

CITY OF VICTORVILLE DEVELOPMENT DEPARTMENT
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DRAFT MITIGATED NEGATIVE DECLARATION
Preparation Date: May 2, 2019

Name or Title of Project: Tentative Tract Map PLN17-00008 (TTM 18487)

Location: North of Forrest Park Lane, south of Luna Road, west of Highway 395 and east of Mesa View Drive.

Entity or Person Undertaking Project: Kimley Horn and Associates; 3880 Lemon Street, Suite 420; Riverside, CA 92501

Description of Project: To allow for the recordation and development of a 55-lot single-family residential subdivision (Tentative Tract Map 18487) with 7,200 sq. ft. minimum size lots, on an approximately 19-acre building site that is vacant and undeveloped with an approximate density of 2.9 units per acre. Further, the proposed development will include streets constructed to local roadway standards and include curb, gutter, sidewalk, street lighting and landscape areas within the public right-of-way.

Statement of Findings: The Planning Commission has reviewed the Initial Study for this proposed project and has found that there are no adverse environmental impacts to either the man-made or physical environmental setting if the following mitigation measures are implemented in conformance with the Mitigation Monitoring Policy, and does hereby direct staff to file a Notice of Determination, pursuant to the California Environmental Quality Act (CEQA).

A copy of the Initial Study and other applicable documents used to support the proposed Negative Declaration is available for review at the City of Victorville Planning Division.

Mitigation Measures:

Air Quality Measures:

1. **Prior to commencing earth-moving activity, the applicant/developer shall prepare and submit a dust control plan to the Mojave Desert Air Quality Management District (MDAQMD) that includes all applicable dust control measures that will be implemented as part of the project and the MDAQMD shall be notified in writing upon the commencement of construction. The dust control plan shall be completed in accordance with MDAQMD requirements and proof of an approved dust control plan shall be submitted to the Development Department prior to the issuance of a grading permit.**

Biological Measures:

2. **Pre-construction surveys for Burrowing Owls and other sensitive wildlife species (i.e. Desert Tortoise, Mohave Ground Squirrel, Desert Kit Fox) on the project site and in the surrounding area out to 500 feet (or as otherwise in accordance with California Department of Fish and Wildlife guidelines) shall be conducted no more than 30-days prior to ground disturbing activities in accordance with best practices identified by the California Department of Fish and Wildlife. If ground disturbing activities are delayed for more than 30-days, additional surveys will be required.**

3. **If burrowing owls are observed on the project site during future surveys, mitigations shall be required to reduce impacts to less than significant and will include the following as approved by the California Department of Fish and Wildlife and in accordance with the updated CDFW Staff Report on Burrowing Owl Mitigation (2012):**
 - a. **Occupied burrows shall not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by the California Department of Fish and Game verifies through non-invasive methods either: (1) the birds have not begun egg-laying and incubation; or (2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.**
 - b. **A burrowing owl survey shall be conducted on all portion of the site between September and January to determine the location of active (non-breeding) burrows.**
 - c. **Qualified biologists shall exclude all owls from active burrows using one-way doors. Concurrently, all inactive burrows and other sources of secondary refuge for burrowing owls shall be collapsed and removed from the site.**
 - d. **Following and 24 to 48 hour observation period all vacated burrows shall be collapsed.**
 - e. **A qualified biologist shall conduct a post-exclusion survey confirming the absence of borrowing owls on the site. Should newly occupied burrows be discovered on the site the exclusion shall be repeated.**
 - f. **A final clearance survey confirming the absence of active burrowing owls burrows shall be conducted within 30-days of proposed site disturbance.**
4. **If sensitive wildlife species such as the Desert Tortoise or the Mohave Ground Squirrel, desert kit fox, or nesting birds are detected on the project site during future surveys or assessments, all work on-site shall stop immediately and mitigation measures shall be required to reduce impact to a level of less than significant. Any proposed mitigation measures shall be determined by a qualified biologist, and be approved by the City Planner and the California Department of Fish and Wildlife as applicable in accordance with typical best practices.**
5. **Should grading or construction commence after September 22, 2019, a new biological survey shall be filed with the City of Victorville to determine the presence or absence of endangered species on the site. Said survey shall be filed with the City Planner or his designee prior to issuance of a grading permit. The survey shall be valid for a period of one year.**

