



November 6, 2022

*Via E-mail (rvanduzer@fbm.com)*

Richard Van Duzer  
Partner  
Farella Braun + Martel LLP  
235 Montgomery Street  
San Francisco, CA 94104

Re: 3036-3062 Woodside Road (CUSE2022-0002 and VARI2022-0006)  
Town Reply to FBM Letter received October 21, 2022

Dear Mr. Van Duzer,

Thank you for your letter received on October 21, 2022. The Town is currently processing the referenced application. Below are responses to the requests in your October 21, 2022, letter:

- The property owner has filed an application requesting the modification of the existing Open Space Easement located on a portion of 3036 – 3062 Woodside Road. The initial application submittal has been deemed incomplete for processing after review by Town staff. Planning Department staff continues to consult with the Town Attorney’s office throughout the review of the application. The Town Attorney’s office has confirmed that all required steps to process the owner’s request to abandon/modify the Open Space Easement will be followed in compliance with applicable State laws. Given that additional information is required from the applicant to continue processing the application, Town staff has not initiated all required steps to process the application, including required steps outlined in State law. A detailed analysis of the application would occur by the Town after receiving all necessary information for a complete application.
- After the Town receives all necessary technical studies, such as biological, traffic, and noise studies; and, a complete application, Town staff will analyze all information before providing a CEQA determination.
- The referenced letter received from Jorgenson Siegel McClure and Flegal LLP, was not prepared by the Town, or in coordination with the Town. This is a letter submitted by the applicant.

P.O. Box 620005  
2955 Woodside Road  
Woodside CA 94062

650-851-6790  
Fax: 650-851-2195  
townhall@woodsidetown.org

- The Town has not received any materials from the applicant responding to the Town's initial review of the application, other than the deposit required to start the biological, traffic, and noise studies.
- Attached is a copy of the Open Space Easement from the Town records. Town staff will check with the San Mateo County Recorder's office to determine if the Recorder has any additional exhibits on file. We will forward you any additional exhibits if obtained from the County Recorder.
- The Town will notify you at [rvanduzer@fbm.com](mailto:rvanduzer@fbm.com), of any scheduled public hearings, and provide you with any notices required by CEQA.

If you have any questions, please call me at 650-530-3432, or you may email me at [sschaan@woodsidetown.org](mailto:sschaan@woodsidetown.org).

Kindest Regards,

Sage Schaan, AICP CEP  
Interim Planning Director

WHEN RECORDED MAIL TO:  
Town of Woodside  
Box 4005  
Woodside, California 94062

RESOLUTION NO. 1980 - 3328

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WOODSIDE ACCEPTING A GRANT OF OPEN SPACE EASEMENT WITH COVENANTS, A CONSERVATION EASEMENT AND CERTAIN DEEDS OF EASEMENT FOR EQUESTRIAN, PEDESTRIAN AND BICYCLE PATHS FROM GEORGE ROBERTS

WHEREAS, a use permit was previously issued by the Town of Woodside to George Roberts for the use of his property commonly known as Canada Corners; and

WHEREAS, said use permit was granted on condition that George Roberts grant an open space easement and a conservation easement for the northerly portion of the property which is currently zoned R-E-3, and further, that George Roberts grant certain non-exclusive easements to the Town of Woodside to use for equestrian purposes or equestrian, bicycle and hiking trail purposes; and

WHEREAS, George Roberts has presented for acceptance to the Town Council of the Town of Woodside executed easements in the forms indicated above;

NOW, THEREFORE, IT IS RESOLVED by the Town Council of the Town of Woodside, California, as follows:

1. That the Deed of Easement from George S. Roberts to the Town of Woodside of a non-exclusive easement for the construction, installation, maintenance, operation and use of an equestrian easement on, in, over, under and along certain real property described therein, in a form satisfactory to the Town Attorney, is hereby accepted.

2. That the Deed of Easement from George S. Roberts to the Town of Woodside of a non-exclusive easement for the construction, installation, maintenance, operation and use of equestrian, bicycle and hiking trails on, in, over, under and along certain real property described therein, in a form satisfactory to the Town Attorney, is hereby accepted.

