

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: McGregor Residence and Driveway, when adopted and implemented, will not have a significant impact on the environment.

FILE NO.: PLN 2014-00490

OWNER: AARPAUL, LLC, 168 West Point, Half Moon Bay, CA 94019

APPLICANT: Paul McGregor

NAME OF PERSON UNDERTAKING THE PROJECT OR RECEIVING THE PROJECT APPROVAL (IF DIFFERENT FROM APPLICANT): Same as Applicant

ASSESSOR'S PARCEL NO.: APN 037-015-090

LOCATION: Vacant parcel (consisting of Lots 39 and 40) located at 15th Street and East Avenue, unincorporated Montara area of San Mateo County. A proposed driveway would be located within the 14th Street and East Avenue (between 14th and 15th Streets) unpaved, public rights-of-way.

PROJECT DESCRIPTION

The project requires a Design Review Permit for the construction of a new three-story, 3,152 sq. ft. residence (includes a 625 sq. ft. attached garage and a 60 sq. ft. covered porch) on a 6,000 sq. ft. legal parcel (Certificate of Compliance (Type A) was recorded on December 12, 2017). The property is at the corner of unimproved 15th Street and East Avenue which are both paper streets and would be accessed via a new, 290-foot long driveway, which would extend from the end of 14th Street. The project includes the removal of 18 significant trees (including three dead trees) and involves only minor grading. As the property involves the development of a single-family residence in the Single-Family Residence Categorical Exclusion Area, the project qualifies for a Coastal Development Permit Exemption (CDX).

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:** Upon the start of excavation activities and through to the completion of the project, the applicant shall be responsible for ensuring that the following dust control guidelines are implemented:

- 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 sidewalks 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. 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 [CCR]). Clear signage shall be provided for construction workers at all access points.
- g. 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.
- h. 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.

- i. Construction-related activities shall not involve simultaneous occurrence of more than two construction phases (e.g., paving and building construction would occur simultaneously).

**Mitigation Measure 2:** An environmental training shall be provided to all workers prior to the start of any activities regarding any sensitive biological resources (including CRLF, SFGS, or migratory bird nesting birds). The training shall include steps to identify and respond to a sighting, the laws and regulations protecting those resources, and consequences of non-compliance. Date and time of each training shall be reported to the County within one week of completion.

**Mitigation Measure 3:** At least 14 days prior to the onset of any construction-related activity, exclusion fencing (designed for CRLF and SFGS) with exit funnels shall be installed between the project site and both Montara Creek and the unnamed tributary. Exit funnels shall be installed approximately every 100 meters to allow trapped individuals to leave the area on their own. Following installation, the fence shall be inspected by a qualified biologist periodically throughout the duration of any ground-disturbing activities. Should a durable exclusion fence material such as Ertec be used, fence inspections after initial inspection are only necessary following high wind or heavy rain events.

**Mitigation Measure 4:** A pre-construction survey for CRLF and SFGS shall be conducted prior to initiation of project activities within 48 hours of the start of ground disturbance activities. Surveys are to be conducted by approved qualified biologist with experience surveying for each species. If CRLF or SFGS is found on the project site it shall be allowed to leave the area on its own. If the animal does not leave the area on its own, work shall remain halted and USFWS and CDFW shall be contacted.

**Mitigation Measure 5:** No work shall be performed within 30 minutes of sunrise or sunset or 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.

**Mitigation Measure 6:** Tightly woven fiber netting or similar material shall be used for erosion control or other purposes to ensure amphibian and reptile species do not get trapped. Plastic monofilament netting (erosion control matting), rolled erosion control products, or similar material shall not be used.

**Mitigation Measure 7:** A pre-construction, migratory bird nesting survey shall be conducted prior to any proposed construction-related activities during the nesting bird season (February 1 to August 31). The survey shall be performed both in and within 250 feet of the proposed development area and the results reported to the County. If for any reason construction activities do not commence within 10 days of completion of the survey, the survey shall be repeated and results reported to the County. If active nests are discovered, no construction-related activities are allowed until birds have fledged from nests, as confirmed by a biologist.

**Mitigation Measure 8:** In order to minimize tree root impacts during grading for the new driveway, a pneumatic air-tool shall be used to excavate the soil beneath the 40.9" dbh Cypress' (Tree #5) dripline. This would minimize unnecessary root cutting and allow the arborist to better qualify which roots could reasonably be cut to truly minimize impact to the tree. Furthermore, installation of geo-grid or other structural geotextile fabrics should be utilized to minimize excavation and preserve the trees roots. Plans submitted for an encroachment permit and a building permit for the new driveway shall be demonstrate compliance with this condition.

**Mitigation Measure 9:** To provide adequate clearance over the proposed driveway a low large lateral limb of the 40" Cypress (Tree 5) and potentially other low branches will need to be removed. Vertical clearance over the driveway necessary to provide truck access during construction will likely require a minimum vertical clearance of 15 feet. Tree limb removal shall be performed by a certified arborist. Documentation demonstrating compliance with this mitigation measure shall be sent to the Project Planner prior to any land disturbance.

**Mitigation Measure 10:** Prior to any land disturbance and throughout the grading operation, the applicant shall implement the tree protection measures of the Arborist Report and Tree Protection Plan for 1900 East Avenue, Montara, Ca. and said protections shall remain in place undisturbed throughout construction, as described in the Arborist Report and Tree Protection Plan, dated January 11, 2019.

