

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: Peninsula Humane Society & SPCA's Animal Sanctuary, when adopted and implemented, will not have a significant impact on the environment.

FILE NO.: PLN2021-00316

OWNER: Peninsula Humane Society & SPCA

APPLICANT: Peninsula Humane Society & SPCA, c/o Jerry Griffin

NAME OF PERSON UNDERTAKING THE PROJECT OR RECEIVING THE PROJECT APPROVAL (IF DIFFERENT FROM APPLICANT): N/A

ASSESSOR'S PARCEL NO.: Project Site Parcels: 082-050-020, 082-050-011; Off-site Access Road Parcels: 083-320-060, 083-320-070

LOCATION: 12429 Pescadero Creek Road, Loma Mar

PROJECT DESCRIPTION

The Peninsula Humane Society & SPCA (a local, private, non-profit charitable organization) is seeking a Resource Management (RM) Permit, Use Permit, Kennel Permit, and Grading Permit to develop an Animal Sanctuary facility ("Sanctuary") to provide permanent housing for dogs, cats and small animals (rabbits, goats, other small farm animals). As a sanctuary for animals, the facility will not be open to the public. As a permanent home for animals, the facility will operate 7 days a week and will be managed by 10 staff (6 animal care staff, 1 veterinary, 1 behavior and training staff, 1 facilities maintenance staff, and 1 sanctuary director) and 3 volunteer staff. New animals to the facility are expected to be transferred to the Sanctuary approximately 1 to 2 times per week and remains of animals that pass onsite would be transported to Pet's Rest in Colma, or a similar vendor. Delivery of animal care supplies are anticipated to be made 1 to 2 times per week during normal business hours. Deliveries of facility maintenance supplies would occur less frequently, approximately 1 to 2 times per month.

Buildings

A total of 70 dog cottages are proposed in clustered groups of 2 to 5 cottages along a new internal driveway that dead-ends at the southern side of the project site area. A majority (66) of the dog cottages will each be 192 sq. ft. of heated indoor space with an additional 450 sq. ft. of chain link fenced outdoor space. A small number (4) of the dog cottages will each be slightly larger at approximately 320 sq. ft. of heated indoor space with an additional 900 sq. ft. (each) of chain link fenced outdoor space. A 3,000 sq. ft. covered dog arena is also proposed within these clustered dog cottage groupings.

A total of 14 cat cottages, each 320 sq. ft. of heated indoor space, are proposed in two groups - 10 cat cottages that will share a large common chain link fenced area of 26,400 sq. ft. and 4 "senior" cat cottages each with their own 900 sq. ft. of chain link fenced outdoor space. All fenced outdoor areas for the cats will include chain link fenced ceilings.

The facility will also include a new 2,000 sq. ft. unconditioned farm animal barn to accommodate both larger and smaller farm animal rescues; a 6,500 sq. ft. administration (offices, break rooms and ancillary support space for staff and volunteers) and veterinary medical center (solely for the animals who live at the sanctuary); a new 660 sq. ft. maintenance building; and a new 995 sq. ft. two bedroom, two bathroom caretaker's residence with a two-car garage. These support buildings will be located around the periphery of the facility. An existing 3,000 sq. ft. barn will be restored and used for ancillary storage and an existing cottage will be demolished.

Access and Parking

An existing ~13-ft. wide unimproved access road (known as Burns Chalk Fire Road) extends from Pescadero Creek Road through the Peninsula Humane Society & SPCA (PHS & SPCA) parcels. The initial ~1,200 linear ft. of the Burns Chalk Fire Road crosses over two separately owned parcels, owned by the Young Men's Christian Association (YMCA) of San Francisco. The entire length of the road from Pescadero Creek Road to the project site, ~2,200 linear ft., will be widened to 20-ft. and improved to a predominantly gravel roadway surface to meet Fire Department requirements for emergency access. An access and utility easement has been recorded between the project applicant and the YMCA for access improvements on YMCA property. An entrance gate is proposed near Pescadero Creek Road with a new median island to limit access from Pescadero Creek Road to right-turn in and right-turn out for safe traffic movement. New retaining walls ranging in height up to 6-ft. at maximum points will be installed along portions of the improved access road for support from surrounding topography. The existing narrow dirt Burns Chalk Fire Road will remain as-is past the project site area. Approximately 1,200 linear ft. west of the project site area, on project parcel APN 082-050-011, along the existing narrow dirt road that runs throughout the project parcels, a new minimally improved connecting access road (approximately 400 linear ft.) will be created to provide access from the existing dirt road to a new well that will serve the project.

At the project site, a new gravel driveway will extend approximately 800 linear ft. off the improved main access road in a southward direction to meander through the facility with gravel trails/walkway paths spurring off of this new internal driveway to the numerous clustered cat and dog cottages; this driveway will dead-end with a fire turnaround at the southern end of the project site area.

