

COUNTY OF SAN MATEO, PLANNING AND BUILDING DEPARTMENT

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

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

FILE NO.: PLN2010-00079

OWNER: Sirje Bewely

APPLICANT: Henri Mannik

ASSESSOR'S PARCEL NO.: 036-310-180

LOCATION: 1455 Audubon Avenue, Montara

PROJECT DESCRIPTION

Coastal Development Permit, Planned Agricultural Development Permit, Design Review Permit, and a Grading Permit to allow for the construction of a 4,500 sq. ft. single-family residence, a 554 sq. ft. detached garage, and a 1,146 sq. ft. detached accessory building. The project also includes the construction of approximately 645 linear feet of new driveway with three turnarounds and a small bridge to cross an existing culvert. In order to prepare the building sites and construct the driveway, the project involves 3,033 cubic yards of grading.

FINDINGS AND BASIS FOR A NEGATIVE DECLARATION

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

1. The project will not adversely affect water or air quality or increase noise levels substantially.
2. The project will not have adverse impacts on the flora or fauna of the area.
3. The project will not degrade the aesthetic quality of the area.
4. The project will not have adverse impacts on traffic or land use.
5. In addition, the project will not:
 - a. Create impacts which have the potential to degrade the quality of the environment.
 - b. Create impacts which achieve short-term to the disadvantage of long-term environmental goals.

- c. Create impacts for a project which are individually limited, but cumulatively considerable.
- d. Create environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

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

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

Mitigation Measure 1: The applicant shall implement the following dust control measures during grading and construction activities:

- a. Water all active construction and grading areas at least twice daily.
- b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- c. Apply water two times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at the project site.
- d. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets/roads.
- e. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).

Mitigation Measure 2: To reduce the potential for impacts to sensitive communities and special-status species, the following general best management practices (BMPs) shall be implemented. Implementation of these general BMPs, in combination with the species- and habitat-specific measures provided in Mitigation Measures 3 – 10 and 13, will minimize adverse impacts:

- a. Appropriate perimeter erosion and sediment control measures (i.e., silt fencing, straw wattles) shall be installed around any stockpiles of soil or other materials which could be transported by rainfall or other flows in order to reduce the possibility of soil erosion and sediments flowing into natural habitats.
- b. All access, staging, and work areas shall be delineated with orange construction fencing, or with a similar material and all work activities shall be limited to these areas.
- c. All access, staging, and work areas shall be the minimum size necessary to conduct the work.
- d. All staging, maintenance, and storage of construction equipment shall be performed in a manner to preclude any direct or indirect discharge of fuel, oil, or other petroleum products into the Study Area. No other debris, rubbish, soil, silt, sand, or other construction-related materials or wastes shall be allowed to enter into or be placed where they may be washed by rainfall or runoff into wetland areas. All such debris and waste shall be picked-up daily and shall be properly disposed of at an appropriate facility. If a spill of fluid materials

occurs, the area shall be cleaned and contaminated materials disposed of properly. The affected spill area shall be restored to its natural condition.

- e. Disturbance or removal of vegetation shall not exceed the minimum necessary to conduct the work.
- f. Stockpiles of soil or other materials that can be blown by wind shall be covered when not in active use.
- g. All trucks hauling soil, sand, and other loose materials shall be covered.

Mitigation Measure 3 (BIO-6): The California wild strawberry located in the western portion of the project parcel shall be protected by a 50-foot avoidance buffer. Prior to the commencement of any construction related activity the applicant shall install exclusion fencing reflecting this buffer.

- a. A 50-foot avoidance buffer should be maintained around the higher quality western subpopulations.
- b. A physical barrier, such as orange construction fencing, shall be established on the edge of the 50-foot buffer to ensure protection of this habitat during ground disturbance activities and all exterior construction (e.g., grading, concrete work, irrigation/drainage work, landscaping, etc.).
- c. A qualified biologist shall develop a mitigation and monitoring plan to be implemented during the start of ground disturbance activities to ensure successful translocation of these plants on site if they are impacted. At a minimum, the mitigation and monitoring plan shall include:
 - (1) Documentation of proposed impacts to the species;
 - (2) Proposed mitigation including some combination of transplantation or re-establishment of impacted populations and/or preservation and management of existing populations;
 - (3) Proposed methods for transplantation, re-establishment, or restoration;
 - (4) A 3-year monitoring program with annual reporting;
 - (5) Performance criteria for transplants or plantings, including (a) survivorship, (b) density, and (c) cover, and performance criteria for invasive plants and other potential threats to the success of the mitigation efforts including, but not limited to, erosion and human disturbance; and
 - (6) An adaptive management plan for addressing any failure to meet performance criteria or to address other unforeseen problems.

