



County of San Mateo

Planning & Building Department

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January 14, 2011

Golden Gate National Recreation Area
Attn: Paul Batlan, Realty Specialist
Fort Mason, Building 201
San Francisco, CA 94123

San Mateo County Parks Department
Attn: Sam Herzberg
455 County Center, 4th Floor
Redwood City, CA 94063

San Mateo County Parks Department
Attn: Gary Lockman
455 County Center, 4th Floor
Redwood City, CA 94063

Subject: Letter of Decision
File Number: PLN2010-00093
Applicant: County of San Mateo Parks Department
Location: Fitzgerald Marine Reserve, Moss Beach

On January 12, 2011, the San Mateo County Planning Commission considered a Coastal Development Permit, pursuant to Section 6328.4 of the County Zoning Regulations, to allow coastal trail public access improvements located within the Fitzgerald Marine Reserve, and certification of a Mitigated Negative Declaration, pursuant to the California Environmental Quality Act (CEQA). The project site is adjacent to North Lake Street and Cypress Avenue in the unincorporated Moss Beach area of San Mateo County.

Based on information provided by staff and evidence presented at the hearing, the Planning Commission approved the project with modified conditions as submitted by Lennie Roberts, Committee for Green Foothills, during the hearing. The modified conditions are included in Attachment A and are identified with an asterisk (*); Condition 29 was added and Condition 26 was modified by the Commission during the hearing.

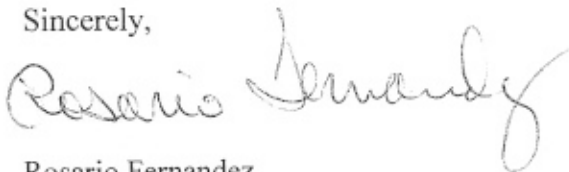
Golden Gate National Recreation Area
Sam Herzberg
Gary Lockman
January 14, 2011
Page 2

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 January 26, 2011.**

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

If you have questions regarding this matter, please contact Melissa Ross, Project Planner, at 650/599-1559.

Sincerely,



Rosario Fernandez
Planning Commission Secretary

cc: Lucy Hupp Williams
Susy Castoria
Mike Ferreira
Sabrina Brennan
Alan Harris
Lennie Roberts
Kathryn Slater-Carter

Enclosure: San Mateo County Survey - An online version of our Customer Survey is also available at: <http://www.co.sanmateo.ca.us/planning/survey>

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FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2010-00093 Hearing Date: January 12, 2011

Prepared By: Melissa Ross, Project Planner Adopted By: Planning Commission

FINDINGS

Regarding the Environmental Review, Found:

1. That the Mitigated Negative Declaration is complete, correct and adequate for this project, 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 in to 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 Section 6328.7 of the San Mateo County Zoning Regulations and as conditioned in accordance with Section 6328.14 of the San Mateo County Zoning Regulations, conforms

- with the plans, policies, requirements and standards of the San Mateo County Local Coastal Program as discussed in the staff report.
6. Where the project is located between the nearest public road and the sea, that the project is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Section 30200 of the Public Resources Code).
 7. That the project conforms to the specific findings required by policies of the San Mateo County LCP. As discussed in the staff report under Section A.2, the applicant has agreed to implement the mitigation measures identified in the biological report in order to minimize any potential impact to biological resources to a less than significant impact.

CONDITIONS OF APPROVAL

Current Planning Section

1. This approval applies only to the proposal, documents and plans described in this report and submitted to and approved by the Planning Commission at its January 12, 2011 meeting. Minor revisions or modifications to this project may be made subject to the review and approval of the Community Development Director.
2. Prior to the beginning of grading and construction activities, the applicant shall submit to the Planning Department for review and approval, an erosion and drainage control plan which shows how the transport and discharge of soil and pollutants from the project site will be minimized. 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.
 - b. 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.
 - c. Storing, handling, and disposing of construction materials and wastes so as to avoid their entry to a local storm drain system or water body.

- d. Avoiding cleaning, fueling or maintaining vehicles on-site, except in an area designated to contain and treat runoff.

The approved erosion and drainage control plan shall be implemented prior to the beginning of grading activities.

