



**ERIC GIBSON**  
DIRECTOR

## County of San Diego

### DEPARTMENT OF PLANNING AND LAND USE

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### MITIGATED NEGATIVE DECLARATION

November 13, 2008

Project Name: Puerta La Cruz Wireless Telecommunications Facility

Project Number(s): P07-004; Log No. 07-04-001

**This Document is Considered Draft Until it is Adopted by the Appropriate County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
- b. Environmental Analysis Form and attached extended studies for Biological Resources, Cultural Resources, and Stormwater Management.

#### 1. California Environmental Quality Act Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

**BIOLOGICAL RESOURCES**

- A. Prior to obtaining any building or other permit pursuant to this Major Use Permit, and prior to commencement of construction or use of the property in reliance on this Major Use Permit, the applicant shall:
1. Provide evidence to the satisfaction of the Director of Planning and Land Use that 0.74 acre of Riversidean sage scrub or habitat of similar function and value has been secured in a mitigation bank approved by the California Department of Fish & Game, located in or adjacent to the North Mountain Ecoregion. Evidence of purchase shall include the following information to be provided by the mitigation bank: **[DPLU, FEE X2]**
    - a. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
    - b. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
    - c. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
    - d. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

-OR-

Provide for the conservation and habitat management of a minimum of 0.74 acre of Riversidean sage scrub or habitat of similar function and value located in the North Mountain Ecoregion. A Resource Management Plan (RMP) for the Riversidean sage scrub habitat or habitat of similar value and function, must be submitted and approved by the Director of the Department of Planning and Land Use. The plan shall be prepared and approved

pursuant to the County of San Diego Biological Report Format and Requirement Guidelines. An open space easement over the acquired habitat must be dedicated to the County of San Diego prior to or immediately following the approval of the RMP. Alternatively, proof that a federal, state or local government agency with the primary mission of resource management has taken fee title to the land will be accepted in lieu of an easement.

B. Prior to the approval of any grading and or improvement plans and prior to issuance of any grading or construction permit pursuant to this Major Use Permit, and prior to commencement of construction or use of the property in reliance on this Major Use Permit, the applicant shall:

1. Provide evidence to the satisfaction of the Director of Public Works (DPW) and or the Director of Planning and Land Use (DPLU) that the following "Specific Environmental Notes" have been placed on the grading, and or improvement plans, and or Building Plans:
2. Restrict all brushing, clearing and/or grading such that none will be allowed within 300 feet of trees and Riversidean sage scrub habitat during the breeding season of raptors and migratory birds. This is defined as occurring between January 15<sup>th</sup> and August 31<sup>st</sup>. The Director of Planning and Land Use may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Game, that no active nests are present in the vicinity of the brushing, clearing or grading.  
**[DPLU, FEE]**

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

A. Prior to approval of grading and/or improvement plans, the applicant shall:

1. Implement a grading monitoring and data recovery program to mitigate potential impacts to undiscovered buried archaeological resources on the Vista Towers Project, P07-004/Log No. 07-04-001 to the satisfaction of the Director of Planning and Land Use

(DPLU). This program shall include, but shall not be limited to, the following actions:

- a. Provide evidence that a County approved archaeologist has been contracted to implement a grading monitoring and data recovery program to the satisfaction of the Director of Planning and Land Use (DPLU). A letter from the Principal Investigator shall be submitted to the Director of Planning and Land Use. The letter shall include the following guidelines: **[DPLU, FEE]**
  - i. The project archaeologist shall contract with a Native American monitor to be involved with the grading monitoring program as outlined in the County of San Diego Report Format and Content Guidelines (2006).
  - ii. The County approved archaeologist/historian and Native American monitor shall attend the pre-grading meeting with the contractors to explain and coordinate the requirements of the monitoring program as outlined in the County of San Diego Report Format and Content Guidelines (2006).
  - iii. The project archaeologist shall monitor all areas identified for development including off-site improvements.
  - iv. An adequate number of monitors (archaeological/historical/Native American) shall be present to ensure that all earth moving activities are observed and shall be on-site during all grading activities for areas to be monitored.
  - v. During the original cutting of previously undisturbed deposits, the archaeological monitor(s) and Native American monitor(s) shall be onsite as determined by the Principal Investigator of the excavations. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections will be determined by the Principal Investigator in consultation with the Native American monitor. Monitoring of cutting of previously

disturbed deposits will be determined by the Principal Investigator.

