



County of San Mateo

Planning & Building Department

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June 3, 2014

Ms. Patti DuMont
California Department of State Parks
One Capitol Mall, Suite 410
Sacramento, CA 95814

Dear Ms. DuMont:

Subject: **LETTER OF DECISION**
File Number: PLN2013-00484
Location: Año Nuevo State Reserve
APN: 089-230-470

On May 28, 2014, the San Mateo County Planning Commission considered a Coastal Development Permit, pursuant to Section 6328.4 of the County Zoning Regulations, to allow coastal trail access improvements located within the Año Nuevo State Reserve along the Año Nuevo Point Trail. The trailhead is located approximately 10 miles south of Pescadero in the unincorporated Pescadero West area of San Mateo County.

Based on information provided by staff and evidence presented at the hearing, the Planning Commission approved the project by adopting the required findings and conditions of approval as identified in Attachment A.

Any interested party aggrieved by the determination of the Planning Commission has the right of appeal to the Board of Supervisors within ten (10) business days from such date of determination. The appeal period for this matter will end at **5:00 p.m.** on June 11, 2014.

An approval of this project is appealable to the California Coastal Commission. Any aggrieved person may appeal this decision to the California Coastal Commission within 10 working days following the Coastal Commission's receipt of the notice of Final Local Decision. Please contact the Coastal Commission's North Central Coast District Office at (415)904-5260 for further information concerning the Commission's appeal process. The County and Coastal Commission appeal periods are sequential, not concurrent, and together total approximately one month. A project is considered approved when these appeal periods have expired and no appeals have been filed.

Please direct any questions regarding this matter to Melissa Ross, Senior Planner, at (650)599-1559 or Email: mross@smcgov.org.

Sincerely,

Heather Hardy
Planning Commission Secretary

cc: California Coastal Commission

County of San Mateo
Planning and Building Department

FINDINGS AND CONDITIONS OF APPROVAL

Permit File Number: PLN 2013-00484

Hearing Date: May 28, 2014

Prepared By: Melissa Ross

Adopted By: Planning Commission

FINDINGS

Regarding the Environmental Review, Found:

1. That the Planning Commission, acting as a responsible agency, has reviewed and considered the Notice of Exemption, prepared by the State Department of Parks and Recreation.

Regarding the Coastal Development Permit, Found:

2. That the project, as described in the application and accompanying materials required by Section 6328.7 of the San Mateo County Zoning Regulations and as conditioned in accordance with Section 6328.14 of the San Mateo County Zoning Regulations, conforms to the plans, policies, requirements and standards of the San Mateo County Local Coastal Program as described in Section A.2 of the staff report.
3. That where the project is located between the nearest public road and the sea, 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) in that the project will improve public access availability while protecting the existing recreational use of the oceanfront land.
4. That the project conforms to the specific findings required by policies of the San Mateo County Local Coastal Program relating to Agriculture, Sensitive Habitats, Visual Resources, Hazard, and Shoreline Access Components. The project incorporates mitigation measures to protect sensitive habitats by keeping ground disturbance to a minimum, restoring habitat and providing increased accessibility to park visitors.

Regarding the Grading Permit, Found:

5. That the granting of the permit will not have a significant adverse effect on the environment. The project scope has been conditioned to minimize ground vegetation removal and provide for protections to sensitive habitats in the form of United States Fish and Wildlife Service and California Department of Fish and Wildlife approved biological monitors, sensitive habitat exclusion fencing, and grading during the dry summer months.
6. That the project conforms to the criteria of this chapter, including the standards referenced in Section 8605, and has been conditioned to require dust control and erosion and sediment control measures.
7. That the project is consistent with the General Plan as discussed in Section A.1 of the staff report.

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 May 28, 2014. 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. This permit shall be valid for two (2) years from the date of approval in which time the project shall be completed. Any extension of the permits shall require submittal of an application for permit extension and payment of applicable extension fees sixty (60) days prior to the expiration date.
3. The conditional approval of this grading permit shall be valid for two (2) years from the date of approval. If the grading permit (issued as the "hard card" with all necessary information filled out and signatures obtained) has not been issued within this time period, this approval will expire. An extension to this approval will be considered upon written request and payment of applicable fees sixty (60) days prior to expiration.
4. Prior to any construction or grading activities, the applicant shall implement erosion and sediment control methods including sensitive habitat exclusion fencing, stabilized construction entranceways, and fiber rolls or silt fencing. Photos of the installed measures shall be submitted to the Planning Department for review and approval. Measures shall be installed prior to the issuance of the grading permit "hard card" and shall be maintained for the duration of the construction activities. Erosion control measure deficiencies, as they occur, shall be immediately corrected.

Grading activities shall not commence until the grading "hard card" has been issued.
5. Unless approved in writing, by the Community Development Director, no grading shall be allowed during the winter season (October 1 to April 30) to avoid potential soil erosion. The applicant shall submit a letter to the Planning Department, a minimum of two (2) weeks prior to commencement of grading, stating the date when grading will begin if grading is proposed during this time.
6. Upon the start of excavation activities and through to the completion of the project, the applicant shall be responsible for ensuring dust control measures are implemented as needed. The intent of the plan shall be to mitigate excessive dust generation resulting from any and all excavation and earth-moving operations.
7. For the final approval of the grading permit, the applicant shall submit to the Planning Department a letter of project completion.

