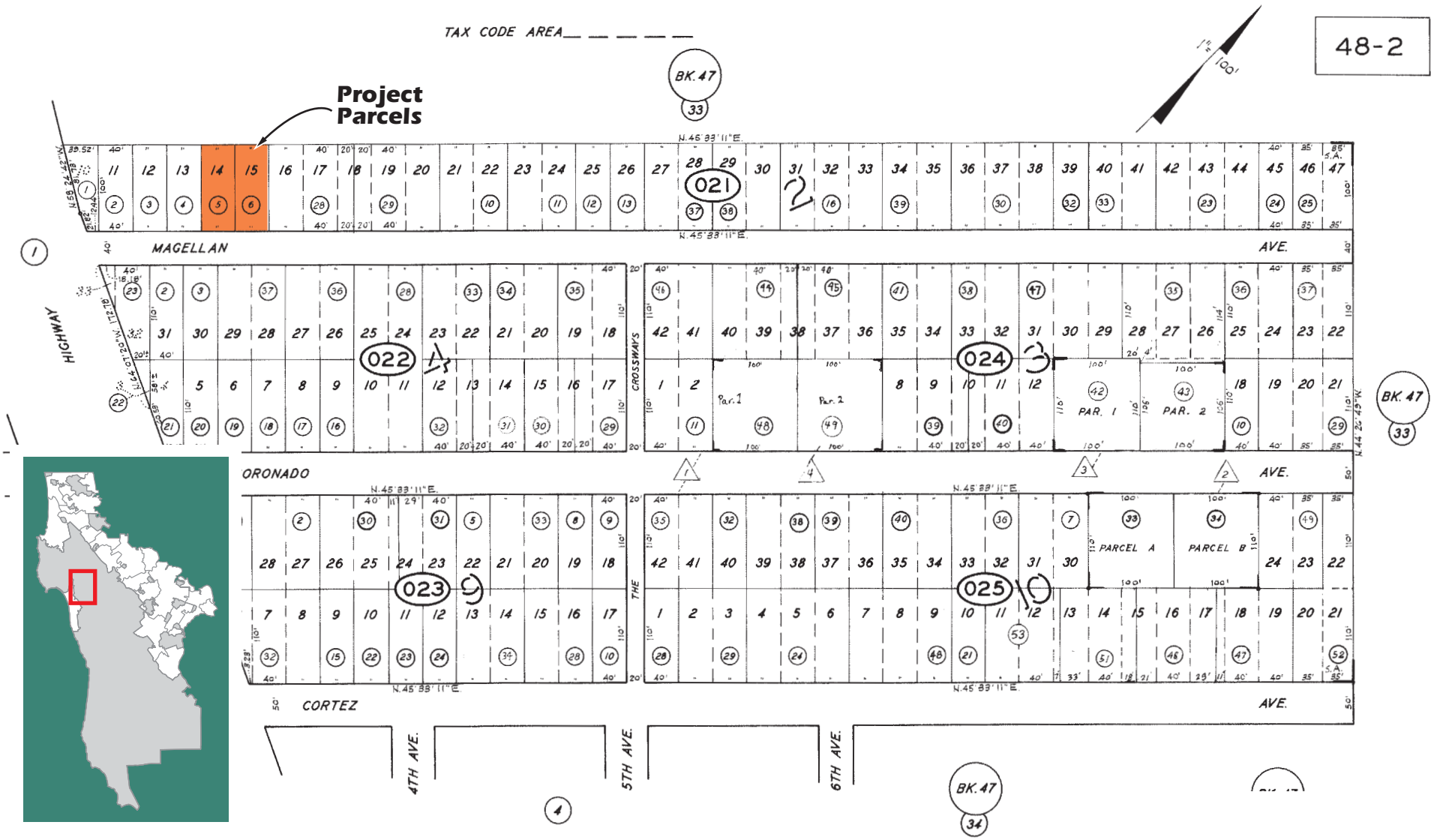
County of San Mateo - Planning and Building Department

ATTACHMENT B



San Mateo County Board of Supervisors Meeting

Owner/Applicant: **J. MERWIN TRUST / VAN MECHELEN**

Attachment: **B**

File Numbers: **PLN2010-00255**

County of San Mateo - Planning and Building Department

ATTACHMENT C

San Mateo County Board of Supervisors Meeting

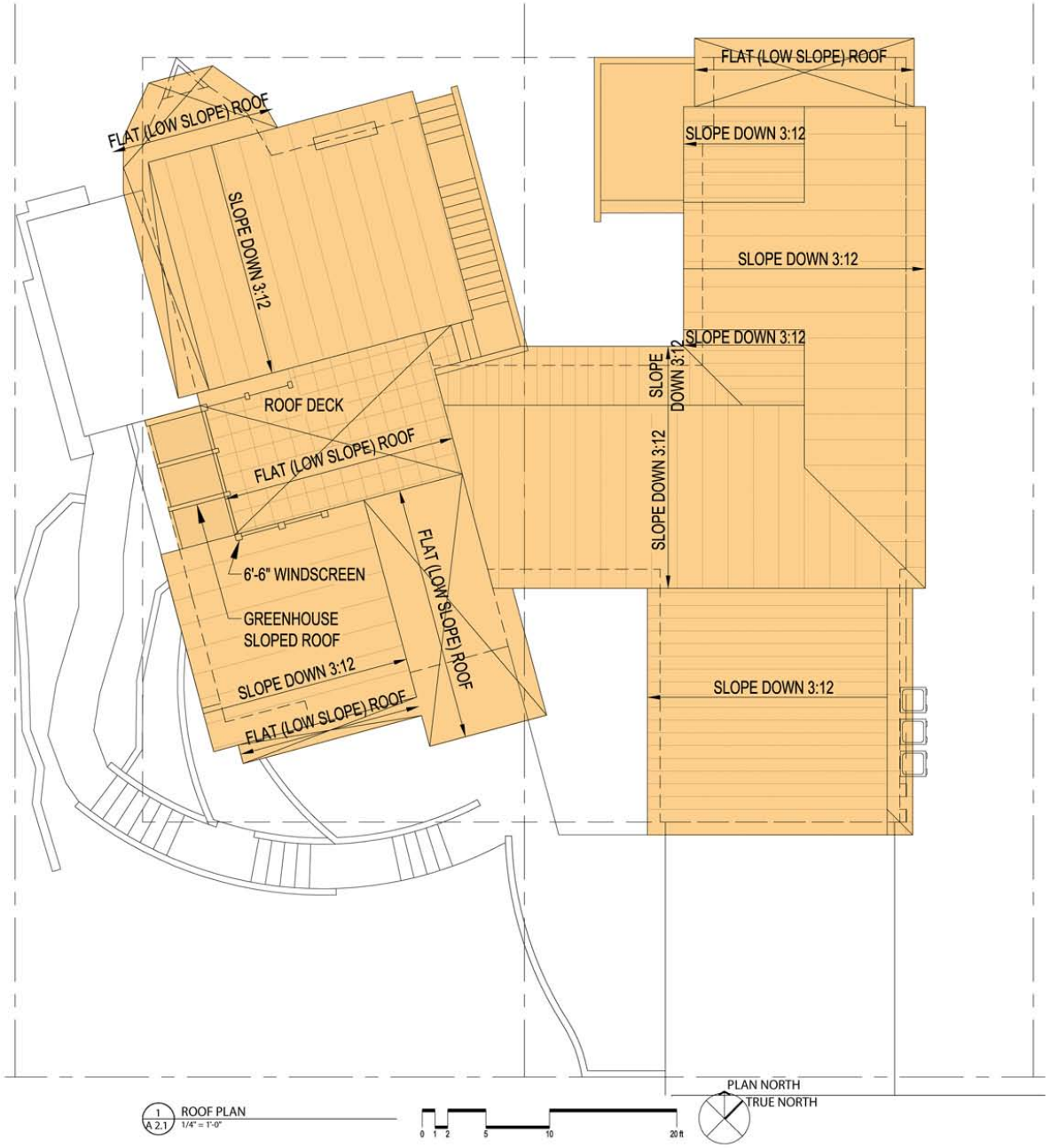
Owner/Applicant: **J. MERWIN TRUST / VAN MECHELEN** Attachment: **G**

File Numbers: **PLN2010-00255**

San Mateo County Board of Supervisors Meeting

Owner/Applicant: **J. MERWIN TRUST / VAN MECHELEN** Attachment: **G**

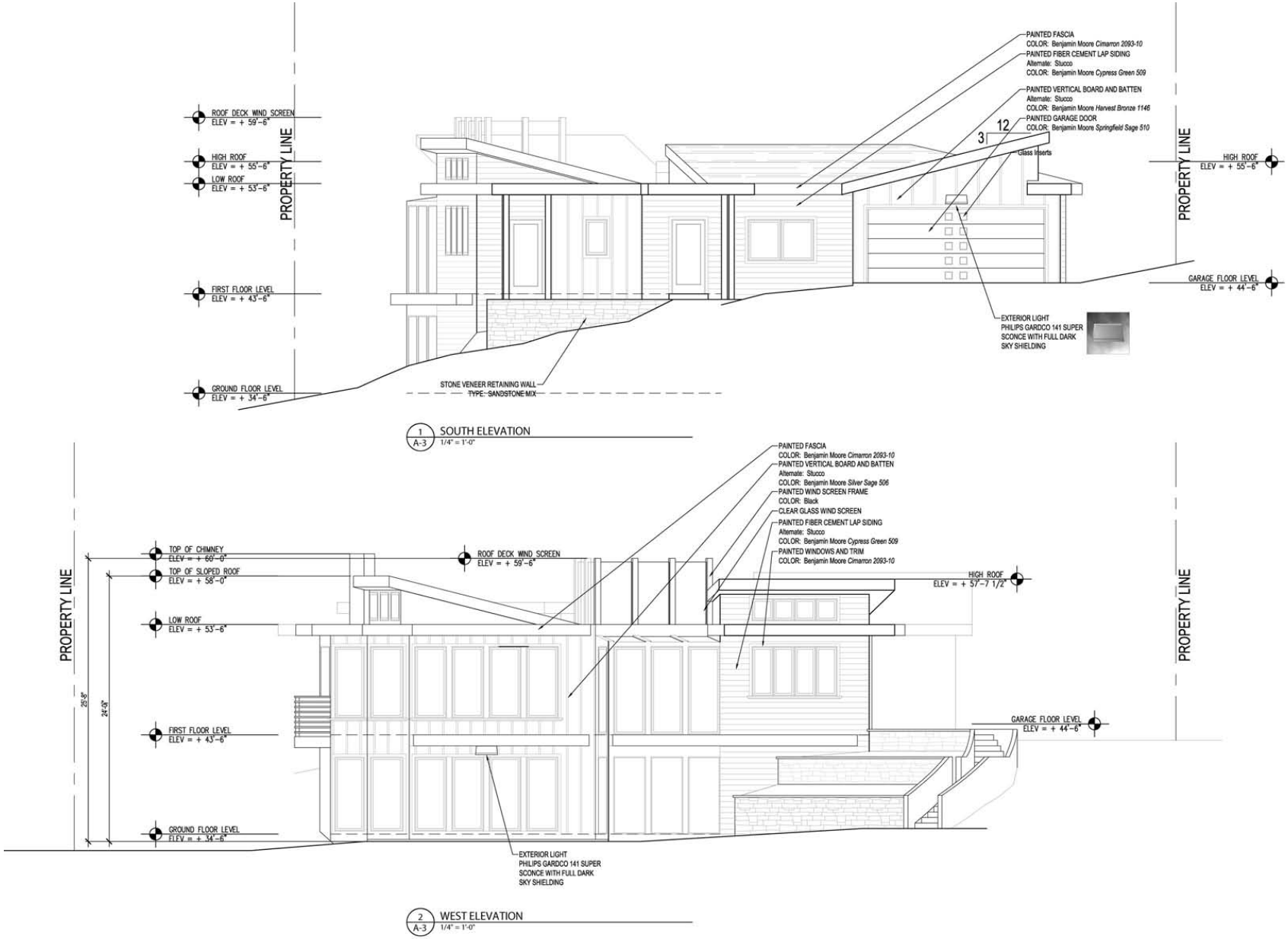
File Numbers: **PLN2010-00255**



San Mateo County Board of Supervisors Meeting

Owner/Applicant: **J. MERWIN TRUST / VAN MECHELEN** Attachment: **G**

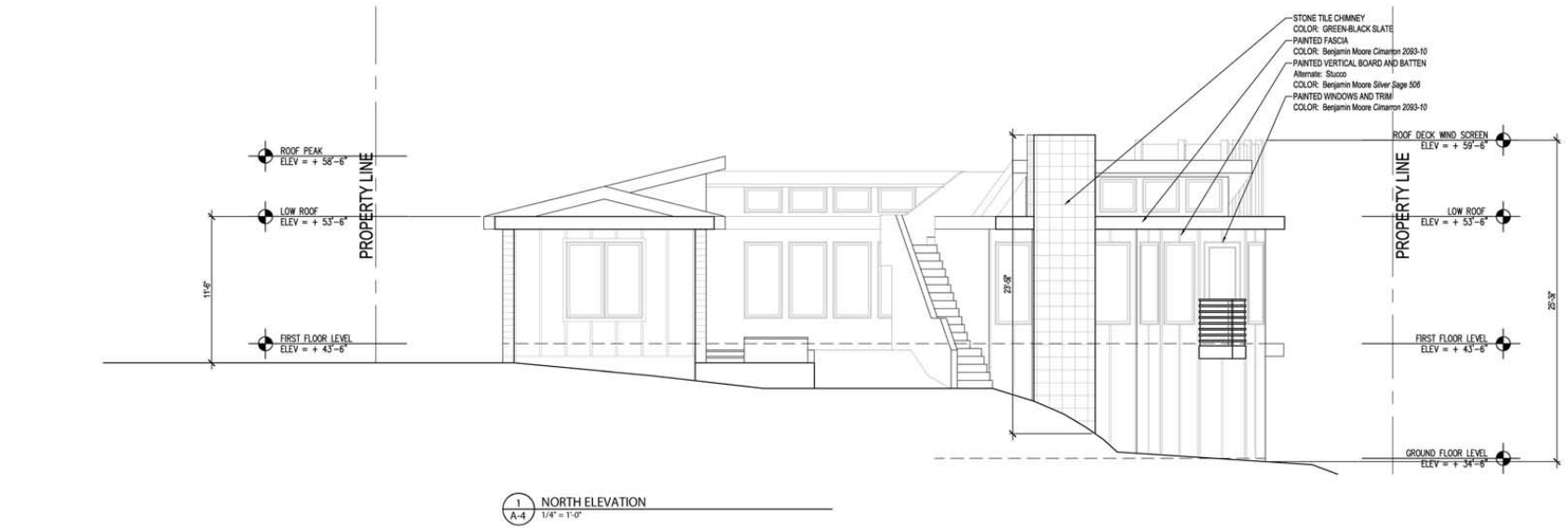
File Numbers: **PLN2010-00255**



San Mateo County Board of Supervisors Meeting

Owner/Applicant: **J. MERWIN TRUST / VAN MECHELEN** Attachment: **G**

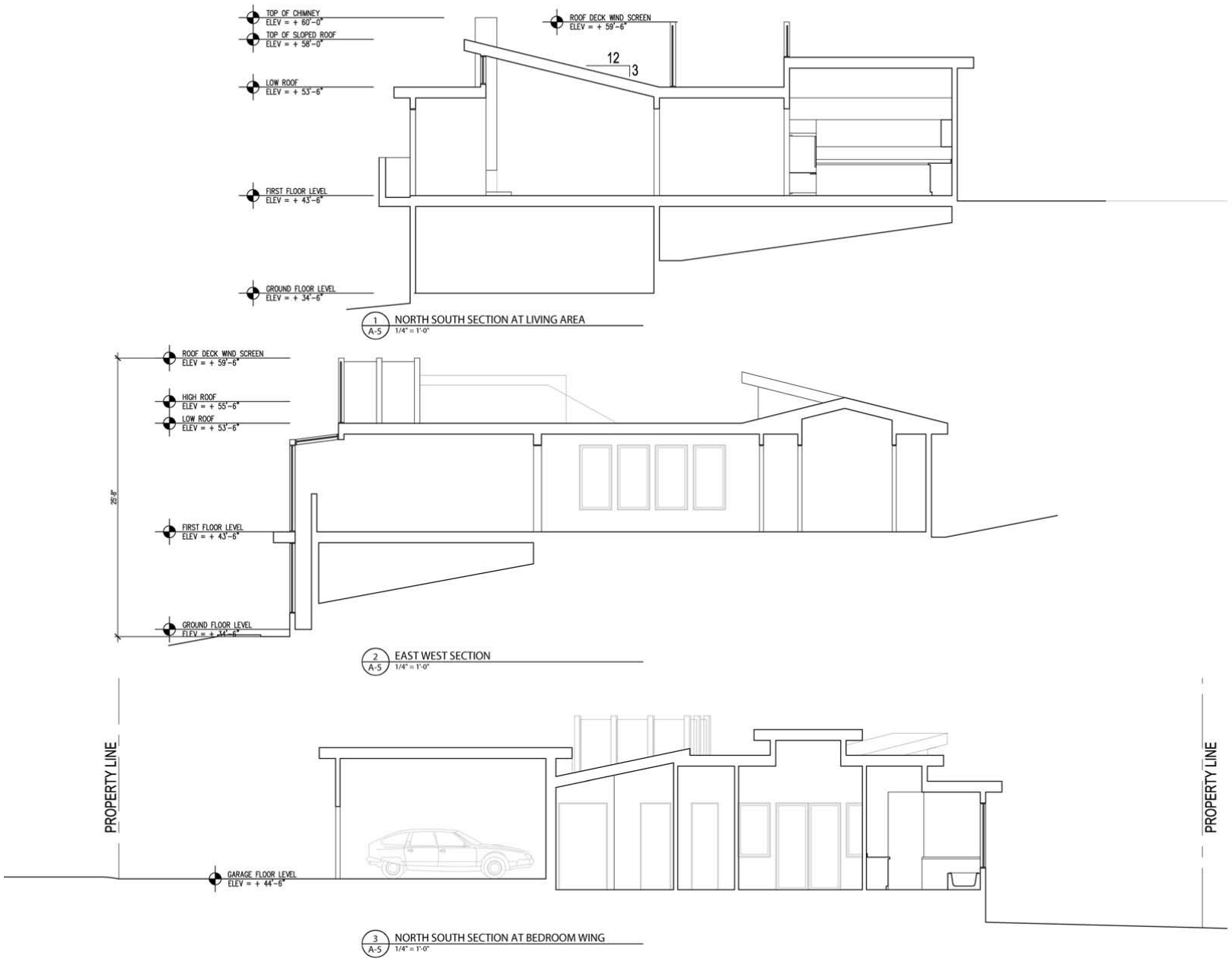
File Numbers: **PLN2010-00255**



San Mateo County Board of Supervisors Meeting

Owner/Applicant: **J. MERWIN TRUST / VAN MECHELEN** Attachment: **G**

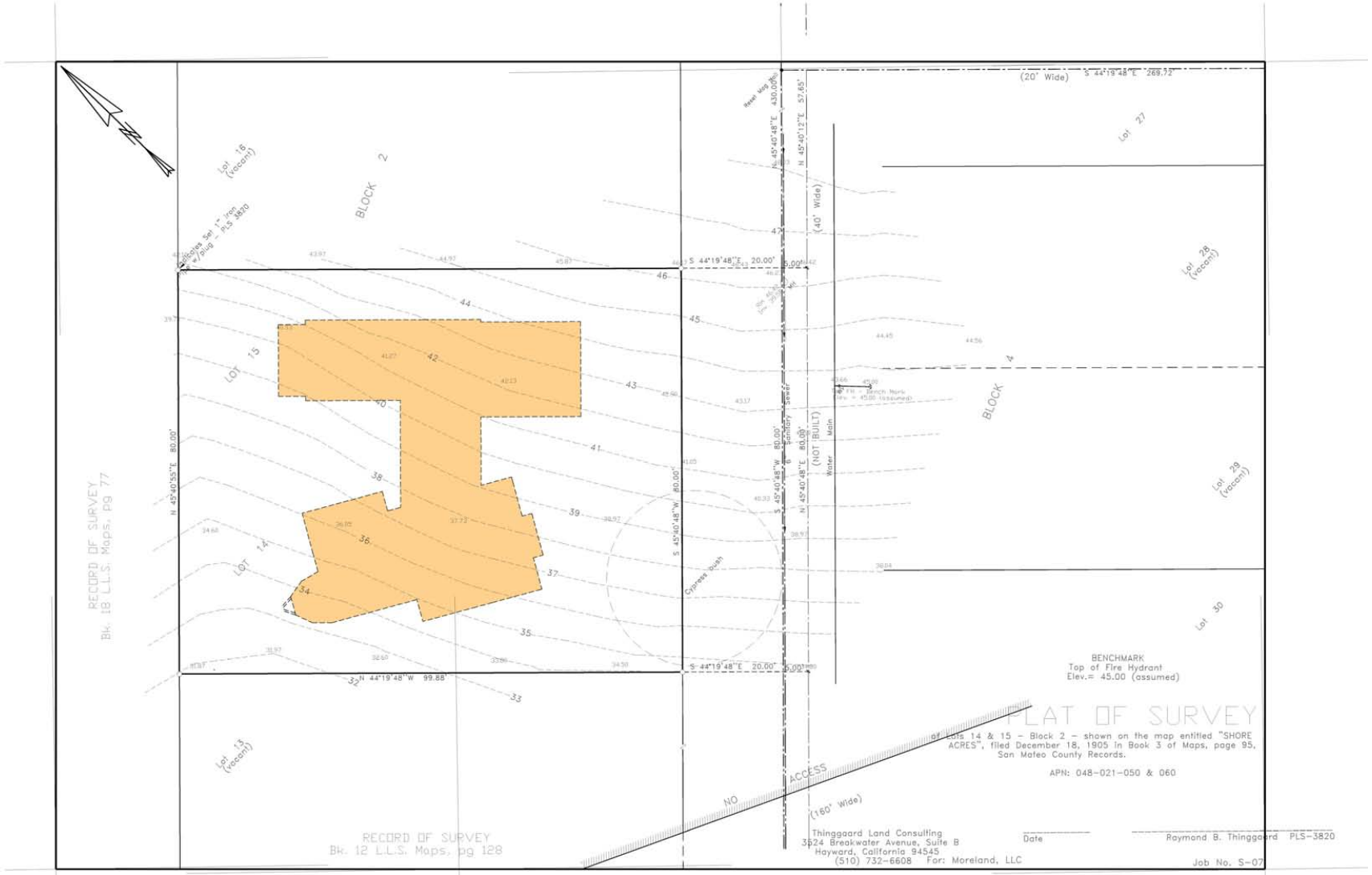
File Numbers: **PLN2010-00255**



San Mateo County Board of Supervisors Meeting

Owner/Applicant: **J. MERWIN TRUST / VAN MECHELEN** Attachment: **G**

File Numbers: **PLN2010-00255**



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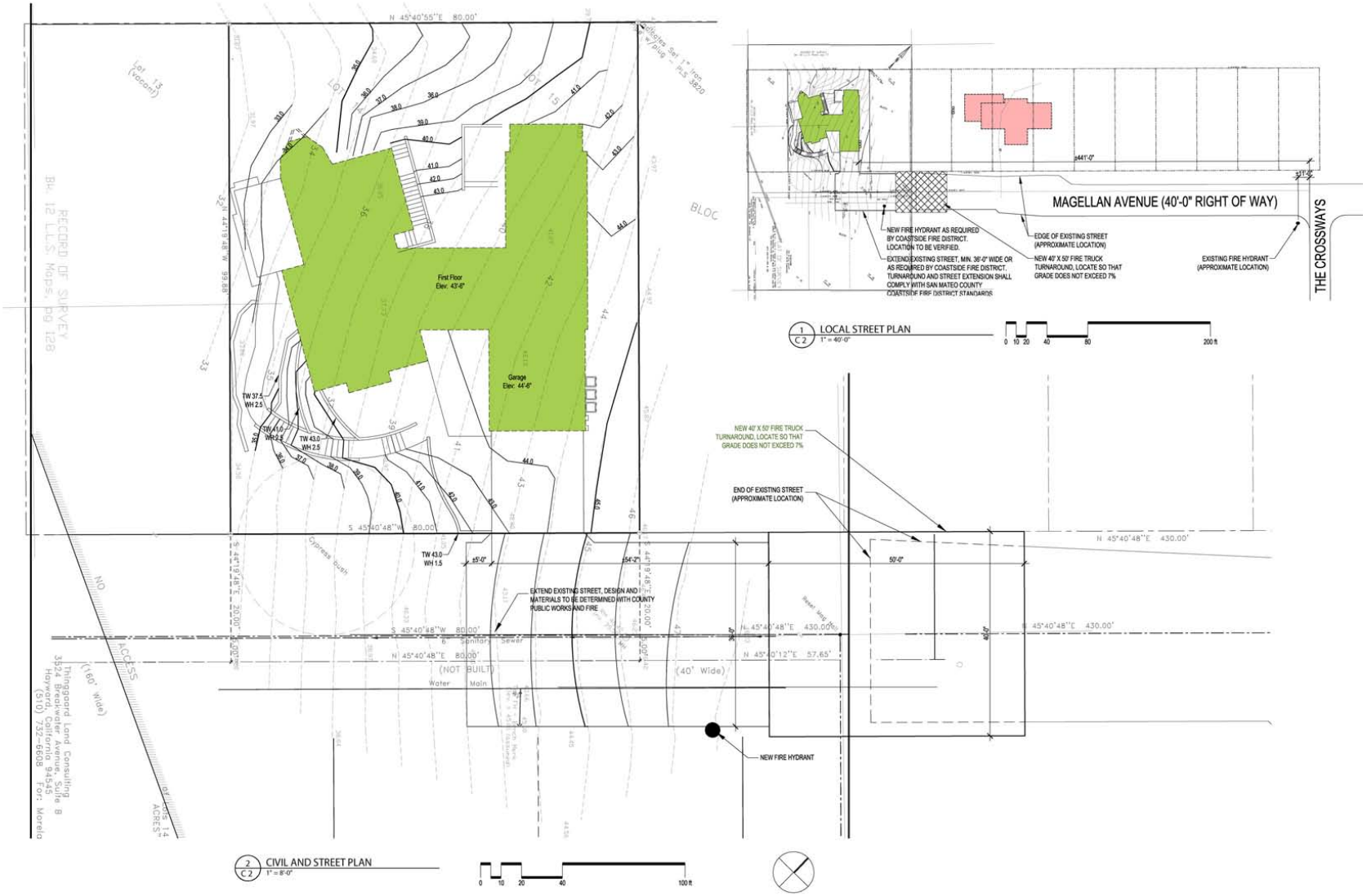
San Mateo County Board of Supervisors Meeting

Owner/Applicant: **J. MERWIN TRUST / VAN MECHELEN** Attachment: **G**

File Numbers: **PLN2010-00255**



San Mateo County Board of Supervisors Meeting

Owner/Applicant: **J. MERWIN TRUST / VAN MECHELEN** Attachment: **G**

File Numbers: **PLN2010-00255**

County of San Mateo - Planning and Building Department

ATTACHMENT D

Board of Supervisors Meeting

PLN 2010-00255
Case
D
Attachment

Application for Appeal

- To the Planning Commission
- X To the Board of Supervisors

Name: Suresh C. Jandial and Sunita Jandial
c/o Last & Faoro
Phone, W: (650) 696-8350 H:

Address: 520 S. El Camino Real, Suite 430
San Mateo, CA
Zip: 94402

Permit Numbers involved:
PLN 2010-00255

I hereby appeal the decision of the:

- Staff or Planning Director
- Zoning Hearing Officer
- Design Review Committee
- ☒ Planning Commission

made on 1/25 20 12, to (approve) /deny the above-listed permit applications.

