

March 4, 2024

State of California Department of Transportation, District 4
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Subject: **LETTER OF DECISION**
File Number: PLN 2023-00390
Location: SR-1 between post mile (PM) 27.5 (SR-1 at Marine Boulevard in Moss Beach) and PM 34.8 (SR-1 at Wavecrest Road in the City of Half Moon Bay) within the unincorporated area of San Mateo County

On February 28, 2024, the San Mateo County Planning Commission considered a Coastal Development Permit for the implementation of the State Route 1 Multi-Asset Roadway Rehabilitation Project in unincorporated San Mateo County. The project is appealable to the California Coastal Commission.

Based on information provided by staff and evidence presented at the hearing, the Planning Commission approved the Coastal Development Permit, County File Number PLN 2023-00390, by making the required findings and adopting the conditions of approval in Attachment A.

Any interested party aggrieved by the determination of the Planning Commission has the right to 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 March 13, 2024.

Please direct any questions regarding this matter to Project Planner, Luis Topete at ltopete@smcgov.org.

Sincerely,



Angela Montes
Planning Commission Secretary

cc: California Coastal Commission
Midcoast Community Council

County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN2023-00390 Hearing Date: February 28, 2024

Prepared By: Luis Topete, Project Planner III 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 Initial Study and Negative Declaration prepared by the Lead Agency, the California Department of Transportation, and has considered the environmental effects of the project as shown in the Negative Declaration.

Regarding the Coastal Development Permit, Find:

2. That the project, as described in the application and accompanying materials required by Zoning Regulations 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 Local Coastal Program with regards to the Public Works, Sensitive Habitats and Visual Resources Components of the Local Coastal Program. See Section A (2) of the staff report for the supporting analysis demonstrating conformance with the Local Coastal Program.
3. That the project is not subject to the public access and public recreation policies of Chapter 3 of the Coastal Act of 1976 (commencing with Section 30200 of the Public Resources Code) since the project is not located between the nearest public road and the sea.
4. That the project conforms to specific findings required by policies of the San Mateo County LCP as detailed in Section A (2) of this staff report. See Section A (2) for the supporting analysis.

RECOMMENDED CONDITIONS OF APPROVAL

Current Planning Section

1. The approval applies only to the proposal as described in this report and materials submitted for review and approval by the Planning Commission on February 28, 2024. The Director of Planning and Building may approve minor revisions or modifications to the project if they are found to be consistent with the intent of, and in substantial conformance with this approval.
2. All temporarily disturbed previously vegetated areas will be contoured to preconstruction grades, where appropriate, and replanted with appropriate native vegetation.
3. Graded areas shall be protected from erosion using a combination of silt fences, fiber rolls, and erosion control netting (jute or coir) as appropriate.
4. Dust control measures shall include use of water trucks and dust palliatives to control dust in excavation areas and covering temporary stockpiles when weather conditions require.
5. Coir rolls or straw wattles that do not contain plastic or synthetic monofilament netting shall be installed along or at the base of slopes during construction to capture sediment.
6. Construction activities shall limit all construction lighting to within the area of work and use directional lighting, shielding, and other measures as needed to avoid light trespass in residential areas.
7. Should any human remains be discovered during site preparation, excavation, or other ground disturbance associated with the proposed project, all ground disturbing work shall cease, and the County Coroner shall be immediately notified, pursuant to Section 7050.5 of the State of California Health and Safety Code. Work must stop until the County Coroner can determine the origin and disposition of the remains pursuant to California Public Resources Code Section 5097.98. If the County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within 24 hours. A qualified archaeologist, in consultation with the Native American Heritage Commission, shall recommend subsequent measures for disposition of the remains.

Lighting Districts

8. The Montara and Granada Lighting Districts have lighting facilities along State Route 1. Care must be taken to protect the existing light poles and any wiring associated with them during construction. Any damage to the Lighting District facilities during construction shall be repaired by Caltrans per the Lighting District standard details and at Caltrans' expense. The Lighting Districts must be notified of any damage to their lighting facilities and any repairs must be inspected by Lighting District representatives.

