



Planning & Building Department Planning Commission

Laurie Simonson, 1st District
Frederick Hansson, 2nd District
Zoe Kersteen-Tucker, 3rd District
Manuel Ramirez, Jr., 4th District
Steve Dworetzky, 5th District

County Office Building
455 County Center
Redwood City, California 94063
(650) 363-1859

Action Minutes

DRAFT

MEETING NO. 1599

Wednesday, July 8, 2015

In the Board of Supervisors Chambers, Hall of Justice and Records, located at 400 County Center, Redwood City.

Commissioner Hansson called the meeting to order at 9:07 a.m.

Pledge of Allegiance: The Pledge of Allegiance was led by Commissioner Hansson.

Roll Call:

Commissioners Present:	Hansson, Kersteen-Tucker, Ramirez
Commissioners Absent:	Dworetzky and Simonson
Staff Present:	Monowitz, Fox, Houshnamdi
Staff Absent:	Shu

Legal notice published in the San Mateo County Times on June 27, 2015 and in the Half Moon Bay Review on June 24, 2015.

Oral Communications to allow the public to address the Commission on any matter not on the agenda.

None.

Consideration of the Minutes of the Planning Commission meeting of May 27, 2015. The Minutes were continued and will be considered on July 22, 2015.

CONSENT AGENDA

Commissioner Kersteen-Tucker moved for approval of the Consent Agenda, and Commissioner Ramirez seconded the motion. Motion carried 3-0-0-0, approving items as follows:

- Owner/Applicant:** John S. Ashworth
File No.: PLN2015-00229
Location: Bear Gulch Road west of Skyline Boulevard near Skylonda
Assessor's Parcel No.: 075-340-240

Consideration of a request by the Midpeninsula Regional Open Space District (MROSD) to determine if acquisition of a privately-owned 5.07-acre parcel for use as open space, natural resource management, habitat preservation, and low-intensity recreation conforms to the County General Plan.

- 2. **Owner/Applicant:** Peninsula Open Space Trust
 File No.: PLN2015-00230
 Location: 5711 La Honda Road and adjacent properties, between La Honda and San Gregorio
 Assessor's Parcel Nos.: 082-130-130, 082-140-010, 082-150-030, 082-150-040, 083-361-040, and 083-361-100

Consideration of a request by the Midpeninsula Regional Open Space District (MROSD) to determine if proposed acquisition from the Peninsula Open Space Trust of six parcels for use as open space, resource management, habitat preservation, low-intensity recreation, and various agriculture conforms to the County General Plan.

- 3. **Owner/Applicant:** Los Trancos County Water District
 File No.: PLN2015-00247
 Location: Los Trancos Woods
 Assessor's Parcel Nos.: 080-071-010 and 080-100-060

Consideration of a request by the County's Real Property Services Division to determine if County acquisition of two parcels totaling 1.92 acres from the dissolving Los Trancos County Water District conforms to the County General Plan.

- 4. **Owner/Applicant:** Los Trancos County Water District
 File No.: PLN2015-00248
 Location: Los Trancos Woods
 Assessor's Parcel No.: 080-060-580

Consideration of a request by the Woodside Fire Protection District to determine if the District's acquisition of a 3.2-acre parcel from the dissolving Los Trancos County Water District conforms to the County General Plan.

END OF THE CONSENT AGENDA

REGULAR AGENDA

- 5. **Owner:** Nihal Denari
Applicant: Gregory Denari
 File No.: PLN2014-00311
 Location: 638 18th Avenue, North Fair Oaks
 Assessor's Parcel No.: 060-144-150

Consideration of a Non-Conforming Use Permit, pursuant to the San Mateo County Zoning Regulations Section 6137, to: (1) legalize a bedroom addition with a 4'8" side yard setback where a minimum 5' setback is required at the rear of a legal non-conforming single-family residence; (2) allow a one-car garage to remain where two covered parking spaces are required; and (3) legalize an illegally

constructed detached accessory structure located 10" and 1' 6" from rear and side property lines, respectively, where minimum 3' setbacks are required.

SPEAKERS:

1. Greg Denari

COMMISSION ACTION:

Commissioner Ramirez moved and Commissioner Kersteen-Tucker seconded to close the public hearing. **Motion carried 3-0-0-0.**

Commissioner Ramirez moved to approve the project and Commissioner Kersteen Tucker seconded the motion. **Motion carried 3-0-0-0.**

Based on information provided by staff and evidence presented at the hearing, the Planning Commission approved the Non-Conforming Use Permit for items (1) and (2) cited above by adopting the required findings and conditions of approval as identified below, and denied item (3) legalize an illegally constructed non-conforming detached accessory structure located 10" and 1' 6" from rear and side property lines, respectively, where minimum 3' setbacks are required by adopting the required finding and conditions of denial, making the findings and adopting the conditions of approval as follows:

FINDINGS:

For the Environmental Review, Found:

1. That the project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15301, Class 1, for the minor alteration to existing private structures (including single-family residences) where the expansion of the use (in this case, residential) is negligible.

For the Non-Conforming Use Permit, Found:

2. That the establishment, maintenance and/or conducting of the use will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in said neighborhood, as (a) regarding the non-conforming bedroom, this addition maintains the same setback as the previous legal, non-conforming patio had and the addition of a third bedroom is typical of the number of bedrooms that residences in this neighborhood have, and (b) regarding the non-conforming one-car garage, it is not unusual to accommodate a third bedroom with an exception that allows a one-car garage to remain, where options to provide two covered spaces are limited and on-site tandem, uncovered parking is still available.

CONDITIONS OF APPROVAL:

Current Planning Section

1. This approval applies only to the proposal, documents, and plans, except for the detached "office" building, described in this report and submitted to and approved by the Planning Commission on July 8, 2015. Minor modifications to the project may be approved by the Community Development Director if they are consistent with the intent of, and in substantial conformance with this approval.
2. This Use Permit is valid for one (1) year from the date of final approval, in which time a valid building permit shall be issued and a completed inspection (to the satisfaction of the Building Inspector) shall have occurred within 180 days of its issuance. Any extension of these permits

shall require submittal of an application for permit extension and payment of applicable fees sixty (60) days prior to expiration.

3. The applicant shall apply for a building permit for the subject addition to the back of the house (which plans shall also address all other issues cited by the Building Inspection Section in Condition No. 8) and shall adhere to all requirements from the Building Inspection Section, the Department of Public Works, and the Menlo Park Fire Protection District.
4. Since the applicant has indicated that the detached "office" building is not able to be relocated to a compliant location (relative to minimum required side setbacks), the applicant shall apply for a building permit to demolish this building. The building permit cited in Condition No. 3 shall only be issued concurrently with the permit to demolish the detached "office" structure. Likewise, the building permit cited in Condition No. 3 shall not be finalized until it is confirmed that this structure has been removed and this permit finalized.

If either of these outcomes do not occur, and since both the illegally constructed third bedroom and illegally constructed "office" accessory building constitute pending building violations, such violation(s) may be recorded against the title of the subject parcel.

5. Regarding any necessary and remaining construction to complete and obtain final approval of the building permit from the Building Inspection Section to reduce the impact of any construction-related activities on neighboring properties, comply with the following:
 - a. All debris shall be contained on-site; a dumpster or trash bin shall be provided on-site during construction to prevent debris from blowing onto adjacent properties. The applicant shall monitor the site to ensure that trash is picked up and appropriately disposed of daily.
 - b. The applicant shall remove all construction equipment from the site upon completion of the use and/or need of each piece of equipment which shall include but not be limited to tractors, back hoes, cement mixers, etc.
 - c. The applicant shall ensure that no construction-related vehicles shall impede through traffic along the right-of-way on 18th Avenue. All construction vehicles shall be parked on-site outside the public right-of-way or in locations, which do not impede safe access on 18th Avenue. There shall be no storage of construction vehicles in the public right-of-way.
6. Regarding any necessary and remaining construction to complete and obtain final approval of the building permit from the Building Inspection Section: Noise levels produced by the proposed construction activity shall not exceed the 80-dBA level at any one moment. Construction activities shall be limited to the hours from 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 operations are prohibited on Sunday and any national holiday.
7. The applicant shall provide one designated, on-site parking space measuring a minimum of 8.5' x 18', to be available at all times on the subject property, located and constructed off to the immediate right of the driveway entering the property. The designated uncovered parking space shall be shown on building permit plans. The surface parking materials of this parking space shall be indicated on the building plans (e.g., asphalt, pavers). Prior to final Planning Department approval of the building permit for this project, the applicant shall submit photos to the Planning Department verifying the uncovered parking space placed and constructed in the manner cited.

