

March 4, 2024

Subject: **LETTER OF DECISION**
File Number: PLN 2023-00400
Location: Pescadero Creek Road

On February 28, 2024, the San Mateo County Planning Commission considered a Coastal Development Permit to extend CSA-11 water pipelines to serve Pescadero Middle/High School and a future fire station to be located adjacent to the school, located at 350-360 Butano Cut Off, in unincorporated Pescadero area of San Mateo County. The project is appealable to the California Coastal Commission.

Based on information provided by staff and evidence presented at the hearing, the Planning Commission approved the Coastal Development Permit, County File Number PLN 2023-00400, by making the required findings and adopting the conditions of approval in Attachment A.

Any interested party aggrieved by the determination of the Planning Commission has the right to 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 March 13, 2024.

Please direct any questions regarding this matter to Project Planner, Michael Schaller at mschaller@smcgov.org.

Sincerely,



Angela Montes
Planning Commission Secretary

cc: California Coastal Commission
Pescadero-La Honda Unified School District
Midcoast Community Council
Lennie Roberts, Green Foothills
Christopher Brancart

County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Project File Number: PLN2023-00400

Hearing Date: February 28, 2024

Prepared By: Michael Schaller
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 November 1, 2022, adequately analyzes the proposed project pursuant to the California Environmental Quality Act (CEQA) Guidelines, 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 resources, as well as public works component policies. Refer to Section 2.a of the staff report for supporting analysis.
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. The proposed pipeline alignment does not fall within the stated locational criteria.
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. This approval applies only to the proposal as described in this report and materials submitted for review and approval by the Planning Commission on February 28, 2024. The Director of Planning and Building 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 Coastal Development Permit shall be valid for one (1) year from the date of final approval, in which time a valid building permit shall be issued, and substantial work shall have commenced. Any extension of these 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. **Mitigation BIO-1:** Initial ground-disturbing activities shall be avoided between November 1 and March 31 to avoid the time period when amphibians and reptiles are most likely to be moving through the Project Area.
4. **Mitigation BIO 2:** Temporary exclusion fencing shall be installed around the limits of work areas and access routes to ensure special-status amphibians, reptiles, and mammals cannot enter the work area. Installation of exclusion fencing shall occur under the supervision of a designated biologist and immediately following a clearance survey of the area. The exclusion fencing shall have a minimum aboveground height of 30 inches, and the bottom of the fence should be keyed in at least 4 inches deep and backfilled with soil to prevent wildlife from passing under the fencing. Exclusion fencing shall be installed to prevent species entry into active work areas and to mark the limits of construction disturbance at equipment staging areas, site access routes, construction equipment and personnel parking areas, debris storage areas, and any other areas that may be disturbed.
5. **Mitigation BIO-3:** 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 construction personnel. Materials utilizing fixed weaves (strands cannot move), polypropylene, polymer, or other synthetic materials shall not be used.
6. **Mitigation BIO-4:** No more than twenty-four (24) hours prior to the date of initial ground disturbance, a pre-construction survey for foothill yellow-legged frog and other sensitive amphibians and reptiles shall be conducted by a designated biologist at the project site. The survey shall consist of walking the project limits and within the project site to ascertain the possible presence of special-status amphibians and reptiles. The designated biologist shall investigate all potential areas that could be used by the species for feeding, sheltering, movement, and

other essential behaviors. If any Foothill yellow-legged frogs are found, the designated biologist shall follow the procedures specified in Measure 5.

7. **Mitigation BIO-5:** Each encounter with the Foothill yellow-legged frog shall be treated on a case-by-case basis in coordination with the USFWS, but the general procedure is as follows: (1) the animal shall not be disturbed if it is not in danger; or (2) the animal shall be moved to a secure location if it is in any danger. These procedures are further described below:

When a Foothill yellow-legged frog is encountered in the project area, all activities which have the potential to result in the harassment, injury, or death of the individual shall be immediately halted. The designated biologist will then assess the situation in order to select a course of action that will avoid or minimize adverse effects to the animal. To the maximum extent possible, contact with the animal shall be avoided and the applicant shall allow it to move out of the potentially hazardous situation to a secure location on its own volition. This procedure shall apply to situations where a Foothill yellow-legged frog is encountered while it is moving to another location and is actively dispersing. It does not apply to animals that are uncovered or otherwise exposed or in areas where the individual is not expected to move on its own and may be in danger (e.g., within the fenced construction perimeter).