Caltrans Avoidance and Minimization Measures

9. **Riparian Vegetation Protection.** All riparian habitat in the Project area will be delineated as an environmentally sensitive area (ESA), and no construction activities will occur outside of the immediate work area in riparian habitat environmentally sensitive areas. At the roadway crossings of Denniston, Frenchman's, and Pilarcitos Creeks, the California Department of Transportation (Caltrans) will limit riparian vegetation removal to the immediate work area. Trees or shrub trimming at those locations will be limited to removing only branches that overhang the roadway.
10. **Seasonal Avoidance.** Construction activities of paved surfaces in areas of potential California red-legged frog habitat (ESAs) will be performed between June 15 and October 15 to minimize impacts on this species. Designated staging areas may be used outside of this work window once cleared by a USFWS-approved biologist or their designee and fenced, as appropriate.
11. **Proper Use of Erosion Control Devices.** To avoid entanglement or injury of California red-legged frog or San Francisco garter snake, erosion control materials that use plastic or synthetic monofilament netting will not be used.
12. **Avoidance of Entrapment.** To prevent inadvertent entrapment of animals during construction, all excavated, steep-walled holes or trenches more than 1-foot deep will be covered at the close of each working day with plywood or similar materials or provided with one or more escape ramps constructed of earth fill or wooden planks at an angle no greater than 30 degrees. Before such holes or trenches are filled, they must be thoroughly inspected for trapped animals. All replacement pipes, hoses, culverts, or similar structures less than 12 inches in diameter will be closed, capped, or covered upon entry to the Project site. All similar structures greater than 12 inches must be inspected before they are subsequently moved, capped, and/or buried.
13. **Biological Monitor.** The names and qualifications of proposed biological monitor(s) will be submitted to the USFWS for approval prior to the start of construction. The USFWS-approved biological monitor(s) will keep a copy of the USFWS biological opinion in their possession when on site. Through

communication with the resident engineer, the USFWS approved biological monitor(s) will be on site during all work that could reasonably result in take of California red-legged frog or other special-status species. The USFWS-approved biological monitor(s) will have the authority to stop work that may result in the unauthorized take of special-status species. If the USFWS-approved biological monitor exercises this authority, the USFWS will be notified by telephone and e-mail message within one working day.

14. **Pre-Construction/Daily Surveys.** Pre-construction surveys for special-status species will be conducted by the USFWS-approved biological monitor no more than 14 calendar days prior to any initial ground disturbance and immediately prior to ground-disturbing activities (including vegetation removal and fence installation) in the Project footprint. These efforts will consist of walking surveys of the Project limits and, if possible, accessible adjacent areas within at least 50 feet of the Project limits. The USFWS-approved biological monitor will investigate potential cover sites when it is feasible and safe to do so. This includes thorough investigation of mammal burrows, rocky outcrops, appropriately sized soil cracks, tree cavities, and debris. Native vertebrates found in the cover sites within the Project limits will be documented and relocated to an adequate cover site in the vicinity, with the exception of fully protected species. Safety permitting, the USFWS-approved biological monitor will also survey areas of disturbed soil for signs of California red-legged frog or San Francisco garter snake within 30 minutes following initial disturbance of the given area. The need for further pre-construction surveys will be determined by the biologist based on site conditions and realized construction timelines.
15. **Protocol for Species Observation.** The USFWS-approved biological monitor(s) will have the authority to halt work through coordination with the resident engineer if California red-legged frog or San Francisco garter snake are observed in the Project footprint. The resident engineer will keep construction activities suspended in a 50-foot radius of the California red-legged frog or San Francisco garter snake in any construction area where the biologist has determined that a potential take of the species could occur. Work will resume after observed listed individuals leave the site voluntarily, the biologist determines that no wildlife is being harassed or harmed by construction activities, or the wildlife is relocated by the biologist to a release site using USFWS-approved handling techniques.
16. **Handling of California Red-Legged Frog.** If a California red-legged frog is discovered, the resident engineer and USFWS-approved biological monitor will be immediately informed.
 - a. If a California red-legged frog gains access to a construction zone, work will be halted immediately within 50 feet until the animal leaves the site or is captured and relocated by the USFWS-approved biological monitor.

- b. The USFWS will be notified within one working day if a California red-legged frog or San Francisco garter snake is discovered in the construction site.
 - c. The captured California red-legged frog will be released in appropriate habitat outside of the construction area but near the capture location. The release habitat will be determined by the USFWS-approved biological monitor.
 - d. The USFWS-approved biological monitor will take precautions to prevent introduction of amphibian diseases in accordance with the Revised Guidance on Site Assessments and Field Surveys for the California red-legged frog (USFWS 2005).
17. **Rare Plant Survey.** Caltrans will conduct a rare plant survey in the Biological Study Area (BSA) to determine the presence or absence of special-status plant species. To ensure that surveys are conducted at an appropriate time to identify all the target species, as many as three survey replicates will be performed. The survey replicates will be timed based on target species blooming periods and rainfall levels. All plants will be identified to a level needed to verify protected status. Any listed plants discovered in the field will be mapped and included as ESAs in the final plans and specifications. Caltrans will consult with the appropriate wildlife agency with jurisdiction and will obtain necessary permits or authorizations if unavoidable take of a listed plant species incidental to the proposed work would occur.
18. **Pre-Construction Plant Survey.** A Project biologist with appropriate botany experience will perform a site survey in ESAs where construction disturbance could occur before start of work. Special-status plants will be flagged and avoided where possible. Caltrans will coordinate with appropriate wildlife agencies with jurisdiction prior to construction if incidental take of a listed plant species is unavoidable and will obtain any necessary permits or authorizations for direct impacts. Caltrans will adhere to the requirements of all permits and authorizations issued for the Project.
19. **Drainage Work Exclusion for Ornduff's Meadowfoam.** Caltrans will avoid drainage system rehabilitation or other work in unpaved areas that could affect soil hydrology within 3,000 feet of where Ornduff's meadowfoam is known to occur. If Caltrans later determines that rehabilitating the drainage system at this location is necessary, it will complete a soil hydrology study, drainage system design, and mitigation plan in coordination with the California Department of Fish and Wildlife that result in no net loss of this species or its habitat.
20. **Wetlands and Waters Construction Work Windows.** Work in wetlands, waters, and riparian habitat will be limited to June 15 through October 15 to avoid or minimize impacts to waters of the United States, waters of the state, riparian habitat, and special-status species habitat.

