are reported as *other financing sources*. Those revenues susceptible to accrual are intergovernmental, certain charges for services and interest revenue. Charges for services are not susceptible to accrual because they are not measurable until received in cash.

Non-exchange transactions, in which LAFCo gives or receives value without directly receiving or giving equal value in exchange, include taxes, grants, entitlements, and donations. On the accrual basis, revenue from taxes is recognized in the fiscal year for which the taxes are levied or assessed.

San Mateo Local Agency Formation Commission  
NOTES TO BASIC FINANCIAL STATEMENTS  
June 30, 2022

NOTE 2 - SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (concluded)

C. Basis of Accounting (concluded)

LAFCo may fund programs with a combination of charges for services and general revenues. Thus, both restricted and unrestricted net position may be available to finance program expenditures. LAFCo's policy is to first apply restricted grant resources to such programs, followed by general revenues if necessary.

D. LAFCo Budget

Pursuant to Section 56381, et seq of the Government Code, LAFCo adopts a preliminary budget by May 1 and a final budget by June 15 of each year. Budgets are adopted on a basis consistent with U.S. generally accepted accounting principles. Budget/actual comparisons in this report use this budgetary basis. These budgeted amounts are as originally adopted or as amended by LAFCo. Individual amendments were not material in relation to the original appropriations that were amended.

E. Property, Plant and Equipment

LAFCo currently has no fixed assets.

F. Compensated Absences

LAFCo's staff are employed by the County of San Mateo and follow the San Mateo County's policy. Compensated absences comprise unpaid vacation, compensatory and holiday time which are eligible for payment upon separation from the County service. The liability for such time is reported in the San Mateo County's government-wide financial statements (CAFR) and not LAFCo's government-wide financial statements. The San Mateo County CAFR may be obtained by writing to: Office of the Controller, 555 County Center, 4<sup>th</sup> Floor, Redwood City, Ca 94063.

G. Deferred Outflows and Inflows of Resources

Pursuant to GASB Statement No. 63, *Financial Reporting of Deferred Outflows of Resources, Deferred Inflows of Resources, and Net Position*, and GASB Statement No. 65, *Items Previously Reported as Assets and Liabilities*, LAFCo recognizes deferred outflows and inflows of resources.

In addition to assets, the statement of net position will sometimes report a separate section for deferred outflows of resources. A deferred outflow of resources is defined as a consumption of net position by the government that is applicable to a future reporting period.

In addition to liabilities, the statement of net position will sometimes report a separate section for deferred inflows of resources. A deferred inflow of resources is defined as an acquisition of net position by LAFCo that is applicable to a future reporting period.

Pensions

For purposes of measuring the net pension liability and deferred outflows/inflows of resources related to pensions, and pension expense, information about the fiduciary net position of LAFCo's San Mateo County Employees Retirement Association (SamCERA) plan (Plan) and additions to/deductions from the Plan's fiduciary net position have been determined on the same basis as they are reported by SamCERA. For this purpose, benefit payments (including refunds of employee contributions) are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value.

San Mateo Local Agency Formation Commission  
NOTES TO BASIC FINANCIAL STATEMENTS  
June 30, 2022

NOTE 3 - CASH AND INVESTMENTS

LAFCo's cash is maintained with the San Mateo County Treasury in a non-interest-bearing account. LAFCo's cash on deposit with the San Mateo County Treasury at June 30, 2022 was \$273,556.

Credit Risk, Carrying Amount and Market Value of Investments

LAFCo maintains specific cash deposits with San Mateo County (County). San Mateo County is restricted by state code in the types of investments it can make. Furthermore, the San Mateo County Treasurer has a written investment policy, approved by the Board of Supervisors, which is more restrictive than state code as to terms of maturity and type of investment. Also, San Mateo County has an investment committee, which performs regulatory oversight for its pool as required by California Government Code Section 27134. In addition, LAFCo has its own investment policy as well.

San Mateo County's investment policy authorizes San Mateo County to invest in obligations of the U.S. Treasury, its agencies and instrumentalities, certificates of deposit, commercial paper rated A-1 by Standard & Poor's Corporation or P-1 by Moody's Commercial Paper Record, bankers' acceptances, repurchase agreements, and the State Treasurer's investment pool. At June 30, 2022, LAFCo's cash with the San Mateo County Treasurer was maintained in a non-interest-bearing account.

GASB Statement No. 72, *Fair Value Measurements and Application*, establishes a fair value hierarchy consisting of three broad levels: Level 1 inputs consist of quoted prices (unadjusted) for identical assets and liabilities in active markets that a government can access at the measurement date, Level 2 inputs consist of inputs other than quoted prices that are observable for an asset or liability, either directly or indirectly, that can include quoted prices for similar assets or liabilities in active or inactive markets, or market-corroborated inputs, and Level 3 inputs have the lowest priority and consist of unobservable inputs for an asset or liability. The valuation method used for rental properties is the Leased Fee Market method, which is dependent on the income generated from the rental properties. LAFCo's investments in the San Mateo Co. Treasurer's Investment Fund were an uncategorized input and not defined as a Level 1-3 input.

NOTE 4 - USE OF ESTIMATES

The basic financial statements have been prepared in conformity with U.S. generally accepted accounting principles and, as such, include amounts based on informed estimates and judgments of management with consideration given to materiality. Actual results could differ from those amounts.

NOTE 5 - CONTINGENCIES

LAFCo may be involved from time to time in various claims and litigation arising in the ordinary course of business. LAFCo management, based upon the opinion of legal counsel, is of the opinion that the ultimate resolution of such matters should not have a materially adverse effect on LAFCo's financial position or results of operations.

NOTE 6 - FUND EQUITY

The accompanying basic financial statements reflect certain changes that have been made with respect to the reporting of the components of Fund Balances for governmental funds. In previous years, fund balances for governmental funds were reported in accordance with previous standards that included components for reserved fund balance, unreserved fund balance, designated fund balance, and undesignated fund balance. Due to the implementation of GASB Statement No. 54, the components of the fund balances of governmental funds now reflect the component classifications described below.

San Mateo Local Agency Formation Commission  
NOTES TO BASIC FINANCIAL STATEMENTS  
June 30, 2022

NOTE 6 - FUND EQUITY (concluded)

In the fund financial statements, governmental fund balances are reported in the following classifications:

Nonspendable fund balance includes amounts that are not in a spendable form, such as prepaid items or supplies inventories, or that are legally or contractually required to remain intact, such as principal endowments.

Restricted fund balance includes amounts that are subject to externally enforceable legal restrictions imposed by outside parties (i.e., creditors, grantors, contributors) or that are imposed by law through constitutional provisions or enabling legislation.

Committed fund balance includes amounts whose use is constrained by specific limitations that the government imposes upon itself, as determined by a formal action of the highest level of decision-making authority. The Commissioners serve as LAFCo's highest level of decision-making authority and have the authority to establish, modify or rescind a fund balance commitment via minutes action.

Assigned fund balance includes amounts intended to be used by LAFCo for specific purposes, subject to change, as established either directly by the Commissioners or by management officials to whom assignment authority has been delegated by the Commissioners.

Unassigned fund balance is the residual classification that includes spendable amounts in the General Fund that are available for any purpose.

When expenditures are incurred for purposes for which both restricted and unrestricted (committed, assigned or unassigned) fund balances are available, LAFCo specifies that restricted revenues will be applied first. When expenditures are incurred for purposes for which committed, assigned or unassigned fund balances are available, LAFCo's policy is to apply committed fund balance first, then assigned fund balance, and finally unassigned fund balance.

Net Position

Net Position is the excess of all LAFCo's assets over all its liabilities, regardless of fund. Net Position is divided into three captions under GASB Statement No. 34. These captions apply only to Net Position, which is determined only at the government-wide level, and are described below:

*Net Investment in capital assets* describes the portion of Net Position that is represented by the current net book value of LAFCo's capital assets, less the outstanding balance of any debt issued to finance these assets. *Restricted* describes the portion of Net Position that is restricted as to use by the terms and conditions of agreements with outside parties, governmental regulations, laws, or other restrictions that LAFCo cannot unilaterally alter. *Unrestricted* describes the portion of Net Position that is not restricted to use.

LAFCo's Net Position is unrestricted.

NOTE 7 - LAFCO'S EMPLOYEES' RETIREMENT PLAN

The San Mateo Employees Retirement Association (SamCERA) operates as a cost-sharing multiple employers defined benefit plan and administers the pension plan for the San Mateo County and its permanent employees. The County of San Mateo's net pension liability/(asset) is reported in the San Mateo County's government-wide financial statements and not in LAFCo's government-wide financial statements.



San Mateo Local Agency Formation Commission  
NOTES TO BASIC FINANCIAL STATEMENTS  
June 30, 2022

NOTE 7 - LAFCO'S EMPLOYEES' RETIREMENT PLAN (concluded)

Copies of SamCERA's annual financial reports, which include required supplementary information (RSI) for the Plan may be obtained by writing to: San Mateo County Employees Retirement Association, 100 Marine Parkway, Suite 125, Redwood City, CA 94065, or by calling (650) 599-1234.

NOTE 8 - OTHER POST-EMPLOYMENT BENEFIT (OPEB)

Plan Description

The County of San Mateo administers a post-employment benefit (OPEB) sick leave conversion Retiree Health Plan (single employer defined benefit plan). LAFCo is a participant in this plan. This plan provides healthcare benefits to members who retire from the County and are eligible to receive a pension from SamCERA. Eligible retirees may elect to continue healthcare coverage in the County health plan and convert their sick leave balance at retirement to a County-paid monthly benefit that will partially fund their retiree health premiums. The County of San Mateo's OPEB liability is reported in the San Mateo County's government-wide financial statements and not in LAFCo's government-wide financial statements.

San Mateo County issues a Comprehensive Annual Financial Report (CAFR) that includes financial statements and required supplementary information for their OPEB retiree health plan. The ACFR may be obtained by writing to the Office of the Controller, 555 County Center, 4<sup>th</sup> Floor, Redwood City, CA 94063.

San Mateo Local Agency Formation Commission  
GENERAL FUND  
SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE  
Budget and Actual  
For the Year Ended June 30, 2022  
(Unaudited)

	<u>Budgeted Amounts</u>		<u>Actual</u>	Variance
	<u>Original</u>	<u>Final</u>		with <u>Final Budget</u>
Revenues:				
Intergovernmental revenue	\$ 671,420	\$ 671,420	\$ 484,789	\$ (186,631)
Charges for services	34,000	34,000	33,727	(273)
Other revenue	<u>130,000</u>	<u>130,000</u>	<u>5,290</u>	<u>(124,710)</u>
Total revenues	<u>835,420</u>	<u>835,420</u>	<u>523,806</u>	<u>(311,614)</u>
Expenditures:				
Services and supplies	<u>896,551</u>	<u>896,551</u>	<u>706,300</u>	<u>190,251</u>
Total expenditures	<u>896,551</u>	<u>896,551</u>	<u>706,300</u>	<u>190,251</u>
Excess of revenues over (under) expenditures	<u>\$ (61,131)</u>	<u>\$ (61,131)</u>	<u>(182,494)</u>	<u>\$ (121,363)</u>
Fund balance, beginning of period			<u>401,925</u>	
Fund balance, end of period			<u>\$ 219,431</u>	

RESOLUTION NO. 1314

**RESOLUTION OF THE  
SAN MATEO LOCAL AGENCY FORMATION COMMISSION  
APPROVAL OF THE AUDIT PREPARED BY O'CONNOR & COMPANY FOR THE COMMISSION'S FISCAL  
STATEMENTS FOR THE FISCAL YEAR ENDING JUNE 30, 2022**

RESOLVED, by the Local Agency Formation Commission of the County of San Mateo (LAFCo), State of California, that:

WHEREAS, prior to 2018, the Commission's appropriations budget was part of the County of San Mateo General Fund and independently audited annually; and

WHEREAS, in 2018 the Commission's appropriations budget was transferred to a trust fund account that necessitated LAFCo to contract with an outside auditor to perform an independent audit; and

WHEREAS, LAFCo entered into an agreement with O'Connor & Company, formerly R. J. Ricciardi, Inc., for an audit of the Commission's Fiscal Statements for the year ending June 30, 2022; and

WHEREAS, the draft audit did not identify any deficiencies in internal controls nor any instances of non-compliance; and

WHEREAS, LAFCo staff continues to review monthly reports for the LAFCo accounts and works with County staff to reconcile accounts. LAFCo staff provides quarterly financial updates to the Commission which will allow for opportunities to review how LAFCo performed financially in the previous quarter as compared to the adopted budget and to discuss any issues as appropriate.

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that the Commission hereby approves the draft audit prepared by O'Connor & Company of the San Mateo Local Agency Formation Commission's Financial Statements for the Fiscal Year ending June 30, 2022.