**Mitigation Measure 11:** Although no archaeological resources were found on the Project Area, it is possible that subsurface deposits may yet exist or that evidence of such resources has been obscured by more recent natural or cultural factors such as downslope aggradation and alluviation and the presence of non-native trees and vegetation. Archaeological and historical resources and human remains are protected from unauthorized disturbance by State law, and supervisory and construction personnel therefore must notify the County and proper authorities if any possible archaeological or historic resources or human remains are encountered during construction activities and halt construction to allow qualified Archaeologists to identify, record, and evaluate such resources and recommend an appropriate course of action.

**Mitigation Measure 12:** In the event that cultural, paleontological, or archeological resources are 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 archeologist for the purpose of recording, protecting, or curating the discovery as appropriate. The cost of the qualified archeologist and any recording, protecting, or curating shall be borne solely by the project sponsor. The archeologist 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 13:** The applicants and contractors must be prepared to carry out the requirements of California State law with regard to the discovery of human remains, whether historic or prehistoric, during grading and construction. In the event that any human remains are encountered during site disturbance, all ground-disturbing work shall cease immediately and the County coroner shall be notified immediately. If the coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within 24 hours. A qualified archeologist, in consultation with the Native American Heritage Commission, shall recommend subsequent measures for disposition of the remains.

**Mitigation Measure 14:** During the building permit application stage and prior to issuance of a building permit for the project, the applicant shall demonstrate project design compliance with the recommendations of the Geotechnical Investigation prepared by Buckley Engineering Associates, Inc.

**Mitigation Measure 15:** Prior to the issuance of the building permit for the residence, the applicant shall revise the Erosion Control Plan to include the driveway area and proposed measures and additional measures as follows, subject to the review and approval of the Community Development Director:

- a. Protect Surface Water Locations: Montara Creek and the drainage are located within close proximity of proposed disturbed areas and access ways on your property. Please provide primary control measures (e.g., 2 rows of staked fiber rolls) along both sides of the driveway in the immediate project area.
- b. Show location of utility trenches, indicate utility types, and identify timing of installation.
- c. Construction Access Routes: Over access points at the end of the paved portion of 14th Street, construct a stabilized designated entrance(s), using 3" - 4" fractured aggregate over geo-textile fabric.

**Mitigation Measure 16:** The applicant shall adhere to the San Mateo County-wide Stormwater Pollution Prevention Program "General Construction and Site Supervision Guidelines," including, but not limited to, the following:

- a. Delineation with field markers clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses within the vicinity of areas to be disturbed by construction and/or grading.
- b. Protection of adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.
- c. Performing clearing and earth moving activities only during dry weather.
- d. Stabilization of all denuded areas and maintenance of erosion control measures continuously between October 1 and April 30. Stabilization shall include both proactive measures, such as the placement of hay bales or coir netting, and passive measures, such as re-vegetating disturbed areas with plants propagated from seed collected in the immediate area.
- e. Storage, handling, and disposal of construction materials and wastes properly, so as to prevent their contact with stormwater.
- f. Control and prevention of 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.
- g. Use of sediment controls or filtration to remove sediment when dewatering site and obtain all necessary permits.
- h. Avoiding cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained and treated.
- i. Limiting and timing applications of pesticides and fertilizers to prevent polluted runoff.
- j. Limiting construction access routes and stabilization of designated access points.
- k. Avoiding tracking dirt or other materials off-site; cleaning off-site paved areas and sidewalks using dry sweeping methods.

- l. Training and providing instruction to all employees and subcontractors regarding the Watershed Protection Maintenance Standards and construction Best Management Practices.
- m. Additional Best Management Practices in addition to those shown on the plans may be required by the Building Inspector to maintain effective stormwater management during construction activities. Any water leaving site shall be clear and running slowly at all times.

**Mitigation Measure 17:** Once approved, erosion and sediment control measures of the revised Erosion Control Plan shall be installed prior to beginning any site work and maintained throughout the term of grading and construction, until all disturbed areas are stabilized. Failure to install or maintain these measures will result in stoppage of construction until corrections have been made and fees paid for staff enforcement time. Revisions to the approved erosion control plan shall be prepared and signed by the engineer and submitted to the Building Inspection Section.

**Mitigation Measure 18:** It shall be the responsibility of the engineer of record to regularly inspect the erosion control measures for the duration of all grading remediation activities, especially after major storm events, and determine that they are functioning as designed and that proper maintenance is being performed. Deficiencies shall be immediately corrected, as determined by and implemented under the observation of the engineer of record.

**Mitigation Measure 19:** At the time of application for a building permit, the applicant shall submit a permanent stormwater management plan to the Building Inspection Section for review for compliance with Municipal Stormwater Regional Permit Provision C.3.i and the County's Drainage Policy.

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 (1) of the three (3) 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.

**Mitigation Measure 20:** 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 21:** 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: August 17, 2020 - September 7, 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., September 7, 2020.**

CONTACT PERSON

Camille Leung, Project Planner  
650/363-1826 (only email checked during Shelter-In-Place)  
cleung@smcgov.org



---

Camille Leung, Project Planner

CL:pac – CMLEE0312\_WPH.DOCX