8. The required building permit as required in Condition No. 3 shall also address and include resolution of the following comments as cited by the Building Inspection Manager based on his site visit to the property: As a result of the entire house having been remodeled by the previous owners (with no records of permits), the ceiling joist appears to have been removed to create high ceilings, plastic drain and vent lines have been installed throughout the walls and house. The bedroom/bathroom addition to the house as well as any and all other structural issues previously cited through the entire house will be required to comply with all current code requirements. The submitted building plans for the subject addition to the back of the house shall address all of these items to the satisfaction of the Building Inspection Section. Structural engineering sheets and calculations shall be submitted with the building permit plans for review and approval. All drawings must be drawn to scale and clearly define the whole project and its scope. The owner or applicant is encouraged to speak with either the Building Inspection Manager or the Building Permit Coordinator to ensure a full understanding of what the building plans need to show.
9. An automatic fire sprinkler system is required for the main residence, as more specifically cited and required by Menlo Park Fire Protection District, Condition Nos. 15 and 16. This permit must be issued prior to or in conjunction with the building permit.
10. A site drainage plan shall be submitted with the building permit plans for review and approval, as more specifically cited and required by the Department of Public Works, Condition No. 13. This plan must demonstrate how roof drainage and site runoff will be directed to an approved disposal area.
11. Smoke detectors are required in all bedrooms, outside of the bedrooms (hallway), one at each level, and shall be hardwired. In addition, carbon monoxide detector(s) are required at each level of a dwelling (not required in the garage). These requirements shall be shown on the building permit plans submitted for review and approval. This condition is reiterated as a requirement by the Menlo Park Fire Protection District in Condition No. 17.

Department of Public Works

12. Any proposed construction work within the County right-of-way shall not commence until County requirements for the issuance of an encroachment permit, including review of the plans, have been met and an encroachment permit issued.
13. The applicant shall have prepared, by a registered civil engineer, a drainage analysis of the proposed project and submit it to the Department of Public Works 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.
14. The existing driveway curb cut shall not be widened.

Menlo Park Fire Protection District

15. Water Supply: Access to the nearest public fire hydrant is located at the corner of Marsh Road and Fair Oaks Avenue (550') and therefore does not meet the provisions listed in CFC Section 507 for Fire Hydrant Access. To mitigate the hydrant distance deficiency, a sprinkler system installed in the main residence will increase the required hydrant distance to 600'. Therefore, a National

Fire Protection Association (NFPA) 13-D fire sprinkler system shall be installed under a separate building permit for review by the Menlo Park Fire Protection District Standards. Fire sprinkler system to comply with Menlo Park Fire Protection District Standards.

- 16. Residence: The plans illustrate the existing residence scaled at 850 sq. ft. with the addition of the third bedroom/bath and laundry accounting for 385 sq. ft., resulting in 45.2% floor area being added to or altered. When the scope of work changes where 50% or more of the existing floor area is added and/or remodeled, repaired or renovated, the project will require installation of a NFPA 13-D fire sprinkler system. (Note that the criteria that triggers the sprinkler system installation for access to water supply has already been cited as noted under Condition No. 15.)
- 17. Residence: Install smoke detectors in each sleeping area and the area outside sleeping areas. Install carbon monoxide detector outside sleeping areas. Smoke and carbon monoxide detectors shall be hardwired and interconnected for alarm.
- 18. Addressing: The applicant shall provide at least 4" tall with Y2" stroke illuminated address numbers. The address shall be visible from the street and contrasting to its background. Address numbers shall be maintained.
- 19. Approved plans and approval letter must be on-site at the time of inspection. Final acceptance of this project is subject to field inspection.
- 20. Detached Garage: The detached garage, as submitted, does not require the installation of a fire sprinkler system. If the scope of work changes where the detached garage floor area increases to an area of 1,000 sq. ft. and greater, or if the garage is attached to the residence, a NFPA 13-D fire sprinkler system would then be required.
- 21. Fire Inspector Bob Blach of the Menlo Park Fire Protection District at 650/688-8430 is assigned to this project. Contact either Jon Johnston or Bob Blach at the numbers listed within this letter for questions of comments. Nothing in this review is intended to authorize or approve any aspects of the design or installation which do not strictly comply with all applicable codes and standards. Menlo Park Fire Protection District is not responsible for inadvertent errors or omissions pertaining to this review and/or subsequent field inspection(s) i.e., additional comments may be added during subsequent drawing review or field inspection. Please call with any questions.

FINDING OF DENIAL

For the Non-Conforming Use Permit (to Legalize Detached "Office" Building), Found:

That the establishment, maintenance and/or conducting of the use will, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in said neighborhood, since approval of a Use Permit to allow an illegally constructed building with substandard setbacks to be legalized would create a problematic precedent that, where similar approvals may then be issued, undermining the public safety intent and purpose of zoning setback requirements, which could be detrimental to the public welfare or injurious to property or improvements in the neighborhood.

6.	Owner:	Beth Keegstra
	Applicant:	Edward Love
	File No.:	PLN2015-00024
	Location:	420 3 rd Avenue, Miramar
	Assessor's Parcel No.:	048-037-050

Consideration of a Coastal Development Permit and Design Review Permit, pursuant to Sections 6328.4 and 6565.3 of the San Mateo County Zoning Regulations, to allow construction of a 764 sq. ft. second floor and 132 sq. ft. loft addition to an existing 1,792 sq. ft. one-story single-family residence. No trees are proposed for removal. The project is appealable to the California Coastal Commission.

SPEAKERS:

1. Lennie Roberts

COMMISSION ACTION:

Commissioner Ramirez moved and Commissioner Kersteen-Tucker seconded to close the public hearing. **Motion carried 3-0-0-0.**

Commissioner Kersteen-Tucker moved approve the project and Commissioner Ramirez seconded the motion. **Motion carried 3-0-0-0.**

Based on information provided by staff and evidence presented at the hearing, the Planning Commission approved the Coastal Development Permit and Design Review Permit, by adopting the required findings and conditions of approval as follows:

FINDINGS:

Regarding the Environmental Review, Found:

1. That the proposed project is categorically exempt pursuant to Section 15301, Class 1(e), of the California Environmental Quality Act, relating to additions to existing structures, provided that the addition will not result in an increase of more than 50% of the floor area of the structures before the addition, or 2,500 sq. ft., whichever is less. The 896 sq. ft. addition is an increase of 50% of the floor area of the existing residence (1,792 sq. ft.).

Regarding the Coastal Development Permit, Found:

2. That the project, as described in the application and accompanying materials required by the Zoning Regulations, Section 6328.4, and as conditioned in accordance with Section 6328.14, conforms with the applicable policies and required findings of the San Mateo County Local Coastal Program (LCP). Specifically, the project complies with policies regarding visual resources, shoreline access, and is in compliance with design review standards and findings.

Regarding the Design Review, Found:

3. That, based on the findings made by the Coastsides Design Review Committee at its meeting of April 9, 2015, the project is in compliance with applicable Design Review Standards for the Coastsides. The project, as designed and conditioned, complements the dominant style of the neighborhood homes. The project adequately protects neighbors' privacy and views; is well articulated; uses colors and materials that appear natural; and uses downward-directed exterior lighting fixtures.

CONDITIONS OF APPROVAL:

Current Planning Section

1. The project shall be constructed in compliance with the plans approved by the Planning Commission on July 8, 2015. Any changes or revisions to the approved plans shall be submitted to the Design Review Officer for review and approval prior to implementation. Minor adjustments to the project may be approved by the Design Review Officer if they are consistent with the intent of and are in substantial conformance with this approval. Alternatively, the Design Review Officer may refer consideration of the revisions to the Coastside Design Review Committee, with applicable fees to be paid.
2. The Coastal Development Permit and Design Review final approvals shall be valid for five (5) years from the date of approval, in which time a building permit shall be issued and a completed inspection (to the satisfaction of the Building Inspector) shall have occurred within 180 days of its issuance. This approval may be extended by one 1-year increment with submittal of an application for permit extension and payment of applicable extension fees sixty (60) days prior to the expiration date.
3. The applicant shall include the project approval letter including all conditions of approval on the top pages of the building plans.
4. The applicant shall submit the following item and/or indicate the following on plans submitted for a building permit, as stipulated by the Coastside Design Review Committee:
 - a. Manufacturers' specification sheets for the downward-directed exterior lighting fixtures.
 - b. Boundary survey of site setbacks.
5. The applicant shall provide "finished floor elevation verification" to certify that the structure is actually constructed at the height shown on the submitted plans. The applicant shall have a licensed land surveyor or engineer establish a baseline elevation datum point in the vicinity of the construction site.
 - a. The applicant shall maintain the datum point so that it will not be disturbed by the proposed construction activities until final approval of the building permit.
 - b. This datum point and its elevation shall be shown on the submitted site plan. This datum point shall be used during construction to verify the elevation of the finished floors relative to the existing natural or to the grade of the site (finished grade).
 - c. Prior to Planning approval of the building permit application, the applicant shall also have the licensed land surveyor or engineer indicate on the construction plans: (1) the natural grade elevations at the significant corners (at least four) of the footprint of the proposed structure on the submitted site plan, and (2) the elevations of proposed finished grades.
 - d. In addition, (1) the natural grade elevations at the significant corners of the proposed structure, (2) the finished floor elevations, (3) the topmost elevation of the roof, and (4) the garage slab elevation must be shown on the plan, elevations, and cross-section (if one is provided).
 - e. Once the building is under construction, prior to the below floor framing inspection or the pouring of the concrete slab (as the case may be) for the lowest floor(s), the applicant shall provide to the Building Inspection Section a letter from the licensed land surveyor or

engineer certifying that the lowest floor height, as constructed, is equal to the elevation specified for that floor in the approved plans. Similarly, certifications on the garage slab and the topmost elevation of the roof are required.