- vi. Isolates and clearly non-significant deposits shall be minimally documented in the field and the monitored grading can proceed.
- vii. In the event that previously unidentified potentially significant cultural resources are discovered, the archaeologist shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources. The archaeologist shall contact the County Archaeologist at the time of discovery. The archaeologist, in consultation with County staff archaeologist, shall determine the significance of the discovered resources. The County Archaeologist must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the Principal Investigator and approved by the County Archaeologist, then carried out using professional archaeological methods.
- viii. If any human bones are discovered, the Principal Investigator shall contact the County Coroner. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains.
- ix. Before construction activities are allowed to resume in the affected area, the artifacts shall be recovered and features recorded using professional archaeological methods. The Principal Investigator shall determine the amount of material to be recovered for an adequate artifact sample for analysis.
- x. In the event that previously unidentified cultural resources are discovered, all cultural material collected during the grading monitoring program shall

be processed and curated at a San Diego facility that meets federal standards per 36 CFR Part 79, and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.

- xi. In the event that previously unidentified cultural resources are discovered, a report documenting the field and analysis results and interpreting the artifact and research data within the research context shall be completed and submitted to the satisfaction of the Director of Planning and Land Use prior to the issuance of any building permits. The report will include Department of Parks and Recreation Primary and Archaeological Site forms.
  - xii. In the event that no cultural resources are discovered, a brief letter to that effect shall be sent to the Director of Planning and Land Use by the consulting archaeologist that the grading monitoring activities have been completed.
2. Provide Evidence to the Director of Public Works (DPW) that the following notes have been placed on the Grading Plan:
- a. The County certified archaeologist/historian and Native American monitor shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the monitoring program.
  - b. During the original cutting of previously undisturbed deposits, the archaeological monitor(s) and Native American monitor(s) shall be onsite as determined by the Principal Investigator of the excavations. The frequency and location of inspections will be determined by the Principal Investigator in consultation with the Native American monitor. Monitoring

of cutting of previously disturbed deposits will be determined by the Principal Investigator.

- c. In the event that previously unidentified potentially significant cultural resources are discovered, the archaeological monitor(s) shall have the authority to divert or temporarily halt ground disturbance operation in the area of discovery to allow evaluation of potentially significant cultural resources. The Principal Investigator shall contact the County Archaeologist at the time of discovery. The Principal Investigator, in consultation with County staff archaeologist, shall determine the significance of the discovered resources. The County Archaeologist must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the consulting archaeologist and approved by the County Archaeologist, then carried out using professional archaeological methods.
- d. The consulting archaeologist shall monitor all areas identified for development including off-site improvements.
- e. If any human bones are discovered, the Principal Investigator shall contact the County Coroner. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains.
- f. Prior to rough grading inspection sign-off, provide evidence that the field grading monitoring activities have been completed to the satisfaction of the Director of Planning and Land Use. Evidence shall be in the form of a letter from the Principal Investigator. **[DPLU, FEE]**
- g. Prior to Final Grading Release, submit to the satisfaction of the Director of Planning and Land Use, a final report of the Archaeological Monitoring Program.

- B. Prior to any occupancy or use of the premises pursuant to this Major Use Permit, the applicant shall:
- a. Complete and submit a final report of the Archaeological Monitoring Program to the satisfaction of the Director of Planning and Land Use (DPLU). **[DPLU, Fee X2]**

In the event that no cultural resources are discovered, a brief letter to that effect shall be sent to the Director of Planning and Land Use by the consulting archaeologist that the grading monitoring activities have been completed.

**Or**

In the event that resources are found, a detailed report shall be required that includes the following:

- i. Department of Parks and Recreation Primary and Archaeological Site forms.
- ii. Evidence that all cultural materials collected during the grading monitoring program has been curated at a San Diego facility that meets federal standards per 36 CFR Part 79, and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.

**Or**

Enter into a Secured Agreement with the County of San Diego, Department of Planning and Land Use, secured by a letter of credit, bond, or cash for 150 percent of the estimated costs associated with the preparation of the Final Report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program, and a 10 percent cash deposit not to exceed \$30,000. A cost estimate shall be submitted and approved by the Director of Planning and Land Use for the cost of preparing the Final Grading Monitoring that includes artifact analysis, and

specialized studies such as lithics analysis, ceramics analysis, faunal analysis, floral analysis, assemblage analysis, radiocarbon dating, and curation as determined by the Principal Investigator in consultation with County Staff Archaeologist.

**ADOPTION STATEMENT:** This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

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on \_\_\_\_\_

Alyssa Maxson, Planning Manager  
Regulatory Planning Division