

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: 4057 Jefferson Avenue Subdivision, when adopted and implemented, will not have a significant impact on the environment.

FILE NO.: PLN 2011-00044

OWNER: Jefferson 10 Investors

APPLICANT: Eric Zweig

ASSESSOR'S PARCEL NO.: 068-211-270

LOCATION: 4057 Jefferson Avenue, Emerald Lake Hills

PROJECT DESCRIPTION

Jefferson 10 Investors, LP has applied for a Major Subdivision, Grading Permit, Lot Line Adjustment, and Street Name Assignment to subdivide a 3.88-acre lot into 9 new parcels at the former horse ranch located at 4057 Jefferson Avenue in unincorporated Emerald Lake Hills in San Mateo County. The project involves approximately 9,887 cubic yards (cy) of grading (8,970 cy for the lots; 1,017 cy for the private road). The proposal includes the addition of a new cul-de-sac (private street), and pads for 9 new single-family homes. The project also involves a Lot Line Adjustment to acquire 6,312 sq. ft. from the adjacent parcel (APN 068-211-020). All existing structures will be demolished. Site improvements will include new underground water, sewer gas, communications, and storm drain lines. The project will preserve the existing stream channel (Arroyo ojo de Agua), including a large willow thicket. A portion of willow thicket will be removed and the streambed upstream of the willow thicket will be enhanced with new willow and indigenous riparian tree, shrub and ground cover planting. Sixty-three trees (61 are protected) will be removed and replaced with primarily with indigenous trees

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: To reduce fugitive dust that would be generated during project construction activities, the County shall require the project Applicant and/or the Applicant's designated contractors, contractor's representatives, or other appropriate personnel to implement the following BAAQMD basic dust control measures.

- a. Water all exposed surfaces (e.g., staging areas, soil piles, graded areas, and unpaved access roads) two times per day during construction and adequately wet demolition surfaces to limit visible dust emissions.
- b. Cover all haul trucks transporting soil, sand, or other loose materials off the project site.
- c. Use wet power vacuum street sweepers at least once per day to remove all visible mud or dirt track-out onto adjacent public roads (dry power sweeping is prohibited) during construction of the proposed project.
- d. Vehicle speeds on unpaved roads/areas shall not exceed 15 miles per hour.
- e. Complete all areas to be paved as soon as possible and lay building pads as soon as possible after grading unless seeding or soil binders are used.
- f. Minimize idling time of diesel-powered construction equipment to five minutes and post signs reminding workers of this idling restriction at access points and equipment staging areas during construction of the proposed project.
- g. Maintain and properly tune all construction equipment in accordance with manufacturer's specifications and have a CARB-certified visible emissions evaluator check equipment prior to use at the site.
- h. Post a publicly visible sign with the name and telephone number of the construction contractor and County staff person to contact regarding dust complaints. This person

shall respond and take corrective action within 48 hours. The publicly visible sign shall also include the contact phone number for the Bay Area Air Quality Management District to ensure compliance with applicable regulations.

Mitigation Measure 2: All construction-related activities (including but not limited to mobilization and staging, clearing, grubbing, vegetation removal, fence installation, demolition, and grading) shall occur outside the avian nesting season before February 1, or after September 15. If construction activities or noise will occur within that time frame, all suitable habitats located within the project's area of disturbance, including staging and storage areas plus a 250-foot (passerines) and 1,000-foot (raptor nests) buffer around these areas should be thoroughly surveyed for active nests by a qualified biologist no more than 5 days before commencement of any site disturbance activities and equipment mobilization. If project activities are delayed by more than five days following a survey, an additional nesting bird survey shall be performed prior to commencing the activity. The results of the surveys should be documented and submitted to the County Planning and Building Department prior to its issuance of building/grading permits.

If active nests are present, no site disturbance and mobilization of heavy equipment (including but not limited to equipment staging, fence installation, clearing, grubbing, vegetation removal, fence installation, demolition, and grading), shall take place within 25 feet of non-raptor nests, and 1,000 feet of raptor nests, or as determined by a qualified wildlife biologist. In consultation with the California Department of Fish and Wildlife, until the chicks have fledged. Monitoring shall be required to insure compliance with the MBTA and relevant California Fish and Game Code requirements. Monitoring dates and findings should be documented and provided to the County Planning/Building Department. If project construction will last for more than one year, this mitigation measure shall be implemented throughout construction of the project, including home construction for any activities occurring during the nesting season (February 1 to September 15).