- f. If the actual floor height, garage slab, or roof height, as constructed, is different than the elevation specified in the plans, then the applicant shall cease all construction and no additional inspections shall be approved until a revised set of plans is submitted to and subsequently approved by both the Building Official and the Community Development Director.
6. During project construction, the applicant shall, pursuant to Chapter 4.100 of the San Mateo County Ordinance Code, minimize the transport and discharge of stormwater runoff from the construction site into storm drain systems and water bodies by:
 - a. Using filtration materials on storm drain covers to remove sediment from dewatering effluent.
 - b. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 1 and April 30.
 - c. Removing spoils promptly, and avoiding stockpiling of fill materials, when rain is forecast. If rain threatens, stockpiled soils and other materials shall be covered with a tarp or other waterproof material.
 - d. Storing, handling, and disposing of construction materials and wastes so as to avoid their entry to the storm drain system or water body.
 - e. Avoiding cleaning, fueling or maintaining vehicles on-site, except in an area designated to contain and treat runoff.
 - f. Limiting and timing application of pesticides and fertilizers to avoid polluting runoff.
 7. The applicant shall include an erosion and sediment control plan that complies with County guidelines in the plans submitted for the building permit. This plan shall identify the type and location of erosion control devices to be installed upon the commencement of construction in order to maintain the stability of the site and to prevent erosion and sedimentation off-site.
 8. The applicant shall apply for a building permit and shall adhere to all requirements of the Building Inspection Section, the Department of Public Works and the Coastside Fire Protection District.
 9. No site disturbances shall occur until a building permit has been issued.
 10. To reduce the impact of construction activities on neighboring properties, comply with the following:
 - a. All debris shall be contained on-site; a dumpster or trash bin shall be provided on-site during construction to prevent debris from blowing onto adjacent properties. The applicant shall monitor the site to ensure that trash is picked up and appropriately disposed of daily.
 - b. The applicant shall remove all construction equipment from the site upon completion of the use and/or need of each piece of equipment which shall include but not be limited to tractors, back hoes, cement mixers, etc.

- c. The applicant shall ensure that no construction-related vehicles shall impede through traffic along the right-of-way on Third Avenue. All construction vehicles shall be parked on-site outside the public right-of-way or in locations which do not impede safe access on Third Avenue. There shall be no storage of construction vehicles in the public right-of-way.
11. The exterior color samples submitted to the Coastside Design Review Committee are approved. Color verification shall occur in the field after the applicant has applied the approved materials and colors but before a final inspection has been scheduled.
12. Noise levels produced by the proposed construction activity shall not exceed the 80-dBA level at any one moment. Construction activities shall be limited to the hours from 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 operations shall be prohibited on Sunday and any national holiday.

Building Inspection Section

13. The applicant shall apply for a building permit.

Coastside County Water District

14. Prior to the issuance of a building permit, the applicant shall obtain a water service connection.

Department of Public Works

15. Prior to the issuance of the building permit, the applicant will be required to provide payment of "roadway mitigation fees" based on the square footage (assessable space) of the proposed building per Ordinance No. 3277.

Coastside Fire Protection District

16. Smoke detectors which are hardwired: As per the California Building Code (CBC), State Fire Marshal Regulations, and Coastside Fire Protection District (CFPD) Ordinance No. 2013-03, the applicant is required to install State Fire Marshal approved and listed smoke detectors which are hardwired, interconnected, and have battery backup. These detectors are required to be placed in each new and reconditioned sleeping room and at a point centrally located in the corridor or area giving access to each separate sleeping area. In existing sleeping rooms, areas may have battery powered smoke alarms. A minimum of one detector shall be placed on each floor. Smoke detectors shall be tested and approved prior to the building final.
17. Add note to plans: Smoke alarms/detectors are to be hardwired, interconnected, or with battery backup. Smoke alarms are to be installed per manufacturer's instruction and NFPA 72.
18. Add note to plans: Escape or rescue windows shall have a minimum net clear openable area of 5.7 sq. ft. Five (5) sq. ft. allowed at grade. The minimum net clear openable height dimension shall be 24 inches. The net clear openable width dimension shall be 20 inches. Finished sill height shall be not more than 44 inches above the finished floor.
19. Identify rescue windows in each bedroom and verify that they meet all requirements. Add this to plans.
20. Occupancy separation: As per the 2013 CBC, Section 406.3.4, a one-hour occupancy separation wall shall be installed with a solid core, 20-minute fire rated, self-closing door assembly with

smoke gasket between the garage and the residence. All electrical boxes installed in rated walls shall be metal protected.

21. Address numbers: As per CFPD Ordinance No. 2013-03, building identification shall be conspicuously posted and visible from the street. (TEMPORARY ADDRESS NUMBERS SHALL BE POSTED PRIOR TO COMBUSTIBLES BEING PLACED ON-SITE.) The letters/numerals for permanent address signs shall be 4 inches in height with a minimum 3/4-inch stroke. Such letters/numerals shall be internally illuminated and facing the direction of access. Finished height of bottom of address light unit shall be greater than or equal to 6 feet from the finished grade. When the building is served by a long driveway or is otherwise obscured, a 6-inch by 18-inch green reflective metal sign with 3-inch reflective numbers/ letters similar to Hy-Ko 911 or equivalent shall be placed at the entrance from the nearest public roadway. See Fire Ordinance for standard sign.
22. Roof covering: As per CFPD Ordinance No. 2013-03, the roof covering of every new building or structure, and materials applied as part of a roof covering assembly, shall have a minimum fire rating of Class "B" or higher as defined in the current edition of the California Building Code.
23. Chimney present: The installation of an approved spark arrester is required on all chimneys. Spark arrester shall be made of 12-gauge woven or welded wire screening having openings not exceeding 1/2 inch.
24. Vegetation management: As per CFPD Ordinance No. 2013 03, the 2013 California Fire Code (CFC) and Public Resources Code 4291, a fuelbreak of defensible space is required around the perimeter of all structures to a distance of not less than 30 feet and may be required to a distance of 100 feet or to the property line. In SRA (State Responsible Area), the fuelbreak is 100 feet or to the property line.
25. Trees located within the defensible space shall be pruned to remove dead and dying portions, and limbed up 6 to 10 feet above the ground. New trees planted in the defensible space shall be located no closer than 10 feet to adjacent trees when fully grown or at maturity.
26. Remove that portion of any existing tree, which extends within 10 feet of the outlet of a chimney or stovepipe or is within 5 feet of any structure.
27. Add the following note to plans: The installation of an approved spark arrester is required on all chimneys, existing and new. Spark arresters shall be constructed of woven or welded wire screening of 12-gauge USA standard wire having openings not exceeding 1/2 inch.
28. Show location of fire hydrant on a site plan. A fire hydrant is required within 250 feet of the building and flow a minimum of 1,000 gpm at 20 psi. This information is to be verified by the water purveyor in a letter initiated by the applicant and sent to San Mateo County Fire/Cal-Fire or CFPD. If there is not a hydrant within 250 feet with the required flow, one will have to be installed at the applicant's expense.
29. Add note to the title page that the building will be protected by an automatic fire sprinkler system.
30. A Knox padlock or key switch will be required if there is limited access to property (CFC 506.1). For application or further assistance, contact CFPD.
31. Add the following note to plans: A fuel or defensible break is required around the perimeter of all structures, existing and new, to a distance of not less than 30 feet and may be required to a

distance of 100 feet or to the property line. This is neither a requirement nor an authorization for the removal of living trees.

