

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: *Renew existing Sprint PCS cell facility, legalize existing AT&T cell facility, 2,065 cubic yards of grading to repair existing eroded hiking trail/access road for emergency access purposes* and relocate existing above ground utility poles to underground within hiking trail/access road, when adopted and implemented, will not have a significant impact on the environment.

FILE NO.: PLN2017-00135 (AT&T) and PLN2006-00075 (Sprint PCS)

OWNER: American Tower Systems Inc.

APPLICANT: Emily Murray, Esq., American Towers, 865 South Figueroa Street, Suite 2800, Los Angeles, CA 90017-2543 and Bonnie Belair, Sr. Attorney, American Towers, 10 Presidential Way, Woburn, MA 01801

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

ASSESSOR'S PARCEL NO.: 036-370-020, (cellular equipment), 036-330--030, 036-340-020, 036-340-050, 036-340-070, and 036-332-020 (hiking trail/access road), approximately 20 acres

LOCATION: 3501 Whiting Ridge Road, Montara

PROJECT DESCRIPTION

PLN 2006-00075: Use Permit Renewal, Coastal Development Permit, Resource Management District Permit, Planned Agriculture District Permit, and Grading Permit for an existing Sprint PCS facility. The existing Sprint PCS facility includes antennas attached to three wood monopoles, an existing 70 sq. ft. shelter and propane tank.

PLN 2017-00135: After-the-Fact Use Permit, Coastal Development Permit, Resource Management-Coastal Zone District Permit, Design Review Permit, and Grading Permit to legalize an existing AT&T cellular facility constructed without permits.

The existing AT&T facility is mounted on a 40 ft. wooden tower that is supported by four posts. The highest mounted antennae is at 60 feet. The facility has two equipment shelter sheds, one shelter is 285 sq. ft. located within the footprint of the tower, the second equipment shelter, 556 sq. ft., is located 40 feet west of the tower. The shed, located directly below the antennas tower, is enclosed by a chain link fence. The second shed is not enclosed within a chain link fence, however, it is a secured building.

The project also includes restoring and repairing an existing access/trail road that provides vehicle access to the existing cellular facilities, including 18,500 linear feet (3.5 miles) of road blading to repair the roadway and to construct five (5) fire turnouts. The same dirt Road also serves as a walking/hiking park trail within the McNee state park and is open to the public. The dirt road is in disrepair due to years of erosion. Grading repair includes 2,065 cubic yards of cut and fill for soil to be relocated on site to repair erosion. Tree removal or trimming may be performed only as necessary for adequate vertical clearance. Five new fire truck turnouts are also proposed to provide adequate fire truck access Through the park and to the peak where the existing cellular sites are located.

American Tower the underlying owner, has future plans to remove 26 above ground power poles due to relocating the overhead power underground, within the footprint of the existing access road/hiking trail over a two year period. This project will be processed under a separate scope as a Phase II and require an updated biologist report..

### 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 submit a plan to the Planning and Building Department prior to the commencement of work that at a minimum includes applicable “Basic Construction Mitigation Measures” as listed in Table 8-2 of the BAAQMD CEQA Guidelines (May 2017). These measures shall be implemented prior to beginning any project related work and shall be maintained for the duration of the project activities:

- 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 ads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- f. 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 California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- g. 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.
- 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.

**Mitigation Measure 2:** Noise sources associated with demolition, construction, repair, remodeling or grading of any real property shall be limited to the hours from 7:00 am. To 6:00 pm., 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 3:** Prior to working on site, all construction crew members and other on-site workers associated with the project shall receive an Environmental Awareness Training to be conducted by a Qualified Biologist. The training shall instruct workers on how to recognize all special-status plant/wildlife species and their preferred habitat potentially present in the project area, applicable laws and regulations regarding each species, actions to take if a special-status species is observed during construction activities, and the name/contact information of the Qualified Biologist and Qualified Biological Monitor.

**Mitigation Measure 4:** It is recommended that all road and firebreak work that is located in areas where Pacific stonecrop plants occur, should be conducted outside of the active period (March 1 through June 30) of the San Bruno elfin butterfly to minimize the risk of impacts to this species. All Pacific Stonecrop plants shall be clearly marked with flagging for avoidance prior to vegetation removal and ground disturbance activities. In addition, a Qualified Biological Monitor shall be present on site to monitor any work that is conducted within 50 feet of any Pacific stonecrop plants.

