

Planning & Building Department

455 County Center, 2nd Floor Redwood City, California 94063 650/363-4161 Fax: 650/363-4849

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

Please reply to: Melissa Ross

(650) 599-1559

June 27, 2008

CalTrans Attn: Stefan Galvez 111 Grand Avenue Oakland, CA 94623

Dear Mr. Galvez:

Subject:

File Number PLN2007-00277

Location:

Date Street, Montara

APN:

036-161-340

On June 25, 2008, the San Mateo County Planning Commission considered an "After-the-Fact" Coastal Development Permit, pursuant to Section 6328 of the San Mateo County Zoning Regulations, to allow the construction of a fence. The project includes site restoration and 250 cubic yards of excavation. The project site is located diagonally across Date Street along the edge of the State Highway 1 bypass right-of-way, in the unincorporated Montara area of San Mateo County.

Based on information provided by staff and evidence presented at the public hearing, the Planning Commission approved the Coastal Development Permit with the following modifications to the conditions of approval on the attachment, and denied the construction of a 210-foot long, 6-foot high chain link fence along the property line adjacent to 932 Date Street.

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 July 10, 2008.

A Board of Supervisors' 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 ten (10) working days following the Coastal Commission's receipt of the Board's decision. Please contact the Coastal Commission's North Central Coast District CalTrans

Attn: Stefan Galvez

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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 the Project Planner listed on page one.

Sincerely,

Rosario Fernandez

Planning Commission Secretary

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cc: Department of Public Works

Building Inspection

Cal-Fire

Assessor

Point Montara Fire

David J. Byers

William Botieff

Abdullah Arakozie

Frank Valentini

Michael McCracken

Anita Botieff

Amy Mollin

Larry Ross

Jamey Wyman

Robert Buelteman

CalTrans

Attn: Stefan Galvez

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Attachment

County of San Mateo Planning and Building Department

FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2007-00277 Hearing Date: June 25, 2008

Prepared By: Melissa Ross, Project Planner For Adoption By: Planning Commission

FINDINGS

Regarding the Environmental Review, Found:

1. That the Commission, acting as a responsible agency, has reviewed and considered the <u>Categorical Exemption/Categorical Exclusion Determination</u>, prepared by CalTrans as lead agency.

Regarding the Coastal Development Permit, Found:

- 2. That the project, as described in the application and accompanying materials required by Section 6328.7 and as conditioned in accordance with Section 6328.14, conforms with the plans, policies, requirements and standards of the San Mateo County LCP because the plans and materials have been reviewed against the application requirements in Section 6328.7 and the project has been conditioned to minimize visual impact in accordance to the Visual Resources Component of the LCP.
- 3. That the project conforms to the specific findings required by policies of the San Mateo County LCP. Staff has added conditions which further limit impact by requiring the installation of rock bollards, restoration of the site, requiring removal of the chain link fence, and prohibiting the installation of K-rail (concrete barriers).

CONDITIONS OF APPROVAL

Current Planning Section

1. This approval applies only to the proposal, documents and plans described in this report and submitted to, approved, and modified by the Planning Commission on June 25, 2008.

CalTrans Attn: Stefan Galvez June 27, 2008 Page 4

Minor revisions or modifications may be approved by the Community Development Director if they are consistent with the intent and in substantial conformance with this approval.

- 2. The Coastal Development Permit shall be valid for one year. Any extension of this permit shall require submittal of an application for permit extension and payment of applicable permit extension fees.
- 3. The applicant shall submit a revised restoration plan, including elevations, to the Current Planning Section for review and approval. The restoration plan shall incorporate rock and/or other natural appearing bollards adjacent to the CalTrans property line with the minimum number of rock bollards to prevent vehicular access. Rock bollards shall be randomly placed in singles and clusters and varied in height. Each cluster shall be installed no greater than 3 feet apart (edge-to-edge), and a maximum of 1/2 to 1/3 of each rock bollard shall be exposed, not to exceed 18 inches above grade. Placement shall not be in a straight line parallel to the property line, but at random distances from said property line. Any bollards, other than rock, shall be proposed at the lowest possible height and greatest distance possible to prevent vehicular access. The applicant shall maintain all bollards.
- 4. This approval does not allow for installation of K-rail (concrete barriers).
- 5. This Coastal Development Permit shall also be subject to an administrative review which shall occur no later than one year from the date of this permit approval. The purpose of the administrative review is to assure continued compliance with the conditions of approval. The administrative review shall be conducted at staff level, i.e., without a public hearing. However, should staff determine that the conditions of approval are not being met, that review shall be conducted at a public hearing by the Planning Commission.
- 6. The existing chain link fence shall be removed in its entirety by 5:00 p.m. on July 11, 2008 (the eleventh working day following this approval).
- 7. The applicant shall restore the site as approved in the restoration plan. Site restoration shall be verified during the staff level administrative review.
- 8. The approved restoration plan includes: (1) the removal of approximately 250 cubic yards of fill material, 18 inches in depth, to return a 5,000 sq. ft. area to original grade; (2) debris removal within a 5,000 sq. ft. area; and (3) planting or seeding the site with native plants. Any revisions or modifications to the above items may be approved by the Community Development Director upon written request and submittal of any applicable documents for review and consideration.

CalTrans Attn: Stefan Galvez June 27, 2008 Page 5

- 9. This permit does not allow for the removal of any trees. Removal of any tree with a diameter equal to or greater than 12 inches as measured 4.5 feet above the ground shall require a separate tree removal permit.
- 10. All existing significant and heritage trees shall be protected during all restoration activities. The applicant shall establish and maintain tree protection zones which shall be delineated using a 4-foot tall orange plastic fencing supported by poles pounded into the ground, located as close to the tree driplines as possible while still allowing room for restoration to safely continue. The applicant shall maintain tree protection zones free of equipment and material storage and shall not clean any equipment within these areas. Should any large roots or large masses of roots need to be cut, the roots shall be inspected by a certified arborist prior to cutting. Any root cutting shall be monitored by an arborist and documented.
- 11. Prior to the beginning of any construction or grading activities, the applicant shall implement erosion and sediment control measures. 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.

CalTrans

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June 27, 2008

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- 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.
- 1. 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.

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San Mateo County Environmental Services Agency

Application for Appeal

☐ To the Planning Commission

To the Board of Supervisors

Planning and Building Division

County Government Center • 455 County Center, 2nd Floor Redwood City • CA • 94063 • Mail Drop PLN 122 Phone: 650 • 363 • 4161 Fax: 650 • 363 • 4849

| 1. Appellant Information | |
|--|--|
| Name: CALTRANS | Address: |
| ATTN: STEFAN GALVEZ | 111 GRAND AVENUE, |
| Phone, W: 510-286-5506 H: | Zip: OAKLAND, CA 94623 |
| | |
| 2. Appeal Information | |
| Permit Numbers involved: | |
| PLN2007-00277 | I have read and understood the attached information regarding appeal process and alternatives. |
| | yes 🗖 no |
| I hereby appeal the decision of the: | |
| Staff or Planning Director | Appellant's Signature: |
| Zoning Hearing Officer | James Wenne |
| Design Review CommitteePlanning Commission | Date: JULY 8, 2008 |
| †TINITIO O E | |
| made on | · |
| | |
| 3. Basis for Appeal | |
| Planning staff will prepare a report based on your appeal. In or | der to facilitate this, your precise objections are needed. For |
| example: Do you wish the decision reversed? If so, why? Do you conditions and why? | ou object to certain conditions of approvair it so, then which |
| Conditions and why? | |
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DEPARTMENT OF TRANSPORTATION

LEGAL DIVISION
595 MARKET STREET, SUITE 1700
SAN FRANCISCO, CA 94105
P. O. BOX 7444, SAN FRANCISCO, CA 94120-7444
PHONE (415) 904-5700
FAX (415) 904-2333
TTY 711



Flex your power! Be energy efficient!

