



County of San Mateo

## Planning & Building Department

455 County Center, 2nd Floor  
Redwood City, California 94063  
650/363-4161 Fax: 650/363-4849

Mail Drop PLN122  
plngbldg@smcgov.org  
www.co.sanmateo.ca.us/planning

June 3, 2014

Mr. Scott Lombardi  
County of San Mateo  
Parks Department  
455 County Center, 4<sup>th</sup> Floor  
Redwood City, CA 94063

Dear Mr. Lombardi:

Subject: **LETTER OF DECISION**  
File Number: PLN2012-00126  
Location: California Ave. at North Lake St., Moss Beach  
APN: 037-113-080

On May 28, 2014, the San Mateo County Planning Commission considered a Coastal Development Permit, to allow for minor repairs and alterations to an existing 39-space parking lot and rest area on a 32,306 sq. ft. parcel, which serves the Fitzgerald Marine Reserve located in the unincorporated Moss Beach area of San Mateo County.

Based on information provided by staff and evidence presented at the hearing, the Planning Commission approved the project by adopting the required findings and conditions of approval as identified in Attachment A.

Any interested party aggrieved by the determination of the Planning Commission has the right of 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 June 11, 2014.

An approval of this project is appealable to the California Coastal Commission. Any aggrieved person may appeal this decision to the California Coastal Commission within 10 working days following the Coastal Commission's receipt of the notice of Final Local Decision. Please contact the Coastal Commission's North Central Coast District Office at (415)904-5260 for further information concerning the Commission's appeal process. The County and Coastal Commission appeal periods are sequential, not concurrent, and together total approximately one month. A project is considered approved when these appeal periods have expired and no appeals have been filed.

Please direct any questions regarding this matter to Angela Chavez, Project Planner, at (650)599-7217 or Email: [achavez@smcgov.org](mailto:achavez@smcgov.org).

Sincerely,

Heather Hardy  
Planning Commission Secretary

cc: Department of Public Works  
Building Inspection Section  
Coastside Fire Protection District  
County Assessor  
Real Property Services Division  
Midcoast Community Council  
Lennie Roberts, Committee for Green Foothills  
Sam Herzberg, Parks Department

County of San Mateo  
Planning and Building Department

**FINDINGS AND CONDITIONS OF APPROVAL**

Permit File Number: PLN 2012-00126

Hearing Date: May 28, 2014

Prepared By: Angela Chavez

Adopted By: Planning Commission

**FINDINGS**

Regarding the Environmental Review, Found:

1. That the project is categorically exempt from review under the California Environmental Quality Act per Section 15301, Class 1, which includes restoration or rehabilitation of deteriorated or damage facilities to meet current standards of public health or safety.

Regarding the Coastal Development Permit, Found:

2. That the project, as described in the application and accompanying materials required by Section 6328.7 of the San Mateo County Zoning Regulations, and as conditioned in accordance with Section 6328.14 of the San Mateo County Zoning Regulations, conforms with the plans, policies, requirements, and standards of the San Mateo County Local Coastal Program (LCP) as discussed in the staff report for this project dated May 28, 2014.
3. That, where the project is located between the nearest public road and the sea, 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) as discussed in the staff report for this project dated May 28, 2014.
4. That the project, as conditioned, conforms to the specific findings required by policies of the San Mateo County Local Coastal Program. Specifically, the project, as conditioned, will be completed in a manner that will protect archaeological resources and sensitive habitats. In addition, the project will be completed in accordance with the Visual Resources, Hazards, and Recreation/Visitor Serving Facilities components of the LCP as it will provide increased and reliable access.

**CONDITIONS OF APPROVAL**

Current Planning Section

1. The approval applies only to the proposal, documents, and plans described in this report and submitted for review and approval by the Planning Commission on May 28, 2014. The Community Development Director 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 permit shall be valid for one (1) year from the date of approval in which time the applicant shall commence construction. Any extension of this permit shall require submittal of an application for permit extension and payment of applicable extension fees sixty (60) days prior to the expiration date.

3. California Red-Legged Frog (CRLF)
  - a. A temporary exclusion fence at least three (3) feet in height shall be installed along the property's southern (creek side) boundary and maintained during all phases of construction. The fence shall be installed so that there are no openings or gaps through which a frog could move.
  - b. A pre-construction survey for CRLF shall be conducted no less than 48 hours prior to the start of project activities.
  - c. A worker education program shall be conducted in which all crews to be working on the site are trained on CRLF identification, penalties for harming the species or its habitat, and the protocol to be followed should a frog be encountered. The worker education program shall be offered by a qualified biologist and include color photo cards of CRLF that remain on the project.
  - d. Following the start of project activities, the qualified biologist or trained biological monitor shall monitor the site every day to check for CRLF, monitor the integrity of the exclusionary fence, confirm the limit of work and equipment is within the project boundaries, and assess the overall project adherence to mitigation measures.
  