Foothill yellow-legged frogs that are in danger (e.g., animals that are uncovered or otherwise exposed or in areas within the fenced construction perimeter where the individual is not expected to move on its own) shall be relocated and released by the designated biologist outside the construction area within the same habitat. Prior to the initial ground disturbance, the designated biologist shall obtain approval of the relocation protocol from the USFWS and CDFW in the event that a Foothill yellow-legged frog is encountered and needs to be moved away from the project site. Foothill yellow-legged frog shall be released in appropriate habitat nearby within the watershed. The designated biologist shall limit the duration of the handling and captivity of the Foothill yellow-legged frog to the minimum amount of time necessary to complete the task. The applicant shall immediately notify the USFWS and CDFW once the Foothill yellow-legged frog is relocated, and the site is secure.

8. **Mitigation BIO-6:** Uneaten human food and other refuse attracts crows, ravens, coyotes, raccoons, and other predators of amphibians, reptiles, and other wildlife. 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 garbage containers. The garbage containers shall be removed from the project site at the end of each working day.

9. **Mitigation BIO-7:** A USFWS-approved biologist(s) shall be onsite until all initial habitat disturbances have ceased. The qualifications of the biologist(s) shall be submitted to USFWS for review and written approval at least thirty (30) days prior to the date earthmoving is initiated at the project site.
10. **Mitigation BIO-8:** To the maximum extent practicable, outdoor construction activities shall not occur during rain events or within 24-hours following a rain event. Prior to outdoor construction activities resuming, a designated biologist will inspect the Project Area and all equipment/materials for the presence of amphibians and reptiles.
11. **Mitigation BIO-9:** If construction activities will commence anytime during the nesting/breeding season of native bird species potentially nesting in the Study Area (typically February through August in the project region), a pre-construction survey for nesting birds shall be conducted by a qualified biologist within two weeks of the commencement of construction activities. If active nests are found in areas that could be directly affected or are within 250 feet (for passerines) or 500 feet (for raptors) of construction and would be subject to prolonged construction-related noise, a no-disturbance buffer zone shall be created around active nests during the breeding season or until a qualified biologist determines that all young have fledged. The size of the buffer zone and types of construction activities restricted within it shall be determined through coordination with the CDFW, considering factors such as the following:
 - Noise and human disturbance levels at the construction site at the time of the survey and the noise and disturbance expected during the construction activity;
 - Distance and amount of vegetation or other screening between the construction site and the nest; and
 - Sensitivity of individual nesting species and behaviors of the nesting birds.
12. **Mitigation BIO-10:** The County shall ensure that the following stormwater BMPs are implemented to protect water quality entering Pescadero and Butano Creeks:
 - Schedule grading and excavation work during dry weather.
 - Stabilize all denuded areas, install and maintain temporary erosion controls (such as erosion control fabric or bonded fiber matric) until vegetation is established.
 - Prevent sediment from migrating offsite and protect from storm drain inlets, gutters, ditches, and drainage courses by installing and maintaining appropriate BMPs, such as fiber rolls, silt fences, sediment basins, gravel bags, berms, etc.

Keep excavated soil on site and transfer it to dump trucks on site, not in the streets.

13. **Mitigation BIO-11:** If construction activities commence during the Burrowing owl nesting season (February 1 – August 31), a qualified biologist shall conduct preconstruction surveys covering all areas of suitable habitat within 250 feet of the proposed activity. The survey will last a minimum of 3 hours and will either begin 1 hour before sunrise and continue until 2 hours after sunrise or begin 2 hours before sunset and continue until 1 hour after sunset. If no owls are detected during the first survey, a second survey will be conducted. If owls are detected during the first survey, a second survey is not needed. All Burrowing owls observed will be counted and their locations will be mapped, and the following measure will be implemented:

If evidence of nesting Burrowing owls is found, a 250-foot-wide no-disturbance buffer zone shall be established around each occupied nest and shall be delineated in the field by the biologist, using a suitable low-impact medium. Construction may proceed outside the no disturbance buffer zones.