3. This permit shall be valid for one year in which time, the applicant shall commence construction. Any extension of this permit shall require submittal of an application for permit extension and payment of applicable permit extension fees.
4. Bats. If construction will occur during the bats maternity roosting season (defined as: April 1 through August 31), then the applicant shall perform pre-construction surveys for bats. Surveys shall be conducted by a qualified biologist no less than 14 days prior to removal of trees, snags or buildings within the Study Area. Ultrasonic acoustic surveys and/or other site appropriate survey methods shall be performed to determine the presence or absence of bats utilizing the Study Area as roosting or foraging habitat. If special status bat species are detected during surveys, appropriate species and roost specific mitigation measures shall be developed. Such measures may include postponing removal of trees, snags or structures until the end of the maternity roosting season or construction of species appropriate roosting habitat within, or adjacent to the Study Area.

Trees, snags and buildings may be removed outside of the maternity roosting season without performing pre-construction bat surveys. However, if buildings are to be demolished, internal entrance surveys shall be performed by a qualified bat biologist no less than 14 days prior to demolition to determine if buildings currently or previously support roosting bats. If bats are determined to be present, appropriate methods shall be used to exclude bats from the building. Such methods may include installation of one way "valves" to allow bats to exit, but not allow them to re-enter the building. Species and roost appropriate mitigation measures shall be developed based on the results of the survey in consultation with the California Department of Fish and Game (CDFG).

- *5. Dusky-footed woodrat. If stick houses are observed, they shall be avoided if possible. If any stick house must be destroyed, observance and live trapping should be done by a qualified biologist to determine if it is occupied, and if so whether by a male or female. If by a lactating female, the nest should be left undisturbed for one month until the young are mature enough to be relocated.

6. Pacific harbor seal. The Pacific harbor seal is known to haul out offshore of the Study Area. Construction activities in the Study Area may have the potential to impact this species through acoustic or visual disturbance.

Visual and acoustic disturbance during construction may affect the behavior of the Pacific harbor seal. Construction noise levels shall be kept lower than 160 decibels - the limit recommended by the National Marine Fisheries Service (NMFS) for the protection of marine mammals. The applicant shall coordinate with NMFS for the issuance of a marine mammal Incidental Harassment Authorization Permit or Letter of Concurrence for potential disturbances to the seals, if NMFS determines that one is necessary.

7. Birds. Nesting birds, including a number of special status birds, may be impacted if construction activities occur in or near potential breeding habitat (aquatic and upland vegetation) during the breeding season from February through August.

If possible, the clearing of vegetation and the initiation of construction shall be done in the non-breeding season between September and January. If these activities cannot be done in the non-breeding season, a qualified biologist shall perform pre-construction breeding bird surveys within 14 days of the onset of construction or clearing of vegetation. If nesting birds are discovered in the vicinity of planned construction, a buffer area around the nest will be established until the nest is vacated. The size of the buffer would be dependent on the habitat, level of disturbance and the particular species of nesting bird. Tree removal shall be prohibited during the nesting season and trees shall not be felled into sensitive areas in the archaeological area, the creek and its riparian area.

8. California red-legged frog and San Francisco garter snake. Upland dispersal, foraging and estivation habitat for California red-legged frog (CRLF) and San Francisco garter snake (SFGS) may be impacted by the proposed project.
 - a. Prior to the start of groundbreaking activities, all construction personnel will receive training on listed species and their habitats by a USFWS-approved biologist. The importance of these species and their habitat will be described to all employees as well as the minimization and avoidance measures that are to be implemented as part of the project. An educational brochure containing color photographs of all listed species in the work area(s) will be distributed to all employees working within the project site(s). The original list of employees who attend the training sessions will be maintained by the applicant and be made available for review by the USFWS upon request.

