MITIGATION MONITORING AND REPORTING AGREEMENT
BETWEEN THE COUNTY OF SAN MATEO AND
HIGHLANDS ESTATES DEVELOPMENT I, LLC AND CHAMBERLAIN GROUP

This Mitigation Monitoring Agreement ("Agreement") is between the County of San Mateo ("County") on the one hand, and Highland Estates Development I, LLC and Chamberlain Group (collectively, the "Developer," and, together with the County, the "Parties"), on the other. This Agreement relates to Developer's obligation to fund the costs of the mitigation monitoring and reporting program ("MMRP") for the Project (as defined below). This Agreement is effective as of September 12, 2017, although the Parties acknowledge and agree that Developer is responsible to pay for all costs associated with the MMRP for the Project, even if incurred prior to the effective date of this Agreement.

RECITALS

1. On April 27, 2010, the County approved Developer's proposal for a project in the unincorporated San Mateo Highlands consisting of a Zoning Text Amendment, a Rezoning, a Lot Line Adjustment, a Major Subdivision, a Resource Management (RM) Permit, and a Grading Permit, all for the development of eleven residential lots to be located on parcels identified as Assessor's Parcel Numbers ("APNs") 041-101-290 and 041-072-030 ("Project"). The approved project includes the creation of a 93.39-acre parcel (identified as APN 041-101-380), which is subject to a recorded conservation easement.

2. Highland Estates Development I, LLC is the landowner of the properties of the "Highlands Estates", which currently consists of Parcels 041-101-390 (Lot 5 on Ticonderoga Drive); 041-101-400 (Lot 6 on Ticonderoga Drive); 041-101-410 (Lot 7 on Ticonderoga Drive); 041-101-420 (Lot 8 on Ticonderoga Drive); 041-101-430 (Lot 9 on Cobblehill Place); 041-101-440 (Lot 10 on Cobblehill Place), located within the County of San Mateo all zoned as Resource Management (RM), with the exception of Lots 9 and 10 which are located within the R-1/S-81 Zoning District. Highland Estates Development I, LLC seek building permits for the construction of single-family residences on Lots 5 through 11.

3. Lots 1 through 4 of the Highlands Estates (2279, 2275, 2271, and 2265 Bunker Hill Drive) have been developed and sold to individual owners are not the subject of this MOU.

4. When it approved the Project, the Conditions of Approval imposed by the Board of Supervisors for the Project included Condition No. 4, which requires as follow: that "The property owner shall comply with all mitigation measures as revised and listed below (based on the Mitigation Monitoring and Reporting Program (MMRP) incorporated
within the Final [Environmental Impact Report] and made available to the public on January 4, 2010). When timing has not been specified below, then mitigation timing and monitoring shall be as specified in the MMRP. The applicant shall enter into a contract with the San Mateo County Planning and Building Department for all mitigation monitoring for this project prior to the issuance of any grading permit “hard card” for the project. The fee shall be staff’s cost, plus 10 percent, as required in the current Planning Service Fee Schedule. Planning staff may, at their discretion, contract these services to an independent contractor at cost, plus an additional 10 percent for contract administration.” (Emphasis added.)

5. The County and the Developer have yet to enter into such a contract for mitigation monitoring in connection with the Project MMRP and the Parties are entering into this Agreement in order to satisfy the requirements of Condition No. 4 of the Project Conditions of Approval.

6. Grading Permit “hard cards” for grading related to approved development on Lots 9 through 11 and Lots 5 through 8 have not yet been issued.

Therefore, in consideration of the foregoing recitals and other appropriate matters, the Parties agree as follows:

1. The Developer shall pay, or cause to be paid, to the County a fee in an amount equal to the County’s cost in Planning and Building Department staff time and materials for mitigation monitoring in connection with implementation of the Project MMRP, plus ten percent (10%) (reflecting administrative and overhead costs), as set forth in the current Planning and Building Department Service Fee Schedule. For purposes of this Agreement, “time and materials” means the hourly staff cost attributable to all staff time spent monitoring the implementation of mitigation measures for the Project. Such staff time may include, but are not limited to, the review and analysis of required reports, performance of inspections, responding to inquiries from the public, and meetings with Developer, contractors, and other involved departments and agencies. The Parties acknowledge and agree that currently outstanding MMRP fees to be paid under this Agreement must be paid to the County prior to final approval of the building permits for Lots 9 through 11 for mitigation monitoring associated with the Project MMRP for construction on those lots and prior to final approval of the building permits for Lots 5 through 8 for mitigation monitoring associated with construction on those lots. Moreover, the Parties agree that no further grading permits for the Project will be issued prior to payment of outstanding fees for mitigation monitoring associated with the Project MMRP.