I have read and understood the attached information regarding appeal process and alternatives.

☒ yes ☐ no

Appellant's Signature: [signature]

Date: 2/8/2012

Planning staff will prepare a report based on your appeal. In order to facilitate this, your precise objections are needed. For example: Do you wish the decision reversed? If so, why? Do you object to certain conditions of approval? If so, then which conditions and why?

In support of Appellants' appeal, see Appellants' Statement of Objections to the approved Permit Application listed above as Attachment A to this Application. As detailed in Attachment A, Appellants request that the decision approving the permit application be reversed. Alternatively, Appellants request that the permit application be remanded back to the Coastside Design Review District for implementation of one or more of the following mitigation measures in order to mitigate the significant obstruction of public views, which will result by this proposed development:

1. Eliminate the third-floor observation deck;
2. Step the proposed single-family dwelling down the slope/hillside;
3. Eliminate hundreds of square feet of empty crawl space area;
4. Lower curb, gutter and garage elevation which in turn reduces the structure's total height; and,
5. Reconfigure roof lines.

DENNIS L. FAORO (SBN 129053)
S. SETH KERSHAW (SBN 263358)
LAST & FAORO
520 South El Camino Real, Suite 430
San Mateo, California 94402
(415) 696-8350
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Attorney for Appellants: Suresh C. Jandial and Sunita Jandial

SURESH C. JANDIAL and SUNITA JANDIAL , Appellants, v. GREG VAN MECHELEN, Respondent.	**ATTACHMENT A TO SURESH C. JANDIAL AND SUNITA JANDIAL'S APPLICATION FOR APPEAL TO THE SAN MATEO COUNTY BOARD OF SUPERVISORS WITH STATEMENT OF OBJECTIONS**

TO THE SAN MATEO COUNTY BOARD OF SUPERVISORS:

Appellants, Suresh C. Jandial and Sunita Jandial ("Appellants"), by and through counsel, hereby submit the following statement as the basis for Appellants' appeal to the San Mateo County Board of Supervisors to object to the approval of planning permit application number: PLN2010-00255.

The permit application was approved by the Zoning Hearing Officer after public hearing. Appellants appealed the Zoning Hearing Officer's decision to the San Mateo County Planning Commission. The Planning Commission denied the appeal and approved the permit application under substantially the same conditions. **By this appeal, Appellants request that the approval be reversed. Alternatively, Appellants request that the permit application be remanded to the Coastside Design Review Committee for consideration of additional mitigation measures discussed herein.**

I. BACKGROUND

This appeal is brought to oppose permit application number PLN2010-00255 for a Coastal Development Permit and Design Review and Certificate of Compliance to construct a new, 2,203 square-foot single-family residence on an 8,000 square-foot, non-conforming parcel where 10,000 square feet is the required minimum parcel size. The applicant is Respondent Greg Van Mechelen ("Permit Applicant"). The proposed development is located at the westerly end of Magellan Avenue, in unincorporated San Mateo County near the Miramar area.

As approved by the Zoning Hearing Officer (ZHO) and later on appeal to the Planning Commission, **the proposed structure will completely obstruct public and private views from Magellan Avenue to: (i) the ocean; (ii) Pillar Point Harbor; and (iii) other coastal features.** These public and private views are protected by numerous regulations and design criteria applicable to developments in San Mateo County. **The proposed development is also situated within the County Scenic Corridor** —a matter not in dispute—and fronts onto Highway 1, which is a County Scenic Highway.

On October 20, 2011, the ZHO held a public hearing to consider the planning permit application of Permit Applicant. At the public hearing—and at prior hearings with the Coastside Design Review Committee regarding this permit application—Appellants raised for discussion and consideration numerous design concepts to mitigate the impact on the public view and allow the project to proceed. Appellants' suggestions included, but were not limited to, the following:

(i) Eliminate the third-floor observation deck;

(ii) Step the proposed single-family dwelling down the slope/hillside;

(iii) Eliminate hundreds of square feet of empty crawl space area;

(iv) Eliminate hundreds of square feet of fill land under the proposed structure;

(v) Lower curb, gutter, and garage elevation, which in turn reduces the structure's total height; and

(vi) Reconfigure roof lines.

After the opportunity for public comments had ended, the Zoning Hearing Officer approved the permit application. Appellants appealed the decision to the San Mateo County Planning Commission. A public hearing was held on January 25, 2012. The Planning Commission approved the permit application under substantially the same conditions and mitigation measures recommended by staff, none of which mitigate the impact on the public and private views. (Attached as Exhibit 1 is a copy of the Letter of Decision denying the appeal and approving the project subject to the conditions of approval). **The Planning Commission did, however, require that trees used for landscaping had to be low-growing species that would not grow taller than the roofline of the house.** (Exhibit 1, pg. 5, ¶ 7). This appeal follows.

In summary, Appellants request that the project be redesigned to: (a) eliminate 6 to 9 feet of crawl space; (b) eliminate up to 5 feet of fill; and (c) step the foundation design down the slope, all in

an effort to protect and maintain the public and private views.

II. OUTLINE OF OBJECTIONS

Appellant submit that the following issues with the proposed project were not addressed, considered, or properly evaluated:

1. The absence of any mitigation measures taken (or requested from the applicant) to resolve the significant impact on public views presented by this project.

2. Where apparent conflicts arose in complying with LCP policies, they were not resolved so as to protect significant coastal resources.

3. The regulations of the Design Review (DR) Zoning Ordinance were not applied.

4. The design criteria of the Community Design Manual were not applied.

5. The specific design guidelines in the Urban Design Policies of the LCP were not applied.

6. Community Design Manual standard to limit structure height to preserve views was not applied—the County has imposed no structure height limitations on the development.

7. Community Design Manual standard to not allow development to significantly obscure, detract from, or negatively affect the quality of public views was not applied in this project.

8. Community Design Manual standard that structures are to be located so as to retain views of prominent scenic features was not applied in this project.

9. Design Review District Standard (Section 6565.1) section G was not applied (regarding protection of views by height and location of structures).

10. Design Review District Standard (Section 6565.1) section J was not applied (regarding protection of public views from public roads).

11. General Plan Policies section 4.2(b) to maximize the preservation of significant public ocean views was not applied or implemented.

12. General Plan Policies section 4.21 to protect and enhance the visual quality of scenic corridors was not applied or implemented.

13. General Plan Policies section 4.27(d) defining "public views" as "a range of vision from a public road" was not properly incorporated into the analysis of this project.

14. The grading standard in the Design Standards for Midcoast residential development (Section 6565.20) to avoid raising the building pad for new developments was improperly evaluated and applied for this project. .

16. The grading standard in the Design Standards for Midcoast residential development (Section 6565.20) to blend the house into the site through limited excavation was not properly applied or required of the applicant for this project.

17. The relationship to topography standard in the Design Standards for Midcoast residential development (Section 6565.20) of "stepping down" with the slope was not properly applied.

18. Contrary to the standards in the Design Standards for Midcoast residential development (Section 6565.20), this project does not conform to the existing topography by requiring the proposed structure to step down the hillside.

19. Contrary to the standards in the Design Standards for Midcoast residential development (Section 6565.20), this project does not minimize unused, enclosed space between the lowest floor and the grade below.

20. The illustration examples of "do this" and "not this"within the "Relationship to Existing Topography" section of the Design Standards for Midcoast residential development (Section 6565.20) were not followed.

21. Design Standards for Midcoast residential development concerning grading and relationship to topography were erroneously interpreted as competing policies.

22. The substantial evidence showed that the proposed structure will have empty crawl space in multiple sections.

23. The substantial evidence showed that the driveway and garage for the proposed structure were elevated to the level of the public road (to be extended for this project) rather than remaining at the level of the existing grade.

26. There was no evidence presented concerning the estimated cost to design and construct the structure to step down with the downward sloping natural topography.

25. There was no evidence presented that stepping the structure down with the natural topography will require "excessive" grading.

26. There was no evidence presented of the estimated cost to design and construct the structure to eliminate hundreds of feet of empty crawl space.

26. There was no evidence presented of the estimated cost to design and construct the structure to eliminate hundreds of feet of fill.

26. There was no evidence presented of the estimated cost to lower the curb, gutter, or garage elevations to reduce the total height of the structure.

27. The substantial evidence demonstrated that the third-story observation deck will significantly obstruct public and private views of prominent scenic features.

28. Design Standards for Midcoast residential development (Section 6565.20) on avoiding "boxy" designs of second stories was not properly applied.

29. The substantial evidence demonstrated that the second-story design is boxy.

30. The Design Standards for Midcoast residential development (Section 6565.20) requiring efforts to minimize the effect on views from neighboring houses was not applied.

31. There was no evidence of any efforts taken to minimize the effect on views from neighboring houses, notably homes to the east of the proposed structure.

32. The Design Standards for Midcoast residential development on view corridors was dismissed and not implemented on this project.

33. The applicant has made no real, substantive efforts to protect the public and private views

as required by numerous zoning regulations, design standards, and guidelines.

34. The substantial evidence supported finding that the proposed development will significantly impact and obstruct public and private views.

35. The negative declaration provided by staff does not provide mitigation measures that will reduce the significant impact on public views to below the significant level.

36. The negative declaration from staff on the negative impact of public views was inaccurate and incomplete.

37. The Community Design Manual was not applied to this project because of an improper interpretation of LCP policies 8.12 and LCP 8.32.

38. A conflict between LCP policies 8.12 and LCP 8.32 was improperly found and improperly resolved against protecting significant coastal resources.

Appellants request that the above issues be addressed by the Board of Supervisors pursuant to this appeal, and that the County's staff report to be prepared to respond to each of the issues raised above.

III. DISCUSSION OF OBJECTIONS

A. REQUIRED POLICIES TO PROTECT SCENIC VIEWS WERE IMPROPERLY APPLIED IN APPROVING THIS PERMIT APPLICATION.

1. Local Coastal Program

The County's staff, ZHO, and the Planning Commission failed to properly apply the LCP, which has a stated purpose of maximizing and protecting scenic public views. A list of relevant policies and standards that were ignored or misapplied are provided below:

a. LCP Section 8.5 protects public views.

This section requires new developments to be located on a portion of a parcel where the development (1) is least visible from State and County Scenic Roads, (2) is least likely to significantly impact views from public viewpoints, and (3) is consistent with all other LCP requirements and best preserves the visual and open space qualities of the parcel overall. LCP § 8.5(a). "Least visible" and "least likely" implies selecting the best option among various options. But neither the project planner, the ZHO, the Planning Commission, nor the permit applicant offered, considered, or implemented alternatives to the location of the project, including the height of the structure—**even though the County had already concluded that the project would significantly impact public views.**

During the appeal hearing to the Planning Commission, the Commission failed to consider the height of the proposed structure as part of the analysis for choosing the location of the proposed structure so as to

(1) be least visible from scenic roads, (2) be least likely to significantly impact views from public viewpoints, and (3) best preserve the visual and open space qualities of the parcel.

The project **"placement" must also include an assessment as to whether the building is perched on the site or set at ground level.** As further detailed herein, the project is not consistent with other LCP requirements. Notably, any conflicts in the LCP are to be resolved in a manner "which on balance most protects significant coastal resources...." LCP § 8.5(a).

b. LCP Section 8.32 mandates additional standards for developments within "scenic corridors."

Under this section, when a proposed development is located within a scenic corridor, the County must apply the Design Review (DR) District regulations and the design criteria of the Community Design Manual. LCP § 8.5(a). As detailed below, neither the DR District regulations nor the Community Design Manual were properly considered by the ZHO or the Planning Commission in approving this permit application.

2. Design Review District Standards

a. Section 6565.17(G) protects public views by limiting the height and location of structures.

This subsection sets forth the design standard that **"views are protected by the height and location of structures...."** DR § 6565.17(G) (emphasis added). Photographs of the proposed structure provided by Appellants demonstrate that the height and location of the structure will obstruct public views from Magellan Avenue. Mitigation measures to protect these views, such as "stepping down" the structure with the hillside, or removing hundreds of feet of fill or empty crawl space from the design, should have been implemented to lower the height of the proposed structure and thereby protect public views.

b. Section 6565.17(J) further protects public views from public roads, such as Magellan Avenue.

Similarly, this subsection sets forth the design standard that "public views to and along the shoreline from public roads...are protected." DR § 6565.17(J). Staff has repeatedly acknowledged that Magellan Avenue is a public road. Although the standard requires protecting public views from Magellan Avenue, this permit was approved without any substantive mitigation measures to protect those views.

3. Community Design Manual

The Community Design Manual is applicable here because of the project's location within a scenic corridor. The Manual states that "views should be preserved by **limiting structure height**." Community Design Manual, pg. 12 (emphasis added). Further, the Manual provides that public views "within and from scenic corridors should be protected and enhanced, and **development should not be allowed to significantly obscure, detract from, or negatively affect the quality of these views.**" Id. (emphasis added). The Manual also instructs the County to ensure that structures are located so that they "retain views of prominent scenic features, such as bodies of water." Id.

While most recently during the Planning Commission some measures, such as stepping down the structure, were discussed by Commission members, ultimately the Commmission did not implement any conditions on the development that would mitigate the signficnat obstruction of public views. Moreover, at the Planning Commission hearing, and at the prior ZHO hearing, the standards of the Community Design Manual were expressly excluded from the analysis because the standards were characterized as "duplicative" of the LCP policies. But the view standards in the Community Design Manual are not duplicative; rather, they are more restrictive than the LCP policies.

4. General Plan

San Mateo County's General Plan, applicable to all developments in the County, similarly sets forth policies relative to protecting scenic public views. Under section 4 ("Visual Quality Policies"), the County is **required** to protect scenic public views. General Plan, pg. 4.1p ("The County will...."). The County must "maximize the preservation of significant public ocean views" (id. at § 4.2(b)), and "protect and enhance the visual quality of scenic corridors by managing the location and appearance of structural developments" (id., at § 4.21). The General Plan defines these public views as "a **range of vision** from a public road...." Id. at § 4.10 (emphasis added). Clearly, the public's range of vision from Magellan will be significantly obstructed, as evidenced by photographs provided to staff and acknowledged by staff in its CEQA initial study. But asside from minor modifications to the exterior finishes of the proposed structure, the size and dimensions of the obstructing structure have remained unchanged since this project was introduced.

5. Standards for Design for Residential Developments in the Midcoast

The Standards for Design for One-Family Residential Development in the Midcoast (6565.20) apply to this development (which is located within the urban Midcoast). These standards are also designed to

protect scenic views. For instance, "when designing a new home or an addition, an effort should be made to minimize the effect on views from neighboring houses." Design Standards, pg. 10. The "do this, not this" illustrations to protect views have not been followed. Id. Appellants' property, located adjacent to, and east of, the proposed development will lose substantial views of the ocean and Pillar Point Harbor. Instead of minimizing the effect on views, the design of the proposed development adds unnecessary obstructions, including a third-story observation deck.

No measures have been demanded or required of the applicant to minimize the adverse effect on views from neighboring houses (and Appellants' views, in particular) threatened by this proposed structure. None of the homes in the neighborhood has a third-story observation deck. Removing the third-story observation deck—a unique and unnecessary feature for a prospective owner with limited mobility buyer—would reduce the negative impact of this structure on views from neighboring homes and from Magellan Avenue.

These standards also note that the Cabrillo Highway Scenic Corridor—in which this proposed development is located—"offers perhaps the most significant public views in the Midcoast, however, **other public views should be considered as well.**" Design Standards, pg. 7 (emphasis added). For this permit application, the public views have not been adequately considered.

At the Planning Commission hearing, a number of Commission members acknowledged that this project would obstruct scenic views (one member even stated that there would be "significant" obstruction); however, the Commission did not determine whether the mitigation measures offered by staff would mitigate the significant obstruction. If they did so determine, the substantial evidence does not support finding that the mitigation measures adopted would mitigate the significant adverse effect.

B. THE DESIGN REVIEW STANDARDS FOR RESIDENTIAL DEVELOPMENTS IN THE MIDCOAST WERE INCORRECTLY APPLIED.

The Standards for Design for One-Family Residential Development in the Midcoast were inconsistently and erroneously applied on this project.

1. The proposed structure must conform with the existing topography and minimize empty crawl space.

The section on "Relationship to Existing Topography" implements the policy of "stepping down" with the hillside. Design Standards, pg. 11. It requires structures, to the extent feasible, to:

> (1) Conform to the existing topography of the site by requiring the portion of the house above the existing grade to step up or down the hillside in the same direction as the existing grade.
>
> (2) On downslope lots, minimize unused, enclosed space between the lowest floor and the grade below. When planning additions, consider converting existing under floor space to living area, rather than adding an additional story.

These standards are illustrated with "Do This" and "Not This" visual examples. As the "Do This" illustration demonstrates, structures "step down with the existing grade and there is no unused underfloor space." Id.

Appellants raised specific objections during the review process, including that the proposed structure: (i) does not step down with the slope; (ii) has hundreds of feet of empty crawl space; and (iii) raises the garage above the existing grade. Nonetheless, **there has been no study on the feasibility of stepping the structure down to conform with the downward sloping grade.**

At the last Planning Commission hearing, the project planner argued that the slope was not "steep" enough to require "stepping down" the hillside. However, there was no determination as to the conditions under which the slope would be steep enough to require application of this section on relationship with the topography. Moreover, the standards do not include a "steepness" pre-condition or pre-determination to apply the stepping down requirement. In approving the permit application, the Planning Commission failed to consistently apply the design standards and failed to require—at the very least—that the feasibility of stepping down be evaluated and considered, which has yet to happen.

2. The design standards have been incorrectly interpreted to create a conflict between the standards on conforming to the existing topography and on grading.

A separate section of the design standards regulates the aesthetic aspects of grading for new residential structures in the Midcoast. Design Standards, pg. 5. Like the section on "Relationship to Existing Topography," the section on grading implements the broad policy that new structures should "blend...into the site." Id. In this regard, the section on grading sets two salient standards: **(i) avoid raising the building pad for a new home; and (ii) allow limited excavation when needed to blend the house into the site.** Id.

The design standards for grading also include "Do This" and "Not This" visual illustrations. As those illustrations demonstrate, the policy is to conform the structure with the existing topography. The "Do

This" illustration blends "with the natural contours and features" of the topography. Id. By contrast, the "Not This" illustration improperly creates a building pad.

During the ZHO hearing, and later in the Planning Commission appeals hearing, the policy to "step down" the structure with the existing slope was interpreted to be in conflict with the standards on grading because stepping down would require excavation. Per the ZHO (and the Planning Commission), the design section on grading do not permit (or discourage) grading. However, the two design standards complement, not compete with, each other. To this end, the design standards for grading **allow limited excavation to blend the house into the site**. Design Standards, pg. 5. And the "Do This" illustrations for both "Relationship to Existing Topography" and "Grading" standards achieve similar results—blending the structure's silhouette with the existing grade.

By contrast, the proposed structure does not blend with the existing topography. In violation of the grading standards, it also raises the building pad. The garage and portions of the house are raised above the existing grade so that the driveway does not slope down into the garage, but remains at the height of Magellan Avenue. Additionally, the structure as planned has hundreds of feet of empty crawl space in multiple sections. This contravenes the clear policy of the grading section to blend with the contours of the existing grade.

The substantial evidence shows that the proposed design will raise the building pad, as the structure will essentially be built on fill from the structure's eastern boundary to its western boundary. The Planning Commission improperly relied on the project planner's application of these standards to permit empty crawl space and the use of fill because they were not visible. The standards do not place "visibility" conditions but state directly that structures must minimize unused crawl space and the use of fill.

3. There is no evidence that stepping the structure down the hillside to conform with the topography would require excessive grading.

Without evidence, the ZHO concluded that stepping the proposed structure down the hillside would require excessive excavation. On appeal, the applicant repeated statements made in prior hearings that it would be "**difficult**" and "**costly**" to design the structure to step down with the hillside. But **no evidence was presented then, or has been ever presented to support these assertions**. These assertions are pure conjecture and insufficient to foreclose any analysis on the feasibility of stepping down the structure to

comply with the "Relationship to Existing Topography" standard.

By contrast, Appellants have presented evidence that it would cost only a few thousand dollars to excavate the structure to eliminate empty crawl space and the use of fill. The Planning Commission erroneously approved this application without requiring the applicant to prove that it would not be feasible to do limited grading to conform with the topography.

Further, nowhere in the design standards does it give a preference for "Relationship to Existing Topography" or "Grading." But the ZHO, in his approval of this project, stated a "preference" for minimizing excavation.

4. The design standard require new single-family dwellings to avoid "boxy" designs.

The design review standards for second story structures requires that new developments avoid "boxy" designs. Design Standards, pg. 13. The proposed structure has a boxy design, as it does not step down with the slope. As such, it resembles the "Not This" example. Id. In approving this project, the Planning Commission erred because the substantial evidence shows that the proposed structure does not comply with this standard.

5. The design of the proposed structure does not minimize the effect on views from neighboring houses.

The design standards provide that designs of new homes should "**minimize the effect on views from neighboring houses.**" Design Standards, pg. 10 (emphasis added). Here, staff has demanded no concessions from the applicant to minimize the effect it will have on Applicant's view. The location and height of the proposed structure have not changed during the approval process.

C. THE NEGATIVE DECLARATION DOES NOT ADOPT MITIGATION MEASURES THAT WILL MITIGATE THE OBSTRUCTION OF SCENIC VIEWS.

Staff conducted an initial study, pursuant to CEQA, of the effects of this project on the environment and concluded that this project will potentially have **significant effects on the environment**, including obstructing "scenic views" and "visually intrud[ing] into an area having natural scenic qualities." Initial Study, pg. 9, §§ 7(b) and 7(e). Staff concluded that the significant effects on the environment posed by this project could be mitigated. Initial Study, pg. 15. Specifically, the project planner found that "there will not be a significant effect in this case because of [sic] the mitigation measures in the discussion have been

included as part of the proposed project." Id. (emphasis added).

Initially, not all mitigation measures were included in the proposed project. Staff failed to provide mitigation measures relative to the aesthetic, cultural, and historic impact of this project.

After the period for public comment had ended, staff finally included the omitted pages with the analysis and proposed measures to mitigate the significant impact on the environment. But the mitigation measures in the initial study and proposed in the negative declaration do not mitigate the significant obstructions on scenic views. Instead, they simply require that the construction of the proposed structure conforms to the design with respect to height and other dimensions. Such "mitigation" measures simply confirm that the structure will significantly impact scenic views without placing any real or substantive limitations on those adverse effects. In other words, staff's proposed mitigation measures do not alter the original design of the proposed structure, which staff initially found would significantly affect the environment.

By contrast, Appellants have offered several real and meaningful recommendations to mitigate the significant effect on scenic views, namely: (i) eliminating the third-floor observation deck; (ii) "stepping down" the downslope; (iii) eliminating empty crawl space areas; (iv) eliminating the use of excessive fill; (v) lowering the curb, gutter, and garage elevation; and (vi) reconfiguring roof lines. While the Planning Commission did a cursory review and consideration of some of Appellants' suggestions, staff has never studied Appellants' recommendations nor provided the ZHO or the Planning Commission with meaningful information to assess their feasibility.

The negative declaration, lacking any real mitigation measures, is defective and incomplete and cannot be approved. See Ocean View Estates Homeowners Ass'n v. Montecito Water Dist. (2004) 116 Cal. App. 4th 396 (finding a water district's mitigated negative declaration to be inadequate because it did not identify or require mitigation measures for significant impacts caused by other mitigation measures).

Further, at the design review process stage of this application, the applicant attempted to argue that public views would not be blocked by this project because any obstruction would be restored once Magellan Avenue was extended to service the new structure. But this statement is categorically untrue. The public views will remain blocked. In fact, the public view at the end of Magellan Avenue (as proposed) will be worse. Magellan Avenue will not be extended all the way down the hill to the western boundary of the

proposed structure. Rather, Magellan Avenue will only be partially extended to access the eastern portion of the structure's garage. The road will be extended to within a few feet of an existing, large cypress tree, which will further block the public's view.

D. SUBSTANTIAL EVIDENCE DEMONSTRATED THAT THE PROPOSED DEVELOPMENT WILL SIGNIFICANTLY IMPACT PUBLIC VIEWS.

At the hearings, the project planner used inaccurate photographs to attempt to show that the project will not obstruct public views. Staff's photographs depicted the proposed structure before the story poles were subsequently modified to more accurately depict the true height, mass, and bulk of the entire structure. Thus, reliance on those inaccurate photographs was improper.

Second, staff's photographs were taken at an elevated height, not at the height viewed by the public. Specifically, staff's photographs were simply copies of images from Google Maps. Google Maps uses a camera placed several feet above the top of a vehicle. As such, the photographs of the older, inaccurate story poles were taken from a much higher vantage point than the public's view. Moreover, staff cannot testify as to the authenticity of the photographs (taken by Google) or of the actual height at which they were taken.

By contrast, Appellants presented photographs accurately showing the current configuration of the story poles and at eye level from the end of Magellan Avenue. Appellants testified that their photographs were taken at eye level. The view of Pillar Point Harbor from the public's standing eye level height will be obliterated. Accordingly, the substantial evidence demonstrated that the impact on public views (as the public will view them) will be significant.

E. THE LOCAL COASTAL PROGRAM WAS IMPROPERLY INTERPRETED WITHOUT DEFERENCE TO PROTECTING COASTAL RESOURCES.

At the ZHO hearing, **the ZHO concluded that there is a conflict in the newly certified Local Coastal Program policies over which regulations applied to this project**. Specifically, in Section 8.12 of the LCP, it states to apply the design standards in Section 6565.20 for one- and two-family developments in the Midcoast. LCP § 8.12). And in section 8.32 regarding scenic corridors in urban areas, it states to apply the Design Review (DR) Zoning Ordinance, the Community Design Manual, and the specific design guidelines in Urban Design Policies of the LCP. Id. at § 8.32. **The ZHO interpreted the LCP, which had recently modified section 8.12, to mean that only the design standards in Section 6565.20 applied to this project, excluding section 8.32.**

On appeal to the Planning Commission, this interpretation was again reiterated. Notably, under this interpretation, the Planning Commission (and the ZHO) did not apply the standards of the Community Design Manual or the DR Zoning Ordinances to this project. This interpretation is wrong for two reasons. First, a reasonable interpretation of the two sections presents no conflict. **Section 8.12 provides general regulations for the Midcoast whereas section 8.32 relates specifically to scenic corridors**. Section 8.32, then, gives additional, more stringent standards for Midcoast developments that are also within scenic corridors, as this project is.

Second, if there is a conflict between the purpose of those two provisions, the conflict must be resolved in favor of applying the higher standards (i.e., the DR Zoning Ordinance and the Community Design Manual as set forth in section 8.32) because the LCP requires conflicts to be resolved "in a manner which on balance most protects significant coastal resources...consistent with Coastal Act Section 30007.5." Id. at ¶ 8.5(a)) (emphasis added). Applying the higher standards of section 8.32 would ensure that the significant coastal resources are protected for the public.

IV. CONCLUSION

Based on the foregoing, Appellants request that the decision approving the permit application be reversed. Alternatively, Appellants request that the permit application be remanded back to CDRC for consideration, analysis, and implementation of mitigation measures to mitigate the significant obstruction of the public view posed by this proposed development, including but not limited to:

(i) Eliminate the third-floor observation deck;

(ii) Step the proposed single-family dwelling down the slope/hillside;

(iii) Eliminate hundreds of square feet of empty crawl space area;

(iv) Eliminate hundreds of square feet of fill land under the proposed structure;

(v) Lower curb, gutter, and garage elevation, which in turn reduces the structure's total height; and

(vi) Reconfigure roof lines.