July 8, 2008

AS AN ATTACHMENT TO THE APPLICATION FOR APPEAL

RE: File Number PLN 2007-00277

To the San Mateo County Board of Supervisors:

This constitutes the State of California, Department of Transportation's ("State") appeal of an "After-the-Fact" Coastal Development Permit, File Number PLN2007-00277. The State seeks an after-the-fact permit for a cyclone (chain link) fence protecting its right-of-way and for restoration of its damaged property. The Planning Commission approved a Coastal Development Permit with modifications to the conditions of approval, including the removal of the cyclone fence by July 11, 2008. The State contends that the Planning Commission's decision was fraught with misunderstanding and error.

The following is a brief explanation for the basis of the State's appeal:

Permit Conditions Inhibit Successful Restoration

- 1. The Planning Commission made an unreasonable condition ordering removal of the fence by July 11, 2008 at 5:00 PM
- 2. The Planning Commission either misunderstood or failed to appreciate the purpose and reasons for installing the fence.
- 3. The Planning Commission either misunderstood or failed to appreciate the purpose and reasons for maintaining a fence during restoration.
- 4. The fence is a purely temporary fixture and would likely be removed within six months.
- 5. The fence was erected because of the illegal and unauthorized encroachments of the people who are its most vociferous opponents.
- 6. The State's fiscal year began without a budget, limiting the State's ability to comply with conditions of the permit.
- 7. The Planning Commission's decision delivers a purely private benefit on the perpetrators of the illegal and unauthorized encroachment, while the State's proposal benefits the community at large.
- 8. From a practical standpoint, installing the bollards prior to restoration severely inhibits the ability to excavate alien fill and gravel.

Application for Appeal RE: File Number PLN 2007-00277 July 8, 2008

- 9. In its discussion of the rock bollards, the Planning Commission appeared to request the bollards be buried up to 24-inches deep, leaving 12 inches of the bollard above grade. This defeats the purpose of the rock bollards to prevent vehicle traffic from entering the State's right-of-way.
- 10. The conditions of the permit are inherently inconsistent: the Planning Commission denied the State a temporary, 4-foot high, orange, Environmental Sensitive Area fence around the restoration area because of looks, yet required the same fence be placed around existing tree drip lines.

If we may be of any help to Staff or the Supervisors, please do not hestitate to contact us.

Regards,

Jamey Wyman
Deputy Attorney

COUNTY OF SAN MATEO PLANNING AND BUILDING DEPARTMENT

DATE: June 25, 2008

TO:

Planning Commission

FROM:

Planning Staff

SUBJECT:

Consideration of an "After-the-Fact" Coastal Development Permit, pursuant to Section 6328 of the San Mateo County Zoning Regulations, to allow the construction of a fence. The project also includes site restoration, which includes 250 cubic yards of excavation. The project site is located diagonally across Date Street along the edge of the State Highway 1 bypass right-of-way, in the unincorporated Montara area of San Mateo County. This project is appealable

to the California Coastal Commission.

County File Number: PLN 2007-00277 (CalTrans)

PROPOSAL

The applicant, CalTrans, has applied for an "After-the-Fact" Coastal Development Permit (in response to VIO 2007-00048) for the construction of a 210-foot long, 6-foot high chain link fence along the property line adjacent to 932 Date Street to prevent trespassing and unauthorized activities on State-owned property. Subsequent to the application of this permit, approximately half of the fence has been removed. The remaining fence, approximately 100 feet, has yet to be rectified under this Coastal Development Permit. In addition, CalTrans has submitted a restoration plan for a 10,000 square foot area that includes:

- the removal of approximately 250 cubic yards of fill material, 18 inches in depth, to return 1. a 5,000 sq. ft. area to original grade,
- 2. debris removal within a 5,000 sq. ft. area;
- 3. planting or seeding the site with native plants,
- 4. the installation of 23 two-ton rock bollards (approximately 3' x 3' x 3') along the eastern side of the existing chain link fence, and
- a temporary four-foot high environmentally sensitive area (ESA) fence to surround the 5. reseeded area. The temporary fencing is proposed for removal after the plants have germinated and have been successfully established.

RECOMMENDATION

Approve the Coastal Development Permit, County File Number PLN 2007-00277, by adopting the required findings and conditions of approval identified in Attachment A.

BACKGROUND

Report Prepared By: Melissa Ross, Project Planner, Telephone 650/599-1559

Applicant/Owner: CalTrans

Location: Public Right-of-Way: Highway 1 Bypass adjacent to 932 Date Street, Montara

Existing Zoning: R-1/S-17/DR/CD

General Plan Designation: Medium Density Residential (6.1-8.7 density units/acre)

Existing Land Use: Unimproved CalTrans right-of-way

Flood Zone: FEMA Flood Insurance Rate Map Zone C (Area of Minimal Flooding); Panel No.: 060311 0111 B, Effective Date July 5, 1984.

Environmental Evaluation: CalTrans, as lead agency, has prepared a <u>Categorical Exemption/</u> <u>Categorical Exclusion Determination</u> and determined this project to be Categorically Exempt under Class 1.

Setting: To the north of the project site are single-family residences and the continuation of the Highway 1 bypass lands; to the south and west are single-family residences. To the east of the project site are single-family residences as well as agricultural land. At the southern end of the existing fence is a fire truck turnaround. Ground vegetation in the area has been degraded due to vehicle parking and the use of the property as a staging area for construction vehicles and materials. A number of trees show signs of lower limb removal.

DISCUSSION

A. KEY ISSUES

1. <u>Conformance with the County General Plan and Zoning Regulations</u>

Pursuant to Section 53091 of the Government Code, projects undertaken by CalTrans are exempt from review under the County's General Plan, Zoning Regulations, and Grading Ordinance.

2. Conformance with the Local Coastal Program

A Coastal Development Permit is required pursuant to San Mateo County Local Coastal Program (LCP) Policy 2.1, which mandates compliance with the California Coastal Act for any government agency wishing to undertake development in the Coastal Zone. Staff has completed a Coastal Development Checklist for this project. Summarized below are the following sections of the LCP that are relevant:

a. Sensitive Habitats Component

Policy 7.14 (Definition of Wetland) defines a wetland as an area where the water table is at, near, or above the land surface long enough to create hydric soils or to support the growth of plants which normally are found to grow in water or wet ground. While the location of the existing fence is not located within a wetland, a portion outside of the study area (Attachment G, Figure 2) to the east of the project site is noted as a "Wetland on the San Mateo County Sensitive Habitats Map as wetlands and identified riparian corridors derived from the US Fish and Wildlife Service's National Wetlands Inventory." Staff requested the applicant to submit a biological assessment per Policy 7.5 of the LCP. In response, a Habitat Assessment, prepared by CalTrans Biologist Todd Lemein, was submitted. The report states that vegetation has been removed and gravel fill has been placed on the project site. The report estimates that 80-90% of the study area (10,000 sq. ft. of CalTrans right-of-way) is bare ground. The remaining 10-20% of cover is provided by non-native ruderal/weedy species. To the south and east of the project site, scattered arroyo willows appear and the ground appears to become muddy. This area is outside of the proposed project area.