2. The Community Development Director may, at his/her discretion, contract these mitigation monitoring services associated with the Project MMRP to an independent contractor at cost, plus an additional ten percent payable to the County Planning and Building Department for contract administration and overhead. The Developer will be
notified 30 days prior to a decision by the County to contract with an independent contractor for mitigation monitoring services.

3. The Parties acknowledge that, as of the effective date of this Agreement, the County has incurred $904.86 in staff time and material expenses for mitigation monitoring services associated with the Project MMRP. These expenses are detailed in the invoice attached as Exhibit A to this Agreement and incorporated herein by reference. Developer agrees to pay this amount by no later than October 1, 2017.

4. This Agreement shall remain in effect until all actions required under the MMRP have been completed.

IN WITNESS WHEREOF, the Parties hereto have executed this MOU, effective on the date written above.

County:

By: ____________________________
    Steve Monowitz, Community Development Director

Date: 9/12/17

Approved as to Form:

By: ____________________________
    John Nibbelin, Chief Deputy County Counsel

Highland Estates Development I, LLC

By: ____________________________
    ____________________________
    Noel Chamberlain

Date: 9/12/2017

Approved as to Form:

By: ____________________________
    ____________________________
    Title

Date: ____________________________
Date: April 25, 2016 (Revised – 5/1/18)
Re: Planning Comments on Lots 5-8
From: Camille Leung, Senior Planner

BLD2016-00161 – Lot 8
BLD2016-00162 – Lot 7
BLD2016-00163 – Lot 6
BLD2016-00164 – Lot 5

Comments Pertaining to All Lots:

PRIOR TO Building Permit/Grading Permit Hard Card Issuance:

1. WDID # for State General Construction permit
2. Install Erosion Control – Must schedule Erosion Control and Tree Protection Pre- Site inspection
3. Documents must be submitted as required by:
   a. Condition 4s
   b. Condition 4t
   c. Condition 4w – Address potential conflicts with school traffic
   d. Condition 24 - Schedule of Grading Operations
4. Biological Reports (see Mitigation Measures for timing)
   a. Woodrat survey
   b. Bird Survey
   c. Bat Survey
   d. Purple Needlegrass – Lot 8
5. Camille to mail Notices to neighbors within 200-feet of lots
6. Deed Restrictions for Lots 1-4
   a. Conditions 4u and 6
7. Approval of Minor/Major Modifications necessary to approve:
   a. Letter to Describe Significantly increased grading (export) from Approved quantities dated 12/7/2009 (Job No. 950168.10) and associated truck trips, as discussed at 5/1/18 meeting with Director. Lots 1-4 grading volumes may be excluded from analysis.
   b. Grading outside of approved limits
   b.8. Regarding landslide remediation and the drawings you showed to Steve and I at the meeting of 5/1/18, please note that this will need a Building Permit. I would recommend a separate Building Permit if you would like this permit to get issued prior to house construction. Please submit these plans and associated grading calculations (cut and fill) to the Building Inspection Section.
Civil – All Lots:

1. Show ALL easements and no-build areas on the site plan, grading plan, erosion plan, and landscaping plans

2.1. Provide color chip for color or bioretention planters (to be light green or beige to match natural landscape, not “lawn green”)