A total of ten (10) designated parking spaces will be provided at the facility's entrance Administration building for staff and volunteers. Additionally, a two-car garage is proposed with the new caretaker residence.

Utilities

The project includes a new septic system with tank, leach field, holding tank and lift pump. An existing onsite well on the east side of the project site area will be abandoned and a new well located approximately 1,600 ft. west of the project site area will be utilized; onsite fire

hydrants within the facility, as required by the Fire Department, will also be installed. Water pump stations and water storage tanks for domestic, fire and irrigation will be constructed near the existing barn and new maintenance building area. Stormwater facilities include vegetated swales and catch basins connected to bio-treatment planters/flow-thru planter with rocked outfalls installed throughout the facility and access road. New power poles to support new overhead electrical service is proposed from the west, along with dedicated space within the facility's premise to accommodate generators and solar panels.

Grading and Tree Removal

A total of 12,090 cubic yards (c.y.) of grading (6,230 c.y. of cut and 5,860 c.y. of fill) is proposed to construct the project, including 1,120 c.y. (270 c.y. of cut and 850 c.y. of fill) for buildings, 6,570 c.y. (1,560 c.y. of cut and 5,010 c.y. of fill) for site improvements, and 4,400 c.y. (cut) for roadway improvements; excess cut material (370 c.y.) will be spread onsite to result in a balance of cut and fill with no import or export needed. The majority of the project site area is void of trees. However, a total of 7 trees are proposed for removal, including 4 trees (one (1) multi-trunk Douglas fir, 16/23/14 inches dbh; three (3) coast live oaks, 22 inches and (2) 18 inches dbh's) located in the access easement on YMCA property that conflict with proposed road access improvements, and 3 coast live oak trees (two (2) multi-trunk 15/22/24 inches dbh and 16/13 inches dbh; 22 inches dbh) located at the project site area that conflict with the proposed fire and domestic water tanks and pump station equipment.

FINDINGS AND BASIS FOR A MITIGATED NEGATIVE DECLARATION

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

1. The project will not adversely affect water or air quality or increase noise levels substantially.
2. The project will not have adverse impacts on the flora or fauna of the area.
3. The project will not degrade the aesthetic quality of the area.
4. The project will not have adverse impacts on traffic or land use.
5. In addition, the project will not:
 - a. Create impacts which have the potential to degrade the quality of the environment.
 - b. Create impacts which achieve short-term to the disadvantage of long-term environmental goals.
 - c. Create impacts for a project which are individually limited, but cumulatively considerable.
 - d. Create environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

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

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

Mitigation Measure 1: All proposed exterior lighting shall be designed and located so as to confine direct rays to the Sanctuary's project site area and prevent glare in the surrounding area, including to nearby water bodies. Manufacturer cut sheets for any exterior light fixtures shall be submitted for review and approval prior to the issuance of a building permit. All exterior fixtures shall be downward directed designed to minimize light pollution beyond the confines of the subject premises.

Mitigation Measure 2: The applicant shall require construction contractors to implement all the Bay Area Air Quality Management District's Basic Construction Mitigation Measures, listed below, and include these measures on permit plans submitted to the Building Inspection Section:

- 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; 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 walkways 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. All construction equipment shall be maintained and properly tuned in accordance with manufacturers' specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- g. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485, of the California Code of Regulations (CCR)). Clear signage shall be provided for construction workers at all access points.
- h. Post a publicly visible sign with the telephone number and person to contact 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 3: Special Status Bat Surveys. Prior to any tree removal, a qualified biologist shall conduct a habitat assessment for bats a minimum of 30 to 90 days prior to removal. The assessment should include a visual inspection of all potential roosting features (e.g., cavities, crevices, peeling bark, etc.). If suitable trees are found, the following measures shall be initiated:

1. To the extent feasible, tree removal should be initiated between September 1 and October 15 to avoid maternity roosting bats if present and/or between March 1 and April 15 to avoid bats in hibernation. Trees may be removed during these two periods using the two-step removal process described below:
 - a. On the first day, in the afternoon, under the direct supervision of a qualified biologist, limbs and branches shall be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices, or deep bark fissures shall be avoided.
 - b. On the second day, the entire tree shall be removed and left overnight prior to chipping or hauling off the site to allow any bats to exit.
2. If tree removal is performed outside the windows prescribed above and bat habitat is observed, an acoustic bat roost survey shall be performed by a qualified biologist between April 15 and September 1 to evaluate whether a maternity roost (solitary or colonial) is present. If a maternity roost is found, a no-disturbance buffer should be placed around the roost until September 1 when pups are likely to be weaned; the buffer shall be determined by the qualified biologist. Additionally, a bat mitigation and monitoring plan shall be prepared and submitted to California Department of Fish and Wildlife for approval. No tree removal shall occur between October 15 and April 15 to avoid impacts to hibernating bats.