- 32. Fire Hydrant: As per 2013 CFC, Appendix B and C, a fire district approved fire hydrant (Clow 960) must be located within 250 feet of the proposed single-family dwelling unit measured by way of drivable access. As per 2013 CFC, Appendix B, the hydrant must produce a minimum fire flow of 1,000 gallons per minute at 20 pounds per square inch residual pressure for 2 hours. Contact the local water purveyor for water flow details. Only current fire flow will be accepted. Flow over five years will need fire flows.
- 33. Automatic Fire Sprinkler System: As per San Mateo County Building Standards and CFPD Ordinance No. 2103-03, the applicant is required to install an automatic fire sprinkler system throughout the proposed or improved dwelling and garage. All attic access locations will be provided with a pilot head on a metal upright. All areas that are accessible for storage purposes shall be equipped with fire sprinklers including closets and bathrooms. The only exception is small linen closets less than 24 sq. ft. with full depth shelving. The plans for this system must be submitted to the San Mateo County Planning and Building Department or the City of Half Moon Bay. A building permit will not be issued until the plans are received, reviewed and approved. Upon submission of plans, the County will forward a complete set to CFPD for review. The fee schedule for automatic fire sprinkler systems shall be in accordance with Half Moon Bay Ordinance No. 2006-01. Fees shall be paid prior to plan review.
- 34. Installation of underground sprinkler pipes shall be flushed and visually inspected by CFPD prior to hookup to riser. Any soldered fittings must be pressure tested with trench open.
- 35. Exterior bell and interior horn/strobe: are required to be wired into the required flow switch on your fire sprinkler system. The bell horn/strobe and flow switch, along with the garage door opener, are to be wired into a separate circuit breaker at the main electrical panel and labeled.
- 36. All fire conditions and requirements must be incorporated into your building plans prior to building permit issuance. It is your responsibility to notify your contractor, architect and engineer of these requirements.

7. **Owner/Applicant:** **Jessica Koehne**
 Appellant: Tom Uridel
 File No.: PLN2015-00072
 Location: 1090 Los Trancos Road, Los Trancos Woods
 Assessor's Parcel No.: 080-082-070

Consideration of an appeal of a decision by the Community Development Director to approve a Tree Removal Permit, pursuant to Section 12000 of the San Mateo County Ordinance Code, to remove one black oak tree.

SPEAKERS:
 None

COMMISSION ACTION:

Commissioner Kersteen-Tucker moved and Commissioner Ramirez seconded the motion to continue this item to the next hearing date on July 22, 2015 in order to allow the applicant/appellant to be present.
Motion carried 3-0-0-0.

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8. **Owner:** San Mateo County
Applicant: San Mateo County Department of Public Works
File No.: PLN2015-00204
Location: Butano Creek at Pescadero Creek Road, adjacent to the Cal-Fire, Pescadero Fire Station
Assessor's Parcel Nos.: Public R-O-W, 086-090-010 and 086-230-030

Consideration of a Coastal Development Permit for the removal of sediment from a 100-foot section of Butano Creek at the Pescadero Creek Road Bridge. The project is appealable to the California Coastal Commission.

SPEAKERS:

1. Mike Polacek

COMMISSION ACTION:

Commissioner Ramirez moved and Commissioner Kersteen-Tucker seconded to close the public hearing. **Motion carried 3-0-0-0.**

Commissioner Kersteen-Tucker moved and Commissioner Ramirez seconded the motion to approve the Coastal Development Permit for the removal of sediment from a 100-foot section of Butano Creek at the Pescadero Creek Road Bridge. **Motion carried 3-0-0-0.**

Based on information provided by staff and evidence presented at the hearing that the Planning Commission approved the request, making the findings and adopting the conditions of approval with the amendments to conditions #34 and #31 as follows:

FINDINGS:

Regarding the Mitigated Negative Declaration, Found:

1. That the Mitigated Negative Declaration is complete, correct and adequate and prepared in accordance with the California Environmental Quality Act and applicable State and County Guidelines.
2. That, on the basis of the Initial Study, comments received thereto, and testimony presented and considered at the public hearing, that there is no substantial evidence that the project, if subject to the mitigation measures contained in the Mitigated Negative Declaration, will have a significant effect on the environment.
3. That the Mitigated Negative Declaration reflects the independent judgment of San Mateo County.
4. That the mitigation measures identified in the Mitigated Negative Declaration, agreed to by the applicant, placed as conditions on the project, and identified as part of this public hearing, have been incorporated into the Mitigation Monitoring and Reporting Plan in conformance with California Public Resources Code Section 21081.6.

Regarding the Coastal Development Permit, Found:

5. 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 regard to the protection of biotic and visual resources.
6. That the project conforms to the specific findings required by policies of the San Mateo County Local Coastal Program as discussed in Section B.2 of the staff report dated July 8, 2015. Protection measures will be implemented to prevent any impact to biological resources, including San Francisco garter snake and California red-legged frog, and measures will be taken to offset permitted impacts to riparian habitat.

CONDITIONS OF APPROVAL:

Current Planning Section

1. The approval applies only to the proposal as described in this report and materials submitted for review and approval by the Planning Commission on July 8, 2015. 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.

Best Management Practices (BMPs) to be Implemented for the Proposed Project

2. Non-Hazardous Materials

- Berm and cover stockpiles of sand, dirt or other construction material with tarps when rain is forecast or if not actively being used within 14 days.
- Use (but do not overuse) reclaimed water for dust control.

3. Hazardous Materials

- Label all hazardous materials and hazardous wastes (such as pesticides, paints, thinners, solvents, fuel, oil, and antifreeze) in accordance with city, County, State and Federal regulations.
- Store hazardous materials and wastes in water-tight containers, store in appropriate secondary containment, and cover them at the end of every work day or during wet weather or when rain is forecast.
- Follow manufacturer's application instructions for hazardous materials and be careful not to use more than necessary. Do not apply chemicals outdoors when rain is forecast within 24 hours.
- Arrange for appropriate disposal of all hazardous wastes.

4. Waste Management

- Cover waste disposal containers securely with tarps at the end of every work day and during wet weather.

- Check waste disposal containers frequently for leaks and to make sure they are not overfilled. Never hose down a dumpster on the construction site.
- Clean or replace portable toilets, and inspect them frequently for leaks and spills.
- Dispose of all wastes and debris properly. Recycle materials and wastes that can be recycled (such as asphalt, concrete, aggregate base materials, wood, gyp board, pipe, etc.).
- Dispose of liquid residues from paints, thinners, solvents, glues, and cleaning fluids as hazardous waste.

5. Construction Entrances and Perimeter

- Establish and maintain effective perimeter controls and stabilize all construction entrances and exits to sufficiently control erosion and sediment discharges from site and tracking off-site.
- Sweep or vacuum any street tracking immediately and secure sediment source to prevent further tracking. Never hose down streets to clean up tracking.

6. Maintenance and Parking

- Designate an area, fitted with appropriate BMPs, for vehicle and equipment parking and storage.
- Perform major maintenance, repair jobs, and vehicle and equipment washing off-site.
- If refueling or vehicle maintenance must be done on-site, work in a bermed area away from storm drains and over a drip pan big enough to collect fluids.
- Recycle or dispose of fluids as hazardous waste.
- If vehicle or equipment cleaning must be done on-site, clean with water only in a bermed area that will not allow rinse water to run into gutters, streets, storm drains, or surface waters.
- Do not clean vehicle or equipment on-site using soaps, solvents, degreasers, steam cleaning equipment, etc.

7. Spill Prevention and Control

- Keep spill cleanup materials (rags, absorbents, etc.) available at the construction site at all times.
- Inspect vehicles and equipment frequently for and repair leaks promptly. Use drip pans to catch leaks until repairs are made.
- Clean up spills or leaks immediately and dispose of cleanup materials properly.
- Do not hose down surfaces where fluids have spilled. Use dry cleanup methods (absorbent materials, cat litter, and/or rags).

- Sweep up spilled dry materials immediately. Do not try to wash them away with water, or bury them.
- Clean up spills on dirt areas by digging up and properly disposing of contaminated soil.
- Report significant spills immediately. You are required by law to report all significant releases of hazardous materials, including oil. To report a spill: (1) Dial 911 or your local emergency response number, (2) Call the Governor's Office of Emergency Services Warning Center, 800/852-7550 (24 hours).

8. Sediment Control

- Protect storm drain inlets, gutters, ditches, and drainage courses with appropriate BMPs, such as gravel bags, fiber rolls, berms, etc.
- Prevent sediment from migrating off-site by installing and maintaining sediment controls, such as fiber rolls, silt fences, or sediment basins.
- Keep excavated soil on the site where it will not collect into the street.
- Transfer excavated materials to dump trucks on the site, not in the street.

