

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: Grading Remediation, when adopted and implemented, will not have a significant impact on the environment.

FILE NO.: PLN 2017-00119

OWNER: Bayfront Investments, LLC.

APPLICANT: Alison Mader

NAME OF PERSON UNDERTAKING THE PROJECT OR RECEIVING THE PROJECT APPROVAL: Bayfront Investments, LLC.

ASSESSOR'S PARCEL NO.: 078-190-180

LOCATION: Langley Hill Road, Unincorporated La Honda

**PROJECT DESCRIPTION**

The project includes a resource management permit and grading permit to remediated grading and construction completed without the benefit of permits. The proposed project includes the removal of four footbridges, three tent platforms, and relocation of a driveway. The project also includes the legalization of a man-made pond. The proposed grading remediation includes 3,680 cubic yards of earthwork (1,840 cubic yards of cut and 1,840 cubic yards of fill).

**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 a plan to the Planning and Building Department prior to the issuance of any grading “hard card” that, at a minimum, includes the “Basic Construction Mitigations Measures” as listed in Table 8-2 of the BAAQMD CEQA Guidelines (May 2017). These measures shall be implemented prior to beginning any ground disturbance and shall be maintained for the duration of the project activities:

- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access road) 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 paved 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. 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 [CCR]). 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 checked by a certified mechanic and determined to be running in proper condition prior to operation.
- g. Post a publicly visible sign with the telephone number and person to contact at the County regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Bay Area Air Quality Management District’s phone number shall also be visible to ensure compliance with applicable regulations.

**Mitigation Measure 2:** A California Department of Fish and Wildlife (CDFW) approved qualified biologist shall conduct a preconstruction survey prior to any work in the spring, pond, or drainage areas, no longer than 48 hours in advance of the start of work. If work is delayed after the inspection, or if work moves to a new area, an additional pre-construction

survey is required. Resumes of biologist and biological monitors shall be provided to CDFW for review and approval well in advance of project work.

**Mitigation Measure 3:** Prior to any project or construction activities, the biological monitor or qualified biologist shall conduct an education session on species that may be present at the project work site. The training shall include basic identification of the species, their basic habits, where they could be encountered in the work area, and procedures to follow if they are encountered. Any personnel joining the work crew later shall receive the same training before beginning work.

**Mitigation Measure 4:** In order to prevent noise impacts to nesting long-eared owls, heavy equipment used should be timed outside of the nesting season. If grading occurs during the nesting season of raptors and migratory birds, a focused survey for active nests must be completed by a CDFW approved/qualified biologist within 15 days prior to the beginning of the project-related activities. Surveys will be conducted in all suitable habitat located at the project work site, in staging and storage areas, and within 1,000 feet of the project work site. If project work is halted for 15 days or more, a new survey is required. The nesting season is February 1 to September 15.

**Mitigation Measure 5:** If active nests are found, the qualified biologist shall confer with CDFW regarding the appropriate action to comply with the Migratory Bird Treaty Act. The project may be delayed, or a buffer may be established around the nest. The results depend on the location of the nest relative to project activities, and what project activities are planned.

**Mitigation Measure 6:** Upland habitat for special status species shall be protected during construction activities. Staging areas should be established in areas already impacted by grading, and not in vegetated areas. The upper, seasonal pond near the worksite should be protected from disturbance or modification because it provides habitat for special-status species.

**Mitigation Measure 7:** Wildlife exclusion fencing should be installed around the perimeter of the pond construction area during grading activities and should be regularly inspected by a biological monitor. If any trenches or holes are dug, they should be covered at the end of each day, inspected for trapped wildlife each morning, and the length of time that they are open should be minimized. If trapped wildlife is discovered, the wildlife should be removed by the CDFW-approved biological monitor.

**Mitigation Measure 8:** Construction debris should immediately be placed in a truck or bin for removal off site, rather than piled on the ground. Piles may attract reptiles and amphibians that could then be disturbed or injured when the material is later collected. Following cabin removal, disturbed soil shall be stabilized as needed and native plants installed.

**Mitigation Measure 9:** It is recommended that the material on the slope failure be left in place and that no action be taken to remove it. Removal would cause more disturbance of the embankment and could result in adverse impacts to the creek caused by debris and soil falling into the creek channel and affecting creek flows. In addition, the debris may now provide habitat for roosting bats, reptiles, and birds. Removal of the debris may negatively impact wildlife.

**Mitigation Measure 10:** Standard Best Management Practices for erosion control and stormwater pollution prevention shall be employed during and after construction to protect water quality onsite and downstream. Stormwater management and water quality protection measures may include the use of straw wattles to catch sediment, covering stockpiles during rain events, covering exposed slopes with jute netting, and reseeding/planted graded areas. The erosion control, slope protection, or other water quality protection measures shall not include plastic/synthetic netting because it ensnares amphibians and reptiles and could impact special-status species.

**Mitigation Measure 11:** All new plantings/seeds should be comprised of native species known to occur in the surrounding natural habitat. No plants listed by the California Invasive Plant Council shall be included in the revegetation specifications. Revegetated areas should be monitored for revegetation success and kept free of non-native invasive weed species until the native vegetation has grown in and become dominant.

**Mitigation Measure 12:** Any native trees removed for the project shall be replaced at a 6:1 ratio for oaks, a 3:1 ratio for other native trees, and a 1:1 ratio for non-native species. All replacement trees shall be native species found to occur in the adjacent forested areas. The bay laurel that is planned to be removed should be replaced by 3 native 15-gallon trees. The trees need to be watered the first year to ensure establishment, and monitored for survival for five years. Trees that die shall be replaced.

**Mitigation Measure 13:** In the event that prehistoric traces (human remains, artifacts, concentrations of shell/bone/rock/ash, etc.) are encountered, all construction activities within a fifty-meter radius of the find should be stopped, the County Planning Department notified, and an archaeologist retained to examine the find and make appropriate recommendations. 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 14:** In the event that human skeletal remains are encountered, all work at the immediate location of the find must temporarily stop. Public Resource Code 5097 and local Health and Safety codes establish a procedure for notifying 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 15:** 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 1/3 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 16:** 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.

#### RESPONSIBLE AGENCY CONSULTATION

California Department of Fish and Wildlife  
State Water Resources Control Board

#### INITIAL STUDY

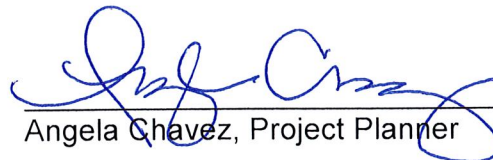
The San Mateo County Current Planning Section has reviewed the Environmental Evaluation of this project and has found that the probable environmental impacts are insignificant. A copy of the initial study is attached.

REVIEW PERIOD: October 2, 2020- November 2, 2020

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., November 2, 2020**.

#### CONTACT PERSON

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Angela Chavez, Project Planner

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