Cultural Resource Measures:

6. **The applicant shall provide for an on-site paleontological/archaeological inspector to monitor all grading operations, or a letter from said licensed professional indicating that monitoring is not necessary during grading. Further, if disturbed resources are required to be collected and preserved, the applicant shall be required to participate financially up to the limits imposed by Public Resources Code Section 21083.2. The results of said monitoring shall be filed with the Development Department prior to the final approval of the project.**

Water Measures:

7. A "Water Will Serve" letter shall be obtained by the applicant/developer from the Victorville Water District prior to the recordation of any final map included in this proposal.

Storm Water Measures:

8. Prior to issuance of a grading permit the applicant shall obtain coverage under the statewide general NPDES permit for control of construction and post-construction related storm water in accordance with the requirements of the Small MS4 General Permit. In addition, the applicant shall:
 - Prepare a project specific Storm Water Pollution Prevention Plan (SWPPP) as required in the NPDES permit and shall identify site-specific erosion and sediment control best management practices that will be implemented;
 - The SWPPP shall be applicable to all areas of the project site including construction areas, access roads to and through the site, and staging and stockpile areas; and
 - Temporary best management practices for all components of the project must be implemented until such time as permanent post-construction best management practices are in place and functioning.

Tribal Cultural Resource Measures:

9. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.
10. If the remains are determined to be prehistoric, the County Coroner will notify the Native American Heritage Commission (NAHC), which will determine a Most Likely Descendant (MLD). With the permission of the landowner or their authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours from the time access to the site is granted by landowner or their authorized representative. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials
11. In the event that Native American cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, Cabazon Band, Morongo Band, San Manuel Band, and Twenty-nine Palms Band of Mission Indians will be contacted if any such find occurs and be provided information and permitted/invited to perform a site visit when the archaeologist makes his/her assessment, so as to provide Tribal input. The archaeologist shall complete an isolate record for the find and submit this document to the applicant and Lead Agency for dissemination to the Cabazon Band, Morongo Band, San Manuel Band, and Twenty-nine Palms Band of Mission Indians
12. If significant Native American cultural resources are discovered, for which a Treatment Plan must be prepared, the developer or his archaeologist shall contact the Cabazon Band, Morongo Band, San Manuel Band, and Twenty-nine Palms Band of Mission Indians ("Tribe").

If requested by the Tribe, the developer or the project archaeologist shall, in good faith, consult on the discovery and its disposition (e.g. avoidance, preservation, return of artifacts to tribe, etc.).

13. If significant Native American historical resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, an SOI-qualified archaeologist shall be retained to develop a cultural resources Treatment Plan, as well as a Discovery and Monitoring Plan, the drafts of which shall be provided to Cabazon Band, Morongo Band, San Manuel Band, and Twenty-nine Palms Band of Mission Indians for review and comment.

a. All in-field investigations, assessments, and/or data recovery enacted pursuant to the finalized Treatment Plan shall be monitored by a San Manuel Band of Mission Indians Tribal Participant(s) as well as tribal participants from the Cabazon Band, Morongo Band, and Twenty-nine Palms Band of Mission Indians at their discretion.

b. The Lead Agency and/or applicant shall, in good faith, consult with Cabazon Band, Morongo Band, San Manuel Band, and Twenty-nine Palms Band of Mission Indians on the disposition and treatment of any artifacts or other cultural materials encountered during the project

14. If disturbed resources are required to be collected and preserved, the applicant shall be required to participate financially up to the limits imposed by Public Resources Code Section 21083.2.

Public Review Period: May 6, 2019 through June 5, 2019.

Tentative Public Hearing Date: July 10, 2019.

Adopted by the Planning Commission on July 10, 2019.