14. **Mitigation BIO-12:** A qualified biologist shall conduct a roosting bat habitat evaluation prior to the commencement of construction activities. The evaluation shall determine if any trees proposed for removal or that are located near the work sites provide potential bat roosting habitat. If suitable roost trees or an active roost are confirmed, then a site-specific bat protection plan shall be developed by a qualified biologist to prevent disturbance of an active maternity or hibernation roost.
15. **Mitigation BIO-13:** Appropriately timed focused plant surveys shall be conducted during the Harlequin lotus's flowering period (March - June) to detect presence of these species within the project's impact zone.
16. **Mitigation BIO-14:** If this species is determined to be present within the project impact zone (where vegetation removal is needed), then potentially impacted populations shall be transplanted to an appropriate adjacent habitat where impacts are not anticipated. The transplanting effort shall be approved by the CDFW prior to implementation.
17. **Mitigation CULT-2.** If human remains or any associated funerary artifacts are discovered during construction, all work must cease within the immediate vicinity of the discovery. In accordance with the California Health and Safety Code (Section 7050.5), the San Mateo County Sheriff/Coroner shall be contacted immediately. If the Coroner determines the remains to be Native American, the Coroner will notify the Native American Heritage Commission, which will in turn appoint a Most Likely Descendent (MLD) to act as a tribal representative. The

MLD will work with the Applicant and a qualified archaeologist to determine the proper treatment of the human remains and any associated funerary objects. Construction activities will not resume until either the human remains are exhumed, or the remains are avoided via Project construction design change.

18. **Mitigation GEO-1:** The pipeline shall be designed and constructed in accordance with design parameters and recommendations included in the geotechnical investigation prepared for the pipeline project (GHD 2021).
19. **Mitigation HYDRO-1:** County Service Area-11 (County of San Mateo Department of Public Works) shall conduct monthly water level measurement of Well No. 1 and Well No. 3 to monitor ongoing aquifer capacity.
20. **Mitigation HYDRO-2:** County Service Area-11 (County of San Mateo Department of Public Works) shall evaluate groundwater level trends. Should the water level drop below 6 feet above the top of the well screen in Well No. 3 during static conditions, CSA-11 shall manage water supply sustainability through operational actions such as lowering the pump, or by developing other local groundwater or surface water supply sources.
21. **Mitigation NOI-1.** The following Best Management Practices shall be incorporated into the construction documents to be implemented by the Project contractor:
 - Limit the major stages of fire station foundation preparation and building erection to the summer months when school is not in session.
 - Limit Project construction activity to between 7 a.m. and 6 p.m. on weekdays, to between 9 a.m. and 5 p.m. on Saturdays, and prohibit it on Sundays, Thanksgiving and Christmas to comply with the San Mateo County Code.
 - Provide enclosures and noise mufflers for stationary equipment, shrouding or shielding for impact tools, and barriers around particularly noisy activity areas on the site.
 - Use quietest type of construction equipment whenever possible, particularly air compressors.
 - Provide sound-control devices on equipment no less effective than those provided by the manufacturer.
 - Locate stationary equipment, material stockpiles, and vehicle staging areas as far as practicable from sensitive receptors.
 - Prohibit unnecessary idling of internal combustion engines.

- Require applicable construction-related vehicles and equipment to use designated truck routes when entering/leaving the site.
- Designate a noise disturbance coordinator at County Planning Department who shall be responsible for responding to complaints about noise during construction. The telephone number of the noise disturbance coordinator shall be conspicuously posted at the construction site. Copies of the project purpose, description and construction schedule shall also be distributed to the surrounding residences, schools and library.

Department of Public Works

22. No proposed construction work within the County right-of-way shall begin until County requirements for the issuance of an encroachment permit, including review of the plans, have been met and an encroachment permit issued. Applicant shall contact a Department of Public Works Inspector 48 hours prior to commencing work in the right-of-way.

San Mateo Local Agency Formation Commission

23. The Pescadero Middle/High School and new fire station property are proposed to be served by County Service Area 11 (CSA-11) for domestic water. Currently this property is not within the service area or Sphere of Influence (SOI) of CSA-11. Prior to the construction of the CSA-11 water line, an application for the annexation of the project area and SOI amendment for CSA-11 shall be submitted to San Mateo LAFCo. The annexation and SOI amendment will be subject to the review and approval of the San Mateo LAFCo Commission.

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