**Mitigation Measure 5:** The lower (western) 0.5 mile section of the North Peak Access Road, which runs adjacent to Martini Creek before it rises steeply up Montara Mountain, has potential for presence of California red-legged frog and San Francisco garter snake. Prior to conducting project-related work in this section of roadway, a Qualified Biologist shall conduct a preconstruction survey within 48 hours of any road improvement activities. After work has commenced in this area, a Qualified Biological Monitor shall also inspect this area each morning prior to the beginning of work for presence of California red-legged frogs and San Francisco garter snakes. The Qualified Biological Monitor shall have the authority to stop work, to allow any frogs and/or snakes to move out of harm's way on their own accord.

**Mitigation Measure 6:** Approximately 0.58 miles of the North Peak Access Road travels through Montara manzanita chaparral and a small number of isolated individuals are also present along the road shortly before this habitat transition. A single individual Kings Mountain manzanita is also located along North Peak Access Road shortly before the transition into Montara manzanita chaparral. Both of these species are considered special status species. Extreme care should be taken while working in this section to avoid unnecessary impacts to the Montara manzanita and Kings Mountain Manzanita or its associated habitat. Minor trimming of manzanita branches that are encroaching into the roadway is unlikely to cause significant negative impacts to the plants, however cutting or removal of entire plants and/or cutting primary trunks shall be avoided. A Qualified Biological Monitor shall monitor all vegetation removal and ground disturbance activities within the Montara manzanita chaparral and transition areas along the North Peak Access Road.

**Mitigation Measure 7:** Two San Francisco dusky-footed woodrat middens are located in the vicinity of proposed turnouts (Turnouts 1 and 3) and two additional middens are located in the Fire Break areas. All SFDFW middens shall be marked for avoidance. If any work is conducted within 50 feet of a SFDFW midden, a Qualified Biological Monitor shall be present on site to monitor this work. If any SFDFW middens cannot be avoided by project activities, the California Department of Fish and Wildlife (CDFW) shall be consulted to determine suitable mitigation measure(s).

**Mitigation Measure 8:** The Island tube lichen shall be avoided. Measures to minimize impacts to San Francisco wallflower and San Mateo tree lupine include flagging of the plants and avoidance where possible. A Qualified Biological Monitor shall be present on site to monitor all work within 50 feet of these species.

**Mitigation Measure 9:** If the project is conducted within the nesting bird season (Feb. 1 – August 31), a survey for nesting birds shall be conducted by a Qualified Biologist within one week prior to any ground disturbance or vegetation removal associated with the project. Due to the length of the project site, it will be necessary to perform multiple surveys as work proceeds along North Peak Access Road. If active bird nests are detected, suitable buffer zones shall be established based on CDFW requirements to ensure nesting birds are not impacted.

**Mitigation Measure 10:** Vehicles and equipment shall be parked on pavement, existing roads and previously disturbed areas to the maximum extent possible. If construction vehicles need to park on vegetation along the access road/hiking trail, the applicant shall work with the biologist and designate areas for off road parking needs to confirm no plant or species are impacted.

**Mitigation Measure 11:** No work shall be conducted, and all work shall cease when precipitation is forecast to be greater than 0.1 inches.

**Mitigation Measure 12:** 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 Community

Development Director of the discovery. The applicant shall be required to retain the services of a qualified archaeologist or applicable profession for the purpose of recording, protecting, or curating the discovery as appropriate. The cost of the qualified archaeologist, or applicable professional, and of any recording, protecting, or curating shall be borne solely by the project sponsor. The archaeologist, or applicable professional, shall be required to submit to the Community Development Director for review and approval a report of the findings and methods of curation or protection of the resources. In addition, an archaeological (or applicable professional), 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 13:** 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 14:** In the event of discovery or recognition of any human remains during project construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The applicant shall then immediately notify the County Coroner's Office and possibly the State Native American Heritage Commission to seek recommendations from a Most Likely Descendant (Tribal Contact) before any further action at the location of the find can proceed. All contractors and sub-contractors shall be made aware of these requirements and shall adhere to all applicable laws including State Cultural Preservation laws. Disposition of Native American remains shall comply with CEQA Guidelines Section 15064.5(e).

