

**COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT**

DATE: October 12, 2022

TO: Planning Commission

FROM: Planning Staff

SUBJECT: EXECUTIVE SUMMARY: Consideration of a Coastal Development Permit to construct public access improvements at Tunitas Creek Beach County Park in the unincorporated San Gregorio area of San Mateo County. This project is appealable to the California Coastal Commission.

County File Number: PLN 2021-00485
(San Mateo County Parks Department)

PROPOSAL

The applicant, San Mateo County Parks Department (Parks Department), is proposing to construct improvements to Tunitas Creek Beach and the surrounding areas in order to increase coastal access and recreational opportunities for public use and protect natural resources present on the property. The proposed project includes construction of a parking facility, pathways, overlooks, restrooms, ranger shed, picnic areas, small amphitheater, ranger residence, and related amenities. The Parks Department will operate and maintain the park and its amenities.

RECOMMENDATION

Approve the Coastal Development Permit, County File Number PLN 2021-00485, by adopting the required findings and conditions of approval in Attachment A.

SUMMARY

The proposed project has been reviewed for consistency with the Local Coastal Program (LCP) and General Plan policies, specifically with respect to Protection of Archaeological/Paleontological Resources, Agricultural Resources, Protection of Sensitive Habitats, Visual Resources, Shoreline Access, and Park and Recreation Resources. The County Parks Department prepared and circulated a draft Mitigated Negative Declaration (MND) for a 28 day public review period, pursuant to the California Environmental Quality Act (CEQA). The MND determined that the proposed Public Park, as designed and incorporating the proposed mitigation

measures, will have a less than significant impact upon the environment. Comments on the draft MND were received by Parks and responses were prepared and incorporated into a Final MND, which was certified by the Coastal Conservancy on March 24, 2022. Planning staff has reviewed the project and concluded that the project, as conditioned, complies with the County's General Plan and Local Coastal Program.

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**COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT**

DATE: October 12, 2022

TO: Planning Commission

FROM: Planning Staff

SUBJECT: Consideration of a Coastal Development Permit, pursuant to Section 6328.4 of the County Zoning Regulations, to construct public access improvements at Tunitas Creek Beach County Park in the unincorporated San Gregorio area of San Mateo County. This project is appealable to the California Coastal Commission.

County File Number: PLN 2021-00485
(San Mateo County Parks Department)

PROPOSAL

The applicant, San Mateo County Parks Department (Parks Department) is proposing to construct improvements to Tunitas Creek Beach and the surrounding areas in order to increase coastal access and recreational opportunities for public use and protect natural resources present on the property. The project components can be broken into three zones:

Top Bluff Area

At the present time, visitors to Tunitas Creek Beach park along the shoulder of Cabrillo Highway and climb down the bluff to the beach. There is no accessible path to the beach, resulting in visitors climbing down the bluffs and causing erosion. Additionally, the parking area along the highway is unpaved and slightly below the grade of the adjacent pavement. During the rainy season, this dirt parking area can become muddy, and users track sediment onto the highway, which then migrates down slope into the highway's drainage system and eventually, Tunitas Creek.

In this zone, the proposed project will include a parking area, overlooks, pathways, and stormwater control facilities to improve public access to Tunitas Creek Beach. Existing social trails will be closed and restored to prevent further erosion of the bluffs and reduce potential injuries.

The parking area will accommodate 80 parking stalls, including standard, accessible, electric charging and paratransit parking. This area also includes an unpaved parking lot which could serve buses or other large vehicles at its southern end.

A pedestrian loading/unloading zone will be located near the entrance to Cabrillo Highway and provide a pedestrian connection to the Mid Bluff zone, either through the ADA compliant pathway or the existing driveway. In addition, a portion of the California Coastal Trail will be installed along the western frontage of the proposed parking area.

Several trails have been cut into the bluff by pedestrians walking to the beach. The project will block these trails from access with fences, installation of signage for habitat restoration, planting of native species, and installation of erosion control measures.

Mid Bluff Area

To gain access to the Mid Bluff area, an ADA accessible pedestrian pathway will be constructed from the parking area. Due to the significant elevation difference between the two areas and the need to maintain a slope of less than 8.3% for accessibility, the pathway will be approximately 1,800 feet in length and be constructed of either asphalt and/or a stabilized decomposed granite. A secondary trail, approximately 95 feet in length, will be constructed between the passenger loading area and the primary accessible pathway. The primary accessible pathway will include several seating areas and overlooks along the route. To construct the pathway, the project must remove four (4) significant size trees (two Monterey cypress and two Monterey pine). The existing paved driveway will remain but will only be accessible for vehicles operated by Parks Department staff or for emergency services.

Safety and security lighting will be provided along the pathway from the Top to Mid Bluff zones and around the proposed ranger residence (described below). Light levels in the park will be kept low after hours to provide for safety/security but are not intended to promote use of the park after it is closed. All lights will feature light emitting diode technology for energy conservation, be night sky friendly, and operate at a temperature/intensity suitable for humans and animals. Motion sensors will be installed to intensify light levels when movement is detected.

The Mid Bluff area will be designed to serve as a gathering point for visitors. The existing residence at this location will be demolished and a small overlook amphitheater will be constructed in its place. The amphitheater will be used to provide educational programs regarding Tunitas Creek Beach and the coastline, as well as providing an additional location for gathering and viewing the beach and ocean. The Mid Bluff area will also include picnic areas and a restroom building, and a small ranger shed for use by Parks Department staff. The proposed restroom building will be waterless and prefabricated, similar to other park restroom facilities throughout the County. The ranger shed will be used to hold tools and equipment for maintaining the park.

A ranger's residence is proposed in the Mid Bluff area. This residence will be occupied by a Parks Department ranger who will live on-site full time acting as a caretaker. The residence will be a prefabricated structure of about 1,000 sq. ft., equipped with sprinklers for fire suppression. In order to construct the residence, a potable water source is required. Provision of potable water to the proposed ranger residence is discussed in detail below.

A loop trail is also proposed to connect the parking area at the Top Bluff to the beach, extending through the southern portion of the project site. This proposed trail will be approximately 4-foot-wide and unpaved. This loop trail will require a stream crossing, which will be either a rock ford or a clear span bridge. The final crossing design will be determined as part of the final design for the proposed improvements.

In addition to the loop trail, a short nature walk is proposed for the area to the north of the existing residential driveway. This trail will be approximately 4-foot-wide, and surfaced with stabilized decomposed granite, with educational signage along the route. In addition, the trail will feature benches at lookouts along the route.

Beach Access

Currently, a 10-foot-wide unpaved trail leads down to the beach from the Mid Bluff area and cuts through the slope between two (2) active landslides. As part of the proposed project, this existing trail will be widened and covered with gravel to allow for vehicular access to the beach for emergency response and maintenance. Timber steps will be installed next to the travel way to facilitate pedestrian access, while keeping a lane for emergency vehicles. To repair the slope and accommodate the trail widening, the Parks Department proposes to remove the landslide debris and rebuild the slope, thereby reducing the slope of the hillside by shifting the toe of the slope westward by approximately 5 feet.

Also within the beach area, the Parks Department proposes to remove invasive species. Consistent with the recommendations in the Western Snowy Plover Avoidance and Minimization plan, potential breeding areas for snowy plover will be identified prior to the breeding season. These areas will be delineated using temporary signage to alert beach visitors to the potential presence of western snowy plover and explaining the sensitivity of the area. Breeding areas may also be further delineated using a rope line tied to t-posts or stakes to prevent intrusion during the breeding season.

Water

With the exception of the proposed residence, the proposed uses at the park will require minimal water. Additional water use will center primarily on irrigation for the drought tolerant landscaping until it becomes established and water to clean the restrooms. The Parks Department is proposing to truck this water in as necessary. Per California Health and Safety Code, the proposed ranger's residence must have an adequate and potable water source that meets the County's quantity and quality requirements. The

vacant residence on the project site obtained its water from an off-site spring. However, this source has stopped functioning and is no longer available.

Previous investigations completed at the site identified no groundwater to depths as much as 400 feet below ground surface. To provide potable water for the proposed ranger residence, the Parks Department proposes to extract raw water from Tunitas Creek. The proposed water system will include installation of a well either adjacent to or within the creek to sufficient depth to provide the minimum water supply necessary to support the residence. Alternatively, the project could install an intake directly within the creek. Based upon modeling prepared for this project (by the Parks Department), a maximum of approximately 35,000 gallons of raw water will be taken from Tunitas Creek during the month of February and no water will be drawn from the creek during the dry season (June-September).

From the well head, the raw water will be transported upslope via a pump system through a pipe anchored to the top of the ground to an area adjacent to the residence where the water can be treated and stored. As the raw water may contain minerals, particles, bacteria, and or/ parasites, it will be processed using a small treatment system. The treatment system will include a series of filters or reverse osmosis as well as either ultraviolet light or ozone to disinfect the raw water for potable use. The project will store the water for both fire and domestic use in two 30,000-gallon tanks that are about 30 feet in diameter and 15 feet tall. The tanks are appropriately sized to store water during dry periods of the year. The fire water would serve as potable water to periodically flush the water tanks. The Parks Department has applied to the California Water Resources Control Board (WRCB) for the necessary approvals to extract water from Tunitas Creek. As of publication of this report, WRCB approval remains pending. Without this approval, the ranger's residence will not be allowed.

Habitat Restoration

As part of the proposed project, invasive species will be removed within the project limits to the maximum extent feasible. There are several non-native Eucalyptus and Palm trees on the project site, ranging in size from 1-inch to three feet in diameter, that will be removed to facilitate planting of native species. All areas disturbed by grading activities will be treated with a hydroseed mix appropriate for coastal San Mateo County. Also, as described previously, existing social trails that have been cut along the top of the bluff as well as the bluff face will be blocked from access with fences and signage, and then replanted with native species.

RECOMMENDATION

Approve the Coastal Development Permit, County File Number PLN 2021-00485, by adopting the required findings and conditions of approval contained in Attachment A.

BACKGROUND

Report Prepared By: Michael Schaller, Senior Planner

Applicant: San Mateo County Parks Department

Owner: San Mateo County

Public Notification: Ten (10) day advanced notification for the hearing was mailed to property owners within 300 feet of the project parcel and a notice for the hearing posted in a newspaper (San Mateo Times and Half Moon Bay Review) of general public circulation. In addition, advance notice of the hearing was mailed to interested parties.

Location: 20901 Cabrillo Highway, San Gregorio

APN(s): 081-060-020, -030, and -130

Existing Zoning: Resource Management – Coastal Zone (RM-CZ) and Planned Agricultural District (PAD)

General Plan Designation: Agriculture

Parcel Legality: Parcel legality for 081-060-020 and -030 confirmed by Certificate of Compliance, Type B (PLN 2017-00190). Certificate recorded on August 31, 2017. Parcel legality for 081-060-130 confirmed by Certificate of Compliance, Type A (COC 98-0006). Certificate recorded on November 20, 1998.

Existing Land Use: Prior to acquisition by the County, the project site was privately-owned and developed for residential use. The site currently supports a single-family residence in poor condition. A small concrete-lined pond, associated waterfall, patio area, and ornamental landscaping surround the residence. A paved driveway connects the residential property to Highway 1. Several areas of miscellaneous trash are present, likely from illegal dumping at the site. A single cabin remains in its original location just uphill and to the east of the existing residence and is accessed via a short spur off the main driveway. Remnants of five other damaged and/or overgrown cabins are also located on the project site. All of the cabins are unsalvageable. The remainder of the project site is undeveloped.

Flood Zone: Along the top of the bluff (where the abandoned residence is) the flood zone designation is Zone X (Areas of Minimal Flood Hazard). On the beach, the designation is Zone VE (Coastal Flood Zone with velocity hazard (wave action) also commonly referred to as Tsunami Zone). FEMA Community Panel 06081C-0357F, Effective Date: August 2, 2017.

Environmental Evaluation: The Parks Department prepared an Initial Study/Mitigated Negative Declaration which was circulated for public comment from September 2, 2021, to October 1, 2021. The Board of Supervisors certified the Mitigated Negative

Declaration on December 14, 2021. Parks filed a Notice of Determination with the County Recorder on December 22, 2021.

