



ERIC GIBSON
DIRECTOR

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666
INFORMATION (858) 694-2960
TOLL FREE (800) 411-0017
www.sdcounty.ca.gov/dplu

MITAGATED NEGATIVE DECLARATION

Project Name: Felicity Park Cricket Wireless Telecommunications Facility

Project Number(s): P 06-032/ER 06-08-021

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

This 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
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:

CULTURAL RESOURCES

A. 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. Prior to approval of any grading or improvement plans, or issuance of any grading or construction permits, the applicant shall implement the following relating to the grading monitoring program, to mitigate potential impacts to undiscovered buried archaeological resources on the Project site. The following conditions shall be implemented to the satisfaction of the Director of the Department of Planning and Land Use: **[DPLU, FEE X2]**

a. Provide evidence that a County approved archaeologist (Archaeologist) has been contracted to implement a grading monitoring and potential data recovery program which complies with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements, to the satisfaction of the Director of Planning and Land Use. Also, provide evidence that a Luiseño Native American Monitor has been contracted to monitor grading, or evidence that no Native American Monitor was available, in which case the Project Archaeologist shall perform that function.

2. Provide evidence to the satisfaction of the Director of Public Works (DPW) 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:

a. “Prior to the commencement of any grading and or clearing in association with this grading plan, temporary orange construction fencing shall be placed to protect from inadvertent disturbance of archaeological site CA-SDI-570C. The temporary fencing shall be removed after the conclusion of such activity.”

b. “The County approved Project Archaeologist, Native American Monitor, and the DPLU Permit Compliance Coordinator (PCC),

shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the monitoring program.” **[DPLU, FEE]**

- c. “The Project Archaeologist (and Native American Monitor, if contracted) shall monitor original cutting of previously undisturbed deposits in all areas identified for development including off-site improvements.”
- d. “The project archaeologist shall monitor all areas identified for all grading activities associated with the Cricket Wireless Facility, including off-site improvements, if any.”
- e. “An adequate number of monitors (archaeological/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. “
- f. “Because of the high probability of subsurface deposits, grading of the utility trench will be excavated slowly so that the monitors can see the buried materials and identify any cultural items before significant damage is done.”
- g. “During the original cutting of previously undisturbed deposits, the archaeological monitor(s) and Native American monitor(s) shall be onsite full-time to perform full-time monitoring. 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 Project Archaeologist in consultation with the Native American monitor. Monitoring of cutting of previously disturbed deposits will be determined by the archaeologist.”
- h. “During the excavation of the trench, an assessment of site stratigraphy (if any is present) will be conducted. This can be accomplished by documenting cultural components visible in the sidewalls of the trench.”
- i. “Isolates and clearly non-significant deposits shall be minimally documented in the field and the monitored grading can proceed.”
- j. “In the event that previously unidentified potentially significant cultural resources are discovered, the Project 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. At the time of discovery, the Archaeologist shall contact the DPLU Staff Archaeologist. The project Archaeologist, in consultation with the Staff Archaeologist, shall determine the significance of the discovered resources. Construction activities will be allowed to resume in the affected area only after the Staff Archaeologist has concurred with the evaluation. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the Project Archaeologist and approved by the Staff Archaeologist, then carried out using professional archaeological methods.”

- k. “If any human bones are discovered, the Project Archaeologist shall contact the County Coroner. If 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 by the Project Archaeologist in order to determine proper treatment and disposition of the remains.”
- l. “Prior to rough grading inspection sign-off for each phase, the Project Archaeologist shall provide evidence that the field grading monitoring activities have been completed. Evidence shall be in the form of a letter to the Director of the Department of Planning and Land Use.” **[DPLU, FEE]**
- m. “Prior to Final Grading Release for each phase, submit to the satisfaction of the Director of Planning and Land Use, a final report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program. The report shall include the following:” **[DPLU, FEE X2]**
 - i) “Department of Parks and Recreation Primary and Archaeological Site forms.”
 - ii) “Evidence that all cultural resources collected during the grading monitoring program have been submitted to a San Diego curation 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, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for

permanent curation. Evidence shall be in the form of a letter from the curation facility stating that archaeological materials have been received and that all fees have been paid.”

- iii) “If no cultural resources are discovered, a brief letter to that effect and stating that the grading monitoring activities have been completed, shall be sent to the Director of Planning and Land Use by the Project Archaeologist.”

B. Prior to any occupancy or use of the premises pursuant to this Major Use Permit, the applicant shall:

1. “Prior to Final Grading Release and prior to occupancy, for each phase of the project, submit to the satisfaction of the Director of Planning and Land Use, a final report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program. The report shall include the following:” **[DPLU, FEE X2]**
 - a. Department of Parks and Recreation Primary and Archaeological Site forms.
 - b. Evidence that all cultural resources 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, including title, shall be transferred to an appropriate curation facility in 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.”
 - c. If no cultural resources are discovered, a brief letter to that effect and stating that the grading monitoring activities have been completed, shall be sent to the Director of Planning and Land Use by the Project Archaeologist.

TRANSPORTATION / TRAFFIC RESOURCES

1. The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this

program, will mitigate potential cumulative traffic impacts to less than significant.

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 environmental 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 any occupancy or use of the premises pursuant to this Major Use Permit, the applicant shall:

1. Pay the Major Use Permit Compliance Inspection Fee as specified in the DPLU Fee Ordinance at Section 362 of the San Diego County Administrative Code. The fee shall be paid at the DPLU Zoning Counter. The permittee shall also schedule an appointment for an initial inspection with the County Permit Compliance Coordinator to review the on-going conditions associated with this permit. The inspection should be scheduled for a date approximately six months subsequent to establishing occupancy or use of the premises.
2. Provide photographic evidence to the Director of Planning and Land Use that demonstrates that each panel antenna mounted to the faux monobroadleaf tree has been covered with a "sock".
3. Comply with street lighting requirements as follows:

Allow transfer of the property subject to Major Use Permit MUP06-032 into Zone A of the San Diego County Street Lighting District without notice or hearing and pay the cost to process such transfer.
4. Have a Registered Civil Engineer, a Registered Traffic Engineer, or a Licensed Land Surveyor provide a certified signed statement that physically, there is a minimum unobstructed sight distance in both directions along Felicita Road from the access driveway, based on actual measured site distance and prevailing traffic speeds, per the Design Standards of Section 6.1.E of the County of San Diego Public Road Standards (approved July 14, 1999), or to the satisfaction of the Director of Public Works. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify that said lines of sight fall within the existing right-of-way and a clear space easement is not required.

5. Submit photographic proof, to the satisfaction of the Director of Planning and Land Use, that all landscaping, as shown on sheet L-1 of the conceptual landscape plan prepared by SAC Wireless, submitted on May 22, 2008, has been installed.

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

on _____

Sami Real, Planning Manager
Project Planning Division