21. **ESAs.** Wetlands, waters, riparian habitat, designated critical habitat, and special-status species habitat—including that of Ornduff’s meadowfoam—will be delineated as ESAs on contract plans and defined in contract specifications. Environmentally sensitive areas outside of the proposed work areas will be specifically identified to avoid during construction. Where work must occur in or adjacent to an ESA, an approved biologist with stop-work authority will be present.
22. **ESA Fencing.** Caltrans will install fencing to outline and protect ESAs prior to the start of construction. Environmentally sensitive area provisions will be implemented as a first order of work and will remain in place until all construction activities are completed in the work area.
23. **ESA Action Plan.**
 - a. An ESA Action Plan will be developed for the Project to protect the two archaeological resources in the APE in their entirety. Before construction, the ESA Action Plan will be reviewed and approved by the Cultural Studies Office (CSO) at Caltrans’ headquarters. The Caltrans archaeologist will ensure that the ESAs are included and described clearly in the environmental document. The ESAs will be included in the Project’s Environmental Commitment Record.
 - b. The Caltrans archaeologist will work in coordination with the other responsible parties to ensure that the ESA is represented and depicted in the plans, specifications, and estimates package. The package and plans will be reviewed throughout the design process, so that the ESAs are accurately represented and depicted. The Caltrans archaeologist will ensure that the ESA Action Plan is included in the resident engineer’s pending file.
 - c. All responsible parties will ensure that the ESAs are discussed during the preconstruction meeting, led by a qualified archaeologist and Native American tribes who may want to administer the training as well. The importance of the ESAs will be discussed with construction personnel, stressing that no construction activity (including storage of equipment or materials) may occur in the ESAs, and that workers must remain outside of the ESAs at all times. In addition, historic preservation laws that protect archaeological sites and artifacts against any disturbance or removal will be discussed.
 - d. The resident engineer will notify the Caltrans Office of Cultural Resource Studies staff (Caltrans project archaeologist) at least 2 weeks in advance of the start of construction. A field review of the ESA locations will be conducted. The Caltrans project archaeologist will mark the ESA locations with the contractor.

24. **Construction Activities for ESA Protection.**
 - a. Temporary, high-visibility fencing will be installed by the contractor at least 1 week before beginning any ground disturbance. The Caltrans archaeologist will coordinate this activity with the resident engineer. The Caltrans archaeologist will be present to supervise and monitor this activity.
 - b. The Caltrans archaeologist will conduct spot inspections and site visits to ensure the integrity of the environmentally sensitive areas. The Caltrans archaeologist will notify the State Historic Preservation Officer, CSO, and consulting Native American parties within 48 hours of any ESA, post-review discovery, or inadvertent effect, to immediately determine how the breach or discovery will be addressed.
25. **Post-Construction Activities.** The resident engineer will inform the Caltrans archaeologist when construction is completed. The contractor, in coordination with the resident engineer and the Caltrans archaeologist, will remove the ESA fencing at the completion of construction.
26. **Guard Rail Finish.** Caltrans will include a matte finish on guard rail exposed metal surfaces to reduce glare.
27. **Development of Transportation Management Plan.** Caltrans will develop a Project-specific traffic management plan (TMP) during the final design phase of the Project. The TMP will be prepared in accordance with Caltrans requirements and guidelines to minimize construction related delays and impacts on emergency vehicles and the traveling public. The TMP will include the following provisions:
 - a. Coordination with San Mateo County, the City of Half Moon Bay, and any other applicable local jurisdictions for notification of closures and detours.
 - b. Coordination with California Highway Patrol (CHP) and other local law enforcement.
 - c. Use of portable changeable message signs, the CHP construction zone enhanced enforcement program, one way traffic controls, and flaggers.
 - d. Continued access for emergency services.
 - e. Continued access to any residential driveways.

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