3. That the Deed of Easement from George S. Roberts to the Town of Woodside of a non-exclusive conservation easement on, in, over, under and along certain real property described therein, in a form satisfactory to the Town Attorney, is hereby accepted.

4. That the grant of open space easement with covenants from George S. Roberts to the Town of Woodside on, upon, across and under a parcel of real property described therein, in a form satisfactory to the Town Attorney, is hereby accepted pursuant to the provisions of Chapter 6.6 of Part 1, Division 1, Title 5 of the Government Code (commencing with Section 51070).

5. The Town Clerk is hereby directed to record each said deed together with a certified copy of this resolution in the office of the County Recorder of the County of San Mateo, California, being the County within which said property is located.

\* \* \* \* \*

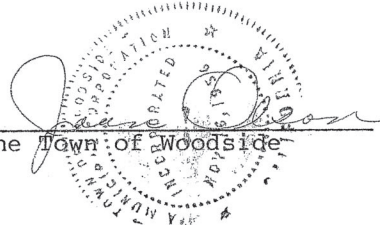
I hereby certify the foregoing to be a true, full and correct copy of a resolution duly passed and adopted by the Town Council of the Town of Woodside, California, at a meeting thereof held on the 8th day of July, 1980, by the following vote of the members thereof:

AYES, and in favor thereof, Councilmembers: Burgess, Golden, Weeks, Yocum and Mayor Newlands.

NOES, Councilmembers: None.

ABSENT, Councilmembers: Kirkwood and Stiff.

Clerk of the Town of Woodside



REC'D 8009 INCE 2100

WHEN RECORDED MAIL TO:  
Town of Woodside  
Box 4005  
Woodside, California 94062

Governmental entity acquiring title.  
Tax exempt effective November 10, 1969

GRANT OF OPEN-SPACE EASEMENT WITH COVENANTS

1. THIS GRANT OF OPEN-SPACE EASEMENT WITH COVENANTS, made this 8th day of July, 1980, by GEORGE S. ROBERTS, herein called "GRANTOR", the owner of the fee simple estate in and to that certain real property situated in the County of San Mateo, State of California, more particularly described in Exhibit "A" attached hereto and delineated on the map or plat prepared under the direction of James R. Bell, entitled "ADDITIONS AND RENOVATIONS, CANADA CORNERS, WOODSIDE ROAD & CANADA ROAD, WOODSIDE, CALIFORNIA", and listed and described on Exhibit "B" attached hereto.

2. It is the desire of GRANTOR to grant to the Town of Woodside an open-space easement on, upon, across and under a parcel of the real property described in Exhibit "A", hereinafter called the "PROPERTY", attached hereto and made a part hereof, pursuant to Chapter 6.6 (commencing with Section 51070) of Part 1, Division 1, Title 5 of the Government Code, whereby GRANTOR relinquishes certain rights and enters into certain covenants relative to the said described PROPERTY, all as more particularly set forth below.

3. The purpose of this Grant of Easement and its acceptance by the Town of Woodside is to keep the PROPERTY in a natural condition as near as possible and to maintain said PROPERTY as open-space land, the natural and scenic beauty of which may be enjoyed by the public.

NOW, THEREFORE, for valuable consideration, receipt of which is hereby acknowledged:

1. GRANTOR hereby grants to the Town of Woodside an open-space easement on, upon, over, across, above and under the PROPERTY and relinquishes to the public in perpetuity the

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right to construct improvements thereon, except as such improvements are expressly reserved in Exhibit "C", attached hereto, as such reserved improvements are delineated on the map or plat previously referred to, which provide for employee parking and reserve parking, and further GRANTOR reserves the right to locate or relocate sewer lines, transmission lines, telephone lines, drainage facilities, television lines and antennas, a gas, electric and water distribution line and related facilities in or upon said real property.