Regularly passed and adopted this \_\_\_ day of \_\_\_\_\_.

Ayes and in favor of said resolution:

Commissioners:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Noes and against said resolution:

\_\_\_\_\_

Commissioners Absent and/or Abstentions:

Commissioners:

\_\_\_\_\_

\_\_\_\_\_  
Chair  
Local Agency Formation Commission  
County of San Mateo  
State of California

ATTEST:

\_\_\_\_\_  
Executive Officer  
Local Agency Formation Commission

Date: \_\_\_\_\_

I certify that this is a true and correct copy of the resolution above set forth.

Date: \_\_\_\_\_

\_\_\_\_\_  
Clerk to the Commission  
Local Agency Formation Commission

SAN MATEO



# LOCAL AGENCY FORMATION COMMISSION

455 COUNTY CENTER, 2ND FLOOR • REDWOOD CITY, CA 94063-1663 • PHONE (650) 363-4224 • FAX (650) 363-4849

January 10, 2024

**To:** LAFCo Commissioners  
**From:** Rob Bartoli, Executive Officer  
 Sofia Recalde, Management Analyst  
**Subject:** Quarterly LAFCo Budget Update – Information Only

## Summary

The intent of the quarterly financial reports is to provide the Commission with an update on how LAFCo performed financially in the previous quarter as compared to the adopted budget and to discuss any issues as appropriate. The practice was recommended during a previous audit as an additional safeguard to ensure sound financial management.

## Report for FY 203-2024

The LAFCo FY 2022-23 final budget was adopted on May 17, 2023.

### *Revenues*

As of December 31, 2023, LAFCo has received 100% of the 1/3 apportionment from member agencies. Application revenue to date is \$23,564, 68% of the budgeted amount.

### *Expenditures*

As of December 31, 2023, LAFCo is within budget for all expenditures for Salaries & Benefits, Services & Supplies and Other Charges, with the exception of legal notices, which is over budget by \$353. These legal notices cost are covered by application revenue. A number of expenditures, such as rent and the salary for the part-time LAFCo Clerk position, have not yet posted as they are charged to LAFCo towards the end of the fiscal year. With the recent vacancy of the LAFCo Clerk, it is anticipated that there will be cost savings in the Services & Supplies expenditure category.

## Recommended Commission Action

Receive the budget update.

## Attachments

- A. LAFCo FY 2023-24 Budget Monitoring Report

**COMMISSIONERS:** ANN DRAPER, CHAIR, PUBLIC ▪ KATI MARTIN, SPECIAL DISTRICT, VICE CHAIR ▪ VIRGINIA CHANG-KIRALY, SPECIAL DISTRICT ▪ HARVEY RARBACK, CITY ▪ TYGARJAS BIGSTYCK, CITY ▪ WARREN SLOCUM, COUNTY ▪ RAY MUELLER, COUNTY

**ALTERNATES:** CHRIS MICKELSEN, SPECIAL DISTRICT ▪ ANN SCHNEIDER, CITY ▪ JAMES O'NEILL, PUBLIC ▪ NOELIA CORZO, COUNTY

**STAFF:** ROB BARTOLI, EXECUTIVE OFFICER ▪ SOFIA RECALDE, MANAGEMENT ANALYST ▪ TIM FOX, LEGAL COUNSEL ▪

ANGELA MONTES, CLERK

Budget Monitoring - Detail

Reporting Period 07/01/2023 - 12/31/2023

Selection(s): As of Date: Dec 31, 2023, Sub Unit(s): 35710

BUDG: 3570B - LAFCO - BU

OBJECT CODE and DESCRIPTION	BUDGET	REV/EXP THIS MONTH	REV/EXP YTD	ENCUM	ACCOUNT YTD	VARIANCE ACCOUNT YTD	ATD % BUD
<u>Revenue</u>							
35710-1521 - Interest Earned	200	0	4,746	0	4,746	4,546	2,373%
1500 - Use of Money & Property	200	0	4,746	0	4,746	4,546	2,373%
35710-1983 - Aid - Other Local Agencies	184,374	0	184,374	0	184,374	0	100%
35710-1992 - All Other Local Govern Revenue	368,749	0	368,748	0	368,748	(1)	100%
1600 - Intergovernmental Revenues	553,123	0	553,122	0	553,122	(1)	100%
35710-2421 - Annexation Charges	35,000	0	23,648	0	23,648	(11,352)	68%
2000 - Charges for Services	35,000	0	23,648	0	23,648	(11,352)	68%
<b>TOTAL Revenue</b>	<b>588,323</b>	<b>0</b>	<b>581,516</b>	<b>0</b>	<b>581,516</b>	<b>(6,807)</b>	<b>99%</b>
<u>Expenditure</u>							
35710-4111 - Regular Hour - Perm Positions	312,774	33,896	130,196	0	130,196	182,578	42%
35710-4123 - Experience Pay	1,781	0	0	0	0	1,781	0
35710-4131 - Employee Sick Leave	0	154	4,119	0	4,119	(4,119)	0
35710-4133 - Vacation Pay	0	530	9,022	0	9,022	(9,022)	0
35710-4134 - Holiday Pay	0	2,470	5,204	0	5,204	(5,204)	0
35710-4135 - Compensatory Time Used	0	0	1,226	0	1,226	(1,226)	0
35710-4141 - Work Group 4-Comp Cash Out	5,790	3,967	3,967	0	3,967	1,823	69%
35710-4161 - Extra Help Hours - Reg Pay	5,000	600	2,000	0	2,000	3,000	40%
35710-4311 - FICA	19,503	2,074	8,997	0	8,997	10,506	46%
35710-4312 - Medicare Contribution	4,561	596	2,215	0	2,215	2,346	49%
35710-4321 - County Retirement Contribution	73,884	8,702	35,775	0	35,775	38,109	48%
35710-4412 - Kaiser Health Plan	25,694	2,568	14,768	0	14,768	10,926	57%
35710-4418 - Retiree Health Benefits	7,000	583	3,500	0	3,500	3,500	50%

## Budget Monitoring - Detail

Reporting Period 07/01/2023 - 12/31/2023

Page: 2 of 4

Selection(s): As of Date: Dec 31, 2023, Sub Unit(s): 35710

BUDG: 3570B - LAFCO - BU

OBJECT CODE and DESCRIPTION	BUDGET	REV/EXP THIS MONTH	REV/EXP YTD	ENCUM	ACCOUNT YTD	VARIANCE ACCOUNT YTD	ATD % BUD
35710-4421 - Cigna Dental Plan	2,976	244	1,400	0	1,400	1,576	47%
35710-4431 - Vision Insurance Plan	404	33	190	0	190	214	47%
35710-4441 - Life Insurance Plan	124	10	60	0	60	64	48%
35710-4442 - Long Term Disability Insurance	348	40	167	0	167	181	48%
35710-4451 - Unemployment Insurance	1,573	208	779	0	779	794	50%
35710-4511 - Workers Comp Insurance Contrib	409	48	195	0	195	214	48%
35710-4512 - Worker Comp Experience Compont	294	24	147	0	147	147	50%
35710-4628 - Wellness Dividend Program	500	0	0	0	0	500	0
<b>4000 - Salaries and Benefits</b>	<b>462,615</b>	<b>56,749</b>	<b>223,925</b>	<b>0</b>	<b>223,925</b>	<b>238,690</b>	<b>48%</b>
35710-5132 - Direct Communications Expense	1,200	76	522	0	522	678	44%
35710-5184 - Refund - Prior Year Revenue	0	2,028	2,028	0	2,028	(2,028)	0
35710-5191 - Outside Printing & Copy Svc	1,000	0	0	0	0	1,000	0
35710-5193 - General Office Supplies	550	0	0	0	0	550	0
35710-5196 - Photocopy Lease & Usage	550	0	0	0	0	550	0
35710-5197 - Postage & Mailing Expense	1,000	39	206	0	206	794	21%
35710-5211 - Computer Supplies	500	0	0	0	0	500	0
35710-5215 - Software License/Maint Expense	1,022	718	861	0	861	161	84%
35710-5218 - Data Storage & Retrieval Exp	700	14	80	0	80	620	11%
35710-5331 - County Memberships	16,000	0	13,936	0	13,936	2,064	87%
35710-5341 - Legal Notices	2,000	0	2,353	0	2,353	(353)	118%
35710-5443 - Signage Expense	0	0	82	0	82	(82)	0
35710-5712 - Mileage Allowance	250	0	0	0	0	250	0
35710-5714 - Employee Mileage Reimbursement	0	114	250	0	250	(250)	0
35710-5721 - Meetings & Conference Expense	11,000	746	6,584	0	6,584	4,416	60%
35710-5733 - Train & Educ Materials/Supply	250	0	0	0	0	250	0
35710-5814 - Contract Office Support Svcs	1,676	0	0	0	0	1,676	0

## Budget Monitoring - Detail

Reporting Period 07/01/2023 - 12/31/2023

Page: 3 of 4

Selection(s): As of Date: Dec 31, 2023, Sub Unit(s): 35710

BUDG: 3570B - LAFCO - BU

OBJECT CODE and DESCRIPTION	BUDGET	REV/EXP THIS MONTH	REV/EXP YTD	ENCUM	ACCOUNT YTD	VARIANCE ACCOUNT YTD	ATD % BUD
35710-5838 - Contract Administrative Svcs	66,055	0	0	0	0	66,055	0
35710-5842 - Contract Audit Services	9,800	713	3,713	6,088	9,800	0	100%
35710-5848 - Contract Planning & Env Anlsys	1,500	0	0	0	0	1,500	0
35710-5856 - Contract Special Program Svcs	50,127	0	0	9,033	9,033	41,094	18%
35710-5858 - Other Professional Contract Sv	4,000	0	1,073	2,668	3,740	260	94%
35710-5861 - PW - Engineering Services	4,000	0	0	0	0	4,000	0
35710-5872 - In-House Admin & Acctg Service	8,000	0	0	0	0	8,000	0
35710-5969 - Other Special Dept Expense	0	0	50	0	50	(50)	0
<b>5000 - Services and Supplies</b>	<b>181,180</b>	<b>4,448</b>	<b>31,737</b>	<b>17,788</b>	<b>49,525</b>	<b>131,655</b>	<b>27%</b>
35710-6713 - Automation Services-ISD	9,405	668	3,129	0	3,129	6,276	33%
35710-6714 - County Facility Service Charge	16,744	0	0	0	0	16,744	0
35710-6717 - Motor Vehicle Mileage Charges	78	7	39	0	39	39	50%
35710-6725 - General Liability Insurance	9,500	276	6,766	0	6,766	2,734	71%
35710-6727 - Official Bond Insurance	70	6	34	0	34	36	49%
35710-6732 - County Counsel Services	40,000	5,336	9,118	0	9,118	30,882	23%
35710-6733 - Human Resources Services	100	0	71	0	71	29	71%
35710-6738 - Countywide Security Services	150	0	149	0	149	1	99%
35710-6739 - All Other Service Charges	106	0	0	0	0	106	0
35710-6751 - Card Key Services	200	15	92	0	92	108	46%
35710-6821 - A-87 Expense	16,009	0	3,770	0	3,770	12,239	24%
<b>6000 - Other Charges</b>	<b>92,362</b>	<b>6,308</b>	<b>23,167</b>	<b>0</b>	<b>23,167</b>	<b>69,195</b>	<b>25%</b>
35710-8612 - Departmental Reserves	60,000	0	0	0	0	60,000	0
<b>8500 - Contingencies</b>	<b>60,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>60,000</b>	<b>0%</b>
<b>TOTAL Expenditure</b>	<b>796,157</b>	<b>67,505</b>	<b>278,830</b>	<b>17,788</b>	<b>296,618</b>	<b>499,539</b>	<b>37%</b>



### Budget Monitoring - Detail

Reporting Period 07/01/2023 - 12/31/2023

Page: 4 of 4

Selection(s): As of Date: Dec 31, 2023, Sub Unit(s): 35710

BUDG: 3570B - LAFCO - BU

<u>OBJECT CODE and DESCRIPTION</u>	<u>BUDGET</u>	<u>REV/EXP THIS MONTH</u>	<u>REV/EXP YTD</u>	<u>ENCUM</u>	<u>ACCOUNT YTD</u>	<u>VARIANCE ACCOUNT YTD</u>	<u>ATD % BUD</u>
<b>3570B - LAFCO - BU NET</b>	<b>(207,834)</b>	<b>(67,505)</b>	<b>302,686</b>	<b>(17,788)</b>	<b>284,898</b>	<b>492,732</b>	<b>(137%)</b>

SAN MATEO



# LOCAL AGENCY FORMATION COMMISSION

455 COUNTY CENTER, 2ND FLOOR • REDWOOD CITY, CA 94063-1663 • PHONE (650) 363-4224 • FAX (650) 363-4849

January 10, 2024

**To:** LAFCo Commissioners

**From:** Rob Bartoli, Executive Officer  
Sofia Recalde, Management Analyst

**Subject:** Legislative Report – Information Only

## Summary

### **Legislative tracker**

As of January 5, 2024 CALAFCO is tracking 11 bills. No new legislation has been introduced since the beginning of the year. Legislation that is of interest to San Mateo LAFCo includes:

- **AB 930** would authorize the legislative bodies of 2 or more local governments, defined to include a city, county, special district, or transit agency, to jointly form a Reinvestment in Infrastructure for a Sustainable and Equitable California district (RISE district). The legislation states that a RISE district is focused on funding the planning, acquisition, and construction of housing, infill supportive infrastructure, or other related projects. A RISE district would be authorized to use various sources of revenue including property tax revenue local sales tax, and transient occupancy taxes. The bill would provide for the establishment of a governing board of a RISE district with representatives of each participating local government. AB 930 appears to be similar to SB 852 (2022) regarding the formation of climate resilience districts, also a funding district, outside of the LAFCo process.