4. San Francisco Garter Snake (SFGS)
  - a. A temporary exclusion fence at least three (3) feet in height shall be installed along the property's southern (creek side) boundary. The fence shall be installed so that there are no openings or gaps through which a SFGS could move.
  - b. A pre-construction survey for SFGS shall be conducted no less than 48 hours prior to the start of project activities.
  - c. A worker education program shall be conducted in which all crews to be working on the site are trained on SFGS identification, penalties for harming the species or its habitat, and the protocol to be followed shall a snake be encountered. The worker education program shall be offered by a qualified biologist and include color photo cards of SFGS that remain on the project.
  - d. Following the start of project activities, the qualified biologist or trained biological monitor shall monitor the site every day to check for SFGS, monitor the integrity of the exclusionary fence, confirm the limit of work and equipment is within the project boundaries, and assess the overall project adherence to mitigation measures.
  
5. Saltmarsh Common Yellowthroat. If construction is conducted during the nesting bird season (February 15 through August 31), pre-construction nesting bird surveys shall be conducted by a qualified biologist within two (2) weeks of construction. If no active nests are detected, the project activities can take place as scheduled. If nesting saltmarsh common yellowthroats are detected, a 50-foot no-activity buffer zone shall be established between the nest(s) and construction activities. If construction activities are significantly impacted by the buffer zone, the California Department of Fish and Wildlife shall be contacted to request an alternative (reduced) buffer that still provides suitable protection to the nest.
  
6. Roosting Bats. Within one (1) month prior to the start of construction, a roosting bat survey shall be conducted to determine if any bats are utilizing the trees or structures on the site as roosting habitat. The survey shall consist of a daytime evaluation of bat presence, and a dusk acoustic/emergence survey for bats. If roosting bats are detected on the site, suitable measures to avoid and/or exclude bats shall be determined through consultation with the California Department of Fish and Wildlife (DFW).
  
7. Nesting Birds/Raptors. If construction activities are scheduled to occur within the bird nesting season (February 15 through August 31), a qualified biologist shall conduct a survey for nesting birds within two (2) weeks prior to the start of construction activities. If no active nests are detected, project activities can take

place as scheduled. However, if active nests are detected, a 50-foot no-work buffer shall be established around a passerine nest; and a 250-foot no-work buffer shall be established around a raptor nest, until the nest is no longer active. If construction activities are significantly impacted by the buffer zone, DFW shall be contacted to request an alternative (reduced) buffer that still provides suitable protection to the nest(s).

8. Prior to project commencement, the project sponsor shall incorporate, via a note on the first page of the construction plans, that should cultural 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 California Environmental Quality Act (CEQA) Guidelines Section 15064.5(e). The note on the plans shall be subject to review and approval of the Current Planning Section.
9. Prior to project commencement, the applicant shall consult with the United States Fish and Wildlife Service to determine the need for a Biological Assessment regarding the potential for occurrence of the San Francisco garter snake and California red-legged frog. If the United States Fish and Wildlife Service determines that a Biological Assessment is required, the resulting Determination of Effect, if necessary, shall include mitigation measures to ensure that there are no significant impacts on plant and wildlife species.
10. If California red-legged frog and/or San Francisco garter snake are encountered, no work shall occur until the frog and/or snake has left the area on its own, or until a qualified wildlife biologist is consulted and appropriate arrangements are made with United States Fish and Wildlife Service and the California Department of Fish and Wildlife.
11. The applicant shall install temporary exclusion fencing around the identified California wild strawberry patch on the property prior to the commencement of project improvements on the site that shall remain intact for the duration of project activities.
12. Prior to the project commencement, temporary fencing shall be erected at the limit of riparian vegetation, as delineated by the biologist and staked by the surveyor, to ensure that no existing riparian vegetation is removed or impacted.
13. Designated construction staging areas will be utilized as the staging areas for the proposed site improvements. These areas shall be delineated on construction plans and located outside the required buffer zone. All vehicles associated with project activities will be clustered within these areas at the end of each workday or when not in use to minimize habitat disturbance and water quality degradation. All project-related vehicle traffic shall be restricted to established roads, construction areas, and other designated areas. These areas should be established in locations previously disturbed to prevent further adverse effects.
14. To discourage recreational users from leaving designated trails, interpretive signs describing the sensitivity of the habitat and how to utilize the property in an ecologically sensitive manner will be placed in the parking lot and at the trailheads adjacent to the enhanced trails. If rehabilitated off trail areas show signs of usage, the applicant will implement additional preventative measures, such as the installation of additional signage or fencing. Parking and trailhead signs will also describe the importance of prohibitions on unrestrained domestic pets and the associated fines for violating these laws.
15. 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 2 feet of freeboard.
  - c. Pave, 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.
  - e. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
16. All grading and construction activities associated with the proposed project shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday. Construction activities will be prohibited on Sunday and any nationally observed holiday. Noise levels produced by construction activities shall not exceed the 80-dBA level at any one moment.
17. The applicant shall submit an on-site drainage plan, prepared by a civil engineer, showing all permanent, post-construction stormwater controls and drainage mechanisms at the time of submitted project application. The required drainage plan shall show, the mechanisms necessary to contain all water runoff generated by on-site impervious surfaces, and to reduce the amount of off-site runoff through the use of on-site percolation facilities. The drainage plan shall also include facilities to minimize the amount of pollutants in stormwater runoff through on-site retention and filtering facilities.
18. The applicant will ensure that all contractors minimize the transport and discharge of pollutants from the project site into local storm drain systems and water bodies by adhering to the San Mateo Countywide Stormwater Pollution Prevention Program and General Construction and Site Supervision Guidelines, including:
- a. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 1 and April 30. Stabilizing shall include both proactive measures, such as the placement of hay bales or coir netting, and passive measures, such as revegetating disturbed areas with plants propagated from seed collected in the immediate area.
  - b. Storing, handling, and disposing of construction materials and wastes properly, so as to prevent their contact with stormwater.
  - c. Controlling and preventing the discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, wash water or sediments, and non-stormwater discharges to storm drains and watercourses.
  - d. Using sediment controls or filtration to remove sediment when dewatering site and obtaining all necessary permits.
  - e. Avoiding cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained and treated.
  - f. Delineating with field markers clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses.
  - g. Protecting adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.
  - h. Performing clearing and earth-moving activities only during dry weather.
  - i. Limiting and timing applications of pesticides and fertilizers to prevent polluted runoff.

