MITIGATED NEGATIVE DECLARATION

Pursuant to the California Environmental Quality Act (CEQA)
Division 13, Public Resources Code

CITY OF HALF MOON BAY
PLANNING DIVISION
501 MAIN STREET
HALF MOON BAY, CALIFORNIA

SCH No. 2013072036

Project Description

The project consists of an Update to the Circulation Element of the City of Half Moon Bay's General Plan. The project updates the Circulation Element of the General Plan to address key new goals, supporting policies, and implementation actions for complete streets in the City of Half Moon Bay.

The Policies and Implementing Actions identified in the Draft Circulation Element Update aim to provide for an enhanced circulation infrastructure that is safe for all modes of travel and the community's general welfare and overall convenience including safety and inter-connectedness as a whole. The project identifies and incorporates near-term and potential long-term improvements for implementation and additional conceptual recommendations for future improvements pending further feasibility studies to address the City's future circulation needs. These improvements are described in detail on pages 4 through the bottom of page 8 of the attached initial study.

Determination

An Initial Study has been prepared by the City pursuant to the California Environmental Quality Act (CEQA) (see **Appendix A**). The initial study and proposed Mitigated Negative Declaration (MND) was circulated for a 30-day public review period from July 17, 2013 to August 16, 2013. Several letters were received on the draft Half Moon Bay Circulation Element and associated initial study/proposed MND. The City has prepared a Response to Comments document that clearly addresses all the comments received by the interested parties (both agencies and public) (see **Appendix B**). This Response to Comments document clarifies the scope of the initial study (i.e., the near- and long-term improvements that were evaluated), provides revised mitigation measures and text for the initial study, and corrects erroneous errors presented in both the draft Circulation Element and associated initial study/proposed MND. The revised mitigation measures have been incorporated into this MND.

On the basis of the initial study and Response to Comments Document, it has been determined, following public review, that the proposed action with the incorporation of the identified mitigation measures below will not have a significant effect on the environment. This determination reflects the independent judgment and analyses of the City of Half Moon Bay (lead agency). The supporting technical reports that constitute the record of proceedings upon which this determination is made are available for public review at City Hall, 501 Main Street, Half Moon Bay, CA 94019, between 8:30am and 5:30 pm, Monday through Friday. A

mitigation monitoring program has been prepared and is attached as **Appendix C** to this MND.

MM AQ-1. All diesel-powered construction equipment larger than 50 horsepower and operating on site for more than 2 days continuously shall meet U.S. EPA particulate matter emissions standards for Tier 2 engines or equivalent. The construction contractor may use other measures to minimize construction period diesel particulate matter emissions to reduce the predicted cancer risk below the thresholds. Such measures may be the use of alternative powered equipment (e.g., LPG powered forklifts), alternative fuels (e.g., biofuels), added exhaust devices, or a combination of measures, provided that these measures are approved by the lead agency.

MM BIO-1. Prior to the commencement of construction activities at any of the proposed improvement sites, a qualified biologist shall conduct a habitat evaluation for San Francisco garter snake. The evaluation shall assess the site's potential use as movement, aestivation, foraging, cover, and breeding habitat. The results of the evaluation shall be submitted to the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) to determine what future actions are required. If it is found (and USFWS and CDFW concurs) that San Francisco garter snake is not expected to occur at the improvement site (due to the absence of suitable habitat or connectivity to an area containing suitable habitat, or other factors), then no further actions would be required. If it is determined that San Francisco garter snake may occur or that construction at that location could otherwise harm the species or its habitat, then consultation with the USFWS and CDFW would occur, as required. The results of the consultations may include the implementation of avoidance and measures to prevent harm to individual San Francisco garter snakes during construction, such as preconstruction clearance surveys, an onsite biological monitor and/or the installation of temporary exclusionary fencing around the project site. If the project would result in the loss of San Francisco garter snake habitat, the project shall be sited and designed to prevent impacts that could significantly degrade the habitat area. Any loss to habitat area that cannot be avoided will be limited to that necessary to build the project and shall be compatible with the continuance of those habitat areas. Habitat compensation would also be required (as determined by the USFWS and/or CDFW) to mitigate for any habitat loss. Habitat creation/restoration would occur at or near the drainage area affected and a habitat creation/restoration plan would be prepared; the plan would be subject to the approval of the CDFW and USFWS. Alternatively, subject to CDFW and USFWS approval, mitigation credits may be purchased at an approved mitigation site. At a minimum, the habitat compensation would require that there is no net loss of San Francisco garter snake habitat. The project applicant shall comply with any avoidance/mitigation measures required by the USFWS and CDFW, and if necessary, obtain incidental take authorization from these agencies.

