



## City of Half Moon Bay

Community Development Department, Planning Division

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# DRAFT MITIGATED NEGATIVE DECLARATION

## I. DESCRIPTION OF PROJECT:

**APNs:** 056-391-040

**Project Title:** Carter Park Improvement Project (PDP-19-059)

**Project Location:** The project is located at 10 Stone Pine Road within the existing Carter Park.

**Project Applicant:** City of Half Moon Bay

**Project Description:** The project proposes renovations to Carter Park including a new amphitheater with terraced seating, a stage/support building, children's play area, a picnic area, restroom and concession stand, trail, entry sidewalks and pathway, and landscaping.

## II. DETERMINATION

In accordance with the City of Half Moon Bay procedures for compliance with the California Environmental Quality Act (CEQA), the City has completed an Initial Study to determine whether the proposed project may have a significant adverse effect on the environment. On the basis of that study, the City makes the following determination:

- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures are included in the project and, therefore, this **MITIGATED NEGATIVE DECLARATION** has been prepared.

## III. CONDITIONS (Mitigation and Avoidance Measures):

### *Aesthetics*

#### **Light and Glare Impacts**

**Mitigation Measure:** The following measure, consistent with the Parks Master Plan IS/MND, shall be implemented to reduce light and glare impacts:

**MM AES-4.1:** To avoid light and glare impacts from park projects and to protect the coastside dark night skies valued by the Park Master Plan, the City shall prepare a photometric lighting plan for each park project that contains a night lighting element to it. The lighting plan should provide design and illumination requirements of the project and address how the plan reduces any light and glare impacts and protects dark night skies. The lighting plan shall specify how light will be shielded and contained within the park site to the greatest extent possible. The lighting plan shall be subject to review and approval by the Planning Commission to ensure the photometric lighting plan adequately reduces light and glare impacts to a less than significant level.

### *Air Quality*

#### **Construction Dust Emissions**

**Standard Condition:** The project shall implement the following standard BAAQMD dust control measures during all phases of construction on the project site:

- All active construction areas shall be watered twice daily or more often if necessary. Increased watering frequency shall be required whenever wind speeds exceed 15 miles-per-hour.
- Pave, apply water three times daily, or apply non-toxic soil stabilizers on all unpaved access roads and parking and staging areas at construction sites.
- Cover stockpiles of debris, soil, sand, and any other materials that can be windblown. Trucks transporting these materials shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day or as often as necessary to keep them free of dust and

debris associated with site construction. The use of dry power sweeping is prohibited.

- Subsequent to clearing, grading, or excavating, exposed portions of the site shall be watered, landscaped, treated with soil stabilizers, or covered as soon as possible. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas and previously graded areas inactive for 10 days or more.
- Installation of sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replanting of vegetation in disturbed areas as soon as possible after completion of construction.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes. Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the City of Half Moon Bay regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

## ***Biological Resources***

### **Special Status Animal Species**

**Mitigation Measures:** The project shall implement the following measures to reduce impacts to special status animal species:

- MM BIO-1.1:** Receive Agency Approval of Qualified Biologist. The qualifications of biologist(s) experienced with the California red-legged frog, San Francisco garter snake, and western pond turtle will be submitted to the USFWS and CDFW for review and written approval at least thirty (30) calendar days prior to the start of project activities.
- MM BIO-1.2:** Install Temporary Wildlife Exclusion Barrier. Prior to any ground disturbance in the impact area, an agency-approved temporary wildlife exclusion barrier will be installed along the limits of disturbance, including along the areas of new/re-paved paths from Main Street and the proposed concrete and resin paths at the southeastern corner of the site, and along the proposed path that loops around the stage through the 50-foot riparian setback. An agency-approved biologist will inspect the area prior to installation of the barrier. The barrier will be designed to allow the California red-legged frog, San Francisco garter snake, and western pond turtle to leave the impact area and prevent them from entering the impact area, and will remain in place until all development activities have been completed. This barrier will be inspected daily and maintained and repaired as necessary to ensure that it is functional and is not a hazard to individuals of these species on the outer side of the barrier.
- MM BIO-1.3:** Conduct Preconstruction Survey. No more than twenty-four (24) hours prior to the date of initial ground disturbance and before any work within the riparian setback until the exclusion fence is fully erected, a pre-construction survey for the California red-legged frog, San Francisco garter snake, and western pond turtle will be conducted by an agency-approved biologist within the impact area. The survey will consist of walking

the limits of impact to ascertain the possible presence of the species. The agency-approved biologist will investigate all potential areas that could be used by individuals of these species for feeding, breeding, sheltering, movement, and other essential behaviors. This includes an adequate examination of mammal burrows, such as California ground squirrels or gophers.

