

CITY OF VICTORVILLE DEVELOPMENT DEPARTMENT
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DRAFT MITIGATED NEGATIVE DECLARATION
Preparation Date: February 11, 2021

Name or Title of Project: Development Code Amendment, Site Plan, & Conditional Use Permit Case No. PLAN20-00023 (Mojave Self-Storage Project).

Location: Northeast corner of Mojave Drive and Mesa Linda Avenue (APN No. 3128-621-04)

Entity or Person Undertaking Project: Ohana Alliance Group, Inc.; C/O Jordan Architects; 131 Calle Iglesia Street, Suite 100; San Clemente, CA 92673

Description of Project: A Development Code Amendment to allow for public storage facilities to be listed as a conditionally permitted use in the M-1 (Light Industrial) Zone District; and a Site Plan and Conditional Use Permit to allow for the development of a self-service storage facility with recreational vehicle storage on vacant property zoned M-1.

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. (AQ-1) Unless and until the Applicant or Construction Contractor has applied for and obtained a MDAQMD-approved Alternative PM10 Control Plan, the Applicant or Construction Contractor shall comply with the following requirements in MDAQMD Rule 403.2:**
 - a. Use periodic watering for short-term stabilization of Disturbed Surface Area to minimize visible fugitive dust emissions. For purposes of this Rule, use of a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes shall be considered sufficient to maintain compliance;**
 - b. Take actions sufficient to prevent project-related trackout onto paved surfaces;**
 - c. Cover loaded haul vehicles while operating on Publicly Maintained paved surfaces;**
 - d. Stabilize graded site surfaces upon completion of grading when subsequent development is delayed or expected to be delayed more than thirty days, except when such a delay is due to precipitation that dampens the disturbed surface sufficiently to eliminate Visible Fugitive Dust emissions;**
 - e. Cleanup project-related trackout or spills on Publicly Maintained paved surfaces within twenty-four hours; and**
 - f. Reduce non-essential Earth-Moving Activity under High Wind conditions. For purposes of this Rule, a reduction in Earth-Moving Activity when visible dusting occurs from moist and dry surfaces due to wind erosion shall be considered sufficient to maintain compliance.**

Biological Measures:

2. **(BIO-1) Pre-construction surveys for Burrowing Owls and other sensitive wildlife species (i.e. Desert Tortoise, Desert Kit Fox, American Badger, nesting birds etc.) on the project site and in the surrounding area out to 500 feet (or as otherwise in accordance with CDFW guidelines) shall be conducted no more than 30-days prior to ground disturbing activities in accordance with best practices identified by the CDFW. If ground disturbing activities are delayed for more than 30-days, additional surveys shall be required.**
3. **(BIO-2) If burrowing owls are observed on the project site during future surveys the CDFW shall be immediately notified and mitigations shall be required to reduce impacts to less than significant, including the following as approved by the CDFW 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 CDFW 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. **A qualified biologist 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 owl burrows shall be conducted within 30-days of proposed site disturbance.**
 - g. **Unless deemed unnecessary by the CDFW, compensatory mitigation lands for permanent impacts to nesting, occupied, and satellite burrows and burrowing owl habitat shall be provided by the applicant/developer in accordance with CDFW requirements.**
4. **(BIO-3) 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 or construction, 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 include avoidance, minimization, and implementation methods to be utilized, which shall be implemented prior to the start and/or restart of project activities on-site. Any proposed mitigation measures shall be determined by a qualified biologist, and be approved by the City Planner and the CDFW as applicable in accordance with typical best practices.**
5. **(BIO-4) Pre-construction surveys for Mohave Ground Squirrels. Pre-construction surveys following the Mohave Ground Squirrel Survey Guidelines (CDFW, 2010) or most recent version shall be performed by a qualified biologist authorized by a Memorandum of Understanding issued by CDFW. The preconstruction surveys shall cover the project area and a 50-foot buffer zone. Should Mohave Ground Squirrels be confirmed during the survey, per Mitigation Measure BIO-9, the project Proponent shall obtain an Incidental Take Permit (ITP) for Mohave Ground Squirrel prior to the start of project activities.**

