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COUNTY OF SAN MATEO, PLANNING AND BUILDING DEPARTMENT

ANSHU NAND

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

MAY 02 2018

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

FILE NO.: PLN 2016-00444

OWNER: Zubar LLC

APPLICANT: Carlos Zubieta

ASSESSOR'S PARCEL NO.: 037-123-430

LOCATION: Arbor Lane, Moss Beach

PROJECT DESCRIPTION

Construction of a new 3,338 sq. ft. two-story single-family residence with an attached 468 sq. ft. two-car garage on an undeveloped 14,320 sq. ft. parcel. Two significant-sized Monterey cypress trees are proposed for removal. Three hundred sixty-eight (368) cubic yards (c.y.) of grading (186 c.y. of excavation and 192 c.y. of fill) is proposed. A water well is located on the subject property and will be formally abandoned and capped prior to construction of the proposed single-family residence. The parcel is constrained by two scenic easements.

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 submit an Air Quality Best Management Practices Plan to the Planning and Building Department prior to the issuance of any grading permit "hard card" or building permit that, at a minimum, includes the "Basic Construction Mitigation Measures" as listed in Table 8-1 of the BAAQMD California Environmental Quality Act (CEQA) Guidelines (May 2011). The following Bay Area Air Quality Management District Best Management Practices for mitigating construction-related criteria air pollutants and precursors shall be implemented prior to beginning any grading and/or construction activities and shall be maintained for the duration of the project grading and/or construction activities:

- a. All 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.
- 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. Roadways and building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- g. Idling times shall be minimized either by shutting equipment or vehicles 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.
- h. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications.
- i. Minimize the idling time of diesel powered construction equipment to two minutes.
- j. 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 within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Mitigation Measure 2: The applicant shall submit a dust control plan to the Planning Department for review and approval prior to the issuance of a building permit for the project. The approved plan shall be implemented for the duration of any grading, demolition, and construction activities that generate dust and other airborne particles. The plan shall include the following control measures:

- a. Water all active construction areas at least twice daily.
- b. Water or cover stockpiles of debris, soil, sand, or other materials that can be blown by the wind.
- c. Cover all trucks hauling soil, sand, and other loose materials, or require all trucks to maintain at least 2 feet of freeboard.
- d. Apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking, and staging areas at the construction sites. Also, hydroseed or apply non-toxic soil stabilizers to inactive construction areas.
- e. Sweep daily (preferably with water sweepers) all paved access roads, parking, and staging areas at the construction sites.
- f. Sweep adjacent public streets daily (preferably with water sweepers) if visible soil material is carried onto them.
- g. Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- h. Limit traffic speeds on unpaved roads within the project parcel to 15 miles per hour (mph).
- i. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- j. Replant vegetation in disturbed areas as quickly as possible.

Mitigation Measure 3: Within 48 hours prior to the onset of any project-related activities, a qualified biologist should conduct a pre-construction survey of the project area to ensure that no California red-legged frogs or San Francisco garter snakes are present. In addition, immediately prior to vegetation removal or other construction activities, a qualified biologist familiar with the habitat requirements of California red-legged frogs and San Francisco garter snakes shall conduct a pre-construction survey to determine whether any of these species is located within the project area.

Mitigation Measure 4: A minimum 3-ft. high exclusion fence shall be installed around the limits of construction, including clearing, grading, and staging, unless otherwise directed by San Mateo County, United States Fish and Wildlife Service, or California Department of Fish and Wildlife, to create a barrier to prevent the California red-legged frog and San Francisco garter snake from entering the project site. No polymesh or similar materials shall be used as fencing materials. The fencing should be removed only when all construction equipment is removed from the project site. Fencing shall be inspected and any opening shall be repaired immediately. If openings are found, the project area shall be inspected by a biological monitor to ensure that special-status species have not entered the project area. The designated biological monitor may be a construction team manager or supervisor trained in the identification of special-status species.

Mitigation Measure 5: Vegetation or other materials shall not be stockpiled at the project site as it provides potential hiding areas for California red-legged frogs, San Francisco garter snakes, and other wildlife species. Vegetation shall be placed directly into a disposal container and removed from the construction area, as practicable. If vegetation is stockpiled on the ground, removal shall be conducted under the supervision of a qualified biologist.

Mitigation Measure 6: To avoid, minimize, and mitigate impacts to the California red-legged frogs, San Francisco garter snakes, and their respective habitats, a worker education program and/or education materials prepared by a qualified biologist shall be provided to all workers prior to onset of construction activities.

Mitigation Measure 7: If required by San Mateo County, California Department of Fish and Wildlife, or United States Fish and Wildlife Service, a biological monitor shall inspect the project area prior to the beginning of construction activities to ensure that the California red-legged frogs and San Francisco garter snakes have not entered the project area. The designated biological monitor may be a construction team manager or supervisor trained in the identification of special-status species.

Mitigation Measure 8: Under no circumstances should California red-legged frogs and San Francisco garter snakes be handled, relocated, or otherwise harmed or harassed at any time. San Mateo County, United States Fish and Wildlife Service, and California Department of Fish and Wildlife shall be notified immediately upon discovery of these species in the project site or surrounding area.

Mitigation Measure 9: Prior to the start of vegetation removal, a qualified biologist familiar with the San Francisco dusky-footed woodrat and its habitat requirements shall survey for their nests within or immediately adjacent to the potential habitat (i.e., poison oak scrub).