Mitigation Measure 3: Before the start of construction and related activities (including, but not limited to mobilization and staging, clearing, grubbing, tree removal, vegetation removal, fence installation, demolition, and grading), a survey of structures and tree cavities suitable for roosting bats, as well as other roosting habitats, should be conducted within the project footprint. This shall include a 50-foot buffer, as feasible, by a qualified biologist within 14 days prior to the start of any site disturbance activities and equipment mobilization. If suitable structures, tree cavities, or other roost habitats are found, an emergence survey of the cavities shall be conducted by a qualified biologist. If a rare bat species, an occupied maternity, or a colony roost is detected, California Department of Fish and Wildlife (CDFW) shall be consulted to determine appropriate measures if the roost cannot be avoided. The results of all surveys shall be documented. Echolocation survey may be needed to verify the presence of bats, or an exclusion zone around the occupied tree or structure until the bats leave the roost. Due to restrictions of the California Health Department, direct contact by workers with any bat is not allowed. The qualified bat biologist should be contact immediately if a bat roost is discovered during project construction.

Mitigation Measure 4: Removal of the trampoline and concrete riprap from the riparian zone is required to improve the habitat value of the creek corridor. If bank stabilization becomes necessary, bioengineering methods, such as logs, native plant material or natural rocks, shall be used. Remove non-native invasive plants from the riparian zone, primarily the Himalayan blackberry and Italian thistle, and also non-native trees upstream and

downstream of the 0.54-acre willow grove including acacia, fig, mayten, eucalyptus, and cedar. Replace the non-native trees with native riparian trees under the direction of a restoration ecologist. A 1:1 ratio is suitable but can be adjusted as necessary by the restoration ecologist.

Mitigation Measure 5: Prepare a Storm water Pollution Prevention Plan and follow Best Management Practices to protect water quality both during construction and post-construction.

Mitigation Measure 6: To compensate for the pruning and removal of 2,500 square feet of willows on proposed lots 9 and 10, plant red willow cuttings taken from the red willow stand or other nearby source under the direction of a restoration ecologist. Willow plantings shall be both upstream (approximately 2,500 sq. ft.) and downstream of the 0.54-acre willow grove. The downstream planting shall be outside of the sanitary sewer easements, but as close to the creek channel as possible. The plantings shall include *Aeschulus californica*, *Baccharis pilularis*, *Heteromeles arbutifolia*, *Quercus agrifolia*, *salix laevigata*, and *salix lasiolepis*, and shall be planted consistent with Willow Restoration and Enhancement Plan prepared by MIG, and dated August 2019.

Mitigation Measure 7: Record a conservation easement on the Parcel Map and adjoin lot on Fallen Leaf Way covering the existing willow grove and the mitigation areas planted to offset partial removal of the existing willow grove. The conservation easement shall preclude development of any kind within the easement area, and shall be subject to management by the homeowners association established to manage the common resources of the subdivision, including the conservation area. The applicant shall have a qualified biologist prepare a management plan for the conservation area for review and approval of Planning and Building Department. The Conservation Area Management Plan (Plan) shall describe the monitoring and maintenance activities needed to ensure the ongoing success of the proposed mitigation willow plantings. The conservation easement area shall be fenced with a perimeter fence that allows for wildlife movement, but clearly delineates the area. The plan shall include measures that ensure:

- a. There would be no significant adverse impact on endangered, rare or threatened species or their habitat;
- b. There are no hazardous materials at or around the project site that may be disturbed or removed;
- c. Stream or river bank stabilization with native vegetation or other bioengineering techniques, the primary purpose of which is to reduce or eliminate erosion and sedimentation; and
- d. Any culvert replacement conducted in accordance with published guidelines of the Department of Fish and Game or NOAA Fisheries, the primary purpose of which is to improve habitat or reduce sedimentation.

Mitigation Measure 8: Minimization of the tree removal is required and should be consistent with Section 6565.15(A) of the County's Zoning Ordinance. Coast live oaks should be retained where possible and protected. Authorization from the County is required for the removal of the significant trees (any tree with a single stem of 6-inch diameter or 19-

inch circumference) or the trimming or removal of a heritage tree. Replacement trees will be required as a condition of the grading and tree removal permit.

