

## MITIGATED NEGATIVE DECLARATION

June 5, 2008

Project Name: Oak Knoll Wireless Telecommunication Facility

Project Number(s): MUP06-047, ER06-03-002

### **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 and Noise
1. California Environmental Quality Act Mitigated 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:

#### A. TRANSPORTATION

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.

## B. BIOLOGICAL RESOURCES

1. 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:

- a. 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:

"Restrict all brushing, clearing and/or grading such that none will be allowed within 300 feet of coast live oak woodland habitat during the breeding season of migratory birds and raptors. This is defined as occurring between January 15 and August 31. 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]**

- b. Place the following specific biological monitoring note(s) on grading, and or improvement plans: **[DPLU, FEE]**

"A Biological Monitor(s) shall be on site during all trenching activities that are within 50 feet of all oak trees."

### **AND**

"At the conclusion of grading activities and prior to Rough Grading Final Inspection (Grading Ordinance SEC 87.421.a.2), provide to the satisfaction of the Director of Planning and Land Use a copy of the final Biological Monitoring report." **[DPLU, FEE]**

- c. Provide to the satisfaction of the Director of Planning and Land Use evidence of a contract with a County-approved biologist to perform biological monitoring during all grading and clearing activities. The contract shall include the following: **[DPLU, FEE]**
  - i. Supervise and monitor construction trenching activities to ensure against damage to biological resources that are intended to be protected and preserved, including the 50-

foot root zone of all oak trees within the impact area. If there are disturbances, the monitor must report them immediately to the DPLU Permit Compliance Coordinator.

- ii. When all grading activities have been completed, the biologist shall prepare and submit a final letter report substantiating his/her supervision of the grading activities and substantiating that grading did not impact the 50-foot root zone of all oak trees within the impact area or other sensitive biological resources. The report shall include but not be limited to the following items:
    1. Monitoring logs showing the date and time that the monitor was on site.
    2. Photos of the site after the grading and clearing activities.
  - iii. The Biological monitor shall perform the following duties:
    1. Conduct training for contractors and construction personnel, including the purpose for resource protection and the conservation measures that should be implemented during project construction;
    2. Monitor equipment maintenance, staging, and fuel dispensing areas to ensure there is no runoff to Waters of the US;
    3. Stop or divert all work when deficiencies require mediation and notify DPW Construction Inspector within 24 hours; produce periodic (monthly during grading) and final reports and submit to the DPLU (final report will release bond);
    4. Attend preconstruction meetings and other meetings as necessary.
2. Prior to any occupancy or use of the premises pursuant to this Major Use Permit, the applicant shall:
    - a. Provide to the satisfaction of the Director of Planning and Land Use a copy of the final Biological Monitoring report. **[DPLU, FEE]**
  3. Critical Project Design Elements and Requirements That Must Become Conditions of Approval:

The following project design elements and requirements 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 obtaining a building permit pursuant to this telecommunications facility, the applicant shall:
1. On the finalized plans, illustrate and label the recommended sound attenuation barrier. The sound barrier shall be constructed to a height of 6 feet relative to the equipment shelter pad grade elevation. The barrier shall extend from the northeast corner of the proposed equipment shelter heading north at a distance of five feet. For sound barrier location and details, refer to section 6.0 Mitigations and Figure 7 in the Noise Analysis Report prepared by Eilar Associates (December 26, 2007).
  2. On the finalized plan, specify the proposed HVAC units as "Marvair ComPac II HVAC Units or equivalent sized units with a single unit sound pressure level of 74.9 dBA at a reference distance of 5 feet". Refer to Section 3.2.1 Project Related Noise Sources for sound level measurements in the Noise Analysis Report prepared by Eilar Associates (December 26, 2007).
- B. Prior to occupancy or the use of this telecommunications facility pursuant to this Major Use Permit, the applicant shall:
1. Submit to the satisfaction of the Director of the Department of Planning and Land Use digital photos demonstrating that the sound attenuation barrier and two specified HVAC units have been installed including serial numbers or identification plates for each unit at the completed installation. A second set of photographs shall be provided to the project's construction manger.

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

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on \_\_\_\_\_

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June 5, 2008

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Regulatory Planning Division

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