2. As to PROPERTY described in Exhibit "A", GRANTOR covenants and agrees for himself and his successors and assigns that GRANTOR, his successors or assigns singularly or in combination:

(a) Except as herein reserved, shall not erect, construct, place, or maintain or permit the erection, construction, placement or maintenance of any improvements, buildings or structures or other thing whatsoever on the PROPERTY.

(b) Except as herein reserved, shall not use or permit the use of the PROPERTY for any purpose except as open space consistent with the stated purposes, terms, conditions, restrictions, and covenants of this easement, with the provisions of Chapter 6.6 (commencing with Section 51070) of Division 1, Part 1, Title 5 of the Government Code.

(c) Except as herein reserved, shall not cut up, remove or permit the cutting, uprooting or removal of natural growth found or located on the said PROPERTY, except as may be required for fire prevention, thinning, elimination of diseased growth or similar preventive measures in a manner compatible with scenic purposes.



3. GRANTOR hereby grants to the Town of Woodside, its successors and assigns for the term of this easement the right, but not the obligation to enter upon the PROPERTY for the purpose of removing any building, structure, improvement or other thing whatsoever constructed, erected, placed, stored, deposited or maintained on the PROPERTY contrary to the stated purposes, terms, conditions, restrictions or covenants of this easement or to prevent or prohibit any activity which is contrary to the stated purposes, terms, conditions, restrictions or covenants of this easement, or which will or may destroy the unique physical and scenic characteristics of the PROPERTY.

4. The stated purposes, terms, conditions, restrictions and covenants set forth herein and each and all of them may be specifically enforced or enjoined by proceedings in the Superior Court of the State of California.

5. The granting of this easement and its acceptance by the Town of Woodside does not authorize and is not to be construed as authorizing the public or any member thereof to trespass upon or use all or any portion of the PROPERTY or as a granting to the public or any member thereof any tangible rights in or to the PROPERTY, or the right to go upon or utilize the PROPERTY in any manner whatsoever. It is understood that the purpose of this easement is solely to restrict the uses to which the PROPERTY may be put so that the said PROPERTY may be kept as near as possible in its natural condition.

6. GRANTOR reserves the right to use the PROPERTY in any manner consistent with the stated purposes, terms, conditions, restrictions, and covenants of this easement and with existing general plan, zoning and other laws, rules and regulations of the Town of Woodside and the State of California, their successors or assigns as such laws, rules and regulations may hereafter from time to time be amended.

In the event the PROPERTY or some portion thereof during the term of this easement is sought to be condemned for public use, the easement in each and every term, condition, restriction and covenant contained herein shall terminate as of the time of the filing of the complaint in condemnation as to that portion of the PROPERTY sought to be taken for public use only, but shall remain in effect relative to all other portions of said PROPERTY. The GRANTOR shall be entitled to such compensation for the taking as he would have been entitled had the PROPERTY not been burdened by this easement; provided, however, that each and every stated term, condition, restriction and covenant of this easement shall be observed by GRANTOR, his successors or assigns, during the pendency of such action and provided further that in the event such action is abandoned prior to the recordation of a final order of condemnation relative to the PROPERTY or some portion thereof or the PROPERTY or some portion thereof is not actually acquired for a public use, said PROPERTY shall, at the time of such abandonment, or at the time it is determined that such property shall not be taken for public use, once again be subject to this easement and to each and every stated purpose, term, condition, restriction and covenant of this easement.

8. The governing body of the Town of Woodside may undertake proceedings for the abandonment of the open-space easement in accordance with the requirements and subject to the conditions contained in Section 51061 of the Government Code.

9. This easement and each and every term, condition, restriction and covenant contained herein is intended for the benefit of the public, and constitutes an enforceable restriction pursuant to the provisions of Section 8 of Article XIII of the California Constitution, and Chapter 6.6 (commencing with Section 51070) of Part 1, Division 1, Title 5, of the Government Code shall bind GRANTOR and his successors and assigns, and each and all of them, and shall and is intended to run with the land.