Setting: The project site is located between Tunitas Creek Road and Star Hill Road and west of Highway 1. Tunitas Creek borders the project site to the north, the Pacific Ocean borders the site to the west, and rural semi-developed coastal property borders the site to the south. The project site consists of a relatively flat to sloping surface, which descends from a ridge on the east down to the Pacific Ocean beach on the west. Slope inclinations within the project site vary from 1.5:1 to 4:1 (horizontal:vertical).

Prior to acquisition by the County, the project site was privately-owned and developed for residential use. The site currently supports a single-family residence in poor condition. A small concrete-lined pond, associated waterfall, patio area, and ornamental landscaping surround the residence. A paved driveway connects the residential property to Highway 1. Several areas of miscellaneous trash are present, likely from illegal dumping at the site.

Due to illicit activities including large parties, poaching, and vandalism of the residence, the Parks Department installed fencing and a gate closing the driveway from Highway 1 that accesses the site. However, pursuant to State law, the beach below the Mean High Tide Line is accessible to the public by other access points. Parking surveys conducted for this informal parking area found up to 63 parked vehicles on a warm sunny day with visitors remaining at the beach for about 2 hours. Approximately two thirds of visitors to the project site arrive from the southbound direction. Beachgoers also park along Tunitas Creek Road and walk under Highway 1 and along Tunitas Creek to access the beach.

DISCUSSION

A. KEY ISSUES

1. Conformance with the County General Plan

The County's Local Coastal Program (LCP) is a subset of the County General Plan, and the two documents are internally consistent. The following analysis of the project's consistency with the LCP, which is more specific than the General Plan with regard to issues raised by this project, also addresses, by extension, the project's consistency with the County's General Plan.

2. Conformance with the Local Coastal Program

a. Locating and Planning New Development

Policy 1.8 (Land Uses and Development Densities in Rural Areas - Amount of Development Allowed for Visitor-Serving, Commercial

Recreation, and Public Recreation Uses). This policy contains several sub-policies that are applicable to this project. The first part of the policy allows new development in rural areas only if it is demonstrated that it will not: (1) have significant adverse impacts, either individually or cumulatively, on coastal resources and (2) diminish the ability to keep all prime agricultural land and other land suitable for agriculture (as defined in the Agriculture Component) in agricultural production. While the project could have significant adverse impacts on coastal resources, as discussed in the Mitigated Negative Declaration, measures have been proposed (in that document and included as conditions of approval for this permit) which will reduce the potential level of impact to a less than significant level. Compliance of the project with the specific resource policies will be discussed later in this report. With regards to agriculture, there are no prime soils on the project parcels. There is no evidence that agriculture has ever been practiced on the project parcels. The lands on the east side of Highway 1 show some evidence of being used for grazing purposes. The proposed project is contained entirely on the west side of Highway 1 and there is no evidence to suggest that the proposed improvements to this County Park will inhibit the use of the lands on the east side of the highway for grazing in the future.

Policy 1.8 (1) (*Require Density Credits for Non-Agricultural Uses*). Policy 1.8 further requires the use of density credits for all new or expanded non-agricultural land uses in rural areas, including all residential uses. The number of density credits on a rural property are determined based on the ratios established by Table 1.3 of the LCP. All legal parcels are entitled to at least one density credit. In this instance, the project site is comprised of three legal parcels, each with one density credit.

Policy 1.8 (3) (*Amount of Development Allowed for Visitor-Serving, Commercial Recreation, and Public Recreation Uses*). For new or expanded visitor-serving, commercial recreation, and public recreation uses, one density credit shall be required for the first 945 gallons, or fraction thereof, of average daily water use during the two months of highest water use in a year. One additional density credit shall be required for each 630 gallons, or fraction thereof, of average daily water use during the two months of highest water use in a year. The amount of development allowed for each density credit (or the first density credit when multiple density credits are available), is either 1 1/2 times the amount stated in Table 1.5 (of the LCP) in the column headed "Number of Measuring Units Per Density Credit Based on Peak Daily Water Use with Conservation Fixtures," or the amount stated in that column **and** a residential dwelling unit associated with a visitor serving facility that is occupied by the facility owner or operator.

In this instance, the proposed ranger's residence will qualify as the "caretaker" residential unit as discussed above. This will leave all three density credits for other uses on the project site. The other applicable category of uses in Table 1.5 is the number of park users permitted per density credit. The number of park users in Table 1.5 is predicated upon the availability of drinking water (for the park users). The project, however, proposes no drinking water for park users, either for consumption or for use in bathrooms. While the park user category in Table 1.5 is therefore not directly applicable to the proposed project, it is the closest category available for purposes of analysis. Per Table 1.5, one density credit will allow for 126 park users at any given time. Thus, all three density credits will allow for a theoretical maximum of 378 park users at any given time.

By its very nature, this is a public beach and is open to all residents. There will be no entry gate that would allow the County to regulate the exact number of users at any given moment. The closest analog to "number of park users" that can be feasibly used in this instance is the number of parking spaces that are proposed. The project plans indicate a total of approximately 94 parking spaces are proposed. Assuming two persons per car, that would translate into 188 park users at maximum capacity which is below the 378 park users discussed above.

Policy 1.25 (*Protection of Archaeological/Paleontological Resources*). This policy requires an archaeological reconnaissance of project sites when they are in areas of potentially high sensitivity for archaeological or paleontological resources. In the attached Initial Study prepared for this project, there is an extensive discussion of the potential for historical and/or archaeological resources on the project site. While there are references from the 1940's to an archaeological site at the project site, no evidence can be found of that resource at the present time. It is possible that this archaeological site was destroyed during the residential development of the site in the 1950's. The existing abandoned structures currently on the site do not qualify as historical resources per State regulations. However, it was recognized in the Initial Study that there is the potential for historical/ archaeological resources to be uncovered during the construction of the proposed park facilities. To address this potential, mitigation measures were included in the Initial Study and have been included as Conditions of Approval 19 and 20 in Attachment A. With the inclusion of these conditions, the requirements of Policy 1.25 are addressed.

Policy 1.35 (*All New Land Use Development and Activities Shall Protect Coastal Water Quality*). The project plans include construction phase erosion control plans and a permanent storm water control plan

that have been reviewed and approved by the Department's Stormwater Review section as complying with the County's Regional Stormwater Permit.

b. Public Works Component

Policy 2.44 (*Route 1 and Route 92 Phase I Capacity Limits*). This policy limits improvements on Cabrillo Highway to (1) slow vehicle lanes on uphill grades and the following operational and safety improvements within the existing alignment or lands immediately adjacent: elimination of sharp curves, lane widening, lane reconfiguration, acceleration/deceleration lanes, wider shoulders to allow passage for bicycles, emergency vehicles and signals at major intersections.

The project does not propose to add additional traffic lanes to Cabrillo Highway, with all proposed work within the right-of-way focused upon providing safe access to and from the highway as well as sufficient parking to meet the anticipated public demand for beach access. The project site is not, at the present, officially open to the public for coastal access. However, the public has continued to travel across the property for a number of years, to gain access to the shoreline. There is a large unpaved pullout area along the west side of the highway that the public has utilized for parking. Access onto this unpaved area is not controlled and repeated use has resulted in the tracking of gravel and dirt onto the roadway resulting in soil deposition within the roadway prism as well as a safety issue due to flying rocks. Additionally, because there is no acceleration/deceleration lane, cars pulling off or onto the highway can create a conflict with faster travelling cars passing through this stretch of the highway.

The proposed parking lot component will remedy both conflicts by providing paved access from the highway into the lot and a dedicated right turn deceleration lane for southbound traffic so that cars can safely exit the highway without conflicting with through traffic.

c. Agricultural Component

Policy 5.4 (*Designation of Lands Suitable for Agriculture*). This policy calls for the designation of any parcel, which contains lands suitable for agriculture, as Agriculture on the Local Coastal Program Land Use Plan Map. The two northern parcels of the site are zoned Resource Management-Coastal Zone but are designated as "Agriculture" on the General Plan and LCP land use maps. The southerly parcel is zoned Planned Agricultural Development and is also designated as "Agriculture" on the General Plan and LCP land use maps. None of

the soils on the project site meet the definition of “prime” contained within the LCP. There is no evidence that agriculture has been practiced on the project site since the abandoned home was constructed in the late 1950’s. In order to establish agriculture on the project site, the existing vegetation would need to be removed. This vegetation possibly contains listed plant species as well as potentially providing habitat for listed bird and animal species. Agriculture, even cattle grazing, would also require some form of water source for irrigation. Previous test wells drilled on the northerly parcels did not find ground water. While it is unlikely that the subject parcels could be actively used for agriculture, the project does not completely preclude some form of agriculture from being established on portions of the southerly parcel.

Policy 5.6 (Permitted Uses on Lands Suitable for Agriculture Designated as Agriculture). This policy conditionally permits several uses on agriculturally designated lands, including public recreation and shoreline access trails. The project will provide recreational access to the Tunitas Creek beach and conditions of approval addressing a number of issues are included in Attachment A.

Policy 5.10 (Conversion of Land Suitable for Agriculture Designated as Agriculture). This policy prohibits the conversion of lands suitable for agriculture within a parcel to conditionally permitted uses unless all of the following can be demonstrated:

- (1) All agriculturally unsuitable lands on the parcel have been developed or determined to be undevelopable.

As discussed previously, active farming of these parcels would require the removal of a significant amount of vegetation which could contain listed plant species as well as potentially providing habitat for listed animal species. In addition, due to the steep slopes on the project site (when moving from east to west) field crops or any other form of agriculture that requires tilling of the land is inadvisable and would likely lead to erosion issues. As mentioned previously, limited grazing may be possible, but given the small size of the project site and lack of water, it is questionable if this could be conducted economically.

- (2) Continued or renewed agricultural use of the soils is not feasible as defined by Section 30108 of the Coastal Act.

As discussed previously, there is no evidence that the project site has been actively used for agriculture in over 50 years.

- (3) Clearly defined buffer areas are developed between agricultural and non-agricultural uses.

The nearest identified agricultural uses are on the east side of Cabrillo Highway, where limited cattle grazing is occurring. The highway serves as an effective buffer between this and any future agricultural uses and the proposed public recreation use.

- (4) The productivity of any adjacent agricultural lands is not diminished.

There is no evidence to suggest that conversion of the subject parcels to a public recreation use will inhibit the ability to use the adjacent lands on the other side of Cabrillo Highway for continued cattle grazing.

- (5) Public service and facility expansions and permitted uses do not impair agricultural viability, including by increased assessment costs or degraded air and water quality.

The proposed project will not extend or create new water or sewer infrastructure that would facilitate development of adjacent lands. There is no portion of this project that will increase development pressure on adjacent lands thus threatening conversion of additional agricultural lands.

d. Sensitive Habitats Component

Policy 7.1 (*Definition of Sensitive Habitats*). This policy defines sensitive habitats as any area in which plant or animal life or their habitats are either rare or especially valuable, and includes endangered species habitat, perennial streams, coastal tide lands, and sand dunes. As discussed in the CEQA document prepared for this project, the project site contains several areas which meet the definition of sensitive habitats:

Coastal Terrace Prairie. A small patch of coastal terrace prairie is located on the project site. Plants observed in this community include Pacific reed grass, sour grass, cut leaf geranium, Douglas iris, and fescue.

Coastal Strand and Coastal Dunes. This community is more heavily concentrated toward the northern end of the site south of the mouth of Tunitas Creek. Plant species observed in the coastal strand include salt grass, coastal sand verbena, and beach morning glory. The coastal dunes community occurs between the coastal strand and the

beach and shoreline. Plants observed within the dunes include scattered patches of American dune grass, beachgrass, sea rocket, beach morning glory, coastal sand verbena, and ice plant.

Streams. Tunitas Creek is a perennial stream that flows from King's Mountain to Tunitas Creek Beach and the Pacific Ocean. The lower portions of the creek, including the mouth of Tunitas Creek (also referred to Tunitas Lagoon), are located on or adjacent to the project site. A red alder riparian forest community is associated with Tunitas Creek. Central California Coast steelhead are known to occur in Tunitas Creek, which they use to migrate to potential spawning habitat upstream of the project site.