9. Containment

- Fluid spills shall not be hosed down. The contractor shall use dry cleanup methods (absorbent materials, cat litter, and/or rags) whenever possible. If water must be used, the contractor will be required to collect the water and spilled fluids and dispose of it as hazardous waste. Spilled fluids shall not be allowed to soak into the ground or enter into any watercourse.
- Spilled dry materials shall be swept up immediately. Dry spills shall not be washed down or buried. Spills on dirt areas should be removed by digging up and properly disposing of contaminated soil.
- Significant spills shall be reported to the San Mateo County Environmental Health Services Division, or other emergency office as warranted, immediately and documented using the San Mateo Countywide Water Pollution Prevention Program (SMCWPPP) Construction Site Inspection Report form.

10. Equipment Maintenance and Fueling

- A separate area shall be designated for equipment maintenance and fueling, away from any slopes, watercourses or drainage facilities.
- Where equipment is expected to be stored for more than a few days, cleanup materials and tools shall be kept nearby and available for immediate use (refer to Condition No. 9, "Containment").
- Equipment shall not be stored in areas that will potentially drain to watercourses or drainage facilities.

- If equipment must be stored in areas with the potential to generate runoff, drip pans, berms, sandbags or absorbent booms shall be employed to contain any leaks or spills.
- Equipment shall be inspected daily for leaks or damage and promptly repaired.
- Timing of work.
- Construction activities that remove vegetative soil cover and/or potentially release sediment into stormwater will be conducted during the dry season (June 1 and October 15). Activities that are subject to permit requirements will be conducted during the period authorized by the permits.

11. Sand Bags/Rock Socks

- When used in water bodies, this BMP must be used in accordance with permit conditions.
- Secure ends of sandbags to ensure material does not scatter.
- When used as a barrier, stack bags tightly together and in alternate (brick-layer) fashion.
- During construction, inspect daily during the work week. Schedule additional inspections during storm events. Make any required repairs.
- Replace damaged sandbags/rock socks.
- Remove sediment when deposits reach 1/2 the height of the sandbag barrier.
- Replace rock socks when 1/2 full of sediment, or when water no longer flows through rock sock or when water is not clean after flowing through rock sock.

12. Dust Management Controls

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- 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.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- 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.
- 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.

- Post a publicly visible sign with the telephone number and person to contact at the County regarding dust complaints. Following the review of any dust complaints, the County project manager shall respond and take corrective action within 48 hours.

13. Staging and Access

Staging, access, and parking areas will be located outside of sensitive habitats to the extent feasible.

14. Area of Disturbance

Areas of disturbance will be limited to the smallest footprint necessary. The designated work area around Butano Creek will be clearly identified in the field using highly visible material, and work will not be conducted outside this area.

15. Equipment Maintenance and Inspection

All equipment will be maintained free of petroleum leaks. All vehicles operated within 250 feet of Butano Creek will be inspected daily for leaks and, if necessary, repaired before leaving the staging area. Inspections will be documented in a record that is available for review on request.

16. Stockpiling

Any large wood or weed-free topsoil displaced by project activities will be stockpiled for use during site restoration. Native vegetation displaced by project activities will be stockpiled if it is deemed to be useful during site restoration.

17. Site Stabilization

- Earthwork will be completed as quickly as possible, and site restoration will occur immediately following use. Bare soil surfaces resulting from maintenance and/or construction activities shall be covered with suitable erosion controls (fabrics, hydroseeding, mulch, etc.).
- Within twelve (12) hours of any break in work unless project activities will resume within seven (7) days.
- No later than three (3) days following the disturbance during the rainy season (approximately November through March).
- No later than seven (7) days following the disturbance during the dry season (approximately April through October).
- Every effort shall be made to immediately cover bare soil surfaces resulting from maintenance and/or construction activities prior to storms.

18. Environmental Awareness Training

For each activity, all project personnel will participate in a worker environmental awareness program. Under this program, project personnel will be informed about the presence of listed species and habitats associated with the species and that unlawful take of the animal or

destruction of its habitat is a violation of the Federal Endangered Species Act (ESA). Prior to project activities, a qualified biologist approved by the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) will instruct all project personnel about (1) the description and status of the species; (2) the importance of their associated habitats; and (3) a list of measures being taken to reduce impacts on these species during project implementation. A fact sheet conveying this information will be prepared for distribution to the project crew and anyone else who enters the project site. A member of the project crew will be appointed and identified during the environmental awareness program who will be the point of contact for any employee or contractor who might encounter a listed species. The representative's name and telephone number will be provided to USFWS and NMFS prior to the initiation of any activities.

19. Firearms

No firearms (except for Federal, State, or local law enforcement officers and security personnel) will be permitted at the project site to avoid harassment, killing or injuring of wildlife.

20. Domestic Animals

No animals (e.g., dogs or cats) can be brought to the project site to avoid harassment, killing or injuring of wildlife.

21. Cofferdam Installation and Channel Dewatering

When work in flowing streams is unavoidable, the County shall divert stream flow around the work area according to the following procedures designed to protect aquatic species during in-channel work.

Design:

- Prior to dewatering, the best means to bypass flow through the work area will be determined to minimize disturbance to the channel and avoid direct mortality of fish and other aquatic vertebrates. The County will prepare a dewatering plan which will be subject to review and approval by the Regional Water Quality Control Board, California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, and National Marine Fisheries Service.
- The area to be dewatered will encompass the minimum area necessary to perform the maintenance activity.
- The period of dewatering will extend only for the minimum amount of time needed to perform the maintenance activity.
- Downstream flows adequate to prevent fish or vertebrate stranding will be maintained at all times during dewatering activities.

Construction:

- Where feasible and appropriate, dewatering will occur via gravity driven systems.
- Cofferdams will be installed both upstream and downstream not more than 100 feet from the extent of the work areas.

- In-stream cofferdams will only be built from materials such as sandbags, clean gravel, or rubber bladders which will cause little or no siltation or turbidity. No earthen fill will be used to construct the cofferdam. Plastic sheeting will be placed over sandbags to minimize water seepage into the maintenance areas. The plastic sheets will be firmly anchored to the streambed to minimize water seepage. If necessary, the footing of the cofferdam will be keyed into the channel bed at an appropriate depth to capture the majority of subsurface flow needed to dewater the streambed.
- Stream flows will be allowed to gravity flow around or through the work site using temporary bypass pipes or culverts. Bypass pipe diameter will be sized to accommodate, at a minimum, twice the volume of the summer base flow.
- When use of gravity-fed dewatering is not feasible and pumping is necessary to dewater a work site, a temporary siltation basin and/or use of silt bags may be required to prevent sediment from re-entering the wetted channel.

Implementation:

- A qualified biologist will be present to ensure that state or federally listed fish and other aquatic vertebrates are not stranded during construction and implementation of channel dewatering. Prior to dewatering, the affected area will be surveyed by a qualified biologist. During cofferdam installation, the downstream cofferdam will be installed first. Most of the upstream cofferdam, with the exception of an opening large enough for fish passage, will then be constructed. Then, qualified biologists will walk from the downstream cofferdam upstream while carrying a block net or nets in order to encourage fish to move upstream and out of the opening in the upper cofferdam. The block net will then be positioned to prevent fish from re-entering the dewatering area while the upper cofferdam is completed. If insufficient water is present in the area upstream from the project to support fish, but sufficient water is present downstream from the project, then the process will be reversed (with the upstream cofferdam constructed first, and with fish encouraged to move downstream). Alternatively, if insufficient habitat is present either upstream or downstream from the project, the biologist will seine the entire sediment removal area and relocate fish to suitable habitat within another reach of Butano Creek (the relocation site to be determined in consultation with NMFS).
- Diverted and stored water will be protected from maintenance activity-related pollutants, such as soils or equipment lubricants or fuels.
- A multi-filter/screen system consisting of a 3.1 mm (1/8 inch) screen inside a 4x4x4-foot box covered with 6.3 mm (1/4 inch) screen will be installed at pump intakes to prevent impingement/entrainment of fish and amphibians.
- If necessary, discharged water will pass over some form of energy dissipater to prevent erosion of the downstream channel. Silt bags will be equipped to the end of discharge hoses and pipes to remove sediment from discharged water.
- For full channel dewatering, filtration devices or settling basins will be provided as necessary to ensure that the turbidity of discharged water is not visibly more turbid than in the channel upstream of the maintenance site. If increases in turbidity are observed, additional measures will be implemented such as a larger settling basin or additional filtration. If increases in turbidity persist, the County's Project Manager will be alerted and turbidity reduction measurements implemented immediately.