AB 930 is focused on the generation of funding and the governance of the expenditure of those funds. AB 930 failed to meet deadlines in 2023 and can be acted upon again in January 2024. (CALAFCO – Neutral)

## Recommendation

Receive the report.

## Attachments

A. Legislative Daily 1/5/2024

**COMMISSIONERS:** ANN DRAPER, CHAIR, PUBLIC ▪ KATI MARTIN, VICE CHAIR, SPECIAL DISTRICT ▪ VIRGINIA CHANG-KIRALY, SPECIAL DISTRICT ▪ HARVEY RARBACK, CITY ▪ TYGARJAS BIGSTYCK, CITY ▪ WARREN SLOCUM, COUNTY ▪ RAY MUELLER, COUNTY

**ALTERNATES:** CHRIS MICKELSEN, SPECIAL DISTRICT ▪ ANN SCHNEIDER, CITY ▪ JAMES O'NEILL, PUBLIC ▪ NOELIA CORZO, COUNTY

**STAFF:** ROB BARTOLI, EXECUTIVE OFFICER ▪ SOFIA RECALDE, MANAGEMENT ANALYST ▪ TIM FOX, LEGAL COUNSEL ▪ ANGELA MONTES, CLERK

## CALAFCO Daily Legislative Report as of Friday, January 05, 2024

**[AB 68](#) (Ward D) Land use: streamlined housing approvals: density, subdivision, and utility approvals.**

**Current Text:** Amended: 4/12/2023 [html](#) [pdf](#)

**Introduced:** 12/8/2022

**Last Amended:** 4/12/2023

**Status:** 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was H. & C.D. on 3/16/2023)(May be acted upon Jan 2024)

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Summary:**

Would require a local government to approve a proposed housing development pursuant to a streamlined, ministerial approval process if the development meets certain objective planning standards, including, but not limited to, a requirement that the proposed parcel for the development be a climate-smart parcel, as described, or be included in the applicable region’s sustainable communities strategy as a priority development area. The bill would set forth procedures for approving these developments and would set forth various limitations for these developments. The bill would authorize the Department of Housing and Community Development to review, adopt, amend, and repeal guidelines, rules, and regulations to implement uniform standards or criteria that supplement or clarify the terms, references, or standards set forth by this process.

**Position:** Watch

**Subject:** Planning

**CALAFCO Comments:** This bill was introduced as a spot holder in December, 2022, then was gutted and amended on March 16, 2023.

It now seeks to set up ministerial approvals for developments and certain water and sewer service extensions for developments that meet certain parameters. Parameters include that the parcel must be in a high or moderate resource area as categorized by the opportunity maps maintained by the California Tax Credit Allocation Committee, be located within one-mile of transit but be in a very low vehicle travel area, and within one mile of assorted restaurants, bars, coffee shops, etc. Additionally, types of locations that do not qualify are also enumerated. Those include farmlands, wetlands, high fire hazard severity zones (as determined by Cal Fire), in proximity to a hazardous waste site, within a delineated earthquake fault zone, within a special flood hazard area or within a regulatory floodway, lands identified for conservation, protected habitat, and lands under a conservation easement.

3/31/2023: Watch position taken by Leg Committee.

4/21/2023: CALAFCO received word from the Assembly Housing and Community Development Committee, that this bill will not be heard this year.

Under the procedure that would be established by this bill, a minimum of 30 days notice to LAFCo would be required for the public hearing should a county seek to amend its general plan to increase the planned density on climate resilient lands.

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

**[AB 530](#) (Boerner D) Vehicles: electric bicycles.**

**Current Text:** Amended: 7/13/2023 [html](#) [pdf](#)

**Introduced:** 2/8/2023

**Last Amended:** 7/13/2023

**Status:** 9/14/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 9/14/2023)(May be acted upon Jan 2024)

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Summary:**

Would prohibit a person under 12 years of age from operating an electric bicycle of any class. The bill would state the intent of the Legislature to create an e-bike license program with an online written test and a state-issued photo identification for those persons without a valid driver’s license, prohibit persons under 12 years of age from riding e-bikes, and create a stakeholders working group composed of the Department of Motor Vehicles, the Department of the California Highway Patrol, the Transportation Agency, bicycle groups, policy and fiscal staff, and other relevant stakeholders to work on recommendations to establish an e-bike training program and license. Because the bill would prohibit certain persons from riding electric bicycles, the violation of which would be a crime, the bill would impose a state-mandated local program.

**CALAFCO Comments:** As introduced, this bill was relative to greenhouse emissions. However, it was gutted and amended on 5/15/2023 and now addresses county water authorities.

Under existing law, the governing body of any public agency has an option (phrased as a "may") to submit to the voters any proposition to exclude the corporate area of that public agency from a county water authority. This bill would add the procedures under which that optional election would be conducted. Specifically, notice would be required in the manner already defined within subdivision (c) of Section 10. The election would be conducted and returns canvassed as provided by law for the elections in the public agency, and a majority of electors within county water authority territory would be needed for passage. The new procedure would also require that these elections will be separate elections but may run with another election.

On 6/16/2023, this topic was transitioned to AB 399 through the gut and amend process. Amendments of 7/13/2023 make this bill now relative to electric bicycles which is not a concern to CALAFCO. Position updated to -None-.

**AB 805 (Arambula D) Drinking water consolidation: sewer service.**

**Current Text:** Amended: 3/9/2023 [html](#) [pdf](#)

**Introduced:** 2/13/2023

**Last Amended:** 3/9/2023

**Status:** 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 4/19/2023)(May be acted upon Jan 2024)

Desk	Policy	2 year	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptured
1st House				2nd House							

**Summary:**

Would authorize the State Water Resources Control Board, if sufficient funds are available, to order consolidation of sewer service along with an order of consolidation of drinking water systems when both of the receiving and subsumed water systems provide sewer service and after the state board engages in certain activities, including, but not limited to, consulting with the relevant regional water board and the receiving water system and conducting outreach to ratepayers and residents served by the receiving and subsumed water systems, as provided.

**Position:** Watch With Concerns

**Subject:** Water

**CALAFCO Comments:** This bill would authorize the state board, if sufficient funds are available, to order consolidation of sewer service along with an order of consolidation of drinking water systems when both of the receiving and subsumed water systems provide sewer service and after the state board engages in certain activities. Under existing section (b)(3) LAFcos must be consulted and their input considered in regards to the provision of water service but sewer systems seem to be lacking.

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

**AB 817 (Pacheco D) Open meetings: teleconferencing: subsidiary body.**

**Current Text:** Amended: 3/16/2023 [html](#) [pdf](#)

**Introduced:** 2/13/2023

**Last Amended:** 3/16/2023

**Status:** 4/25/2023-In committee: Hearing postponed by committee. (Set for hearing on 01/10/2024)

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptured
1st House				2nd House							

**Calendar:**

1/10/2024 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LOCAL GOVERNMENT, CARRILLO, JUAN, Chair

**Summary:**

Current law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency’s jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body. This bill would authorize a subsidiary body, as defined, to use alternative teleconferencing provisions similar to the emergency provisions indefinitely and without regard to a state of emergency. In order to use teleconferencing pursuant to the Ralph M. Brown Act, the bill would require the legislative body that established the subsidiary body by charter, ordinance, resolution, or other formal action to make specified findings by majority vote, before the subsidiary body uses teleconferencing for the first time and every 12 months thereafter.

**Position:** Watch

**Subject:** Brown Act

**CALAFCO Comments:** This bill appears to be a spot holder in that it currently only makes minor grammatical changes. The lack of substance raises concern regarding future changes to this bill.

3/16/2023: The bill was amended to speak specifically to teleconferenced meetings of subsidiary bodies, defined as a body that serves exclusively in an advisory capacity, and is not authorized to take final action on legislation, regulations, contracts, licenses, permits, or any other entitlements. For qualifying bodies, this bill would remove the requirement to post an agenda at the location of the subsidiary body member who was participating from off site- providing that the legislative body that formed the subsidiary body has previously made findings noting that teleconferenced meetings of the subsidiary body would enhance public access, and would promote the attractions, retention and diversity of the subsidiary body. The superior legislative body would need to revisit the matter and repeat those finding every 12 months thereafter. This bill also reaffirms that other provisions of the Brown Act are applicable to subsidiary bodies.

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

**AB 828 (Connolly D) Sustainable groundwater management: managed wetlands.**

**Current Text:** Amended: 1/3/2024 [html](#) [pdf](#)

**Introduced:** 2/13/2023

**Last Amended:** 1/3/2024

**Status:** 1/4/2024-Re-referred to Com. on W., P., & W.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Calendar:**

1/9/2024 9 a.m. - State Capitol, Room 444 ASSEMBLY WATER, PARKS AND WILDLIFE, PAPAN, DIANE, Chair

**Summary:**

The Sustainable Groundwater Management Act requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans, except as specified. Existing law defines various terms for purposes of the act. This bill would add various defined terms for purposes of the act, including the terms “managed wetland” and “small community water system.”

**Position:** None at this time

**Subject:** Water

**CALAFCO Comments:** Adds definitions for Managed Wetlands, and Small community water system to Water Code Section 10721.

4/17/2023: Amended to define agencies and entities required or excluded from existing 10726.4 (a)(4). Amends Water Code section 10730.2 to add language regarding fees, and amends Water Code section 10733 to address groundwater sustainability plans.

Failed to make April policy committee deadline and now cannot be acted upon until January 2024.

**AB 930 (Friedman D) Local government: Reinvestment in Infrastructure for a Sustainable and**

**Equitable California (RISE) districts.****Current Text:** Amended: 4/26/2023 [html](#) [pdf](#)**Introduced:** 2/14/2023**Last Amended:** 4/26/2023**Status:** 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. on 4/25/2023)(May be acted upon Jan 2024)

Desk	Policy	2 year	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

Current law authorizes certain local agencies to form a community revitalization authority within a community revitalization and investment area, as defined, and authorizes an authority to, among other things, provide for low- and moderate-income housing and issue bonds, as provided. Current law authorizes a community revitalization and investment plan to provide for the division of taxes within the plan area. This bill would authorize the legislative bodies of 2 or more cities or counties to jointly form a Reinvestment in Infrastructure for a Sustainable and Equitable California district (RISE district) in accordance with specified procedures. The bill would authorize a special district to join a RISE district, by resolution, as specified.

**Position:** Neutral**Subject:** Special District Principle Acts**CALAFCO Comments:** This bill has a similar overtone to SB 852 Dodd in 2022 regarding the formation of climate resilience districts outside of the LAFCo process.

As introduced, this bill (AB 930) is focused on the generation of funding and the governance of the expenditure of those funds. However, it should be carefully tracked in case that mission is expanded.

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

**[AB 1379](#) (Papan D) Open meetings: local agencies: teleconferences.****Current Text:** Amended: 3/23/2023 [html](#) [pdf](#)**Introduced:** 2/17/2023**Last Amended:** 3/23/2023**Status:** 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was L. GOV. on 3/23/2023)(May be acted upon Jan 2024)

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

The Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body be open and public, and that all persons be permitted to attend unless a closed session is authorized. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Current law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. This bill, with respect to those general provisions on teleconferencing, would require a legislative body electing to use teleconferencing to instead post agendas at a singular designated physical meeting location, as defined, rather than at all teleconference locations. The bill would remove the requirements for the legislative body of the local agency to identify each teleconference location in the notice and agenda, that each teleconference location be accessible to the public, and that at least a quorum of the members participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction.