The report also states that, given the conditions currently existing and surrounding the study area, it is unlikely that wetlands were present within the study area prior to the disturbance and no seasonal or perennial creeks currently exist at this site. Additionally, indicators of wetlands (i.e. plants, soils, or hydrology) were not present in the study area. As such, it has been determined by the biologist that wetlands are not present within the 10,000 sq. ft. project area.

b. Visual Resources Component

Policy 8.5 (Location of Development) states that new development should be located on the portion of a parcel that is: (1) least visible from State and County Scenic Roads, (2) least likely to significantly impact views from public viewpoints, and (3) consistent with all other LCP requirements, best preserves the visual and open space qualities of the parcel. The project site is not located in a State or County Scenic Corridor. Prior to the restoration plan submittal, CalTrans had proposed to install a K-rail (concrete barriers) system on the eastern side of the fence to prevent further unauthorized encroachment on

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CalTrans property. However, staff believes that the use of K-rail (concrete barriers) would not be in conformance with Policy 8.5 and that the proposal to install rock bollards would best minimize visual impacts and best preserve the visual and open space qualities of the parcel. Therefore, staff has added a condition to allow for the installation of rock bollards on the eastern side of the fence and prohibit the installation of K-rail (concrete barriers) (Conditions 3 and 4). An additional condition has been added to require the removal of the existing chain link fence within one year in order to minimize pedestrian access while site restoration occurs and an administrative review within one year of the approval to assure compliance with the condition (Conditions 5 and 6).

Policy 8.10 (Vegetative Cover) discusses replacing vegetation removed during construction with plant materials (trees, shrubs, ground cover) which are compatible with surrounding vegetation and suitable to the climate, soil, and ecological characteristics of the area. Due to unauthorized activities not conducted by CalTrans on the project site, vegetative cover has been removed. However, additional vegetation was not removed for the installation of the fence. The proposed 10,000 sq. ft. restoration plan area includes 250 cubic yards of excavation, not exceeding 18 inches in depth, within a 5,000 sq. ft. area adjacent to the fence and debris removal within a 5,000 sq. ft. area adjacent to the excavation site. No grading or vegetation removal is proposed within the debris removal area. The excavation, not to occur within the drip line of existing trees, will remove the fill material placed on the site and return the area to its original grade. The two-ton rock bollards will be placed six feet on center and a compost blanket will be placed on the area of excavation, seeded with native plants, and a high visibility fence placed around the seeded area to be removed once the plants have been established (Condition 7). The restoration plan will restore native plant species on the site.

Policy 8.13.a. (Special Design Guidelines for Coastal Communities – Montara–Moss Beach–El Granada) discusses designing structures which fit the topography of the site, the use of natural materials and colors, designing structures which are in scale with the character of their setting and blend with the overall view of the urbanscape, and to the extent possible minimize blocking views. As discussed in Policy 8.5, above, staff has added conditions to allow for the installation of rock bollards on the eastern side of the fence, prohibit the installation of K-rail (concrete barriers), and require the removal of the chain link fence. The use of rock bollards and the removal of the chain link fence will best fit the topography of the site while utilizing natural materials and colors to blend with the overall view of the urbanscape.

B. ENVIRONMENTAL REVIEW

CalTrans, as lead agency, has prepared a <u>Categorical Exemption/Categorical Exclusion</u> <u>Determination</u> and determined this project to be Categorically Exempt under Class 1 (Attachment D).

C. REVIEWING AGENCIES

Referrals to the following agencies yielded no comments or conditions.

- 1. Building Inspection Section
- 2. Department of Public Works
- 3. Geotechnical Section
- 4. Point Montara Fire Protection District
- 5. California Coastal Commission
- 6. Army Corps of Engineers
- 7. Midcoast Community Council

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Vicinity Map
- C. Site Plan
- D. CalTran's Environmental Document
- E. CalTran's Restoration Letter and Plan
- F. Letter from CalTrans Regarding Drainage and the Habitat Assessment
- G. CalTran's Habitat Assessment Document

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County of San Mateo Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 2007-00277 Hearing Date: June 25, 2008

Prepared By: Melissa Ross, Project Planner For Adoption By: Planning Commission

RECOMMENDED FINDINGS

Regarding the Environmental Review, Find:

1. That the Commission, acting as a responsible agency, has reviewed and considered the <u>Categorical Exemption/Categorical Exclusion Determination</u>, prepared by CalTrans as lead agency.

Regarding the Coastal Development Permit, Find:

- 2. That the project, as described in the application and accompanying materials required by Section 6328.7 and as conditioned in accordance with Section 6328.14, conforms with the plans, policies, requirements and standards of the San Mateo County LCP because the plans and materials have been reviewed against the application requirements in Section 6328.7 and the project has been conditioned to minimize visual impact in accordance to the Visual Resources Component of the LCP.
- 3. That the project conforms to the specific findings required by policies of the San Mateo County LCP. Staff has added conditions which further limit impact by requiring the installation of rock bollards and restoration of the site and requiring removal of the chain link fence and prohibiting the installation of K-rail (concrete barriers).