Deconstruction:

- When maintenance is completed, the flow diversion structure will be removed as soon as possible but no more than 48 hours after work is completed. Impounded water will be released at a reduced velocity to minimize erosion, turbidity, or harm to downstream habitat. Cofferdams will be removed such that surface elevations of water impounded above the cofferdam are lowered at a rate no greater than one inch per hour.
- When diversion structures are removed, to the extent practicable, the ponded flows will be directed into the low-flow channel within the work site to minimize downstream water quality impacts.
- The area disturbed by flow bypass mechanisms will be restored at the completion of the project. This may include, but is not limited to, recontouring the area and planting of riparian vegetation.

22. Minimize Injury or Mortality of Fish and Amphibian Species During Dewatering

- Prior to dewatering a construction site, fish and amphibian species will be captured and relocated if necessary to avoid direct mortality and minimize take. The following measures are consistent with those defined as *reasonable and prudent* by NMFS for projects concerning several northern California Evolutionarily Significant Units for Coho salmon and steelhead trout.
 - Fish relocation activities will be performed only by qualified fisheries biologists, with a current California Department of Fish and Wildlife (CDFW) and/or NMFS collectors permit, and experience with fish capture and handling.
 - Perform relocation activities during morning periods when air temperatures are coolest.
 - Periodically measure air and water temperatures. Cease activities when water temperatures exceed temperatures allowed by CDFW and NMFS.
 - Exclude fish from re-entering work area by blocking the stream channel above and below the work area with fine-meshed net or screens. Mesh will be no greater than 1/8 inch (3.1 mm). The bottom edge of net or screen will be completely secured to the channel bed to prevent fish from re-entering work area. Exclusion screening will be placed in areas of low water velocity to minimize impingement of fish. Screens will be checked periodically and cleaned of debris to permit free flow of water.
 - Prior to capturing fish, the qualified biologist will determine the most appropriate release location(s). Consider the following when selecting release site(s):
 - i. Similar water temperature as capture location.
 - ii. Ample habitat for captured fish.
 - iii. Low likelihood of fish re-entering work site or becoming impinged on exclusion net or screen.
 - The use of electrofishing equipment will be avoided. Block netting is the preferred method of fish capture.
 - Minimize handling of salmonids. However, when handling is necessary, always wet hands or nets prior to touching fish.
 - Temporarily hold fish in cool, shaded, aerated water in a container with a lid.

- Provide aeration with a battery-powered external bubbler. Protect fish from jostling and noise and do not remove fish from this container until time of release.
- Place a thermometer in holding containers and, if necessary, periodically conduct partial water changes to maintain a stable water temperature. If water temperature reaches or exceeds those allowed by CDFW and NMFS, fish should be released and rescue operations ceased.
- Avoid overcrowding in containers. Have at least two containers and segregate young-of-year (YOY) fish from larger age-classes to avoid predation. Place larger amphibians, such as Pacific giant salamanders, in container with larger fish.
- If fish are abundant, periodically cease capture, and release fish at pre-determined locations.
- Visually identify species and estimate year-classes of fish at time of release.
- Count and record the number of fish captured. Avoid anesthetizing or measuring fish.
- Submit reports of fish relocation activities to CDFW and NMFS in a timely fashion.
- If feasible, plan on performing initial fish relocation efforts several days prior to the start of construction. This provides the fisheries biologist an opportunity to return to the work area and perform additional passes immediately prior to construction. In many instances, additional fish will be captured that eluded the previous day's efforts.
- If mortality during relocation exceeds 5%, stop efforts and immediately contact the appropriate agencies (CDFW and NMFS).

23. Invasive Plant Control

In order to minimize the spread of invasive plants, all equipment (including personal gear) will be cleaned of soil, seeds, and plant material prior to arriving on the project site to prevent introduction of undesirable plant species.

Mitigation Measures

24. California Red-Legged Frog Protection Measures

The County, as an applicant under the USFWS Programmatic Biological Opinion (PBO) for California red-legged frog (USFWS 2014), will implement applicable protection measures as follows:

- The County will designate a point of contact for the project. The point of contact will maintain a copy of the PBO and the appendage on-site for the duration of the sediment removal period. Their name and telephone number will be provided to the USFWS no more than thirty (30) calendar days prior to the date of initial ground disturbance. At least fourteen (14) calendar days prior to the date of initial ground disturbance, the County will submit a signed letter to the USFWS verifying that they possess a copy of this programmatic biological opinion and the appendage, and have read and fully understand their responsibilities.
- If verbally requested before, during, or upon completion of ground disturbance and project activities, the County will allow the USFWS, California Department of Fish and Wildlife (CDFW), and/or their designated agents to immediately and without delay, access and inspect the project site for

compliance with the project description, conservation measures, and reasonable and prudent measures of this programmatic biological opinion and appendage, and to evaluate project impacts to the California red-legged frog and its habitat.

- A USFWS-approved biologist(s) will be on-site during all activities that may result in the take of the California red-legged frog. The qualifications of the biologist(s) will be submitted to the USFWS for review and written approval at least thirty (30) calendar days prior to the date earthmoving is initiated at the project site. The USFWS-approved biologist(s) will keep a copy of this programmatic biological opinion and the appendage in their possession when on-site.

- The project shall enclose the sediment removal area with a 3-foot high silt fence or similar material, of which approximately 6 inches is buried underground, that will remain in place during sediment removal and site restoration in order to prevent red-legged frogs from entering the impact area. Escape ramps, funnels, or other features that allow animals to exit the sediment removal area, but which will prohibit the entry of such animals, shall be provided in the exclusion fencing. A qualified biologist shall conduct a survey of the fence installation area immediately prior to (i.e., the day of) the commencement of installation and shall be on-hand to monitor fence installation. The exclusion fencing shall be inspected daily by project personnel and maintained for the duration of project implementation. Such fencing may not be feasible for in-stream work. In such situations, the biologist shall conduct a pre-activity survey as described below and determine, in consultation with the USFWS, whether monitoring or other measures are preferable in lieu of exclusion fencing.

- No more than twenty-four (24) hours prior to the date of initial ground disturbance, a pre-activity survey for the California red-legged frog will be conducted by a USFWS-approved biologist at the project site. The survey will consist of walking the project limits and within the project site to ascertain the possible presence of the species. The USFWS-approved biologist will investigate all potential areas that could be used by the California red-legged frog for feeding, breeding, sheltering, movement, and other essential behaviors. This includes an adequate examination of mammal burrows, such as those of California ground squirrels (*Spermophilus beecheyi*) or gophers (*Thomomys bottae*). If any adults, sub-adults, juveniles, tadpoles, or eggs are found, the USFWS-approved biologist will contact the USFWS to determine if moving any of the individuals is appropriate. If the USFWS approves moving animals, the biologist and USFWS will identify a suitable relocation site, and the County will ensure the USFWS-approved biologist is given sufficient time to move the animals from the work site before ground disturbance is initiated. Only USFWS-approved biologists will capture, handle, and monitor the California red-legged frog.

- The USFWS-approved biologist(s) will be given the authority to freely communicate verbally, by telephone, electronic mail, or in writing at any time with project personnel, any other person(s) at the project site, otherwise associated with the project, the USFWS, the CDFW, or their designated agents. The USFWS-approved biologist will have oversight over implementation of all the conservation measures in this programmatic biological opinion, and will have the authority and responsibility to stop project activities if they determine any of the associated requirements are not being fulfilled. If the USFWS-approved biologist(s) exercises this authority, the USFWS will be notified by telephone and electronic mail within twenty-four (24) hours. The USFWS contact is the Coast Bay Foothills Division Chief of the Endangered Species Program at the Sacramento Fish and Wildlife Office at telephone 916/414-6600.

- The USFWS-approved biologist will conduct employee education training for employees working on earthmoving and/or other project activities. Personnel will be required to attend the presentation which will describe the California red-legged frog, avoidance, minimization, and conservation measures, legal protection of the animal, and other related issues. All attendees will sign an attendance sheet along with their printed name, company or agency, email address, and telephone

number. The original sign-in sheet will be sent to the USFWS within seven (7) calendar days of the completion of the training.

- The County will minimize adverse impacts to the California red-legged frog by limiting, to the maximum extent possible, the number of access routes, sediment removal areas, equipment staging, storage, parking, and stockpile areas. Prior to the date of initial ground disturbance at the project site, equipment staging areas, site access routes, sediment removal and transportation equipment and personnel parking areas, debris storage areas, and any other areas that may be disturbed will be identified and surveyed by the USFWS-approved biologist, and clearly identified with 5-foot tall bright orange plastic fencing. The fencing will be inspected by the USFWS-approved biologist and maintained daily until the last day that project equipment is at the project site.