In addition to these sensitive habitat areas, the project site provides habitat for several listed species: coastal marsh milk-vetch, Central California Coast steelhead, California Giant Salamander and Santa Cruz Black Salamander, California Red-legged Frog, Western Pond Turtle, San Francisco Garter Snake, Western Snowy Plover, San Francisco Common Yellowthroat, White-tailed Kite, and San Francisco Dusky-Footed Woodrat.

Policy 7.5 (*Permit Conditions*). This policy requires, as part of the development review process, that the applicant demonstrate that there will be no significant impact on sensitive habitats or species. This is achieved by submission of a biological report outlining what resources exist at the project location and how the project may impact those resources. A biological resources report was prepared for this project's CEQA document. The information from that report is available in the project's IS/MND (Attachment D).

Policy 7.9 (*Permitted Uses in Riparian Corridors*). Under this policy trails and scenic overlooks on public land(s), and necessary water supply projects are permitted, subject to the issuance of a CDP. As discussed previously, Tunitas Creek and its associated riparian habitat are within the project footprint and will be impacted by the project.

Construction of the proposed water system will require removal of riparian vegetation and placement of structures within Tunitas Creek and atop the creek bank, including a well head, pump, and pipe to draw water from the creek and transport it to the holding tanks at the top/mid bluff.

The proposed project also includes a loop trail through the southern portion of the project site, from the parking area to the beach. The loop trail will require a stream crossing, which could impact the intermittent stream located in the south quadrant of the site. The loop

trail may also impact riparian scrub vegetation associated with the intermittent and ephemeral streams. The construction of this trail will allow for an alternate route to reach the beach as well as provide scenic views along its entire length.

As discussed earlier, previous attempts to identify a groundwater source on the property have been unsuccessful. The only other water source available is Tunitas Creek. The Parks Department is in the process of obtaining the State permit required to use this water source. As discussed previously, there is a history of unpermitted nighttime activity on the beach. One goal of this project is to establish a permanent Park Ranger's presence at this isolated location to prevent illegal nighttime parties and other criminal activity from continuing to occur at this beach. However, the Ranger's residence requires, per State and County health regulations, a permanent on-site water supply.

Policy 7.10 (*Performance Standards in Riparian Corridors*). This policy requires development permitted in corridors to: (1) minimize removal of vegetation, (2) minimize erosion and runoff by appropriately grading and replanting modified areas, (3) prevent depletion of groundwater supplies and substantial interference with surface and subsurface waterflows and (4) minimize alteration of natural streams. While the final design of the water withdrawal mechanism has not been determined, the applicant (in conjunction with the California Water Resources Control Board (WRCB)) has committed to implementing the necessary measures to restore any disturbed riparian vegetation to avoid habitat loss and erosion. These measures have been included as Conditions of Approval 11 - 14 in Attachment A.

Policy 7.33 (*Permitted Uses (in Habitats of Rare and Endangered Species)*). This policy restricts activities in sensitive habitats to a handful of uses, including pedestrian trails that have no adverse impact on the species or its habitat. As discussed previously, there are a number of listed species that have the potential to utilize portions of the project site as habitat. These species (and their potential to be on or around the areas of construction) are discussed in detail in the CEQA document (Attachment D). Mitigation measures to address potential impacts to these species were proposed in the CEQA document and have been included as Conditions of Approval 3 - 10 in Attachment A.

e. Visual Resources Component

Policy 8.4 (*Cliffs and Bluffs*). This policy prohibits development on bluff faces except public access stairways, where deemed necessary. Bluff top development and landscaping shall be set back from the bluff edge sufficiently far to ensure it is not visually obtrusive when viewed from the shoreline except in special cases where a public facility is required to serve the public safety, health, and welfare.

Currently, access to the beach from the upper portions of the site is via an existing dirt road (approx. 8-10 feet wide) which was cut into the bluff face at some point in the past by a previous property owner. Portions of this existing road traverse through a landslide area. The project proposes to improve this dirt road in order to provide safe vehicular access for County vehicles (for maintenance and emergency response) as well as an integrated staircase for pedestrian access to the beach. In order to improve this existing dirt road, the landslide area must be removed and re-constructed with engineered fill. Then a gravel surface can be placed onto the road cut and the pedestrian stairs constructed. All disturbed areas will be planted with an erosion control seed mix to stabilize the work area and visually restore them to match adjacent undisturbed areas. This work is necessary to provide public access to the shoreline. Alternative locations for this access would require substantial new disturbance of untouched areas with no guarantee of diminished visual impacts.

In addition to the previously discussed ranger's residence, the project also proposes to construct two new buildings (a public restroom and a ranger's office/kiosk), and a small picnic area and lecture amphitheater. All of these structures are proposed in the area currently occupied by the abandoned house. This is intended to reduce the amount of new disturbance on the site. The two buildings will not exceed 12 feet in height and are of a standard design seen at other State and County parks in San Mateo County. The picnic areas and amphitheater will be no higher than waist height and tucked into the hillside. Visibility of these structures should be minimal from the shoreline and because of the use of earthen colored building materials, will not be obtrusive.

Policy 8.5 (*Location of Development*). This policy requires that development be located on a portion of a parcel where it is least visible from State and County Scenic Roads, is least likely to significantly impact views from public viewpoints; and best preserves the visual and open space qualities of the parcel overall. The project site is within the boundaries of the Cabrillo Highway County Scenic Corridor. A significant portion of the project is the construction of a

formal parking area (with stairs leading down to the picnic area) within the Cabrillo Highway right of way. No walls or other visual impediments are proposed that would block views of the ocean. This portion of the project will change the visual character of this portion of the highway. However, the proposed parking will facilitate easier public access to those views by creating safer exiting from the highway (the southbound right turn pocket) and by creating an all-weather surface that vehicles can safely negotiate even in inclement weather.

The proposed ADA compliant walkway from the parking lot down to the picnic area will also alter the existing visual character of the project. However, the use of earthtone materials in the construction of this walkway (as well as the other man-made structures) will mute the impact of this change to a less than significant level. The proposed project concentrates development (and the associated visual changes) to previously disturbed areas of the project parcels. The vast majority of the project parcels will be left undeveloped and in a natural state. Construction of the proposed improvements will facilitate the closing off of existing volunteer trails along the southern portions of the site. These volunteer trails have had a negative impact upon the native vegetation as well as exacerbating erosion issues along the southerly bluff faces, where people have “blazed” their way down to the beach.

Policy 8.6 (*Streams, Wetlands, and Estuaries*). This policy prohibits structural development which will adversely affect the visual quality of perennial streams and associated riparian habitat, except for those permitted by Sensitive Habitats Component Policies. As discussed previously, the project proposes to withdraw water from Tunitas Creek in order to provide a water supply for the proposed Ranger’s residence as well as other park functions. Depending upon the approval from the State Water Resources Control Board, the withdrawal will be either by a well adjacent to the creek or direct intake box within the creek. Water will then be pumped up to storage tanks near to the proposed Ranger residence. This infrastructure will initially be visible until the disturbed areas are revegetated. As discussed previously, this water withdrawal infrastructure is a permitted use under Policy 7.9 (*Permitted Uses in Riparian Corridors*).

Policy 8.9 (*Trees*). This policy prohibits the removal of trees in scenic corridors except as necessary for development approved in compliance with LCP policies and for opening up the display of important views from public places, i.e., vista points, roadways, trails, etc. The project plans indicate 8 – 10 trees will be removed in order to construct the ADA compliant walkway from the parking area down to the Mid-Bluff area. The trees are a mix of Monterey pine and cypress

as well as non-native eucalyptus and fan palm trees. These trees are not readily visible from Cabrillo Highway because they sit below the grade of the existing roadway, so their removal will not be a significant impact when viewed from the highway. The removal of these trees will allow for the construction of this trail which is intended to provide public access to the shoreline. The proposed landscaping plan for this project calls for the planting of Coast Live Oak or Toyon as replacements for the trees removed. Per the County's Significant Tree Regulations, a 1:1 replacement ratio is required for any trees 12 inches in diameter or greater. A condition of approval has been added to reflect this requirement. The final number of replacement trees will be established at the time of final plan preparation.

Policy 8.15 (*Coastal Views*). This policy seeks to prevent development (including buildings, structures, fences, unnatural obstructions, signs, and landscaping) from substantially blocking views to or along the shoreline from coastal roads, roadside rests and vista points, recreation areas, trails, coastal accessways, and beaches. No solid walls or other structures are proposed that will substantially block coastal views either from the highway or along the proposed pedestrian paths down to the shoreline.

Policy 8.17 (*Alteration of Landforms; Roads and Grading*). This policy requires that development be located and designed to conform with, rather than change, landforms. The alteration of landforms as a consequence of grading, cutting, excavating, filling or other development shall be minimized. As discussed previously, there is evidence of a recent landslide in the area of the existing beach access trail. This trail is to be widened to safely accommodate vehicular access to the beach as well as provide a consistent ADA compliant slope. Because of the landslide, this area will be excavated, and a stable slope rebuilt. This will result in the angle of the bluff being slightly reduced at this location. The goal of the grading at this location is to produce a natural appearing slope that blends in with the adjacent, untouched bluff face. Once the erosion control plantings have taken hold, it should be difficult to discern that the bluff face has been altered. With regards to the parking area and the accessible pathway down to the Mid Bluff area, grading will be limited to only those areas necessary to achieve the goal of the project. The vast majority of the project parcels will not be touched or altered by the project.

Policy 8.18 (*Development Design*). This policy requires that development blend and be subordinate to the environment and the character of the area where located. The colors of exterior materials shall harmonize with the predominant earth and vegetative colors of

the site. Materials and colors shall absorb light and minimize reflection. Exterior lighting shall be limited to the minimum necessary for safety. All lighting, exterior and interior, must be placed, designed, and shielded so as to confine direct rays to the parcel where the lighting is located. As discussed previously, there are three proposed buildings – the ranger’s residence, public bathroom, and a small equipment storage building. All three will use natural materials (wood or Hardiboard textured to look like wood) and painted in earthtone colors. The proposed ranger’s residence will be located within a grove of Monterey cypress and pine trees on the north side of the existing driveway. While not invisible, this location and use of materials should reduce the visibility of the building such that it does not distract from the overall open space qualities of the site. Other structures on the site, such as benches and picnic tables, will also employ natural materials and earthtone colors. Moreover, these are the types of structures that the public would expect to see at a formal park facility such as this one.

Policy 8.22 (*Utilities in State Scenic Corridors*). This policy requires that existing overhead distribution lines be undergrounded when they must be relocated in conjunction with street improvements. As discussed in the project description section, the existing power lines adjacent to Cabrillo Highway will be undergrounded as part of the parking lot construction.

f. Hazards Component

Policy 9.3 (*Regulation of Geologic Hazard Areas*). This policy requires the application of certain regulations from the Resource Management (RM) Zoning Ordinance to designated geologic hazard areas, specifically in this instance the Tsunami Inundation Area Criteria. This criteria prohibits the placement of habitable structures within Tsunami Inundation Areas other than park and recreational facilities. The FEMA flood maps for this site indicate that the shoreline area up to the base of the bluffs is within what is commonly referred to as a Tsunami zone. No habitable structures are proposed within the shoreline area.

Policy 9.8 (*Regulation of Development on Coastal Bluff Tops*). This policy permits bluff and cliff top development only if design and setback provisions are adequate to assure stability and structural integrity for the expected economic life span of the development (at least 50 years) and if the development (including storm runoff, foot traffic, grading, irrigation, and septic tanks) will neither create nor contribute significantly to erosion problems or geologic instability of the site or surrounding area. The bluff top structural development proposed by this project (picnic tables, benches, vault toilet, storage

shed) have a relatively low economic life span in comparison to a single-family house. As such, the threshold for evaluating the stability and structural integrity of these bluffs is lower than if the project were the development of a habitable structure. As a point of comparison, the proposed ranger residence is approximately 150 feet away from the bluff top edge, which at that location is less defined. An evaluation of the geotechnical conditions at the project site has been performed in order to determine whether the proposed pathway (from the parking lot to the Mid-Bluff area) and the beach access ramp are feasible.