Mitigation Measure 4 (BIO-7): Impacts to all nesting birds shall be reduced to a less than significant level by implementing the following measures:

- a. Impacts to nesting birds can be avoided if potential activities are initiated outside of the nesting season (September 1 – February 14).

- b. If work is to be conducted during the nesting season (February 15 – August 31), preconstruction breeding bird surveys shall be conducted no more than 14 days prior to initial ground disturbance to avoid impacting active nests, eggs, and/or young.
- c. If any nests are found, they shall have a suitable buffer established for protection of the nest and young. Buffer distance will vary based on species and conditions at the site, but are typically at least 25 feet for common passerines, and may be up to 500 feet for California fully-protected species. Buffers shall be maintained until a qualified biologist determines that the nest is no longer active.

Mitigation Measure 5 (BIO-8): Impacts to roosting bats can be reduced to a less than significant level by implementing the following measures:

- a. Any mature trees within the Study Area that are proposed for removal shall be removed outside of the maternity roosting season. For this area of California, the maternity roosting season is typically defined as April 1 – August 31.
- b. It is recommended that one week prior to the initiation of activities, a qualified biologist conduct a survey for bat roosts within the Study Area. If a roost is detected during the non-maternity roosting season (September 1 – March 31) then the biologist shall consult with the California Department of Fish and Wildlife (CDFW) before any further activities are initiated. If Project activities are initiated during the maternity roosting season (April 1 – August 31) and a roost is detected, then a 50-foot buffer shall be implemented where no construction activities shall occur, until the biologist has determined that the young have left the roost.
- c. At any time of year, if a large tree (dbh >12 inch) will be removed, it shall be left on the ground for 24 hours before being taken off-site or chipped. This period will allow any day roosting bats the opportunity to leave before the tree is either removed from the area or chipped.

Mitigation Measure 6 (BIO-10): Any potential impacts to California red-legged frog (CRLF) can be reduced to a less than significant level by implementing the following measures:

- a. Within 24 hours prior to initial ground disturbance, a pre-construction survey for CRLF shall be conducted by a qualified biologist. If the species is found, the qualified biologist shall record the location, number, and any other relevant information. The biologist shall then contact the United States Fish and Wildlife Service and the California Department of Fish and Wildlife to determine the next steps including whether or not relocation of the animal is possible.
- b. If the preconstruction survey is completed and no CRLF are observed, then the work area shall be surrounded by a wildlife exclusion fence at least 2 feet tall. Escape funnels shall be installed along all sides of the fence to allow any undetected wildlife within the project footprint to escape. Escape funnels shall be placed no further than 100-feet apart.
- c. Once the wildlife exclusion fence is installed, a qualified biologist shall inspect the fence on a weekly basis to identify any breaches, rips, or access points that might allow wildlife to enter the project footprint. Weekly fence inspections shall continue until the project is complete and the fence is scheduled to be removed.

- d. Plastic monofilament netting (erosion control matting, or wrapping around wattles), or similar material in any form shall not be used on the Project in order to avoid entangling, strangling, or trapping CRLF inside or outside of the wildlife fence.
- e. Construction shall be limited to the dry season (April 15 to October 31) to avoid impacting CRLF when they are most likely to use the Study Area as a migration corridor.
- f. Any pipes or culverts that could provide shelter for CRLF shall be elevated off the ground or have their ends covered to prevent animals from climbing into the open-ended materials.

Mitigation Measure 7 (BIO-1): Impacts to coastal terrace prairie shall be reduced to a less than significant level by implementing the following mitigation measure:

- a. A 100-foot buffer shall be placed around this ESHA to protect this community from disturbance incurred from the residential development proposed within the Study Area. This buffer will also give the native grasses the opportunity to reproduce, expanding the overall area of native grassland in the western portion of the site.
- b. A physical barrier, such as orange construction fencing, shall be established on the edge of the 100-foot buffer to ensure protection of this habitat during ground disturbance activities and all exterior construction (e.g., grading, concrete work, irrigation/drainage work, landscaping, etc.).