DATED: February 8, 2011

Respectfully Submitted.

LAST & FAORO

By: _____

Dennis L. Faoro, Esq.
S. Seth Kershaw, Esq.
Attorneys for Appellants,
SURESH C. JANDIAL and SUNITA JANDIAL

Exhibit 1

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www.co.sanmateo.ca.us/planning

January 27, 2012

Greg Van Mechelen
732 Gilman Street
Berkeley, CA 94710

Dear Mr. Van Mechelen :

Subject: **LETTER OF DECISION**
File Number: PLN2010-00255
Location: Magellan Avenue, Miramar
APNS: 048-021-050, 060

On January 25, 2012, the San Mateo County Planning Commission considered an appeal of the Zoning Hearing Officer's approval of a Coastal Development Permit and Design Review, pursuant to Sections 6328.4 and 6565.20 of the San Mateo County Zoning Regulations, and certification of a Negative Declaration pursuant to the California Environmental Quality Act (CEQA), to construct a new 2,203 sq. ft. single-family residence plus a 373 sq. ft. attached two-car garage, on an existing 8,000 sq. ft. undeveloped, non-conforming size parcel where 10,000 sq. ft. is the minimum parcel size. The property is located on an undeveloped portion of Magellan Avenue, which will be extended to accommodate the project, in the unincorporated Miramar area of San Mateo County. No trees are proposed for removal. This project is appealable to the California Coastal Commission.

Based on information provided by staff and evidence presented at the hearing, the Planning Commission denied the appeal and approved the project based on the findings and subject to the conditions of approval shown on Attachment A.

Any interested party aggrieved by the determination of the Planning Commission has the right of appeal to the Board of Supervisors within ten (10) business days from such date of determination. The appeal period for this matter will end at **5:00 p.m. on February 8, 2012.**

1-31-12 CAL.

An approval of this project is appealable to the California Coastal Commission. Any aggrieved person may appeal this decision to the California Coastal Commission within 10 working days following the Coastal Commission's receipt of the notice of Final Local Decision. Please contact the Coastal Commission's North

Attachment A

County of San Mateo
Planning and Building Department

FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN2010-00255 Hearing Date: January 25, 2012

Prepared By: Lisa Aozasa, Senior Planner Adopted By: Planning Commission

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 and comments hereto, there is no evidence that the project, 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 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 6328.4 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 for the reasons specified in Sections A and B2 of the report to the Planning Commission on this item, dated January 25, 2012.

6. 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 Magellan 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 Magellan Avenue. There shall be no storage of construction vehicles in the public right-of-way.

7. A landscape plan is required prior to the issuance of the building permit. Installation is required prior to final inspection. Any trees chosen to be planted shall be relatively low-growing species that are not projected to grow taller than the roofline of the house.

8. **Mitigation Measure 1**: Appropriate erosion control methods shall be used to keep exposed soils from being washed into the intermittent creek. This may include using silt fencing, hay bales, or other appropriate methods.

9. **Mitigation Measure 2**: Appropriate stormwater controls shall be used to keep pollutants from entering the intermittent creek.

10. **Mitigation Measure 3**: Follow up surveys for special status plants shall be conducted during the spring months of April and May to coincide with the bloom period for the special status plant species that have potential for occurrence on-site. In the event that detection occurs, the California Native Plant Society will be consulted to establish mitigation measures.

11. **Mitigation Measure 4**: For the San Francisco dusky-footed wood rat, prior to the start of construction, their nests shall be surveyed and flagged on-site. Protective fencing between nests and the construction zone shall be installed to mitigate any potential disturbance to the nests and the adjacent vegetation areas.

12. **Mitigation Measure 5**: For the California red-legged frog (CRF):

Prevention Program "General Construction and Site Supervision Guidelines," including:

a. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 15 and April 15. Stabilizing shall include both proactive measures, such as the placement of hay bales or coir netting, and passive measures, such as revegetating disturbed areas with plants propagated from seed collected in the immediate area.

b. Storing, handling, and disposing of construction materials and wastes properly, so as to prevent their contact with stormwater.

c. Controlling and preventing the discharge of all potential pollutants, including pave¬ment cutting wastes, paints, concrete, petroleum products, chemicals, wash water or sediments, and non-stormwater discharges to storm drains and watercourses.

d. Using sediment controls or filtration to remove sediment when dewatering the site and obtaining all necessary permits.

e. Avoiding cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained and treated.

f. Delineating with field markers clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses.

g. Protecting adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.

h. Performing clearing and earth-moving activities only during dry weather.

i. Limiting and timing applications of pesticides and fertilizers to prevent polluted runoff.

j. Limiting construction access routes and stabilizing designated access points.

k. Avoiding tracking dirt or other materials off-site; cleaning off-site paved areas and sidewalks using dry sweeping methods.

l. The contractor shall train and provide instructions to all employees and subcontractors regarding the construction best management practices.

m. The approved erosion and sediment control plan shall be implemented prior to the beginning of construction.

22. **Mitigation Measure 15:** 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) 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 a 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 Community Development Director.

23. **Mitigation Measure 16:** All new power and telephone utility lines from the street or nearest existing utility pole to the main dwelling and/or any other structure on the property shall be placed underground.

d. A site drainage plan will be required. This plan must demonstrate how roof drainage and site runoff will be directed to an approved disposal area.

e. Sediment and erosion control measures must be installed prior to beginning any site work and maintained throughout the term of the permit. Failure to install or maintain these measures will result in stoppage of construction until the corrections have been made and fees paid for staff enforcement time.

f. This project must comply with the Green Building Ordinance.

g. Chapter 7A will apply. See SRA Map. This project will need to comply with all of Chapter 7A of the Building Code with respect to the State's Fire Hazard Area Maps. Please see the State Fire Marshal's web site for approved construction materials.
http://www.fire.ca.gov/fire_prevention/fhsz_maps/fhsz_maps_sanmateo.php
http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_codes.php

h. All drawings must be drawn to scale and clearly define the whole project and its scope in its entirety.

i. Please call out the right codes on the code summary: The design and/or drawings shall be done according to the 2007 Editions of the CA Building Standards Code, 2007 CA Plumbing Code, 2007 CA Mechanical Code, and the 2007 CA Electrical Code.

Department of Public Works

31. 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.

32. The applicant shall submit, for review by the Department of Public Works and the appropriate Fire District, a Plan and Profile of both the existing and the proposed access from the nearest "publicly" maintained roadway to the proposed building site.

33. The provision of San Mateo County Grading Ordinance shall govern all grading on and adjacent to this site. Unless exempted by the Grading Ordinance, the applicant may be required to apply for a grading permit upon completion of their review of the plans and should access construction be necessary.

34. No proposed construction work within the County right-of-way shall begin until County requirements for the issuance of an encroachment permit, including review of the plans, have been met and an encroachment permit issued.

approved. Upon submission of plans, the County or City will forward a complete set to the Coastside Fire District 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.

Installation of underground sprinkler pipe shall be visually inspected and flushed by the Fire District prior to hookup to riser. Any soldered fittings must be pressure tested with trench open.

40. 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.

41. Smoke detectors which are hardwired: As per the California Building Code, State Fire Marshal regulations, and Coastside Fire District Ordinance No. 2007-01, 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 sleeping room and at a point centrally located in the corridor or area giving access to each separate sleeping area. A minimum of one detector shall be placed on each floor. Smoke detectors shall be tested and approved prior to the building final.

42. Address Numbers: As per Coastside Fire District Ordinance No. 2007-01, 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 finished grade. When the building is served by a long driveway or is otherwise obscured, a reflectorized address sign shall be placed at the entrance from the nearest public roadway. See Fire Ordinance for standard sign.

43. Roof Covering: As per Coastside Fire District Ordinance No. 2007-01, 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.

44. Fire Access Roads: The applicant must have a maintained all-weather surface road for ingress and egress of fire apparatus. The San Mateo County Department of Public Works, the Coastside Fire District Ordinance No. 2007-01, and the California Fire Code shall set road standards. As per the 2007 CFC, dead-end roads exceeding 150 feet shall be provided with a turnaround in accordance with Half Moon Bay Fire District specifications. As per the 2007 CFC, Section Appendix

Parks Department

50. The applicant shall install markers delineating property and riparian boundaries to ensure that the adjacent sensitive habitat area is protected prior to and during the construction. The parks Department should be notified when the markers are set.

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650/363-4161 Fax: 650/363-4849

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

Case #: PLN2010-00255

Fee Type	Description	Revenue Account Number	Created By	Date	Amount Due
FIRE	Fire CDF Review Fee	35500-2124	JAC	8/19/2010	173.00
DPW1	Public Works Review Fee	45240-2652	JAC	8/19/2010	400.00
DRRE	Design Rev-Committee Rev-New	38430-1268	JAC	8/19/2010	3,489.00
ECAT	Env.Rev.-Categorical Exemption	38430-2123	JAC	8/19/2010	287.00
GPUS	General Plan Update Surcharge	38320-2113	JAC	8/19/2010	40.00
PUBN	Public Noticing Fee	38430-1269	JAC	8/19/2010	136.00
LCSF	5% Legal Counsel Surcharge Fee	16111-2093	JAC	8/19/2010	226.25
RESH	Research Per Hour	38430-1262	DER	8/8/2011	12.00
APPL	Appeal Fee	38430-2116	SSB	11/3/2011	451.00
LCSF	5% Legal Counsel Surcharge Fee	16111-2093	SSB	11/3/2011	22.55
APPL	Appeal Fee	38430-2116	JAC	2/8/2012	451.00
ITTA	4% IT Surcharge	38100-2215	JAC	2/8/2012	18.04
LCSF	5% Legal Counsel Surcharge Fee	16111-2093	JAC	2/8/2012	22.55
				Total Due:	**$0.00**

County of San Mateo - Planning and Building Department

ATTACHMENT E

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January 24, 2011

PROJECT FILE

Greg Van Mechelen
1117 Virginia Street
Berkeley, CA 94702

Dear Mr. Van Mechelen:

SUBJECT: Coastside Design Review, File No. PLN 2010-00255
Magellan Avenue, Miramar
APN 048-021-050

At its meeting of January 13, 2011, the San Mateo County Coastside Design Review Committee considered your application for design review approval as part of a Coastal Development Permit to allow construction of a 2,203 sq. ft. new single-family residence, plus a 373 sq. ft. attached 2-car garage on an existing 8,000 sq. ft. non-conforming parcel, where 10,000 sq. ft. is the required minimum.

Based on the plans, application forms and accompanying materials submitted, the Coastside Design Review Committee recommended approval of your project based on and subject to the following findings and recommended conditions:

FINDINGS

The CDRC used the Design Standards (Section 6565.7 of the San Mateo County Zoning Regulations) in effect at the time of your project submittal date of August 19, 2010, and made their findings to recommend approval of the project on this basis. However, the CDRC also used as guidelines, "The Standards for Design of One-Family and Two-Family Residential Development in the Midcoast" as a means to formulate and supplement such findings. The "Standards for Design" which were guidelines only, have subsequently been amended and adopted, effective September 15, 2010. The CDRC findings are, therefore, cross-referenced to the applicable section of the new Design Standards to indicate consistency with both the new standards and Section 6565.7, elaborated as follows:

a. The proposed two-story structure is designed and situated to retain and blend with the natural vegetation and landforms of the site and insures adequate space for light and air to itself and adjacent properties because they maintain the structure's low profile as seen from Magellan Avenue, including keeping the two-story configuration along the downhill portion of the site (Section 6565.20(C)1).

b. Only minimal grading is proposed for the project (Section 6565.20(C)1b).

c. No streams and other natural drainage systems are located on the project site (Section 6565.20(C)1c).

d. The project site is located in Flood Zone C which is designated as an area of minimal flooding (Section 6565.20(C)1c).

e. No trees are proposed for removal (Section 6565.20(C)1a).

f. The project site is located adjacent to open areas where existing on-site vegetation maintains the smooth transition between this development and the adjacent open areas (Section 6565.20(C)1e).

g. No trees are proposed for removal (Section 6565.20(C)2b).

h. The project site is not located on a ridgeline (Section 6565.20(C)1d).

i. The project site is not located on a cliff or bluff (Section 6565.20(C)1d).

j. The project site is not located on a shoreline (Section 6565.2020(C)1d).

k. The proposed materials such as fiber cement, stone veneer, stone tiles and clear glass, including earth tone colors as the project's color scheme of choice, make the project compatible with various architectural styles of the neighborhood, including the following conditions, as recommended: (i) apply "cypress green" color instead of "silver sage" where applicable; (ii) use a darker non-reflective roof color; (iii) use dark window trim colors subject to staff review and approval; (iv) use the proposed Pilkington Optiview glazing on all windows facing west (Sections 6565.20(D)2a and 6565.20(D)3a).

l. The proposed single-family residence harmonizes with the existing neighborhood design context because it maintains a low profile as seen from Magellan Avenue, since the two-story configuration is along the downhill portion of the site, as previously stated in (a) (Section 6565.20(D)1b).

m. Installation of utility lines underground is required for this project (Section 6565.20(G)).

n. Installation of pervious materials is required for this project (Section 6565.20(F)2).

RECOMMENDED CONDITIONS

Current Planning Section

1. The applicant shall submit a full Chain of Title that covers the deed conveyance of all lots of record comprising the project-related parcel(s). The Chain of Title shall show when all

such lots were first conveyed separately from any surrounding lots, beginning from their initial conveyance after recordation of the subject subdivision, up through their conveyance to the present. All such deed conveyance references shall include, in each instance, the names of the grantee and grantor, the recordation date, book, map and page references with the San Mateo County Recorder. Each such conveyance shall include a copy of the respective referenced deed. Upon review of the complete Chain of Title, staff shall determine whether a Type A or Type B Certificate of Compliance is required, along with the application materials and fees, in addition to any application fees already paid.

2. The project shall be constructed in compliance with the plans approved by the Coastside Design Review Committee on January 13, 2011. 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.

3. The applicant shall include this approval letter on the top pages of the building plans. This would provide the Planning approval date and its contents on the on-site plans.

4. The applicant shall submit the following items and/or indicate the following on plans submitted for a building permit, as stipulated by the Coastside Design Review Committee.

   a. Use of "Cypress Green" color in place of "silver sage" where applicable.

   b. Use of a darker, non-reflective roof color.

   c. Use of dark window trim colors, subject to staff review and approval.

   d. Use of the proposed Pilkington Optiview glazing on all windows facing west.

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) 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 Community Development Director.

6. During project construction, the applicant shall, pursuant to Section 5022 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 15 and April 15.

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 applications of pesticides and fertilizer to avoid polluting runoff.

7. The applicant shall include an erosion and sediment control plan on 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 prevent erosion and sedimentation off-site.

8. All new power and telephone utility lines from the street or nearest existing utility pole to the main dwelling and/or any other structure on the property shall be placed underground.

9. The applicant shall apply for a building permit and shall adhere to all requirements from the Building Inspection Section, the Department of Public Works and the respective Fire Authority.

10. No site disturbance shall occur, including any grading or tree removal, until a building permit has been issued, and then only those trees approved for removal shall be removed.

11. 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 Magellan 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 Magellan Avenue. There shall be no storage of construction vehicles in the public right-of-way.

12. The exterior color samples submitted to the 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.

13. 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.

14. A landscape plan is required prior to the issuance of the building permit. Installation is required prior to final inspection.

Building Inspection Section

15. At the time of application for a building permit, the following will be required:

    a. Prior to pouring any concrete for foundations, written verification from a licensed surveyor must be submitted which will confirm that the required setbacks as shown on the approved plans have been maintained.
    b. An automatic fire sprinkler system will be required. This permit must be issued prior to or in conjunction with the BLD permit.

    c. If a water main extension, upgrade or hydrant is required, this work must be completed prior to the issuance of the BLD permit or the applicant must submit a copy of an agreement and contract with the water purveyor which will confirm the work will be completed prior to finalization of the BLD permit.

    d. A site drainage plan will be required. This plan must demonstrate how roof drainage and site runoff will be directed to an approved disposal area.

    e. Sediment and erosion control measures must be installed prior to beginning any site work and maintained throughout the term of the permit. Failure to install or maintain these measures will result in stoppage of construction until the corrections have been made and fees paid for staff enforcement time.

    f. This project must comply with the Green Building Ordinance.

    g. Chapter 7A will apply. See SRA Map. This project will need to comply with all of Chapter-7A of the Building Code with respect to the State's Fire Hazard Area Maps. Please see the State Fire Marshal's web site for approved construction materials. http://www.fire.ca.gov/fire_prevention/fhsz_maps/fhsz_maps_sanmateo.php http://www.fire.ca.gov/fire_prevention/fire_prevention_wildland_codes.php

    h. All drawings must be drawn to scale and clearly define the whole project and its scope in its entirety.

    i. Please call out the right codes on the code summary: The design and/or drawings shall be done according to the 2007 Editions of the CA Building Standards Code, 2007 CA Plumbing Code, 2007 CA Mechanical Code, & the 2007 CA Electrical Code.

Department of Public Works

16. 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.

17. The applicant shall submit, for review by the Public Works Department and the appropriate Fire District, a Plan and Profile of both the existing and the proposed access from the nearest "publicly" maintained roadway to the proposed building site.

18. The provision of San Mateo County Grading Ordinance shall govern all grading on and adjacent to this site. Unless exempted by the Grading Ordinance, the applicant may be required to apply for a grading permit upon completion of their review of the plans and should access construction be necessary.

19. No proposed construction work within the County right-of-way shall begin until County requirements for the issuance of an encroachment permit, including review of the plans, have been met and an encroachment permit issued.

20. The applicant shall submit a driveway "Plan and Profile," to the Public Works Department, showing the driveway access to the parcel (garage slab) complying with County Standards for driveway slopes (not to exceed 20%) and to County Standards for driveways (at the property line) being the same elevation as the center of the access roadway. When appropriate, this plan and profile shall be prepared from elevations and alignment shown on the roadway improvement plans. The driveway plan shall also include and show specific provisions and details for both the existing and the proposed drainage patterns and drainage facilities.

21. The applicant shall demonstrate, to the satisfaction of the Public Works Department and the appropriate Fire District or Fire Marshal, that the existing road access from the nearest "publicly" maintained roadway to the building site meets or exceeds the County's minimum standards for an "Interim Access Roadway," including provisions for existing and proposed drainage and drainage facilities. The applicant must also demonstrate that appropriate turnouts and a turnaround, meeting Fire Marshal requirements, exist or can be provided, if applicable.

22. 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 predeveloped state. Recommended measures shall be designed and included in the street improvement plans and submitted to the Public Works Department for review and approval.

Coastside Fire Protection District

23. The applicant shall comply with all conditions required by the Coastside Fire Protection District.

Please be aware that the aforementioned conditions are recommended and are subject to change at the final decision stage.

As earlier cited, this is a design review recommendation only. Aside from the need to confirm the parcel's legality (Condition No. 1), the final decision will be rendered at a later date as part of and including the Coastal Development Permit.

For more information, please contact the project planner, Dennis P. Aguirre, at 650/363-1867.

Sincerely,

Dennis P. Aguirre
Design Review Officer

DPA:cdn – DPAV0059_WCN.DOC

cc: Thomas Daly, Committee Representative
Linda Montalto-Patterson, Community Representative (Alt.)
Judy Taylor
Mike Shimeld
Suresh Jandial
Dennis Faoro

County of San Mateo - Planning and Building Department

ATTACHMENT F

COUNTY OF SAN MATEO, PLANNING AND BUILDING DEPARTMENT

NOTICE OF INTENT TO ADOPT 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: *New Merwin Residence*, when adopted and implemented, will not have a significant impact on the environment.

FILE NO.: PLN 2010-00255

OWNER/APPLICANT: John Merwin/Greg VanMechelen

ASSESSOR'S PARCEL NOS.: 048-021-050 and 048-021-060

PROJECT LOCATION: Magellan Avenue, Miramar

PROJECT DESCRIPTION

The applicant is requesting approval to construct a new 2,203 sq. ft. single-family residence, plus a 373 sq. ft. attached two-car garage on an existing 8,000 sq. ft. non-conforming parcel, where 10,000 sq. ft. is the required minimum, as part of a Coastal Development Permit and Coastside Design Review. The site is located on an undeveloped portion of Magellan Avenue which will be extended to accommodate the project, located in the unincorporated Miramar area of San Mateo County, within the R-1/S-94/DR/CD Zoning District. No trees are proposed for removal.

SITE DESCRIPTION

The project site is a vacant lot located at Magellan Avenue in the unincorporated Miramar area of San Mateo County, within a developed area of predominantly two-story single-family residential structures of various architectural styles. The subject site is moderately sloping in topography with ground vegetation consisting of annual grassland and coastal scrub. Adjacent to this site is a riparian corridor and a eucalyptus forest. Surrounding parcels westward, northward and southward are undeveloped. Developed residential parcels are eastward of the subject parcel. Cabrillo Highway and the Pacific Ocean are also westward of this site.

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: Appropriate erosion control methods shall be used to keep exposed soils from being washed into the intermittent creek. This may include using silt fencing, hay bales, or other appropriate methods.

Mitigation Measure 2: Appropriate stormwater controls shall be used to keep pollutants from entering the intermittent creek.

Mitigation Measure 3: Follow up surveys for special status plants shall be conducted during the spring months of April and May to coincide with the bloom period for the special status plant species that have potential for occurrence on-site. In the event that detection occurs, the California Native Plant Society will be consulted to establish mitigation measures.

Mitigation Measure 4: For the San Francisco dusky-footed wood rat, prior to the start of construction, their nests shall be surveyed and flagged on-site. Protective fencing between nests and the construction zone shall be installed to mitigate any potential disturbance to the nests and the adjacent vegetation areas.

Mitigation Measure 5: For the California red-legged frog (CRF):

a. Prior to the start of construction, an exclusion fence measuring at least 3 feet in height shall be installed along the north and east property lines in order to prevent the frogs from entering the project site.

b. A pre-construction survey shall be conducted by a USFWS approved qualified biologist for said species, 48 hours prior to the start of construction, or sooner.

c. In the event that a CRF is detected on-site, a worker education program on CRF identification shall be conducted by a qualified biologist for the benefit of all construction workers.

d. Daily site visits shall be conducted by the biologist or a biologist trained monitor to ensure all mitigation measures are in place and operational.

Mitigation Measure 6: For the San Francisco garter snake (SFGS):

a. Prior to the start of construction, an exclusion fence measuring at least 3 feet in height shall be installed along the north and east property lines in order to prevent the snakes from entering the project site.

b. A pre-construction survey shall be conducted by a USFWS approved qualified biologist for said species, 48 hours prior to the start of construction or sooner.

c. In the event that a SFGS is detected on-site, a worker education program on SFGS identification shall be conducted by a qualified biologist for the benefit of all construction workers.

d. Daily site visits shall be conducted by the biologist or a biologist trained monitor to ensure all mitigation measures are in place and operational.

Mitigation Measure 7: For nesting raptors, including white tailed kites and other nesting birds, in the event that construction activities are scheduled during the nesting season, specifically from February 15 through August 31, inspection of large trees within 250 feet of the property for nesting raptors, and any vegetation within 50 feet of the subject site for other nesting birds, shall be conducted by a qualified biologist. In the event that nests or nesting activities are detected, the CDFG shall be consulted for additional mitigation measures.

Mitigation Measure 8: Prior to the beginning of any construction or grading activities, the applicant shall implement the approved erosion and sediment control plan. Erosion control measure deficiencies, as they occur, shall be immediately corrected. The goal is to prevent sediment and other pollutants from leaving the project site and to protect all exposed earth surfaces from erosive forces. Said plan shall adhere to the San Mateo Countywide Stormwater Pollution Prevention Program "General Construction and Site Supervision Guidelines," including:

a. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 15 and April 15. Stabilizing shall include both proactive measures, such as the placement of hay bales or coir netting, and passive measures, such as revegetating disturbed areas with plants propagated from seed collected in the immediate area.

b. Storing, handling, and disposing of construction materials and wastes properly, so as to prevent their contact with stormwater.

c. Controlling and preventing the discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, wash water or sediments, and non-stormwater discharges to storm drains and watercourses.

d. Using sediment controls or filtration to remove sediment when dewatering the site and obtaining all necessary permits.

e. Avoiding cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained and treated.

f. Delineating with field markers clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses.

g. Protecting adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.

h. Performing clearing and earth-moving activities only during dry weather.

i. Limiting and timing applications of pesticides and fertilizers to prevent polluted runoff.

j. Limiting construction access routes and stabilizing designated access points.

k. Avoiding tracking dirt or other materials off-site; cleaning off-site paved areas and sidewalks using dry sweeping methods.

l. The contractor shall train and provide instructions to all employees and subcontractors regarding the construction best management practices.

m. The approved erosion and sediment control plan shall be implemented prior to the beginning of construction.

Mitigation Measure 9: The applicant shall implement erosion control measures prior to the beginning of grading or construction operations. Such activities shall not commence until the associated building permit for the project has been issued.

Mitigation Measure 10: The project shall include water runoff prevention measures for the operation and maintenance of the project for the review and approval by the Community Development Director. The project shall identify best management practices (BMPs) appropriate to the uses conducted on-site to effectively prohibit the discharge of pollutants with stormwater runoff and other water runoff produced from the project.

Mitigation Measure 11: The applicant shall submit a permanent stormwater management plan in compliance with the County's Drainage Policy and NPDES requirements for review and approval by the Department of Public Works.

Mitigation Measure 12: Noise levels produced by construction shall not exceed the 80-dBA level at any one moment. Construction activity 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.

Mitigation Measure 13: The project shall be constructed in compliance with the plans approved by the Coastside Design Review Committee on January 13, 2011. Any changes or revisions to the approved plans shall be submitted to the Coastside Design Review Officer for review and approval prior to implementation. Minor adjustments to the project may be approved

by the Coastside Design Review Officer if they are consistent with the intent of and are in substantial conformance with this approval. Alternatively, the Coastside Design Review Officer may refer consideration of the revisions to the Coastside Design Review Committee, with applicable fees to be paid.

Mitigation Measure 14: The applicant shall submit the following items and/or indicate the following on plans submitted for a building permit, as stipulated by the Coastside Design Review Committee:

a. Use of "Cypress Green" color in place of "Silver Sage" where applicable.

b. Use of a darker, non-reflective roof color.

c. Use of dark window trim colors, subject to staff review and approval.

d. Use of the proposed Pilkington Optiview glazing on all windows facing west.

Mitigation Measure 15: 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) 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 a 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 Community Development Director.

Mitigation Measure 16: All new power and telephone utility lines from the street or nearest existing utility pole to the main dwelling and/or any other structure on the property shall be placed underground.

Mitigation Measure 17: The exterior color samples submitted to the Committee are recommended for approval. 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.

Mitigation Measure 18: The downward lighting fixture cut sheet submitted to the Coastside Design Review Committee recommended for approval. Verification shall occur in the field after installation but before a final inspection has been scheduled.

Mitigation Measure 19: The applicant shall ensure that during construction, noise, light, dust, odors and other interference with persons and property off the development site be minimized.

RESPONSIBLE AGENCY CONSULTATION: None.

INITIAL STUDY

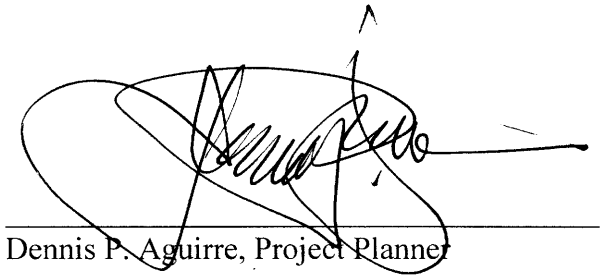
The San Mateo County Current Planning Section has reviewed the Environmental Evaluation of this project and has found that the probable environmental impacts are insignificant. A copy of the initial study is attached.