The 2017 Geotechnical Investigation by Romig Engineers (see Attachment F) states that there is no evidence to suggest that the portion of the bluff on which improvements are proposed has been experiencing bluff retreat. However, due to the underlying soil conditions of the parcel as a whole, the bluffs are experiencing land sliding issues, which will be discussed further under Policy 9.10.

Policy 9.9 (*Regulation of Development in Floodplains*). This policy regulates alterations of stream channels to necessary water supply projects, flood control projects, and wildlife enhancement projects. The portion of Tunitas Creek along the northern border of the project site has a flood zone designation of Zone A (Areas of 100-year flood, no base elevation established).

As discussed previously, the project includes stream withdrawals out of Tunitas Creek to support the ranger's residence. Given the history of unregulated nighttime activities on the beach, the County has determined that a continuous presence at the site to prevent further incidents is essential. This continuous presence can only happen if there is a developed source of water to support the residence. The nature of the stream withdrawal equipment has not been finalized at this time and is subject to the State's Water Resources Control Board oversight which will dictate methods of withdrawal and necessary mitigation measures to prevent exacerbation of any flood hazards that the equipment might generate.

Policy 9.10 (*Geological Investigation of Building Sites*). This policy requires, when appropriate, site specific geotechnical investigations to determine mitigation measures for the remedy of such hazards as may exist for structures of human occupancy and/or employment. The Romig Engineers report addresses the identified landslides on the project site and remediation of those hazards as follows:

Existing Vacant Residence

The existing vacant residence is located near the current bluff face. There are no indications of slope movement/landsliding at this location

during the lifetime of the structure (constructed in approximately 1959), either as sliding along the adjacent bluff face or as deep-seated movement under the structure. However, our air photo interpretation suggests that the currently active landslides along the bluff south of the structure previously (prior to 1943) extended northward and possibly included the structure location. In addition, the shallow swale east (upslope) of the residence adjacent to Highway 1 may have formed as a landslide headscarp graben. The bluff at the residence location is lower than to the south, which would reduce the potential for future landsliding, and there are no indications of deep-seated landslide movement underlying the residence structure since at least 1943.

Road/Path Down to Beach

We have been tasked with recommending one or more geologically feasible access paths or roads to the beach. A previously constructed path originates from north of the existing residence and descends down to the beach. The path is evident on aerial photos, and dates from prior to 1943. We were not able to access the path as it was inaccessible due to vegetation growth. However, as viewed on aerial photographs and from the beach below, the pathway appears essentially unchanged from its initial excavation, including its crossing of the shallow dormant landslide northwest of the existing residence. The slope at this location currently appears to be relatively stable and inclines less steeply than the slope to the south, impacted primarily by deposition of soil onto the path by erosion and gradual gravity movement of soil from the upslope cut. Elsewhere to the south, a potential graded path would require extensive excavation into higher and relatively steeper potentially unstable slopes and/or placement of fill on the downslope side. Thus, in our opinion, the optimum location for the proposed path would be reusing the existing path north of the residence, which would reduce both construction impact as well as future maintenance (although periodic maintenance would be required over time

This report has been reviewed by County staff who have concurred with the report's findings regarding the geotechnical stability of the site. Moreover, it is acknowledged that some of these landslide areas (specifically the pathway from the parking lot to the Mid Bluff area and the access path down to the beach) will need to be excavated and the slopes reconstructed in order to provide safe and stable public access down to the shoreline.

Shoreline Access Component

Policy 10.9 (*Public Safety*). This policy requires the provision of safe access to the following shoreline destinations which are large enough to

accommodate public safety improvements and public use: (1) beaches which are large enough to provide space for easy retreat from normal tidal action, (2) bluffs which are large enough and of a physical character to accommodate safety improvements and which provide room for public use as a vista point, and (3) beaches and bluffs designated appropriate for public use in the Site Specific Recommendations for Shoreline Destinations (Table 10.6). This policy also discourages the public use of access trails which are hazardous because safety improvements have not been provided or cannot be built due to physical limitations. Specifically, close undeveloped trails which are hazardous when an alternative safe existing or potential access is available for the same beach or bluff.

The project site was previously identified as having a high potential to provide safe public access to the shoreline in Table 10.6 of the LCP. The beach is large enough to provide easy retreat from tidal action. The bluff location where the access ramp down to the beach can, with the previously discussed grading, easily accommodate ADA compliant access down to the sand. Also, the project complies with the second part of this policy with regards to the closing off and restoration of the hazardous “undeveloped” trails that traverse the project parcel to the south of the proposed improvements.

Policy 10.19 (*Maintenance*). In order to eliminate trash and debris, provide trash cans and keep trails safe for public use in new or improved public areas. One of the primary reasons that the access ramp (with its associated bluff reconstruction) down to the beach is needed is to allow for park rangers to access trash cans and generally clean the beach as needed.

Policy 10.21 (*Access for the Disabled*). This policy states “In all areas where topography permits, provide shoreline access for the disabled by building paths and ramps for wheelchairs without altering major landforms”. The design of this project and a significant amount of the proposed grading is to provide ADA compliant access down to the shoreline. Because of the steep topography from the parking area down to the Mid-Bluff area, the trail will need to incorporate a number of switchbacks with level landings at the turning points, consistent with ADA requirements. The same considerations have partially dictated the proposed improvements to the beach access ramp. To reduce the grade of this existing trail, the toe will be extended out slightly from its current end point and widened to provide safer access. The widening of the trail will necessitate the reconstruction of this portion of the bluff as previously discussed. As proposed, the project will be consistent with this policy.

Policy 10.22 (*Parking*). This policy states, in part “Locate new parking facilities on sites where it is possible to blend them into the landscape or screen them by topography or vegetation”. At the present time, there is no

official parking area for accessing Tunitas Creek. Most visitors generally park in the large pull-out area alongside Highway 1 and then hike down one of the several volunteer trails down the bluffs to the beach. The project will create a formal parking area with landscaping. This location will, by its nature, be visually prominent. However, an extensive landscaping plan for this area is proposed. This landscape plan has a dual function of softening the visual impact of the parking area as well as provide bioretention of stormwater flows during storms. With these measures in place, the project complies with this policy.

Policy 10.38 (*California Coastal Trail*). This policy states that the Coastal Trail (CCT) is intended to (1) provide a continuous walking and hiking trail as close to the ocean as possible; (2) ensure that the trail has connections to trailheads, parking areas, interpretive kiosks, inland trail segments, etc., at reasonable intervals; and (3) maximizes ocean views and scenic coastal vistas. This project includes a trail, running the length of the parking area, that is intended to be a segment of the CCT. Connecting trails down to the shoreline will provide a safe opportunity for the public to access the coast and will maximize ocean views and scenic vistas. As such, this project is an important link in the eventual completion of the CCT.

g. Recreation/Visitor-Serving Facilities Component

Policy 11.24 (*Priorities for the Expenditure of Public Funds*). This policy encourages the use of County funds to acquire and develop for recreational use, lands which would introduce a public recreation area into a section of the Coastal Zone where no public recreation areas now exist. The County has worked collaboratively with the Peninsula Open Space Trust to acquire the subject parcels and develop the plans for this proposed County Park. The proposal is consistent with this policy.

3. Compliance with San Mateo County Zoning Regulations

The Coastal Act of 1976 requires that the County's Local Coastal Program (LCP) include zoning ordinances, zoning district maps and any other actions necessary to implement the requirements of the Coastal Act in San Mateo County. To that end, all projects, including government projects, must show compliance with not only the LCP, but with the applicable zoning regulations. As discussed previously, the project site includes two different zoning districts – Resource Management-Coastal Zone and Planned Agricultural Development. Project compliance with the RM-CZ regulations shall be discussed first.

Compliance with RM-CZ Zoning Regulations

Section 6905 - *Permitted Uses*. Within the RM-CZ district, Public Recreation is a permitted use.

Section 6912.2 - *Site Design Criteria*.

- (b) *All roads, buildings and other structural improvements or land coverage shall be located, sited and designed to fit the natural topography and shall minimize grading and modification of existing landforms and natural characteristics.*

As discussed previously, the project will involve grading in three distinct areas: the parking lot, the accessible path down to the Mid-Bluff area and slide repair along the beach access ramp. The grading has been designed to maintain existing topography as much as possible and is focused on just the areas where improvements are proposed. The proposed Ranger's residence will be tucked into an existing flat area pad area and screened from view by existing and proposed trees and vegetation.

- (e) *All development shall be sited and designed to minimize the impacts of noise, light, glare and odors on adjacent properties and the community-at-large.*

The County intends to restrict park usage to daylight hours, consistent with the Parks Department's standard operating procedures for non-camping parks. Ground level lighting will be provided along the accessible pathway to assist users exiting the park in the evening. Light levels in the park will be kept low after hours to provide for safety/security but are not intended to promote nighttime use of the park. All outdoor lighting fixtures will be downward casting. Motion sensors will be installed to intensify light levels when movement is detected. Light associated with the ranger residence will be similar to existing rural residential uses in the project vicinity.

- (h) *The development shall employ colors and materials which blend in with, rather than contrast with, the surrounding soil and vegetative cover of the site. In grassland, or grassland/forest areas, all exterior materials shall be of the same earth and vegetative tones as the predominant colors of the site (as determined by on-site inspections). Highly reflective surfaces and colors are discouraged.*

The project will utilize natural materials (wood, painted metal) or textured man-made materials (Hardi-board) and earth tone or neutral (concrete for example) colors for all structures. No highly reflective or bold colors will be used.

Compliance with PAD Zoning Regulations

a. Permitted Uses

Section 6353 - *Uses Permitted Subject To The Issuance Of A Planned Agricultural Permit*. This policy outlines permitted used on non-prime agriculturally zoned lands. The parcel that comprises the southern portion of the project site is zoned Planned Agricultural Development (PAD). However, there is no evidence that agriculture has been practiced on this parcel in over 50 years. Nor is there evidence that the adjacent parcels to the north and south have been used for agriculture during that period. Subsection B(4) (*Uses permitted on "Lands Suitable for Agriculture" and "Other Lands"*) lists Public Recreation Trails as a permitted use subject to the Issuance of a Planned Agriculture Permit. The only portion of the overall project that will occur on the southern parcel is the Muscle Rock loop trail which will begin at the southern end of the parking lot and then loop around, following the existing contours to a point at the southern end of the beach.

b. Substantive Criteria for Issuance of a Planned Agricultural Permit

Section 6355 - *Substantive Criteria for Issuance of a Planned Agricultural Permit*. Each application for conversion of PAD zoned land must be found consistent with the following criteria:

General Criteria

- (1) *The encroachment of all development upon land which is suitable for agricultural use shall be minimized.* The entire project area is extremely rugged with no real flat areas. The entire project site is unsuitable for active agricultural use due to the topography and the presence of sensitive habitat at various locations on the parcel. The soil is highly erodible and generally unsuited for traditional row crops.
- (2) *All development permitted on a site shall be clustered.* The nature of the proposed use does not necessarily lend itself to clustering as is typical with structural development. But the areas proposed for trail development/improvement is already partially disturbed by past land use on the site (Old Ocean Shore Railroad right-of-way, construction

of Cabrillo Highway) and as stated previously, no agriculture is practiced on the project site.

Water Supply Criteria

The existing availability of an adequate and potable well water source shall be demonstrated for all non-agricultural uses and be located on that parcel. As discussed previously, there are no potable water sources on the project site, at this time. However, unlike other non-agricultural uses (such as residential uses), the proposed hiking trail does not require a potable water source as part of its plan of operation. The expectation is that people wishing to hike the trail will bring their own water with them.

Criteria for the Conversion of Lands Suitable for Agriculture and Other Land

All lands suitable for agriculture and other lands within a parcel shall not be converted to uses permitted by a Planned Agricultural Permit unless all of the following criteria are met:

- (1) *All agriculturally unsuitable lands on the parcel have been developed or determined to be undevelopable.* As stated above, the entire project area is extremely rugged with the only relatively flat areas around the old residence (Mid-Bluff area). The entire project area is unsuitable for active agricultural use due to the lack of a viable water supply, the topography and the presence of sensitive habitat.
- (2) *Clearly defined buffer areas are developed between agricultural and non-agricultural uses.* As stated previously, there is no active agriculture occurring on the parcels to the north and south of the project site. Cabrillo Highway effectively provides a buffer between the low intensity grazing activities on the east side of the Highway and the project site.
- (3) *The productivity of any adjacent agricultural lands is not diminished, including the ability of the land to sustain dry farming or animal grazing.* As stated previously, there is only low intensity cattle grazing occurring on the lands to the east of Cabrillo Highway. There is no evidence to suggest that construction and usage of the Muscle Rock trail will result in a loss in productivity on these lands.
- (4) *Public service and facility expansions and permitted uses do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.* As stated previously, there is limited, low intensity cattle grazing occurring to the east of the project site. The entire project site is publicly owned by the County, and its use as a public park will not result in an increase of assessment costs

to surrounding land, or have an adverse impact on agricultural viability.