Mitigation Measure 4: If work will occur within the bird breeding season (generally February 1 to September 15), a pre-construction nesting bird and raptor survey shall be performed by a qualified biologist in all potential nesting areas within one-quarter mile of proposed activities. Pre-construction surveys shall be conducted during the time of day when birds are active and shall factor in sufficient time to perform the survey adequately and completely. If nests are found, their locations shall be flagged, and all work shall cease until a qualified biologist determines the young have fledged or an appropriately sized no-disturbance buffer has been placed around the nest at the direction of the qualified biologist conducting the survey. Buffers shall be maintained, and active nests shall be monitored until a qualified biologist has determined that the young have fledged and/or are no longer reliant upon the nest or parental care for survival. If no nesting birds are observed during pre-construction surveys, no further action is necessary.

Nest buffers for special status species shall be set as follows, or as otherwise directed by the qualified biologist:

- For golden eagle or marbled murrelet = one quarter mile
- For long eared-owl or other raptor species = 250 feet
- For wrentit and/or other songbird species = 25 to 50 feet

Mitigation Measure 5: Temporary exclusion fence shall be placed between the project footprint and sensitive vegetation communities to avoid potential effects during grading/vegetation removal activities.

Mitigation Measure 6: Environmental awareness training shall be provided to all construction crew prior to the start of work. Training shall include a description of all biological resources that may be found on or near the Project site, the laws and regulations that protect those resources, the consequences of non-compliance with those laws and regulations, instructions for inspecting equipment each morning prior to activities, and a contact person if protected biological resources are discovered on the Project site.

Mitigation Measure 7: A pre-construction survey for special status reptiles and amphibians shall be performed within 48 hours of any ground disturbing activities within 300 feet of any

aquatic (pond) or riparian habitat when water is present. Non-listed species, if found, may be relocated to suitable habitat outside the Project Site. If California red-legged frog is found, work shall be halted, and the USFWS and CDFW shall be contacted. Work shall remain halted until authorized to resume by the project biologist.

Mitigation Measure 8: If California-red legged frog is observed during pre-construction surveys or at any time during construction, a biological monitor shall be present until work in the affected area is completed.

Mitigation Measure 9: No work shall be performed within 300 feet of stock pond habitats during or within 24 hours of any rain event (greater than 0.5 inches) between February 1 and April 31 when frogs are most likely to utilize upland habitats. No work shall occur within 30 minutes of sunrise or sunset.

Mitigation Measure 10: Implementation of Best Management Practices (BMPs) such as silt fence or straw wattles shall be installed and maintained between the work area and adjacent waterways to prevent any contaminants from entering the waterway. Plastic monofilament netting (erosion control matting) rolled erosion control products, or similar material should not be used to ensure amphibian and reptile species do not get trapped. Acceptable substitutes include coconut coir matting or tackified hydroseeding compounds.

Mitigation Measure 11: In the event that archaeological resources are inadvertently discovered during construction, work in the immediate vicinity (within 25 feet) of the find must stop until a qualified archaeologist can evaluate the significance of the find. Construction activities may continue in other areas beyond the 25-foot stop work area. A qualified archaeologist is defined as someone who meets the Secretary of the Interior's Professional Qualifications Standards in archaeology. The Current Planning Section shall be notified of such findings, and no additional work shall be done in the stop work area until the archaeologist has recommended appropriate measures, and those measures have been approved by the Current Planning Section and implemented.

Mitigation Measure 12: An Erosion Control and Tree Protection Pre-Site Inspection shall be conducted prior to the issuance of a grading permit "hard card" and building permit to ensure the approved erosion control and tree protection measures are installed adequately prior to the start of ground disturbing activities.

Mitigation Measure 13: The site is considered a Construction Stormwater Regulated Site (SWRS). Any grading activities conducted during the wet weather season (October 1 to April 30) will require monthly erosion and sediment control inspections by the Building Inspection Section, as well as prior authorization from the Community Development Director to conduct grading during the wet weather season.

Mitigation Measure 14: No grading activities shall commence until the applicant has been issued a grading permit "Hard Card", which will only be issued concurrently with the associated building permit.

Mitigation Measure 15: No grading shall be allowed during the wet weather season (October 1 through April 30) to avoid increased potential soil erosion, unless the applicant applies for an Exception to the Winter Grading Moratorium and the Community Development Director grants the exception. Exceptions will only be granted if dry weather is forecasted during scheduled grading operations, and the erosion control plan includes adequate winterization measures (amongst other determining factors).

Mitigation Measure 16: Subject to approval by the Department of Public Works, the installation of "blind driveway" warning signs shall be installed on Pescadero Creek Road to alert approaching drivers to the existence of the project driveway.

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

N/A

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: February 27, 2023 to March 20, 2023

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.**, March 20, 2023.

CONTACT PERSON

Summer Burlison
Project Planner, 650/363-1815
sburlison@smcgov.org



Summer Burlison, Project Planner