6. **(BIO-5) Pre-construction Desert Tortoise Surveys.** No more than 30 calendar days prior to the start of project activities a qualified biologist shall conduct pre-construction surveys for desert tortoise. Pre-construction surveys shall be completed using perpendicular survey routes within the project area and 50-foot buffer zone. Pre-construction surveys cannot be combined with other surveys conducted for other species while using the same personnel. Project activities cannot start until two negative test results from consecutive surveys using perpendicular survey routes for desert tortoise are documented. Should desert tortoise presence be confirmed during the survey, per Mitigation Measure BIO-9, the project Proponent shall obtain an ITP for desert tortoise prior to the start of Project activities.
7. **(BIO-6) Pre-construction Desert Kit Fox and American Badger Surveys.** No more than 30 days prior to the beginning of ground disturbance and/or construction activities, a qualified biologist shall conduct a survey to determine if potential Desert Kit Fox or American Badger burrows are present in the project area. If potential burrows are located, they shall be monitored by the qualified biologist. If the burrow is determined to be active, the qualified biologist shall verify there are suitable burrows outside of the project area prior to undertaking passive relocation actions. If no suitable burrows are located, artificial burrows shall be created at least 14 days prior to passive relocation. The qualified biologist shall block the entrance of the active burrow with soil, sticks, and debris for 3-5 days to discourage the use of the burrow prior to project activities. The entrance shall be blocked to an incrementally greater degree over the 3-5 day period. After the qualified biologist has determined there are no active burrows, the burrows shall be hand-excavated to prevent re-use. No disturbance of active dens shall take place when juvenile Desert Kit Fox and juvenile American Badgers may be present and dependent on parental care. A qualified biologist shall determine appropriate buffers and maintain connectivity to adjacent habitat should natal burrows be present.

If avoidance of the potential dens for American Badger and Desert Kit Fox is not feasible, the following measures are recommended to avoid potential adverse effects:

- If a qualified biologist determines that potential dens are inactive, the biologist shall excavate these dens by hand with a shovel and collapse them to prevent American badgers or Desert kit foxes from re-using them during construction.
- If a qualified biologist determines that potential dens may be active, an onsite passive relocation program shall be implemented. This program shall consist of excluding American badgers or Desert kit foxes from occupied burrows by installation of one-way doors at burrow entrances and monitoring of the burrow for seven days to confirm usage has been discontinued, and excavation and collapse of the burrow to prevent reoccupation. After the Project Wildlife Biologist determines that American badgers and Desert kit foxes have stopped using active dens within the project boundary, the dens shall be hand-excavated with a shovel and collapsed to prevent re-use during construction.
- During fencing and grading activities daily monitoring reports shall be prepared a qualified biologist for "Monitoring" purposes. The qualified biologist shall prepare a summary "Monitoring Report" for documenting the effectiveness and practicality of the protection measures that are in place and making recommendations for modifying the measures to enhance species protection, as needed. The "Monitoring Report" shall also provide information on the overall activities conducted related to biological resources, including the Environmental Awareness.