4. Compliance with the County Grading Ordinance

The Coastal Act of 1976 requires that the County's Local Coastal Program (LCP) include, in addition to zoning ordinances as discussed above, grading regulations as these regulations are also necessary to implement the requirements of the Coastal Act in San Mateo County. To that end, all projects, including government projects, must show compliance with not only the LCP, but with the County's grading regulations.

Section 9284 (*Exemptions*) of the County Grading Regulations exempts work conducted in any County Street, land, or right of way when the work is for a public facility, public utility or other public purposes, or is controlled by other permits. A significant portion of the proposed grading will occur within the CalTrans right of way for Cabrillo Highway. This work will require an encroachment permit from CalTrans and must meet their requirements for grading, drainage, and construction within the State right of way. For those portions of the grading that are on County owned land, the purpose of the proposed grading is to construct a public recreation facility, where the discretionary approval is controlled by a Coastal Development Permit. Therefore, the proposed grading activities are exempt from the need to obtain a separate grading permit.

B. ENVIRONMENTAL REVIEW

The County prepared an Initial Study and Mitigated Negative Declaration, with a public review period of September 2, 2021, to October 1, 2021. The County addressed comments received in the Final Initial Study/Mitigated Negative Declaration (included as Attachment D). The Board of Supervisors certified the Mitigated Negative Declaration on December 14, 2021.

C. REVIEWING AGENCIES

California Coastal Commission
California Department of Fish and Wildlife
CalTrans
Regional Water Quality Control Board
U.S. Fish and Wildlife Service
MidPeninsula Regional Open Space District
SMC Building Department – Geotechnical Review Section
SMC Building Department – Drainage Review Section
Department of Public Works
Environmental Health Services
San Mateo County Fire

As of the publication of this report, Staff has only received comments from the California Coastal Commission on the project referral, which the applicant's consulting team has responded to below.

(Please note: Due to the length of the comments and responses, both have been summarized below. The full response document from the applicant's consultant is included as Attachment G of this staff report.)

CCC Comment 1. Bluff Development - *We raised concerns with Policy 8.17 which requires that development be located and designed to conform with, rather than change, landforms and that the alteration of landforms as a consequence of grading, should be minimized. We also asked for an alternatives analysis and a full hazards analysis as required by Policy 9.8. Please provide a complete alternatives analysis that describes what alternative paths were considered that involve less grading and shorter pathways so as to limit the alteration of the bluff and in order to determine what the least environmentally damaging feasible alternative, and most LCP consistent project, is in this case.*

Applicant's response: The proposed design of the project seeks to remain within the area that was developed in the 1950's for use as a residence. To construct the residence, the previous developers installed a paved roadway to the mid bluff where they graded the area to construct the home, driveway, and patio area. Additionally, they graded a non-paved roadway from the mid bluff to the beach. Accessing the beach at this location is difficult as the elevation change from State Route 1 to Tunitas Creek Beach is approximately 150 feet. The bluffs along this segment of the coast are nearly vertical except near the throat of Tunitas Creek where landform processes have reduced their steepness. Thus, the original developers of the residence at the site took advantage of this topography when they constructed the access road to the beach. For this project, the road serves as access for people walking toward the beach as well as for vehicles responding to emergencies. Thus, it must be at least 10 feet in width and reasonably smooth to accommodate a vehicle such as an ambulance.

While it is possible to provide an alternative roadway to the beach, such a route would have to be much steeper than the existing roadway. This would require extensive grading and vegetation removal to create a roadway that is about 10 feet wide, relatively smooth, and has a running slope of no more than 20%. Furthermore, as the bluff face is nearly vertical, constructing this alternative roadway would require significant earthwork to reach the beach. The stability of the slope is a key in planning for the project's features. For instance, routing the roadway to the beach south of the existing house is complicated by the presence of an active slide. Constructing the roadway along this route would require remedial grading to stabilize the bluff. Please note that the existing roadway is also located on a slide area, but it is dormant. The project proposes to stabilize this slide to ensure the public's access for the foreseeable future.

(Construction of the) alternative route increases the area of disturbance as it requires re-grading of the slope on both sides of the path. Furthermore, it will be visually impactful as it will require both cutting and filling of the existing bluff creating an unnatural profile that is inconsistent with LCP policy 8.18

While the proposed project does re-grade the bluff downslope, it does so by matching the general contours of the bluff only with a slight adjustment in the profile. As previously noted, a key to the project is to ensure the public's access to the beach without traveling along unsafe segments of the bluff creating erosion and damage to environmental resources. Buttressing the slope as included in the project enhances its stability supporting the economic life span of the project consistent with LCP Policy 9.8

Comment 2. Coastal Hazards – *As mentioned above, we also asked for a full hazards analysis as required by LUP policy 9.8 which requires that development on bluffs be allowed only if designed and set back adequately to assure stability and structural integrity for the expected economic life span of the development (which the LCP measures as at least 50 years). Additionally, LCP Policy 9.8(b) requires the submittal of a site stability evaluation report. Given the project is located on a bluff face with a large active slide along the northeast side of the property this area would qualify as a hazardous area as defined by policy 9.1 and would require a full analysis meeting the above-mentioned requirements of LUP Policy 9.8. Please provide an analysis in order to be able to evaluate the proposed siting and design of the ranger residence and the amphitheater on the mid-bluff in addition to the parking/view area on the upper bluff.*

Applicant's response: Please find attached an evaluation of geotechnical alternatives for the Tunitas Creek Beach project. This report addresses existing hazards and potential mitigations consistent with LCP Policy 9.8. The evaluation has the following conclusions:

- The potential of surface rupture due to primary faulting at the site is considered low.
- Significant ground acceleration is possible due to seismic event.
- The potential for liquefaction is low.
- The potential for lateral spreading is low.
- The potential for seismically induced subsidence is low.
- The potential for ground lurching due to a seismic event is low.
- There are mapped older, recent, and active landslides on the property. These slides as well as bluff erosion could be exacerbated by future sea level rise scenarios. The attached sea level rise assessment illustrates the potential encroachment of wave action resulting from the 100-year event and future

ocean levels in 2070 and 2100. In both cases waves will reach the bluff as it exists today.

The project evaluated repairing these landslides, however it was concluded that it is not feasible and economically impractical. Many of the dormant slides are deep. To repair these slides would require extensive excavation which would require removal and reconstruction of much of the bluff. This would be expensive and disrupt a large area of the bluff and beach. Thus, the project relies on the following elements to mitigate earth movement as well as prevent damage from landslides:

1. Buildings are not placed on active landslides.
2. Major improvements are set back from the bluff edge.
3. The project integrates drainage features designed to prevent concentration of runoff on slopes, which lead to erosion and landslide.
4. The project does not add fill on the existing terrain that could add weight, which could contribute to slope failure.
5. Site paving is limited to ensuring accessible access to the Park.
6. Buildings are prefabricated units placed on rigid foundations. These building are brought to the site nearly complete and can be moved as needed. The following figure illustrates a potential restroom.

Comment 3. *Biological Resources* – *Staff raised concerns regarding biological resources give that the project description proposes development that includes a 4-foot-wide unpaved trail that would require a stream crossing either via a rock ford or a clear-span bridge, along with vault toilets and associated treatment system and storage, a proposed water system that would require removal of riparian vegetation or placement of structures within Tunitas Creek and a beach boardwalk which would all be within the 100-year flood hazard area and through/adjacent to sensitive habitats.*

The contractor's response acknowledges that impacts to Tunitas Creek and its associated riparian vegetation are anticipated to accommodate proposed water supply infrastructure for the ranger residence. While policy 7.9 allows necessary water supply projects in riparian corridors, as mentioned above, staff would like to review alternatives to ranger residence placement. Additionally, LUP Policy 11.12

states that recreation and visitor-serving facilities can be permitted uses adjacent to sensitive habitats only when (1) there is adequate distance or separation by barriers such as fences, (2) the habitat is not threatened, and (3) there would not be substantial impacts on habitat, topography, and water resources. Development standards and management practices must be adequate to protect the resources, consistent with Policy 11.18 and the Sensitive Habitats Component. The County should provide more information to support and be consistent with the aforementioned LCP policies.

Applicant's response: The following are specific responses to the above comments:

- Boardwalk. County Parks has deleted this element from the project.
- Loop Trail. The loop trail crosses an intermittent watercourse. Per Policy 7.9, "trails and scenic overlooks on public land" are a permitted use in riparian corridors.

The development of a ranger residence on the site resulted from the public's request to have a permanent on-site presence to prevent poaching, vandalism, and damage to environmental resources at Tunitas Creek Beach. During the outreach process, stakeholders felt it was imperative to have a 24-hour presence at the site. The design process developed a location for the residence that was on a stable portion of the site and was located away from prominent visitor amenities. The house will not be visible from State Route 1.

As required by the LCP, a residence cannot be constructed without a water supply. County Parks installed test wells but was unable to find ground water at the site. Other options were explored including harvesting, storing, and treating of rainwater, but this is currently not permitted under the regulations of the State of California. Trucking water and storing it at the site is not allowed under County regulations. Thus, the project proposes extracting water as allowed by the LCP and the Water Resources Control Board from Tunitas Creek.

As Tunitas Creek is a perennial stream, the buffer will be 50 feet. Access to the extraction system will only be required during installation and during annual maintenance. This work will be supervised by biologists to ensure environmental resources are not disrupted. The extraction system features a baffle system to prevent ingestion of wildlife.

The proposed project within the Tunitas Creek buffer is consistent with Policy 7.12 of the LCP, as a residential use is allowed on the property and there is no other source of potable water. Policy 7.12 states the following:

Within buffer zones, permit only the following uses: (1) uses permitted in riparian corridors; (2) residential uses on existing legal building sites, set back 20 feet

from the limit of riparian vegetation, only if no feasible alternative exists, and only if no other building site on the parcel exists;

Finally, County Parks will operate and maintain the Tunitas Creek Beach Park consistent with its Routine Maintenance Program Manual (Maintenance Manual) dated July 2020. This manual provides guidance for protection of biological resources, vegetation management, and repairs of park facilities.

Comment 4. Cultural Resources - *Staff encouraged the County to reach out to the appropriate Native American representatives via other methods such as phone call or email. While the County of San Mateo has conducted outreach pursuant to the consultation requirements of AB 52, we still encourage the County to attempt other methods of communication other than a formal notification by mail.*

Applicant's response: County Parks is currently collaborating with local tribes to integrate a land acknowledgement sign into the project.

ATTACHMENTS

- A) Recommended Findings and Conditions of Approval
- B) Location Map
- C) Project Plans
- D) Final Initial Study/Mitigated Negative Declaration
- E) Project Biotic Resources Report
- F) Project Geotechnical Investigation and Geologic Feasibility Study
- G) Parks Department Response memo to Coastal Commission comments

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County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Project File Number: PLN 2021-00485

Hearing Date: October 12, 2022

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Senior Planner

For Adoption By: Planning Commission

RECOMMENDED FINDINGS

Regarding the Environmental Review, Find:

1. That, the Mitigated Negative Declaration adopted by the Board of Supervisors on December 14, 2021, adequately analyzes the proposed project pursuant to the California Environmental Quality Act ("CEQA"), and that no subsequent environmental review is required pursuant to CEQA Guidelines Section 15162 (*Subsequent EIRs and Negative Declarations*).