Mitigation Measure 8 (BIO-3): Impacts to Central Coast riparian scrub (California coffeeberry scrub) shall be reduced to a less than significant level by implementing the following mitigation measures:

- a. Maintain a 50-foot no disturbance buffer in order to protect this scrub from adverse or indirect impacts during ground-disturbing activities.
- b. Riparian areas are potentially within the jurisdiction of the CDFW under Section 1602 of the California Fish and Game Code. A Section 1602 Streambed Alteration Agreement would be required if project activities impacted this habitat. The current project plans do not indicate any encroachment into this habitat, but if plans change then a 1602 Agreement will be required.

Mitigation Measure 9 (BIO-4): Impacts to Montara Creek can be reduced to a less than significant level by implementing the following mitigation measures:

- a. A minimum 50-foot buffer shall be maintained in order to protect this stream from adverse or indirect impacts during ground-disturbing activities.
- b. BMPs (as described in Mitigation Measure 2) are required to be implemented to ensure protection of the stream during ground disturbing activities.

Mitigation Measure 10 (BIO-2): Impacts to seasonal wetland seeps shall be reduced to a less than significant level by implementing the following mitigation measure:

- a. Due to the relatively small size of this wetland, possible man-altered hydrologic contributions, substantial cover of non-native species, and the presence of other on-site ESHA limiting development potential, WRA recommends that the buffer be reduced from

100 feet to 50 feet. The reduced buffer is unlikely to have adverse impacts to this wetland and should sufficiently protect it from indirect impacts.

- b. A physical barrier, such as orange construction fencing, shall be established on the edge of the 50-foot buffer to ensure protection of this habitat during ground disturbance activities and all exterior construction (e.g., grading, concrete work, irrigation/drainage work, landscaping, etc.).

Mitigation Measure 11: In the event of discovery or recognition of any human remains during project construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The applicant shall then immediately notify the County Coroner's Office and possibly the State Native American Heritage Commission to seek recommendations from a Most Likely Descendant (Tribal Contact) before any further action at the location of the find can proceed. All contractors and sub-contractors shall be made aware of these requirements and shall adhere to all applicable laws including State Cultural Preservation laws.

Mitigation Measure 12: Prior to commencement of the project, the applicant shall submit to the Planning Department for review and approval an erosion and drainage control plan that shows how the transport and discharge of soil and pollutants from and within the project site shall be minimized. The plan shall be designed to minimize potential sources of sediment, control the amount of runoff and its ability to carry sediment by diverting incoming flows and impeding internally generated flows, and retain sediment that is picked up on the project site through the use of sediment-capturing devices. The plan shall also limit application, generation, and migration of toxic substances, ensure the proper storage and disposal of toxic materials, and apply nutrients at rates necessary to establish and maintain vegetation without causing significant nutrient runoff to surface waters. Said plan shall adhere to the San Mateo County Wide Stormwater Pollution Prevention Program "General Construction and Site Supervision Guidelines," including:

- a. Sequence construction to install sediment-capturing devices first, followed by runoff control measures and runoff conveyances. No construction activities shall begin until after all proposed measures are in place.
- b. Minimize the area of bare soil exposed at one time (phased grading).
- c. Clear only areas essential for project activities.
- d. Within five days of clearing or inactivity, stabilize bare soils through either non-vegetative BMPs, such as mulching, or vegetative erosion control methods such as seeding. Vegetative erosion control shall be established within two weeks of seeding/planting.
- e. Project site entrances shall be stabilized immediately after grading and frequently maintained to prevent erosion and control dust.
- f. Control wind-born dust through the installation of wind barriers such as hay bales and/or sprinkling.
- g. Soil and/or other construction-related material stockpiled on-site shall be placed a minimum of 200 feet from all wetlands and drain courses. Stockpiled soils shall be covered with tarps at all times of the year.

- h. Intercept runoff above disturbed slopes and convey it to a permanent channel or storm drains by using earth dikes, perimeter dikes or swales, or diversions. Use check dams where appropriate.
- i. Provide protection for runoff conveyance outlets by reducing flow velocity and dissipating flow energy.
- j. Install storm drain inlet protection that traps sediment before it enters any adjacent storm sewer systems. This barrier shall consist of filter fabric, straw bales, gravel, or sand bags.
- k. Install sediment traps/basins at outlets of diversions, channels, slope drains, or other runoff conveyances that discharge sediment-laden water. Sediment traps/ basins shall be cleaned out when 50% full (by volume).
- l. Use silt fence and/or vegetated filter strips to trap sediment contained in sheet flow. The maximum drainage area to the fence should be 0.5-acre or less per 100 feet of fence. Silt fences shall be inspected regularly and sediment removed when it reaches one-third the fence height. Vegetated filter strips should have relatively flat slopes and be vegetated with erosion-resistant species.
- m. Utilize coir fabric/netting on sloped graded areas to provide a reduction in water velocity, erosive areas, habitat protection, and topsoil stabilization.
- n. Throughout the construction period, the applicant shall conduct regular inspections of the condition and operational status of all structural BMPs required by the approved Erosion Control Plan.

