CITY OF SAN LEANDRO

MITIGATED NEGATIVE DECLARATION

Notice is hereby given that the City of San Leandro finds that no significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed project:

I. PROJECT NAME: Halus Power Systems Wind Turbine (PLN2012-00006)

II. PROJECT APPLICANT: Louis Rigaud, Halus Power Systems, 2539 Grant Avenue, San Leandro, California 94579

III. PROJECT LOCATION: 2539 Grant Avenue, San Leandro, CA 94579 (APN 080G-0910-015-00)

IV. PROJECT DESCRIPTION:
The proposed project is an 80-foot tall, single wind turbine to be located at 2539 Grant Avenue, San Leandro, CA 94579. Blades will extend an additional 20 feet from the structure for a maximum height of 100 feet. The turbine will operate at times when wind conditions are suitable and the blades will rotate at a maximum of 44 revolutions per minute (rpm’s). The proposed turbine will generate a peak of approximately 50 kilowatt (kW) of electricity. The annual production is expected to be about 75,000 kilowatt hours (kWh’s). Noise levels for the proposed wind turbine are anticipated to not exceed 55 deciBelts Adjusted (dBA). The proposed wind turbine will be located on a monopole in the interior of the site. Structures up to sixty (60) feet in height are permitted in the IG Zoning District and a variance to height is required for exceeding 60 feet. The proposed turbine and supporting structure would be an accessory use to the primary manufacturing/research and development use of the site.

V. MANDATORY FINDINGS OF SIGNIFICANCE
The Community Development Director finds, based on the initial study, that the proposed project as described above will not have a significant effect on the environment and therefore does not require an environmental impact report. The mitigation measures identified herein would reduce all impacts to a less than significant level. Therefore, there is no substantial evidence, in light of the whole record before the agency, that the project, with mitigations, may have a significant effect on the environment.

VI. IDENTIFICATION OF ENVIRONMENTAL EFFECTS
An Initial Study conducted by the City of San Leandro (including an attached checklist) determined that the proposed project, with incorporated mitigation measures, will reduce any project impacts to a less than significant level. This Mitigated Negative Declaration has been prepared in accordance with Section 15070 of the State of California Environmental Quality Act (CEQA) Guidelines.

A. The proposed project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental
Evaluation Checklist has been prepared with a determination that the project will not have a significant impact on the environment and as long as the applicant complies with all identified mitigation measures.

B. The project area is located within the seismically-active Bay Area. Therefore, the project applicant would be required to comply with all applicable State and City regulations to address geologic hazards. The mitigation measures are conditions of approval.

VII. SUMMARY OF MITIGATION MEASURES

Mitigation Measure

#1a. If construction must be scheduled to occur during the migratory bird and raptor nesting season (February 15 through August 15 for most birds), a qualified wildlife biologist, familiar with the species and habitats in the Project area, will be retained to conduct pre-construction surveys for raptors and nesting birds within 300 feet of construction activities. The surveys shall be conducted one week before initiation of construction. If no active nests are detected during surveys, activities may proceed. If active nests are detected then the applicant should consult with the Lead Agency and DFG on appropriate buffers.

#1b. To reduce impacts to raptors, the applicant shall minimize small mammal habitat from occurring beneath the wind swept area of the turbine.

#1c. To reduce impacts to avian species from electrocution, all electrical wires shall be placed underground or follow minimization methods established by Avian Power Line Interaction Committee.

#1d. If a state or federally listed species is killed during Project operations without the appropriate Incidental Take Permit (ITP) under the California Endangered Species Act (CESA) or the federal Endangered Species Act, the applicant shall halt all turbine operations immediately. The applicant must consult with the United States Fish and Wildlife Service (USFWS) and/or California Department of Fish and Game (DFG).

#1e. If a carcass is found that is federally threatened, endangered or protected by the Migratory Bird Treaty Act (MBTA), the information shall be reported by a qualified biologist to USFWS, Office of Law Enforcement, Renewable Energy Officer at (650) 876-9078 within five days of its discovery.

#1f. If a carcass of a species listed pursuant to CESA or Fish and Game Code Section 3511 is discovered, DFG shall be immediately notified at (707) 944-5500.

#1g. If a species is injured as a result of Project operations, the applicant shall immediately take it to a DFG approved wildlife rehabilitation or veterinary facility, such as Sulphur Creek Nature Center, at (510) 881-6747; or Ohlone Humane Center, at (510) 797-9449. Permittee shall bear any costs associated with the care and treatment of such injured species.

#1h. A post-construction monitoring plan shall be approved by DFG and implemented within one month of initial turbine operation.
Mitigation Measure #2: The City of San Leandro has incorporated the 2009 International Building Code into its municipal building code (Title 7, Chapter 7-5). The project applicant would be required to comply with all applicable State and City regulations to address potential geologic hazards associated with the proposed project, including ground shaking and liquefaction. Geotechnical and seismic design criteria must conform to engineering recommendations in accordance with the seismic requirements of the 2009 California Building Code (Title 24) and any amendments adopted in the San Leandro Municipal Code. Additionally, because the project site is in a liquefaction Seismic Hazard Zone, the project applicant will be required to comply with the guidelines set forth by California Geological Survey Special Publication 117.

Mitigation Measure #3: Halus Power Systems shall secure approval of Alameda County Airport Land Use Commission and the Federal Aviation Administration prior to building permit approval of the wind turbine.

VIII. PERSON WHO PREPARED INITIAL STUDY:

Kathleen Livermore, Contract Planner

Date: October 11, 2012

IX. REVIEW PERIOD:

The review period is from October 12, 2012 to November 13, 2012. All written comments regarding this Mitigated Negative Declaration must be received by the City of San Leandro, Planning Services Division, 835 East 14th Street, San Leandro, California 94577, no later than 4:00 p.m., November 13, 2012. A Board of Zoning Adjustments regular meeting has been scheduled for December 6, 2012. Written and oral comments may also be made during this public meeting. Final action on the Mitigated Negative Declaration and proposed project will be taken by the Board of Zoning Adjustments unless appealed to the City Council.

COPY OF INITIAL STUDY IS ATTACHED

For additional information, please contact the City of San Leandro, Planning Services Division, 835 East 14th Street, San Leandro, California 94577, Telephone (510) 577-3314, or e-mail epenaranda@sanleandro.org