Regarding the Coastal Development Permit, Find:

2. That the project, as described in the application and accompanying materials required by Zoning Regulations Section 6328.7 and as conditioned in accordance with Section 6328.14, conforms with the plans, policies, requirements, and standards of the San Mateo County Local Coastal Program with regards to the protection of biotic and visual resources, as well as shoreline access and recreation resources.
3. Where the project is located between the nearest public road and the sea, or the shoreline of Pescadero Marsh, that the project is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Section 30200 of the Public Resources Code) and Chapter 3 of the Coastal Act of 1976. As discussed throughout the staff report, the intended purpose of the project is to provide safe public access to Tunitas Beach where no authorized access currently exists.
4. That the project conforms to the specific findings required by policies of the San Mateo County Local Coastal Program. As discussed in Section A (2) of this staff report, protection measures will be implemented to prevent any impact to biological resources, including San Francisco garter snake and California red-legged frog.

RECOMMENDED CONDITIONS OF APPROVAL

Current Planning Section

1. The approval applies only to the proposal as described in this report and materials submitted for review and approval by the Planning Commission on October 12, 2022. The Community Development Director may approve minor revisions or modifications to the project if they are found to be consistent with the intent of and in substantial conformance with this approval.
2. **Mitigation Measure AIR-1:** In order to meet the BAAQMD fugitive dust threshold, the following BAAQMD Basic Construction Mitigation Measures shall be implemented:
 - a) Any exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - b) All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - d) All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - e) All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - f) Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - g) All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
 - h) Post a publicly visible sign with the telephone number and person to contact at the County of San Mateo Parks Department regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

3. **Mitigation Measure BIO-1:** To the extent feasible, the previously mapped CNDDDB occurrences of the coastal marsh milk-vetch shall be avoided and set back from the proposed project development by at least 50 feet.
- a) Prior to the initiation of construction activities, a qualified botanist shall conduct protocol-level surveys to verify the absence of the special-status plant species listed on Table A: Special-Status Species Evaluated for the Project of the Initial Study. The surveys shall be conducted in accordance with the California Department of Fish and Wildlife (CDFW's) *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities*. A series of pre-construction special-status plant surveys shall be conducted multiple times during the growing season to account for both early and late-blooming plant species. The surveys shall be conducted by a qualified biologist within the proposed project footprint and within a 50-foot buffer to allow for assessment of required avoidance setbacks from any special-status plants identified. The proposed project shall be at least 50 feet away from any special-status plant detected during pre-construction surveys. The previously mapped occurrences of coastal marsh milk-vetch shall be avoided and set back from the proposed project development by at least 50 feet.
 - b) If special-status plants are found in the project site, the population size and occupied area of special-status plant populations identified during the field survey, and with potential to be impacted, will be estimated. A "population" will be defined as the group of individuals of a species present within a 0.10-mile radius. In addition, the population shall be photographed and flagged to maximize avoidance, as well as to estimate the percentage of the population affected. If feasible, the project shall be redesigned or modified to avoid direct and indirect impacts on special-status plant species.
 - c) Special-status plants to be avoided shall be protected from disturbance by installing environmentally sensitive area fencing (orange construction barrier fencing or a suitable alternative). Protective fencing shall be installed under the direction of a qualified biologist as necessary to protect the plant and its habitat; where feasible, the environmentally sensitive area fencing shall be installed at least 50 feet from the edge of the population. The location of the fencing shall be shown on the site plans and marked in the field with stakes and/or flagging. The specifications shall contain clear language that prohibits construction activities, vehicle operation, material and equipment storage, and other surface disturbing activities within the fenced environmentally sensitive area.
 - d) If impacts to special-status plants are unavoidable and less than 5% of a population would be impacted, prior to any ground-disturbing activities, the County shall preserve the seed bank within the impact area by removing and retaining the topsoil prior to the implementation of construction activities.

Following completion of construction, the County shall monitor the impact area for two years. Any non-native invasive plant species occurring within this area during the monitoring period shall be removed under the supervision of a qualified biologist.

- e) If appropriately timed focused botanical surveys cannot be conducted prior to construction activities in areas identified by a qualified biologist as potentially supporting listed plants, then the County will assume presence of the plant species in question.
4. **Mitigation Measure BIO-2:** If trees within the Monterey pine forest are impacted (trimmed or removed), a focused monarch butterfly survey shall be conducted to determine if monarchs roost in the on-site trees. If found, potential impacts to the trees shall be avoided, especially during the winter when monarchs are more likely to be present. The following measures, as adapted from the County of San Mateo Routine Maintenance Program Environmental Impact Report, shall be considered in order to avoid potential impacts to existing or suitable roost sites:
- a) If, based on a review of current CNDDDB records or the latest information available from the Xerces Society (<https://xerces.org/state-of-the-monarch-butterfly-overwintering-sites-in-california/>) historically or currently occupied overwintering habitat for the monarch butterfly is determined to exist in or adjacent to the work area where ground disturbing activities are planned to occur, the County shall implement applicable protection measures as follows:
 - b) Areas supporting overwintering habitat for the monarch butterfly shall be identified by a qualified biologist and maintenance activities during fall and winter months when monarch butterflies are present shall be avoided to the extent practicable.
 - c) Historically or currently occupied trees/groves shall be protected from disturbance by the establishment of a 100-foot buffer zone around the tree/grove. The buffer shall be measured from the outside edge of the dripline of the monarch grove. If maintenance activities within 100 feet of a historically or currently occupied tree/grove are unavoidable, the County shall prepare and implement an impact minimization plan in consultation with the U.S. Fish and Wildlife Service (USFWS).
 - d) No herbicides or pesticides shall be applied to the buffer area, and to the extent feasible, maintenance personnel and equipment shall not operate within such areas.

5. **Mitigation Measure BIO-3:** For ground-disturbing activities within and in proximity to creeks or within riparian woodlands or riparian scrub habitats, the following measures shall be implemented to reduce potential impacts to special-status amphibian and reptile species, including California red-legged frog, San Francisco garter snake, California giant salamander, Santa Cruz black salamander, and western pond turtle. Where applicable, these measures were adapted from the County of San Mateo Routine Maintenance Program Environmental Impact Report.
- a) A qualified biologist shall conduct employee education training for personnel working on construction or demolition activities. Personnel shall be required to attend the presentation, which shall describe the life cycles and ecology of the California red-legged-frog, San Francisco garter snake, California giant salamander, Santa Cruz black salamander, western pond turtle, and all other special-status species that could occur on the project site. The training shall also include materials concerning the following topics: sensitive resources, resource avoidance, permit conditions, and possible consequences for violations of State or Federal environmental laws. The training shall cover the mitigation measures, environmental permits, and regulatory compliance requirements, as well as the roles and authority of the monitors and biologists. Printed training material and an attendance sheet shall be provided at the session.
 - b) Prior to implementation of construction work, the County or County's biologist shall submit to the USFWS and CDFW for its review and approval the qualifications of proposed wildlife biologists who will perform pre-activity surveys and on-site monitoring.
 - c) No more than 24 hours prior to the date of initial ground disturbance, a pre-activity survey for the California red-legged frog, San Francisco garter snake, California giant salamander, Santa Cruz black salamander, and western pond turtle shall be conducted by a qualified biologist in the construction area. The survey shall consist of walking the work area limits to ascertain the possible presence of the species. The qualified biologist shall investigate all potential areas that could be used by these species, including examination of mammal burrows. If any adults, subadults, juveniles, tadpoles, or eggs are found, the qualified biologist shall contact the USFWS and/or CDFW to determine if moving any of the individuals is appropriate. If the USFWS/CDFW approves moving animals, the biologist and USFWS/CDFW shall identify a suitable relocation site, and the County shall ensure the qualified biologist is given sufficient time to move the animals from the work site before ground disturbance is initiated. Only qualified biologists shall capture, handle, and monitor the California red-legged frog, San Francisco garter snake, California giant salamander, Santa Cruz black salamander, and western pond turtle.
 - d) To minimize harassment, injury, death, and harm to these species, one of the following two measures shall be implemented:

- (1) An approved, qualified biologist(s) shall be on-site during all initial construction activities, such as clearing and grubbing of vegetation that may result in take of or impacts to the California red-legged frog, San Francisco garter snake, California giant salamander, Santa Cruz black salamander, and western pond turtle as determined by the biologist; or
 - (2) Prior to pre-activity surveys, personnel shall enclose the work area with an exclusion fence with a minimum height above grade of 42 inches. Where installation of exclusion fencing completely around the work area is not feasible, exclusion fencing shall be installed between the work area and any adjacent vegetation or sensitive habitat where special-status wildlife species could occur. The bottom of the fence shall either be buried a minimum of 6 inches below ground or otherwise secured in a manner approved by the USFWS/CDFW and shall remain in place during all construction activities in order to prevent special-status amphibians and reptiles from entering the work area. Escape ramps, funnels, or other features that allow animals to exit the work area, but which will prohibit the entry of such animals, shall be provided in the exclusion fencing. A qualified biologist shall conduct a pre-activity survey of the fence installation area immediately prior to (i.e., the day of) the commencement of installation and shall be present to monitor fence installation. The exclusion fencing shall be inspected daily by construction personnel and maintained for the duration of the project.
- e) The qualified biologist(s) shall be given the authority to freely communicate verbally, by telephone, electronic mail, or in writing at any time with construction personnel, any other person(s) at the work area, otherwise associated with the construction work, the USFWS, the CDFW, or their designated agents. The qualified biologist shall have oversight over implementation of all mitigation measures and shall have the authority and responsibility to stop work activities if they determine any of the associated requirements are not being fulfilled. If the qualified biologist(s) exercises this authority, the USFWS/CDFW shall be notified by telephone and electronic mail within 24 hours.
- f) The project shall minimize adverse impacts to the California red-legged frog, San Francisco garter snake, California giant salamander, Santa Cruz black salamander, and western pond turtle by limiting, to the maximum extent possible, the number of access routes, ground disturbance area, equipment staging, storage, parking, and stockpile areas. Prior to initiating construction work that involves ground-disturbing activities, equipment staging areas, site access routes, sediment removal, and transportation equipment and personnel parking areas, debris storage areas, and any other areas that may be disturbed shall be identified, surveyed by the qualified biologist, and clearly identified with fencing. The fencing shall be inspected by construction personnel and maintained daily until construction is complete.

- g) To the extent feasible, construction activities shall be conducted from April through October during the dry season when these semi-aquatic species are less likely to be found in a work area. To the extent practicable, ground-disturbing activities shall be avoided from October through April because that is the time period when California red-legged frogs and other semi-aquatic species are most likely to be moving through upland areas. When ground-disturbing activities occur between November 1 and March 31, the County shall ensure that daily monitoring by the qualified biologist is completed for California red-legged frogs and other special-status amphibians and reptiles.
- h) To avoid harassment, injury, death, and harm to individual San Francisco garter snakes, immediately prior to (i.e., the day of) the initiation of construction activities that have potential for take of the San Francisco garter snake, a USFWS and CDFW-approved biologist shall conduct daytime surveys throughout the project site. The approved biologist shall be present during initial ground-disturbing activities (i.e., clearing and grubbing) within 250 feet of the work area to monitor for individual garter snakes. If a San Francisco garter snake is observed within the work area, either during the pre-activity survey or at any time, activities that could potentially harm the individual shall cease and the USFWS and CDFW shall be contacted immediately. Work shall not recommence without written approval from CDFW. The on-site biologist shall be the contact for any employee or contractor who might inadvertently kill or injure a garter snake or anyone who finds a dead, injured, or entrapped San Francisco garter snake.
- i) For vegetation removal in suitable San Francisco garter snake habitat, vegetation shall be cut down to 3 inches by hand-tools (weedwhacker, etc.). Once the ground is visible, a visual survey for San Francisco garter snakes shall be conducted. If no special-status amphibians or reptiles are found in the area, removal of vegetation may continue very slowly with a biological monitor walking in front of the equipment to observe.
- j) When a California red-legged frog, San Francisco garter snake, California giant salamander, Santa Cruz black salamander, or western pond turtle is encountered in the work area, all activities that have the potential to result in the harassment, injury, or death of the individual shall be immediately halted. The qualified biologist shall then assess the situation in order to select a course of action that shall avoid or minimize adverse impacts to the animal. To the maximum extent possible, contact with the animal shall be avoided and the individual shall be allowed to move out of the work area to a secure location on its own volition.
- k) California red-legged frogs, San Francisco garter snakes, California giant salamanders, Santa Cruz black salamanders, and western pond turtles that are in danger shall be relocated and released by the qualified biologist outside the work area within the same riparian area or watershed. If relocation of the

individual outside the work area is not feasible (i.e., too many individuals are observed per day), the biologist shall relocate the animals to a USFWS/CDFW pre-approved location. Prior to the initial ground disturbance, the County shall obtain approval of the relocation protocol from the USFWS/CDFW in the event that a California red-legged frog, San Francisco garter snake, California giant salamander, Santa Cruz black salamander, or western pond turtle is encountered and needs to be moved away from the work site. Under no circumstances shall the animal be released on a site unless the written permission of the landowner has been obtained by the County. The qualified biologist shall limit the duration of the handling and captivity of the animals to the minimum amount of time necessary to complete the task. If the animal must be held in captivity, it shall be kept in a cool, dark, moist, aerated environment, such as a clean and disinfected bucket or plastic container with a damp sponge. The County shall immediately notify the USFWS and CDFW once the animal and the site is secure.