**MM BIO-1.4:** Worker Environmental Awareness Program. All construction personnel will participate in a worker environmental awareness program. These personnel will be informed about the possible presence of all special-status species and habitats associated with the species identified here to be potentially present in the project area. Prior to construction activities, the agency-approved biologist will instruct all construction personnel about (1) the description and status of the species; (2) the importance of their associated habitats; and (3) a list of measures being taken to reduce impacts on these species during project construction and implementation. A fact sheet conveying this information will be prepared for distribution to the construction crew and anyone else who enters the project site.

**MM BIO-1.5:** Construction Monitoring. An agency-approved biologist(s) will be onsite during all project activities that may result in take of any of these three species (e.g., during all clearing and rough grading, or during any activities that are not enclosed within the wildlife exclusion barrier). The agency-approved biologist(s) will be given the authority to freely communicate verbally, by telephone, electronic mail, or in writing at any time with construction personnel, any other person(s) at the project site, otherwise associated with the project, the USFWS, the CDFW, or their designated agents. The agency-approved biologist will have oversight over implementation of all the conservation measures and will have the authority and responsibility to stop project activities if they determine any of the associated requirements are not being fulfilled. The agency-approved biologist(s) may modify the daily monitoring requirement based upon professional judgement, in consultation with the City. If the agency-approved biologist(s) exercises this authority, the USFWS will be notified by telephone and electronic mail within twenty-four (24) hours.

**MM BIO-1.6:** Steep-walled Holes and Trenches. To prevent inadvertent entrapment of the California red-legged frog, San Francisco garter snake, or western pond turtle during construction, the agency approved biologist and/or construction foreman/manager will ensure that all excavated, steep-walled holes or trenches more than one 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 agency-approved biologist. Before such holes or trenches are filled, they will be thoroughly inspected for trapped animals by the agency-approved biologist and/or construction foreman/manager. If at any time a trapped California red-legged frog, San Francisco garter snake, or western pond turtle is discovered by the agency-approved biologist or anyone else, the steps in MM BIO-1.7 will be followed.

**MM BIO-1.7:** Protocol if California Red-legged Frog, San Francisco Garter Snake, or Western Pond Turtle is Encountered. If a California red-legged frog, San Francisco garter snake, western pond turtle, or any animal that construction personnel believes may be either of these species, is encountered during project construction, the following procedures will be followed:

- All work that could result in direct injury, disturbance, or harassment of the

individual animal shall immediately cease.

- The foreman and agency-approved biologist will be immediately notified.
- The agency-approved biologist will determine if the animal is a California red-legged frog, San Francisco garter snake, or western pond turtle and if so will follow MM BIO-1.8 for California red-legged frog or western pond turtle, or MM BIO-1.9 for San Francisco garter snake.

**MM BIO-1.8:** Relocation of California Red-legged Frogs and Western Pond Turtles. If any life stages of the California red-legged frog are found, the agency-approved biologist will contact the USFWS to determine if moving individuals is appropriate. If the USFWS approves moving animals, the biologist will move the red-legged frogs to suitable habitat at least 300 m from the project area. The same procedure will be followed with respect to western pond turtles, although no USFWS approval to relocate that species is necessary. Only agency-approved biologists will capture, handle, and move California red-legged frogs or western pond turtles. The agency-approved biologist will monitor any relocated frog or turtle until it is determined that it is not imperiled by predators or other dangers.

**MM BIO-1.9:** Monitor San Francisco Garter Snake. The agency-approved biologist will monitor any individual of the San Francisco garter snake encountered within the impact area but allow it to leave the impact area on its own. If the agency-approved biologist determines that the snake cannot leave on its own, then the USFWS and CDFW will be consulted to determine if the snake can be captured and relocated to appropriate habitat on the outside of the impact area.

**MM BIO-1.10:** Daytime Restriction. Construction activities related to park improvements will be restricted to the daytime. No nighttime construction will occur.

**MM BIO-1.11:** Food and Trash. To eliminate an attraction for the predators of the California red-legged frog, San Francisco garter snake, and western pond turtle, all food-related trash items such as wrappers, cans, bottles, and food scraps will be disposed of in solid, closed containers (trash cans) and removed at the end of each working day from the entire construction site. As part of routine park maintenance, City staff will remove trash on a regular schedule to prevent trash bins from overflowing.

**MM BIO-1.12:** Prohibition of Plastic Mono-filament Netting. Plastic mono-filament netting (erosion control matting), rolled erosion control products or similar material will not be used at the project site to prevent trapping California red-legged frogs, San Francisco garter snakes, western pond turtles, or other species.