REVIEW PERIOD: July 1, 2011 to July 20, 2011

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., July 20, 2011**.

CONTACT PERSON

Dennis P. Agguire
Project Planner, 650/363-1867



Dennis P. Aguirre, Project Planner

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County of San Mateo
Planning and Building Department

INITIAL STUDY
ENVIRONMENTAL EVALUATION CHECKLIST
(To Be Completed By Current Planning Section)

I. BACKGROUND

Project Title: New Merwin Residence

File No.: PLN 2010-00255

Project Location: Magellan Avenue, Miramar

Assessor's Parcel Nos.: 048-021-050 and 048-021-060

Applicant/Owner: Greg VanMechelen/John Merwin

Date Environmental Information Form Submitted: September 2, 2010

PROJECT DESCRIPTION

The applicant is requesting approval to construct a new 2,203 sq. ft. single-family residence, plus a 373 sq. ft. attached two-car garage on an existing 8,000 sq. ft. non-conforming parcel, where 10,000 sq. ft. is the required minimum, as part of a Coastal Development Permit and Coastside Design Review. The site is located on an undeveloped portion of Magellan Avenue which will be extended to accommodate the project, located in the unincorporated Miramar area of San Mateo County, within the R-1/S-94/DR/CD Zoning District. No trees are proposed for removal.

II. ENVIRONMENTAL ANALYSIS

Any controversial answers or answers needing clarification are explained on an attached sheet. For source, refer to pages 16 and 17.

	IMPACT					
		YES				
	NO	Not Significant	Significant Unless Mitigated	Significant	Cumulative	SOURCE
1. LAND SUITABILITY AND GEOLOGY Will (or could) this project:						
a. Involve a unique landform or biological area, such as beaches, sand dunes, marshes, tidelands, or San Francisco Bay? **See answers to questions.**			X			B,F,O
b. Involve construction on slope of 15% or greater? **See answers to questions.**			X			E,I
c. Be located in an area of soil instability (subsidence, landslide or severe erosion)? **See answers to questions.**	X					Bc,D
d. Be located on, or adjacent to a known earthquake fault? **Not located in or adjacent to such an area.**	X					Bc,D
e. Involve Class I or Class II Agriculture Soils and Class III Soils rated good or very good for artichokes or Brussels sprouts? **Project site is designated for residential use.**	X					M
f. Cause erosion or siltation? **See answers to questions.**			X			M,I
g. Result in damage to soil capability or loss of agricultural land? **See answers to questions.**	X					A,M

	IMPACT					
		YES				
	NO	Not Significant	Significant Unless Mitigated	Significant	Cumulative	SOURCE
h. Be located within a flood hazard area? **FEMA Flood Zone C (Area of Minimal Flooding).**	X					G
i. Be located in an area where a high water table may adversely affect land use? **The project is not located in such an area.**	X					D
j. Affect a natural drainage channel or streambed, or watercourse? **See answers to questions.**			X			E
2. <u>VEGETATION AND WILDLIFE</u> Will (or could) this project:						
a. Affect federal or state listed rare or endangered species of plant life in the project area? **See answers to questions.**			X			F
b. Involve cutting of heritage or significant trees as defined in the County Heritage Tree and Significant Tree Ordinance? **No trees are proposed for trimming or removal.**	X					I,A
c. Be adjacent to or include a habitat food source, water source, nesting place or breeding place for a federal or state listed rare or endangered wildlife species? **See answers to questions.**			X			F
d. Significantly affect fish, wildlife, reptiles, or plant life? **See answers to questions.**			X			I

	IMPACT					SOURCE
		YES				
	NO	Not Significant	Significant Unless Mitigated	Significant	Cumulative	
e. Be located inside or within 200 feet of a marine or wildlife reserve? **The project is not located in or within 200 feet of such an area.**	X					E,F,O
f. Infringe on any sensitive habitats? **See answers to questions.**			X			F
g. Involve clearing land that is 5,000 sq. ft. or greater (1,000 sq. ft. within a County Scenic Corridor), that has slopes greater than 20% or that is in a sensitive habitat or buffer zone? **None proposed.**	X					I,F,Bb
3. <u>PHYSICAL RESOURCES</u> Will (or could) this project:						
a. Result in the removal of a natural resource for commercial purposes (including rock, sand, gravel, oil, trees, minerals or topsoil)? **None proposed.**	X					I
b. Involve grading in excess of 150 cubic yards? **Only minimal grading is proposed.**	X					I
c. Involve lands currently protected under the Williamson Act (agricultural preserve) or an Open Space Easement? **The site is not under agricultural contract or easement.**	X					I
d. Affect any existing or potential agricultural uses? **There are no agricultural uses on or adjacent to the project site.**	X					A,K,M

	IMPACT					SOURCE
		YES				
	NO	Not Significant	Significant Unless Mitigated	Significant	Cumulative	
4. AIR QUALITY, WATER QUALITY, SONIC Will (or could) this project:						
a. Generate pollutants (hydrocarbon, thermal odor, dust or smoke particulates, radiation, etc.) that will violate existing standards of air quality on-site or in the surrounding area? **See answers to questions.**		X				I,N,R
b. Involve the burning of any material, including brush, trees and construction materials? **None proposed.**	X					I
c. Be expected to result in the generation of noise levels in excess of those currently existing in the area, after construction? **None proposed.**	X					Ba,I
d. Involve the application, use or disposal of potentially hazardous materials, including pesticides, herbicides, other toxic substances, or radioactive material? **None proposed.**	X					I
e. Be subject to noise levels in excess of levels determined appropriate according to the County Noise Ordinance or other standard? **The project is not subject to excess noise levels.**		X				A,Ba,Bc
f. Generate noise levels in excess of levels determined appropriate according to the County Noise Ordinance standard? **See answers to questions.**			X			I
g. Generate polluted or increased surface water runoff or affect groundwater resources? **See answers to questions.**			X			I

	IMPACT					SOURCE
		YES				
	NO	Not Significant	Significant Unless Mitigated	Significant	Cumulative	
h. Require installation of a septic tank/leachfield sewage disposal system or require hookup to an existing collection system which is at or over capacity? **None proposed.**	X					S
5. <u>TRANSPORTATION</u> Will (or could) this project:						
a. Affect access to commercial establishments, schools, parks, etc.? **None proposed.**		X				A,I
b. Cause noticeable increase in pedestrian traffic or a change in pedestrian patterns? **None proposed.**	X					A,I
c. Result in noticeable changes in vehicular traffic patterns or volumes (including bicycles)? **None proposed.**	X					I
d. Involve the use of off-road vehicles of any kind (such as trail bikes)? **None proposed.**	X					I
e. Result in or increase traffic hazards? **None proposed.**		X				S
f. Provide for alternative transportation amenities such as bike racks? **None proposed.**	X					I

	IMPACT					
		YES				
	NO	Not Significant	Significant Unless Mitigated	Significant	Cumulative	SOURCE
g. Generate traffic which will adversely affect the traffic carrying capacity of any roadway? **None proposed.**	X					S
6. <u>LAND USE AND GENERAL PLANS</u> Will (or could) this project:						
a. Result in the congregating of more than 50 people on a regular basis? **None proposed.**	X					I
b. Result in the introduction of activities not currently found within the community? **None proposed.**	X					I
c. Employ equipment which could interfere with existing communication and/or defense systems? **None proposed.**	X					I
d. Result in any changes in land use, either on or off the project site? **None proposed.**	X					I
e. Serve to encourage off-site development of presently undeveloped areas or increase development intensity of already developed areas (examples include the introduction of new or expanded public utilities, new industry, commercial facilities or recreation activities)? **See answers to questions.**		X				I,Q,S

	IMPACT					SOURCE
		YES				
	NO	Not Significant	Significant Unless Mitigated	Significant	Cumulative	
f. Adversely affect the capacity of any public facilities (streets, highways, freeways, public transit, schools, parks, police, fire, hospitals), public utilities (electrical, water and gas supply lines, sewage and storm drain discharge lines, sanitary landfills) or public works serving the site? **No impact.**	X					I,S
g. Generate any demands that will cause a public facility or utility to reach or exceed its capacity? **No impact.**	X					I,S
h. Be adjacent to or within 500 feet of an existing or planned public facility? **See answers to questions.**		X				A
i. Create significant amounts of solid waste or litter? **No impact.**	X					I
j. Substantially increase fossil fuel consumption (electricity, oil, natural gas, coal, etc.)? **No impact.**	X					I
k. Require an amendment to or exception from adopted general plans, specific plans, or community policies or goals? **None proposed.**	X					B
l. Involve a change of zoning? **None proposed.**	X					C
m. Require the relocation of people or businesses? **None proposed.**	X					I

	IMPACT					SOURCE
		YES				
	NO	Not Significant	Significant Unless Mitigated	Significant	Cumulative	
n. Reduce the supply of low-income housing? **None proposed.**	X					I
o. Result in possible interference with an emergency response plan or emergency evacuation plan? **None proposed.**	X					S
p. Result in creation of or exposure to a potential health hazard? **No impact.**	X					S
7. <u>AESTHETIC, CULTURAL AND HISTORIC</u> Will (or could) this project:						
a. Be adjacent to a designated Scenic Highway or within a State or County Scenic Corridor? **See answers to questions.**			X			A,Bb
b. Obstruct scenic views from existing residential areas, public lands, public water body, or roads? **See answers to questions.**			X			A,I
c. Involve the construction of buildings or structures in excess of three stories or 36 feet in height? **None proposed.**	X					I
d. Directly or indirectly affect historical or archaeological resources on or near the site? **No impact.**	X					H
e. Visually intrude into an area having natural scenic qualities? **See answers to questions.**			X			A,I

III. **RESPONSIBLE AGENCIES.** Check what agency has permit authority or other approval for the project.

AGENCY	YES	NO	TYPE OF APPROVAL
U.S. Army Corps of Engineers (CE)		X	
State Water Resources Control Board		X	
Regional Water Quality Control Board		X	
State Department of Public Health		X	
San Francisco Bay Conservation and Development Commission (BCDC)		X	
U.S. Environmental Protection Agency (EPA)		X	
County Airport Land Use Commission (ALUC)		X	
CalTrans		X	
Bay Area Air Quality Management District		X	
U.S. Fish and Wildlife Service		X	
Coastal Commission		X	On appeal.
City		X	
Sewer/Water District: Granada Sanitary District/Coastside County Water		X	
Other: San Mateo County Department of Housing		X	

IV. MITIGATION MEASURES

	Yes	No
Mitigation measures have been proposed in project application.	X	
Other mitigation measures are needed.		X

The following measures are included in the project plans or proposals pursuant to Section 15070(b)(1) of the State CEQA Guidelines:

Mitigation Measure 1: Appropriate erosion control methods shall be used to keep exposed soils from being washed into the intermittent creek. This may include using silt fencing, hay bales, or other appropriate methods.

Mitigation Measure 2: Appropriate stormwater controls shall be used to keep pollutants from entering the intermittent creek.

Mitigation Measure 3: Follow up surveys for special status plants shall be conducted during the spring months of April and May to coincide with the bloom period for the special status plant species that have potential for occurrence on-site. In the event that detection occurs, the California Native Plant Society will be consulted to establish mitigation measures.

Mitigation Measure 4: For the San Francisco dusky-footed wood rat, prior to the start of construction, their nests shall be surveyed and flagged on-site. Protective fencing between nests and the construction zone shall be installed to mitigate any potential disturbance to the nests and the adjacent vegetation areas.

Mitigation Measure 5: For the California red-legged frog (CRF):

a. Prior to the start of construction, an exclusion fence measuring at least 3 feet in height shall be installed along the north and east property lines in order to prevent the frogs from entering the project site.

b. A pre-construction survey shall be conducted by a USFWS approved qualified biologist for said species, 48 hours prior to the start of construction, or sooner.

c. In the event that a CRF is detected on-site, a worker education program on CRF identification shall be conducted by a qualified biologist for the benefit of all construction workers.

d. Daily site visits shall be conducted by the biologist or a biologist trained monitor to ensure all mitigation measures are in place and operational.

Mitigation Measure 6: For the San Francisco garter snake (SFGS):

a. Prior to the start of construction, an exclusion fence measuring at least 3 feet in height shall be installed along the north and east property lines in order to prevent the snakes from entering the project site.

b. A pre-construction survey shall be conducted by a USFWS approved qualified biologist for said species, 48 hours prior to the start of construction or sooner.

c. In the event that a SFGS is detected on-site, a worker education program on SFGS identification shall be conducted by a qualified biologist for the benefit of all construction workers.

d. Daily site visits shall be conducted by the biologist or a biologist trained monitor to ensure all mitigation measures are in place and operational.

Mitigation Measure 7: For nesting raptors, including white tailed kites and other nesting birds, in the event that construction activities are scheduled during the nesting season, specifically from February 15 through August 31, inspection of large trees within 250 feet of the property for nesting raptors, and any vegetation within 50 feet of the subject site for other nesting birds, shall be conducted by a qualified biologist. In the event that nests or nesting activities are detected, the CDFG shall be consulted for additional mitigation measures.

Mitigation Measure 8: Prior to the beginning of any construction or grading activities, the applicant shall implement the approved erosion and sediment control plan. Erosion control measure deficiencies, as they occur, shall be immediately corrected. The goal is to prevent sediment and other pollutants from leaving the project site and to protect all exposed earth surfaces from erosive forces. Said plan shall adhere to the San Mateo Countywide Stormwater Pollution Prevention Program "General Construction and Site Supervision Guidelines," including:

a. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 15 and April 15. Stabilizing shall include both proactive measures, such as the placement of hay bales or coir netting, and passive measures, such as revegetating disturbed areas with plants propagated from seed collected in the immediate area.

b. Storing, handling, and disposing of construction materials and wastes properly, so as to prevent their contact with stormwater.

c. Controlling and preventing the discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, wash water or sediments, and non-stormwater discharges to storm drains and watercourses.

d. Using sediment controls or filtration to remove sediment when dewatering the site and obtaining all necessary permits.

e. Avoiding cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained and treated.

f. Delineating with field markers clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses.

g. Protecting adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.

h. Performing clearing and earth-moving activities only during dry weather.

i. Limiting and timing applications of pesticides and fertilizers to prevent polluted runoff.

j. Limiting construction access routes and stabilizing designated access points.

k. Avoiding tracking dirt or other materials off-site; cleaning off-site paved areas and sidewalks using dry sweeping methods.

l. The contractor shall train and provide instructions to all employees and subcontractors regarding the construction best management practices.

m. The approved erosion and sediment control plan shall be implemented prior to the beginning of construction.

Mitigation Measure 9: The applicant shall implement erosion control measures prior to the beginning of grading or construction operations. Such activities shall not commence until the associated building permit for the project has been issued.

Mitigation Measure 10: The project shall include water runoff prevention measures for the operation and maintenance of the project for the review and approval by the Community Development Director. The project shall identify best management practices (BMPs) appropriate to the uses conducted on-site to effectively prohibit the discharge of pollutants with stormwater runoff and other water runoff produced from the project.

Mitigation Measure 11: The applicant shall submit a permanent stormwater management plan in compliance with the County's Drainage Policy and NPDES requirements for review and approval by the Department of Public Works.

Mitigation Measure 12: Noise levels produced by construction shall not exceed the 80-dBA level at any one moment. Construction activity 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.

Mitigation Measure 13: The project shall be constructed in compliance with the plans approved by the Coastside Design Review Committee on January 13, 2011. Any changes or revisions to the approved plans shall be submitted to the Coastside Design Review Officer for review and approval prior to implementation. Minor adjustments to the project may be approved by the Coastside Design Review Officer if they are consistent with the intent of and are in substantial conformance with this approval. Alternatively, the Coastside Design Review Officer may refer consideration of the revisions to the Coastside Design Review Committee, with applicable fees to be paid.

Mitigation Measure 14: The applicant shall submit the following items and/or indicate the following on plans submitted for a building permit, as stipulated by the Coastside Design Review Committee:

a. Use of "Cypress Green" color in place of "Silver Sage" where applicable.

b. Use of a darker, non-reflective roof color.

c. Use of dark window trim colors, subject to staff review and approval.

d. Use of the proposed Pilkington Optiview glazing on all windows facing west.

Mitigation Measure 15: 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) 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 a 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 Community Development Director.

Mitigation Measure 16: All new power and telephone utility lines from the street or nearest existing utility pole to the main dwelling and/or any other structure on the property shall be placed underground.

Mitigation Measure 17: The exterior color samples submitted to the Committee are recommended for approval. 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.

Mitigation Measure 18: The downward lighting fixture cut sheet submitted to the Coastside Design Review Committee recommended for approval. Verification shall occur in the field after installation but before a final inspection has been scheduled.

Mitigation Measure 19: The applicant shall ensure that during construction, noise, light, dust, odors and other interference with persons and property off the development site be minimized.

V. MANDATORY FINDINGS OF SIGNIFICANCE

		Yes	No
1.	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal, or eliminate important examples of the major periods of California history or prehistory?		X
2.	Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?		X
3.	Does the project have possible environmental effects which are individually limited, but cumulatively considerable?		X
4.	Would the project cause substantial adverse effects on human beings, either directly or indirectly?		X

S

On the basis of this initial evaluation:

_____ I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared by the Current Planning Section.

__X__ I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because of the mitigation measures in the discussion have been included as part of the proposed project. A NEGATIVE DECLARATION will be prepared.

_____ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

Dennis P. Aguirre

July 1, 2011
Date

Project Planner
(Title)

VI. SOURCE LIST

A. Field Inspection

B. County General Plan 1986

a. General Plan Chapters 1-16
b. Local Coastal Program (LCP) (Area Plan)
c. Skyline Area General Plan Amendment
d. Montara-Moss Beach-El Granada Community Plan
e. Emerald Lake Hills Community Plan

C. County Ordinance Code

D. Geotechnical Maps

1. USGS Basic Data Contributions

a. #43 Landslide Susceptibility
b. #44 Active Faults
c. #45 High Water Table

2. Geotechnical Hazards Synthesis Maps

E. USGS Quadrangle Maps, San Mateo County 1970 Series (See F. and H.)

F. San Mateo County Rare and Endangered Species Maps, or Sensitive Habitats Maps

G. Flood Insurance Rate Map – National Flood Insurance Program

H. County Archaeologic Resource Inventory (Prepared by S. Dietz, A.C.R.S.) Procedures for Protection of Historic and Cultural Properties – 36 CFR 800 (See R.)

I. Project Plans or EIF

J. Airport Land Use Committee Plans, San Mateo County Airports Plan

K. Aerial Photography or Real Estate Atlas – REDI

1. Aerial Photographs, 1941, 1953, 1956, 1960, 1963, 1970
2. Aerial Photographs, 1981
3. Coast Aerial Photos/Slides, San Francisco County Line to Año Nuevo Point, 1971
4. Historic Photos, 1928-1937

L. Williamson Act Maps

M. Soil Survey, San Mateo Area, U.S. Department of Agriculture, May 1961

N. Air Pollution Isopleth Maps – Bay Area Air Pollution Control District

O. California Natural Areas Coordinating Council Maps (See F. and H.)

P. Forest Resources Study (1971)

Q. Experience with Other Projects of this Size and Nature

R. Environmental Regulations and Standards:

Federal	–	Review Procedures for CDBG Programs	24 CFR Part 58
	–	NEPA 24 CFR 1500-1508	
	–	Protection of Historic and Cultural Properties	36 CFR Part 800
	–	National Register of Historic Places	
	–	Floodplain Management	Executive Order 11988
	–	Protection of Wetlands	Executive Order 11990
	–	Endangered and Threatened Species	
	–	Noise Abatement and Control	24 CFR Part 51B
	–	Explosive and Flammable Operations	24 CFR 51C
	–	Toxic Chemicals/Radioactive Materials	HUD 79-33
	–	Airport Clear Zones and APZ	24 CFR 51D
State	–	Ambient Air Quality Standards	Article 4, Section 1092
	–	Noise Insulation Standards	

S. Consultation with Departments and Agencies:

a. County Health Department
b. City Fire Department
c. California Department of Forestry
d. Department of Public Works
e. Disaster Preparedness Office
f. Other

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(1/22/07)

COUNTY OF SAN MATEO
Planning and Building Department

Initial Study Pursuant to CEQA
Project Narrative and Answers to Questions for the Negative Declaration
File Number: PLN 2010-00255
New Merwin Residence

PROJECT DESCRIPTION

The applicant is requesting approval to construct a new 2,203 sq. ft. single-family residence, plus a 373 sq. ft. attached two-car garage on an existing 8,000 sq. ft. non-conforming parcel, where 10,000 sq. ft. is the required minimum, as part of a Coastal Development Permit and Coastside Design Review. The site is located on an undeveloped portion of Magellan Avenue which will be extended to accommodate the project, located in the unincorporated Miramar area of San Mateo County, within the R-1/S-94/DR/CD Zoning District. No trees are proposed for removal.

SITE DESCRIPTION

The project site is a vacant lot located at Magellan Avenue in the unincorporated Miramar area of San Mateo County, within a developed area of predominantly two-story single-family residential structures of various architectural styles. The subject site is moderately sloping in topography with ground vegetation consisting of annual grassland and coastal scrub. Adjacent to this site is a riparian corridor and a eucalyptus forest. Surrounding parcels westward, northward and southward are undeveloped. Developed residential parcels are eastward of the subject parcel. Cabrillo Highway and the Pacific Ocean are also westward of this site.

ANSWERS TO QUESTIONS

1. LAND SUITABILITY AND GEOLOGY

a. Will (or could) this project involve a unique landform or biological area, such as beaches, sand dunes, marshes, tidelands, or San Francisco Bay?

Yes, Significant Unless Mitigated. The parcel is located within 45 feet at its nearest point of a riparian corridor associated with an unnamed intermittent creek that is fed by surrounding lands, including runoff from a drainage ditch along the east of Cabrillo Highway. The existing on-site vegetation consists mainly of annual grassland and coastal scrub vegetation, including eucalyptus and Monterey pine trees along and around the site's periphery. A biological report prepared by Coast Ridge Ecology was submitted to staff that includes mitigation measures to address potential impacts. No special-status species were observed on-site during site surveys; however, seven special status plants and five special status animal species were identified as having the potential for on-site presence.

The following mitigation measures are therefore recommended to ensure that future impacts to the existing riparian habitat potential special-status species are avoided during and after construction:

Mitigation Measure 1: Appropriate erosion control methods shall be used to keep exposed soils from being washed into the intermittent creek. This may include using silt fencing, hay bales, or other appropriate methods.

Mitigation Measure 2: Appropriate stormwater controls shall be used to keep pollutants from entering the intermittent creek.

Mitigation Measure 3: Follow up surveys for special status plants shall be conducted during the spring months of April and May to coincide with the bloom period for the special status plant species that have potential for occurrence on-site. In the event that detection occurs, the California Native Plant Society will be consulted to establish mitigation measures.

Mitigation Measure 4: For the San Francisco dusky-footed wood rat, prior to the start of construction, their nests shall be surveyed and flagged on-site. Protective fencing between nests and the construction zone shall be installed to mitigate any potential disturbance to the nests and the adjacent vegetation areas.

Mitigation Measure 5: For the California red-legged frog (CRF):

a. Prior to the start of construction, an exclusion fence measuring at least 3 feet in height shall be installed along the north and east property lines in order to prevent the frogs from entering the project site.

b. A pre-construction survey shall be conducted by a USFWS approved qualified biologist for said species, 48 hours prior to the start of construction, or sooner.

c. In the event that a CRF is detected on-site, a worker education program on CRF identification shall be conducted by a qualified biologist for the benefit of all construction workers.

d. Daily site visits shall be conducted by the biologist or a biologist trained monitor to ensure all mitigation measures are in place and operational.

Mitigation Measure 6: For the San Francisco garter snake (SFGS):

a. Prior to the start of construction, an exclusion fence measuring at least 3 feet in height shall be installed along the north and east property lines in order to prevent the snakes from entering the project site.

b. A pre-construction survey shall be conducted by a USFWS approved qualified biologist for said species, 48 hours prior to the start of construction or sooner.

c. In the event that a SFGS is detected on-site, a worker education program on SFGS identification shall be conducted by a qualified biologist for the benefit of all construction workers.

d. Daily site visits shall be conducted by the biologist or a biologist trained monitor to ensure all mitigation measures are in place and operational.

Mitigation Measure 7: For nesting raptors, including white tailed kites and other nesting birds, in the event that construction activities are scheduled during the nesting season, specifically from February 15 through August 31, inspection of large trees within 250 feet of the property for nesting raptors, and any vegetation within 50 feet of the subject site for other nesting birds, shall be conducted by a qualified biologist. In the event that nests or nesting activities are detected, the CDFG shall be consulted for additional mitigation measures.

b. Will (or could) this project involve construction on slope of 15% or greater?

Yes, Significant Unless Mitigated. The subject site's average slope of 15% involves minimal grading to allow for the existing topography to remain fairly intact. Mitigation Measures 8 through 10 are recommended to mitigate potential drainage, erosion, sediment control and stormwater runoff impacts. Reference response to Question 1.f below.

c. Will (or could) this project be located in an area of soil instability (subsidence, landslide or severe erosion)?

No Impact. The parcel has been designated as an area with Landslide Susceptibility I based on information gathered from the U.S. Geological Survey. Such areas have the lowest susceptibility to soil instability and a decreased potential for occurrences of a landslide.

d. Will (or could) this project be located on, or adjacent to a known earthquake fault?

No Impact. The project site is not located on or adjacent to a known earthquake fault. The Geotechnical Section will review the proposal when an application for the required building permit is submitted to verify that there are no geotechnical issues.

e. Will (or could) this project involve Class I or Class II Agriculture Soils and Class III Soils rated good or very good for artichokes or Brussels sprouts?

No Impact. The project site is located on land that has been identified as having Class III soils; however, the parcel has been designated for residential use and is not intended for agricultural use or production.

f. Will (or could) this project cause erosion or siltation?

Yes, Significant Unless Mitigated. While minimal grading is proposed for the project, erosion and siltation are likely to occur during construction activities on the property. The following mitigation measures, in addition to Mitigation Measures 1 and 2 included in Question 1.a above, are proposed to minimize any potential issues:

Mitigation Measure 8: Prior to the beginning of any construction or grading activities, the applicant shall implement the approved erosion and sediment control plan. Erosion control measure deficiencies, as they occur, shall be immediately corrected. The goal is to prevent sediment and other pollutants from leaving the project site and to protect all exposed earth surfaces from erosive forces. Said plan shall adhere to the San Mateo Countywide Stormwater Pollution Prevention Program "General Construction and Site Supervision Guidelines," including:

a. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 15 and April 15. Stabilizing shall include both proactive measures, such as the placement of hay bales or coir netting, and passive measures, such as revegetating disturbed areas with plants propagated from seed collected in the immediate area.

b. Storing, handling, and disposing of construction materials and wastes properly, so as to prevent their contact with stormwater.

c. Controlling and preventing the discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, wash water or sediments, and non-stormwater discharges to storm drains and watercourses.

d. Using sediment controls or filtration to remove sediment when dewatering the site and obtaining all necessary permits.

e. Avoiding cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained and treated.

f. Delineating with field markers clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses.

g. Protecting adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.

h. Performing clearing and earth-moving activities only during dry weather.

i. Limiting and timing applications of pesticides and fertilizers to prevent polluted runoff.

j. Limiting construction access routes and stabilizing designated access points.

k. Avoiding tracking dirt or other materials off-site; cleaning off-site paved areas and sidewalks using dry sweeping methods.

l. The contractor shall train and provide instructions to all employees and subcontractors regarding the construction best management practices.

m. The approved erosion and sediment control plan shall be implemented prior to the beginning of construction.