RECOMMENDED CONDITIONS OF APPROVAL

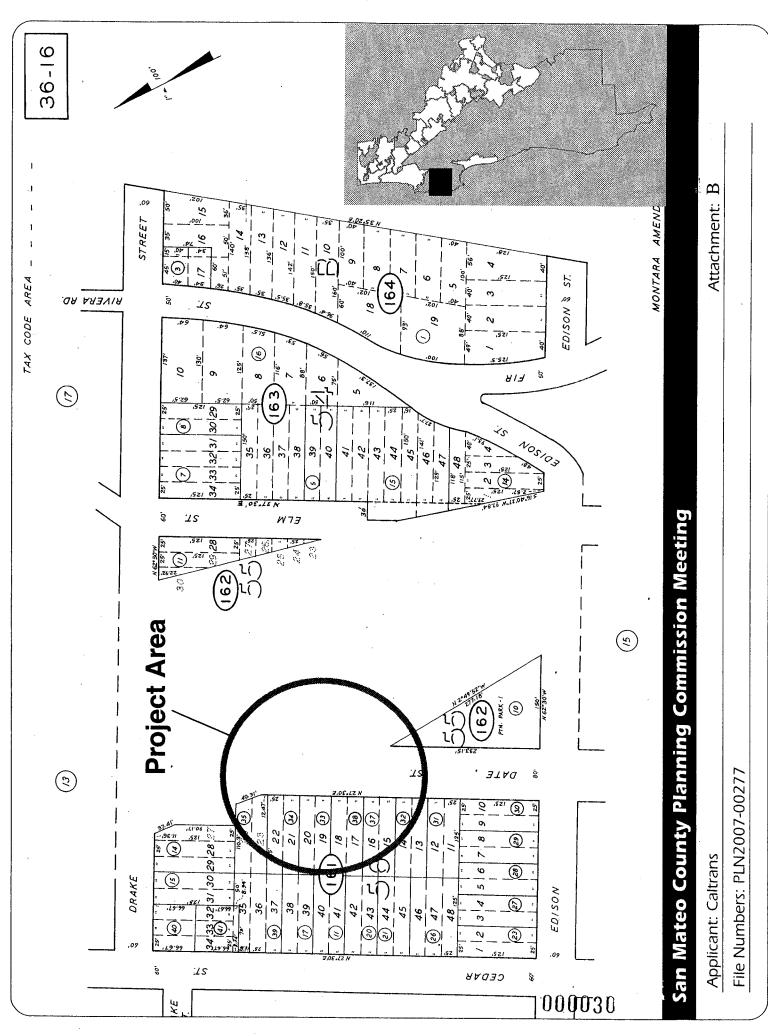
Current Planning Section

1. This approval applies only to the proposal, documents and plans described in this report and submitted to and approved by the Planning Commission on June 25, 2008. Minor revisions or modifications may be approved by the Community Development Director if they are consistent with the intent and in substantial conformance with this approval.

- 2. The Coastal Development Permit shall be valid for one year. Any extension of this permit shall require submittal of an application for permit extension and payment of applicable permit extension fees.
- 3. This approval allows for the installation of 23 two-ton rock bollards (dimensions of 3' x 3' x 3') as depicted in the restoration plan. The rock bollards shall be partially buried a minimum 1/3 of the bollards' height.
- 4. This approval does not allow for installation of K-rail (concrete barriers).
- 5. This Coastal Development Permit shall also be subject to an administrative review which shall occur no later than one year from the date of this permit approval. The purpose of the administrative review is to assure continued compliance with the conditions of approval. The administrative review shall be conducted at staff level, i.e., without a public hearing. However, should staff determine that the conditions of approval are not being met, that review shall be conducted at a public hearing by the Planning Commission.
- 6. The existing chain link fence shall be removed, in its entirety, within one year while site restoration occurs, from the date of this permit approval and said removal verified during the staff level administrative review.
- 7. The applicant shall inspect and maintain the site and the ESA fence until the plants have germinated and have been established. The ESA fence shall be removed within one year of this permit approval and verified during the staff level administrative review.
- 8. The applicant shall restore the site as approved in the restoration plan. Site restoration shall be verified during the staff level administrative review.
- 9. This permit does not allow for the removal of any trees. Removal of any tree with a diameter equal to or greater than 12 inches as measured 4.5 feet above the ground shall require a separate tree removal permit.
- 10. Prior to the beginning of any construction or grading activities, the applicant shall implement erosion and sediment control measures. 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.

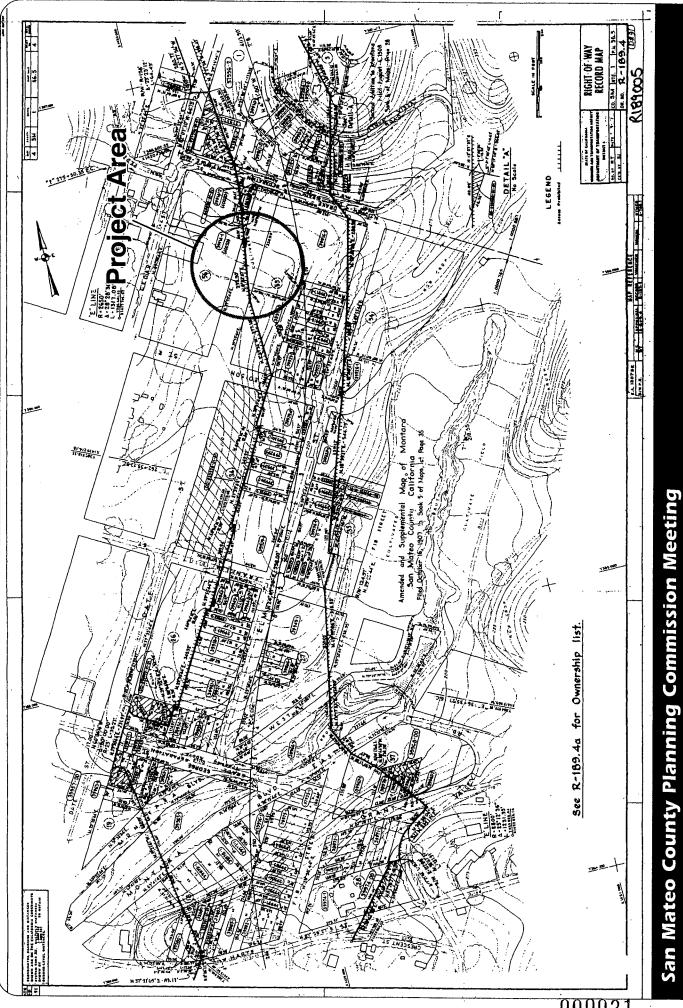
- b. Storing, handling, and disposing of construction materials and wastes properly, so as to prevent their contact with stormwater.
- c. Controlling and preventing the discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, wash water 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.
- 1. 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.

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File Numbers: PLN2007-00277

Applicant: Caltrans

000031

CATEGORICAL EXEMPTION/ CATEGORICAL EXCLUSION DETERMINATION FORM

Revised September 6, 2007

| 04-SM-1 DistCoRte. (or Local Agency) | N/A P.M/P.M. | N/A E.A. (State project) | (State Parcel #'s 39916-1 and 3 Federal-Aid Project No. (Local pro | |
|--|---|--|--|--|
| PROJECT DESCRIPTION: involved.) | (Briefly describe p | project, purpose, locati | on, limits, right-of-way requirements, a | nd activities |
| inches high) along the property | line on Date St State-owned pro | reet to protect and to | placement of K-rail (210 feet long prevent continuation of unauthor 2 Date Street in the town of Monta | ized trespass |
| CEQA COMPLIANCE (for Si | tate Projects only) | | | |
| Based on an examination of this property of this project falls within exempt concern where designated, precent time. There will not be a significant cutime. There is not a reasonable possil circumstances. | roposal, supporting class 3, 4, 5, 6 or sisely mapped and imulative effect by bility that the projescenic resource waste included on an | 11, it does not impact officially adopted purs this project and succest will have a significant within an officially designy list compiled pursuar | ssive projects of the same type in the set of the same type in the set of the same type in the set of the same type in the sa | us or critical same place, over isual |
| CALTRANS CEQA DETER | MINATION | | | |
| Exempt by Statute. (PRC 21 | 080[b]; 14 CCR 15 | 5260 et seq.) | | |
| Based on an examination of this pr | | • • | bove statements, the project is: | |
| X Categorically Exempt. Class | s <u>1.</u> (PRC 2108 | 4; 14 CCR 15300 et se | eq.) | |
| Categorically Exempt. Gene certainty that there is no poss Signature: Environmental Branch C | ibility that the activ | on. [This project does rity may have a signific of the second of the sec | not fall within an exempt class, but it can reffect on the environment (CCR 18 | an be seen with 5061[b][3]) 10[30[07] Date |
| NEPA COMPLIANCE | | | | |
| determined that this project: does not individually or cumulati requirements to prepare an Envi has considered unusual circums (http://www.fhwa.dot.gov/hep/23 | vely have a signifi ironmental Assess stances pursuant to cfr771.htm - sec.7 | cant impact on the env ment (EA) or Environm o 23 CFR 771.117(b) (71.117). | roposal and supporting information, the ronment as defined by NEPA and is elental Impact Statement (EIS), and eleptope project is either exempt from all con | xcluded from the |
| requirements, or conformity analys | | | | ioitiity |
| determination pursuant to Cha | s been assigned, a apter 3 of Title 23, xecuted between t)) | and hereby certifies that United States Code, S he FHWA and the Stat | it has carried out, the responsibility to ection 326 and a Memorandum of Unce. The State has determined that the | make this lolazione |
| Section 6005: Based on an project is a CE under Section | | | ng information, the State has determi | ned that the |
| Signature: Environmental Branch | Chief D | ate Signat | ure: Project Manager/DLA Engineer | Date |
| | ity exemption, FH\ | NA conformity determine | lditional information, as appropriate (e action if Section 6005 project; §106 co | |