- Ground-disturbing activities will be avoided between November 1 and March 31 because that is the time period when California red-legged frogs are most likely to be moving through upland areas.

- To minimize harassment, injury, death, and harm in the form of temporary habitat disturbances, all project-related vehicle traffic will be restricted to established roads, sediment removal and access areas, equipment staging, storage, parking, and stockpile areas. These areas will be included in pre-activity surveys and, to the maximum extent possible, established in locations disturbed by previous activities to prevent further adverse impacts. Project-related vehicles will observe a 20-mile per hour speed limit within project areas, except on County roads, and State and Federal highways. Off-road traffic outside of designated and fenced project work areas will be prohibited.

- When a California red-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 will be immediately halted. The USFWS-approved biologist will then assess the situation in order to select a course of action that will avoid or minimize adverse impacts to the animal. To the maximum extent possible, contact with the frog will be avoided and will be allowed to move out of the potentially hazardous situation to a secure location on its own volition. This procedure applies to situations where a California red-legged frog is encountered while it is moving to another location. It does not apply to animals that are uncovered or otherwise exposed or in areas where there is not sufficient adjacent habitat to support the species should the individual move away from the hazardous location.

- California red-legged frogs that are in danger will be relocated and released by the USFWS-approved biologist outside the project area within the same riparian area or watershed. If relocation of the frog outside the fence is not feasible (i.e., there are too many individuals observed per day), the biologist will relocate the animals to a USFWS preapproved location. Prior to the initial ground disturbance, the County will obtain approval of the relocation protocol from the USFWS in the event that a California red-legged frog is encountered and needs to be moved away from the project site. Under no circumstances will a California red-legged frog be released on a site unless the written permission of the landowner has been obtained by the County. The USFWS-approved biologist will limit the duration of the handling and captivity of the California red-legged frog to the minimum amount of time necessary to complete the task. If the animal must be held in captivity, it will be kept in a cool, dark, moist, aerated environment, such as a clean and disinfected bucket or plastic container with a damp sponge.

- The County will immediately notify the USFWS once the California red-legged frog and the site is secure. The contact for this situation is the Coast Bay Foothills Division Chief of the Endangered Species Program by email and at telephone 916/414-6600.

- The County will not apply insecticides or herbicides at the project site during project implementation or long-term operational maintenance where there is the potential for these chemical

agents to enter creeks, streams, waterbodies, or uplands that contain potential habitat for the California red-legged frog.

- Pipes, conduits and other materials could provide shelter for California red-legged frogs; therefore, all pipes, conduits, or similar structures that are stored at the site for one or more overnight periods will be either stored on an open-top trailer to elevate the materials above ground, securely capped prior to storage, or thoroughly inspected by the on-site biologist and/or the project foreman/manager before the pipe is buried, capped, or otherwise used or moved.
- To the maximum extent practicable, no project activities will occur during wet weather or within 24 hours following a rain event. Wet weather is defined as when there is more than 30% chance of rain (1/4 inch of rain in a 24-hour period) in the 72-hour forecast. Prior to project activities resuming, a USFWS-approved biologist will inspect the project area and all equipment/materials for the presence of California red-legged frogs. The animals will be allowed to move away from the project site of their own volition or moved by the USFWS-approved biologist.
- To the maximum extent practicable, nighttime project activities will be minimized or avoided by the County. Because dusk and dawn are often the times when the California red-legged frog is most actively moving and foraging, to the maximum extent practicable, earthmoving and other project activities will cease no less than 30 minutes before sunset and will not begin again prior to no less than 30 minutes after sunrise. Except when necessary for driver or pedestrian safety, to the maximum extent practicable, artificial lighting at a project site will be prohibited during the hours of darkness.
- Plastic monofilament netting (erosion control matting), loosely woven netting, or similar material in any form will not be used at the project site because California red-legged frogs can become entangled and trapped in them. Any such material found on-site will be immediately removed by the USFWS-approved biologist, project personnel, or County contractors. Materials utilizing fixed weaves (strands cannot move), polypropylene, polymer or other synthetic materials will not be used.

25. Preserve and Manage Off-Site Conservation Land for California Red-Legged Frog and San Francisco Garter Snake

The County will establish a 0.56-acre area as a permanent conservation easement to offset impacts from the project on the California red-legged frog and San Francisco garter snake. This conservation area will compensate for all impacts to wetland, aquatic, riparian, and ruderal habitat at the sediment removal site (0.28-acre total impacts) at a 2:1 (conservation:impact) ratio, on an acreage basis.

The County owns property southwest of Pescadero Creek Road and west of Bean Hollow Road (APN 086-160-060) that is known to support both California red-legged frogs and San Francisco garter snakes, based on previous, unpublished surveys by Sam McGinnis and others (McGinnis 1984). This property includes a former landfill and quarry (neither of which is currently in use); some areas currently used as a corporation yard (for staging and stockpiling areas for various County projects); and areas of natural habitat. The County will record a conservation easement on 0.56 acre in this parcel, or at another location known to support habitat for both California red-legged frogs and San Francisco garter snakes.

The County will prepare and implement a Habitat Management and Monitoring Plan (HMMP) for the conservation easement area containing the following:

- Description of existing conditions in the habitat conservation area.

- Initial habitat enhancement measures, including removal of non-native invasive plants such as pampas grass and seeding the area with a native seed mix to improve upland habitat cover.
- Performance criteria based on the existing habitat quality conditions.
- Monitoring methods to evaluate the performance criteria and implementation of the HMMP.
- Action measures to ensure maintenance of high-quality habitat within the area.
- A long-term endowment or other funding measure for management of the site, to be approved by the USFWS and CDFW.

The County will begin implementing the HMMP within 180 days of USFWS' and CDFW's approval of the HMMP and recordation of a conservation easement on the mitigation land.

26. San Francisco Garter Snake Protection Measures

The County will implement the following measures to avoid and minimize impacts on San Francisco garter snakes:

- Prior to project implementation, the County shall submit to the USFWS for its review the qualifications of proposed wildlife biologist(s) who will perform pre-activity surveys and on-site monitoring.
- A USFWS-approved biologist with a San Francisco garter snake handling permit will be present during initial ground-disturbing activities (i.e., clearing and grubbing) within 250 feet of Butano Creek to monitor for individual garter snakes. The biologist will also be present during any other project activities that, in the biologist's opinion, could potentially result in the take. The biologist(s) shall have the authority to stop any work that may result in the take of this species. The on-site biologist will be the contact for any employee or contractor who might inadvertently kill or injure a garter snake or anyone who finds a dead, injured, or entrapped San Francisco garter snake. The on-site biologist shall possess a working cellular telephone whose number shall be provided to the USFWS.
- Consistent with exclusion fencing for California red-legged frog, the project shall enclose the sediment removal area with a 3-foot high silt fence or similar material, of which approximately 6 inches is buried underground, that will remain in place during project implementation in order to prevent San Francisco garter snakes from entering the sediment removal area. Escape ramps, funnels, or other features that allow animals to exit the sediment removal area, but which will prohibit the entry of such animals, shall be provided in the exclusion fencing. A qualified biologist shall conduct a survey of the fence installation area immediately prior to (i.e., the day of) the commencement of installation and shall be on-hand to monitor fence installation. The exclusion fencing shall be inspected daily by project personnel and maintained for the duration of project implementation. Such fencing may not be feasible for in-stream work. In such situations, the biologist shall conduct a pre-activity survey as described in Condition of Approval No. 24 above and determine, in consultation with the USFWS, whether monitoring or other measures are preferable in lieu of exclusion fencing.
- Immediately prior to the initiation of project activities on any day in which activities are performed that have potential for the take of the San Francisco garter snake, a USFWS-approved biologist with a San Francisco garter snake handling permit will conduct daytime surveys throughout the project site. If a San Francisco garter snake is observed within the project work area, either during this survey or at any time, project activities that could potentially harm the individual shall be stopped immediately. The biologist (or a member of the project crew, if the biologist is not on-site) will watch the

individual until it has moved out of the work area. No individuals of this species will be relocated without explicit USFWS approval; however, if the snake will not leave the area on its own, the biologist will contact the USFWS to determine if moving any of the individuals is appropriate. If the USFWS approves moving animals, the biologist and USFWS will identify a suitable relocation site, and the County will ensure the USFWS-approved biologist is given sufficient time to move the animals from the work site before ground disturbance is initiated.