Mitigation Measure 9: The applicant shall implement erosion control measures prior to the beginning of grading or construction operations. Such activities shall not commence until the associated building permit for the project has been issued.

Mitigation Measure 10: The project shall include water runoff prevention measures for the operation and maintenance of the project for the review and approval by the Community Development Director. The project shall identify best management practices (BMPs) appropriate to the uses conducted on-site to effectively prohibit the discharge of pollutants with stormwater runoff and other water runoff produced from the project.

g. Will (or could) this project result in damage to soil capability or loss of agricultural land?

No Impact. Reference response to Question 1.e above.

h. Will (or could) this project be located within a flood hazard area?

No Impact. The parcel is located in Flood Zone C, designated as an area of minimal flooding.

i. Will (or could) this project be located in an area where a high water table may adversely affect land use?

No Impact. There is no indication of the presence of a high water table in this area.

j. Will (or could) this project affect a natural drainage channel or streambed, or watercourse?

Yes, Significant Unless Mitigated. To prevent potential runoff into the intermittent creek, the following mitigation measure is proposed, in addition to the mitigation measures discussed in the Answers to Questions 1.a and 1.f above.

Mitigation Measure 11: The applicant shall submit a permanent stormwater management plan in compliance with the County's Drainage Policy and NPDES requirements for review and approval by the Department of Public Works.

2. VEGETATION AND WILDLIFE

a. Will (or could) this project affect federal or state listed rare or endangered species of plant life in the project area?

Yes, Significant Unless Mitigated. Reference staff's response to Question 1.a above.

b. Will (or could) this project involve cutting of heritage or significant trees as defined in the County Heritage Tree and Significant Tree Ordinance?

No Impact. No trees are proposed for removal as there are none on-site.

c. Will (or could) this project be adjacent to or include a habitat food source, water source, nesting place or breeding place for a federal or state listed rare or endangered wildlife species?

Yes, Significant Unless Mitigated. Reference staff's response to Question 1.a above.

d. Will (or could) this project significantly affect fish, wildlife, reptiles, or plant life?

Yes, Significant Unless Mitigated. As previously discussed Question 1, there is potential on-site occurrence for special status plants and animals. The mitigation measures included in the discussion for Question 1.a above are therefore recommended.

e. Will (or could) this project be located inside or within 200 feet of a marine or wildlife reserve?

No Impact. The proposed project is not located within 200 feet of a marine or wildlife reserve.

f. Will (or could) this project infringe on any sensitive habitats?

Yes, Significant Unless Mitigated. Reference staff's response to Question 1.a above.

g. Will (or could) this project involve clearing land that is 5,000 sq. ft. or greater (1,000 sq. ft. within a County Scenic Corridor), that has slopes greater than 20% or that is in a sensitive habitat or buffer zone?

No Impact. No land clearing is proposed for the project.

3. PHYSICAL RESOURCES

a. Will (or could) this project result in the removal of a natural resource for commercial purposes (including rock, sand, gravel, oil, trees, minerals or topsoil)?

No Impact. Based on review of the County General Plan, there are no mapped natural resources on the subject property that would be used for commercial purposes.

b. Will (or could) this project involve grading in excess of 150 cubic yards?

No Impact. The proposed grading for the project is less than 150 cubic yards and is therefore considered minimal.

c. Will (or could) this project involve lands currently protected under the Williamson Act (agricultural preserve) or an Open Space Easement?

No Impact. The project property is not currently under the Williamson Act or an Open Space Easement.

d. Will (or could) this project affect any existing or potential agricultural uses?

No Impact. The site is not located on an agricultural site.

4. AIR QUALITY, WATER QUALITY, SONIC

a. Will (or could) this project generate pollutants (hydrocarbon, thermal odor, dust or smoke particulates, radiation, etc.) that will violate existing standards of air quality on-site or in the surrounding area?

Yes, Not Significant. The construction of a new residence, attached garage, and driveway may result in temporary generation of pollutants related to construction. However, the project would not result in the generation of a significant level of pollutants. Section 2-1-113 (*Exemption, Sources and Operations*) of the General Requirements of the Bay Area Air Quality Management District exempts sources of air pollution associated with construction of a single-family dwelling used solely for residential purposes, as well as road construction. The project does not involve the demolition of any structures or portion of structures. No additional mitigation measures are necessary.

b. Will (or could) this project involve the burning of any material, including brush, trees and construction materials?

No Impact. The project does not involve the burning of any material.

c. Will (or could) this project be expected to result in the generation of noise levels in excess of those currently existing in the area, after construction?

No Impact. The project will not generate noise levels in excess of those currently existing in the area. The surrounding area is residential, and the addition of one single-family residence in this area would not increase noise levels.

d. Will (or could) this project involve the application, use or disposal of potentially hazardous materials, including pesticides, herbicides, other toxic substances, or radioactive material?

No Impact. The project does not involve the application, use or disposal of potentially hazardous materials as the proposed project involves a new single-family residence.

e. Will (or could) this project be subject to noise levels in excess of levels determined appropriate according to the County Noise Ordinance or other standard?

Yes, Not Significant. The subject property is located within a mapped Noise Impact Area. This area is defined as experiencing a Community Noise Exposure Level (CNEL) of 60 or more. Noise levels may occasionally increase due to traffic along Cabrillo Highway. However, noise generated from traffic along this main corridor should be brief in nature and not significantly impact the project. Furthermore, the new residence will be located approximately 200 feet from the Cabrillo Highway. Therefore, any increase in noise levels along the highway would only slightly affect the project area, if at all.

f. Will (or could) this project generate noise levels in excess of levels determined appropriate according to the County Noise Ordinance standard?

Yes, Significant Unless Mitigated. While this project will not generate noise levels in excess of appropriate levels once implemented, during construction activities, increased noise levels may occur. However, significant impacts can be avoided provided these activities occur during designated time frames. The following mitigation measure is therefore recommended:

Mitigation Measure 12: Noise levels produced by construction shall not exceed the 80-dBA level at any one moment. Construction activity 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.

g. Will (or could) this project generate polluted or increased surface water runoff or affect groundwater resources?

Yes, Significant Unless Mitigated. Reference staff's response to Question 1.f above.

h. Will (or could) this project require installation of a septic tank/leachfield sewage disposal system or require hookup to an existing collection system which is at or over capacity?

No Impact. The project location is located within the Granada Sanitary District service area. During the building permit phase of the project, the applicant will be required to secure a sewer permit from the District, and verify that a permit has been approved prior to issuance of the building permit.

5. TRANSPORTATION

a. Will (or could) this project affect access to commercial establishments, schools, parks, etc.?

Yes, Not Significant. The site is located adjacent to Quarry Park, but is separated from it by the intermittent creek, and is more than 200 feet from the access road to the park, so the project will not have a significant impact on the park or access to it.

b. Will (or could) this project cause noticeable increase in pedestrian traffic or a change in pedestrian patterns?

No Impact. The proposed single-family residence and road extension will not increase the pedestrian traffic nor change the pedestrian patterns of the area.

c. Will (or could) this project result in noticeable changes in vehicular traffic patterns or volumes (including bicycles)?

No Impact. The new residence and road extension would not result in noticeable changes in either vehicular traffic or volumes.

d. Will (or could) this project involve the use of off-road vehicles of any kind (such as trail bikes)?

No Impact. The project does not involve the use of off-road vehicles.

e. Will (or could) this project result in or increase traffic hazards?

Yes, Not Significant. During construction of the proposed project, an increase in traffic hazards in the area may occur. However, this will be temporary, and once implemented, the project itself would not result in or increase traffic hazards.

f. Will (or could) this project provide for alternative transportation amenities such as bike racks?

No Impact. Alternative transportation amenities are not required as part of this project.

g. Will (or could) this project generate traffic which will adversely affect the traffic carrying capacity of any roadway?

No Impact. The traffic volume for this residential district will remain intact. The road extension will be only 80 feet and will end at the new residence.

6. LAND USE AND GENERAL PLANS

a. Will (or could) this project result in the congregating of more than 50 people on a regular basis?

No Impact. The proposed project would not result in the congregation of more than 50 people on a regular basis.

b. Will (or could) this project result in the introduction of activities not currently found within the community?

No Impact. The proposed project would not result in the introduction of new activities in this residential area.

c. Will (or could) this project employ equipment which could interfere with existing communication and/or defense systems?

No Impact. The proposed project would not employ equipment that could interfere with existing communication and/or defense systems.

d. Will (or could) this project result in any changes in land use, either on or off the project site?

No Impact. The project will not result in any changes in this area designated as residential land use.

e. Will (or could) this project serve to encourage off-site development of presently undeveloped areas or increase development intensity of already developed areas (examples include the introduction of new or expanded public utilities, new industry, commercial facilities or recreation activities)?

Yes, Not Significant. The addition of a new residence on a vacant parcel designated for residential use and the short road extension proposed will not significantly encourage additional off-site development. While implementation of the proposed project would result in a new residential unit in the area, the location of the property in a residentially zoned district allows for such an increase. Further development of the property, other than accessory structures appurtenant to the main dwelling, is restricted. Development of any other vacant lots on Magellan Avenue will be evaluated under separate permits required for those projects. Therefore, any increase to the development intensity of the area as the result of this project is minimal.

f. Will (or could) this project adversely affect the capacity of any public facilities (streets, highways, freeways, public transit, schools, parks, police, fire, hospitals), public utilities (electrical, water and gas supply lines, sewage and storm drain discharge lines, sanitary landfills) or public works serving the site?

No Impact. The proposed project would not adversely affect the capacity of any public utilities. Any use of public facilities and other public utilities would be minimal and typical for a standard single-family dwelling and associated residents.

g. Will (or could) this project generate any demands that will cause a public facility or utility to reach or exceed its capacity?

No Impact. The proposed project will not cause a public facility or utility to reach or exceed its capacity.

h. Will (or could) this project be adjacent to or within 500 feet of an existing or planned public facility?

Yes, Not Significant. Refer to staff's response to Question 5.a above.

i. Will (or could) this project create significant amounts of solid waste or litter?

No Impact. The proposed project may result in slight amounts of solid waste or litter as a result of new residents in the area. However, the amount would be typical to that of any single-family residential family and would not be considered significant.

j. Will (or could) this project substantially increase fossil fuel consumption (electricity, oil, natural gas, coal, etc.)?

No Impact. The proposed project would not substantially increase fossil fuel consumption, as the amount of any consumption would be typical to that of any single-family residential use.

k. Will (or could) this project require an amendment to or exception from adopted general plans, specific plans, or community policies or goals?

No Impact. The project does not require an amendment to exception from adopted general plans, specific plans, or community policies or goals.

l. Will (or could) this project involve a change of zoning?

No Impact. The proposed project does not require a change in zoning.

m. Will (or could) this project require the relocation of people or businesses?

No Impact. The proposal would not require the relocation of people or businesses.

n. Will (or could) this project reduce the supply of low-income housing?

No Impact. The proposed project does not include or replace any low-income housing.

o. Will (or could) this project result in possible interference with an emergency response plan or emergency evacuation plan?

No Impact. The proposed project would not interfere with any emergency response or evacuation plans.

p. Will (or could) this project result in creation of or exposure to a potential health hazard?

No Impact. The proposed project does not involve any activities that would result in the creation of or exposure to a potential health hazard.

7. AESTHETIC, CULTURAL AND HISTORIC

a. Will (or could) this project be adjacent to a designated Scenic Highway or within a State or County Scenic Corridor?

Yes, Significant Unless Mitigated. The proposed project site is located within the designated Cabrillo Highway County Scenic Corridor. This area has been designated as a scenic corridor due to its surrounding natural scenic views and qualities. The Coastside Design Review Committee considered the project at their January 13, 2011 meeting and recommended approval, based on the project's compliance with the Coastside Design Review Standards, subject to recommended conditions of approval that have been included as mitigation measures below.

Mitigation Measure 13: The project shall be constructed in compliance with the plans approved by the Coastside Design Review Committee on January 13, 2011. Any changes or revisions to the approved plans shall be submitted to the Coastside Design Review Officer for review and approval prior to implementation. Minor adjustments to the project may be approved by the Coastside Design Review Officer if they are consistent with the intent of and are in substantial conformance with this approval. Alternatively, the Coastside Design Review Officer may refer consideration of the revisions to the Coastside Design Review Committee, with applicable fees to be paid.

Mitigation Measure 14: The applicant shall submit the following items and/or indicate the following on plans submitted for a building permit, as stipulated by the Coastside Design Review Committee:

a. Use of "Cypress Green" color in place of "Silver Sage" where applicable.

b. Use of a darker, non-reflective roof color.

c. Use of dark window trim colors, subject to staff review and approval.

d. Use of the proposed Pilkington Optiview glazing on all windows facing west.

Mitigation Measure 15: 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) 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 a 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 Community Development Director.

Mitigation Measure 16: All new power and telephone utility lines from the street or nearest existing utility pole to the main dwelling and/or any other structure on the property shall be placed underground.

Mitigation Measure 17: The exterior color samples submitted to the Committee are recommended for approval. 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.

Mitigation Measure 18: The downward lighting fixture cut sheet submitted to the Coastside Design Review Committee recommended for approval. Verification shall occur in the field after installation but before a final inspection has been scheduled.

Mitigation Measure 19: The applicant shall ensure that during construction, noise, light, dust, odors and other interference with persons and property off the development site be minimized.

b. Will (or could) this project obstruct scenic views from existing residential areas, public lands, public water body, or roads?

Yes, Significant Unless Mitigated. In addition to the discussion in Section 7(a) above, views of the ocean are still available along Magellan and the western end of Magellan Avenue, which is the primary public road impacted by this development. Some reduction of views along this public road is unavoidable as a result of development on parcels in this neighborhood area.

c. Will (or could) this project involve the construction of buildings or structures in excess of three stories or 36 feet in height?

No Impact. The proposed single-family residence does not exceed 36 feet in height.

d. Will (or could) this project directly or indirectly affect historical or archaeological resources on or near the site?

No Impact. There are no known historical or archaeological resources on or near the site.

e. Will (or could) this project visually intrude into an area having natural scenic qualities?

Yes, Significant Unless Mitigated. Refer to staff's response to Question 7.a above.

ATTACHMENTS

A. Vicinity Map
B. Project Plans
C. Coast Ridge Ecology Biological Impact Assessment – August 2010

DPA:pac - DPAV0501_WPH.DOC

Biological Impact Assessment
For
Magellan Avenue Property
Miramar, California
(APN 048-021-050 & 060)

For compliance with San Mateo County Local Coastal Program Policies

Prepared for:

Greg VanMechelen
VanMechelen Architects
1117 Virginia Street
Berkeley, CA 94702

Prepared by:

Coast Ridge Ecology
1072 Geneva Avenue
San Francisco, CA 94122
(650) 269-3894

August 2010

Applicant
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1117 Virginia Street, Berkeley, CA 94702
Phone: (510)-558-1075
Fax: (510)-558-1076

Owner
John Merwin
c/o Judy Taylor, PO Box 620491
Woodside, CA 94062

Project Location
The property is located at Magellan Avenue in Miramar (San Mateo County), California (Figure 1). The property is located to the west of residential homes and Magellan Street, and is bordered by undeveloped parcels on the north, west and south. Highway 1 is located approximately 220 feet west of the property. Magellan Street also extends to the west on the opposite side of Highway 1 (Figure 2). An intermittent creek meanders along the west side of the parcel, just east of Highway 1. The Pacific Ocean is approximately 1000 feet west of the property. The property is located within Corral De Tierre lands and is outside of designated township and range sections (USGS 1998).

Assessor's Parcel Number and any applicable Planning Permit numbers
APN 048-021-050 & 060

Principal Investigators
The biological survey and biological assessment report was done by Patrick Kobernus of Coast Ridge Ecology. See Appendix A for a qualification summary.

Report Summary (briefly state the results of the report, habitat type, rare, endangered, or unique species present, anticipated impacts, and proposed mitigation measures.)

This report was prepared to provide a thorough evaluation of the biological resources for the property located on Magellan Street (APN: 048-021-050 & 060) in Miramar, California. The report is required by the County of San Mateo and is consistent with the format required for Local Coastal Program (LCP) biological impact reports (San Mateo County 1998). The report includes recommended mitigation measures to offset potentially adverse impacts from future development of the site.

The property is approximately 0.18 acres (8000 square feet) in size. The property is located to the west of residential homes and Magellan Street, and is bordered by undeveloped parcels on the north, west and south. Highway 1 is located approximately 220 feet west of the property. Magellan Street also extends to the west on the opposite side of Highway 1 (Figure 2). Highway 1 is located approximately 220 feet west of the property, and the Pacific Ocean is located approximately 1000 feet west of the property. The property is zoned R-1 (residential single family). Development of a 2400 square-foot single family home is proposed for the site.

The site was surveyed for biological resources by CRE biologist Patrick Kobernus on July 22 and 26, 2010, by inspecting the property as well as portions of an adjacent riparian corridor and Eucalyptus forest. Surrounding properties were visually inspected for sensitive habitats.

The project site is a gradually sloping, west facing hillside. Vegetation communities on site consist of primarily annual grassland with coastal scrub vegetation along the northern and western margins. A riparian corridor associated with an unnamed intermittent creek is located

within 45 – 120 feet from the western edge of the property (Figure 2). The intermittent creek is fed by natural seepage from the surrounding lands, as well as runoff channeled along a drainage ditch along the east side of Highway 1. This creek is not shown as a watercourse on the USGS Half Moon Bay 7.5 minute quadrangle (USGS 1997). A well developed riparian corridor, dominated by arroyo willow (*Salix lasiolepis*) is associated with the creek.

The site is bordered by one additional plant community, Eucalyptus forest on the north. The Eucalyptus forest is dominated by blue gum (*Eucalyptus globulus*). Additional trees near the property include two Monterey pine (*Pinus radiata*) trees (one large, mature tree and one small sapling) located just off the northern boundary of the property, and one small Monterey cypress tree (*Cupressus macrocarpa*) located just off the southern boundary of the property. Plant and animal species identified on and adjacent to the property are shown in Tables 1 and 2. Representative photos of the project site are provided in Appendix B.

No special-status species were observed on site during site surveys. Special status species were evaluated for their potential to occur on site based habitats observed on site and research using the California Natural Diversity Database (CNDDB), and the California Native Plant Society's Online Inventory of Rare and Endangered Plants (Appendix C). Based on this evaluation, seven special status plants and five special status animals were determined to have potential for occurrence on the property.

Special status plant species with potential for occurrence on the property are coast yellow leptosiphon (*Leptosiphon croceus*), rose leptosiphon (*Leptosiphon rosaceus*), coastal triquetrella (*Triquetrella californica*), Hickman's cinquefoil (*Potentilla hickmanii*), Kellogg's horkelia (*Horkelia cuneata ssp. sericea*), Point Reyes Horkelia (*Horkelia marinensis*) and San Francisco owl's clover (*Triphysaria floribunda*). Each of these species is listed as CNPS List 1B: Plants Rare, Threatened, or Endangered in California and Elsewhere (CNPS 2010). Though each of these species is unlikely to occur due to the dominance of nonnative annual grassland on the site, there is some potential for their presence and therefore follow up surveys are recommended to avoid potential impacts to these species. Follow up surveys for special status plants should be conducted in the spring (April/May) to coincide with the bloom period for these species (Table 3).

Special status animal species that have some potential for occurrence on the property are the California red-legged frog (CRF), (*Rana aurora draytonii*), a federally threatened and California species of special concern; the San Francisco garter snake (SFGS), (*Thamnophis sirtalis tetrataenia*), a state and federally endangered species and California fully-protected species; white-tailed kite (*Elanus leucurus*), a California fully-protected species; San Francisco dusky footed woodrat (*Neotoma fuscipes annectens*), a California species of special concern, and the salt marsh common yellowthroat (*Geothlypis trichas sinuosa*), a California species of special concern. The property also provides potential foraging habitat for a variety of raptors that may nest within the adjacent Monterey pine (*Pinus radiata*) and blue gum eucalyptus (*Eucalyptus globulus*) trees on the adjacent property to the north. Preconstruction surveys for these species are recommended and are described in Table 3.

Per San Mateo County Local Coastal Program Policy 7.11(a) guideline, a 30-foot setback from the edge of the riparian corridor associated with intermittent streams is required. As part of this biological assessment, the outside edge of riparian vegetation associated with an intermittent creek near the property was delineated and mapped as defined by LCP Section 7.7 "a line determined by the association of plant and animal species normally found near streams, lakes and other bodies of freshwater". The property boundary is 45 feet from the edge of the riparian vegetation, at its closest point, and therefore outside of the required setback zone (Figure 2).

Figure 1. Project Site

Map produced by Coast Ridge Ecology, July 25, 2010. Base map source: USGS Half Moon Bay and Montara Mountain 7.5 minute Quadrangles through Topo! Explorer, version 1.2.1.0.

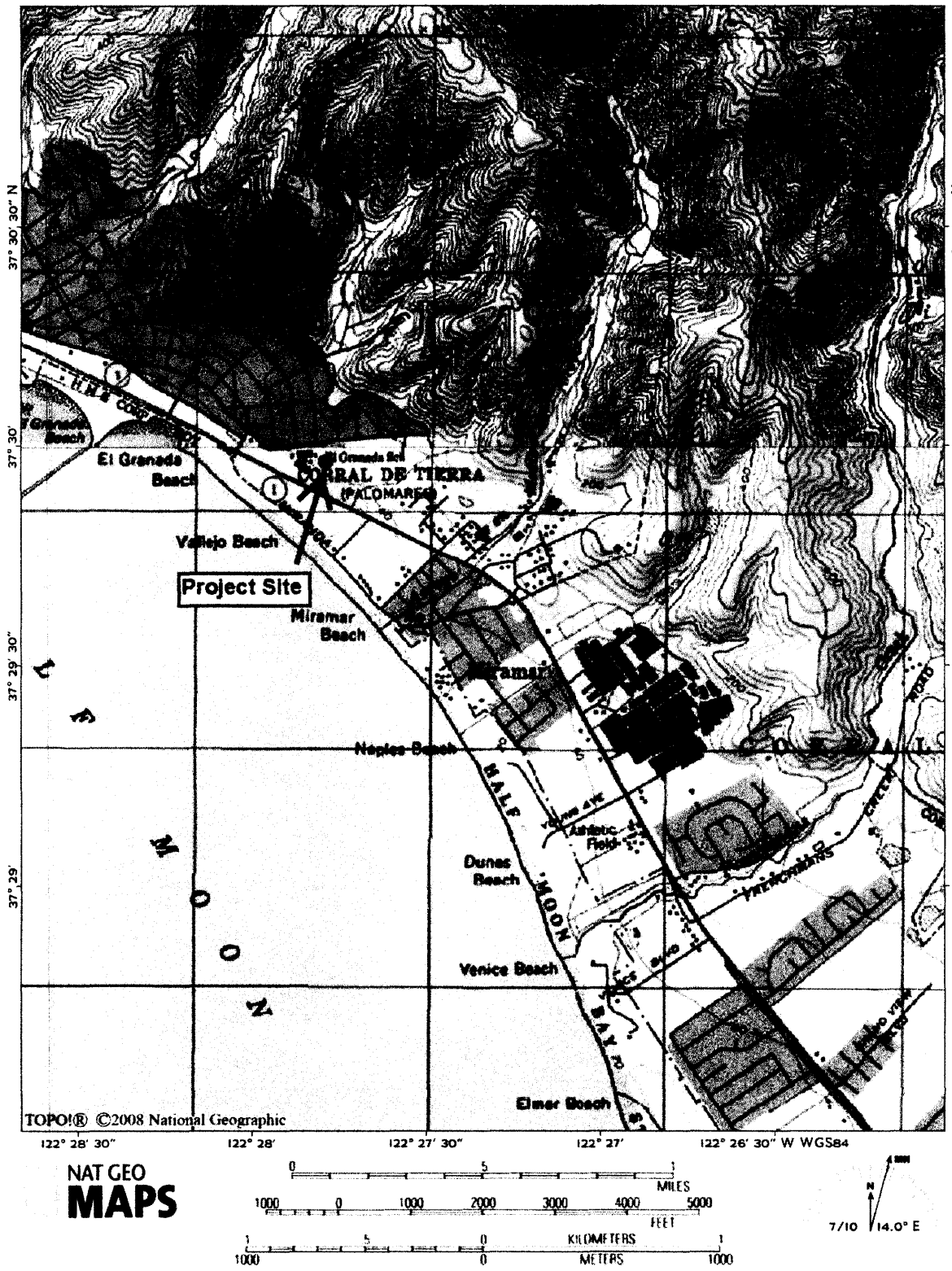

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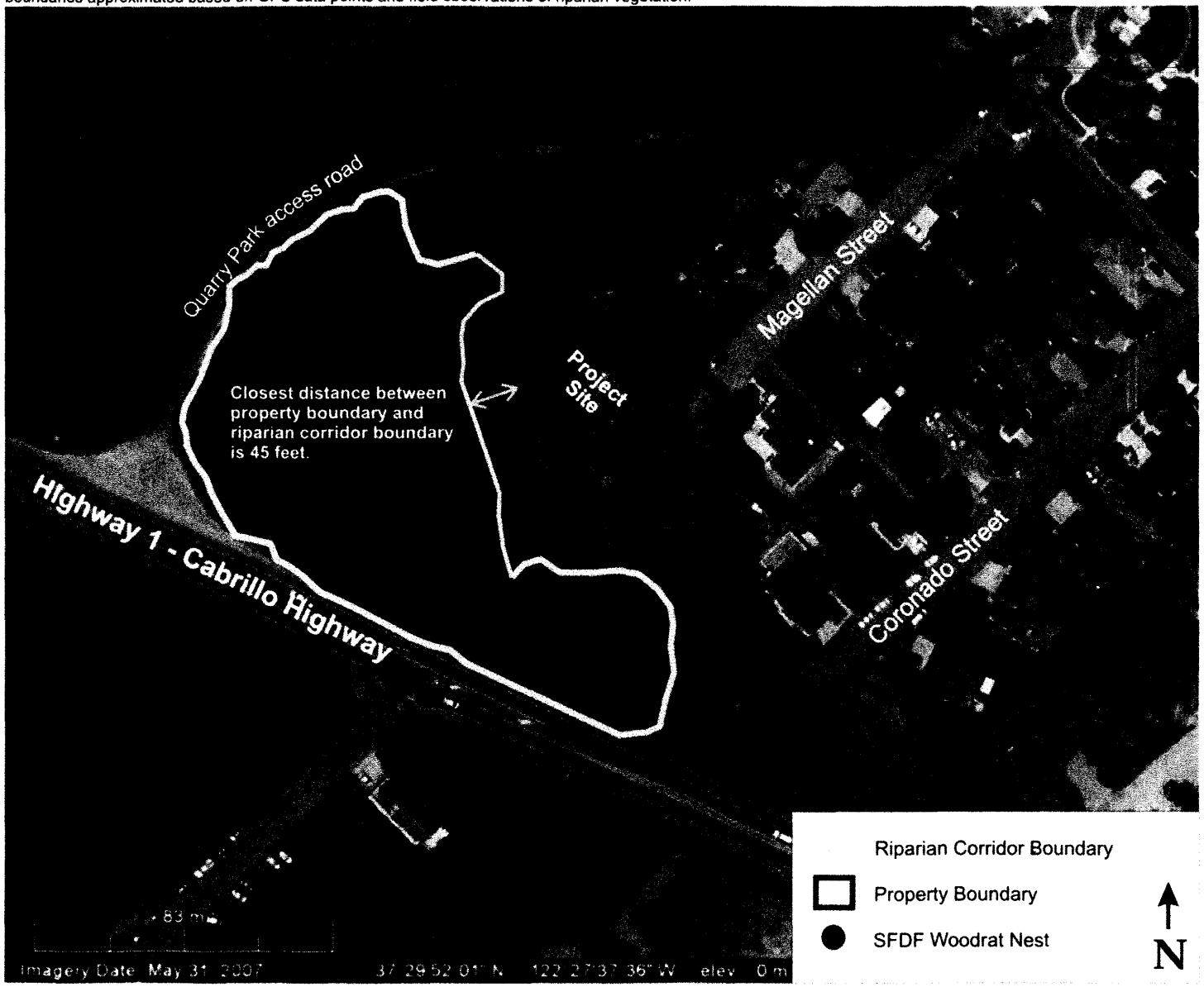
Figure 2. Project Site and Sensitive Biological Resources
Map produced by Coast Ridge Ecology, July 25, 2010. Base map source: Google Maps. Riparian corridor and property boundaries approximated based on GPS data points and field observations of riparian vegetation.



