

COUNTY OF SAN MATEO, PLANNING AND BUILDING DEPARTMENT

**NOTICE OF INTENT TO ADOPT  
MITIGATED NEGATIVE DECLARATION**

A notice, pursuant to the California Environmental Quality Act of 1970, as amended (Public Resources Code 21,000, et seq.), that the following project: Three-lot Minor Subdivision, when adopted and implemented, will not have a significant impact on the environment.

FILE NO.: PLN 2019-00042

OWNER/APPLICANT: Cordilleras LLC

NAME OF PERSON UNDERTAKING THE PROJECT OR RECEIVING THE PROJECT APPROVAL (IF DIFFERENT FROM APPLICANT): Same as Owner/Applicant

ASSESSOR'S PARCEL NO.: 057-062-110

LOCATION: 1750 Cordilleras Road, Emerald Lake Hills

**PROJECT DESCRIPTION**

This is a complete resubmittal of the three-lot subdivision which was approved, but where the Tentative Map approval expired before the map was recorded. Minor Subdivision and Grading Permit to subdivide an existing 1.91-acre parcel into three parcels. Parcel 1 is proposed to be 22,233 sq. ft., Parcel 2 will be 17,815 sq. ft., and Parcel 3 will be 43,071 square feet. Access to the proposed subdivision will be via an existing bridge across Cordilleras Creek, which has already been upgraded to meet Fire Marshal requirements. A new access road will be constructed on the west side of the creek to serve all three parcels. A water line has been installed down Cordilleras Road from the existing water main. One new hydrant on proposed Parcel 3 will be constructed to provide on-site water for fire suppression. Construction of the proposed access road will result in approximately 390 cubic yards of total grading and the removal of ten trees. The applicant is proposing to leave the existing house on Parcel 1. The applicant is also proposing to place a Resource Protection Area along the portion of the parcel that comprises Cordilleras Creek.

**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:** The applicant shall implement the following basic construction measures at all times:

- a. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxic Control Measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- b. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
- c. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person, or his/her designee, shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

**Mitigation Measure 2:** 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. 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/roads.

**Mitigation Measure 3:** A 20-foot setback from top of bank of Cordilleras Creek will be established through a Resource Protection Area to avoid impacts to any riparian habitat,

with the exception of the installation of a riprap filled stormwater dissipater, including storm pipe feeding same, which may be placed up on the top of bank.

**Mitigation Measure 4:** All regulated trees proposed for removal shall be replaced at a 1:1 ratio, minimum 15-gallon size stock. All proposed replacement trees shall be shown on a Tree Replanting Plan or Landscape Plan and shall include species, size and location. The Plan shall be submitted to the San Mateo County Planning and Building Department for review and approval as part of the building permit plan sets.

**Mitigation Measure 5:**

- a. The project proponent shall note on any plans that require ground disturbing excavation that there is a potential for exposing buried cultural resources including prehistoric Native American burials.
- b. The project proponent shall retain a professional archaeologist to provide construction crew sensitivity training to supervisors, foreman, project managers, and non-supervisory contractor personnel to alert them to the potential for exposing significant prehistoric and historic archaeological resources within the property. The archaeologist shall develop an ALERT Sheet outlining the potential for the discovery of unexpected archaeological resources and provide protocols to deal with a discovery. The ALERT Sheet and protocols shall be presented as part of the training. The contractor shall be responsible for ensuring that all workers requiring training are in attendance.
- c. The project proponent shall retain a professional archaeologist on an “on-call” basis during ground disturbing construction for the project to review, identify and evaluate cultural resources that may be inadvertently exposed during construction. The archaeologist shall review and evaluate any discoveries to determine if they are historical resource(s) and/or unique archaeological resources under CEQA.
- d. If the Professional Archaeologist determines that any cultural resources exposed during construction constitute a historical resource and/or unique archaeological resource under CEQA, he/she shall notify the project proponent and other appropriate parties of the evaluation and recommend mitigation measures to mitigate to a less-than significant impact in accordance with California Public Resources Code Section 15064.5. Mitigation measures may include avoidance, preservation in-place, recordation, additional archaeological testing and data recovery among other options. The completion of a formal Archaeological Monitoring Plan (AMP) and/or Archaeological Treatment Plan (ATP) that may include data recovery may be recommended by the Professional Archaeologist if significant archaeological deposits are exposed during ground disturbing construction. Development and implementation of the AMP and ATP and treatment of significant cultural resources will be determined by the project proponent in consultation with any regulatory agencies.
- e. A Monitoring Closure Report shall be filed with the project proponent at the conclusion of ground disturbing construction if archaeological and Native American monitoring of excavation was undertaken.

