

COUNTY OF SAN MATEO, PLANNING AND BUILDING DEPARTMENT

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

A notice, pursuant to the California Environmental Quality Act of 1970, as amended (Public Resources Code 21,000, et seq.), that the following project: *New Single-Family Dwelling and Interior Second Unit*, when adopted and implemented, will not have a significant impact on the environment.

FILE NO.: PLN 2018-00458

OWNER: Fuli Li

APPLICANT: David Jaehning

ASSESSOR'S PARCEL NO.: 037-156-130

LOCATION: Sunshine Valley Road, Moss Beach

PROJECT DESCRIPTION

Design Review, Certificate of Compliance Type A, Coastal Development Permit, and Variance for the construction of a new 2,190 sq. ft. three-story single-family residence to include an interior 730 sq. ft. second unit on a 5,000 sq. ft. parcel and allow: (1) an 18-foot rear-yard setback where 20 feet is the minimum required, (2) a height of 31 feet - 4 inches where 28 feet is the maximum allowed, and (3) two tandem uncovered parking spaces located in the right side-yard setback, where two non-tandem covered parking spaces are required. The construction of a new 23-foot long bridge across an existing intermittent creek located at the front of the property is also proposed to provide access to the subject property. Ten trees (including eight significant and two non-significant trees) are proposed for removal and only minor grading is proposed.

FINDINGS AND BASIS FOR A NEGATIVE DECLARATION

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

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

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

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

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

Mitigation Measure 1: All exterior lights shall be certified dark sky compliant. Prior to the final approval of the building permit, exterior lighting shall be inspected to verify installed lighting is dark sky compliant.

Mitigation Measure 2: The applicant shall require construction contractors to implement all the Bay Area Air Quality Management District's Basic Construction Mitigation Measures, listed below:

- a. Water all active construction areas at least twice daily.
- b. Apply water two times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking, and staging areas at construction sites. Also, hydroseed or apply non-toxic soil stabilizers to inactive construction areas.
- c. Sweep daily all paved adjacent public streets daily (preferably with water sweepers) if visible soil material is carried onto them.
- d. Limit traffic speeds on unpaved roads within the project parcel to 15 miles per hour.
- e. All construction equipment shall be maintained and properly tuned in accordance with manufacturers' specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- f. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485, of the California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- g. Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand etc.) that can be blown by the wind.
- h. Replant vegetation in disturbed areas as quickly as possible.

- I. Install erosion control measures to prevent silt runoff to public roadway and/or into Dean Creek.
- j. All haul trucks transporting soil, sand, or other loose material on and off site shall be covered.
- k. Roadways and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- l. A publicly visible sign with the telephone number and person to contact at the project site regarding dust complaints shall be posted. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Mitigation Measure 3: Noise sources associated with demolition, construction, repair, remodeling, or grading of any real property shall be limited to the hours from 7:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 5:00 p.m., Saturdays. Said activities are prohibited on Sundays, Thanksgiving, and Christmas (San Mateo Ordinance Code Section 4.88.360).

Mitigation Measure 4: Water Quality – The applicant shall not apply insecticides or herbicides at the project site during project implementation or long-term operational maintenance where there is the potential for these chemical agents to enter Dean Creek or other waterbodies and/or lands that contain potential habitat for the identified special-status species.

Mitigation Measure 5: Water Quality – Construction of the 23-foot long bridge across Dean Creek shall occur only during the dry season when there is no water present within the creek to reduce the transport of sedimentation. A biologist shall be onsite during the construction of the bridge to ensure the creek is not impacted. A letter from the biologist verifying compliance with this mitigation measure shall be submitted to the Planning and Building Department prior to final approval of the building permit.

Mitigation Measure 6: Water Quality – To prevent impacts associated with hazardous materials, fugitive dust, sediment, or other construction-related materials, prior to the Current Planning Section's approval of a building permit, the applicant shall submit an Erosion and Sediment Control Plan, subject to review and approval by the project planner. The plan shall have been reviewed by a qualified biologist prior to submittal to the County. The plan shall include measures to prevent runoff into Dean Creek along the northerly edge of the project area and demonstrate compliance with other erosion control requirements and mitigation measures. This shall include the installation of silt fences or straw wattles between work areas and any water sources such as the drainage swale, and around any spoil piles (e.g., loose asphalt, dirt, debris, construction-related materials) that could potentially discharge sediment into habitat areas. If straw wattles are used, they shall be made of biodegradable fabric (e.g., burlap) and free of monofilament netting.