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1. Project and property description (describe the proposed project and property, including the size, topographic characteristics, water resources, soil types, and land uses on the property and in the vicinity up to a radius of one-quarter mile. Include a map of the area from the USGS 7.5-minute quadrangle series.)

Project

The project is to construct a 2400 square-foot single family home on an 8000 square-foot lot in Miramar (San Mateo County) California. The property is located to the west of residential homes and Magellan Street, and is bordered by undeveloped parcels on the north, west and south. Magellan Street also extends to the west on the opposite side of Highway 1 (Figure 2). The property is zoned R-1 (residential single family). Highway 1 is located approximately 220 feet west of the property, and the Pacific Ocean is located approximately 1000 feet west of the property (Figures 1 and 2).

Land use

Land use in the immediate vicinity of the property is primarily open, undeveloped land and single family residential properties. Residential homes on the west end of Magellan Street are located approximately 100 feet to the northeast and southeast of the site. Highway 1 is located approximately 220 feet west of the property. The Quarry Park access road is located 175 feet to the north and west of the property.

Water Resources

Two major water resources exist within approximately 1/4 mile of the property. The Pacific Ocean is approximately 1000 feet west of the property, and Arroyo de en Medio, a perennial creek, is located 1600 feet south of the property. Other water resources include an unnamed intermittent creek that meanders along the west side of the property, just east of Highway 1, and a 0.8 acre cattle pond that is located 1000 feet east of the property.

The intermittent creek near the property is fed by natural seepage from the surrounding lands to the north and northeast, as well as runoff channeled along a drainage ditch along the east side of Highway 1. The watershed acreage for this intermittent creek is small, perhaps less than 100 acres. The drainage has a wide, deep channel where it intersects with the Quarry Park access road. As the creek flows southeastward, it is fed by smaller interconnecting channels from the north, before flowing westward through a culvert under Highway 1. The creek was inspected at different points along the channel in July 2010, and was found to have very low flow in some areas, alternating with isolated pools of standing water consistent with an intermittent creek. This creek is not shown as a watercourse on the USGS Half Moon Bay 7.5 minute quadrangle (USGS 1997).

Soils

The property is gradually sloping toward the west, and consists of Quarternary alluvial fan deposits (Balance Hydrologics 2002). Soils on site are within an area of Miramar shown as "mapping not complete" (USDA 2010). The site appears consistent with the adjacent soil unit to the north, Denison loam, gently sloping (DmB).

Regulatory Setting

Federal and state-listed species (endangered, threatened and fully-protected) receive various levels of legal protection under the federal and state endangered species acts and the California

Fish and Game Code. The federal Migratory Bird Treaty Act of 1918 and Section 3500 of the California Fish and Game Code protect active nests of migratory and other birds, and provide criminal penalties for take of hawks, owls, and take or disturbance of all bird nests or eggs. Potential impacts to other special status or otherwise sensitive species must be disclosed and evaluated pursuant to the California Environmental Quality Act (CEQA).

Development of the property is subject to compliance with the San Mateo County Local Coastal Program, the municipal stormwater permit from the National Pollutant Discharge Elimination System (NPDES) and San Mateo County significant and heritage tree ordinances. The property is located with the Coastal Zone of San Mateo County, and proposed development of the parcel would require a Coastal Development Permit. For a permit to be issued the development must comply with the policies of the Local Coastal Program and those ordinances adopted to implement the LCP. Development of the subject property will also need to incorporate appropriate stormwater pollution control measures determined by the County of San Mateo to comply with the NPDES municipal permit. Removal or pruning of significant and/or heritage trees on the property is subject to the requirements of the County's significant and heritage tree ordinances.

2. Methodology (briefly describe the survey methods used in preparing the report and show on an appropriately scaled map the location of sample points, transects, and any additional areas surveyed in the vicinity of the project.)

The site was surveyed for biological resources by CRE biologist Patrick Kobernus on July 22 and 26, 2010, by inspecting the property as well as portions of the adjacent riparian corridor. Surrounding properties were visually inspected for sensitive habitats. The weather was calm and cool, with temperatures in the mid 60's during each of the survey visits.

A search of the California Natural Diversity Database (CNDDB) was conducted in July 2010 for special status species that occur in the project vicinity. The Half Moon Bay quadrangle and 5 surrounding quadrangles were reviewed for special status species. These species and others with potential to occur on the property were evaluated and are shown in Appendix C.

3. Results (at length, describe the botanical and zoological resources of the project site. To the extent possible, describe the food chain of the habitat and how the proposed project will impact those resources.

The property is gradually sloping hill, dominated by annual grassland, with coastal scrub vegetation along the northern and western boundaries, and one Monterey cypress tree (*Cupressus macrocarpa*) located on a portion of the southern boundary. The property supports two plant communities, non-native annual grassland and northern coastal scrub. Annual grassland covers most of the property, and northern coastal scrub is limited to a narrow band along the northern and western boundaries of the property. The grassland on site is dominated by nonnative grasses, especially wild oat (*Avena sp.*). The northern coastal scrub vegetation is dominated by California blackberry (*Rubus ursinus*) and poison oak (*Toxicodendron diversilobum*). The property was likely disturbed in the past from grazing activities. The site had been mown to reduce fire fuel loads, prior to the biological surveys. However plant species were still identifiable on the property. A preliminary visit to evaluate biological resources on site was made on July 2, prior to the mowing.

The site is bordered by two additional plant communities, central coast riparian scrub on the west and northwest, and Eucalyptus forest on the north. The central coast riparian scrub is

dominated by Arroyo willow (*Salix lasiolepis*). The Eucalyptus forest is dominated by blue gum (*Eucalyptus globulus).* One large Monterey pine (*Pinus radiata*) tree is located just off the northern boundary of the property. All plant species identified on and adjacent to the property are shown in Table 1.

Wildlife species recorded by sight or sign on the property included raccoon (*Procyon lotor*) and western scrub jay (*Aphelocoma californica*). Wildlife species recorded on and adjacent to the property are shown in Table 2. No significant animal trails were found to occur through the site, and the project site is not likely to be a significant wildlife corridor area.

No special status species were detected on the property. Potential for special status species occurrences are addressed in sections 4 and 5 of this report.

Per San Mateo County Local Coastal Program Policy 7.11(a) guideline, a 30-foot setback from the edge of the riparian corridor associated with intermittent streams is required. As part of this biological assessment, the outside edge of the riparian vegetation was delineated and mapped as defined by LCP Section 7.7 "a line determined by the association of plant and animal species normally found near streams, lakes and other bodies of freshwater". The property boundary is 45 feet from the edge of the riparian vegetation, at its closest point, and therefore outside of the required setback zone (Figure 2).

Food chain resources

The subject property is dominated by annual grassland. This habitat type consists primarily of nonnative grasses and weedy herbaceous plants, and is not a significant plant community. This plant community does however provide suitable habitat for a wide variety of native wildlife species, especially when it is bordered by brush and forest habitat types that provide cover for wildlife species that forage within grassland habitats. Wildlife species that likely utilize the site include raccoon (*Procyon lotor*), striped skunk (*Mephitis mephitis*), Virginia opossum (*Didelphis marsupialis*), gray fox (*Urocyon cinereoargenteus*), black-tailed deer (*Odocoileus hemionus*), coyote (*Canis latrans*) and potentially bobcat (*Felis rufus*). Amphibian and reptile species that may seek shelter within the brush and riparian corridor nearby include California slender salamander (*Batrachoseps attenuatus*), Pacific tree frog (*Pseudacris regilla*), San Francisco alligator lizard (*Elgaria coerulea coerulea*), western fence lizard (*Sceloporus occidentalis*), gopher snake (*Pituophis catenifer*) and coast garter snake (*Thamnophis elegans*). Bird species that utilize annual grasslands and coastal scrub vegetation include songbirds such as house finch (*Carpodacus mexicanus*), lesser goldfinch (*Carduelis psaltria*) and wrentit (*Chamaea fasciata*); and raptors such as red-tailed hawk (*Buteo jamaicensis*) and great horned owl (*Bubo virginianus*).

Table 1. Plant communities and species identified on and adjacent to the property.

Plant Community	Common Name	Species	Notes
Annual Grassland	Bristley Ox-tongue	*Picris echioides*	
	Wild Radish	*Raphanus sativa*	
	Field Mustard	*Hirschfeldia incana*	
	Wild Oat	*Avena sp.*	*Dominant*
	Field Bindweed	*Convolvulus arvensis*	
	Narrowleaf Flax	*Linum bienne*	
	Hairy Cat's Ear	*Hypochaeris radicata*	
	Sheep Sorrel	*Rumex acetosella*	
	Rescue grass	*Bromus catharticus*	
	Velvet grass	*Holcus lanatus*	
	Quaking grass	*Briza maxima*	
	English plantain	*Plantago lanceolata*	
	Ripgut brome	*Bromus diandrus*	
	Willow herb	*Epilobium sp.*	
	Red-stem Filaree	*Erodium cicutarium*	
	Curly dock	*Rumex crispus*	
	Monterey cypress	*Cupressus macrocarpa*	*single tree*
	Borage	*Borago officinalis*	
	Wild Lettuce	*Lactuca sp.*	
Northern coastal scrub	California Blackberry	*Rubus ursinus*	*Dominant*
	Poison Oak	*Toxicodendron diversilobum*	*Co-dominant*
	Poison Hemlock	*Conium maculatum*	
	California Coffeeberry	*Rhamnus californicus*	
	Coyote Brush	*Baccharis pilularis*	*Co-dominant*
	California Bee Plant	*Scrophularia californica*	
	Sticky Cinquefoil	*Potentilla glandulosa*	
	Mugwort	*Artemisia douglasiana*	
	Spreading Rush	*Juncus patens*	
	Western Swordfern	*Polystichum munitum*	
	Cotoneaster	*Cotoneaster sp.*	
	California Aster	*Aster chiloensis*	
	Yerba Buena	*Satureja douglasii*	
Central Coast Riparian Forest	Arroyo Willow	*Salix lasiolepis*	*Dominant*
	Red Elderberry	*Sambucus racemosa*	
	Panicled Bulrush	*Scirpus microcarpus*	
	English Ivy	*Hedera helix*	
	Wood Fern	*Dryopteris sp.*	
	Poison Oak	*Toxicodendron diversilobum*	
	California Blackberry	*Rubus ursinus*	
	Western Swordfern	*Polystichum munitum*	
Nonnative forest	Monterey Pine	*Pinus radiata*	
	Blue Gum	*Eucalyptus globulus*	

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Table 2. Wildlife species identified by site or sign on, or adjacent to the property.

Group	Common Name	Habitat Notes
Birds	Pacific slope flycatcher	Monterey Pine/ Eucalyptus grove
	White-crowned sparrow	Riparian/ Coastal Scrub
	Chestnut-backed chickadee	Monterey Pine/ Eucalyptus grove
	Bushtit	Monterey Pine/ Eucalyptus grove
	American crow	Flyover
	Lesser goldfinch	Monterey Pine/ Eucalyptus grove
	House sparrow	Residential
	Western scrub jay	Riparian/ Coastal Scrub
	Song sparrow	Riparian
	Pygmy nuthatch	Monterey Pine/ Eucalyptus grove
Mammals	San Francisco dusky-footed woodrat	Riparian/ Coastal Scrub
	Raccoon	Riparian/ Coastal Scrub
	Striped skunk	Riparian/ Coastal Scrub
	Black-tailed deer	Riparian/ Coastal Scrub

4. List all direct and indirect impacts of the proposed project on the habitat. Include within the discussion an evaluation of the perceived cumulative biological impacts associated with the project.

The proposed project is to develop one single family home on the site. No direct impacts to sensitive habitats are anticipated as a result of the proposed project. The property consists of predominantly annual grassland and is located along the edge of an existing residential development. Habitat types that occur on the property are common in the region however and the project would not cause a significant cumulative impact to these habitats.

No significant animal trails were found to occur through the site, and the project site is not likely to be a significant wildlife corridor area. Raccoons and other wildlife likely utilize the riparian/scrub/grassland habitat along the northern and northwestern boundary of the property, and this area is within public open space lands and will remain undeveloped. Wildlife moving between habitat areas on the north, west and south would continue to have shelter cover and access through the surrounding area after the project is developed.

Development of the site could have potential negative impacts on the intermittent creek if appropriate erosion and stormwater control measures are not implemented.

Potential Impacts

1) Development activities could have an indirect negative impact upon the intermittent creek from sediment runoff during construction unless appropriate erosion control measures are used.

2) Development activities could have an indirect negative impact upon the creek through stormwater pollution from construction materials and commercial activities, unless appropriate stormwater controls are used.

3) Development activities could have a direct impact upon special status plant species that may be present on the property.

4) Development activities could have a direct impact upon San Francisco dusky-footed woodrat through inadvertent disturbance of nests and adjacent vegetation.

5) Development activities could have a direct impact upon California red-legged frog through inadvertent take of individuals that may disperse or wander on to the property.

6) Development activities could have a direct impact upon San Francisco garter snake through inadvertent take of individuals that may disperse or wander on to the property.

7) Development activities could negatively impact birds, including raptors such as white-tailed kite, and songbirds such as the saltmarsh common yellowthroat, if these species are nesting on or adjacent to the property.

5. List and discuss all probable impacts to threatened, rare, endangered or unique species either listed or proposed by the Local Coastal Program, a Federal or State agency, or the California Native Plant Society, both on-site and within an area of one-quarter mile radius from the project location.

A search of the California Natural Diversity Database (CNDDB) was conducted in July 2010 for special status species that occur in the project vicinity. The Half Moon Bay quadrangle and 5 surrounding quadrangles were reviewed for special status species. These species and others with potential to occur on the property are considered in Appendix C.

Based on the disturbed condition of the property and current usage, the property is unlikely to provide suitable habitat for special status plant species. The property provides potential upland dispersal habitat for special status amphibians and reptiles (California red-legged frog and San Francisco garter snake), potential foraging habitat for special status raptors (white-tailed kite), and potential nesting habitat for one special status mammal (San Francisco dusky-footed woodrat), and one special status passerine (salt marsh common yellowthroat).

The riparian corridor and coastal scrub vegetation, located off the western boundary of the property, provide nesting habitat for San Francisco dusky-footed woodrat, and potential nesting habitat for salt marsh common yellowthroat, and dispersal/nonbreeding habitat for California red-legged frog and San Francisco garter snake. The Eucalyptus grove to the north of the property provides potential nesting habitat for a variety of raptors such as white tailed kite, and potential roosting habitat for special status bats and Monarch butterfly.

Special Status Plants

Special status plant species that occur in the region, their habitat requirements and their potential for occurrence on the property are shown in Appendix C. The property does not provide suitable habitat for many special status plant species due to the dominance of the site by invasive nonnative annual grassland species. Native plant species are dominant within the coastal scrub vegetation on the northern and western margins of the property.

Special status plant species with potential for occurrence on the property are coast yellow leptosiphon (*Leptosiphon croceus*), rose leptosiphon (*Leptosiphon rosaceus*), coastal triquetrella (*Triquetrella californica*), Hickman's cinquefoil (*Potentilla hickmanii*), Kellogg's horkelia (*Horkelia cuneata ssp. sericea*), Point Reyes Horkelia (*Horkelia marinensis*) and San Francisco owl's clover (*Triphysaria floribunda*). Each of these species is listed as CNPS List 1B: Plants Rare, Threatened, or Endangered in California and Elsewhere (CNPS 2010). Though

each of these species is unlikely to occur due to the dominance of nonnative annual grassland on the site, there is some potential for their presence and therefore follow up surveys are recommended to avoid potential impacts to these species. Follow up surveys for special status plants should be conducted in the spring (April/May) to coincide with the bloom period for these species (Table 3).

Monarch Butterfly

Monarch butterfly is not a state or federally listed species, however due to its unique life history and habitat requirements it is given special consideration under the California Environmental Quality Act (CEQA) review process. Winter roost sites extend along the western coast from Mendocino in northern California, south to Baja California, Mexico. Roost habitat consists of wind-protected tree groves, typically eucalyptus (*Eucalyptus globulus*), Monterey pine (*Pinus radiata*) and Monterey Cypress (*Cupressus macrocarpa*), with nectar and water sources nearby. Roost sites consist of congregations of several hundred to several thousand adult butterflies. Along the Central California coast, monarch butterflies typically roost between October and February.

Three Monarch butterfly roost sites have been recorded within 2 miles of the project site (sensitive records, CNDDB 2010). The closest record is located approximately 0.9 miles northwest of the site. There is only one small Monterey cypress tree along the southern boundary of the property, and the property does not have any suitable trees on site to support Monarch butterflies. A grove of Eucalyptus trees located just off the northern boundary of the property provides potential roosting sites for Monarch butterfly. This grove is located along Quarry Park road within public open space lands.

California Red-legged Frog

The California red-legged frog (CRF) is a federally listed Threatened species and a California Species of Special Concern. CRF are known to occur in freshwater ponds and marshes, grasslands, riparian woodlands, oak woodlands, and coniferous forests. The species is most frequently found in freshwater ponds, slow-flowing streams, and marshes with heavily vegetated shores for breeding. CRF typically are found within shoreline areas of aquatic habitats within 'one leaping distance' of water. CRLF typically require a permanent water source with a minimum depth of 0.7 meters (2.5 feet) for breeding (USFWS 2004). For successful reproduction, water bodies must last through the winter and spring (approximately 20 weeks) for development from egg to the adult to be completed. Seasonal bodies of fresh or slightly brackish water provide important breeding habitat for the species, and are critical for CRF survival. CRF can disperse over 1 mile from breeding habitats during autumn, winter, and spring rains. CRF can move through a broad range of upland habitat types when dispersing to and from aquatic breeding habitats. Juveniles use the wet periods to expand outward from their pond of origin and adults may move between aquatic areas. It is speculated that CRF may lie dormant during dry periods of the year or during drought, sometimes within upland habitats. CRF will utilize rodent burrows, debris piles and other man-made structures for shelter during overland movements.

There are three records of the California red-legged frog within 2 miles of the project site (CNDDB 2010). CRF have been recorded in Frenchman's Creek on the east side of Highway 1, approximately 1.3 miles southeast of the project site; within an impoundment pond, east of El Granada approximately 1.0 miles north of the project site; and within Denniston Creek, east of Highway 1 approximately 1.7 miles northwest of the project site (CNDDB 2010).

There are no wetland habitats that could support the species on or adjacent to the project site, however there is a reasonable likelihood that CRF could occur on the property, due to the high mobility of the species and the abundance of creek and wetland habitats in the region that support the species. Dispersing individual CRF have been recorded moving over two miles between breeding areas, and therefore there is some potential for the species to occur on the project site. If the property is to be impacted through development in the future, the following avoidance and minimization measures are recommended to reduce potential impacts to CRF.

Avoidance and Minimization Measures for CRF

1) An exclusion fence at least 3 feet in height should be installed along the property's northwest (creekside) boundary. The fence should be installed so that there are no openings or gaps through which a frog could move.

2) A pre-construction survey for CRF should be conducted no less than 48 hours prior to the start of project activities.

3) A worker education program should be conducted in which all crews to be working on site are trained on CRF identification, penalties for harming the species or its habitat, and the protocol to be followed should a frog be encountered. The worker education program should be offered by a qualified biologist and include color photocards of CRF that remain on the project site.

4) Following the start of project activities, the qualified biologist or a trained biological monitor should monitor the site every day to check for CRF, monitor the integrity of the exclusionary fence, confirm the limit of work and equipment is within project boundaries, and assess the overall project adherence to mitigation measures.

San Francisco Garter Snake

San Francisco garter snake (SFGS) is listed as both a state and federal endangered species. Preferred habitat for the snake includes a densely vegetated pond near open, upland habitat supporting rodent burrows. Temporary ponds and other seasonal freshwater bodies are also used. The snakes avoid brackish marsh areas because their preferred prey (California red-legged frogs) cannot survive in saline water. It occurs sympatrically with its primary prey species, the California red-legged frog; however, it will opportunistically prey on a variety of species including frogs, tadpoles, egg masses, newts, small fish, salamanders, reptiles, small mammals, birds and their eggs and several small invertebrates. Pacific tree frog (*Pseudacris regilla*) are an important prey species for juvenile SFGS, while Ranid frogs (California red-legged frog and bullfrog (*Rana catesbeiana*) have been identified as important prey for adult SFGS. San Francisco garter snakes prefer densely vegetated habitats close to water where they can retreat when disturbed (Stebbins 2003).

Emergent and bankside vegetation such as cattails (*Typha spp.*), bulrushes (*Scirpus spp.*) and spike rushes (*Juncus spp.* and *Eleocharis spp.*) apparently are preferred and used for cover. Adult snakes sometimes aestivate in rodent burrows during summer months when ponds are dry. On the coast, snakes hibernate during the winter, but further inland, if the weather is suitable, snakes may be active year-round. Snakes may move over several hundred yards away from wetlands to hibernate in upland small mammal burrows (USFWS 2009).

One record of SFGS has been reported within 2 miles of the project site (CNDDB 2010), near the mouth of Pilarcitos Creek, approximately 2 miles south of the project site. SFGS have also been detected at Denniston Creek on the east side of Highway 1 near Denniston Reservoir,

approximately 2.2 miles northwest of the project site (CNDDB 2010). Due to the lack of suitable pond habitats on or near the project site that could support suitable prey species (CRF or bullfrog), SFGS is unlikely to occur on site. Due to the mobility of this species however, and the proximity of an intermittent stream located to the west of the project site, this species could occur on the project site when dispersing between habitat areas. If the property is to be impacted through development in the future, the following avoidance and minimization measures are recommended to reduce potential impacts to SFGS.

Avoidance and Minimization Measures for SFGS

1) An exclusion fence at least 3 feet in height should be installed along the property's northwest (creekside) boundary. The fence should be installed so that there are no openings or gaps through which an SFGS could move.

2) A pre-construction survey for SFGS should be conducted no less than 48 hours prior to the start of project activities.

3) A worker education program should be conducted in which all crews to be working on site are trained on SFGS identification, penalties for harming the species or its habitat, and the protocol to be followed should a snake be encountered. The worker education program should be offered by a qualified biologist and include color photocards of SFGS that remain on the project site.

4) Following the start of project activities, the qualified biologist or a trained biological monitor should monitor the site every day to check for SFGS, monitor the integrity of the exclusionary fence, confirm the limit of work and equipment is within project boundaries, and assess the overall project adherence to mitigation measures.

Steelhead (Central California Coast ESU)

Steelhead is an anadromous fish that spends several years in the ocean; returning to freshwater rivers and tributaries to spawn. The Central California Coast ESU includes all naturally spawned anadromous steelhead populations below natural and manmade impassable barriers in California streams from the Russian River, Sonoma County, CA, (inclusive) to Aptos Creek, Santa Cruz County, CA, (inclusive), and the drainages of San Francisco and San Pablo Bays eastward to the Napa River (inclusive), Napa County, CA (NMFS 1997). Steelhead usually migrate upstream to spawning areas in late fall or early winter and spawning typically occurs between December and March in streams in the San Francisco Bay Area.

Steelhead spawn in shallow water gravel beds and the young typically spend the first one to two years of their lives as residents of their natal stream. Young steelhead generally rear in the creeks for one to two summers, but are commonly "land-locked" for additional years if drought conditions are present. Cool water temperatures and clean gravels are required for spawning. Steelhead adults are capable of returning to the ocean after spawning, and may complete several ocean to freshwater annual spawning cycles.

Limiting factors for steelhead include migration and movement barriers, sedimentation, and lack of instream shelter. Often the biggest limiting factor for steelhead is the lack of rearing habitat for juvenile steelhead (Kobernus 1998). This is the result of pool filling by fine sediment, which is likely at least partially influenced by bank instability in the upper watershed (Jones and Stokes 2006). Other potential limiting factors include competition and predation of steelhead eggs and young by non-native fishes including mosquito fish (*Gambusia affinis*), green sunfish (*Leopomis cyanellus*), largemouth bass (*Micropterus salmoides*), red-eared slider (*Lepomus microlophus*), and others. Invertebrates that also likely prey on eggs and young include Louisiana crayfish (*Procamberus clarkii*), signal crayfish (*Pacifastacus leniusculus spp. leniusculus*), and mitten crabs (*Eriocheir sinensis*). Bullfrog (*Rana catesbeiana*) tadpoles may also prey on steelhead eggs. The most serious of these invaders is likely the crayfish, mosquitofish, and the centrarchid fishes (i.e. bass and sunfish).

The intermittent creek located to the west of the project site does not have high enough water levels to support steelhead. Pool depths within the intermittent creek were observed to be less than a few inches in July 2010, and steelhead require significantly deeper water for summer rearing habitat. This creek is not within the designated critical habitat for the species (San Mateo Coastal Hydrologic Subarea # 220221), (NMFS 2005).

White-tailed Kite

White-tailed kites (*Elanus leucurus*) inhabit open grasslands and savannahs. They breed in a variety of habitats including grasslands, cultivated fields, oak woodlands and suburban areas where prey is abundant. Nests are typically built in trees near a water source and may occur in suburban areas with adjacent open areas with abundant prey. Breeding occurs between February and July, and may be double-brooded in some years (Baicich and Harrison 2005). During the non-breeding season, white-tailed kites may hang out communally at roost sites (Dunk 1995). White-tailed kites prey on small mammals, reptiles and occasionally birds. Species occurs throughout California west of the Sierra Nevada and is more commonly seen in the Central Valley and among the foothills (Dunk 1995). The white-tailed kite nesting sites are designated as fully protected by §3511 of the California Fish and Game Code. This species receives additional protection under the Migratory Bird Treaty Act (MBTA).

White tailed kites are frequently observed along the San Mateo coast, and there is potential for this species to nest within the eucalyptus grove that is to the north of the property.

Salt Marsh Common Yellowthroat

The salt marsh common yellowthroat (*Geothlypis trichas sinuosa*) is native warbler that is a California species of special concern. This bird is a year round resident in San Mateo County, and utilizes dense vegetation in wetlands, marshes, estuaries, prairies and riparian areas for nesting and foraging. The Salt marsh common yellowthroat has been recorded at Princeton marsh, approximately 2.0 miles northwest of the project site, and in Frenchman's Creek approximately 1.4 miles southeast of the project site (CNDDB 2010). This species was not observed during field surveys of the property however the adjacent coastal scrub and riparian corridor west and northwest of the property has suitable vegetative cover to support this species.