**Position:** Watch**Subject:** Brown Act**CALAFCO Comments:** Originally introduced as a spotholder to address "Local agencies: financial affairs", this bill was gutted and amended on March 23, 2023, and now seeks amendment of the Brown Act's teleconferencing provisions. If successful, GC Section 54953 (b)(3) would be amended to remove the requirement to post agendas for teleconferenced meetings at all locations, and would instead limit the posting to a newly defined "singular designated physical meeting location", which is required to have either two-way audio or equal capabilities, or two-way telephone service for

the public to remotely hear and address the body. Additionally, the body would have to hold at least two meetings in person each year.

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

### **AB 1460 (Bennett D) Local government.**

**Current Text:** Introduced: 2/17/2023 [html](#) [pdf](#)

**Introduced:** 2/17/2023

**Status:** 5/5/2023-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/17/2023)(May be acted upon Jan 2024)

2 year	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

#### **Summary:**

Existing law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, provides the exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts, except as specified. This bill would make a nonsubstantive change to the provision naming the act.

**Position:** Neutral

**Subject:** CKH General Procedures, Other

**CALAFCO Comments:** As introduced, this bill makes only a minor nonsubstantive change to CKH in that it would merely add commas to Section 56000 so that it would read: "This division shall be known, and may be cited, as the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000."

3/24/2023: No change since introduction.

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

### **SB 537 (Becker D) Open meetings: multijurisdictional, cross-county agencies: teleconferences.**

**Current Text:** Amended: 9/5/2023 [html](#) [pdf](#)

**Introduced:** 2/14/2023

**Last Amended:** 9/5/2023

**Status:** 9/14/2023-Ordered to inactive file on request of Assembly Member Bryan.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

#### **Summary:**

Current law, until January 1, 2024, authorizes the legislative body of a local agency to use alternate teleconferencing provisions during a proclaimed state of emergency or in other situations related to public health that exempt a legislative body from the general requirements (emergency provisions) and impose different requirements for notice, agenda, and public participation, as prescribed. The emergency provisions specify that they do not require a legislative body to provide a physical location from which the public may attend or comment. Current law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body. These circumstances include if a member shows "just cause," including for a childcare or caregiving need of a relative that requires the member to participate remotely. This bill would expand the circumstances of "just cause" to apply to the situation in which an immunocompromised child, parent, grandparent, or other specified relative requires the member to participate remotely. The bill would authorize the legislative body of a multijurisdictional, cross-county agency, as specified, to use alternate teleconferencing provisions if the eligible legislative body has adopted an authorizing resolution, as specified. The bill would also require the legislative body to provide a record of attendance of the members of the legislative body, the number of community members in attendance in the teleconference meeting, and the number of public comments on its internet website within 10 days after a teleconference meeting, as specified. The bill would require at least a quorum of members of the legislative body to participate from one or more physical locations that are open to the public and within the boundaries of the territory over which the local agency exercises jurisdiction.

**Position:** Watch

**Subject:** Brown Act

**CALAFCO Comments:** This is a spotholder bill that states an intent to expand local government’s access to hold public meetings through teleconferencing and remote access.

3/22/2023: was amended and fleshed out to add teleconferencing provisions to allow legislative bodies of multijurisdictional agencies to meet remotely. Multijurisdictional agencies are defined as boards, commissions, or advisory bodies of a multijurisdictional, cross county agency, which is composed of appointed representatives from more than one county, city, city and county, special district, or a joint powers entity.

The bill is sponsored bu Peninsula Clean Energy, a community choice aggregator with a board comprised of local elected officials from the County of San Mateo and its 20 cities, as well as the City of Los Banos.

4/24/2023: The bill was amended to further clarify definitions and the requirements needed for members of an eligible legislative body to meet remotely.

The bill passed Senate Judiciary on 5/2/23, and had its third reading in the Senate on 5/30/2023. 7/12/23: The bill passed the Assembly Local Government Committee.

Amended on August 14, 2023, to require eligible legislative bodies that receive compensation to participate from a physical location that is open to the public.

9/14/2023, the bill was moved into the inactive file.

**SB 768 (Caballero D) California Environmental Quality Act: vehicle miles traveled: statement of overriding consideration.**

**Current Text:** Amended: 3/22/2023 [html](#) [pdf](#)

**Introduced:** 2/17/2023

**Last Amended:** 3/22/2023

**Status:** 4/18/2023-April 19 set for first hearing canceled at the request of author. (Set for hearing on 01/10/2024)

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Calendar:**

1/10/2024 9:30 a.m. - 1021 O Street, Room 2200 SENATE ENVIRONMENTAL QUALITY, ALLEN, BENJAMIN, Chair

**Summary:**

The California Environmental Quality Act (CEQA) requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA prohibits a public agency from approving or carrying out a project for which a certified EIR has identified one or more significant effects on the environment that would occur if the project is approved or carried out unless the public agency finds either (1) changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment, (2) those changes or alterations are within the jurisdiction of another public agency and have been, or can and should be, adopted by the other agency, or (3) specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR and the public agency finds that those specific considerations outweigh the significant effects on the environment, commonly known as a statement of overriding consideration. This bill would provide that a public agency, in approving or carrying out a housing development project, as defined, a commercial project, or an industrial project, is not required to issue a statement of overriding consideration for significant effects on the environment identified by a project’s vehicle miles traveled or similar metrics if the lead agency has imposed all feasible mitigation measures on the project and it finds no feasible alternatives to the project..

**Position:** Neutral

**Subject:** CEQA

**CALAFCO Comments:** Introduced as a spotholder bill that noted an intent to enact subsequent legislation that would create a new transportation impact analysis for rural areas for purposes of the California Environmental Quality Act.



3/22/2023: The bill was amended and would add language into the Public Resource Code to provide that a public agency, in approving or carrying out certain types of projects, is not required to issue a statement of overriding consideration for significant effects on the environment identified by a project's vehicle miles traveled if the lead agency has imposed all feasible mitigation measures on the project and it finds no feasible alternatives to the project.

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

**SB 865 (Laird D) Municipal water districts: automatic exclusion of cities.**

**Current Text:** Introduced: 2/17/2023 [html](#) [pdf](#)

**Introduced:** 2/17/2023

**Status:** 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was GOV. & F. on 3/1/2023)(May be acted upon Jan 2024)

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Summary:**

Current law authorizes a governing body of a municipal water district to adopt an ordinance excluding any territory annexed to a metropolitan water district organized under the Metropolitan Water District Act, if the territory is annexed prior to the effective date of the formation of the municipal water district. Current law requires the Secretary of State to issue a certificate reciting the passage of the ordinance and the exclusion of the area from the municipal water district within 10 days of receiving a certified copy of the ordinance. This bill would extend the number of days the Secretary of State has to issue a certificate to 14 days.

**Position:** Neutral

**Subject:** Annexation Proceedings

**CALAFCO Comments:** Existing law authorizes a governing body of a municipal water district may adopt an ordinance excluding any territory annexed to a metropolitan water district organized under the Metropolitan Water District Act, providing that the territory is annexed prior to the effective date of the formation of the municipal water district. If that happens, the Secretary of State must, within 10 days of receiving a certified copy, issue a certificate reciting the passage of the ordinance that excludes the area from the municipal water district. This bill would extend the Secretary of State's window to issue that certificate from 10 to 14 days.

Failed to meet deadlines and now a 2 year bill that cannot be acted upon until January, 2024.

Total Measures: 11

Total Tracking Forms: 11

1/5/2024 3:10:06 PM

# THE SPHERE

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# THE SPHERE

## CALAFCO Journal

October, 2023

The Sphere is a publication of the California Association of Local Agency Formation Commissions.

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CALIFORNIA ASSOCIATION OF  
LOCAL AGENCY FORMATION  
COMMISSIONS

**CALAFCO**

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### CALAFCO MISSION

*The mission of CALAFCO is to promote efficient and sustainable government services based on local community values through legislative advocacy and education.*

# A Message From The Chair of **CALAFCO**



**BILL CONNELLY**  
Chair of the Board

## A Busy Year

**T**his past year flew by as CALAFCO and each LAFCo continues to evolve and adapt!

One consistent factor in our success is YOU! It is with your support and raw talent that we have had real accomplishments. However, to prepare for the future, we must reflect on the past fifty-two years of our existence and ask ourselves, are we where we want to be?

CALAFCO was formed as a volunteer organization to support each of you in providing an indispensable public service. LAFCo's are the organization that is out in front, promoting rational growth and seeking sustainability for future generations of Californians. With professionalism and non-bias, fact based actions, we should be the resource the Governor and legislature depend on rather subverting our mission when our decisions become uncomfortable. Here are some of our accomplishments.

Most recently we were a part of a coalition that united partners to push back against the power grab known as AB399 (County Water Authorities). We made a valiant effort in the legislature and brought a good many legislators around to the LAFCo cause but fell short against the big money water interests that control the legislature. It now sits with the Governor and even if we fail to get his veto, it was the right thing to do for all the right LAFCo reasons! Circumventing the law is never good when it comes to legislating around LAFCo's and local control. The win...we gained new respect and new partners on this issue.

We can also build on our legislative victory

with SB938 (Protest Provisions) that consolidated the protest provisions and gave LAFCo's greater options to reorganize under-performing local agencies. It is now up to individual LAFCo's to exercise this hard won goal and use our MSRs to not only evaluate local agencies but to bring about change in our local communities.

At our CALAFCO biannual retreat we focused on rebranding the association with a fresh and forward-looking approach to our goals, policies and practices. CALAFCO's new mission is: *"To promote efficient and sustainable government services based on local community values through legislative advocacy and education."* This is a proactive mission and it will require once again, our awesome LAFCo volunteers to be the change we seek!

So here is my challenge to all of you, are you ready...

To build on our new found momentum and make your LAFCo all that it can be?

To face threats to local control and direct attacks on LAFCO authority with a proactive agenda while exercising your independence while serving the public?

To leave the safe space of the status quo and become a proactive force for change?

To close, it was my humble privilege to serve as CALAFCO Chair and represent all of you - *our volunteers* - and be routinely impressed by such a dedicated group of professionals who bring forth new, and ever greater opportunities for CALAFCO's future.

# The Wild and Wacky World of California Legislation

Written by: René LaRoche, Executive Director

Welcome to the Golden State, where the sun always shines, traffic never moves, and the legislative process is as bewildering as trying to parallel park in San Francisco. If you've ever wondered how laws are made in California, you're not alone. Get ready for a rollercoaster ride through the zany world of the California legislative process!

## Who the Heck Makes Up These Crazy Laws?

In California, the State Legislature is composed of two houses: the Senate and the Assembly. There are 40 Senators and 80 Assembly Members who are elected to represent all of the people of the State of California. These two houses work in parallel but they also serve as a check against the other's authority.

While some states have a legislature that only meets every other year, California's Legislature is considered a full-time legislature. Its Legislative cycle is two years, and runs from January to August or September, depending on whether it is an odd or even year. Of course, it should probably come as no surprise that a process as important and expansive as state legislation has multiple deadlines to meet and the legislative calendar is posted online prior to each year.

## The Idea

So, now it's time to begin our journey, and the first step begins with a brilliant idea. Picture this: a group of Californians sitting around, probably at a trendy coffee shop somewhere, sipping almond milk lattes and brainstorming ideas for new laws. They may be legislators or their staff, constituents, local government officials, associations, lobbyists, or a whole host of sources. Their ideas may seem strange to some, but all are considered important by the proposer.

## The Bill

Once an idea is hatched, it's time to turn it into a bill. In California, bills are like the Kardashians – they come in all shapes and sizes. It's like a legislative fashion show as

about 3,000 bills per year strut their stuff down the assembly and senate runways. But beware, not all bills make the cut. Some are deemed too ridiculous, too ambitious, too impractical, too costly, or simply too controversial.

Only legislators can author a bill. However, they can carry a bill for someone else, in which case they become the Author while the proposer is the Sponsor. That is an important distinction because, in the end, the bill belongs to the Author to do with as they will.

## Legislative Counsel

With a bill, or an idea for one, in hand, the Author's first step is to submit the bill to Legislative Counsel prior to the January deadline. Leg Counsel, as it's fondly known, is literally the legislature's law firm. It is here that bills and amendments get drafted, among a host of other duties. If you think of it as a huge box filled with 100 attorneys, then you'll understand why the finished bills that pop out may bear little resemblance to what was submitted.

If the bill is backed – meaning a legislator has agreed to carry it – it will come out with the legislator's name attached to it, as well as a bill number prefixed with AB for Assembly Bill, or SB for Senate Bill. The bill will then be introduced in the appropriate house, which counts as the First of Three Readings needed to pass a bill. After introduction, the bill must wait 30 days before it can be acted upon. During this time, it gets sent to the Office of State Printing

Unbacked bills sit at the ready should a legislator later decide to run with it.

## Policy Committee Time

The first stop for every bill is the Rules Committee of that house. In Rules, the bill's content is considered and referrals are made to the appropriate policy committee. Once that occurs, the bill will be scheduled in that committee where a lot of the real action will happen.