Mitigation Measure 7: Wildlife Encounters – If any wildlife is encountered during Project activities, said encounter shall be reported to a qualified biologist and wildlife shall be allowed to leave the work area unharmed. Animals shall be allowed to leave the work area of their own accord and without harassment. Animals shall not be picked up or moved in any way.

Mitigation Measure 8: California Red-Legged Frog and San Francisco Garter Snake –

- a. An exclusion fence shall be installed along the easterly and southerly property lines. The fence shall be at least 3 feet in height and trenched 6 inches deep. Furthermore, the fence shall be installed so that there are no openings or gaps through which a frogs or snakes could move into the project area. The exclusionary fencing shall have escape funnels in the fence every 100 feet or less for trapped snakes or frogs to exit the project area.
- b. A pre-construction survey for CRLFs and SFGs shall be conducted no less than 48 hours prior to the start of project activities (including equipment and materials staging) by a CDFW certified biologist.
- c. All crewmembers shall attend an Environmental Awareness Training presented by a qualified biologist. The training shall include a description of the special-status species that may occur in the region, the project Avoidance and Minimization Measures, Mitigation Measures, the limits of the project work areas, applicable laws and regulations, and penalties for non-compliance. Colored photocards of CRLFs and SFGs shall remain on the project site during construction. Upon completion of training, crewmembers shall sign a training form indicating they attended the program and understood the measures. Completed training form(s) shall be provided to the Project Planner before the start of project activities.
- d. Following the start of construction activities, a qualified biologist or trained biological monitor shall inspect the site weekly to monitor the integrity of the exclusionary fencing, confirm the limit of work and equipment is within the project boundaries, and assess the overall project adherence to the mitigation measures.

Mitigation Measure 9: San Francisco Dusky-Footed Woodrat – The construction contractor shall install woodrat exclusion fencing along the southern and easterly property lines in accordance with Drawing No. A112 on the site plan.

- a. Woodrat exclusion fencing shall be installed prior to the start of construction including equipment and materials staging.
- b. Woodrat exclusion fencing shall be the same exclusion fencing that will be installed for the California red-legged frog and San Francisco garter snake. The escape funnel provided for the snakes and frogs shall have a small enough escape funnel (i.e., less than 3" x 3" exit) to prevent woodrats from passing through.
- c. If woodrat nests are observed within the project area outside of the breeding season (February to July) the project biologist may dismantle the nest (outside of the breeding season), allowing individuals to relocate to suitable habitat within the adjacent open space areas.
- d. If woodrat nests with young are observed within the project site, an exclusion fence shall be erected around the nest site. The fencing shall provide adequate enough area to provide foraging habitat for the woodrats at the discretion of the project biologist. Site preparation (i.e., grubbing and grading) within the fenced area shall be postponed or halted until young have left the nest. A biological monitor shall be onsite

during periods when disturbance activities occur near the active nest to ensure no inadvertent impacts will occur to the nests.

Mitigation Measure 10: Saltmarsh Common Yellowthroat – If construction activities are proposed during the nesting season (February 15 – August 31), a qualified biologist shall inspect the property, including large trees within 250 feet of the property for nesting raptors, and any vegetation within 50 feet of the property for other nesting birds. If any nests or nesting activity is observed, the contractor shall consult with a CDFW biologist to determine appropriate protection measures.

Mitigation Measure 11: To prevent potential erosion concerns within the bed and banks of Dean Creek, removal of invasive and non-native species will be limited to the areas outside the banks of Dean Creek. No vegetation removal shall occur within the bed or banks of the creek. Vegetation and debris resulting from vegetation removal shall be placed outside the creek channel and in a located where they cannot roll, wash, or move back into the creek channel.

Mitigation Measure 12: Vegetation removal shall occur during the dry season to minimize the potential for soil erosion and reduce the risk of bank destabilization.

Mitigation Measure 13: Native vegetation shall be planted in disturbed soil areas to further reduce potential erosion.

Mitigation Measure 14: Per the project plans, native species that shall be planted within the 30-foot riparian buffer include but are not limited to *Deschampsia cespitosa* ssp. *Holciformis*, *Festuca rubra*, *Sisyrinchium bellum*, *Achillea millefolium*, *Allium* sp., *Epilobium densiflorum*, *Limonium californicum*, and *Monardella* sp.

Mitigation Measure 15: New vegetation within the 30-foot buffer area shall be planted to achieve approximately 70% cover. Mulch shall be spread over exposed soil areas between plantings to prevent soil erosion within the buffer area.

Mitigation Measure 16: A qualified biologist shall be on-site to oversee the removal of invasive and non-native species and the replanting of native vegetation. A letter from the biologist verifying vegetation removal and replanting activities has occurred per these mitigation measures and shall be submitted to the Planning and Building Department within 10 business days of said activities.