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE P. O. BOX 23660 OAKLAND, CA 94623-0660 PHONE (510) 286-5506 FAX (510) 286-6374 TTY (800) 735-2929



Flex your power! Be energy efficient!

March 5, 2008

Ms. Melissa Ross San Mateo County Planning & Building Department 455 County Center Redwood City, Ca 94063

SUBJECT: Restoration of Caltrans property adjacent to the 900 block of Date Street in Montara.

Dear Ms. Ross:

The California Department of Transportation (Caltrans) proposes to restore approximately 10,000 square feet of property adjacent to the 900 block of Date Street in Montara. Restoration of the site to original conditions includes removal of fill, removal of debris, and planting or seeding the site with the appropriate plant community. The plan includes cultivation of two inches of compost in the excavated area prior to seeding.

The plant community will consist of a combination of the following plant species:

- Festuca rubra (red fescue)
- Festuca idahoensis (Idaho fescue)
- Elymus glaucus (Blue wild rye)
- Hordeum brachyantherum (Meadow barley)
- Mimulus guttatus (Seep monkey flower)
- Mimulus aurantiacus (Sticky monkey flower)

A Water Pollution Control Program will be prepared as required by Caltrans under section 1.4.7 in the Caltrans Storm Water Quality Handbook: Project Planning and Design Guide. Erosion control measures will be deployed as needed. Approximately 6,750 cubic feet of fill material will be excavated and debris will also be removed from the areas of disturbance. Rock bollards will be placed six feet on center along the property line. The rock bollards will each be at least two-tons to provide adequate protection to the property. The dimensions of the rock bollards are approximately 3' x 3' x 3'. Please see Attachment 2 for reference to similar rock bollards used at a project site on Mandela Parkway in the City of Oakland. The rock bollards will align behind the temporary 210 foot-long chain-link fence. Immediately following the application of seed a four-foot-high, high visibility, temporary Environmentally Sensitive Area (ESA) fence will be installed around the seeded area. The site and ESA fence will be inspected and maintained, debris and weeds will be removed as needed until the plants have germinated and have successfully been established.

"Caltrans improves mobility across California"

Ms. Melissa Ross March 5, 2008 Page 2

The proposed site work is scheduled to begin in October 2008, and the project will be completed when the plants have successfully been established. When the natural resources have been established to the original condition at the site the ESA fence will be removed as well as the chain-link fence. Please see Attachment 1 for location and further details of the restoration.

We thank you for your consideration of this matter. Should you have any questions or need further clarification please do not hesitate to contact Abdullah Arakozie of my staff at (510) 622-0795 or myself at (510) 286-5506.