Mitigation Measure 13: The applicant shall implement the following basic construction measures at all times:

- a. 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 Toxic Control Measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- b. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- c. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person, or his/her designee, shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Mitigation Measure 14 (BIO-5):

- a. Discharges to receiving waters may occur only during the wet weather season (October 1 – April 30) and must (1) be composed of only stormwater, (2) be free of pollutants, and (3) must not alter natural ocean water quality in the ASBS.
- b. All new point source discharges into the ASBS shall either be retained on-site or shall be treated on-site prior to entering a County storm drain.

- c. Water that comes into contact with architectural copper during installation, cleaning, treating, and washing can be a source of water pollution to the County storm drains and eventually to the ASBS. Therefore, architectural copper BMPs are required to be identified on project plans and implemented during construction and future maintenance.
- d. Discharge to the Montara Water and Sanitary District's sewer system is required, in compliance with Section 3-8.800 of the Montara Water and Sanitary District Code. For properties served by private septic, pool and/or spa discharge shall be dechlorinated and slowly discharged to landscaped areas (determined adequate to support the volume).
- e. Erosion and sediment control plans shall be submitted for review and approval for projects within the ASBS watershed that involve soil disturbance and are subject to a building or grading permit.
- f. Pursuant to the Water Board's General Exception to the California Ocean Plan with Special Protections (Attachment B, Section A.2.c.1), weekly construction site inspections are required for all construction sites within the ASBS watershed that involve soil disturbance and are subject to a building or grading permit (considered Stormwater Regulated Construction Sites "SWRS").
- g. On-site areas (new or replaced) used for car washing shall drain to adequately-sized vegetative areas or other on-site treatment facilities or occur on permeable surfaces (e.g., gravel, grass) and shall use as little detergents as necessary. Phosphate free or biodegradable soap is highly encouraged. Discharge to the sanitary sewer is prohibited (Montara Water and Sanitary Code).
- h. Landscape irrigation must comply with the County's Water Efficient Landscape Ordinance (WELO), when applicable. The County's adopted WELO applies to new and rehabilitated landscapes with a total landscape area equal to or greater than 2,500 sq. ft. for public agency and private development projects or which are developer-installed in single-family and multi-family projects.

Mitigation Measure 15: Noise sources associated with demolition, construction, repair, remodeling, or grading of any real property shall be limited to the hours from 7:00 a.m. to 6:00 p.m. weekdays and 9:00 a.m. to 5:00 p.m. Saturdays. Said activities are prohibited on Sundays, Thanksgiving and Christmas (San Mateo Ordinance Code Section 4.88.360).

Mitigation Measure 16: Should any traditionally or culturally affiliated Native American tribe respond to the County's issued notification for consultation, such process shall be completed and any resulting agreed upon measures for avoidance and preservation of identified resources be taken prior to implementation of the project.

Mitigation Measure 17: In the event that tribal cultural resources are inadvertently discovered during project implementation, all work shall stop until a qualified professional can evaluate the find and recommend appropriate measures to avoid and preserve the resource in place, or minimize adverse impacts to the resource, and those measures shall be approved by the Current Planning Section prior to implementation and continuing any work associated with the project.

Mitigation Measure 18: Any inadvertently discovered tribal cultural resources shall be treated with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, protecting the cultural character and

integrity of the resource, protecting the traditional use of the resource, and protecting the confidentiality of the resource.

RESPONSIBLE AGENCY CONSULTATION: None

INITIAL STUDY

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

REVIEW PERIOD: March 2, 2018 – April 2, 2018

All comments regarding the correctness, completeness, or adequacy of this Negative Declaration must be received by the County Planning and Building Department, 455 County Center, Second Floor, Redwood City, no later than **5:00 p.m., April 2, 2018**.

CONTACT PERSON

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