At this point, bills face two important deadlines: the deadline to pass out of the policy committee, and the deadline to



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# Court “Depends” on LAFCO’s Conditions of Approval

Written by: Holly O. Whatley, Colantuono, Highsmith & Whatley, PC

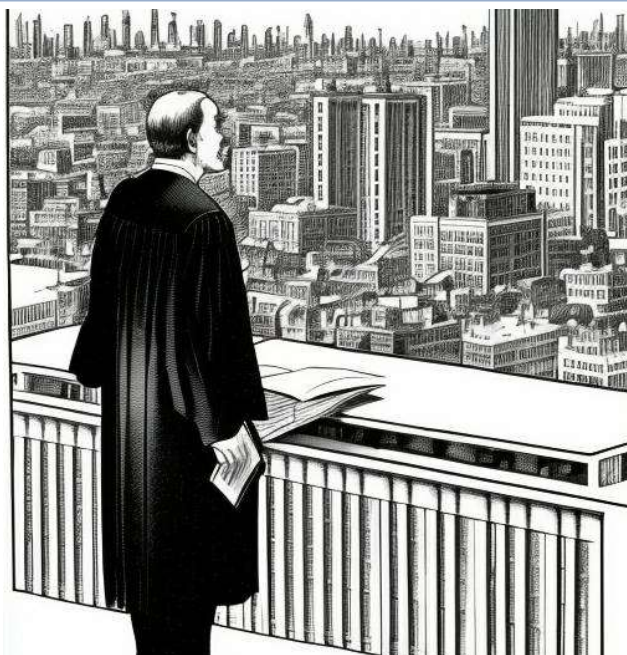
## Introduction

Can a dissolved district be sued on the theory it must still “wind up” its affairs? In *Barajas v. Sativa L.A. County Water District* (*Barajas*), the Second District Court of Appeal gave a typically lawyerly answer: It depends.<sup>1</sup> *Barajas* represents the likely final chapter in the long running saga of the Sativa Los Angeles County Water District (*Sativa*), which struggled for decades to reliably provide adequate healthful potable water to the disadvantaged unincorporated community it served, Willowbrook, along with parts of Compton. The Court ultimately concluded in *Barajas* that *Sativa* could not be sued after Los Angeles LAFCO dissolved it, resting its holding squarely on LAFCO’s discretion to impose terms and conditions on the dissolution different than *Cortese-Knox-Hertzberg’s* (CKH) standard statutory ones. The decision affirms the broad discretion LAFCO’s possess when imposing conditions on their approvals, which is good news for all LAFCO’s.

## Background

For over twenty years, *Sativa*, created in 1938, failed to comply with monitoring and reporting requirements regarding its water services, which culminated in a June 2018 compliance order from the State Water Resources Control Board (Board). That order found the district had failed to provide safe, reliable potable water and failed to comply with applicable rules about source capacity and minimum pressure requirements. The Board ordered *Sativa* to provide a corrective action plan, which the Board ultimately found inadequate.

Shortly after the Board’s order issued, Los Angeles LAFCO adopted a resolution to



initiate proceedings to dissolve the District, just days after a putative class action was filed against *Sativa* alleging it was liable to its customers for its failure to provide potable water. In September 2018, before LAFCO could complete the dissolution proceedings, the Legislature stepped in and enacted AB 1577, an urgency measure that gave the Board the power to dissolve *Sativa’s* board of directors and to designate an entity to administer the District. AB 1577 extended statutory immunity to the designated administrator, in recognition that without such immunity, the Board could not find an entity willing to take on the administrator duties.<sup>2</sup> The Legislature also “reaffirmed” Los Angeles LAFCO’s power to dissolve the District and designate a successor agency and created procedures enabling Los Angeles LAFCO to expedite the process.<sup>3</sup>

Just over a month later, the Board formally dissolved *Sativa’s* board, appointed the County of Los Angeles to serve as administrator for the District and contracted with the County for it to

*(Continued on page 6)*

## COURT DEPENDS

(Continued from page 5)

assume full managerial and fiscal control. In December 2018, Los Angeles LAFCO gave notice of a February 2019 public hearing regarding Sativa’s dissolution, at which the Commission approved the dissolution. Among other conditions it imposed, it designated the County as the successor agency including for purposes of “winding up the affairs” of the District.

Meanwhile, Barajas’ class action suit proceeded, but this question arose: If the District and its board are dissolved, can the lawsuit proceed? The Court of Appeal found no bright line rule to apply, but rather held the answer turned on LAFCO’s conditions of approval.<sup>4</sup>

### CKH and LAFCO’s Power to Condition Approvals

CKH provides that when a commission’s approval of dissolution is effective, the district “shall be dissolved, disincorporated, and extinguished, its existence . . . terminated. . . and all of its corporate powers . . . cease.”<sup>5</sup> CKH permits LAFCO’s to choose either to designate the dissolved district to wind up its own affairs<sup>6</sup> or it may designate a successor agency to do so.<sup>7</sup> If LAFCO designates a successor agency, CKH provides further details regarding the powers and duties of such successor.<sup>8</sup> Importantly, as the *Barajas* court recognized, LAFCO has the power to impose terms and conditions that differ from CKH’s default terms.<sup>9</sup>

The class action plaintiffs in *Barajas* argued that CKH’s standard dissolution provisions permit a dissolved district to continue to operate to wind up its affairs.<sup>10</sup> They claimed this option meant a dissolved district *always* continues to exist to permit it to wind down. In other words, they urged the Court to conclude LAFCO did not have the power to condition dissolution on another entity performing the wind-down tasks. The Court rejected this claim, noting that CKH’s provision permitting a dissolved district to wind up its own affairs, such term was CKH’s default provision and that LAFCO’s generally have the power to specify terms and conditions different than CKH’s default provisions.<sup>11</sup> Here, Los Angeles LAFCO had designated the County as the successor agency responsible for winding up the dissolved agency’s affairs. The Court noted that if a dissolved agency necessarily continued to exist despite LAFCO’s condition of approval to the contrary, it would create an untenable situation of two agencies purporting to wind up the affairs, with only the one designated by LAFCO having actual control over the agency’s assets.<sup>12</sup> The Court found such a construction of CKH to be “nonsensical.”<sup>13</sup>

*“The class action plaintiffs in Barajas argued that CKH’s standard dissolution provisions permit a dissolved district to continue to operate to wind up its affairs.”*

The Court conceded that the Legislature’s grant of immunity to the designated administrator, the County, paired with LAFCO’s condition designating the County as the successor agency for winding up Saliva’s affairs, left Barajas with no entity to sue. The District no longer existed as a legal entity capable of suing or being sued, and the County was statutorily immune. But the Court rejected plaintiff’s argument that CKH *must* be construed to permit the lawsuit to proceed regardless. Given AB 1577’s express provisions granting immunity to the administrator and permitting LAFCO to dissolve the District using expedited procedures and appoint a successor to wind up the affairs, the Court determined the Legislature knew the result could be plaintiff’s lawsuit would be extinguished. But such result was no reason to “rewrite” CKH or otherwise limit LAFCO’s broad powers to impose terms

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# Diary of a Rookie EO: What I Learned About Incorporations

Written by: J.D. Hightower, Executive Officer, San Joaquin LAFCo

**D**ear Diary: From a ski bum/delta rat/baseball nut that supports his incredibly bad golf habit as being the San Joaquin LAFCo Executive Officer, some random thoughts on incorporation. Although I need to preface that I am jones-ing from not getting enough rounds in lately, primarily because I couldn't take a backswing without looking like Charles Barkley because of a nervous twitch that began when we started the second CFA for Mountain House.

SJ LAFCo was lucky to have a great team working on the incorporation – Paula de Souza with BB&K and Jim Simon with RGS, as well as the entire BB&K/ RGS team. Paula and Jim played the course flawlessly. Like Bobby Jones said, “Golf is the closest game to the game we call life. You get bad breaks from good shots; you get good breaks from bad shots– but you have to play the ball as it lies.” They got a bad break with a rookie EO and despite that played the course superbly with about a two-foot putt for a birdie and a 10 under round. Reconsideration and CEQA challenges may cause the ball to break 5 feet but currently sitting on top of the leader board.



Leaning on my previous professional experiences, the Project Delivery Team (PDT) model that Caltrans uses was employed. The PDT meetings really proved Winston Churchill right when he said, "Let our advance worrying become advance thinking and planning." We learned that the incorporation resources available on the CALAFCO website are priceless. Also, the

ability to call upon the network of other EO's, especially Gary Thompson and the Riverside LAFCo team with their experience with the most previous incorporations, advanced the Mountain House effort. Luckily for Mountain House, the PDT was an all-star line-up and my job was to watch and back the best. As Yogi Berra said, "You can observe a lot just by watching."

Everything that was put on the back burner until the incorporation hearing is now on the front burner along with all the detailed follow-through with the incorporation – finalizing non-substantive edits to the resolution and exhibits, filing NOD and NOE, and taking some needed time-off. Such is life for an EO of a LAFCo with a total of 2.5 FTE, including myself. Looking back through the looking glass, hiring a project manager for the incorporation would have added cost but

*(Continued on page 11)*





## Santa Clara LAFCO Celebrates its 60<sup>th</sup> Anniversary

On June 7, 2023, six decades of current and former Santa Clara LAFCO Commissioners and staff, elected officials and government staff, and friends—nearly 80 people—came together to celebrate the 60th anniversary of Santa Clara LAFCO. They shared stories of Santa Clara LAFCO’s illustrious history and accomplishments, honored the dedicated individuals who have shaped the agency, and expressed optimism for Santa Clara LAFCO’s bright future.

Special guest speakers included former State Assemblymember Dominic Cortese (Commissioner 1969-1979), former County Board of Supervisor Blanca Alvarado (Commissioner 1994-2008), and former LAFCO Commissioner Susan Vicklund Wilson (Commissioner 1995-2023). In recognition of this momentous occasion, Santa Clara LAFCO received a Resolution of Commendation from Congresswoman Zoe Lofgren (Commissioner 1982-1994), a Joint Certificate of Recognition from State Senator Dave Cortese and Assemblymember Ash Kalra (Commissioner 2015-2016), and a Commendation from the Santa Clara County Board of Supervisors.

### UPCOMING EVENTS

#### 2024 CALAFCO Staff Workshop

April 23-26  
Pleasanton, California  
Hosted by Alameda LAFCo

#### 2024 CALAFCO Annual Conference

October 16-18  
Tenaya Lodge, Fish Camp, California

#### 2025 CALAFCO Staff Workshop

March, 2025  
TBD: Southern Region  
Hosted by Riverside LAFCo



# Fresh Ideas and Energy Abound at Napa LAFCo

By Stephanie Pratt

In the heart of Napa County, where the picturesque vineyards meet the rolling hills, changes are afoot at LAFCo where they recently welcomed three new Commissioners. In addition to these appointments, staff has also had some exciting changes, bringing fresh perspectives and new energy.

Anne Cottrell, LAFCo's Vice Chair, was elected District 3 Supervisor in 2022 and hails from St. Helena. With a Yale undergrad and UC Berkeley law degree, she has a diverse background, including Oregon's Attorney General's Office and land use law. Her extensive community involvement includes the Napa County Planning Commission, Climate Action Plan, and various advisory roles. Vice Chair Cottrell also co-chaired St. Helena's General Plan update and served on multiple boards. She values stewardship of District 3's resources and enjoys outdoor activities in the area during her free time. Anne's long-standing connections to the Napa Valley community allows her to bring a diverse and relevant background to LAFCo.

Belia Ramos, a Napa County native, has been on the Board of Supervisors since 2017 (District 5). Prior to serving on LAFCo and the Board of Supervisors, Belia was a law professor, operated her own company, and served as a member of the American Canyon City Council. As a community activist, she is committed to improving Napa County. She has been crucial in advocating for fire readiness, addressing congestion, and representing Napa County regionally. Governor Brown also appointed her to the 25th Agricultural District Board.

Joelle Gallagher, a lifelong Napa resident, was appointed as an alternate County member in 2022 to complete an unexpired term, with her current term 2021-2025. She was elected District 1 Supervisor in 2022, becoming the first woman to hold that position. Joelle has deep roots in Napa since 1992 and a strong track record of community service, including leadership roles at First 5 Napa County and Cope Family Center, as well her time serving as the County Planning Commissioner. Joelle has also contributed to agricultural and civic organizations serving as the Executive Director of the Napa County Farm Bureau and the Napa Valley Grape Growers Association, where she collaborated with industry and government to protect and promote agricultural resources.

With the addition of the new Commissioners, Napa LAFCo is off to a strong start and committed to working together to create greater efficiencies addressing the challenges facing Napa County - including climate change, water, and wastewater - while remaining committed to transparency and accountability.