Mitigation Measure 9: The proposed project must comply with the arborist report recommendations for the protection of trees during construction, including installation and maintenance of protective fencing around retained trees, the presence of the project arborist for all work within the dripline of protected trees, measure to protect trees during trenching, irrigation for protected trees, tree trimming that adheres to ANSI 300 standards and Best Management Practices, and inspection of the site by the project arborist to ensure proper installation of tree protection measures.

Mitigation Measure 10: Removal of plant species listed as “High” or “Moderate” in the California Invasive Plant Council Inventory should be removed prior to the start of project construction. Removal methods that prevent the spread of the invasive plants should be used, such as removing the plants before they go to seed, placing the removed plants in sealed plastic bags or covered dumpsters, and disposing of them as refuse rather than as compost. If removal is not possible, the spread of invasive plant species should be avoided during construction by washing boots and equipment that have contact invasive plants before working in another area. Landscape vegetation must not include any plant species listed as “High,” “Moderate” or “Limited” in the California Invasive Plant Council.

Mitigation Measure 11: Prior to building permit issuance, the project sponsor shall incorporate, via a note on the first page of the construction plans, that should cultural, paleontological or archaeological 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 CEQA Guidelines Section 15064.5(e). The note on the plans shall be subject to review and approval of the Current Planning Section.

Mitigation Measure 12: The treatment of human remains and any associated or unassociated funerary objects discovered during any soil-disturbing activity within the project site shall comply with applicable State laws. This shall include immediate notification of the County of San Mateo Medical Examiner (ME) and the project proponent. In the event of the ME’s determination that the human remains are Native American, notification of the Native American Heritage Commission (NAHC), is required who shall appoint a Most Likely Descendant (MLD) (PRC Section 5097.98).

The project sponsor, archaeological consultant, and MLD shall make all reasonable efforts to develop an agreement for the treatment, with appropriate dignity, of human remains and associated or unassociated funerary objects (CEQA Guidelines Section 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. The California PRC allows 48 hours to reach agreement

on these matters. If the MLD and the other parties do not agree on the reburial method, the project will follow PRC Section 5097.98(b) which states that “. . . the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance.”

Mitigation Measure 13: 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 the 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.

Mitigation Measure 14: Any unstable areas shall be stabilized through the planting of native plants. These plants must have strong, stabilizing roots.

Mitigation Measure 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. 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.).

Mitigation Measure 16: Prior to the issuance of any permit for development on the site, 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 Countywide 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 construction.
- d. Within five (5) days of clearing or inactivity in construction, stabilize bare soils through either non-vegetative best management practices (BMPs), such as mulching, or vegetative erosion control methods, such as seeding. Vegetative erosion control shall be established within two (2) weeks of seeding/planting.
- e. Construction 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. 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.
- k. 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 17: The applicant shall utilize the following, where feasible:

- a. Perform on-site material hauling with trucks equipped with on-road engines (if determined to be less emissive than off-road engines).

- b. Use alternate fuels for generators at construction sites such as propane or solar, or electrical power.
- c. Use a California Air Resources Board approved low carbon fuel for construction equipment.
- d. Encourage and provide carpools, shuttle vans, transit passes and/or secure bicycle parking for construction worker commutes.
- e. Reduce electricity use in the construction office by using compact fluorescent or LED bulbs, powering off computers every day, and replacing heating and cooling units with more efficient ones.

Mitigation Measure 18: Prior to recordation, applicant is required to submit a replanting and vegetation plan that sufficiently sequesters the amount of CO₂ provided by the existing 63 mature trees proposed to be removed.

Mitigation Measure 19: The building plans of the Proposed Project shall be reviewed by a representative from Woodside Fire Protection District (WFPD) to ensure that regulations in the County's Fire Ordinance are met and the project complies with the County Fire/Cal-Fire requirements. Prior to recordation, the applicant shall submit landscaping plans to be reviewed by County staff and by WFPD to ensure that the trees, shrubs and groundcovers are specified to include only fire-adapted plants and located to provide defensible space around the homes.