**Mitigation Measure 15:** Prior to the issuance of the building permit for the property, the applicant 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 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, and 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 Countywide Stormwater Pollution Prevention Program "General Construction and Site Supervision Guidelines," including:

- a. Sequence construction to install sediment-capturing devices first, followed by runoff control measures and runoff conveyances. No construction activities shall begin until after all proposed measures are in place.
- b. Minimize the area of bare soil exposed at one time (phased grading).
- c. Clear only areas essential for construction.
- d. Within five (5) days of clearing or inactivity in construction, stabilize bare soils through either non-vegetative best management practices (BMPs), such as mulching, or vegetative erosion control methods, such as seeding. Vegetative erosion control shall be established within two (2) weeks of seeding/planting.
- e. Construction entrances shall be stabilized immediately after grading and frequently maintained to prevent erosion and to control dust.

- f. Control wind-born dust through the installation of wind barriers such as hay bales and/or sprinkling.
- g. Soil and/or other construction-related material stockpiled on-site shall be placed a minimum of 200 feet from all wetlands and drain courses. Stockpiled soils shall be covered with tarps at all times of the year.
- h. Intercept runoff above disturbed slopes and convey it to a permanent channel or storm drains by using earth dikes, perimeter dikes or swales, or diversions. Use check dams where appropriate.
- i. Provide protection for runoff conveyance outlets by reducing flow velocity and dissipating flow energy.
- j. Use silt fence and/or vegetated filter strips to trap sediment contained in sheet flow. The maximum drainage area to the fence should be 0.5 acres or less per 100 feet of fence. Silt fences shall be inspected regularly, and sediment removed when it reaches 1/3 the fence height. Vegetated filter strips should have relatively flat slopes and be vegetated with erosion-resistant species.
- k. Throughout the construction period, the applicant shall conduct regular inspections of the condition and operational status of all structural BMPs required by the approved erosion control plan.
- l. No erosion or sediment control measures will be placed in vegetated areas.
- m. Environmentally sensitive areas shall be delineated and protected to prevent construction impacts.
- n. Control of fuels and other hazardous materials, spills, and litter during construction.
- o. Preserve existing vegetation whenever feasible.

**Mitigation Measure 16:** For the AT&T facility, the applicant shall post two yellow caution signs at the site access location and one Information sign posted at gate locations #1 and #2.

**Mitigation Measure 17:**

Prior to the issuance of the building permit, the applicant shall have prepared, by a registered civil engineer, a drainage analysis of the proposed project and submit it to the Department of Planning and Building for review and approval. The drainage analysis shall consist of a written narrative and a plan. The flow of the stormwater onto, over, and off of the dirt road shall be mitigated so that it does not create rills and gullies in the roadway. Recommended measures shall be designed and included in the improvement plans and submitted to the Department of Planning and Building for review and approval. Options for approach to showing that ongoing erosion prevention has been addressed:

- a. Provide plan and profile with drainage calculations at various slopes on the plans. Provide matrix for repair.
- b. Provide inventory of specific locations to be repaired on the plans with matrix for repair. Provide calculations as appropriate, and example details for waterbars, etc.
- c. Set up agreement to review annually for the life of the project. Set aside funds to cover costs or hire engineer to submit reports. Drone fly over is ok.
- d. For slopes greater than 15 percent, the surface needs to be asphalt with no slopes over 20 percent, unless permission is obtained from the fire district to waive this requirement.

- e. Details and typical construction erosion control (EC) measures/stormwater BMPs will be specified on the plans to be implemented as-needed along the roadway. The portion of the roadway within the Areas of Special Biological Significance (ASBS) shall be highlighted and particular care for EC installation will be required in this area.

**Mitigation Measure 18:** A minimum of ten days in advance, the applicant shall post a sign at the Cabrillo Highway trail entrance location to notify the public of temporary closure due to construction

**RESPONSIBLE AGENCY CONSULTATION**

State Parks, North Coast County Water District, Golden Gate National Recreation Area, National Park Service, and San Mateo County.

**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:** April 12, 2023 to May 11, 2023.

All comments regarding the correctness, completeness, or adequacy of this Mitigated Negative Declaration must be received by the County Planning and Building Department via mail to 455 County Center, Second Floor, Redwood City, or email to the project contact below, no later than **5:00 p.m., May 11, 2023.**

**CONTACT PERSON**

Olivia Boo, Project Planner,  
oboo@smcgov.org

*Olivia Boo*

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Olivia Boo , Project Planner

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