MM BIO-2. Prior to the commencement of construction activities at any of the proposed improvement sites, a site assessment shall be conducted according to the guidance provided in the Revised Guidance and Site Assessments and Field Surveys for the California red-legged frog (USFWS 2005). The results of the site assessment shall be submitted to the USFWS. If it is found (and USFWS concurs) that California red-legged frog is not expected to occur at the improvement site (due to the absence of suitable habitat or connectivity to an area

containing suitable habitat, or other factors), then no further actions would be required. If it is determined that California red-legged frogs are present or could be present, the project shall be sited and designed to prevent impacts that could significantly degrade habitat area and shall be compatible with the continuance of the habitat area. -The project applicant shall enter into discussion with USFWS to determine if consultation is required and the appropriate mitigation measures to be implemented to ensure that the project will not cause a significant disruption to the habitat area and that any impacts to habitat area are limited to those necessary to build the project. Mitigation measures may include, but are not limited to, preconstruction clearance surveys, an on-site biological monitor, the installation of temporary exclusionary fencing around the project site, relocation of the species, scheduling of construction activities to minimize adverse impacts, replacement of impacted habitat, or other agency approved measures.

MM BIO-3. Prior to any construction activities within 600 feet of a Monarch butterfly winter roost, a qualified biologist shall determine if the proposed activity could disrupt use of the roost site. Factors to be taken into consideration may include the current status of the roost site, timing of the proposed construction activity, existing noise levels in the project area, and other factors. If a roost site is found to be active, avoidance and mitigation measures shall be developed to ensure that such as site is not disturbed.

MM BIO-4. In the event construction activities or vegetation removal commence anytime during the nesting/breeding season of native bird species potentially nesting within the project site (typically February through August in the project region), a preconstruction survey for nesting birds shall be conducted by a qualified biologist within two weeks of the commencement of the construction activities.

If active nests are found within 300 feet of the construction or that could be directly affected by it, and would be subject to prolonged construction-related noise, a no construction buffer zone shall be created around active nests during the breeding season or until a qualified biologist determines that all young have fledged. The size of the buffer zone and types of construction activities within the buffers should be determined by taking into account factors such as the following:

- Noise and disturbance levels at the construction site at the time of the survey and the noise and disturbance expected during the construction activity.
- Distance and amount of vegetation or other screening between the construction site and the nest, and
- Sensitivity of individual nesting species and behavior of the nesting birds.

Typically, for passerine birds found to be nesting within 250 feet of the impact area, a 250 feet buffer shall be required around the nests. No vegetation removal or ground disturbance shall occur within the 250 feet buffer. For raptor species, birds of prey such as hawks and owls, the buffer shall be 500 feet. A qualified biologist shall monitor the nests closely until it is determined that the nests are no longer active, at which time construction activities may commence within the buffer area upon the direction of the biological monitor.

MM BIO-5. Upon availability of the project plans for each proposed improvement project, it shall be determined if that project could affect potential jurisdictional resources. This would be accomplished by having a qualified wetland specialist conduct a preliminary evaluation, and where necessary, a jurisdictional delineation. In the event, the Jurisdictional Delineation (as verified by the Army Corps of Engineers, (ACOE) and California Coastal Commission) determines that a jurisdictional feature would be impacted, the project applicant shall site and design the project to prevent impacts that could significantly degrade environmentally sensitive habitat areas and the project shall be compatible with the continuance of those habitat areas. Impacts to jurisdictional features shall be limited to that necessary to build the project. The project applicant shall obtain all necessary permits/agreements from the ACOE, California Coastal Commission, Regional Water Quality Control Board (RWQCB), and CDFW.