**MM BIO-1.13:** Best Management Practices. The project shall obtain a NPDES permit, which will contain standard Best Management Practices (BMPs). During all construction implementation, standard BMPs will be used to minimize erosion and impacts to water quality to protect water quality in areas used by the California red-legged frog, San Francisco garter snake, and western pond turtle. These will be incorporated into the proposed project. Construction BMPs shall include but are not limited to the following:

- No litter, debris, or sediment will be dumped into existing site drainage systems. Trash and debris will be removed from the project site on a daily basis during construction and regularly during park operations.

- Equipment staging and parking of vehicles will occur on established access roads and flat surfaces.
- The integrity and effectiveness of construction fencing and erosion control measures will be inspected on a daily basis. Corrective actions and repairs will be carried out immediately for fence breaches and ineffective BMPs.
- No fueling, washing, and maintenance of vehicles shall occur on the site. Equipment will be regularly maintained to avoid fluid leaks. Any leaks will be captured in containers until equipment is moved to a repair location. Hazardous materials will not be stored on the site during construction
- Sediment-laden water will not be allowed to enter the stream channel.
- Absorbent materials designated for spill containment and clean-up activities shall be available on site for use in an accidental spill.

**MM BIO-1.14:** Avoidance. Construction activities will be scheduled to avoid the nesting season to the extent practicable. If construction activities are scheduled to take place outside the nesting season, all impacts to nesting birds protected under the MBTA and California Fish and Game Code will be avoided. The nesting season for most birds in San Mateo County extends from February 1 through August 31.

Preconstruction Surveys. If it is not practicable to schedule construction activities between September 1 and January 31, then preconstruction surveys for nesting birds will be conducted by a qualified ornithologist to ensure that no nests will be disturbed during project implementation. These surveys will be conducted no more than seven days prior to the initiation of construction activities. During this survey, the ornithologist will inspect all trees and other potential nesting habitats (e.g., shrubs and bridges) in and immediately adjacent to the impact area for nests. If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist will determine the extent of a construction-free buffer zone to be established around the nest (typically 300 ft for raptors and 100 ft for other species), to ensure that no nests of species protected by the MBTA and California Fish and Game Code will be disturbed during project implementation.

Inhibition of Nesting. If construction activities will not be initiated until after the start of the nesting season, all potential nesting substrates (e.g., bushes, trees, grasses, and other vegetation) that are scheduled to be removed by the project may be removed prior to the start of the nesting season (e.g., prior to February 1). This will preclude the initiation of nests in this vegetation, and prevent the potential delay of the project due to the presence of active nests in these substrates.

**MM BIO-1.15:** Surveys for roosting bats as required by state and local regulations shall be undertaken in areas where suitable habitat for such species is present to minimize potential adverse impacts to these species. No more than five days before the start of construction-related activities (including but not limited to mobilization and staging, clearing, grubbing, tree removal, vegetation removal, fence installation, demolition, and grading), a survey of suitable roosting bat habitat shall be conducted within the project site, including a 50-foot buffer. If evidence of bat roosting (e.g., guano accumulation, acoustic or visual detections) is found, CDFW shall be consulted to determine appropriate measures, such

as bat exclusion methods, if the roost cannot be avoided. The results of the surveys shall be documented.

**MM BIO-1.16:** Reduce and Minimize Lighting Impacts. The City shall prepare a photometric lighting plan. The plan shall ensure that during park operations, production lighting is focused or shielded so that lighting is directed towards the stage, not above the stage and not to the side. The lighting plan shall be subject to review and approval by the Planning Commission to ensure the photometric lighting plan adequately reduces light and glare impacts to a less than significant level.

### **Impacts to Riparian Areas**

**Mitigation Measure:** The project shall implement the following measure to reduce impacts to riparian areas:

**MM BIO-2.1:** If project activities require pruning of riparian trees or shrubs, a certified arborist will be retained to perform any necessary pruning to minimize harm to vegetation, ensure rapid regeneration, and limit pruning to the minimum area necessary.

**MM BIO-2.2:** Invasive Species Best Management Practices (BMPs). The following BMPs will be implemented to limit the spread of invasive species into sensitive habitats:

- All ground disturbing equipment used adjacent to the riparian habitat will be washed (including wheels, tracks, and undercarriages) at a legally operating equipment yard both before and after being used at the site.
- All applicable construction materials used on site, such as straw wattles, mulch, and fill material, will be certified weed free.
- The project will follow a stormwater pollution prevention plan as per the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit; Water Board Order No. 2009-0009-DWQ) if applicable.
- All bare soil resulting from project disturbance will be stabilized and planted with landscaping or a native seed mix from a local source following construction.
- Any cape ivy removed from the riparian corridor, i.e. during pruning near the entrance path, will be disposed of at a legally operating landfill or other off-site facility capable of handling noxious weed material.