- j. Limiting construction access routes and stabilizing designated access points.
  - k. Avoiding tracking dirt or other materials off-site; cleaning off-site paved areas and sidewalks using dry sweeping methods.
  - l. The contractor shall train and provide instruction to all employees and subcontractors regarding the construction best management practices.
19. Projects subject to Provision C.3.i (individual single-family home projects that create and/or replace 2,500 sq. ft. or more of impervious surface, and other projects that create and/or replace at least 2,500 sq. ft. of impervious surface but are not C.3 Regulated Projects) shall implement at least one of the six site design measures listed below:
- a. Direct roof runoff into cisterns or rain barrels and use rainwater for irrigation or other non-potable use.
  - b. Direct roof runoff onto vegetated areas.
  - c. Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas.
  - d. Direct runoff from driveways and/or uncovered parking lots onto vegetated areas.
  - e. Construct sidewalks, walkways, and/or patios with permeable surfaces.
  - f. Construct bike lanes, driveways, and/or uncovered parking lots with permeable surfaces.

Geotechnical Section

20. The applicant shall have a geotechnical consultant observe and approve all grading activity.

Department of Public Works

21. The applicant shall submit a permanent stormwater management plan in compliance with the County's Drainage Policy and National Pollutant Discharge Elimination System (NPDES) requirements for review and approval by the Director of the Department of Public Works or his designee.
22. The applicant shall have prepared, by a registered civil engineer, a drainage analysis of the proposed project and submit it to the Director of the Department of Public Works or his designee for review and approval. The drainage analysis shall consist of a written narrative and a plan. The flow of the stormwater onto, over, and off of the property shall be detailed on the plan and shall include adjacent lands as appropriate to clearly depict the pattern of flow. The analysis shall detail the measures necessary to certify adequate drainage. Post-development flows and velocities shall not exceed those that existed in the pre-developed state. Recommended measures shall be designed and included in the improvement plans and submitted to the Department of Public Works for review and approval.
23. Erosion and sediment control during the course of this grading work shall be according to a plan prepared and signed by the engineer of record, and approved by the Department of Public Works and the Planning Department. Any revisions to the approved erosion and sediment control plan shall be prepared and signed by the engineer.
24. It shall be the responsibility of the applicant's engineer to regularly inspect the erosion control measures and determine that they are functioning as designed and that proper maintenance is being performed. Deficiencies shall be immediately corrected.

25. Prior to any site disturbance, the applicant shall submit, to the Department of Public Works for review and approval, a plan for any off-site hauling operations. This plan shall include, but not be limited to, the following information: size of trucks, haul route, disposal site, dust and debris control measures, and time and frequency of haul trips. As part of the review of the submitted plan, the County may place such restrictions on the hauling operation as it deems necessary.

Coastside Fire Protection District

26. Fire Access Roads: Fire suppression operations involve heavy pieces of apparatus that must set-up and operated close to the buildings. California Fire Code and fire district ordinances require construction that allows fire apparatus to be placed directly outside a building. Additionally, it is the developer/owner's responsibility to assure well-marked fire lanes are provided around the entire outside perimeter of the building. When fire protection, including fire apparatus access roads and water supplies for fire protection is required, such protection shall be installed and made serviceable prior to and during the time of construction and before combustibles are on the project site. Approved signs and painted curbs or lines shall be provided and maintained to identify fire apparatus access roads and state the prohibition of their obstruction. Fire lanes shall be in accordance with Coastside Fire District specification. Contact the Fire Prevention Bureau for those specifications. All improvements to the existing parking lot must comply with the 2013 California Fire Code, Appendix D, Fire Apparatus Access.
27. Contact the Coastside Fire Marshal to schedule a final inspection prior to project completion. Please allow for a minimum 72-hour notice to the Fire Department at 650/726-5213.