- Project-related vehicles will observe a 20-mile per hour speed limit while in the project work area.
- San Francisco garter snakes may be attracted to structures that provide cavities such as pipes; therefore, all pipes, culverts, or similar structures that are stored at the site for one or more overnight periods will be either stored on an open-top trailer to elevate the materials above ground, securely capped prior to storage, or thoroughly inspected by the on-site biologist and/or the project foreman/manager before the pipe is buried, capped, or otherwise used or moved. If a San Francisco garter snake is discovered inside a pipe, the biologist (or a member of the project crew, if the biologist is not on-site) will watch the individual until it has moved out of the project work area.

27. Conduct Pre-Construction Survey for Dusky-Footed Woodrat Houses

No less than seven (7) days and no more than thirty (30) days prior to the beginning of ground disturbance and/or construction activities, a qualified biologist will survey the work areas scheduled for construction. The survey shall cover the work area and a 50-foot buffer in the upstream and downstream directions. Any dusky-footed woodrat houses found shall be marked in the field with flagging tape and their locations will be recorded with GPS. If a dusky-footed woodrat house is identified in a work area, Condition of Approval No. 28 (Avoid or Minimize Disturbance to Dusky-Footed Woodrat Houses) will be implemented by the County.

28. Avoid or Minimize Disturbance to Dusky-Footed Woodrat Houses

If a dusky-footed woodrat house is identified in a work area, the County shall attempt to preserve the house and maintain an intact dispersal corridor between the house and undisturbed habitat. An adequate dispersal corridor would be considered to be a minimum of 50 feet wide and have greater than 70% vegetative cover. In the event such a corridor is infeasible, the County will avoid physical disturbance of the nest if feasible. If a dusky-footed woodrat house(s) cannot be avoided, Condition of Approval No. 29 (Implement a Dusky-Footed Woodrat Relocation Measure) will be implemented by the County.

29. Implement a Dusky-Footed Woodrat Relocation Measure

If a dusky-footed woodrat house(s) cannot be avoided, CDFW will be notified and information regarding the house location(s) and relocation plan will be provided. With approval from CDFW, a qualified biologist shall dismantle and relocate the house material. Prior to the beginning of construction, a qualified biologist shall deconstruct the house by hand. Materials from the house shall be dispersed into adjacent suitable habitat that is outside of the work area. During the deconstruction process, the biologist shall attempt to assess if there are juveniles in the house. If immobile juveniles are observed, the deconstruction process shall be discontinued until a time when the biologist believes the juveniles will be fully mobile. A 10-foot wide no-disturbance buffer will be established around the house until the juveniles are mobile. The house may be dismantled once the biologist has determined that adverse impacts on the juveniles would not occur. All disturbances to woodrat houses will be documented in a construction monitoring report and submitted to CDFW.

30. Measures to Protect White-Tailed Kite and Other Nesting Migratory Birds

For activities occurring between February 15 and August 15, a qualified biologist will survey the project area for nesting birds. This survey will occur no less than five (5) days prior to starting work. If a lapse in project-related work of two (2) weeks or longer occurs, another focused survey will be conducted before project work can be reinitiated. If nesting birds are found, a no-work buffer will be established around the nest and maintained until the young have fledged (generally 300 feet for raptors and 100 feet for other nesting birds). A qualified biologist will identify an appropriate buffer based on a site-specific evaluation and in consultation with CDFW. Work will not commence within the buffer until fledglings are fully mobile and no longer reliant upon the nest or parental care for survival.

31. Restore Riparian Habitat On-Site

The County will mitigate for unavoidable impacts on riparian habitat due to the proposed project by restoring riparian habitat within the region (i.e., the San Mateo County coastal watersheds). The County anticipates 0.11 acre of temporary impacts to riparian habitat and thus, shall restore 0.11 acre of riparian habitat (3:1 ratio). To the extent feasible, riparian habitat restoration will occur concurrent with implementation of the project. Riparian vegetation to be restored at the mitigation site will include native over-story and under-story species, such as arroyo willow, white alder, American dogwood, Pacific silverweed, and bulrush.

Prior to the start of project construction, the County will develop and implement a Habitat Mitigation and Monitoring Plan (HMMP) for creation of riparian habitat. The Habitat Mitigation and Monitoring Plan will be prepared by a qualified restoration ecologist and will provide the following:

- A summary of riparian impacts and the proposed mitigation.
- Goals of the mitigation to achieve no net loss of habitat functions and values.
- The location of mitigation site(s) and description of existing site conditions.
- Mitigation design including:
 - i. Existing and proposed site hydrology, geomorphology, and geotechnical stability, if applicable.
 - ii. Grading plan if appropriate, including bank stabilization or other site stabilization features.
 - iii. Soil amendments and other site preparation elements, as appropriate.
 - iv. Planting plan and species list.
 - v. Salvage plan for on-site willow trees.
 - vi. Irrigation and maintenance plan.
 - vii. Restoration schedule.
- Monitoring plan (including specific, objective, final and performance criteria, monitoring methods, data analysis, reporting requirements, monitoring schedule, etc.).

- A contingency plan for mitigation elements that do not meet performance or final success criteria within five (5) years; this plan will include specific triggers for remediation if performance criteria are not being met.

Riparian restoration will include salvaging three existing willows at the project site by trimming all stems and trunks 1-3 inches above the ground, then carefully excavating the root ball and replanting it on the outer edge of the project site limits, nearest to the top of bank and outside of the sediment removal area. To prepare the planting site, a 3-foot hole will be excavated to a suitable depth and the root ball will be placed in the hole. A 3-inch high berm will be packed around the root mass by hand and mulch will be placed on top. The salvaged willows will be monitored according to the HMMP and actions taken if the salvage effort is not successful.

The County will implement the HMMP concurrently with implementation of the proposed project, such that mitigation elements are installed at project completion. The success criteria for revegetation shall be 75% survival at five (5) years. Remedial actions, such as replanting, will be implemented according to the HMMP contingency plan to ensure that the success criteria are met.

32. Unexpected Discovery of Cultural Resources

Not all cultural resources are visible on the ground surface. Prior to the start of construction or ground-disturbing activities, the County shall ensure all field personnel are educated of the possibility of encountering buried prehistoric or historic cultural resources. Personnel will be trained that upon discovery of buried cultural resources, work within 50 feet of the find must cease and the County will contact a qualified archaeologist immediately to evaluate the find. Once the find has been identified and found eligible for listing on the National Register of Historic Places or the California Register of Historical Resources, plans for treatment, evaluation, and mitigation of impacts to the find shall be developed and implemented according to the qualified archaeologist's recommendations. This measure will ensure that prehistoric and historic cultural resources are appropriately protected. Prehistoric or historic cultural materials that may be encountered include the following: unusual amounts of bone or shell, flaked or ground stone artifacts, historic-era artifacts, human remains, or architectural remains.

33. Inadvertent Discovery of Human Remains

If human remains are accidentally discovered during project construction activities, the requirements of California Health and Human Safety Code Section 7050.5 must be followed. Potentially damaging excavation must halt in the area of the remains, with a minimum radius of 50 feet, and the San Mateo County Coroner must be notified. The Coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or State lands (Health and Safety Code Section 7050.5[b]). If the Coroner determines that the remains are those of a Native American, he or she must contact the Native American Heritage Commission (NAHC) by phone within 24 hours of making that determination (Health and Safety Code Section 7050[c]). Pursuant to the provisions of Public Resources Code (PRC) Section 5097.98, the NAHC shall identify a Most Likely Descendent (MLD). The MLD designated by the NAHC shall have at least 48 hours to inspect the site and propose treatment and disposition of the remains and any associated grave goods.

34. Prepare and Implement Traffic Control Plan and Bicycle Safety

San Mateo County and/or its contractor will prepare and implement a traffic control plan to reduce traffic impacts on Pescadero Creek Road, to reduce potential traffic and bicycle safety hazards, and ensure adequate access for emergency responders, and construction vehicles, as appropriate. The County and construction contractor will coordinate construction activities with Cal-Fire and the

community of Pescadero, as appropriate. The traffic control plan will provide for the appropriate control measures including (but not limited to) barricades, warning signs, flaggers, speed control devices, and other measures.

9. **Correspondence and Other Matters**

None

10. **Consideration of Study Session for Next Meeting**

No recommendations for a Study Session, there is however an informational item on the Plan Princeton Project for the July 22, 2015 meeting.

An update on specific dates for the Vacation Home Rentals will be given to the Commission at the next meeting.

11. **Director's Report**

Board of Supervisors recently adopted updates to the Flood Hazard Regulations and approved an amendment to the Connect the Coastside project.

An appeal to the Big Wave project was filed to the Coastal Commission but the Coastal Commission upheld the appeal and the decision from the Board of Supervisors stands.

Lisa Aozasa will be attending the Commission Meeting on July 22nd while Steve Monowitz is on vacation.

12. **Adjournment**

The meeting adjourned at 11:57 a.m.