- a. If no nests are observed, no further mitigation is required.
- b. If nests are observed, but would not be directly impacted by construction activities, a qualified biologist shall establish a 10-ft. buffer around the nests using exclusion fencing to ensure that they are not accidentally destroyed by construction activities. Exclusion fencing shall remain in place until project completion.
- c. If a nest is observed within the vegetation clearing area, a qualified biologist shall disassemble the nest by hand and relocate and reconstruct the nest away from the construction area.

Mitigation Measure 10: If trees are removed or pruned, a qualified biologist shall conduct a pre-construction bat roost survey to determine if bats are present in the trees on or near the project parcel. If bats are detected, suitable measures to avoid and/or exclude bats shall be determined by the California Department of Fish and Wildlife.

Mitigation Measure 11: Where sediment and erosion control materials are installed, repaired, or removed (i.e., wattles, silt fences, etc.), a qualified biologist should check the work area to ensure that sensitive species are not present or entrapped. Polymesh and/or other similar materials should not be used as these can entrap or snag reptiles, amphibians, or other small animals.

Mitigation Measure 12: If the construction activities coincide with the nesting bird season (February 1 to September 15), pre-construction nesting bird surveys shall be conducted by a California Department of Fish and Wildlife-approved biologist no more than 10 days prior to planned construction activities in order to locate nests within and adjacent to the proposed construction area. For all migratory bird species, the survey will include nesting birds within a 100-ft. radius from the project site.

- a. If no active nests are detected, construction activities may take place as scheduled.
- b. If an active nest is observed, the project shall be modified as necessary to avoid direct take of identified nest, eggs, and/or young. Modifications may include establishment of protective buffer as determined by a qualified biologist. Typical protective buffer zones are 50 feet for passerine nests and 250 feet for raptors. If construction activities are significantly impacted by the buffer zones, California Department of Fish and Wildlife shall be contacted to request a reduced buffer that would still protect nesting birds.

Mitigation Measure 13: In the event that should cultural, paleontological, or archaeological resources be encountered during site grading or other site work, such work shall immediately be halted in the area of discovery and the project sponsor shall immediately notify the Community Development Director of the discovery. The applicant shall be required to retain the services of a qualified archaeologist for the purpose of recording, protecting, or curating the discovery as appropriate. The cost of the qualified archaeologist and of any recording, protecting, or curating shall be borne solely by the project sponsor. The archaeologist shall be required to submit to the Community Development Director for review and approval a report of the findings and methods of curation or protection of the resources. No further grading or site work within the area of discovery shall be allowed until the preceding has occurred. Disposition of Native American remains shall comply with CEQA Guidelines Section 15064.5(e).

Mitigation Measure 14: The design of the proposed development (upon submittal of the building permit) on the subject parcel shall generally follow the recommendations cited in the Geotechnical and Geologic Investigation prepared by Michelucci & Associates, Inc. and its subsequent updates regarding seismic criteria, grading, drilled piers, slab-on grade construction, and surface drainage. Any such changes to the recommendations by the project geotechnical engineer cited in this report and subsequent updates shall be submitted for review and approval by the County's geotechnical engineer.

Mitigation Measure 15: Prior to the issuance of the building permit for the proposed project, the applicant shall submit to the Planning Department and the Department of Public Works, for review and approval, erosion and drainage control plans that show how the transport and discharge of soil and pollutants from and within the project site will be minimized. The plans 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 plans 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 Countywide 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 construction.
- d. Within five (5) days of clearing or inactivity in construction, stabilize bare soils through either non-vegetative Best Management Practices (BMPs), such as mulching, or vegetative erosion control methods, such as seeding. Vegetative erosion control shall be established within two (2) weeks of seeding/planting.
- e. Construction entrances shall be stabilized immediately after grading and frequently maintained to prevent erosion and to 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, or to the extent feasible, 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. 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 acres or less per 100 feet of fence. Silt fences shall be inspected regularly and sediment removed when it reaches 1/3 the fence height. Vegetated filter strips should have relatively flat slopes and be vegetated with erosion-resistant species.
- k. 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.
- l. No erosion or sediment control measures will be placed in vegetated areas.
- m. Environmentally-sensitive areas shall be delineated and protected to prevent construction impacts.
- n. Control of fuels and other hazardous materials, spills, and litter during construction.
- o. Preserve existing vegetation whenever feasible.

Mitigation Measure 16: 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). Noise levels produced by construction activities shall not exceed the 80-dBA level at any one moment.

Mitigation Measure 17: 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 18: 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 19: 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

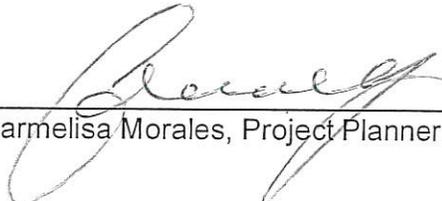
The San Mateo County Current Planning Section has reviewed the Environmental Evaluation of this project and has found that the probable environmental impacts are insignificant. A copy of the initial study is attached.

REVIEW PERIOD: May 2, 2018 - May 22, 2018

All comments regarding the correctness, completeness, or adequacy of this Mitigated 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., May 22, 2018.**

CONTACT PERSON

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