San Francisco Dusky-footed Woodrat

The San Francisco dusky-footed woodrat (*Neotoma fuscipes annectens*) is a California Species of Special Concern. The dusky-footed woodrat is generally a nocturnal mammal that occurs in a variety of brushy and wooded areas. The woodrat builds stick structures ('houses') for nesting

up to 2 meters long and a meter in height. These elaborate dwellings help protect the woodrat from seasonal temperature extremes and predators. The dusky-footed woodrat eats primarily woody plants, including leaves, flowers, nuts and berries. During the biological surveys, two woodrat nests were observed just off the western boundary of the property (Figure 2). The nests are currently located within northern coastal scrub vegetation, outside of the proposed project area. This species could potentially build nests within the coastal scrub vegetation on the western and northern edges of the property in the future. Impacts to San Francisco dusky footed woodrats could occur if nests or vegetation around nests are physically disturbed by construction activities.

Special Status Bats

No special status bat species were identified as having potential to roost on the property. The property is unlikely to support any special status bats, due to the lack of suitable structures, trees, rocky outcrops or vegetative shrub cover for roosting, and open water areas for foraging (Appendix C). Cooler temperatures along the coast also seem to limit bat activity due to lowered abundances of flying insects, an important component in the diets of most bat species.

The adjacent eucalyptus grove north of the project site provides potential bat roosting habitat. Some bat species may also forage over the project site and nearby riparian corridor on an infrequent basis.

Nesting Raptors and Birds Protected Under the MBTA

The coastal scrub along the northern and western boundaries of the project site, and the adjacent eucalyptus forest and riparian corridor habitats provide potential nesting habitat for a variety of bird species protected under the Migratory Bird Treaty Act. Future development activities may impact nesting birds through grading activities and noise disturbance from construction. To avoid or minimize impacts to nesting birds from construction, construction activities should be scheduled to take place outside of the bird nesting season which is from February 15 to August 31. However, if construction is unavoidable during the breeding season, a qualified biologist should conduct a survey for nesting birds no more than 2 days (48 hours) prior to the start of construction activities. If no active nests are detected, project activities can take place as scheduled. However if active nests are detected, CDFG should be contacted to determine appropriate buffer zones. Typically, a no-work buffer is established around the nest if it is determined that construction noise could cause nest abandonment or failure.

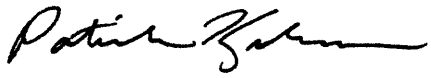
6. Tabulate by significant impact all feasible mitigation measures proposed to reduce the level of impact and explain how such measures will be successful.

Table 3. Impacts and Proposed Mitigation Measures to Reduce Impacts

Impact	Mitigation Measure	Effect
1) Potential erosion/ sedimentation impact on intermittent creek.	Use appropriate erosion control methods to keep exposed soils from being washed into the intermittent creek. This may include using silt fencing, hay bales, or other appropriate methods.	Creek is protected from siltation.
2) Potential stormwater pollution impact on intermittent creek.	Use appropriate stormwater controls to keep pollutants from entering the intermittent creek.	Creek is protected from siltation.
3) Potential impacts to special status plants	Follow up surveys for special status plants should be conducted in the spring (April/May) to coincide with the bloom period for these species. If special status plants are detected on site, the California Native Plant Society will be consulted to develop appropriate avoidance and/or mitigation measures.	Special status plant populations are protected from construction impacts.
4) Potential impacts to San Francisco dusky-footed woodrat	San Francisco dusky-footed woodrat nests shall be surveyed and flagged prior to any construction activities on site. Protective fencing shall be established between nests and construction zone to prevent disturbance of nests and vegetation adjacent to nests.	San Francisco dusky footed woodrats are protected from disturbance or harm.
5) Potential harassment or harm to California red-legged frog	a) Prior to the start of project activities, a minimum 3-foot high exclusion fence shall be installed along the north and east property boundaries, creating a movement barrier that would serve to prevent CRF from entering the project site. b) A USFWS approved qualified biologist shall perform a pre-construction survey for CRF no more than 48 hours prior to the start of project activities. c) A worker education program on CRF identification and protocol should a CRF be encountered shall be administered to all workers on site by the qualified biologist. d) The qualified biologist, or a biological monitor trained by the qualified biologist, shall conduct daily site visits to inspect the site for CRF prior to construction activities, inspect the exclusionary fence, and monitor site activities.	California red-legged frogs are protected from disturbance or harm.

Impact	Mitigation Measure	Effect
6) Potential harassment or harm to San Francisco garter snake	a) Prior to the start of project activities, a minimum 3-foot high exclusion fence shall be installed along the north and east property boundaries, creating a movement barrier that would serve to prevent SFGS from entering the project site. b) A USFWS approved qualified biologist shall perform a pre-construction survey for SFGS no more than 48 hours prior to the start of project activities. c) A worker education program on SFGS identification and protocol should a SFGS be encountered shall be administered to all workers on site by the qualified biologist. d) The qualified biologist, or a biological monitor trained by the qualified biologist, shall conduct daily site visits to inspect the site for SFGS prior to construction activities, inspect the exclusionary fence, and monitor site activities.	San Francisco garter snakes are protected from disturbance or harm.
7) Potential impact to nesting raptors, including White-tailed kite, and other nesting birds	If construction is proposed during the nesting season (February 15 - August 31), a qualified biologist shall inspect large trees within 250 feet of the property for nesting raptors, and any vegetation within 50 feet of the property for other nesting birds. If any nests or nesting activity is observed, consult with CDFG to determine appropriate protection measures.	Raptors, including White-tailed kite and other birds potentially nesting in the area are protected from disturbance.

7. Certification. I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this biological evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.



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August 4, 2010

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Appendix A. Principle Investigator Qualifications

Patrick Kobernus

Wildlife and Conservation Ecologist

Patrick Kobernus is an experienced biologist and project manager with a diverse background in wildlife, fisheries and invertebrate ecology, personnel and project management, agency, client, and subcontractor coordination, and environmental document preparation. He has extensive knowledge of the ecology of the San Francisco Bay Area and actively participates in monitoring and conservation of rare butterflies of the region. He has experience with several federal and state Threatened and Endangered species and has conducted habitat and protocol surveys for many state- and federally-Threatened and Endangered species throughout the greater San Francisco Bay Area.

Mr. Kobernus has over fifteen years of experience as a field biologist in entomology, ichthyology, herpetology, ornithology and mammalogy. He has extensive experience with and knowledge of Mission blue butterfly, San Bruno elfin butterfly, Callippe silverspot butterfly, Smith's blue butterfly, Myrtle's silverspot butterfly, Monarch butterfly, vernal pool invertebrates, Steelhead, California red-legged frog, California tiger salamander, Western pond turtle, Northern spotted owl, Burrowing owl, and San Francisco dusky-footed woodrat, among many others. His interests include habitat threats to coastal prairie grasslands and rare butterflies; management and restoration of riparian habitats, and the design and monitoring of wildlife corridors for large and meso-carnivore species. His Master's thesis focused on conducting surveys for steelhead in San Lorenzo Creek, and assessing urbanization impacts to steelhead and other fishes.

Mr. Kobernus has a diverse biological background with a focus in both aquatic and upland habitats, and has conducted over 100 endangered species surveys, biological impact assessments, wetland delineations, and construction monitoring projects for clients in the San Francisco Bay Area. He has conducted biological surveys in San Mateo, Alameda, Contra Costa, Marin, Mendocino, Santa Cruz, Monterey, Santa Clara, San Joaquin and San Benito Counties. He has particular expertise in conducting biological assessments in freshwater aquatic, riparian, coastal prairie, serpentine, oak woodland and coastal scrub habitats in San Francisco Bay Area watersheds. He has conducted endangered species surveys and/or wetland delineations for several clients including Santa Clara Valley Water District, San Mateo County Parks Department and Cal-Trans. He has conducted focused surveys and monitoring of the Mission blue butterfly, Callippe silverspot butterfly, and the San Bruno elfin butterfly on San Bruno Mountain for over 13 years, USFWS protocol surveys for the federally Threatened California red-legged frog in Santa Clara, San Mateo, and San Benito Counties, and steelhead surveys in San Mateo, Alameda, and Santa Clara Counties. Mr. Kobernus has often worked closely with public utilities, government agencies, developers and individual homeowners in modifying projects to avoid or minimize biological impacts to sensitive species and the environment.

Mr. Kobernus has extensive experience in preparing Joint Aquatic Resource Permit Applications (JARPA), California Department of Fish and Game 1602 Streambed Alteration Agreements, Section 7 permit applications with the US Army Corps of Engineers, Habitat Conservation Plans with the US Fish and Wildlife Service, and 401 Certifications with the California Regional Water Quality Control Board. Mr. Kobernus is also a trained wetland delineator in the US Army Corps of Engineers Wetland Delineation methodology (Wetland Training Institute, March, 2001), and has received specialty training in Applied Hydric Soils (WTI, May 2003).

As the Habitat Manager for the San Bruno Mountain Habitat Conservation Plan for 13 years (1995-2007), Mr. Kobernus supervised biological monitoring crews conducting endangered butterfly surveys and rare plant mapping, and habitat management and restoration projects including invasive species control, grazing, controlled burning, and replanting projects.

He has worked extensively with USFWS, CDFG, Utilities (PG&E, San Francisco PUC), developers such as Brookfield Homes and Myers Development, as well as public agencies such as San Mateo County Park staff and the City Managers and staff of Daly City, Brisbane, and South San Francisco. He has also worked with the various homeowners associations and environmental groups active on San Bruno Mountain. He has conducted several presentations for local governments and academic groups on the status of the rare butterflies, technicalities of the San Bruno Mountain HCP, and the ongoing management programs.

As a graduate student he evaluated impacts within urban stream environments to each life stage of steelhead (spawning, rearing, and migration), and is knowledgeable in the techniques for evaluating the components of

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steelhead habitat (stream gravels, macroinvertebrate food resources, instream and canopy cover, stream flow conditions and water quality parameters). He is also experienced in fisheries survey techniques such as downstream migrant trapping, electrofishing, seining, fyke nets and snorkeling surveys. He assisted with a study on heavy metal accumulation within urban creeks (Vegetated Channels Study, 1992), and performed a study testing the toxicity of stormwater on macroinvertebrates and fish (DUST Marsh toxicity study, 1993) for Alameda County Water Resources Department. As a wildlife biologist for Gualala Redwoods in 1996 (Gualala, CA), he conducted surveys for northern spotted owls and conducted independent research on carnivores using riparian and redwood forest habitats.

EDUCATION

M.S. Ecology, "Riparian Wildlife Ecology" California State University, Hayward, CA 1998
B.A. English, Sonoma State University, Rohnert Park, CA 1987

PROFESSIONAL EXPERIENCE

Wildlife & Conservation Ecologist, Coast Range Ecology 2007 – Present
Senior Biologist, TRA Environmental Sciences, Inc. 1995 – 2007
Fisheries Biologist and Volunteer Coordinator, Alameda Clean Water Program, 1998-1999
Wildlife Biologist, Gualala Redwoods, 1995

PUBLICATIONS & PRESENTATIONS

Presenter. 1999. *Assessment of Steelhead (Oncorhynchus mykiss) Presence and Habitat in San Lorenzo Creek.* Urban Streams Conference, April 1999.
Presenter. 2002. *Mission Blue, Callippe Silverspot, and San Bruno Elfin Butterflies on San Bruno Mountain.* Mission Blue Butterfly Workshop, National Park Service, April 2002.
Field Presentation. 2006. *San Bruno Mountain and Mori Point: Comparison of Habitat Management Models.* Society for Conservation Biology Annual Meeting, July 2006.

PERMITS

CDFG Scientific Collecting Permit

USFWS 10(a)1(A) Federal recovery permit to take Callippe silverspot butterfly (*Speyeria callippe callippe*) and California red-legged frog (*Rana aurora draytonii*).

PROFESSIONAL AFFILIATIONS

The Wildlife Society
Society for Conservation Biology
North American Butterfly Association
California Native Plant Society

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Appendix B. Representative Photos of the Property, July 2010

Photo B-1: Project site, looking south. Photo date: 07/22/2010.

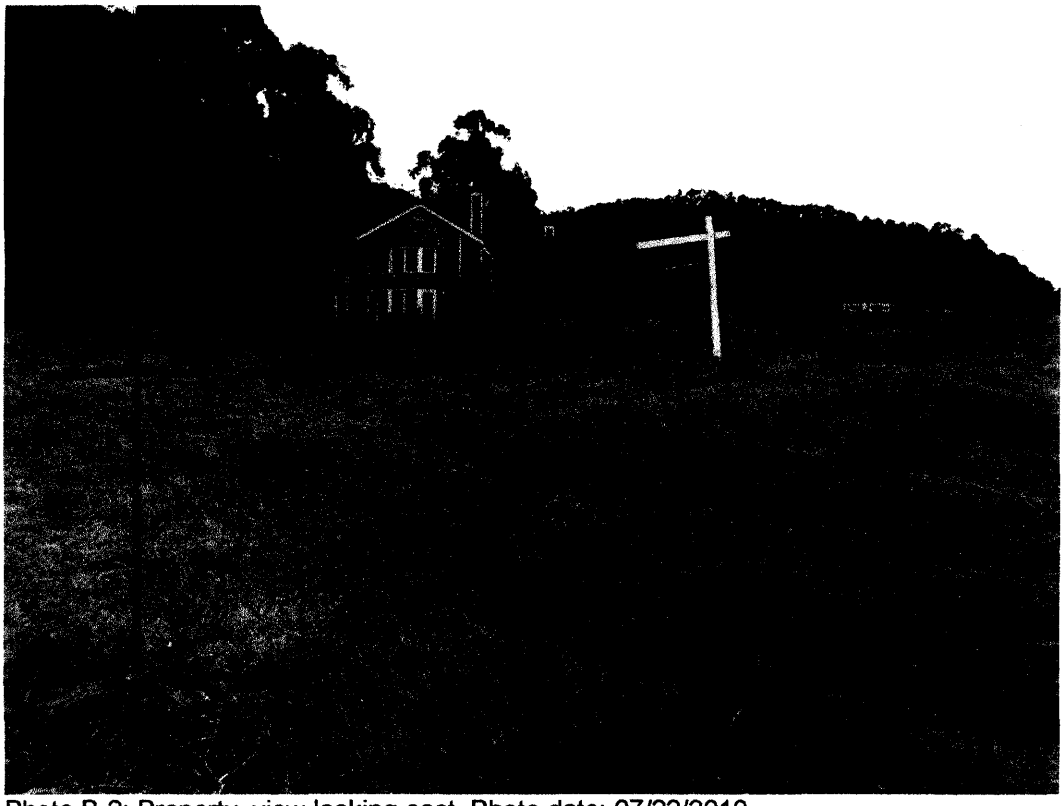

Photo B-2: Property, view looking east. Photo date: 07/22/2010.

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Photo B-3: Property looking northwest. Photo date: 07/22/2010.

Photo B-4: Property looking west. Photo date: 07/22/2010.

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Photo B-5: Coastal scrub vegetation – looking west. Photo date: 07/22/2010.

Photo B-6: Riparian vegetation- looking into corridor from Quarry Park access Road. Photo date: 07/26/2010.

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Photo B-7: View of Intermittent Creek from Highway 1, looking north.
Photo date: 07/26/2010.

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Appendix C. Special Status Plant and Animal Species in the Vicinity of the Project Site

Species Name	Status	Habitat	Potential to Occur Onsite
WILDLIFE			
Monarch butterfly *Danaus plexippus*	Fed: none CA: O	Monarch butterflies require wind protected tree groves along the California coast for nectaring, migratory roosting, and wintering sites. Roosting sites are also located in isolated locations bordering San Francisco Bay. Blue gum Eucalyptus (*Eucalyptus globulus*) is commonly used by monarch butterflies as nectaring and roosting sites. Monterey pine (*Pinus radiata*) and Monterey cypress (*Cupressus macrocarpa*) groves may also provide roosting habitat for monarch butterflies.	Not Expected No suitable roost trees are located on the project site. Suitable roosting trees are present in the surrounding area.
Alameda song sparrow *Melospiza melodia pusillula*	Fed: none CA: SSC, BCC	The Alameda song sparrow is endemic to California, where it is restricted to tidal salt marshes along the edges of San Francisco Bay. The species is a year-round resident (nonmigratory), and breeds from late February to mid-August. Alameda song sparrows prefer upland marsh vegetation, along tidal marsh edges. It is most abundant in the taller vegetation found along tidal sloughs. Typically nests low in gumplant (*Grindelia ssp.*) shrubs and in pickleweed (*Salicornia ssp.*).	None No suitable salt marsh habitat present.
American badger *Taxidea taxus*	Fed: none CA: SSC	A large mustelid that inhabits open areas with friable soils within woodland, grassland, savannah and desert habitats. A fossorial mammal that preys predominately on ground squirrels (*Ammospermophilus* and *Spermophilus* spp.) and pocket gophers (*Thomomys* spp.). Mating occurs in late summer; young are born in March and April.	Not Expected Potential grassland habitat is present, however this species has not been detected within the area for several decades.
San Francisco dusky-footed woodrat *Neotoma fuscipes fuscipes*	Fed: none CA: SSC	Inhabits chaparral, coastal scrub, oak woodland, and riparian woodland in the San Francisco Bay Area. They exhibit high site fidelity and may live in the same nest community for generations. Nest structures are key indicator of their presence and are easily identified by their large, conical appearance. Species is typically not associated with urban areas due to lack of suitable native woodland plants used for foraging, and increased predation pressure from feral and domestic cats. Typically does not nest in human structures, unless suitable foraging habitat is adjacent.	Possible Species was not detected on the property, however the species was detected nesting just off the property boundary.
Big free-tail bat *(Nyctinomops macrotis)*	Fed: none CA: SSC WBWG - MH	Big free-tail bat ranges from most of South America northward to include Mexico, Arizona, New Mexico, southern and western Texas, southern California and southeastern Nevada, southern Utah, and north to central Colorado. The species is migratory, and the known elevational range is from near sea level to about 8,500 ft (2,600 meters). Big free-tail bats appear to mainly inhabit rugged, rocky habitats in arid landscapes. The species has been found in a variety of plant associations, including desert shrub, woodlands, and evergreen forests.	Not Expected Rare migrant along San Mateo County coast.

Species Name	Status	Habitat	Potential to Occur Onsite
Fringed myotis *Myotis thysanodes*	Fed: none CA: none WBWG-H	Exhibits a strong roosting preference for large trees and snags, but will use buildings, caves, rock crevices, etc. if necessary. Inhabits a variety of woodland, scrub and grassland habitats up to 2,850 meters throughout California except for Central Valley and southern deserts. Forages great distances and is active during winter months. Highly sensitive to human disturbance.	Not Expected This species is not common on the San Mateo County coast, and there is a very low potential for the species to utilize the property for roosting. May potentially use the nearby intermittent creek corridor and eucalyptus grove as roosting habitat.
California red-legged frog *Rana aurora draytonii*	Fed: FT, CH CA: SSC IUCN:VU	A medium-sized frog that inhabits lowlands & foothills in or near permanent sources of deep water with dense, shrubby or emergent riparian vegetation up to 1,500 meters in elevation (Stebbins 2003). Range extends from Redding to Baja California, Mexico with hybridization occurring with the California red-legged frog from the Oregon border to Marin County. Breeding occurs between November and April in standing or slow moving water with emergent vegetation, such as cattails (*Typha* spp.), tules (*Scirpus* spp.) or overhanging willows (*Salix* spp.) (Hayes and Jennings 1988). Habitat for this species is located in several areas on the San Francisco Peninsula where suitable ponds, marshes, streams with adjacent uplands are present.	Possible May potentially move through property when dispersing from wetland habitats in region.
Southwestern pond turtle *Actinemys marmorata pallida*	Fed: none CA: SSC USFS:S IUCN:VU	A moderate sized freshwater turtle that inhabits permanent or nearly permanent bodies of water and low gradient slow moving streams below 6000 feet elevation. Range extends from Washington to the northern Bay Area counties along the Pacific slope drainages. Two recognized subspecies the northwestern pond turtle (*E. m. marmorata*) which ranges north of the American River and the southwestern pond turtle (*E. m. pallida*) which ranges from the coastal areas south of San Francisco. Subspecies interbreed within the gradation zone that defines the two subspecies.	None No suitable habitat within the nearby intermittent Creek. Creek depths near project area are not sufficient to support this species.
Myrtle's silverspot butterfly *Speyeria zerene myrtleae*	Fed: FE CA: none	The Myrtle's silverspot butterfly is a medium sized butterfly that is found in coastal dune or coastal prairie habitat. Females lay their eggs in the debris and dried stems of their larval host plant blue violet (*Viola adunca*). Adults feed on nectar from flowers including hairy gumweed (*Grindelia hirsutula*), coastal sand verbena (*Abronia latifolia*), mints and thistles. Populations were formerly found in dunes and bluffs from San Mateo County north to the mouth of the Russian River in Sonoma County. The adult flight season ranges from late June to early September.	None Species is believed to be extirpated from San Mateo County. No suitable habitat present within the project site.

Species Name	Status	Habitat	Potential to Occur Onsite
Mission blue butterfly *Plebejus icarioides missionensis*	Fed: FE CA: none	The mission blue butterfly inhabits grasslands within the coastal fogbelt in southern Marin, San Francisco, and San Mateo counties in California that contain one or all three of its larvae foodplants (*Lupinus albifrons, L. formosus, and L. variicolor*). Nectar plants for this species are also an important habitat component for this species, and include a variety of native wildflowers and nonnative thistles. The mission blue butterfly is univoltine and has a flight period that extends from late March to mid-June.	None No suitable habitat present.
Pallid bat *Antrozous pallidus*	Fed: none CA: SSC, USFS, WBWG-H	Inhabits rocky terrain in open areas in lowlands, foothills and mountainous areas near water throughout California below 2,000 meters. Roost in caves, rock crevices, mines, hollow trees, buildings and bridges in arid regions in low numbers (<200). Active from March-November; migrates in some areas, but may hibernate locally. Preys on large beetles and scorpions. This species is typically found in dry grasslands and oak savannah habitats, and currently can be detected in the south and east San Francisco Bay area.	Not Expected This species is not common on the San Mateo County coast, and there is a very low potential for the species to utilize the property for roosting. May potentially use the nearby intermittent creek corridor and eucalyptus grove as roosting habitat.
San Bruno elfin butterfly *Callophrys mossii bayensis*	Fed: FE CA: none	The adult San Bruno elfin butterfly is restricted to primarily north-facing grasslands and rocky outcrops containing its larval host plant, Pacific stonecrop *(Sedum spathulifoilum)* in the fog belt in San Mateo County in California. Presence of suitable nectar plants such as *Lomatium sp.* and *Berberis pinnata* are important habitat components. The San Bruno elfin butterfly currently is known only from San Bruno Mountain, Malagra Ridge, Sweeney Ridge, Whiting Ridge, and Montara Mountain in San Mateo County, California. The flight period of the San Bruno elfin butterfly is limited to the early spring, from late February to mid-April.	None No suitable habitat present within the project area.
San Francisco garter snake *Thamnophis sirtalis tetrataenia*	Fed: FE CA: SE, FP	A highly aquatic subspecies of the common garter snake endemic to the San Francisco Bay Area, San Francisco garter snakes are distributed along the western San Francisco Peninsula from the southern San Francisco County border south to Waddell Lagoon south of Año Nuevo and as far west as Crystal Springs Reservoir. The species often occurs near ponds, marshes, streams and other wetlands associated with cattails, bulrushes, and rushes. Mating occurs shortly after they leave their winter retreats in May and females give birth to live young between June and September. Species may hibernate in upland habitats near water in fossorial mammal burrows and other refuges, or remain active year-round weather permitting. Critical Habitat has not been designated for this species.	Possible May potentially move through property when dispersing from wetland habitats in region.

Species Name	Status	Habitat	Potential to Occur Onsite
Saltmarsh common yellowthroat *Geothlypis trichas sinuosa*	Fed: none CA: SSC BCC	The saltmarsh common yellowthroat is a wood warbler that typically inhabits freshwater, brackish and saltwater wetlands in the San Francisco Bay Area. The species is a year round resident in the Bay area. The species can be found to utilize dense vegetation in wetlands, marshes, estuaries, prairies and riparian areas. It nests in dense shrubs or emergent vegetation near or over water. Breeds April to July; double-brooded (Baicich & Harrison 2005; Zeiner, et al 1990).	Possible Suitable habitat is present on the northern and western margins of the project site.
Steelhead *Oncorhynchus mykiss irideus* Central California Coast ESU	Fed: FT, CH CA: SSC	An anadromous fish that spends several years in the ocean; returning to freshwater rivers and tributaries to spawn. The Central California Coast ESU includes all naturally spawned anadromous steelhead populations below natural and manmade impassable barriers in California streams from the Russian River, Sonoma County, CA, (inclusive) to Aptos Creek, Santa Cruz County, CA, (inclusive), and the drainages of San Francisco and San Pablo Bays eastward to the Napa River (inclusive), Napa County, CA (NMFS 1997). Steelhead usually migrate upstream to spawning areas in late fall or early winter. Spawning occurs between December and March in streams in the San Francisco Bay Area. After hatching, young steelhead remain in freshwater streams for one to four years before migrating to the ocean. Steelhead adults are capable of returning to the ocean after spawning, and may complete several ocean to freshwater annual spawning cycles.	None The project site does not contain any stream or habitats and the nearby intermittent creek does not have high enough flows to support this species.
White-tailed kite *Elanus leucurus* (nesting)	Fed: none CA: FP	Inhabits grasslands, agriculture fields, oak woodlands, savannah and riparian habitats in rural and urban areas. Feeds primarily on California voles. Forages over grassland and nests in shrubs and trees. Year-round resident of Central and Coastal California. Breeding begins in February; sometimes double-brooded (Baicich & Harrison 2005).	Possible Potential suitable foraging habitat on the project site. The species potentially nests within woodlands with adjacent grassland habitats in the surrounding area.
PLANTS			
Arcuate bush mallow (*Malacothamnus arcuatus*)	Fed: none CA: none CNPS 1B.2	Ultramafic chaparral, gravelly alluvium.	None No suitable habitat present. Project site is dominated by weedy annual grassland.
Choris's popcorn-flower (*Plagiobothrys chorisianus var. chorisianus*)	Fed: none CA: none CNPS 1B.2	Mesic sites within chaparral, coastal scrub, coastal prairie, mesic sites.	None No suitable habitat present. Project site is dominated by weedy annual grassland.
Coast yellow leptosiphon (*Leptosiphon croceus*)	Fed: none CA: none CNPS 1B.1	Coastal bluff scrub, coastal prairie.	Possible Marginally suitable habitat present. Project site is dominated by weedy annual grassland.