8. **(BIO-7) If project activities must occur during the avian nesting season (February to September), a survey for active nests shall be conducted by a qualified biologist, one to two weeks prior to nesting activities. If active nests are identified and present onsite, clearing and construction within 50-250 feet of the nest, depending on the species involved (50 feet for common urban-adapted native birds and up to 250 feet for raptors), shall be postponed until the nest is vacated and juveniles have fledged, and there is no evidence of a second attempt at nesting. Limits of construction shall include flagging and stakes or construction fencing. Established buffers shall remain until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests shall be monitored until the qualified biologist has determined the young have fledged or the project is finished. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.**
9. **(BIO-8) A qualified biologist shall conduct an education program for all persons employed or otherwise working on the project site prior to performing any work on-site. The program shall consist of a presentation that includes a discussion of the biology of the habitats and species that may be present at the site. The qualified biologist shall also include as a part of the education program information about the distribution and habitat needs of any special status species that may be present, legal protections for those species, penalties for violations, and mitigation measures. Education should include but not be limited to Desert Tortoise, Burrowing Owl, Desert Kit Fox, American Badger, nesting birds, and special-status plants. Interpretation shall be provided for non-English speaking workers, and the same instruction shall be provided for any new workers prior to their performing work on-site.**
10. **(BIO-9) If any construction or project related activity on-site results in the take of a California Endangered Species Act (CESA) listed species, the project proponent shall gain appropriate authorization prior to the commencement of any project related activities on-site (e.g., clearing, grading, trenching, construction, etc.). This may include an ITP or a consistency determination in certain circumstances as determined by the CDFW.**
11. **(BIO-10) Unless determined to be unnecessary by the project biologist in conjunction with the required updated biological survey, the applicant/developer shall provide a qualified biologist on-site prior to and during all ground and habitat disturbing activities to move out of harm's way wildlife that would otherwise be injured or killed from related project activities. Movement of wildlife out of harm's way should be limited to only those individuals that would otherwise be injured or killed, and individuals should only be moved as far as necessary to ensure their safety. Measures to prevent wildlife from re-entering the site should also be taken. Only qualified biologists with authorization by CDFW may move CESA-listed species.**

Additionally, in order to ensure the mitigation measures proposed are valid in accordance with current site conditions and that no additional mitigation measures are needed, the following mitigation measure has been included.

12. **(BIO-11) Should grading or construction commence after February 1st, 2021, a new biological survey shall be filed with the City of Victorville to determine the presence or absence of endangered species, threatened species, candidate species, Species of Special Concern, and fully protected species on the site and to ensure appropriate mitigation measures are maintained. Additionally, the new biological survey shall include a thorough, floristic-based assessment of special status plants and natural communities, following the CDFW Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. Said survey shall be filed with the City Planner or his designee prior to issuance of a grading permit and shall verify the adequacy of the adopted mitigation measures. Any**

measures deemed inadequate will cause the applicant to confer with the CDFW to determine appropriate mitigation measures prior to the issuance of any grading permit, including species specific avoidance, minimization, and implementation methods. The survey shall be valid for a period of one year.

13. (BIO-12) In order to relocate Joshua trees, approval from the CDFW and City of Victorville shall be required along with coordination (and possible permit) from the County of San Bernardino. Further, since this is a newly listed c-endangered (c meaning candidate) species, coordination with CDFW would need to be conducted. Per Mitigation Measure BIO-9, an ITP from CDFW would be needed in order to remove or relocate the trees and would also require Section 7 consultation. Otherwise, the Joshua trees located on-site shall be protected in place during all grading, construction and operational activities. A perimeter fence shall be constructed with a 25 to 50 foot minimum buffer around the trees in order to protect the trees, branches, roots, and the existing buffer around the trees and the existing established location. Additionally, any landscaping around the trees should be drought tolerant and native. No artificial irrigation will be needed and no runoff shall impact the trees.

Cultural Resource Measures:

14. (CUL-1) In the event that 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 areas may continue during this assessment period. Additionally, the SMBMI Cultural Resources Department shall be contacted, as detailed within Mitigation Measure TCR-1, regarding any pre-contact and/or historic-era finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.
15. (CUL-2) If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to SMBMI for review and comment, as detailed within Mitigation Measure TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.
16. (CUL-3) 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.

Tribal Cultural Resource Measures:

17. (TCR-1) The SMBMI Cultural Resources Department shall be contacted, as detailed in Mitigation Measure CUL-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with SMBMI, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents SMBMI for the remainder of the project, should SMBMI elect to place a monitor on-site.

18. (TCR-2) Any and all archaeological/cultural documents created as part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and City of Victorville for dissemination to SMBMI. The City of Victorville and/or applicant shall, in good faith, consult with SMBMI throughout the life of the project.

Public Review Period: February 19, 2021 through March 22, 2021.

Tentative Public Hearing Date: April 14, 2021.