**Mitigation Measure 6:** The treatment of human remains and any associated or unassociated funerary objects discovered during any soil-disturbing activity within the

project site shall comply with applicable State laws. This shall include immediate notification of the County of San Mateo Medical Examiner (ME) and the project proponent.

In the event of the ME's determination that the human remains are Native American, notification of the Native American Heritage Commission (NAHC), is required who shall appoint a Most Likely Descendant (MLD) (PRC Section 5097.98).

The project sponsor, archaeological consultant, and MLD shall make all reasonable efforts to develop an agreement for the treatment, with appropriate dignity, of human remains and associated or unassociated funerary objects (CEQA Guidelines Section 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. The California PRC allows 48 hours to reach agreement on these matters. If the MLD and the other parties do not agree on the reburial method, the project will follow PRC Section 5097.98(b) which states that ". . . the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance."

**Mitigation Measure 7:** Prior to the beginning of any construction activities, the applicant shall submit to the Current Planning Section for review and approval, an erosion and drainage control plan which shows how the transport and discharge of soil and pollutants from and within the project site shall be minimized. The plan shall be designed to minimize potential sources of sediment, control the amount of runoff and its ability to carry sediment by diverting incoming flows and impeding internally generated flows, and retain sediment that is picked up on the project site through the use of sediment-capturing devices. The plan shall also limit application, generation, and migration of toxic substances, ensure the proper storage and disposal of toxic materials, apply nutrients at rates necessary to establish and maintain vegetation without causing significant nutrient runoff to surface waters. Said plan shall adhere to the San Mateo County Wide Stormwater Pollution Prevention Program "General Construction and Site Supervision Guidelines."

**Mitigation Measure 8:** No grading shall be allowed during the wet weather season (October 1 through April 30) to avoid increased potential soil erosion, unless the applicant applies for an Exception to the Winter Grading Moratorium and the Community Development Director grants the exception. Exceptions will only be granted if dry weather is forecasted during scheduled grading operations, and the erosion control plan includes adequate winterization measures (amongst other determining factors).

**Mitigation Measure 9:** An Erosion Control and Tree Protection Pre-Site Inspection shall be conducted prior to the issuance of a grading permit "hard card" and building permit to ensure the approved erosion control.

**Mitigation Measure 10:** Prior to recordation of the parcel map or beginning of subdivision improvements, the applicant shall submit an on-site drainage plan, prepared by a civil engineer, showing all permanent, post-construction stormwater controls and drainage mechanisms. The required drainage plan shall show the necessary mechanisms to contain all water runoff generated by on-site impervious surfaces and shall include facilities to minimize the amount and pollutants of stormwater runoff through on-site percolation and filtering facilities.

**Mitigation Measure 11:** Noise sources associated with demolition, construction, repair, remodeling, or grading of any real property shall be limited to the hours from 7:00 a.m. to 6:00 p.m. weekdays and 9:00 a.m. to 5:00 p.m. Saturdays. Said activities are prohibited on Sundays, Thanksgiving and Christmas (San Mateo Ordinance Code Section 4.88.360).

**Mitigation Measure 12:** Should any traditionally or culturally affiliated Native American tribe respond to the County's issued notification for consultation, such process shall be completed and any resulting agreed upon measures for avoidance and preservation of identified resources be taken prior to implementation of the project.

**Mitigation Measure 13:** In the event that tribal cultural resources are inadvertently discovered during project implementation, all work shall stop until a qualified professional can evaluate the find and recommend appropriate measures to avoid and preserve the resource in place, or minimize adverse impacts to the resource, and those measures shall be approved by the Current Planning Section prior to implementation and continuing any work associated with the project.

**Mitigation Measure 14:** Any inadvertently discovered tribal cultural resources shall be treated with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, protecting the cultural character and integrity of the resource, protecting the traditional use of the resource, and protecting the confidentiality of the resource.

#### 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:** November 13, 2019 – December 3, 2019

All comments regarding the correctness, completeness, or adequacy of this Negative Declaration must be received by the County Planning and Building Department, 455 County Center, Second Floor, Redwood City, no later than **5:00 p.m., December 3, 2019.**

#### CONTACT PERSON

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