REEL 8009 IMAGE 2134





A portion of that certain parcel described in a document filed in the office of the Recorder of the County of San Mateo, State of California, in Volume 6317 of Official Records at page 623, described as follows:

BEGINNING at a point on the Southwesterly line of Canada Road, said point being the most Northerly corner of said parcel; thence South 34° 31' East along said Southwesterly line, 471.71 feet; thence leaving the Southwesterly line of Canada Road, South 69° 02' West 75.00 feet; thence North 50° 45' West 51.77 feet; thence North 24° 11' West 157.85 feet; thence South 65° 49' West 152.00 feet; thence South 24° 11' East 194.31 feet; thence South 69° 02' West 19.16 feet to the Westerly line of said parcel; thence along said Westerly line, North 30° 19' West 32.65 feet, North 50° 12' West 140.50 feet, North 23° 02' West 40.00 feet, North 74° 06' East 64.00 feet, North 13° 34' West 123.70 feet, North 28° 16' West 71.90 feet and North 78° 46' West 16.78 feet to the Northwesterly line of said parcel; thence North 48° 33' 30" East along said Northwesterly line 190.10 feet to the point of beginning.

REEL 8009 IMGE 2179

16742AR  
RECORDED AT REQUEST OF

WESTERN TITLE INSURANCE COMPANY

DEC 2 1 45 PM '80

MARVIN CHURCH, RECORDER  
SAN MATEO COUNTY  
OFFICIAL RECORDS

REEL 8009 IMGE 2186

EXHIBIT A

WHEN RECORDED MAIL TO:  
Town of Woodside  
Box 4005  
Woodside, California 94062

REEL 8009 IMGE 2187

16743AR  
RECORDED AT REQUEST OF

WESTERN TITLE INSURANCE COMPANY

DEC 2 1 45 PM '80

CONSERVATION AGREEMENT

MARVIN CHURCH, RECORDER  
SAN MATEO COUNTY  
OFFICIAL RECORDS

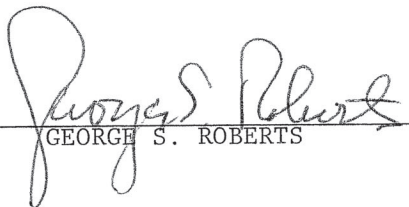
GEORGE S. ROBERTS hereby grants without covenant <sup>and</sup> express or implied, to the TOWN OF WOODSIDE, a municipal corporation, a non-exclusive conservation easement, on, in, over, under and along the following described real property:

A portion of that certain parcel described in a document filed in the office of the Recorder of the County of San Mateo, State of California, in Volume 6317 of Official Records at page 623, more particularly described as follows:

BEGINNING at the most Southerly corner in the boundary of the aforementioned parcel; thence from said point of beginning, along the boundary of said parcel, North 42° 23' West 106.00 feet, North 11° 07' East 76.00 feet, North 4° 43' West 45.93 feet; North 9° 07' East 29.72 feet and North 30° 19' West 17.35 feet; thence leaving said boundary, North 69° 02' East 28.80 feet; thence South 21° 20' East 36.95 feet; thence South 20° 20' West 31.00 feet; thence South 2° 39' 45" West 60.03 feet; thence South 12° 50' West 40.07 feet; thence South 41° 15' East 108.18 feet to the boundary of the aforementioned parcel; thence along said boundary, South 69° 02' West 26.32 feet to the point of beginning.

Expressly reserving to GRANTOR (GEORGE S. ROBERTS) and his successors, and assigns in interest, the right to maintain, renew or repair any and all utility facilities whether of a public or private nature now existing, to maintain, relocate or install new access ways across said non-exclusive easement and to landscape said non-exclusive easement providing said access ways and landscaping do not unreasonably interfere with the usage of the same.

DATED: NOVEMBER 3, 1980.

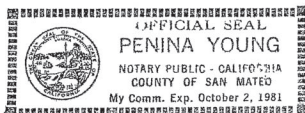
  
\_\_\_\_\_  
GEORGE S. ROBERTS

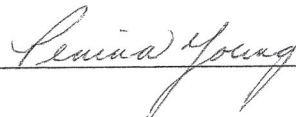
16743AR

STATE OF CALIFORNIA )  
                                  : ss.  
County of San Mateo )

On Nov. 3, 1980, before me, the undersigned, a Notary Public in and for the State of California, personally appeared GEORGE S. ROBERTS, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

WITNESS MY HAND AND SEAL.