Sincerely,

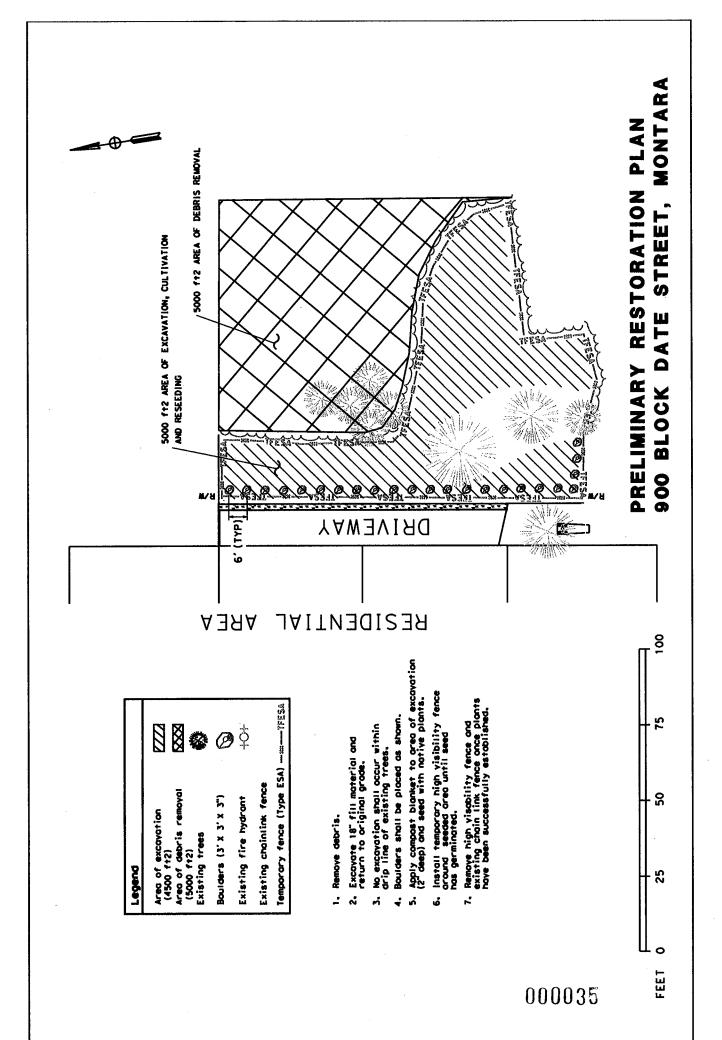
STEEAN GALVEZ-ABADIA

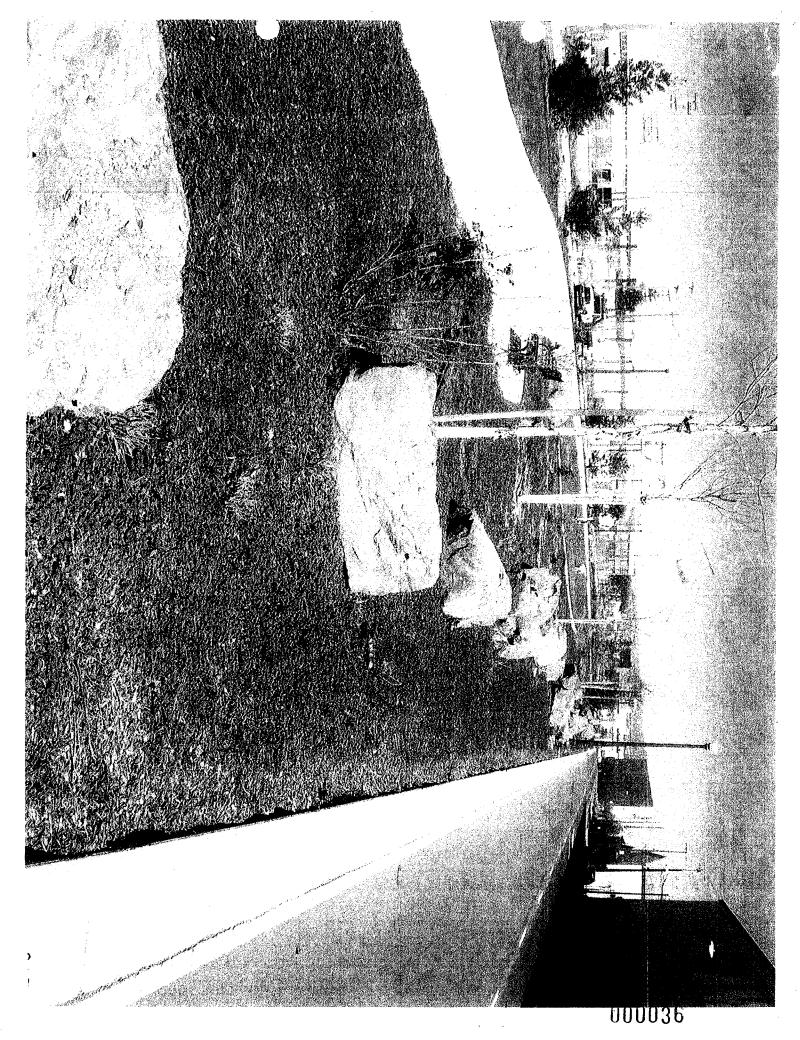
District Branch Chief

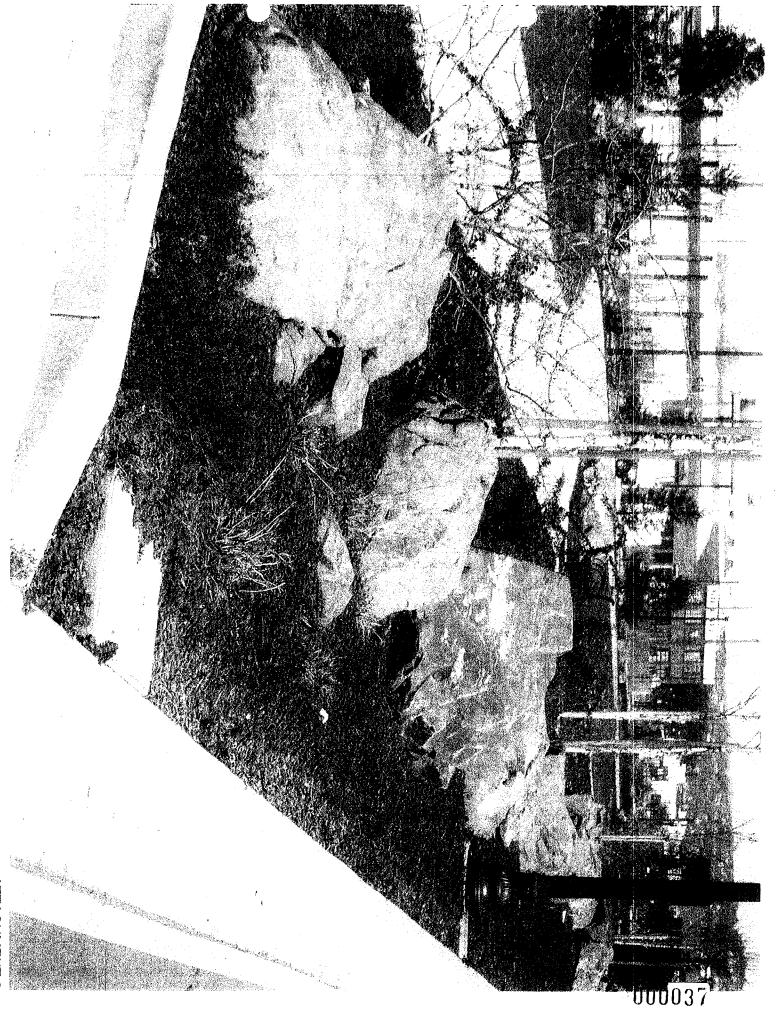
Office of Biological Science and Permits

Enclosure: Attachment 1 (Project Restoration Plan)

Attachment 2 (Pictures of Rock Bollards)







ATTACHMENT

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE P. O. BOX 23660 OAKLAND, CA 94623-0660 PHONE (510) 286-5506 FAX (510) 286-6374 TTY (800) 735-2929



May 6, 2008

Ms. Melissa Ross San Mateo County Planning and Building Department 455 County Center, 2nd Floor Redwood City, CA 94063

SUBJECT: PLN2007-00277 'After-the-Fact' Coastal Development Permit for a 210-foot long, Six-foot high cyclone fence located diagonally across Date Street along the edge of the State Hwy 1 bypass right-of-way.

Dear Ms. Ross,

Thank you for your emails dated March 6, 2008 and March 28, 2008 (Attachments 1 and 2) regarding the California Department of Transportation's (Caltrans) application for the above-referenced project. Below please find the answers to your inquiries regarding the Habitat Assessment and hydrology at the project site.

3/6/2008 – Thank you for the restoration plan. The plan will be reviewed and I will let you know if there are any questions. Also, per the conversation with Stefan, I am awaiting a biologist report, which, to my understanding, is currently being prepared.

A Habitat Assessment report to provide an assessment of the current conditions and biological resources present within the study area was prepared and is enclosed with this letter.

3/25/08 KSA - This revised plan dated 3-5-2008 required a more detailed drainage plan because it will affect the drainage in the County R/W.

On April 1, 2008, Caltrans Environmental Planner Abdullah Arakozie and Hydraulics Senior Transportation Engineer Dixon Lau visited the site adjacent to 922/928 Date Street in Montara. The site visited is in State Right of Way and based on Mr. Lau's field review, the on-site surface runoff from the proposed project boundary is expected to have little or no effect on existing city/county streets or adjacent residential properties since the existing drainage pattern of overland flow will remain the same and diversion is not expected. No evidence of severe crosion has occurred on the existing land, nor surface depression ponds were observed within the project boundaries.

In addition, no chronic histories of local ponding or flooding complaints have been recorded by Caltrans for the above referenced location. In accordance with the proposed restoration plan it is expected that the post-project runoff will not exceed the pre-project runoff values from the site.

"Caltrans improves mobility across California"

Ms. Melissa Ross May 6, 2008 Page 2

Runoff from this project is expected to cause an individually and cumulatively insignificant change to downstream flow.

