

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: Four (4) farm labor housing units, Fifth Crow Farms at Cloverdale Ranch, when adopted and implemented, will not have a significant impact on the environment.

FILE NO.: PLN2023-00297

OWNERS: Midpeninsula Regional Open Space District and Peninsula Open Space Trust

APPLICANT: Sandy Sommer, Midpeninsula Regional Open Space District and Peninsula Open Space Trust

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

ASSESSOR'S PARCEL NO.: 086-270-010

LOCATION: 4309 Cloverdale Road, Pescadero

**PROJECT DESCRIPTION**

Planned Agriculture District Permit (PAD), Coastal Development Permit (CDP) and Grading Permit for the construction of four (4) farm labor housing units, a new septic system, two 10,000-gallon fire water storage tanks, a fire hydrant, 8 parking spaces and conversion of an agricultural well to domestic use on a 549-acre property in Pescadero. Vehicle access improvements are proposed to provide access to the farm labor housing units and to comply with fire turnaround requirements. A total of 850 cubic yards of grading and no tree removal is proposed. The project site is located in the Cloverdale Road County Scenic Corridor.

**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:** Upon the start of excavation activities and through to the completion of the project, the applicant shall be responsible for ensuring that the following dust control guidelines are implemented:

- a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- c. 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. The use of dry power sweeping is prohibited.
- d. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- f. All construction equipment shall be maintained and properly tuned in accordance with manufacturers' specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- g. 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 Toxics Control Measure Title 13, Section 2485, of the California Code of Regulations (CCR)). Clear signage shall be provided for construction workers at all access points.

- h. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person 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.
- i. Construction-related activities shall not involve simultaneous occurrence of more than two construction phases (e.g., paving and building construction would occur simultaneously).

**Mitigation Measure 2:** Environmental Awareness Training: Prior to the start of work, environmental awareness training should be provided to all construction crew. Training will include a description of all biological resources that may be found on or near the Project Study Area, the laws and regulations that protect those resources, the consequences of non-compliance with those laws and regulations, instructions for inspecting equipment each morning prior to activities, and a contact person if protected biological resources are discovered in the Project Study Area.

**Mitigation Measure 3:** Wildlife Exclusion Fencing (WEF): At least 14 days prior to the commencement of construction-related activities, California Red-Legged Frog (CRLF) exclusion fencing with exit funnels shall be installed between the riparian corridor and the Project footprint under the direction of a qualified biologist. Following installation, the fence should be inspected weekly by trained construction personnel to monitor and maintain the fence throughout the duration of the Project's ground-disturbing activities.

**Mitigation Measure 4:** Erosion Control Materials: Tightly woven fiber netting or similar material shall be used for erosion control or other purposes to ensure amphibian and reptile species do not get trapped. Plastic mono-filament netting (erosion control matting) rolled erosion control products, or similar material shall not be used.

**Mitigation Measure 5:** Pre-Construction Wildlife Surveys: Pre-construction surveys for CRLF shall be conducted prior to initiation of project activities and within 48 hours of the start of ground disturbance activities. After the Wildlife Exclusion Fence has been properly erected, scoping of any burrows on the site to ascertain the absence of CRLF is recommended in lieu of daily biological monitoring. Surveys are to be conducted by a qualified biologist. If CRLF is detected during the survey, the animal should be allowed to leave the area on its own accord.

**Mitigation Measure 6:** Nesting Bird Seasonal Work Window or Surveys: Tree and vegetation removal activities should be initiated during the non-nesting season from September 1 to January 31 to the extent feasible. If work cannot be initiated during this period, then nesting bird surveys shall be performed in suitable nesting habitat within 250 feet of the project footprint. If nests are found, a no-disturbance buffer should be placed around the nest until young have fledged or the nest is determined to be no longer active by the biologist. The size of the buffer may be determined by the biologist based on species and proximity to activities, but should generally be between 50 feet for songbirds and up to 250 feet for nesting raptors.

**Mitigation Measure 7:** In the event that unanticipated cultural resources are exposed during disturbance activities, work within 15 meters (50 feet) of the find must stop and a Secretary of the Interior (SOI)-qualified archaeologist (the SWCA Project Manager must be notified immediately). Work may not resume until a qualified archaeologist can evaluate the significance of the find; however, disturbance activities may continue in other areas. If the

discovery proves significant, additional work such as archaeological testing, data recovery, or consultation with stakeholders may be warranted.