- b. Wildlife exclusion fencing will be erected and maintained around the perimeter of the project and project staging areas to prevent SFGS and CRLF from entering the site. Installation of the fence will be performed under the supervision of a USFWS-approved biologist. Once the fencing is installed, workers will clear all vegetation within this area with belt driven weed whackers or other hand tools to a height of 4-6 inches. Following the removal of vegetation, pre-construction surveys will be performed prior to the start of any groundbreaking activities by a USFWS-approved biologist. Fencing will be equipped with one-way escape funnels. Fencing will extend a minimum of 36 inches above ground level and will be buried 4-6 inches into the ground. Exclusion fencing will be checked a minimum of one time per week by biological monitors for the duration of the project to identify problems or weaknesses in fence integrity and function. All compromised portions will be repaired and/or replaced immediately. Upon completion of the project, all fencing material will be removed from the site and disposed of properly.
- c. A USFWS-approved biologist shall be present at the work site until such time as all removal of CRLF and/or SFGS, instruction of workers, and habitat disturbance have been completed. After this time, the contractor or permittee shall designate a person to monitor on-site compliance with all minimization measures. The USFWS-approved biologist shall ensure that this individual (on-site biological monitor) receives training outlined (above) under Section (a) and in the identification of CRLF and SFGS. The on-site biological monitor and the USFWS-approved biologist shall have the authority to halt any action that might result in impacts that exceed the levels anticipated by the Corps and USFWS during review of the proposed action. If work is stopped, the Corps and USFWS shall be notified immediately by the USFWS-approved biologist or on-site biological monitor.
- d. The on-site biological monitor(s) will remain on-site for the duration of the proposed project, including vegetation removal, grading and cleanup activities. If a CRLF or SFGS is observed at any time, the on-site biological monitor will have the authority to halt work on the project site until these animals are no longer within the work area. If construction activities are occurring at more than one location at a time, each area must have a minimum of one on-site biological monitor present to increase the likelihood that listed species are detected.
- e. Tightly woven fiber netting or similar material shall be used for erosion control or other purposes at the project to ensure that the CRLF and SFGS do not get trapped.

This limitation will be communicated to the contractor. Plastic mono-filament netting (erosion control matting), rolled erosion control products or similar material shall not be used at the project site because red-legged frog, garter snake, and other species may become entangled or trapped in it.

- f. Because CRLF and SFGS may take refuge in cavity-like and den-like structures such as pipes and may enter stored pipes and become trapped, all construction pipes, culverts, or similar structures that are stored at a construction site for one or more overnight periods will be either securely capped prior to storage or thoroughly inspected by the on-site biologist and/or the construction foreman/manager for these animals before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a red-legged frog is discovered inside a pipe by the on-site biologist or anyone else, the on-site biologist shall move the animal to a safe nearby location and monitor it until it is determined that it is not imperiled by predators or other dangers. If a SFGS is found, it should be allowed to passively leave the work area on its own, as determined by the on-site biologist, or moved by a SFGS permitted biologist with permission from USFWS and CDFG.
- g. To prevent inadvertent entrapment of CRLF and SFGS during construction, the on-site biologist and/or construction foreman/manager shall ensure that all excavated, steep-walled holes or trenches, more than 1-foot deep, are completely covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks and inspected by the on-site biologist. Before such holes or trenches are filled, they will be thoroughly inspected for trapped animals by the on-site biologist and/or construction foreman/manager. If at any time a trapped CRLF or SFGS is discovered by the on-site biologist or anyone else, it should be allowed to passively leave the work area on its own, as determined by the on-site biologist, or moved by a SFGS permitted biologist with permission from USFWS and CDFG.

9. California Red-Legged Frog Specific Conditions

- a. Pre-construction surveys for the CRLF will be performed by USFWS-approved biologists throughout the action area immediately prior to groundbreaking activities. If a CRLF is observed, a USFWS-approved biologist will remove these individuals to locations outside of the work area but within the greater property boundary. Red-legged frogs will not be removed from the vicinity or remain in captivity over night unless in the care of a certified wildlife veterinarian.

Golden Gate National Recreation Area

Sam Herzberg

Gary Lockman

January 14, 2011

Page 9

- b. Under no circumstances will mosquito fish (*Gambusia affinis*) be introduced at any location within the Study Area. If pesticide application for mosquito abatement becomes necessary, the applicant will contact the USFWS and the San Mateo Mosquito Abatement District for further guidance.
- c. Upon completion of the construction and rehabilitation phases of the proposed project, the applicant will monitor the property regularly and according to a USFWS-approved monitoring plan to ensure the successful establishment of native plants in all restored areas. Any plant species observed in these areas determined to be invasive will be removed.
- d. Because dusk and dawn are often the times when CRLF are most actively foraging and dispersing, all construction activities should cease one-half hour before sunset and should not begin prior to one-half hour before sunrise.