### **Impacts to Trees**

**Standard Conditions:** Consistent with the City of Half Moon Bay Standard Planning Conditions and Municipal Code, the proposed project would implement the following measures:

- The three (3) Heritage Trees to be removed will be replaced on a one-for-one basis with a minimum size twenty-four-inch-box specimen tree of a species and in a location approved by the City manager or his or her designee.
- The following tree protection measures shall be implemented during construction:

- Prior to commencement of construction, construction fencing shall be placed around the drip line of all trees proposed for preservation.
- No grading or other construction shall occur within the drip line of any tree proposed for preservation except in conformance with a Tree Protection Plan approved by the Community Development Director.
- No vehicle, equipment or materials shall be parked or stored within the drip line of any tree proposed for preservation.

## *Cultural Resources*

### **Impacts to Archaeological Resources**

**Standard Condition:** Consistent with the City of Half Moon Bay Standard Planning Conditions, the proposed project would implement the following measure:

- If subsurface historic or archaeological resources are uncovered during construction, all work shall stop, the applicant shall notify the Community Development Director and retain a qualified archaeologist to perform an archaeological reconnaissance and identify any mitigation measures required to protect archaeological resources. Subsurface excavation shall not resume until expressly authorized by the Director.

**Standard Condition:** Consistent with the City of Half Moon Bay Standard Planning Conditions, the proposed project would implement the following measure:

- Pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code of the State of California, in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the NAHC who shall attempt to identify descendants of the deceased Native American(s). If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the permittee shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

## *Geology and Soils*

### **Seismicity**

**Standard Condition:** Consistent with the City of Half Moon Bay Standard Planning Conditions, the proposed project would implement the following measure:

- All structures shall be constructed in compliance with the standards of the 2019 California Codes of Regulations Title 24, including Building Code, Residential Code, Administrative Code, Mechanical Code, Plumbing Code, Electrical Code, Energy Code, Fire Code and Green Building Code to the satisfaction of the Building Official.



## Erosion

**Standard Condition:** Prior to issuance of grading permits, an erosion and sediment control plan shall be submitted that shows effective Best Management Practices (BMP) and erosion and sediment control measures for the site. Construction plans shall also include the “construction best management practices” plan sheet.

## Paleontological Resources

**Mitigation Measure:** The project shall implement the following measure to reduce impacts to potential paleontological resources:

**MM GEO-6.1:** If vertebrate fossils are discovered during construction, all work on the site will stop immediately until a qualified professional paleontologist can assess the nature and importance of the find and recommend appropriate treatment. Treatment may include preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds. The City will be responsible for ensuring that the recommendations of the paleontologist regarding treatment and reporting are implemented.

## *Hydrology and Water Quality*

### Water Quality Impacts

**Standard Condition:** Consistent with the City of Half Moon Bay Standard Planning Conditions, the proposed project would implement the following measure:

- Prior to the issuance of grading permits, an erosion and sediment control plan shall be submitted that shows effective Best Management Practices (BMP) and erosion and sediment control measures for the site. Construction plans shall also include the “construction best management practices” plan sheet.

**Standard Conditions:** Consistent with the MRP and City of Half Moon Bay Standard Planning Conditions, the proposed project would implement the following measures:

- Prior to issuance of a building permit, a stormwater management-treatment plan shall be submitted showing site design, source control, stormwater treatment, low impact development (LID), hydro modification management (HM) controls, and construction best management practices (BMP) for compliance with Provision C.3 of the Municipal Regional Stormwater Permit.
- The stormwater management-treatment plan shall include exhibit(s) showing drainage areas and location of Low Impact Development (LID) treatment measures; project watershed; total project site area and total area of land disturbed; total new and/or replaced impervious area; treatment measures and hydraulic sizing calculations; a listing of source controls and site design measures to be implemented at the site; hydro modification management measures, and supporting calculations. Hydro modification controls shall be designed using the Bay Area Hydrology Model (BAHM),

unless the applicant uses an alternative continuous simulation hydrologic computer model as described in Attachment E of the MRP.

### **III. FINDING**

The City of Half Moon Bay Community Development Director hereby finds that the proposed project could have a significant effect on the environment; however, there would not be a significant effect in this case because the mitigation measures summarized above and described in the Initial Study are included in the project.