8. Vegetation removal or grading outside of the project scope shall require a separate Land Clearing Permit or amended Grading Permit subject to an application, payment of applicable fees, and consideration at a public hearing. If grading quantities (cut or fill) change or additional vegetation has been removed, the applicant shall cease construction and submit revised plans to the Planning Department for review.
9. Per San Mateo County Ordinance Code Section 8605.5, all equipment used in grading operations shall meet spark arrester and firefighting tool requirements, as specified in the California Public Resources Code.
10. An archaeological or historical monitor shall have the authority to temporarily halt any ground disturbing construction to identify and evaluate any archaeological, historical or cultural materials inadvertently exposed during construction. The exposure of significant resources could result in the development of a treatment program including scientific removal, analysis and reporting. The exposure of any Native American burials shall be handled in accordance with State law.
11. In the event the project scope is significantly modified, the applicant shall submit to the Planning and Building Department a revised historical and archaeological evaluation for review by the Planning Department.
12. This permit does not allow for the removal of any trees. Removal of any trees with a diameter greater than 12 inches as measured 4.5 feet above the ground shall require a separate tree removal permit.
13. The disturbance or removal of native vegetation shall not exceed the minimum necessary to construct or deconstruct trail sections.
14. The applicant is responsible for ensuring that all contractors minimize the transport and discharge of pollutants from the project site into water bodies by adhering to the San Mateo Countywide Stormwater Pollution Prevention Program "General Construction and Site Supervision Guidelines," Items 14.a through 14.l, below.

Additionally, the applicant shall apply for a National Pollutant Discharge Elimination System (NPDES) permit from the Central Coast Region State Water Resources Quality Control Board. A copy of this permit shall be submitted to the Planning Department and the Department of Public Works.

- a. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 1 and April 30. Stabilizing shall include both proactive measures, such as the placement of hay bales or coir netting, and passive measures, such as revegetating disturbed areas with plants propagated from seed collected in the immediate area.
- b. Storing, handling, and disposing of construction materials and wastes properly, so as to prevent their contact with stormwater.

- c. Controlling and preventing the discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, wash water or sediments, and non-stormwater discharges to storm drains and watercourses.
 - d. Using sediment controls or filtration to remove sediment when dewatering site and obtaining all necessary permits.
 - e. Avoiding cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained and treated.
 - f. Delineating with field markers clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses.
 - g. Protecting adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.
 - h. Performing clearing and earth-moving activities only during dry weather.
 - i. Limiting and timing applications of pesticides and fertilizers to prevent polluted runoff.
 - j. Limiting construction access routes and stabilizing designated access points.
 - k. Avoiding tracking dirt or other materials off-site; cleaning off-site paved areas and sidewalks using dry sweeping methods.
 - l. The contractor shall train and provide instruction to all employees and subcontractors regarding the construction best management practices.
15. Noise levels produced by proposed construction activities shall not exceed the 80-dBA level at any one moment. Construction activities shall be limited to the hours from 7:00 a.m. to 6:00 p.m., Monday through Friday. Construction operations shall be prohibited on Saturday and Sunday and any national holiday.
16. Construction equipment shall comply with the County's Energy Efficiency Climate Action Plan (EECAP) for construction idling as applicable considering the sensitive nature of the project area. Specifically, Bay Area Air Quality Management District Best Management Practices for Mitigating Criteria Air Pollutants and Precursors:
- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be 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.
- d. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
- e. 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). Clear signage shall be provided for construction workers at all access points.
- f. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be check by a certified visible emissions evaluator.
- g. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action with 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

United States Fish and Wildlife Service and California Department of Fish and Wildlife
(Avoidance Measures)

- 17. Trail work shall take place under the supervision of a United States Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (DFW) approved biologist, biological monitors, or their representative as identified in the Memorandum of Understanding between State Parks and Recreation and the California Department of Fish and Wildlife. Biological monitors shall be approved prior to the commencement of construction activities.
- 18. The two trail reroutes (significant ground disturbance) shall be fenced off with one way exits for any entrapped snakes or frogs. As long as the trail work that is taking place elsewhere does not include significant ground disturbance, those areas need not be fenced. The qualified biologist shall monitor for SFGS and CRLF while work is being done within the exclusion zone, for approximately 1 week after vegetation removal, in the event any animals emerge from burrows or other cover.
- 19. Ground excavation shall be done by hand, not by mechanical means, and in a slow manner that will allow for the identification and relocation of any sensitive species. San Francisco garter snakes shall not be relocated as this is not a research or recovery project, and they must be allowed to leave an area on their own.
- 20. All vegetation removed and not used for revegetation or slash shall not be stockpiled on the ground and shall be placed directly into a disposal vehicle and removed from the site;

vegetation shall not be piled on the ground unless it is later transferred, piece by piece, under the direct supervision of the biological monitor.

21. All vehicles parked on site for more than 15 minutes shall be inspected by the biological monitor or trained staff monitor before being moved and the parking sites themselves shall be checked in advance.
22. The applicant shall implement erosion control measures prior to the beginning of grading or construction operations. Revegetation of denuded areas shall begin immediately upon completion of grading/construction operations.

Department of Public Works

23. Prior to construction, the applicant shall apply to the State Water Resources Control Board Central Coast Region for a National Pollutant Discharge Elimination System (NPDES) permit. A copy of this permit shall be submitted to the Planning Department and the Department of Public Works.
24. Within thirty (30) days of approval (for Provision C3 Regulated Projects), the applicant shall have prepared, by a registered civil engineer, a drainage analysis of the proposed project and submit it to the Department of Public Works for review and approval. The drainage analysis shall consist of a written narrative and a plan. The flow of the stormwater onto, over, and off of the property shall be detailed on the plan and shall include adjacent lands as appropriate to clearly depict the pattern of flow. The analysis shall detail the measures necessary to certify adequate drainage. Post-development flows and velocities shall not exceed those that existed in the pre-developed state. Recommended measures shall be designed and included in the improvement plans and submitted to the Department of Public Works for review and approval.