The new leadership joins a diverse and committed LAFCo Commission that is excited to work with the community to create a better future for Napa County. They believe that by working together, they can make Napa County a more sustainable and livable community for all, particularly in areas such as agricultural preservation, service delivery, and efficiency. The Commission is also poised to tackle the thorny issues such as, climate change, drought, fire prevention and housing needs.

But these changes don't limit themselves to the Commission, Napa also has exciting changes within their staff. Dawn Mittleman Longoria has

*(Continued on page 13)*

## Happy Trails to Susan Vicklund Wilson

(Santa Clara LAFCO Commissioner 1995-2023)



On June 7, 2023, Santa Clara LAFCO presented former LAFCO Commissioner Susan Vicklund Wilson with a resolution of appreciation for her 28 years of distinguished service (June 1995 to May 2023). Several local representatives including Congresswoman Zoe Lofgren, bestowed her with commendations, further underscoring the significance of her contributions.

During her impactful tenure, Susan served as LAFCO Chairperson for 7 years, on the Finance Committee for 3 years, on Technical Advisory Committees for a variety of service reviews, and on two subcommittees that helped develop LAFCO's groundbreaking policies for Gilroy Agricultural Lands Area and LAFCO's Agricultural Mitigation Policies.

She also served on the CALAFCO Executive Board for 11 years, including as Chairperson in 2011; and on the CALAFCO Legislative Committee for 9 years. She attended nearly all of CALAFCO's Annual Conferences since 1995, often participating as a speaker or moderator for panels generously sharing her experience and expertise in LAFCO matters.



## TRACKS AROUND THE STATE

**BYRON DAMIANI, Amador LAFCO Executive Officer/Legal Counsel**



On July 20, 2023, Byron Damiani Jr. was appointed as the new Executive Officer and Legal Counsel for Amador LAFCO. He replaces Roseanne Chamberlain, who is attempting retirement again after more than 16 years as the LAFCO Executive Officer. Byron comes to Amador LAFCO with an extensive background. He has practiced law for over 30 years, including more than 21 years working for the California Legislature as a Deputy Legislative Counsel. He has also served as the Alternate Public Member Commissioner on LAFCO since June 2007.

**DAWN MITTLEMAN LONGORIA, Promoted to Napa LAFCO Assistant Executive Officer**

On February 8, 2023, Napa LAFCO announced that Dawn Mittleman Longoria was promoted to the position of Napa LAFCO Assistant Executive Officer. Dawn has extensive experience as a LAFCO EO, consultant, and commissioner. Dawn also previously served as a special district board member and CALAFCO board member. She joined Napa LAFCO in January 2019 as the Analyst II and has recently been pulling double duty as the Interim Clerk. In addition to all that, Dawn currently serves as a CALAFCO Deputy Executive Officer serving the coastal region.

**PRISCILLA MUMPOWER, Promoted to San Diego LAFCO Assistant Executive Officer**

On June 9, 2023, San Diego LAFCO announced that Priscilla Mumpower was promoted to the position of San Diego LAFCO Assistant Executive Officer. Priscilla has been with San Diego LAFCO since 2020 and previously held the Local Government Analyst position.

**CLAIRE DEVEREUX, Joins Marin LAFCO as New Clerk/Junior Analyst**

Claire Devereux joined the Commission in July, 2023. As a Marin native, she brings an in-depth understanding of the area. She recently graduated with a B.S. in Public Policy, Planning, and Management and a Minor in Sustainable Business. Claire's experience and education in the public sector will make her a great addition to the Marin LAFCO team.

## DIARY OF A ROOKIE EO

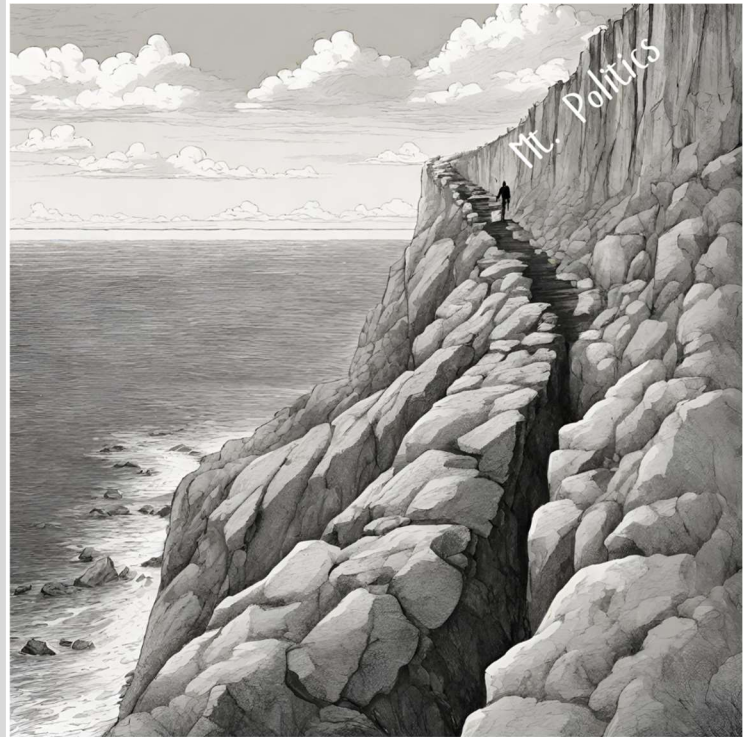
(Continued from page 7)

would have allowed me more time to look at bigger picture issues as well as manage the day-to-day operations. However, having a great staff to support the effort was critical to project delivery. Mitzi and Claudia here in the SJ LAFCo supported the effort all the way and their “git ‘er done” attitude proved every day that Yogi Berra was right again when he said, “Nobody can be all smiley all the time, but having a good positive attitude isn’t something to shrug off.”

The whole experience of being an EO reinforces the lesson learned in my very first class in graduate school 38 years ago. The first words uttered by Professor Tokmakian at Fresno State was to raise your hands if you like arguing. Now being a Hightower means lively family gatherings. Each of us must take a side of an argument and make our case, regardless of whether we actually believe in that argument. Think of it like a family debate club. Nothing says a Hightower holiday like entering a debate on religion. Raising my hand immediately in that first class of grad school, Professor Tokmakian went on to explain that if we didn’t like arguing, then we were in the wrong program as everyone wants to argue with your decisions as a planner. (His suggestion for those who didn’t raise their hand was to go to the engineering or dental school.)

He taught that planning involves constructing a logical argument as a professional and that there are no absolutes. Absolutes are the realm of engineering, medical doctors, and dentists. My job as a planner is to construct an argument using the codes and policies of the agency that I am

working for. Those words have stood out in my memory for my entire planning career, especially now being the EO of a LAFCo and more especially since going through a process that last took place in



the state over 15 years ago. What they didn’t teach me at Fresno State was the precarious path of politics, often a trail along steep cliffs, in presenting your case to both internal and external customers. This was brought home during the incorporation hearing. At the hearing, an evening hybrid live/zoom workshop in Mountain House, no one spoke against incorporation. However, the MHCS board member with the most seniority presented a letter of “concerns.” This was the same member who voted to request LAFCo to initiate proceedings for incorporation 2.5 years ago and again a year and half ago which proves, again, that there are no absolutes in planning and everyone wants to present an argument. Let them play, “Let’s Make a Deal.” My deal is based on what the codes and policies state.

(Continued on page 14)

## **Wild and Wacky**

(Continued from page 4)

move out of the originating house. If a bill fails to make either of those deadlines, it becomes a 2-year bill if it is the first year of the legislative cycle, or it dies if it is the second year.

Once in committee, the committee members will delve into the finer points of the bill. A staff analysis is drafted and public testimony is considered. The process is often like a reality TV show, complete with drama, alliances, and surprise twists. Will your bill make it out of committee alive or will it be voted off the legislative island? Often, the committee will insist on changes to the bill. However, once finally approved, it goes back to the floor for its Second and Third Readings.

Once on the floor, legislators have the opportunity to debate the bill. Sometimes, debates get heated (especially late in the day) but for the most part it is a very civil process. Occasionally, a protestor will yell something from the gallery, and proceedings will be recessed until the disruption can be controlled. Proceedings are streamed live but, if you're into reruns, recordings can also be found in the media archive.

### **Gut and Amends: The Zombie Bills**

So, you've been following a particular bill and it missed the critical deadline to move out of the house of origin. Crisis averted! Time to put your feet up and grab a cold one, right? *\*Cue the lightning and scary music\** Not so fast! Just like something from a zombie apocalypse movie, bills can rise again through a gut and amend process.

As the name implies, the process takes a bill that successfully passed out of the house of origin and now sits in the second house, and completely removes the old text (the gut), and replaces it with new language (the amend.) The end result can be a previously unseen bill or, more likely, a little monster bill that didn't make the deadlines but which now rises from the dead! In 2023, there were 1,121 of these zombie bills.

Once they pass the second house, gut and amends are usually referred back to the policy committees of the originating house. However, the legislature can also waive those rules if it so chooses, making gut and amends the fodder of nightmares!

### **Second Verse, Same as the First**

Assuming that your bill of interest has moved on to the second house, then it must go through a

process similar to the first house that includes policy committees, readings, and floor votes.

If a bill gets off the floor of the second house unchanged, then this part of the process is pretty much done. However, if any amendments were made in the second house, then the changed bill has to go back to the originating house to agree to the changes – a process known as concurrence. If concurrence cannot be reached, the bill is referred to a two house conference committee composed of three members from each house to resolve differences. If a compromise is reached, the bill is again returned to both houses for a vote. If not, the bill *\*gasp\** dies.

### **Engrossing and Enrolling**

Consider for a moment an imaginary bill that traveled a twisted path to the end. Perhaps it had six or seven amendments before traveling to the floor, where more last-minute amendments were piled on. Who makes sure that the final version that goes to the Governor for signature is the correct one?

Well, like most government offices, the overworked and seldom seen clerks do that in a process known as Engrossing and Enrolling. It is the Engrossing and Enrolling Clerk who guarantees the integrity of the measures, and who will transmit the final version of the legislation to the Governor and the Secretary of State after it has passed both houses.

### **TAH DAH! The Governor's Desk**

If your bill manages to make it through all of that then, congratulations! You've won the legislative lottery. But don't pop the champagne just yet – there's one more hurdle to clear. Your bill has to make it past the governor's desk.

By law, the governor has 12 days to take action on a bill. Action can be to sign the bill, veto it, or do nothing. If the governor signs the bill it, of course, becomes law (effective immediately on bills that carry an urgency clause, or at the first of the year for those that do not.) If the governor vetoes the bill, it does not become law; however, the veto can be overridden by a two-thirds vote in each house. Lastly, if the governor does nothing, the bill becomes law by default. It's like a game of legislative roulette where you hope that the ball lands on the right number!

So, there you have it – the wild and wacky world of the California legislative process. It's a bit like trying to surf a tsunami while juggling flaming swords but, hey, that's just how we roll in the Golden State. Regardless of the topic of the bill, the California legislative process is an adventure unto itself. Check it out some time!



## **Fresh Ideas**

*(Continued from page 9)*

been promoted to Assistant Executive Officer with a LAFCo career spanning over four decades. Her diverse experience in different roles within LAFCo provide her with a deep understanding of the organization's goals and operations. Her progression from intern to commissioner demonstrates that she not only excelled in her work but also contributed significantly to LAFCo's objectives. Her participation with CALAFCO underscores her adaptability and desire to contribute meaningfully to LAFCo operations and the broader CALAFCO community. Her work on the revisions to CKH contributed to the revival of LAFCo's relevance and effectiveness.

Dawn's accomplishments and work as a consultant for various LAFCos and fire districts validate her expertise in facilitating local government improvements. Her journey reflects her commitment to supporting LAFCo's mission throughout her career, underscoring her lasting impact on the organization and the broader community.

Napa has also hired a new Clerk/Jr. Analyst bringing a wealth of private sector experience along with a previous LAFCo role in Marin. Stephanie Pratt brings her passion for research, a background in government, along with a Bachelor of Science in Business Administration coupled with a minor in Journalism. Calling herself a "Solution Provider", she possesses an ability to wear many hats and take a proactive, creative approach to problem-solving proving to be invaluable in an organization that constantly faces complex challenges.

These traits are paramount when it comes to LAFCo's mission of overseeing local government boundary changes and ensuring the efficient delivery of municipal services. Her stellar communication skills are essential for liaising with various stakeholders, ensuring that LAFCo's objectives are met with precision. Her organizational prowess guarantees that the office runs like a well-oiled machine even when daily logistics and priorities shift. As she continues to grow in her role as Jr. Analyst, there is no doubt that her contributions and positive impact will continue to assist LAFCo's mission in Napa County toward greater efficiency and precision.