We hope this letter clarifies your previous inquiries. Should you have any questions or need further clarification please do not hesitate to contact Abdullah Arakozie of my staff at (510) 622-0795 or myself at (510) 286-5506

Sincerely,

STEFAN GALVEZ-ABADIA

District Branch Chief

Office of Biological Science and Permits

Enclosure:

Attachment 1, Email from Melissa Ross, San Mateo County, 03/28/2008

Attachment 2, Email from Melissa Ross, San Mateo County, 03/062008

Habitat Assessment 03/21/2008

ATTACHMENT 1



"Melissa Ross" <MRoss@co.sanmateo.ca.us

03/28/2008 01:35 PM

To "Abdullah Arakozie" <abdullah_arakozie@dot.ca.gov>

cc "Stefan Galvez" <stefan_galvez@dot.ca.gov>

bcc

Subject Re: Montara Restoration Plan

Hi Abdullah,

The Department of Public Works has commented on the restoration plan. The planning case is pending the resolution of this comment:

3/25/08 KSA - This revised plan dated 3-5-2008 required a more detailed drainage plan because it will affect the drainage in the County R/W.

Melissa Ross Planning & Building Department 455 County Center, Second Floor Redwood City, CA 94063 (650) 599-1559 mross@co.sanmateo.ca.us

>>> "Abdullah Arakozie" <abdullah arakozie@dot.ca.gov> 3/5/2008 3:15 PM >>>

Hello Melissa,

Attached in this email is a copy of the restoration plan for the property adjacent to the 900 block of Date Street in Montara. I have also mailed you a hardcopy of the letter. Please feel free to call or email me if you have any questions or concerns regarding the letter.

Thanks,

Abdullah Arakozie
Environmental Planner
California Department of Transportation
District 4, Division of Environmental Planning and Engineering
Mail Station 8E
111 Grand Avenue
Oakland, CA 94612
Telephone: (510) 622-0795

ATTACHMENT 2



"Melissa Ross" <MRoss@co.sanmateo.ca.us

03/06/2008 11:44 AM

To "Abdullah Arakozie" <abdullah_arakozie@dot.ca.gov>

cc "Stefan Galvez" < stefan_galvez@dot.ca.gov>

bcc

Subject Re: Montara Restoration Plan

Hi Abdullah,

Thank you for the restoration plan. The plan will be reviewed and I will let you know if there are any questions. Also, per the conversation with Stefan, I am awaiting a biologist report which, to my understanding, is currently being prepared.

Thanks,

Melissa Ross
Planning & Building Department
455 County Center, Second Floor
Redwood City, CA 94063
(650) 599-1559
mross@co.sanmateo.ca.us

>>> "Abdullah Arakozie" <abdullah arakozie@dot.ca.gov> 3/5/2008 3:15 PM >>>

Hello Melissa,

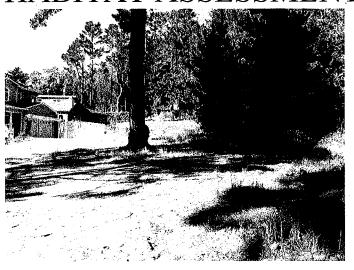
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Thanks,

Abdullah Arakozie
Environmental Planner
California Department of Transportation
District 4, Division of Environmental Planning and Engineering
Mail Station 8E
111 Grand Avenue
Oakland, CA 94612
Telephone: (510) 622-0795
Fax: (510) 286-6374

FINAL

HABITAT ASSESSMENT



Caltrans District 4
Office of Biological Science and Permits
111 Grand Avenue
Oakland, CA 94612

April 21, 2008

Habitat Assessment

San Mateo County, California

Habitat Assessment

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(altrans

Prepared By:

Todd Lemein, Biologist

URS Corporation 1333 Broadway, Suite 800 Oakland, CA 94612 (510) 893-3600

Approved By:

Date:

4-21-2008

Stefan Galvez,

Caltrans District 4, Office of Biological Science and Permits

111 Grand

Oakland, CA 94612 (510) 286-5506

Approved By:

Date:

4/30/2008

Margaret Gabil

Caltrans District 4, Office of Biological Science and Permits

111 Grand

Oakland, CA 94612

(510) 286-6222

Approved By:

Date:

4/30/2008

Jeffrey G. Jensen

Caltrans District 4, Office of Biological Science and Permits

111 Grand

Oakland, CA 94612

(510) 622-8729

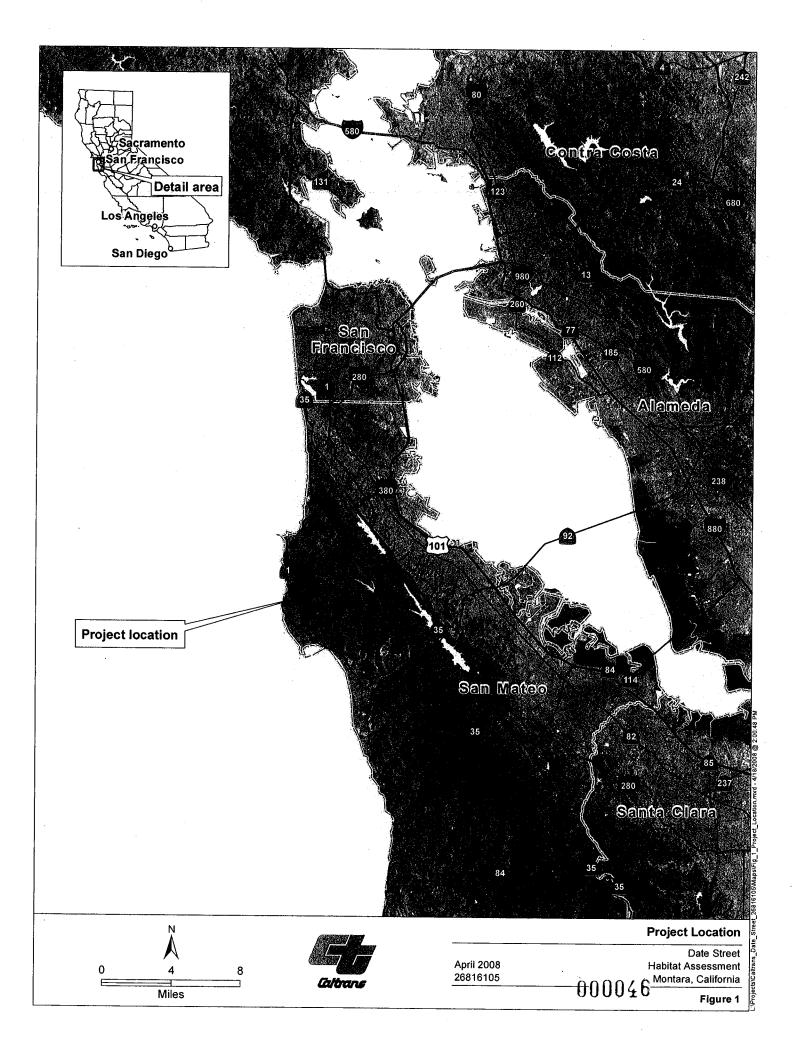
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Appendices

A Study Area Photographs

This report documents the result of a preliminary habitat assessment of a section of Caltrans right-of-way located in San Mateo County within the community of Montara (see **Figure 1**). The purpose of this habitat assessment was to provide a preliminary assessment of current conditions and potential biological resources present within the study area.



2.1 STUDY AREA

The study area is located adjacent to 932 Date Street in the community of Montara within San Mateo County. The study area covers approximately 10,000 square feet of Caltrans right-of-way at this address, and is adjacent to several private residences (see **Figure 2**).