**Mitigation Measure 8:** The discovery of human remains during the course of the project is a possibility. If human remains are encountered, then the procedures outlined by the NAHC, in accordance with Section 7050.5 of the California Health and Safety Code and PRC Section 5097.98, would be followed. If the monitor determines that a discovery includes human remains:

1. All ground-disturbing work within the immediate vicinity (25 feet) of the find would halt.
2. The archaeologist would contact the San Mateo County Coroner: San Mateo County Coroner 50 Tower Road, San Mateo, CA 94402 Phone: 650/ 312-5562
3. As a courtesy, the County Coroner would also notify the NAHC: Native American Heritage Commission 915 Capitol Mall, Room 364 Sacramento, California 95814 Phone: 916/ 373-3710, Email: [nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)

The County Coroner would have two (2) working days to examine the remains after being notified in accordance with California Health and Safety Code Section 7050.5. If the San Mateo County Coroner determines that the remains are Native American and are not subject to the County Coroner's authority, the County Coroner has 24 hours to notify the NAHC of the discovery. The NAHC would immediately designate and notify the Native American Most Likely Descendant (MLD), who will have 48 hours after being granted access to the location of the remains to inspect them and provide recommendations for the treatment of them.

**Mitigation Measure 9:** In the event that cultural, paleontological, or archaeological resources are encountered during site grading or other site work, such work shall immediately be halted in the area of discovery and the project sponsor shall immediately notify the Director of Planning and Building of the discovery. The applicant shall be required to retain the services of a qualified archaeologist for the purpose of recording, protecting, or curating the discovery as appropriate. The cost of the qualified archaeologist and of any recording, protecting, or curating shall be borne solely by the project sponsor. The archaeologist shall be required to submit to the Director of Planning and Building for review and approval a report of the findings and methods of curation or protection of the resources. In addition, an archaeological report meeting the Secretary of the Interior's Standards detailing the findings of the monitoring will be submitted to the Northwest Information Center after monitoring has ceased. No further grading or site work within the area of discovery shall be allowed until the preceding has occurred.

**Mitigation Measure 10:** If a newly discovered resource is, or is suspected to be, Native American in origin, the resource shall be treated as a significant Tribal Cultural Resource, pursuant to Public Resources Code 21074, until the County has determined otherwise with the consultation of a qualified archaeologist and local tribal representative.

**Mitigation Measure 11:** Prior to commencement of the project, the application shall submit to the Planning Department for review and approval, an erosion and drainage control plan that shows how the transport and discharge of soil and pollutant 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 limit application, generation, and migration of toxic substances, ensure the proper storage and disposal of toxic materials, and apply nutrients

at rates necessary to establish and maintain vegetation without causing significant nutrient runoff to surface waters. Said plans shall adhere to the San Mateo County Wide Stormwater Pollution Prevention Program "General Construction and Site Guidelines," including:

- a. Delineation with field markers of clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses within the vicinity of areas to be disturbed by construction and/or grading.
- b. Protection of adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.
- c. Performing clearing and earthmoving activities only during dry weather.
- d. Stabilization of all denuded areas and maintenance of erosion control measures continuously between October 1 and April 30.
- e. Storage, handling, and disposal of construction materials and wastes properly, so as to prevent their contact with stormwater.
- f. Control and prevention of 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.
- g. Use of sediment controls or filtration to remove sediment when dewatering site and obtain all necessary permits.
- h. Avoiding cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained and treated.
- i. Limiting and timing application of pesticides and fertilizers to prevent polluted runoff.
- j. Limiting construction access routes and stabilization of designated access points.
- k. Avoiding tracking dirt or other materials off-site; cleaning off-site paved areas and sidewalks using dry sweeping methods.
- l. Training and providing instruction to all employees and subcontractors regarding the Watershed Protection Maintenance Standards and construction Best Management Practices.
- m. Additional Best Management Practices in addition to those shown on the plans may be required by the Building Inspector to maintain effective stormwater management during construction activities. Any water leaving the site shall be clear and running slowly at all times.
- n. Failure to install or maintain these measures will result in stoppage of construction until the corrections have been made and fees paid for staff enforcement time.

#### 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: October 9, 2024 through October 28, 2024

All comments regarding the correctness, completeness, or adequacy of this Mitigated 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., October 28, 2024.**

## CONTACT PERSON

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*Olivia Boo*

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