As expected to be required by the regulatory agencies, the project applicant will compensate for the loss of the jurisdictional feature such that there is no net loss of jurisdictional habitat or habitat functions. If mitigation is performed on-site via the creation/enhancement of habitat, the applicant will develop a Mitigation and Monitoring Plan (subject to agency approval) before construction activities begin. The primary goal of the plan would include the onsite replacement of jurisdictional features affected by the proposed project. The plan will specify, at a minimum, the following: (1) the location of creation/enhancement planting sites; (2) the quantity and species of plants to be planted; (3) planting procedures, including the use of soil preparation and irrigation; (4) methods for the removal of non-native plants; (5) a schedule and action plan to maintain and monitor the enhancement/restoration areas; (6) a list of criteria (e.g., growth, plant cover, plant diversity) and performance standards by which to measure success of the creation/enhancement/restoration project; and (7) contingency measures in the event that creation/enhancement/restoration efforts are not successful.

Alternatively, mitigation credits may be purchased at an approved mitigation bank/site; this would be subject to the approval of the relevant regulatory agency.

MM CUL-1. In the event subsurface archeological resources are encountered during subsurface earthwork activities, all construction activity within 50 feet of the find shall cease. A qualified archeological consultant shall examine the find, assess their significance, and make recommendations for their disposition such that there are no significant adverse impacts associated with archeological resources on the site. All recommendations of the archeologist shall be followed. If any previously undiscovered resource found during subsurface earthwork activity is determined to be significant, it shall be subject to scientific analysis, and a report prepared according to current professional standards.

MM CUL-2. In the event that paleontological resources are discovered during subsurface earthwork activities, all work shall temporarily cease in these areas until a qualified paleontologist evaluates, and assesses such resources on site, and make recommendation as to their disposition. If any finds were determined to be significant by the paleontologist they shall be subject to scientific analysis, and a report prepared according to current professional standards.

MM CUL-3. In the event human remains or burial sites are encountered during earth disturbing activities, all work in the area shall stop immediately and the San Mateo County Coroner's Office shall be notified. If the remains are determined to be of Native American origin by the County Coroner, the Coroner shall contact the Native American Heritage Commission and any identified descendants, and recommendations solicited to make necessary places for the treatment of the finds, and for evaluation and mitigation if the finds are found to be significant pursuant to CEQA.

MM HYD-1. During construction San Mateo County Storm Water Pollution Best Management Practices (BMPs) shall be employed to ensure that water quality of surface runoff is maintained and does not cause siltation of downstream water ways:

- All grading shall take place in the dry season between April 1 and October 31 to minimize immediate erosion/siltation impacts. Exception to this requirement may be provided if compelling circumstances exist, such as, favorable weather conditions.
- Construction material and waste shall be handled and disposed of properly in compliance with applicable laws to prevent their contact with storm water.
- Discharge of all potential pollutants, including dirt, pavement cutting waste, paints, concrete, petroleum products, chemicals, washwater or sediments, and non stormwater discharges to storm drains and watercourses shall be controlled and prevented.
- Sediment controls such as straw mulch, silt fences, sediment basins or traps and/or other measures shall be employed for sediment control during construction.
- Tracking dirt or other material offsite shall be avoided and offsite paved areas and sidewalks shall be cleaned regularly using dry sweeping methods.
- The contractor shall train and provide instructions to all employees and subcontractors regarding construction BMPs.

MM TRANS-1. When determined to be necessary by traffic monitoring, the intersection of Highway 1/Venice Boulevard shall be signalized.

Bruce Ambo
Planning Manager

9.30.13
Date