- l) If California red-legged frog egg masses are present and work cannot be postponed until after hatching, a buffer of vegetation at least 10 feet in diameter shall be left around any egg masses found. The County shall keep a record of any sites where egg masses are found and will conduct vegetation removal between June 15 and October 15. Work within the channel shall be avoided in order to avoid dislodging egg masses. Construction activities shall be performed from the banks.
- m) If California giant salamander eggs or larvae are found, the qualified biologist shall establish a buffer around the location of the eggs/larvae and work may proceed outside of the buffer zone. No work shall occur within the buffer zone. Work within the buffer zone shall not occur until the time that eggs have hatched and/or larvae have metamorphosed, or the County shall contact CDFW to develop site appropriate avoidance and minimization measures.
- n) If an active western pond turtle nest is detected within the activity area, a 10-foot buffer zone around the nest shall be established and maintained during the breeding and nesting season (April 1 – August 31). The buffer zone shall remain in place until the young have left the nest, as determined by a qualified biologist.
- o) To minimize harassment, injury, death, and harm in the form of temporary habitat disturbances, all vehicle traffic shall be restricted to established roads, sediment removal and access areas, equipment staging, storage, parking, and stockpile areas. These areas shall be included in pre-activity surveys and, to the maximum extent possible, established in locations disturbed by previous activities to prevent further adverse impacts. Vehicles shall observe a 20-mile per hour speed limit within work areas, except on Highway 1. Off-road traffic outside of designated and fenced work areas shall be prohibited.

- p) A litter control program shall be instituted at the project site. All workers shall ensure their food scraps, paper wrappers, food containers, cans, bottles, and other trash are deposited in covered or closed trash containers. The trash containers shall be removed from the site at the end of each working day.
- q) For on-site storage of pipes, conduits and other materials that could provide shelter for special-status amphibians and reptiles, materials shall be securely capped prior to storage, or an open-top trailer will be used to elevate the materials above ground. This method is intended to reduce the potential for animals to climb into the conduits and other materials.
- r) To the maximum extent practicable, no construction activities shall occur during rain events or within 24-hours following a rain event. Prior to maintenance activities resuming, a qualified biologist shall inspect the work area and all equipment/materials for the presence of special-status amphibians and reptiles. The animals shall be allowed to move away from the work site of their own volition or moved by the qualified biologist.
- s) To the maximum extent practicable, night-time construction activities shall be minimized or avoided by the County. Because dusk and dawn are often the times when the California red-legged frog most actively moving and foraging, to the maximum extent practicable, earth-moving and other project activities shall cease no less than 30 minutes before sunset and shall not begin again prior to 30 minutes after sunrise. Artificial lighting in the work area shall be prohibited during the hours of darkness.
- t) Plastic monofilament netting (erosion control matting), loosely woven netting, or similar material in any form shall not be used at the project site because amphibians and reptiles can become entangled and trapped in them. Any such material found on site shall be immediately removed by the qualified biologist, maintenance personnel, or County contractors. Materials utilizing fixed weaves (strands cannot move), polypropylene, polymer or other synthetic materials shall not be used.
- u) Trenches or pits 1-foot or deeper that are going to be left unfilled for more than 48 hours shall be securely covered with boards or other material to prevent special-status amphibians and reptiles from falling into them. If this is not possible, the County shall ensure wooden ramps or other structures of suitable surface that provide adequate footing for the animal are placed in the trench or pit to allow for their unaided escape. Auger holes or fence post holes that are greater than 0.1-inch in diameter shall be immediately filled or securely covered so they do not become pitfall traps for the animal. The qualified biologist or trained construction personnel shall inspect the trenches, pits, or holes prior to their being filled to ensure no animals are in them. The trench, pit, or hole also shall be examined by the qualified biologist each workday morning at least one hour prior to initiation of work and in the late afternoon no

more than one hour after work has ceased to ascertain whether any individuals have become trapped. If the escape ramps fail to allow the animal to escape, the qualified biologist shall remove and transport it to a safe location or contact the USFWS/CDFW for guidance.

- v) As part of the U.S. Army Corps of Engineers (Corps) permit application, a USFWS take permit (Biological Opinion) may be needed for the California red-legged frog and San Francisco garter snake, since they are federally listed species. CDFW may recommend a Section 2081 Incidental Take Permit if the proposed project has the potential to impact the San Francisco garter snake, since this species is listed by the State of California. The Parks Department shall comply with all conditions of incidental take permits issued for the project. Conditions may include, but are not limited to, development of revegetation and restoration plans and procedures, environmental awareness training, pre-construction wildlife surveys, and/or biological monitoring, some, or all of which are already included as part of the mitigation measures described herein. (None of the other remaining special-status species are State-listed).

6. **Mitigation Measure BIO-4A:** If construction activities occur between February 1 and August 31, pre-activity survey for nesting birds (special-status and common bird species) shall be conducted by a qualified biologist to ensure that no nests would be disturbed during project implementation. These surveys shall be conducted no more than seven days prior to the initiation of construction activities. During this survey, the biologist shall inspect all trees and other potential nesting habitats (e.g., trees, shrubs, coastal strand, coastal dunes, 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 shall determine the extent of a construction-free buffer zone to be established around the nest (typically 300 feet for raptors and 100 feet for other species), to ensure that no nests of species protected by the Migratory Bird Treaty Act and/or California Fish and Game Code would be disturbed during project implementation. The boundary of each buffer zone shall be marked with fencing, flagging, or other easily identifiable marking if construction work occurs immediately outside the buffer zone. No trees or shrubs shall be disturbed that contain active bird nests until all eggs have hatched, and young have fully fledged (are no longer being fed by the adults and have completely left the nest site), or if the nest is determined by the biologist to no longer be active.

If possible, all potential nesting substrates (e.g., bushes, trees, grasses, and other vegetation) that are planned for removal as part of the project shall be removed prior to the start of the nesting season (e.g., prior to February 1).

7. **Mitigation Measure BIO-4B:** To the extent feasible, construction activities within 600 feet of suitable snowy plover breeding habitat shall occur outside the plover breeding season of March 1 through September 14. If construction activities occur within 600 feet of suitable snowy plover breeding habitat during the nesting season

(March 1 through September 14), a pre-activity survey shall be conducted by a qualified biologist within 7 days prior to the start of the activity to determine whether active nests are present. If an active snowy plover nest is detected within 600 feet of the construction area, the qualified biologist, in coordination with USFWS personnel, shall determine an appropriate buffer that should remain free from construction activities. The buffer shall be determined based on the sensitivity of the nest, the presence of visual barriers (such as dunes) between the construction activities and the nest, and the level and proximity of existing human activity around the nest when it was established. The buffer shall remain in place until the nest is no longer active. If broods of unfledged snowy plover young are present, no construction activities shall occur within 300 feet (or as otherwise determined by a qualified biologist in coordination with the USFWS) of a brood.

As part of the Corps permit application, a USFWS take permit (Biological Opinion) may be needed for the western snowy plover, since this species is federally listed. The Parks Department shall comply with all conditions of incidental take permits issued for the project.

8. **Mitigation Measure BIO-5:** No more than two weeks prior to the beginning of ground disturbance that could disturb San Francisco Dusky-Footed Woodrat (SFDFW) houses, a qualified biologist shall survey the work areas. If SFDFW houses are found, the houses shall be flagged and construction fencing or flagging that will not impede the movement of the SFDFW shall be placed around the nest to create a 10-foot buffer (where feasible). If a SFDFW house is identified in a work area, the following shall be implemented:
 - a) Physical disturbance of the house shall be avoided if feasible. If possible, a minimum 10-foot buffer shall be maintained between maintenance construction activities and each nest to avoid disturbance. In some situations, a smaller buffer shall be allowed if in the opinion of a qualified biologist removing the nest would be a greater impact than that anticipated as a result of the project.
 - b) If a Dusky-footed woodrat nest cannot be avoided, prior to the beginning of construction activities, a qualified biologist shall disturb the SFDFW house to the degree that all SFDFW leave the house and seek refuge outside of the maintenance activity area. Relocation efforts shall avoid the nesting season (February - July) to the maximum extent feasible. Disturbance of the SFDFW house shall be initiated no earlier than one hour before dusk to minimize the exposure of woodrats to diurnal predators. Subsequently, the biologist shall dismantle and relocate the house material by hand. All material from dismantled houses shall be placed in a pile, preferably against a log or tree trunk, in suitable habitat located at least 20 feet from, but otherwise as close as possible to, the original house locations, to provide material for SFDFW to construct new houses. During the deconstruction process, the biologist shall attempt to assess if juveniles SFDFW are present in the house. If immobile juveniles are observed, the deconstruction process shall be discontinued until a

time when the biologist believes the juveniles will be fully mobile. A 10-foot-wide no-disturbance buffer shall be established around the nest until the juveniles are mobile. The house may be dismantled once the biologist has determined that adverse impacts on the juveniles would not occur. All disturbances to SFDFW houses shall be documented in a construction monitoring report and submitted to CDFW.

- c) A qualified biologist shall set two traps around each of the SFDFW houses to be relocated. Traps shall be set within one hour prior to sunset, and baited with a mixture of peanut butter, oats, and apples, or other suitable bait. Traps shall also be equipped with cotton bedding and covered with cardboard. The traps shall be checked the following morning, within one-and-a-half hours of sunrise. If a SFDFW is captured, it shall be placed in a quiet area while its house material is relocated; the SFDFW will then be released at the relocated structure. If no SFDFW are captured after the first night, the biologist shall set the traps for one additional evening to increase the probability of capturing the SFDFW and ensuring a safe relocation. If no SFDFW are captured at a given house after two nights, it shall be assumed that the house is not currently occupied. Trapping shall only be conducted outside the breeding season, which for SFDFW is from February through the end of July. If a litter of young is found or suspected while dismantling a house for relocation, the house material shall be replaced, any trapped SFDFW shall be returned to the house, and the house shall be left alone for 2 to 3 weeks, after which time the house shall be rechecked to verify that the young are capable of independent survival, as determined by the qualified biologist, before proceeding with dismantling of the house.

9. **Mitigation Measure BIO-6A:** Prior to demolition, a qualified biologist should conduct an additional survey during the summer maternity season (ideally June) to determine whether the unoccupied house supports a Townsend's big-eared bat maternity colony or whether the site is only used by wintering bats or by males. If the roost is occupied, and can be avoided, a qualified biologist should develop a plan to preserve and secure the roost for future use by bats.

- a) Prior to building demolition or modification, a qualified biologist should conduct a focused survey for bats within any structures to be demolished. If any bats are found, but they do not represent an active maternity roost, they shall be excluded from the building through installation of one-way doors, closure of potential entry points, or use of acoustic deterrents. Alternatively, opening up the structure (i.e., removal of boards from windows and doors, removal of roof sections) should increase wind flow through the structure and may also deter bats from roosting. A qualified biologist shall consult on the methods used to exclude bats.
- b) If a maternity colony is present, then no demolition or modification of the roost site, nor of any areas within 100 feet of the roost site and any points of ingress

or egress, should occur during the period April 1 to August 31 (or until young are demonstrated to be flying well). After August 31 (or after the young are flying), then bat exclusion can proceed. No exclusion should occur during rainy or cold conditions.