10. San Francisco Garter Snake Specific Conditions

- a. Pre-construction surveys for the SFGS will be performed by USFWS-approved biologists throughout the action area immediately prior to groundbreaking activities. If at any time during the survey, vegetation removal, or construction phases of the proposed project a SFGS is observed within the action area, the animal will be allowed to passively leave the work area unless in circumstances where the animal is determined to be trapped as discussed above.
 - b. All vegetation removed during trail construction activities will remain on-site upon completion of trail development. A portion of this vegetation will be utilized to facilitate the rehabilitation of the existing unofficial trails. The remainder of the removed vegetation will be bundled into small piles and placed near on-site aquatic areas to provide cover for local SFGS.
- *11. The applicant shall restore the area of the removed bridge and old trail alignment through decompaction or scarifying of the compacted trail area, placement of soil over decompacted areas where appropriate, and revegetation which incorporates species native to the area, including willows adjacent to the stream. The restored area shall be maintained and monitored to ensure success over a 5-year period.
12. All best management practices prescribed by the San Mateo County Planning Department

for work within sensitive habitat areas will be implemented to the full extent.

13. Designated construction staging areas will be utilized as the staging areas for the trail and bridge construction activities. All vehicles associated with project activities will be clustered within these areas at the end of each workday or when not in use to minimize habitat disturbance and water quality degradation. Before vehicles move from the staging areas at the start of each workday or before they return to this location at the end of each workday, the on-site biological monitor will check under the vehicles and their tires to ensure no listed species are utilizing the equipment as temporary shelter.
14. No lighting will be incorporated at any location into the project design.
15. To discourage recreational users from leaving designated trails, interpretive signs describing the sensitivity of the habitat and how to utilize the property in an ecologically sensitive manner will be placed at trailheads and wetlands adjacent to enhanced trails. If rehabilitated trails show continued signs of usage, the applicant will implement additional preventative measures, such as the installation of additional signage or fencing. Trailhead signs will also describe the importance of prohibitions on unrestrained domestic pets and the associated fines for violating these laws.
16. No trash shall be deposited on the site during construction activities. All trash shall be placed in trash receptacles with secure lids or stored in vehicles.
17. Fueling and maintenance of equipment will be conducted off-site and at least 50 feet from any wetland.
18. Permanent and temporary disturbances and other types of project-related disturbance to the habitats of the garter snake shall be minimized to the maximum extent practicable. To minimize temporary disturbances, all project-related vehicle traffic shall be restricted to established roads, construction areas, and other designated areas. These areas should be established in locations disturbed by previous activities to prevent further adverse effects.
19. The applicant shall compensate for impacts to California wild strawberry by replacing ice plant with native strawberry at a 1:1 ratio of planted strawberry habitat to impacted area. California wild strawberry will be planted in areas currently dominated by ice plant that are adjacent to those locations where impacts to existing strawberry are proposed. If no ice plant is found within the areas of the trail improvements, replanting of wild strawberry in a 1:1 ratio shall occur in a suitable location as close as possible to the area of the removed

wild strawberry. Temporary impacted areas of California strawberry as a result of project activities will be replanted and returned to pre-construction conditions. California wild strawberry planting activities will take place concurrently with trail improvements. To ensure optimal survival and establishment, plantings will be installed in the fall before the onset of the rainy season. This compensation shall be documented through the submittal of a mitigation planting plan, which shall include final success criteria, implementation measures, maintenance and monitoring plan.

20. The applicant shall implement the following dust control measures during grading and construction activities:
 - a. Water all active construction and grading areas at least twice daily.
 - b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
 - c. Pave, apply water two times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at the project site.
 - d. Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
 - e. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- *21. Noise levels produced by proposed construction activities 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. Construction operations shall be prohibited on Saturday and Sunday and any national holiday.
22. The proposed pedestrian bridge shall be supported by a concrete abutment that will be constructed at or above existing grade on the south bank of San Vicente Creek. The abutment shall be supported by three 3-inch diameter metal pilings, which shall be installed to a depth (> 37 feet) that will contact bedrock.
 - a. Pilings shall be installed using a small vibratory hammer mounted on small rubber tired or tracked Bobcat or equivalent equipment.