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## **Court Depends**

*(Continued from page 6)*

and conditions, even those that may differ from the Act's default terms.<sup>14</sup>

The Court's holding that LAFCO's have discretion on the conditions to impose, including those with terms different than CKH's default ones, while simply consistent with current statutory language, is nevertheless a welcome affirmation of LAFCO's broad powers as a "watchdog" for reorganizations within its county, including those initiated on its own.<sup>15</sup> And for those curious about the current status of the former district, Los Angeles County made significant infrastructure investments and repairs to the system in the years after it took over as administrator, ultimately enabling the delivery of reliable, clean potable water to customers. In January of 2023, the County transferred the rehabilitated system to a privately owned utility regulated by the California Public Utilities Commission.

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<sup>1</sup> (2023) 91 Cal.App.5th 1213, review denied (August 9, 2023).

<sup>2</sup> *Id.* at p. 1230.

<sup>3</sup> *Id.* at p. 1220.

<sup>4</sup> *Id.* at p. 1218.

<sup>5</sup> Gov. Code § 57470.

<sup>6</sup> Gov. Code §§ 56035, 57450.

<sup>7</sup> Gov. Code §§ 56035, 57451, 56078.5.

<sup>8</sup> Gov. Code §§ 57452, 57453, 57463.

<sup>9</sup> 91 Cal.App.5th at 1227.

<sup>10</sup> Gov. Code §§ 56035, 57450

<sup>11</sup> 91 Cal.App.5th at 1228.

<sup>12</sup> *Id.* at p. 1229.

<sup>13</sup> *Ibid.*

<sup>14</sup> *Id.* at p. 1230.

<sup>15</sup> *Id.* at p. 1225.

The eight-page letter of concerns centered around the concern that, as a City, the homogenous income level of the community may be at risk. Over \$6,000,000+ in affordable housing fees have been collected by the County from Mountain House developers. This fee was set-up specifically for Mountain House, intended to be spent for projects within Mountain House. Yet the letter stated concerns about actually spending those funds for affordable housing in their community. The perception was that the funds collected could go to projects anywhere in San Joaquin County. Could NIMBY-ism be alive and well in the proposed City? We will see how this plays out with the registered voters. In this sense, incorporation has brought to light a timely debate on what type of community Mountain House wants to be: a fully integrated city, or an enclave of “like-minded” and income county residents.

The community pays more in property taxes than any other city in the county with \$14,000,000 collected annually by special taxes for Roads, Public Safety, Parks and Public Works. The MHCSO provides a high level of services, including CC&R enforcement. The incorporation transfers all powers of the MHCSO to the City except CC&R enforcement which will remain with the MHCSO. As such, MHCSO will be a subsidiary district to the City. The strength of the community lies in the built environment which has a great hometown feel because the CSO stuck to the plan. It has a town with a center for civic uses (town hall and second largest library in San Joaquin County) and park, with walkable and shaded streets. In fact, the first streets

constructed around 30 years ago have a complete tree canopy. Being a Lorax, speaking for the trees, this helps make Mountain House a great place to call home.

Learning the CKH has not been like learning Municipal Codes. Through my years, I have prided myself on being able to find answers in Municipal Codes usually within 10 minutes. It never mattered which city; just knowing how the codes are constructed was enough. The CKH is not constructed like muni-codes and every day I continue to refer to the index. I now know the approximate place on the document page ruler on the right-hand side that gets me to the approximate place where I will find the answer. Yet, after one year, I really don't know how the CKH is constructed. While my guesses to the questions posed on the EO listserve are usually right in principle, I am usually clueless as to where the answer is located. However, all of the EO questions and answers have proved to me another Yogi-ism: “In theory there is no difference between theory and practice. In practice there is.” In theory, the success of the Mountain House incorporation hearing is due in part to all of our collective day to day practices and the willingness to share. The great learning opportunities in the form of CALAFCO University courses, participating in the listserve, and attending the conferences have been invaluable. It truly takes a village to provide the knowledge needed for a rookie EO to make a recommendation regarding an incorporation effort.

Practicing and knowing the code is important as it prepares you to win an argument. As Coach Bear Bryant put it, “It's not the will to win that matters—everybody has that. It's the will to prepare to win that matters.” Coupled

*(Continued on page 15)*

with this was my experience in Escalon, where the building inspector/official had a sign over her desk that said, "Arguing with a Building Inspector is like wrestling with a pig in the mud. Sooner or later, you realize the pig likes it." Same thing as a planner turned LAFCo EO - everyone wants to argue a point, especially during the incorporation process. Practicing and knowing the code is paramount to providing great customer service as a LAFCo EO. That's my value added, tips gladly accepted 😊. My practice is that findings and statements of facts (WHEREAS) are the stuff of resolutions. The main content of the staff report was finding that all factors in CKH Section 56668 were considered and that the incorporation was consistent with each factor.

After mind numbing hours of finding consistency with CKH factors and prescribed measures, the CFA became internalized. Case in point, during the initial information gathering for the CFA, the County initially constructed an argument that annual baseline law enforcement costs were \$9,000,000. Knowing that this was too high and would likely have severe negative consequences for the County, RSG developed a methodology showing costs around \$2,000,000 with the result of showing a de minimus financial impact on the County. Once the County figured out that the lower the baseline cost, the better their fiscal outcome, their argument construct evolved to show baseline law enforcement costs dropping to approximately \$141,000 with two (2) officers total. Obviously, it's important to know the methodology behind your

numbers and to believe in your answers. The CFA is a plan for the future City. Coach Bear Bryant said it best: "Have a plan. Follow the plan, and you'll be surprised how successful you can be."

KISSing (Keep it Simple, Stupid) the issue of the law enforcement expenditure delta allowed the issue to be settled. Having put together shift bids for transit operations in a previous life, we broke the issue down to shift coverage. Breaking it down to the shifts per week gained the necessary support. With 21 law enforcement shifts per day, and each officer capable of covering 5 shifts, there is a need for at least 5 officers at one per shift. With 27,000 Mountain House residents, and a General Plan goal of one sworn officer per 1,000 residents, the cost of 27 officers on a seven days a week 24 hours a day basis would have led to severe financial impacts to the County as related to law enforcement. In these types of discussions, it is important to listen to all sides and keep in mind that everyone is serving the public interest. That was illustrated in one of our last meetings when it was agreed that, while the methodologies were different, the final fiscal results were pretty much the same.

A final thought on incorporations. My favorite author, Ernest Hemingway, once said "When people talk, listen completely. Most people never listen." On October 14, the end of the reconsideration and CEQA challenge period will in large part tell if the bell tolls for me as a LAFCo EO.





# ANNUAL REPORT 2023

FISCAL YEAR 2022-2023

CALIFORNIA ASSOCIATION OF  
LOCAL AGENCY FORMATION  
COMMISSIONS

**CALAFCO**

*Sharing information and resources*

1451 River Park Drive, Suite 185, Sacramento, California 95815  
(916) 442-6536



The mission of CALAFCO is to promote efficient and sustainable government services based on local community values through legislative advocacy and education.

# CALAFCO LEADERSHIP

June 30, 2023

## BOARD OF DIRECTORS

Bill Connelly *(Butte - County), Chair*  
Margie Mohler *(Napa - City), Vice-Chair*  
Acquanetta Warren *(San Bernardino - City), Treasurer*  
Daniel Parra *(Fresno - City), Secretary*

Rodrigo Espinosa *(Merced - County)*  
Blake Inscore *(Del Norte - City)*  
Gay Jones *(Sacramento - District)*  
Michael Kelley *(Imperial - County)*  
Debra Lake *(Humboldt - District)*  
Jo MacKenzie *(San Diego - District)*

Michael McGill *(Contra Costa - District)*  
Derek McGregor *(Orange - Public)*  
Anita Paque *(Calaveras - Public)*  
Wendy Root Askew *(Monterey - County)*  
Shane Stark *(Santa Barbara - Public)*  
Josh Susman *(Nevada - Public)*

## STAFF

René LaRoche, *Executive Director*  
Clark Alsop, *Legal Counsel*  
Jeni Tickler, *Administrator*  
Steve Lucas, *Executive Officer*  
José Henriquez, *Deputy Executive Officer*  
Dawn Mittleman Longoria, *Deputy Executive Officer*  
Gary Thompson, *Deputy Executive Officer*



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## MESSAGE FROM THE BOARD TREASURER

**Acquanetta Warren**

**Back to Normal.** With the pandemic receding further back in our rearview mirrors and people returning to offices and events, CALAFCO has returned to some of its normal rhythms. October, 2022, saw our first Annual Conference since 2019 — an event that was much welcomed by all! The Newport Beach weather was glorious as we learned some new information to help us in our roles as LAFCo commissioners while getting reacquainted with old friends.

Of course, the conference was followed by the Staff Workshop in April, 2023 — which was also three years in the making! It, too, was well-attended and seems to have been enjoyed by everyone there. Together, the two events brought both revenue and expenses that we haven't seen in our financial reports for awhile, but which account for upticks in the year-to-year comparison figures that follow.

Total revenues (including from events) for FY 22-23 posted 68.4% higher than last year, while total expenses (also including events) were 29.8% higher. Narrowing down to regularly occurring revenue categories we see a 4.9% increase in Member Dues, and a 309% increase in Other Revenues, mostly due to bank interest.

Conversely, operational expenses (which are all expenses except the event expenses) posted a 9.7% decrease from the prior period despite runaway inflation for much of the fiscal year. That could have been a different story had we not been proactive about cost savings measures as well as implementing new technologies to automate some processes. In the end, we ended the fiscal year with a surplus of over seventy-thousand dollars which the Board allocated to Contingency during its July 2023 meeting.

It has been a wild three years, but I am proud to say that CALAFCO is still going strong! Sound financial controls, cost cutting measures, and careful management of our funds have helped us to weather both the pandemic and historic inflation levels. We should all give thanks to the Board members and staff who came before us, who set this Association up for success, and who have managed its finances so well through the years. Because of all of those efforts, I am pleased to report that upon the conclusion of Fiscal Year 2022-2023, the Association continues to stand in sound financial shape. Selected data from the Association's financial data can be found later in this report. Full financial reports can be found in the Board's quarterly agenda packets or can be requested via email sent to [info@calafco.org](mailto:info@calafco.org).

Thank you for allowing me the opportunity to have served as your Treasurer. It has been my utmost honor.



## MESSAGE FROM THE EXECUTIVE DIRECTOR

René LaRoche

**Moving Forward.** With the pandemic now behind us, 2023 has been a time to normalize and begin evolving. The big change for CALAFCO, of course, was the return of our Annual Conference and our Staff Workshop. It has been wonderful to meet all of you face to face. It has also been a pure joy to see the laughter and jests among old friends catching up, as well as the emerging bonds being forged by new staff who were meeting for the first time. This is family and we do what we do for each of you.

However, CALAFCO has a tiny staff and the only way we can do as much as we do is with the help of a veritable army of volunteers who devote countless hours to work behind the scenes on every event and CALAFCO U. Thank you ALL for your time, as well as the frustration, lip biting and hair pulling that occurs out of public view on these things. Your efforts are always appreciated!

I also want to draw attention to our four regional reps who not only go above and beyond by committing their time but who also have never-ending patience with my questions! Thank you CALAFCO Deputy Executive Officers José Henriquez (Central), Dawn Mittleman Longoria (Coastal), and Gary Thompson (Southern) for organizing event programs and CALAFCO U sessions, for taking Board minutes, and for generally being around when I need someone to lean on. Special thanks to Steve Lucas (Northern) for acting as our CALAFCO Executive Officer. I'm probably the thorn in his side since he's usually the first call for extra projects but I appreciate him always being willing to serve! Thank you to one and all!

As you can see in the Treasurer's Report, we have been able to reduce some of our ongoing expenses through the implementation of technology, which was in keeping with our new Strategic Plan. Under that plan, we are charged with modernizing all things CALAFCO. Of course, to be a truly effective modernization, it was necessary to start with our infrastructure and we are building that out as we speak with the adoption of more cloud services, a new office location, and other changes. Our Strategic Plan also called for rebranding CALAFCO and the Ad Hoc Committee is currently working on that. It will be exciting to see what new look they devise for us!

As you can see, it is an exhilarating time for the Association as we stand on the cusp of a new and better CALAFCO. Obviously, there is a lot going on behind the scenes. Yet, we continually look for new ways to provide better services at reduced costs because we are committed to bringing you, our members, ever more value.

It has been a great year, and we anticipate that next year will bring us more of the same. On behalf of myself and the Board, I want to extend sincere thanks and gratitude to our members and many volunteers who help bring these efforts to life!