3.2. Erosion Control:
   a. Tree protection: Show protection for all trees to remain regardless of size.
   b. Chainlink fencing at borders of conservation easement and along perimeter with no-build areas
   c. No erosion control/disturbance in no-build areas
   d. Protect storm drain inlets using permeable rock sacks and/or fiber rolls.
   e. Indicate the location and method of erosion control on disturbed bare earth areas. Use seeding and/or mulching and the following, as necessary:
      i) (For slopes 3:1 or greater) Anchored erosion control blankets (rice straw or coconut).
      ii) (For slopes less than 3:1) Anchored fiber fabric/netting or surface roughening.
   f. Show location of office trailer(s), storage sheds, temporary power pole, scaffold footprint, and other temporary installations on the plans. Show how they will be accessed and show protection of the access routes.
   g. Stabilized designated access points should use 4”-6” fractured aggregate over geo-textile fabric.
   h. Provide designated area for parking of construction vehicles, using aggregate over geo-textile fabric.
   i. Show all access roads/ramps used for excavation/backfill, earth boring, fork lift/crane access (second floor construction). For unpaved routes, use ridges running diagonally across the road that run to a stabilized outlet.
   j. Show location, installation and maintenance of a concrete/stucco mixer, washout, and pits.
   k. Locate portable toilets away from surface water locations and storm drain inlets.
   l. Show storage location and containment of construction materials during work, as well as after-hours/weekends
   m. Provide detail and location of covered temporary stockpiles using anchored-down plastic sheeting in dry weather. In wet weather or for longer storage, use seeding and mulching, soil blankets or mats. Provide stockpile detail
n. Indicate the location of refuse piles and debris box locations on the plans. Show how they will be accessed and show protection of the access routes.
e. Erosion Control Point of Contact: Please provide an Erosion Control Point of Contact including name, title/qualifications, email, and two phone numbers.

Architectural – All Lots:

1. Dimension maximum height of structures from finished grade and provide ridge line elevation. Please check heights of all houses relative to approved heights (Table 6)
2. Shingles are not allowed (Shown on houses on Lot 5 and 7). Must replace contrasting surface treatment between 2nd story windows and roof above with clerestory windows or siding, consistent with the approved elevations for each house. Rock should be used only minimally, as consistent with the approved elevations for each house.
3. Provide Exterior Lighting Plan (show fixtures on elevations, no light can be cast into open space easement, earth-toned lighting). See Conditions 4k and 6.

Landscape – All Lots:

2. Show all easements and no build areas landscaping plans
3. No fences in no-build areas (Lot 8) or over access easements
4. Provide sizes of all interceptor trees (must be minimum 24 gallon to meet requirements of Condition 4.b). Trees must be of a native species.

Geotechnical – All Lots:

1. In addition to demonstrating compliance with all conditions of approval, please submit documents addressing:
   a. Condition 4v regarding Asbestos
   b. Condition No. 37
   c. Condition No. 36 – NOTE: This condition requires “as-builts subdrain system alignments for the underlying stabilization buttress on the house foundation plans”. Please advise as to when these would be prepared and given to the County.
Requirements of Final – All Lots:

1. Grading final
2. Landscaping/Planting photos
3. Stabilized slopes
4. Colors and Materials verification
5. Provide color chip for color or bioretention planters (to be light green or beige to match natural landscape, not “lawn green”)
4.6. O&M Agreements
5.7. O&M Agreements
   a. All Lots
   b. Shared planter for Lots 7 and 8 on Lot 8
8. Agreement for Maintenance of Off-site improvement in right of way
6.9. Deed restrictions for Lots 5- 8
   a. Condition 4u, 9, 34, 39,
7.10. WELO
   a. Landscape Certification Form
   b. Certification of Completion Form

Comments for Individual Lots:

Lot 5:

Civil:
1. Dimension house from edge of access easement
2. Front property line does not match approved final map
3. Lot size does not match approved final map
4. Grading significantly exceeds approved grading amounts

Architectural:
1. Rock on bottom floor of elevation(s) is not consistent with approved elevation.
   Rock can only be used minimally (e.g., on trim of columns)
2. Design is not consistent with the double gable roof design at front elevation

Landscape:
1. Please add additional 24-gallon tree in front of house

Lot 6:

Civil:
1. Grading significantly exceeds approved grading amounts
Architectural:
   1. Colors are not in the approved shades of “browns, greens, and rusts”

Lot 7:
Civil:
   1. Grading significantly exceeds approved grading amounts
   2. Lot area is not consistent with the approved final map
   3. Dimension house from edge of access easement

Architectural:
   1. Design is not consistent with the double gable roof design at front elevation
   2. Colors are not in the approved shades of “browns, greens, and rusts”

Lot 8:
Civil:
   1. Grading significantly exceeds approved grading amounts
   2. Show grading work and limits for sidewalk installation
   3. Dimension house from edge of access easement

Architectural:
   1. Colors are not in the approved shades of “browns, greens, and rusts”. Roof is too dark.