- b. Heavy equipment shall be rubber tired or rubber tracked and of the smallest size necessary to complete any earthwork.
 - c. Pilings shall be placed within the smallest area possible subject to ground disturbance near the creek edge.
 - d. Any area, within the archaeological site or immediately adjacent to the recorded site boundary, subject to disturbance by workers or equipment, shall be protected by installing straw layer/wood mats on the surface prior to work. The straw layer/wood mats shall be placed by hand and removed by hand to avoid surface disturbance.
23. A segment of the California Coastal Trail is present within the archaeological resource. The segment shall be installed above the existing grade in order to minimize disturbances to the ground surface.
- a. Engineered fill shall be placed over the ground surface in the locations of the trail in order to protect the archaeological site. The fill shall have a minimum depth of 12 inches and may increase in thickness to approximately 24 inches at the south bridge abutment.
 - b. A permeable geo-textile fabric will be installed on top of the undisturbed ground surface and underneath the engineered fill to mark the location of the undisturbed ground surface. Standard installation methods for the trail within the archaeological site shall:
 - c. Omit compaction of sub-grade;
 - d. Place fill soils for the protective cap in 4-inch lifts; and,
 - e. Compact with static smooth drum roller instead of vibratory compaction.
 - f. Any area, within the archaeological site or immediately adjacent to the recorded site boundary, subject to disturbance by workers or equipment, shall be protected by installing straw layer/wood mats on the surface prior to work. The straw layer/wood mats shall be placed by hand and removed by hand to avoid surface disturbance.
 - g. Heavy equipment shall be rubber tired or rubber tracked and of the smallest size necessary to complete any earthwork.

- h. Hand construction of the trail within the archaeological site boundary shall be utilized wherever practical to minimize mechanical damage.
 - i. Fill material shall be brought to the project area via the existing unimproved trail that is accessed from Cypress Avenue. No improvements shall be made to the trail.
 - j. Heavy equipment and temporary fill stockpiles shall be prohibited within or adjacent to the recorded archaeological site boundary. The "no-go" zones along trail alignment within site boundary shall be marked during construction. Install barrier fencing to confine equipment and construction traffic to trail within site boundary.
 - k. Temporary fill stockpiles may be placed along the existing trail if they are more than 25 feet from the recorded site boundary.
 - l. Fill shall be transferred from stockpile areas to areas within the archaeological site by hand whenever possible or using equipment if the pressure applied by the combined weight of the equipment and fill shall not cause compaction of the ground surface within the site (Note: applied pressure shall not exceed 15 pounds per square inch). Only rubber tire or rubber track equipment shall be used. All ground disturbing construction or construction with the potential for native soil ground disturbance within or within 50 feet of the recorded site boundary of CA-SMA-133 shall be monitored by a professional archaeologist meeting the Secretary of the Interior's standards.
 - m. Archaeological monitor shall have the authority to temporarily halt any ground disturbing construction to identify and evaluate any archaeological materials inadvertently exposed during construction. The exposure of significant resources could result in the development of a treatment program including scientific removal, analysis and reporting. The exposure of any Native American burials shall be handled in accordance with state law.
24. The applicant shall submit colors for the E.T. Techtonics fiberglass bridge for review and approval by the Current Planning Section prior to installation. Color(s) shall blend with the surrounding vegetation (e.g. grey-green). Any color or materials, additions, or modifications of the approved color are subject to review and approval by the Community Development Director prior to installation.

25. The applicant shall install a GravelPave² system for the trail improvements. Colors shall blend with the surrounding environment (e.g. tan or grey). Colors shall be reviewed for approval by the Current Planning Section. Any color or materials, additions, or modifications are subject to review and approval by the Community Development Director prior to installation.
26. No additional trees beyond those notated in this staff report shall be removed. Removal of any tree with a diameter equal to or greater than 12 inches as measures 4.5 feet above the ground shall require a separate tree removal permit. For each tree removed, the applicant shall replant in a 2:1 ratio with native trees.
- *27. The disturbance or removal of native vegetation shall not exceed the minimum necessary to construct the trail. In particular, the applicant shall minimize disturbance to the area of the Western sword fern and rushes to the maximum extent possible. Any Western sword fern or rushes that must be removed by trail construction shall be carefully removed, save, and replanted as part of the revegetation of this area.
- *28. The applicant shall remove cape ivy in advance of any disturbance or removal of soil and spot treat resprouts with an herbicide. Cape ivy roots or root segments shall be removed from any soil being moved during construction.
29. The applicant shall minimize ground disturbance and only install unimproved shoulders where the current trail width is less than 8 feet and only where necessary for structural support of the new trail system. Unimproved shoulders shall not be installed where the topography immediately adjacent to the new trail is flat (e.g. Cypress Avenue Trailhead).