Mitigation Measure 17: No construction parking or storage of construction materials shall be allowed within the 30-foot riparian corridor buffer area.

Mitigation Measure 18: In the event that cultural, paleontological, or archaeological resources are encountered during site grading or other site work, such work shall immediately be halted in the area of discovery and the project sponsor shall immediately notify the Community Development Director of the discovery. The applicant shall be required to retain the services of a qualified archaeologist who meets the Secretary of the Interiors' Professional Qualification Standards for the purpose of recording, protecting, or curating the discovery as appropriate. The cost of the qualified archaeologist and of any recording, protecting, or curating shall be borne solely by the project sponsor. The archaeologist shall be required to submit to the Community Development Director for review

and approval a report of the findings and methods of curation or protection of the resources. In addition, an archaeological report meeting the Secretary of the Interior's Standards detailing the findings of the monitoring will be submitted to the Northwest Information Center after monitoring has ceased. No further grading or site work within 50 feet of the area of discovery shall be allowed until the preceding has occurred.

Mitigation Measure 19: If a newly discovered resource is, or is suspected to be, Native American in origin, the resource shall be treated as a significant Tribal Cultural Resource, pursuant to Public Resources Code 21074, until the County has determined otherwise with the consultation of a qualified archaeologist and local tribal representative.

Mitigation Measure 20: In the event of discovery or recognition of any human remains during project construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains and State of California Health and Safety Code Section 7050.5 shall be followed. The applicant shall then immediately notify the County Coroner's Office, the County Planning and Building Department, and possibly the State Native American Heritage Commission to seek recommendations from a Most Likely Descendant (Tribal Contact) before any further action at the location of the find can proceed. All contractors and sub-contractors shall be made aware of these requirements and shall adhere to all applicable laws including State Cultural Preservation laws. Disposition of Native American remains shall comply with CEQA Guidelines Section 15064.5(e).

Mitigation Measure 21: The project shall be designed and constructed to follow the recommendations outlined in the Sigma Prime Geosciences, Inc., Geotechnical Study, geotechnical report dated August 2018 and the Wayne Ting & Associates, Inc., Geotechnical Study Update, dated May 2019.

Mitigation Measure 22: At building permit submittal, the foundation system shall be able to address both the lateral spreading and liquefaction potential of the site to the satisfaction of the County's Geotechnical Section and Building Inspection Section.

Mitigation Measure 23: If any constraints are encountered that would confine traffic to one lane along Sunshine Valley Road, the applicant shall be required to submit a traffic control plan, consult with, and obtain an encroachment permit from the Department of Public Works (if required) prior to any such road closures. If any such road closure is required, the Department of Public Works shall notify the Coastside Fire Protection District and Sheriff's Department to ensure that any such road closure does not impede emergency access.

Mitigation Measure 24: All bridges used for fire department access shall meet Cal-Trans HS-20-44 loading standards and have a minimum rated capacity of 25 tones (live load). Upon building permit submittal, a registered civil or structural engineer shall certify rated capacity of the bridge. Upon construction and prior to a building final, the bridge shall have the rated capacity posted on both entries.

Mitigation Measure 25: Should any traditionally or culturally affiliated Native American Tribe respond to the County's issued notification for consultation, such process shall be completed and any resulting agreed upon measures for avoidance and preservation of identified resources be taken prior to implementation.

Mitigation Measure 26: In the event that tribal cultural resources are inadvertently discovered during project implementation, all work shall cease until a qualified professional can evaluate the find and recommend appropriate measures to avoid and preserve the resources in place, or minimize adverse impacts to the resource. Those measures shall be approved by the County Planning Department prior to implementation and prior to continuing any work associated with the project.

Mitigation Measure 27: Any inadvertently discovered tribal cultural resources shall be treated with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, protecting the cultural character and integrity of the resource, protecting the traditional use of the resource, and protecting the confidentiality of the resource.

RESPONSIBLE AGENCY CONSULTATION

San Mateo County Building Inspection Section
San Mateo County Department of Public Works
Northwest Information Center at Sonoma State

INITIAL STUDY

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

REVIEW PERIOD: January 15, 2020 – February 10, 2020

All comments regarding the correctness, completeness, or adequacy of this Negative Declaration must be received by the County Planning and Building Department, 455 County Center, Second Floor, Redwood City, no later than **5:00 p.m., February 10, 2020.**

CONTACT PERSON

Laura Richstone
Project Planner, 650/363-1829
LRichstone@smcgov.org

Laura Richstone, Project Planner

LR:pac - LARDD0646_WPH.DOCX