## EDUCATION

Annual Conference — 220 Registrants  
Staff Workshop — 98 Registrants  
2 Webinars — 118 Attendees  
26.4 AICP Educational Credits Offered



## SERVICES

Fiscal Year 2022-2023

*Educational Resource*

*Member Development & Communication*

*Information Resource & Policy Advocate*

## MEMBER SERVICES

57 Member LAFCos — 4 Regions  
26 Associate Members  
9 List Serves ~ 305 Subscribers  
> 750 Members Supported



## LEGISLATION

3,030 Bills Reviewed  
22 Bills Tracked  
8 Positions Taken  
1 Bill Sponsored



*Accomplished by:*

*1.5 Employees  
2 Part-time Consultants  
4 Regional Volunteer Staff &  
Numerous Committee Volunteers*



CALIFORNIA ASSOCIATION OF  
LOCAL AGENCY FORMATION  
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## FINANCIAL MANAGEMENT

The financial data that follows has been selected from the Association’s financial statements, which were prepared in accordance with Generally Accepted Accounting Principles (GAAP). Unabridged copies of all financial statements can be found in the Board’s July 14, 2023 agenda packet or may be obtained by sending an email request to [info@calafco.org](mailto:info@calafco.org).

CALAFCO employs multiple safeguards to guarantee that the Association’s assets are safeguarded from unauthorized use, and that all transactions are scrutinized to ensure that they are authorized, executed, and recorded properly. In addition, the association records were monitored by James Gladfelter, C.P.A., of Alta Mesa Group, LLP, who monitored controls and performance through quarterly reconciliations.

### OVERVIEW

With the Association again hosting events, FY 22-23 revenues rose 68.4% over the previous year. Out of the total revenues, approximately 61% derived from dues, 29% from conference revenues, and 8% from workshop revenues.

Of course, holding events also means that event expenses are again posting. This can easily be seen in the amount of total expenses which also rose approximately 30% from the previous year. Of the FY 22-23 total expenses, over 39% is associated with events. Personnel and Office Expenses also make up 48% of the total expense. However, it must also be noted that salaries and office expenses decreased 3.9% from the previous year despite the high rates of inflation experienced across the board in 2022. The remaining expenses represent normal operational expenses.

Overall, CALAFCO is in a sound financial position. Its revenues are up from last year, while key operating expenses have decreased slightly. As good stewards of Association funds, we continue to seek greater efficiencies and cost savings going forward with an end goal of providing you, our members, better services.

**Acquanetta Warren**  
CALAFCO Treasurer

**René LaRoche**  
Executive Director

CALIFORNIA ASSOCIATION OF  
LOCAL AGENCY FORMATION  
COMMISSIONS

**CALAFCO**

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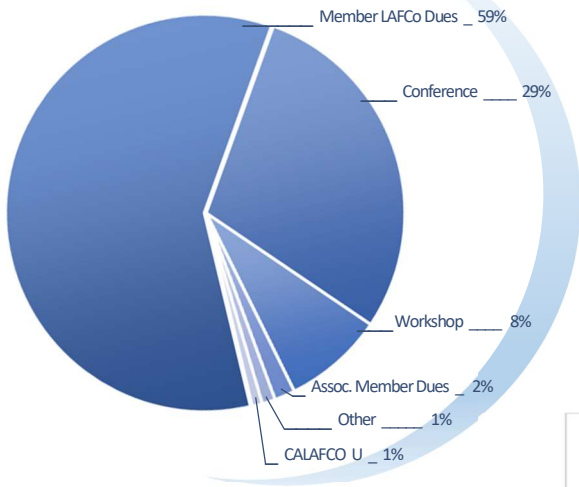
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# STATEMENT OF FINANCIAL POSITION

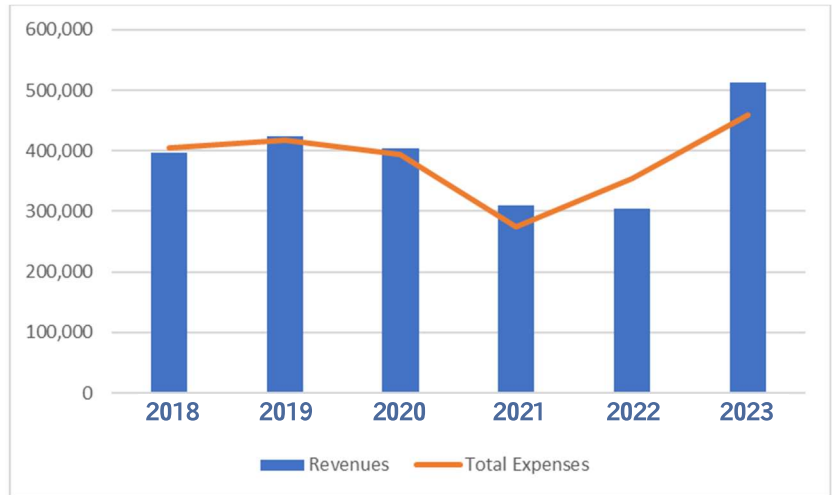
AS OF JUNE 30, 2023

ASSETS	2022	2023
Cash and Cash Equivalents	\$200,489	\$271,969
Accounts and Other Receivables	-\$ 13,779	-\$ 30,431
Prepaid and Deferred Expenses	\$ 14,792	\$ 2,700
<b>Total Assets</b>	<b>\$201,502</b>	<b>\$244,238</b>
LIABILITIES		
Accounts and Other Payables	\$ 7,992	\$ 9,175
Deferred Income	\$ 3,000	\$ 0
Accrued Expenses	\$ 7,930	\$ 0
<b>Total Liabilities</b>	<b>\$ 18,922</b>	<b>\$ 9,175</b>
NET ASSETS		
Unrestricted	\$ 69,986	\$ 19,826
Fund Reserve	\$ 162,754	\$ 162,754
Net Surplus/Deficit	-\$ 50,160	\$ 52,486
<b>Total Net Assets</b>	<b>\$ 182,580</b>	<b>\$ 235,066</b>
<b>Total Liabilities &amp; Net Assets</b>	<b>\$ 201,502</b>	<b>\$ 244,241</b>

## FY 2022-2023 REVENUES



## HISTORIC REVENUES vs. EXPENSES



## Thank You to Our Associate Members

### CALAFCO GOLD ASSOCIATE MEMBERS



COLANTUONO  
HIGHSMITH  
WHATLEY, PC



### CALAFCO SILVER ASSOCIATE MEMBERS

Berkson Associates  
Chase Design, Inc.  
City of Rancho Mirage  
County Sanitation Districts of L.A. County  
Cucamonga Valley Water District  
David Scheurich  
DTA  
E Mulberg & Associates  
Economic & Planning Systems (EPS)  
Goleta West Sanitary District  
Griffith, Masuda & Hobbs, a Professional Law Corp  
HdL Coren & Cone  
Holly Owen, AICP  
LACO Associates  
Policy Consulting Associates  
P. Scott Browne  
QK  
Rancho Mission Viejo  
Sloan Sakai Yeung & Wong, LLP  
South Fork Consulting, LLC  
SWALE Inc.  
Terranomics Consulting



December 7, 2023

Mr. Rob Bartoli  
Executive Officer  
San Mateo LAFCo  
455 County Center, 2nd Floor  
Redwood City, CA 4063

**RECEIVED**  
**DEC 09 2024**  
**LAFCO**

Re: Response to Draft Municipal Service Review and Sphere of Influence Review for Westborough Water District – Follow up

Dear Rob,

I just wanted to follow up on our last email and give you an update on the Westborough Water District's (WWD) progress to our responses on the draft Municipal Service Review (MSR) and Sphere of Influence (SOI) Review for WWD.

---

**Findings**

WWD agrees with the MSR and SOI determinations.

**Recommendations**

LAFCo made the following recommendations:

**1. Develop A Multi-Year Capital Improvement Plan (CIP)**

*Update District Capital Improvement Plan – WWD's CIP was last updated in 2020-2021 and is adopted on a one-year cycle. The plan should be updated on an annual basis and consideration of a multi-year CIP. A multi-year plan could help identify critical projects over a longer planning period, prioritize the projects, and identify funding in subsequent budgets. Consistent with best practices WWD should prioritize improvements and identify financing mechanisms to fund CIP projects over time. WWD is a small district with limited potential for new customers. The CIP should take into consideration this constraint and seek economies of scale where appropriate.*

*It is recommended that the District document the age of its system and conduct comparative analysis to determine what percentage of the effective life of the segment has been used as input to develop long-term CIP priorities and schedule.*

*LAFCo supports the District's efforts to explore funding strategies for CIP projects. CIP projects could be funded through pursuing grants and low-interest loans, as well as through the use of "Pay-as-you-go." As limited development is expected within the WWD service area, the District should analyze the impact of the different types funding for these needed infrastructure projects on rate payers.*

*Funding for these CIP projects should be clearly allocated in both the CIP documents and in annual budgets.*

**WWD Response:**

WWD is considering developing a multi-year CIP. The General Manager plans to meet with the Capital Committee to review and prioritize the list of potential projects. WWD is also in the process of finalizing a Request for Proposals for a rate study to be conducted as early as possible so WWD can determine funding for these projects.

**Update:**

The WWD continues to work on developing a multi-year CIP. Progress has been made and the most critical projects have been ranked. The Capital Improvements Committee will be finalizing the list in the near future.

On August 25, 2023, the WWD sent out a Request for Proposal (RFP) for the 2023 Water and Rate Study that will consider funding mechanisms for future capital projects. The WWD received three proposals. The Rate Study Committee reviewed all three proposals and made a decision to recommend Lechowicz & Tseng to perform this work. The recommendation will be made to the Board of Directors at their December 14, 2023, board meeting.

---

**2. Prepare Staff Reports and Post Full Agenda Packets to Website**

*The District should consider posting the staff report or other budget narrative on the District's website along with the annual budget. This would allow for a greater understanding of the District's finances and would improve transparency for the public. Budget documents should also show the District's reserve amount and funds allocated to the District's Capital Improvement Plan projects.*

*LAFCo recommends the creation of staff reports for Board of Director agenda items. The creation of staff reports for Board items can increase transparency and raise public awareness of the issues that are being reviewed and acted on by the Board of Directors. The District could explore sharing services with cities or other special districts to assist in creating the staff reports and compiling an agenda packet.*

*WWD will consider posting the full board meeting agenda packet to the District's website, in addition to the meeting agenda and minutes.*

**WWD Response:**

WWD's minutes and agenda packets include a great level of detail. WWD does not think it is necessary to create staff reports in addition to the detailed minutes and agenda packets. The General Manager has contacted WWD's website designing team to arrange for board packets to be uploaded to WWD's website, making them available to the public ahead of the board meetings.

Update: The WWD already uploaded the November 10, 2022 board meeting packet to its website.

**Update:**

Since November 10, 2022, the WWD has been uploading board meeting packets to its website. With its very small staff, WWD has made some progress with the preparation of staff reports for agenda items that involve higher monetary expenditure.

---

**3. Expanding Financial Policies**

*The District should consider expanding its financial policies to cover additional topics, such as budget preparation process and audit requirements. The District should also review the existing Operating Reserve Policy for potential amendments regarding the annual allocation of funds to the District's reserve.*

**WWD Response:**

The WWD plans on reviewing its financial policies including the budget preparation process and the existing Operating Reserve Policy, among others. The WWD will discuss any policies relating to audits with the District's auditors.

**Update:**

One of the tasks of the Rate Study will be to have the consultant recommend base level financial policies, including operating reserves among others. The WWD is still working with its auditors on policies relating to audits.

---

**4. Create a Budget Narrative**

*The District should consider posting the staff report or other budget narrative on the District's website along with the annual budget. This would allow for a greater understanding of the District's finances and would improve transparency for the public. Budget documents should also show the District's reserve amount and funds allocated to the District's Capital Improvement Plan projects.*

**WWD Response:**

WWD plans to add a narrative explanation to the beginning of its budgets. The Budget Committee could provide a summary of any budget change proposals.

**Update:**

The WWD is working to include budget narratives in its next budget.

---

**5. Archive Video Meetings on WWD's Website**

*As the District Board is currently meeting remotely over Zoom, it is recommended that the videos of these meetings be posted on the District's website.*

**WWD Response:**

WWD did not post recordings of its board meetings before the pandemic, and does not plan to do so after it goes back to in-person meetings. WWD is concerned that posting videos of meetings from the last two years may create a public expectation for WWD to continue recording the meetings. However, WWD staff will explore alternatives to the current Zoom meeting recordings that do not involve a substantial monetary investment by WWD.

**Update:**

On March 9, 2023, the WWD Board of Directors resumed in-person meetings. Though the District records the meetings via Zoom, WWD staff has not yet identified any alternatives that do not involve a substantial monetary investment by WWD.

Thank you for the opportunity to respond to your report. Please let me know if you have any questions. I will be more than happy to review them with you.

Sincerely,



Patricia Mairena  
General Manager

PM/pm