  
\_\_\_\_\_

REEL 8009 IMGE 2187

WHEN RECORDED MAIL TO:  
Town of Woodside  
Box 4005  
Woodside, California 94062

DEED OF EASEMENT

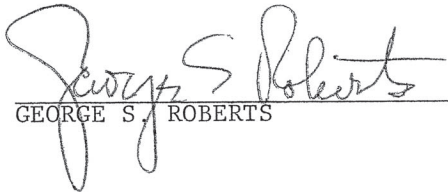
Governmental entity acquiring title.  
Tax exempt effective November 10, 1962

GEORGE S. ROBERTS hereby grants without covenant or warrant, expressed or implied, to the TOWN OF WOODSIDE, a municipal corporation, a non-exclusive easement for the construction, installation, maintenance, operation and use of an equestrian easement, on, in, over, under and along the following described real property:

(See attached Exhibit A)

Expressly reserving to GRANTOR (GEORGE S. ROBERTS) and his successors, and assigns in interest, the right to maintain, renew or repair any and all utility facilities whether of a public or private nature now existing, to maintain, relocate or install new access ways across said non-exclusive easement and to landscape said non-exclusive easement providing said access ways and landscaping do not unreasonably interfere with the public usage of the same.

DATED: NOVEMBER 3, 1980.

  
\_\_\_\_\_  
GEORGE S. ROBERTS

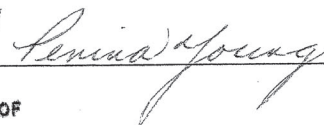
16744AR

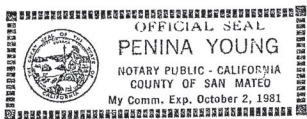
STATE OF CALIFORNIA )  
                                  : ss  
County of San Mateo )

On Nov. 3, 1980, before me, the undersigned, a Notary Public in and for said State, personally appeared GEORGE S. ROBERTS, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

WITNESS MY HAND AND SEAL.

REEL 8009 IMGE 2188

  
\_\_\_\_\_  
Penina Young



16744AR  
RECORDED AT REQUEST OF

WESTERN TITLE INSURANCE COMPANY

DEC 2 1 45 PM '80

MARVIN CHURCH, RECORDER  
SAN MATEO COUNTY  
OFFICIAL RECORDS

REEL 8009 IMGE 2188

*109*



A portion of that certain parcel described in a document filed in the office of the Recorder of the County of San Mateo, State of California, in Volume 6317 of Official Records at page 623, being a 15 foot wide strip of land described as follows:

BEGINNING at a point in the Southeasterly boundary of the aforementioned parcel, said point bearing North 69° 02' East along said boundary, a distance of 5.00 feet from the most Southerly corner in the boundary of said parcel; thence from said point of beginning, North 41° 15' West 111.00 feet; thence North 12° 50' East 45.50 feet; thence North 2° 39' 45" East 20.36 feet to a corner in the boundary of the aforementioned parcel; thence North 2° 39' 45" East 41.00 feet; thence North 20° 20' East 26.50 feet; thence North 21° 20' West 56.46 feet; thence North 42° 00' West 81.00 feet; thence North 52° 00' West 23.50 feet; thence North 5° 50' East 42.50 feet; thence North 18° 00' East 50.00 feet; thence North 3° 30' East 30.00 feet; thence North 17° 50' West 110.00 feet; thence North 42° 30' West 71.31 feet to the Northwesterly boundary of the aforementioned parcel; thence along said boundary, North 48° 33' 30" East 190.10 feet to the Northeasterly boundary of the aforementioned parcel; thence along said Northeasterly boundary, South 34° 31' East 15.11 feet; thence leaving said boundary, South 48° 33' 30" West 141.70 feet; thence South 42° 30' East 59.33 feet; thence South 17° 50' East 116.11 feet; thence South 3° 30' West 34.74 feet; thence South 18° 00' West 50.31 feet; thence South 5° 50' West 32.61 feet; thence South 52° 00' East 16.52 feet; thence South 42° 00' East 85.04 feet; thence South 21° 20' East 64.91 feet; thence South 20° 20' West 29.88 feet; thence South 2° 39' 45" West 60.36 feet; thence South 12° 50' West 42.17 feet; thence South 41° 15' East 108.88 feet to the Southeasterly boundary of the aforementioned parcel; thence along said Southeasterly boundary, South 69° 02' West 15.99 feet to the point of beginning.