Mitigation Measure 20: At the time of application for a building permit, the applicant shall submit a permanent stormwater management plan to the Department of Public Works in compliance with Municipal Stormwater Regional Permit Provision C.3.i and the County's Drainage Policy.

Mitigation Measure 21: 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 six (6) 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.

A site drainage plan will be required for construction of the new residences that will demonstrate how roof drainage and site runoff will be directed to an approved location. In compliance with the County's Drainage Policy, this plan must demonstrate that post-development flows and velocities to adjoining private property and the public right-of-way shall not exceed those that existed in the pre-developed state.

Mitigation Measure 22: Noise sources associated with demolition, construction, repair, remodeling, or grading of any real property shall be limited to the hours from 7:00 a.m. to 6:00 p.m., weekdays and 9:00 a.m. to 5:00 p.m., Saturdays. Said activities are prohibited on Sundays, Thanksgiving, and Christmas (San Mateo Ordinance Code Section 4.88.360).

Mitigation Measure 23: Prior to the issuance of a Grading Hard Card, the applicant shall provide to the Current Planning Section and Department of Public works for approval a traffic control plan that (1) provides advance warning to motorists on Jefferson Avenue of the activation of a new street intersection, (2) place W2-2L and W16-2a (150 FT) intersection warning signs facing westbound traffic in advance of the intersection and roadway lighting of the new cul-de-sac intersection with Jefferson Avenue in accordance with RP-8-00 (Illuminating Engineering Society of North America, ANSI/IESNA RP-8-00, American National Standard Practice for Roadway Lighting, New York, 2000, reaffirmed 2005), (3) within driveway and street corner sight triangles, there shall be no fencing, signage, or trees planted that would create a wall effect and any trees planted should be limbed up so that the lowest branch is at least 7 feet above the road grade. Provide roadway lighting in accordance with RP-8-00, and (4) prohibits parking within the right of way on Jefferson Avenue. These measures shall be implemented prior to any equipment is staged at the site.

Mitigation Measure 24: Enforce Cal-Fire's defensible space policy by requiring the developer or residents to plant in a manner that creates defensible space around the homes.

Mitigation Measure 25: The applicant shall ensure through the enforcement of contractual obligations that the following measures are implemented by contractors during project construction:

- a. Staging areas, welding areas, or areas slated for development using spark-producing equipment shall be cleared of dried vegetation or other materials that could serve as fire fuel. To the extent feasible, the contractor shall keep these areas clear of combustible materials in order to maintain a fire break.
- b. Any construction equipment that normally includes a spark arrester shall be equipped with an arrester in good working order. This includes, but is not limited to, vehicles, heavy equipment, and chainsaws.

Mitigation Measure 26: The building plans of the proposed project shall be reviewed by a representative from County Fire/Cal-Fire to ensure that regulations in the County's Fire Ordinance are met and the project complies with County Fire/Cal-Fire requirements. The development of the Proposed Project shall be in compliance with Chapter 15 of the County General Plan with respect to residential uses adjacent to open space areas where wildfire is a threat.

Mitigation Measure 27: The project applicant shall require through contractual obligations that the construction contractor(s) marks the areas planned to be disturbed in white paint and notify Underground Service Alert (USA) one week prior to the beginning of excavation activities. This will be completed so the entire construction area is properly surveyed in order to minimize the risk of exposing or damaging underground utilities. USA provides a free "Dig Alert" service to all excavators (contractors, homeowners and others), in northern California, and will automatically notify all USA Members (utility service providers) who may have underground facilities at their work site. In response, the USA Members will mark or stake the horizontal path of their underground facilities, provide information about, or give clearance to dig. This service protects excavators from personal injury and underground facilities from being damaged. The utility companies will be responsible for the timely removal or protection of any existing utility facilities located within construction areas.

Mitigation Measure 28: The maximum distances between fire hydrants, in other than single-family zones, shall be 400 feet with **hydrants** being located as nearly as possible at street intersections.

Mitigation Measure 29: The project is located in a Local Responsibility Area, Very High Fire Hazard Severity Zone and as such will be mandated to be designed and constructed to meet the requirements for *Materials and Construction Methods for Exterior Wildfire Exposure* found in the California Residential Code.

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: October 18, 2019 – November 7, 2019

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 7, 2019.**

CONTACT PERSON

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