2.2 STUDY METHODS

Caltrans conducted several initial field visits in spring and summer 2007. For this report two preliminary field visits were conducted on March 20th and March 25th, 2008. During these field visits a walkthrough of the study area and surrounding areas was conducted to assess the character of vegetation and habitat present. The following initial findings are based upon the topography of the study area, the observed species composition of the dominant vegetation, and the known occurrences of special status species occurring in the vicinity of the study area (roughly Pacifica to El Granada). No protocol level surveys for any special status plant or wildlife species were conducted. No jurisdictional delineation was conducted.



3.1 CURRENT VEGETATION CHARACTERISTICS

The study area is highly disturbed. It is apparent that vegetation has been removed and gravel fill has been placed. An estimated 80-90% of the study area is bare ground. The remaining 10-20% of cover is provided by ruderal/weedy species. The most common species present are non-native invasives including wild radish (*Raphanus sativus*), hemlock (*Conium maculatum*), and velvet grass (*Holcus lanatus*). California blackberry (*Rubus unsinus*) is the primary native species reestablishing within the study area.

Two large Monterey pines (*Pinus radiata*) exist within the study area and provide high canopy cover over roughly a third of the site. Observed branch stumps indicate these trees have been trimmed which has resulted in a reduction of canopy cover.

Soil characteristics were not identifiable due to the presence of introduced fill and gravel.

Two dominant vegetation stands surround the site. The northern boundary lies adjacent to a dense stand of California blackberry mixed with cape ivy (Delairea odorata). The eastern boundary is bordered by a forested area dominated by Monterey pine. Other trees found within the canopy include Monterey cypress (*Cupressus macrocarpa*), and eucalyptus (*Eucalyptus sp.*). Smaller trees/large shrubs found under the canopy include coffeeberry (*Rhamnus californica*), elderberry (Sambucus racemosa), and coyote brush (Baccharis pilularis). The understory vegetation in this area is thick enough to prevent pedestrian use except where trails have been created. California blackberry and cape ivy dominate the herbaceous understory but California sword fern (Polystichum californicum), pampass grass (Cortaderia jubata), and rushes (Juncus spp.) are also found scattered throughout the area. The southern boundary of the project area borders a cleared gravel area used by residents and construction workers for parking. Adjacent to this lies a continued section of the forested area described above. The species composition remains largely the same but the densities of species changes. The high canopy of Monterey pine, Monterey cypress, and eucalyptus thins out significantly. The density of California blackberry increases under the open canopy. Scattered arroyo willows appear (Salix lasiolepis), and the ground begins to become muddy.

3.2 POTENTIAL PAST VEGETATION CHARACTERISTICS

Prior to vegetation clearing the vegetation types adjacent to the site probably extended into the study area, based on similar topography, soil conditions, and shading.

It is likely that the southern portion of the site (roughly the area south of northern most Monterey pine where there is moderate to high canopy cover) was similar in composition to that of the forested area found to the east of the site. Vegetation that might have been present (but now removed) probably included herbaceous/shrub species such as California blackberry, cape ivy, California sword fern, and larger shrub species such as coffeeberry, coyote brush, and elderberry.

The northern portion of the site (roughly the area north of the northern most Monterey pine where there is little to no canopy cover) likely resembled the species composition observed along the northern boundary of the site. Species that were present likely included herbaceous/shrub species such as California blackberry, wild radish, cape ivy, and hemlock.

3.3 POTENTIAL PRESENCE OF WETLANDS AND OTHER WATERS OF THE UNITED STATES

3.3.1 Wetlands and Other Waters of the United States

The site reconnaissance noted the presence of fill at the majority of the study area, and bare ground. Typical indicators of wetlands or other waters of the United States (i.e., wetland indicator plants, soils, or hydrology) were not present. The topography of the study area suggests that water would flow from north to south during rain events and collect in the open wet area just south (and outside) of the project site. At the time of the site visit no visible drainages were present. No seasonal/perennial creeks currently exist within the site.

Given the conditions currently existing and surrounding the study area it is unlikely that jurisdictional waters were present within the study area prior to the disturbance. However, no jurisdictional delineation has been performed at this site.

3.3.2 Coastal Commission Jurisdiction

Coastal Commission wetlands require only the presence of one of the following three wetland parameters: hydric soils, hydrophytic vegetation, or wetland hydrology. As the site currently exists and based upon the preliminary habitat assessment, none of the Coastal Commission wetland parameters exist within the study area.

Some of the Coastal Commission wetland parameters may exist to the south and east of the study area. The dominance of California blackberry in these areas may be enough to qualify parts of these areas as Coastal Commission wetlands. However, no formal delineation has been conducted and findings presented here should be viewed as preliminary.

3.4 POTENTIAL PRESENCE OF WILDLIFE/PLANT SPECIES

3.4.1 Wildlife

The lack of vegetation and the highly disturbed nature of the study area does not provide suitable foraging, breeding, or nesting habitat for special status wildlife species. The surrounding areas exhibit a mix of vegetation with a moderate to high non-native vegetation component. It is unlikely that these areas provide suitable habitat for special status wildlife species.

The surrounding areas do provide suitable habitat for common species such as deer, migratory birds, and commonly occurring amphibian and insect species. Several deer kills have been observed within the vicinity of the study area and preliminary reports indicate that the deer were killed by a mountain lion (personal comment, private resident).

3.4.2 Plants

The study area does not provide suitable habitat for special status plants due to the disturbed character of the site and the lack of unique habitat characteristics such as wetlands, marshes

serpentine soils, chaparral, coastal grasslands, etc. The surrounding areas also do not contain habitats typically associated with special status plant species.

It should be noted that Monterey pine in its natural stands has been listed by the California Native Plant Society (CNPS) as a list 1B plant (Rare and Endangered in California). The three known locations of the natural populations occur within the Monterey Peninsula, Cambria, and the Swanton-Año Nuevo areas. The study area lies outside of these geographic boundaries and the individuals present within the study area do not fall under the same protections as these endangered populations.

The study area is a highly disturbed, unvegetated area that does not provide suitable habitat for special status wildlife or plant species. In its current state it is unlikely to provide foraging habitat or cover for commonly occurring wildlife species within the vicinity of the study area. The vegetation that grows back is likely to be dominated by non-native invasive species including, but not limited to wild radish, hemlock, thistles, and annual grasses. The presence of gravel fill may inhibit the successful colonization of some of these species.

The surrounding areas contain a mix of native and non-native vegetation that may provide foraging habitat and cover for commonly occurring wildlife and plant species. It is unlikely that these areas provide habitat for any special status plant or wildlife species.

Appendix A Study Area Photographs



Photo 1: Looking south across the study area (March 20th, 2008).



Photo 2: Looking north across the study area (March 20th, 2008).



Photo 3: Looking east across the study area with foot trail visible in mid frame (March 20th, 2008).



Photo 4: Typical vegetation found to the east and south of the study area (March 20th, 2008).



Photo 5: Typical vegetation found north of the study area (March 20th, 2008).



Photo 6: View of area just south of the study area. Gravel parking area is seen in the left half of the frame and dense vegetation (California blackberry, willow) is seen in the right half of the frame.