- c) If a Townsend's big-eared bat maternity colony is confirmed in the unoccupied house, and demolition or modification (to the point that bats no longer use the building) of this structure cannot be avoided, replacement maternity roost habitat should be provided on the site. Note that bat boxes and bat condominiums do not provide suitable replacement habitat for Townsend's big-eared bats. Rather, larger, more cavernous bat structures are required to replace maternity roost habitat for this species. The replacement roost structure should be designed and sited in consultation with a qualified biologist. The structure should be monitored for a period of 5 years to determine whether it is occupied. Success of the habitat replacement should be achieved if the roost structure is determined by a qualified biologist to provide similar thermal and light conditions to those that exist in the unoccupied house that is currently being used as a roost site.

10. **Mitigation Measure BIO-6B:** A qualified biologist shall conduct a survey to look for evidence of bat use within two weeks prior to the onset of work activities. If evidence of bat occupancy is observed, or if high-quality roost sites are present in areas where evidence of bat use might not be detectable (such as a tree cavity), an evening survey and/or nocturnal acoustic survey may be necessary to determine if roosting bats are present and to identify the specific location of the bats. If no active maternity colony or non-breeding bat roost is located, project work can continue as planned. If an active maternity colony or non-breeding bat roost is located, the construction work shall be redesigned to avoid disturbance of the roosts, if feasible. If an active maternity colony is located, and the project cannot be redesigned to avoid removal or disturbance of the occupied tree or structure, disturbance shall not take place during the maternity season (March 15 – July 31), and a disturbance-free buffer zone (determined by a qualified bat biologist) shall be established during this period. If an active non-breeding bat roost is located, and the project cannot be redesigned to avoid removal or disturbance of the occupied tree or structure, the individual bats shall be safely evicted between August 1 and October 15 or between February 15 and March 15 (as determined in consultation with CDFW). Bats may be evicted through exclusion only after notifying and obtaining approval from CDFW. Trees with roosts that need to be removed shall first be disturbed at dusk, just prior to removal that same evening, to allow bats to escape during the darker hours. Roosts may only be removed once the bats are no longer occupying the roost, at which time, a plan approved by CDFW may be implemented for removal of the roost. The plan shall describe appropriate methods for the removal of the roost. As part of CDFW's approval, a new roost site may be required to be created on the project site. Active day roosts of tree-foliage bats may be removed upon permission of CDFW.

- a) If feasible, trees planned for pruning or removal as a part of the project, shall be pruned or removed during the fall to avoid the maternity roosting period of resident bats (mid-April to August season). Western red bats are less likely to be present and roosting in the trees on and adjacent to the project site during the spring and summer, but other bats may be roosting during this period. Because bats may be present at any time, a pre-construction survey by a qualified biologist shall be required as outlined above regardless of timing of tree or structure removal and a suitable buffer zone established around detected roosts.
 - b) Pruned limbs or cut trees shall be left on the ground in place for at least 24 hours after cutting to allow any bats that may be roosting in the trees to leave the roosts prior to chipping the branches or removing the cut material from the site. Before any construction activities begin in the vicinity of the identified bat roosts on the project site, an approved biologist shall conduct a training session for all construction personnel. At a minimum, the training shall include a description of the bats and their habitat, the specific measures that are being implemented to conserve the bat roosts for the project, and the boundaries within which the project may be accomplished. Brochures, books, and briefings may be used in the training session. A qualified biologist shall conduct the training session.
11. **Mitigation Measure BIO-7A:** If native riparian trees or shrubs are impacted during project construction, the impacted trees shall be replaced at a minimum 1.5:1 ratio meaning 1.5 acres of riparian habitat shall be restored/created for every 1 acre of riparian habitat impacted by the project. The native riparian species shall be replaced in-kind preferably from phytophthera-free container stock as appropriate, propagated from local genetic stock (i.e., San Francisco Bay region). Any temporarily disturbed areas within the riparian woodland shall be seeded with an appropriate native seed mix. Appropriate permits from CDFW and possibly RWQCB would need to be obtained and any monitoring and reporting requirements stated within the permits, including preparation and implementation of a mitigation and monitoring plan would have to be completed.
 12. **Mitigation Measure BIO-7B:** If needed, the project shall design and construct low impact stream crossings that would include a wooden walkway/boardwalk, or similar structure to avoid potential impacts to the streams. The crossings shall be designed to accommodate high flows and be regularly maintained. Footings for the crossings shall be sited fully outside of the banks and channel of the streams.
 13. **Mitigation Measure BIO-7C:** The project contractor shall implement applicable BMPs, and conservation measures detailed in the County of San Mateo Watershed Protection Program's Maintenance Standards and the San Mateo Countywide Pollution Prevention Program Construction BMPs during construction.

14. **Mitigation Measure BIO-7D:** To protect water quality during construction and maintenance, the following measures shall be included on the construction specifications, with construction oversight by a qualified biologist or biological monitor:
- a) Stationary equipment such as motors, generators, and welders located within 100 feet of the stream shall be stored overnight at staging areas and shall be positioned over drip pans.
 - b) Any hazardous or toxic materials deleterious to aquatic life that could be washed into a basin shall be contained in watertight containers or removed from the project site.
 - c) All construction debris and associated materials stored in staging areas shall be removed from the work site upon completion of the project.
 - d) Whenever possible, refueling of equipment shall take place within turnouts or staging areas at least 50 feet from the top of bank or other wetland.
 - e) All refueling shall be conducted over plastic bags filled with sawdust or other highly absorbent material. Clean-up materials for spills shall be kept on hand at all times. Any accidental spills of fuel or other contaminants shall be cleaned up immediately. The project contractor shall install protective fencing prior to and during construction to keep construction equipment and personnel from impacting riparian vegetation outside of work limits. A qualified biologist or biological monitor with the education and experience necessary to delineate riparian vegetation shall supervise the installation of protective fencing.
15. **Mitigation Measure BIO-7E:** The Parks Department shall obtain a Coastal Development Permit as required for project activities. The Parks Department shall comply with all conditions of permit issued for the project. Conditions may include, but are not limited to, development of revegetation and restoration plans and procedures, environmental awareness training, pre-construction wildlife surveys, and/or biological monitoring, some, or all of which are already included as part of the mitigation measures described above.
16. **Mitigation Measure BIO-7F:** A Revegetation Plan shall be prepared by a qualified biologist to revegetate and restore impacted habitat. This plan shall include a list of appropriate species, planting specifications, monitoring procedures, success criteria, and a contingency plan if success criteria are not met.
17. **Mitigation Measure BIO-8A:** Impacts to areas of wetland and other water shall be avoided to the greatest extent possible. If impacts to areas of wetlands and other water is unavoidable, the area impacted shall be confined to the smallest area possible.

18. **Mitigation Measure BIO-8B:** For project activities that impact wetlands or other waters requiring permits from the Corps, RWQCB, and/or CDFW, the project proponent shall obtain permits and comply with all permit requirements. For on-site, in-kind mitigation, the County shall mitigate impacts to wetlands by restoring, preserving, and managing wetlands and aquatic habitats, or substantially improve the quality of highly degraded wetlands and aquatic habitats at a ratio of 1.5:1 (meaning 1.5 acres of wetlands or other waters shall be restored/created for every 1 acre of wetlands and other waters permanently impacted by the project). For off-site, in-kind mitigation, the County shall acquire, preserve, enhance, and manage lands that provide similar ecological functions and values to the wetlands and other waters impacted by project. The acquisition and preservation/enhancement of these higher quality lands shall occur at a ratio of 3:1 (meaning 3 acres of wetlands or other waters shall be acquired, preserved, and enhanced for every 1 acre of wetlands and other waters impacted by the project). Enhancement may include modification of existing management, limited planting, or invasive plant removal, or other activities to enhance wetland/aquatic habitat functions and values.
19. **Mitigation Measure CULT-1A:** Archaeological Monitoring. During project construction, archaeological monitoring shall be conducted for any ground-disturbing activities in the project site, including grubbing or removal of vegetation. A qualified archaeologist shall (1) identify any archaeological resources that may be present; and (2) ensure that if human remains are identified they are treated in an appropriate and respectful manner and provisions outlined in Section 7050.5 of the California Health and Safety Code are followed. If previously unidentified cultural materials are unearthed during construction, work shall be halted in that area until a qualified archaeologist can assess the significance of the find. If major adjustments are made to the horizontal or vertical extent of the project site, then an archaeologist shall be consulted to determine if further identification efforts are recommended.
20. **Mitigation Measure CULT-1B:** Unidentified Archaeological Resources. The potential for encountering previously unidentified buried archaeological cultural resources in the project site is moderate based on the geological landforms and on the presence of previously recorded archaeological sites identified within and adjacent to the project site. If deposits of prehistoric or historical archaeological materials are encountered during project activities that are not monitored, all work within 50 feet of the discovery shall be redirected and a qualified archaeologist contacted to assess the situation and make recommendations regarding the treatment of the discovery. Project personnel shall not collect or move any archaeological materials or human remains and associated materials. Archaeological cultural resources shall be avoided by project activities. If such resources cannot be avoided, they shall be evaluated for their CRHR eligibility, under the direction of a qualified professional archaeologist, to determine if they qualify as a historical resource under CEQA. If the deposit is not eligible, a determination shall then be made as to whether it qualifies as a unique archaeological resource under CEQA.

If the deposit is not a historical, unique archaeological or tribal cultural resource, avoidance is not necessary. If the deposit is eligible for the CRHR or is a unique archaeological resource and cannot be avoided by project actions that may result in impacts, such impacts must be mitigated. Mitigation may consist of, but is not limited to, recording the resource; recovery and analysis of archaeological deposits; preparation of a report of findings; and accessioning recovered archaeological materials at an appropriate curation facility. Public educational outreach may also be appropriate. Upon completion of the study, the archaeologist shall prepare a report documenting the methods and results of the investigation and provide recommendations for the treatment of the archaeological materials discovered. The report shall be submitted to the County and to the Northwest Information Center.

21. **Mitigation Measure GEO-1:** If paleontological resources are encountered during the course of ground disturbance, work in the immediate area of the find shall be redirected and a paleontologist shall be contacted to assess the find for scientific significance. If determined to be significant, the fossil shall be collected from the field. The paleontologist may also make recommendations regarding additional mitigation measures, such as paleontological monitoring. Scientifically significant resources shall be prepared to the point of identification, identified to the lowest taxonomic level possible, cataloged, and curated into the permanent collections of a museum repository. If scientifically significant paleontological resources are collected, a report of findings shall be prepared to document the collection.
22. **Mitigation Measure HAZ-1:** The Parks Department shall hire a qualified contractor to prepare a site-specific Health and Safety Plan (HSP). The HSP shall establish soil management and control specifications for excavation, grading, and construction activities, including procedures for evaluation of soil disposal options, and health and safety provisions for monitoring the exposure of construction workers to contaminants. The HSP shall be submitted to the County for review and approval. The County shall review and approve the HSP, and the project contractor shall implement the recommended soil management and control specifications.
23. **Mitigation Measure UTIL-1:** Prior to issuance of the Coastal Development Permit, the Parks Department shall prepare a study examining the hydrologic conditions of the site to determine if there is adequate water to supply the residence and if the water extracted will not adversely affect a water-dependent sensitive habitat or result in depletion of the aquifer. The study shall also determine whether the water quality meets potable water standards. If the study determines that insufficient water supply is available, then the proposed ranger residence shall be removed from the project design.
 - a) In addition, the Parks Department shall coordinate with the State of California Water Resources Control Board to secure an approval of the right to extract water from Tunitas Creek. If approval is denied and another water source

cannot be secured, the ranger residence shall be removed from the project design.

- b) If the ranger residence is constructed, for the first three years, the County shall monitor the impact of the water extraction on groundwater and surface levels, water quality, and plant and animal species of water-dependent sensitive habitats to determine if the preliminary pumping restrictions adequately protect the sensitive habitats and what measures should be taken if and when adverse effects occur. If monitoring shows impacts to water-dependent sensitive habitats, the pumping rate shall be reduced until it is clear that such impacts will not occur.

- 24. All significant size trees (12-inch diameter or greater) removed for this project, shall be replaced at a 1:1 ratio, with native, drought tolerant species.

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