Species Name	Status	Habitat	Potential to Occur Onsite
Coastal marsh milk vetch (*Astragalus pycnostachyus var. pycnostachyus*)	Fed: none CA: none CNPS 1B.2	Coastal dunes, coastal salt marshes.	None No suitable habitat present. Project site is dominated by weedy annual grassland.
Coastal Triquetrella (*Triquetrella californica*)	Fed: none CA: none CNPS 1B.2	Coastal bluff scrub, coastal scrub valley and Foothill Grasslands	Possible Not detected in field surveys. Marginally suitable habitat present. Project site is dominated by weedy annual grassland.
Crystal Springs lessingia (*Lessingia arachnoidea*)	Fed: none CA: none CNPS 1B.2	Grassy slopes in valley/foothill grasslands or coastal sage scrub on serpentine soil.	None No suitable habitat present. Project site is dominated by weedy annual grassland.
Davidson's bush mallow (*Malacothamnus hallii*)	Fed: none CA: none CNPS 1B.2	Sandy washes in coastal scrub, riparian woodland, or chaparral.	None No suitable habitat present. Project site is dominated by weedy annual grassland.
Fragrant fritillary (*Fritillaria liliacea*)	Fed: FSC CA: none CNPS 1B.2	Moist areas, often ultramafic, open hills, in valley and foothill grasslands.	None No suitable habitat present. Project site is dominated by weedy annual grassland.
Franciscan onion (*Allium peninsulare var. franciscanum*)	Fed: none CA: none CNPS 1B.2	Cismontane woodland, valley and foothill grassland. Clay soils, often on serpentine. Dry hillsides.	Not Expected Not observed during field surveys. Project site is dominated by weedy annual grassland.
Franciscan thistle (*Cirsium andrewsii*)	Fed: none CA: none CNPS 1B.2	Coastal bluff scrub, broadleaved upland forest, and coastal scrub, sometimes on serpentine seeps.	None No suitable habitat present. Project site is dominated by weedy annual grassland.
Hal's bush mallow (*Malacothamnus hallii*)	Fed: none CA: none CNPS 1B.2	Mostly ultramafic chaparral	None No suitable habitat present. Project site is dominated by weedy annual grassland.
Hickman's cinquefoil (*Potentilla hickmanii*)	Fed: FE CA: SE CNPS 1B.1	Open pine forests in marshy areas and on coastal bluffs, prairies, and grassy meadows	Possible Marginally suitable habitat present. Project site is dominated by weedy annual grassland.
Indian bush mallow (*Malacothamnus aboriginum*)	Fed: none CA: none CNPS 1B.2	Cismontane woodland and chaparral, on granitic outcrops and sandy bare soils.	None No suitable habitat present. Project site is dominated by weedy annual grassland.
Kellogg's horkelia (*Horkelia cuneata ssp. sericea*)	Fed: none CA: none CNPS 1B.1	Coastal scrub, coastal sandhills and remnant dunes.	Possible Marginally suitable habitat present. Project site is dominated by weedy annual grassland.
Marsh microseris (*Microseris paludosa*)	Fed: none CA: none CNPS 1B.2	Mesic habitat in closed-cone coniferous forest, coastal scrub and coastal prairie.	None No suitable habitat present. Project site is dominated by weedy annual grassland.

Species Name	Status	Habitat	Potential to Occur Onsite
Pappose tarplant (*Centromadia parryi ssp. parryi*)	Fed: none CA: none CNPS 1B.2	Vernally mesic, often alkaline sites in prairies, grassland, and coastal marsh.	None No suitable habitat present. Project site is dominated by weedy annual grassland.
Point Reyes Horkelia (*Horkelia marinensis*)	Fed: none CA: none CNPS 1B.1	Coastal dunes, coastal prairie, coastal scrub/ sandy	Possible Marginally suitable habitat present. Project site is dominated by weedy annual grassland.
Rose leptosiphon (*Leptosiphon rosaceus*)	Fed: none CA: none CNPS 1B.1	Coastal bluff scrub.	Possible Marginally suitable habitat present. Project site is dominated by weedy annual grassland.
San Francisco campion (*Silene verecunda ssp. verecunda*)	Fed: none CA: none CNPS 1B.2	Coastal scrub, valley and foothill grassland, coastal bluff scrub, chaparral, coastal prairie. Often on mudstone or shale, within sandy or rocky habitats.	Not Expected Species not observed in field surveys. No suitable habitat present. Project site is dominated by weedy annual grassland.
San Francisco collinsia *(Collinsia multicolor)*	Fed: none CA: none CNPS 1B.2	Moist shady woodland, associated with California buckeye, honeysuckle, ferns, coast live oak, poison oak	None No suitable habitat present. Project site is dominated by weedy annual grassland.
San Francisco gumplant (*Grindelia hirsutula* var. *maritima*)	Fed: none CA: none CNPS 1B.2	Coastal scrub, coastal bluff scrub, valley and foothill grassland.	Not Expected Species not observed in field surveys. No suitable habitat present. Project site is dominated by weedy annual grassland.
San Francisco owl's clover (*Triphysaria floribunda*)	Fed: none CA: none CNPS: 1B.2	Coastal prairie, valley and foothill grassland, on serpentine and nonserpentine.	Possible Marginally suitable habitat present. Species has not been recorded in region since 1903.
San Francisco Bay spineflower (*Chorizanthe cuspidate var. cuspidate*)	Fed: none CA: none CNPS 1B.2	Sandy places in coastal: bluff, terrace, scrub, dunes, and prairie.	None No suitable habitat present. Project site is dominated by weedy annual grassland.
Western Leatherwood (*Dirca occidentalis*)	Fed: none CA: none CNPS 1B	Cool, moist slopes in foothill woodland and riparian habitat. Associated with California buckeye, coast live oak, California bay laurel, ferns, and poison oak	None No suitable habitat present. Project site is dominated by weedy annual grassland.
NATURAL COMMUNITIES			
---	State Threatened	Northern coastal salt marsh	None No suitable habitat present.
---	State Threatened	Northern maritime chaparral	None No suitable habitat present.
---	State Threatened	Serpentine bunchgrass	None No suitable habitat present.
---	State Very Threatened	Valley needlegrass grassland	None No suitable habitat present.

[1] **Explanation of State and Federal Listing Codes**

Federal listing codes:

FE	Federally listed as Endangered
FT	Federally listed as Threatened
FPE	Federally proposed for listing as Endangered
FPT	Federally proposed for listing as Threatened
FPD	Federally proposed for delisting
FC	Federal candidate species (former Category 1 candidates)
SC	Species of Concern (NMFS regulated species only)
CH	Critical Habitat (Proposed or Final) is designated
SSC	Species of Special Concern designated by the Marine Mammal Commission
FSC	*Federal Species of Concern – No longer maintained by USFWS Sacramento Regional Office*
SLC	*Species of local concern or conservation importance – No longer maintained by USFWS*

California listing codes:

SE	State listed as Endangered
ST	State listed as Threatened
SCE	State candidate for listing as Endangered
SCT	State candidate for listing as Threatened
SCD	State candidate for delisting
SSC	California Species of Special Concern
FP	Fully Protected
WL	Watch List

ABC The American Bird conservancy maintains a Green List of all the highest priority birds for conservation in the continental United States and Canada. Based off the species assessments prepared by Partners in Flight (PIF) and has been expanded to include shorebirds, waterbirds and waterfowl.

AFS American Fisheries Society identifies marine, estuarine and diadromous fish species that are at risk of extinction in North America. The AFS has designated the following four classifications in order of conservation importance E – Endangered, T – Threatened, V – Vulnerable, and CD – Conservation Dependent.

Audubon Audubon Watchlist: ●RED: species in this category are declining rapidly, have very small populations or limited ranges and face major conservation threats. These typically are species of global conservation concern. YELLOW: this category includes those species that are also declining but at a slower rate than those in the red category. These typically are species of national conservation concern. ●GREEN: species in this category are not declining, have unknown trends, or have very large population sizes; and are not included on the Watchlist.

BCC U.S. Fish and Wildlife Service Birds of Conservation Concern. List of migratory and nonmigratory bird species (beyond those already designated as federally threatened or endangered) that represent the Service's highest conservation priorities.

BLM Bureau of Land Management. Species designated as "Sensitive Species" are treated with the same level of protection that is given to federal candidate species.

CNPS California Native Plant Society. CNPS 1B = California Native Plant Society: rare or endangered in CA or elsewhere. 0.1: Seriously endangered in California; 0.2: Fairly endangered in California, CNPS 2 = California Native Plant Society: rare or endangered in CA but more common elsewhere., CNPS 3 = California Native Plant Society: more information is needed to determine degree of sensitivity, CNPS 4 = California Native Plant Society: plant of limited distribution.

CDFGC California Department of Fish and Game Code: §3503 prohibits the taking, possession or needless destruction of the nest or eggs of any bird; §3503.5 prohibits the taking, possession or destruction of any bird in the order Falconiformes or Strigiformes (birds-of-prey) or the taking, possession or destruction of the nest or eggs of any such bird; §3511 outlines protection for fully protected birds; and §3513 prohibits the taking or possession of any migratory non-game bird as designated in the Migratory Bird Treaty Act.

FS USDA Forest Service designates species as "sensitive" that are not listed or proposed for listing by the federal Endangered Species Act for which population viability is a concern, as evidenced by significant current or predicted downward trends in population numbers or density, or significant current or predicted downward trends in habitat capability that would reduce a species' existing distribution.

MBTA Migratory Bird Treaty Act. Species of migratory birds protected by the Migratory Bird Treaty Act (16 U.S.C. 703-711) and subject to the regulations on migratory birds contained in this subchapter B of title 50 CFR.

MNBMC Migratory Nongame Bird of Management Concern: Considered to be of concern in the U.S. due to documented or apparent population decline, small or restricted population, or dependence on restricted or vulnerable habitat.

0 Regionally Unique Species, considered under CEQA.

Special Animal "Special Animals" is a general term that refers to all of the taxa the CNDDB is interested in tracking, regardless of their legal or protection status. This list is also referred to as the list of "species at risk" or "special status species". The Department of Fish and Game considers the taxa on this list to be those of greatest conservation need.

USBC The United States Bird Conservation Watch List. Includes the Partners in Flight (PIF) Watch List, the United States Shorebird Conservation Plan Watch List and the Waterbird Conservation for the Americas Watch List.

WBWG The Western Bat Working Group. H – High Priority indicates species that are imperiled or are at high risk of imperilment based on available information on distribution, status, ecology and known threats; M – Medium Priority indicates a lack of information to assess the species' status; L – Low Priority indicates relatively stable populations based on available data. The WBWG also uses intermediary designations including MH – Medium-High and LM – Low-Medium priorities.

Xerces Xerces Society for Invertebrate Conservation. Red List identifies endangered, threatened or at-risk pollinator species. PE – Possibly Extinct indicates species only known from historical occurrences; CI – Critically Imperiled indicates species at very high risk of extinction; I – Imperiled indicates species at high risk of extinction; V – Vulnerable indicates species at moderate risk of extinction; DD – Data Deficient indicates lack of information to sufficiently assess status.

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County of San Mateo - Planning and Building Department

ATTACHMENT G

View from Magellan

San Mateo County Board of Supervisors Meeting

Owner/Applicant: **J. MERWIN TRUST / VAN MECHELEN** Attachment: **G**

File Numbers: **PLN2010-00255**

View from Magellan

San Mateo County Board of Supervisors Meeting

Owner/Applicant: **J. MERWIN TRUST / VAN MECHELEN** Attachment: **G**

File Numbers: **PLN2010-00255**

View from south

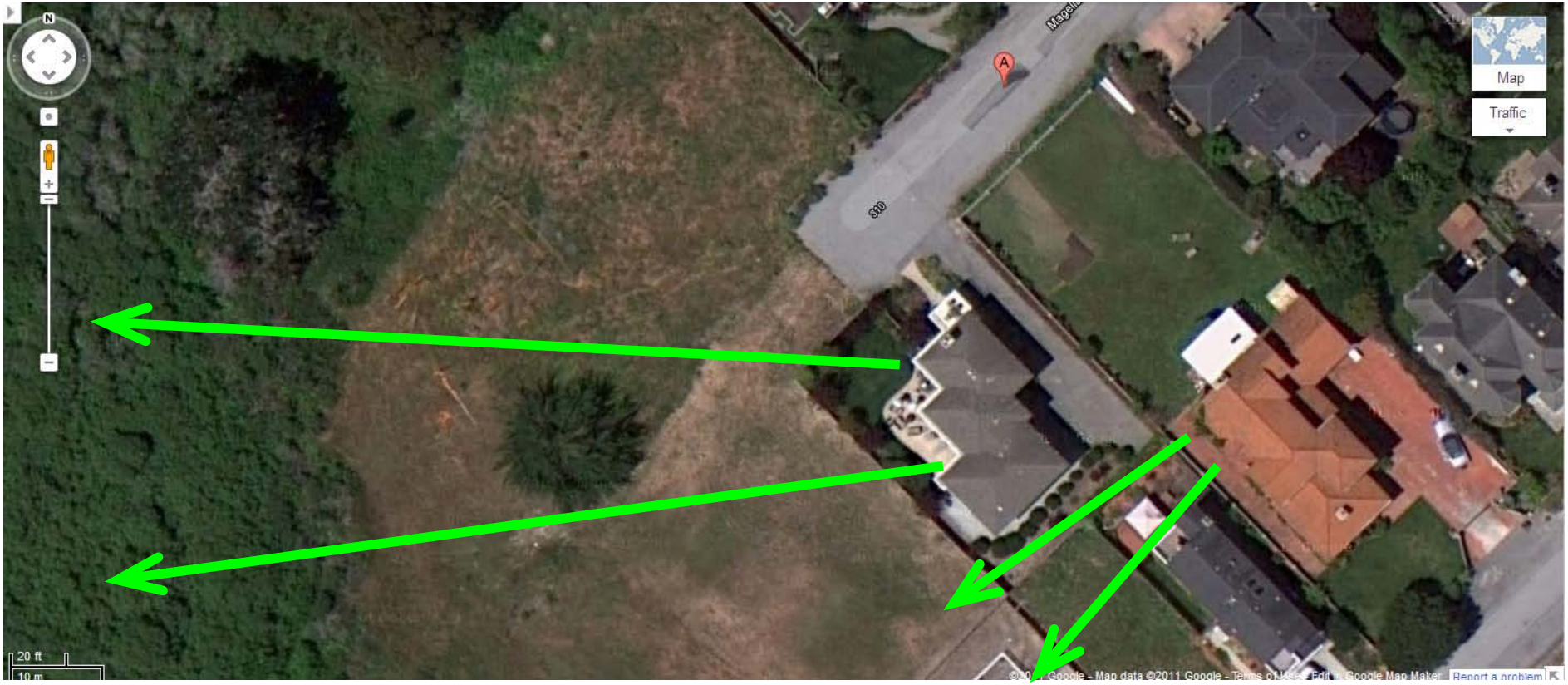
San Mateo County Board of Supervisors Meeting

Owner/Applicant: **J. MERWIN TRUST / VAN MECHELEN** Attachment: **G**

File Numbers: **PLN2010-00255**

View from the end of Magellan

View from the end of Magellan

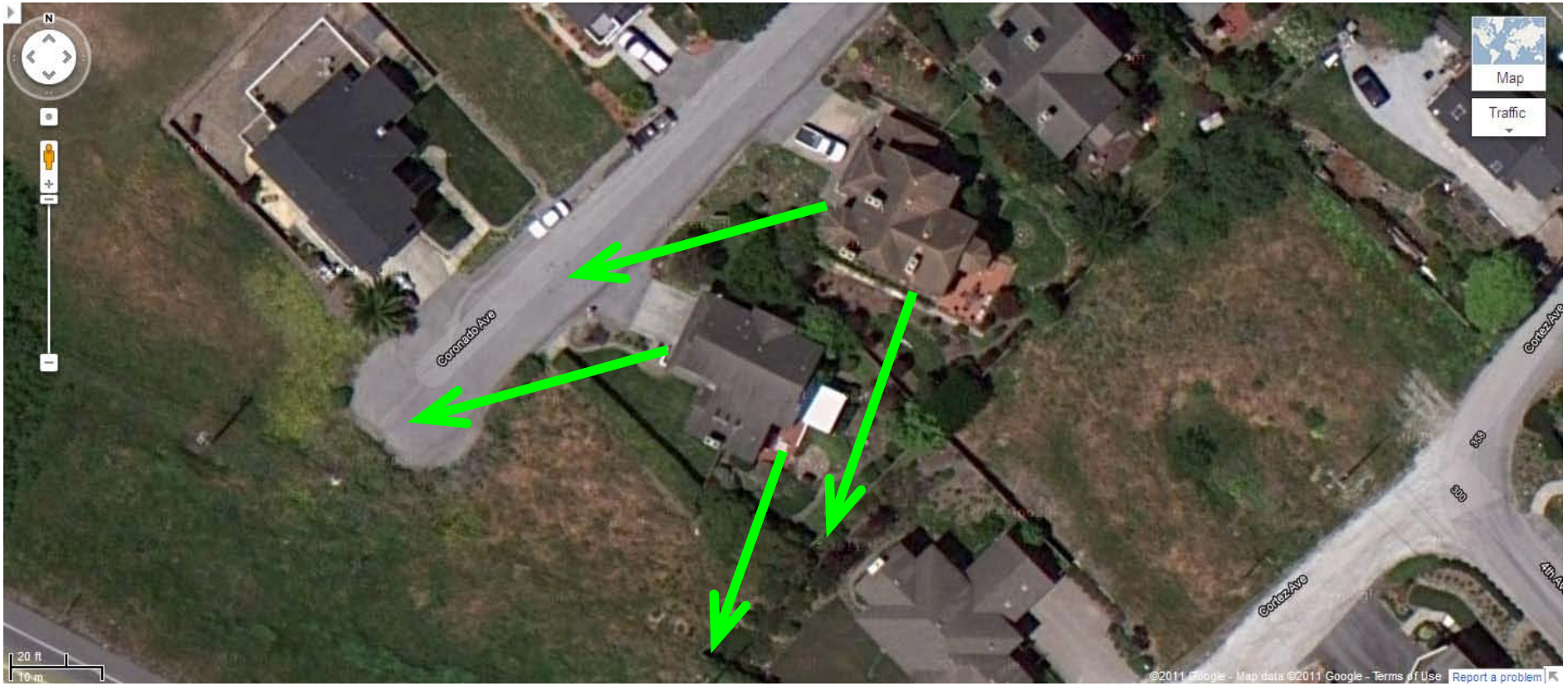


View corridor for neighbor across the street

San Mateo County Board of Supervisors Meeting

Owner/Applicant: **J. MERWIN TRUST / VAN MECHELEN** Attachment: **G**

File Numbers: **PLN2010-00255**



View corridor for neighbors on Coronado

San Mateo County Board of Supervisors Meeting

Owner/Applicant: **J. MERWIN TRUST / VAN MECHELEN** Attachment: **G**

File Numbers: **PLN2010-00255**

Magellan East Neighbor Windows

San Mateo County Board of Supervisors Meeting

Owner/Applicant: **J. MERWIN TRUST / VAN MECHELEN** Attachment: **G**

File Numbers: **PLN2010-00255**

County of San Mateo - Planning and Building Department

ATTACHMENT H

San Mateo County Board of Supervisors Meeting

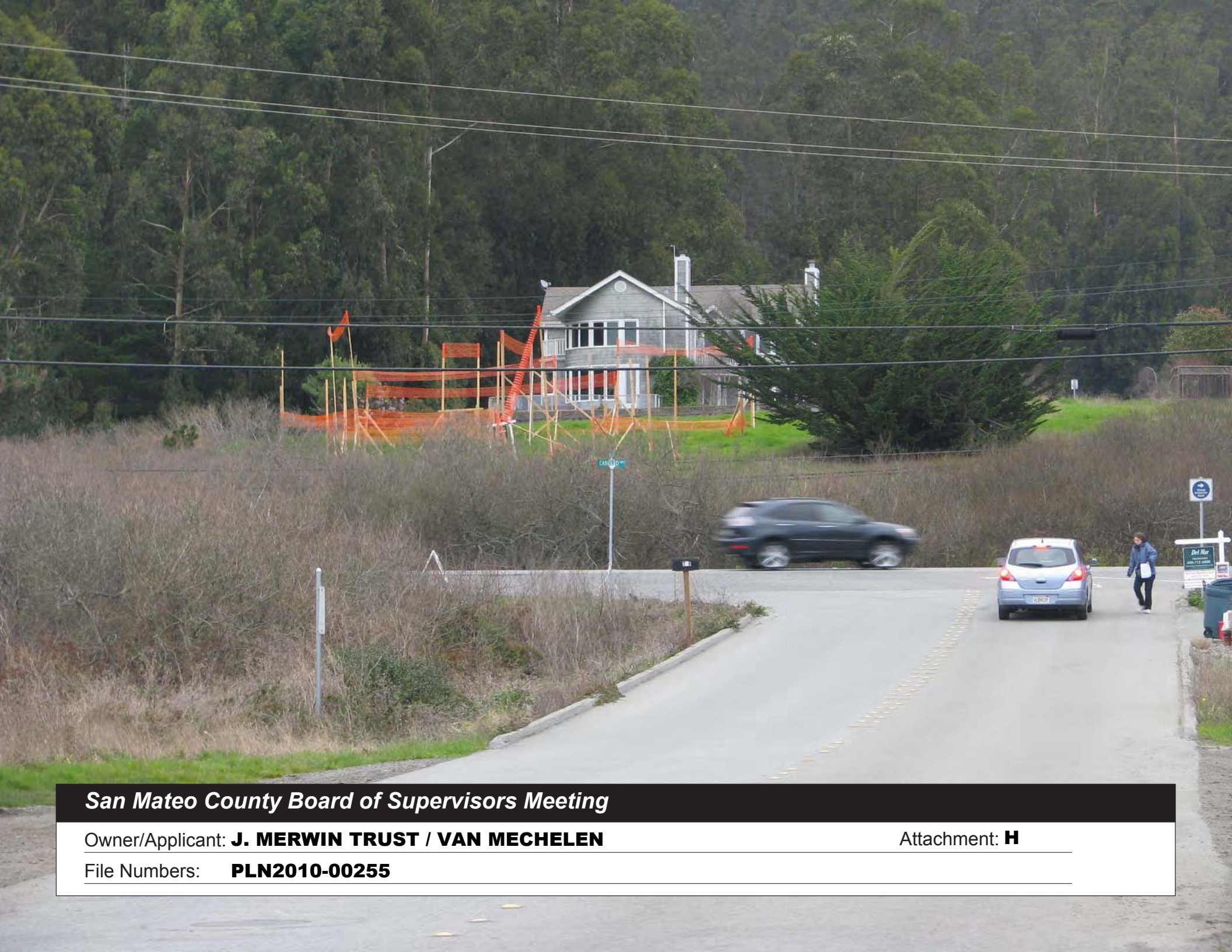
Owner/Applicant: **J. MERWIN TRUST / VAN MECHELEN** Attachment: **H**

File Numbers: **PLN2010-00255**

San Mateo County Board of Supervisors Meeting

Owner/Applicant: **J. MERWIN TRUST / VAN MECHELEN** Attachment: **H**

File Numbers: **PLN2010-00255**



San Mateo County Board of Supervisors Meeting

Owner/Applicant: **J. MERWIN TRUST / VAN MECHELEN** Attachment: **H**

File Numbers: **PLN2010-00255**

San Mateo County Board of Supervisors Meeting

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San Mateo County Board of Supervisors Meeting

Owner/Applicant: **J. MERWIN TRUST / VAN MECHELEN** Attachment: **H**

File Numbers: **PLN2010-00255**

County of San Mateo - Planning and Building Department

ATTACHMENT I

Figure 2. Project Site and Sensitive Biological Resources

Map produced by Coast Ridge Ecology, July 25, 2010. Base map source: Google Maps. Riparian corridor and property boundaries approximated based on GPS data points and field observations of riparian vegetation.

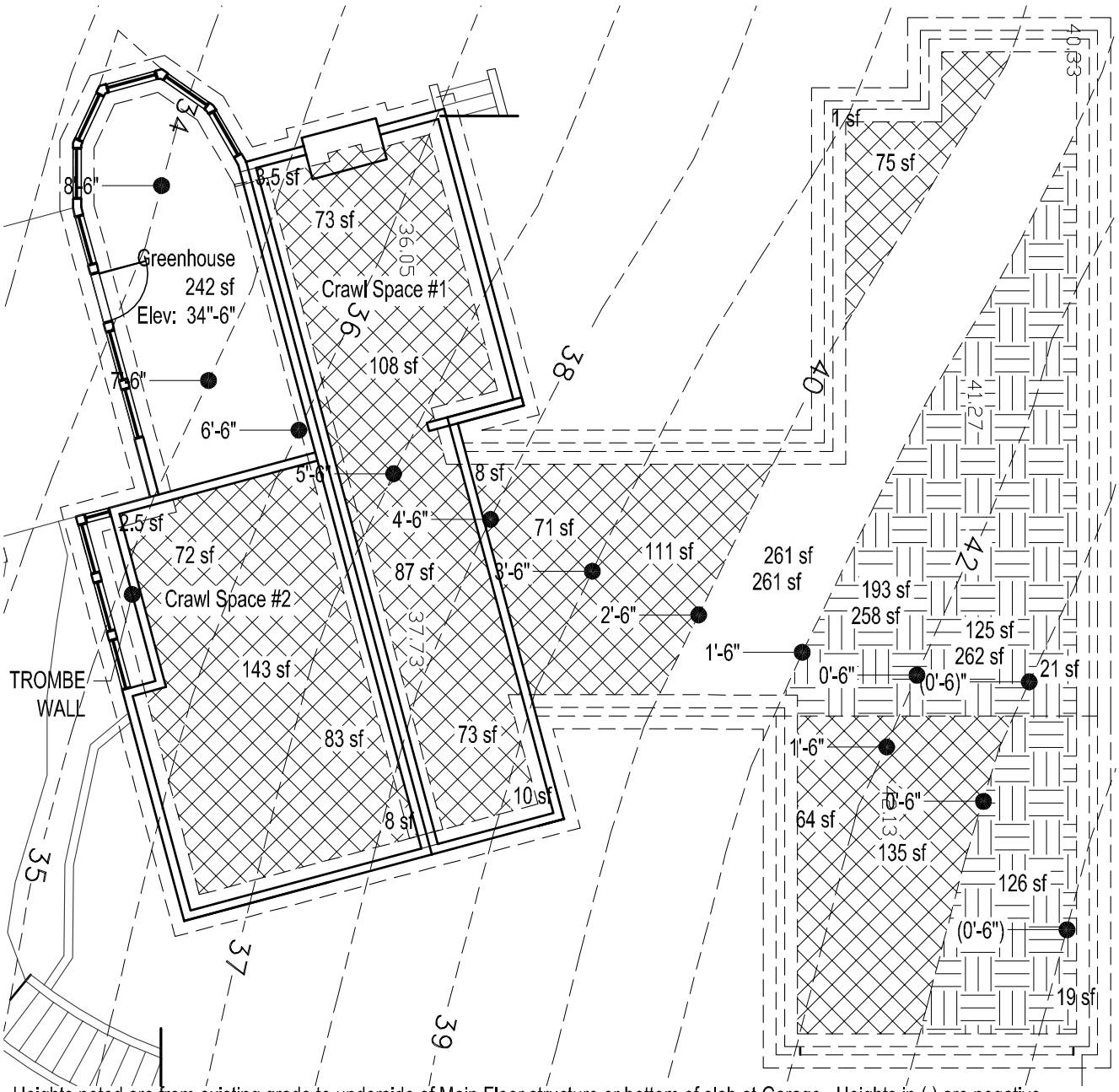
San Mateo County Board of Supervisors Meeting

Owner/Applicant: **J. MERWIN TRUST / VAN MECHELEN** Attachment: **H**

File Numbers: **PLN2010-00255**

County of San Mateo - Planning and Building Department

ATTACHMENT J



Heights noted are from existing grade to underside of Main Floor structure or bottom of slab at Garage. Heights in ( ) are negative.

All areas less than 1'-6" in clear height require excavation to comply with minimum crawl space clearances of the California Building Code. To minimize off hauling, excavated soil, including soil excavated for footings, will be used to partially fill the areas identified as Crawl Space #1 & #2, as well as the exterior Courtyard.

CUT REQUIRED AREA

FILL AREA

1 / - LOWER FLOOR PLAN

1/8" = 1'-0"

New Residence for:

Moreland Development

Magellan St Block 2, Parcels 14/15

Miramar, CA

VanMechelen Architects
732 Gilman Street Berkeley CA 94710
(510) 558.1075 fax: (510) 558.1076
info@vanmechelenarchitects.com

Ground Floor Ceiling Heights

25 April 2012

Scale: As Noted