Landscape:
   1. Please add additional 15-gallon replacement tree in right side yard

Attachments:
Heights – Table 6 from staff report
Approved Elevations
Approved Grading Amounts
WELO Forms
Subject: Re: Planning Comments on 10/17 submitted.
Cc: [Email Redacted]
To: Camille Lueung [Email Redacted]
Sent: Tuesday, November 20, 2018 11:20 AM

From: Doug Mitchell [Email Redacted]

The lighting plan shall be subject to approval by the County of San Mateo Planning Department. The lighting shall be shielded as to minimize light spillover into nearby windowed habitations as well as adjacent oak woodland and shall be out of reach of any neighboring structure. The lighting plan shall be located at the end of the property.
Thanks

Please let me know if you have any questions.

Dpw Sewer, Water and Waste Management
Outstanding Sign-offs for Lot 10, 11:

Building: Dpw, Sewer, Water and Waste Management
Outstanding Sign-offs for Lot 9:

Please see attached comment letter for review of the 10/31/17 submission.

Hi Noel,

Subject: Re: Planning Comments on 10/17/17 submission
Cc: Chamberslain Jack; Fred; Ralph Osterling; Haga Roldan; Doug McBeth; Tanq Jantonan; John Brennan

From: Camille Luning [mailto:cluning@wcmarchitects.com]

visit our new website www.wcmarchitects.com
T (949) 387-8800 FAX (949) 387-7800
8818 Research Drive Irvine CA 92618
Mark Gross & Associates Inc | Architecture + Planning
Douglas A. Mereth | Associate AIA

Best,

Please review and we will provide the 5 sets.

*Light in the ceiling:

shows all exterior lighting in plan view and how in some cases, the exterior light is provided by a downlight. NDRC to show Dark Sky compliance for downward lighting. Also included the utility sheets that are attached are: Sheet 1-7 and 1-8, Sheet 2-7 and 8-

*Added the MS4 height for the building’s highest nadir elevation.

Per our discussion we made the following changes to the plans and have attached all affected.

Hi Camille,
February 11, 2018

RE: LANDSCAPE PLAN CHECK WELO COMMENTS

FROM: S. MURPHY & ASSOCIATES/Landscape Architects, #2177

REC’VD PLANS: January 25, 2018 AND WELO CALCS for Lots 5-7 on Feb 9, 2018.

HIGHLANDS ESTATES/TICONDEROGA DRIVE/San Mateo

  BLDG: 2016-00161 Lot 8  8,098 S.F.
  00162 Lot 7  1,820 S. F.
  00163 Lot 6  2,041 S.F.
  00164 Lot 5  2,384 S. F.

PLANNER: C. Leung
LANDSCAPE ARCH: Van Dorn Abed, #3402, 415-864-1921
LANDSCAPE SF: Square footage of each individual lot, see above.

We have conducted our 3rd review of the above referenced project and have the following comments: Our last review was conducted on July 28, 2016.

LANDSCAPE REQUIREMENTS TO ADDRESS WELO

1) Landscape Documentation Package-
   a. Please remind applicant that a Soils Fertility Test is required as per WELO. Add notes that all recommendations of Certified Plant Lab to be adhered to by Landscape Contractor on all planting areas. Please adhere these recommendations to final set of landscape plans.
   b. Please also remind applicant that an irrigation audit to be submitted to Planning, which will be checked.

2) General requirements as per July 28, 2016 WELO letter.
   a. All of these requirements have been accomplished.

3) Water Efficient Landscape Worksheet & Hydrozone Sheet L-4.2 –Lots 5-8
   a. The Landscape Architect recalculated the WELO worksheet using an Eto of 37, which is better suited to the microclimate of this area of San Mateo.
   b. All WELO calculations are compliant.

4) Landscape Architect says that all erosion control measures are located on Civil Plans, which should include hydroleasing of native plants and grasses to hold slopes. I did not receive any Civil Plans and will defer to Ms. Leung to verify these statements.

STATUS

_______Preliminary Approval (PLANNING CASES ONLY)- No changes or conditions necessary.
_______Preliminary Approval (PLANNING CASES ONLY) with Conditions of Approval
_______Approved-No changes or conditions necessary.
___XXXX_Approve with Conditions of Approval –SOILS FERTILITY ANALYSIS REQUIRED
_______Fail

SUMMARY

Please relate the above comments to the applicant/Landscape Architect, so the necessary revisions can be made and resubmitted. As always, please remind the applicant that as part of the final landscape documentation an irrigation audit will be required. If you have any questions, please don’t hesitate to give me a call.

Respectfully submitted,
Suzette Murphy
S. Murphy & Associates, LA #2177 415-722-7280
February 11, 2018

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