REEL 8009 IMAGE 2139

EXHIBIT A



WHEN RECORDED MAIL TO:  
Town of Woodside  
Box 4005  
Woodside, California 94062

DEED OF EASEMENT

Governmental entity acquiring title.  
Tax exempt effective November 10, 1969

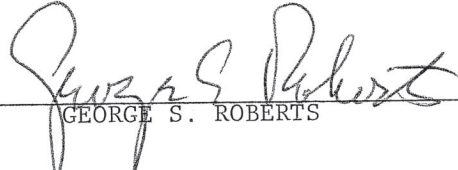
GEORGE S. ROBERTS hereby grants without covenant or warrant, expressed or implied, to the Town of Woodside, a municipal corporation, a non-exclusive easement for the construction, installation, maintenance, operation and use of equestrian, bicycle and hiking trails on, in, over, under and along the following described real property:

A portion of that certain parcel described in a document filed in the office of the Recorder of the County of San Mateo, State of California, in Volume 6317 of Official Records at page 623, described as follows:

BEGINNING at a point in the Southeasterly boundary of the aforementioned parcel, said point bearing North 69° 02' East along said boundary, a distance of 26.32 feet from the most Southerly corner of said parcel; thence from said point of beginning, North 65° 25' East 313.38 feet; thence North 24° 35' West 70.93 feet to the Southwesterly line of Canada Road; thence following the boundary of said parcel, the following courses and distances: South 34° 31' East 44.00 feet along the Southwesterly line of Canada Road to a point; thence Southerly on the arc of a curve to the right, said curve having a radius of 40 feet, a central angle of 108° 53' 36" and being tangent to the last mentioned course at the last mentioned point, a distance of 76.02 feet to a point on the Northerly line of Woodside Road; thence along said Northerly line of Woodside Road on the arc of a curve to the left, said curve having a radius of 325 feet, a central angle of 5° 20' 36" and being tangent to the last mentioned curve at the last mentioned point, a distance of 30.31 feet to a point and South 69° 02' West 245.62 feet to the point of beginning.

Expressly reserving to GRANTOR (GEORGE S. ROBERTS) and his successors, and assigns in interest, the right to maintain, renew or repair any and all utility facilities whether of a public or private nature now existing, to maintain, relocate or install new access ways across said non-exclusive easement providing said access ways and landscaping do not unreasonably interfere with the public usage of the same.

DATED: November 3, 1980.

  
\_\_\_\_\_  
GEORGE S. ROBERTS

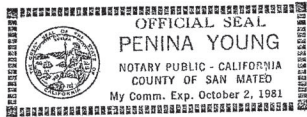
REC. 8009 INGE 2130

157755A

STATE OF CALIFORNIA )  
 : ss.  
County of San Mateo

On Nov. 3, 1980, before me, the undersigned, a Notary Public in and for said State, personally appeared GEORGE S. ROBERTS, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

WITNESS MY HAND AND SEAL.



*Penina Young*

REEL 8009 IMAGE 2190

16745AR  
RECORDED AT REQUEST OF

WESTERN TITLE INSURANCE COMPANY

DEC 2 1 45 PM '80

MARVIN CHURCH, RECORDER  
SAN MATEO COUNTY  
OFFICIAL RECORDS

REEL 8009 IMAGE 2191

*cg*