

CITY OF VICTORVILLE DEVELOPMENT DEPARTMENT  
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MITIGATED NEGATIVE DECLARATION  
Preparation Date: December 2, 2021

Name or Title of Project: Site Plan Case No. PLAN20-00009 (Balsam and Winona Victorville Apartments).

Location: Adjacent to Balsam Rd., between Nisqualli Rd. and Winona St.; APN: 3092-401-01, -02 and -10; City of Victorville, County of San Bernardino

Entity or Person Undertaking Project: Aziz, LLC 495 E Rincon Street, Suite #175; Corona, CA 92879

Description of Project: A Site Plan to allow for the development of a 212-unit residential apartment development on three parcels. Approval of a Zone Change and General Plan Amendment are part of the Application and would be required for one of the parcels to change the General Plan designation from Commercial to High Density Residential and to change the zoning from General Commercial (C-2) to Multi-Family Residential (R-4). The Proposed Project includes 212 apartment units, three laundry rooms, one clubhouse and a rental office, plus amenities.

Statement of Findings: The City of Victorville 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:

**Biological Measures:**

1. **(BIO-1): Pre-construction surveys for burrowing owls, desert tortoise, and nesting birds protected under the Migratory Bird Treaty Act and Section 3503 of the California Fish and Wildlife Code shall be conducted prior to the commencement of Project-related ground disturbance.**
  - A. **Appropriate survey methods and timeframes shall be established, to ensure that chances of detecting the target species are maximized. In the event that listed species, such as the desert tortoise, are encountered, authorization from the United States Fish and Wildlife Service (USFWS) and CDFW must be obtained. If nesting birds are detected, avoidance measures shall be implemented to ensure that nests are not disturbed until after young have fledged.**
  - B. **Pre-construction surveys shall encompass all areas within the potential footprint of disturbance for the project, as well as a reasonable buffer around these areas**
2. **BIO-2: Prior to the implementation of the recommended measures outlined in the Protected Plant Preservation Plan, an ITP shall be obtained from CDFW for any Joshua Tree on-site removed from its current position as deemed applicable by the CDFW. CDFW may require**

the preparation of additional habitat assessments prior the issuance of an ITP; any such requirement, as well as mitigation for the loss of trees will be established by CDFW and incorporated into the City's adopted Mitigation Monitoring and Reporting Program for the Proposed Project.

**Cultural Resource Measures:**

3. **(CUL-1):**In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find 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.
4. **(CUL-2):** If significant pre-contact and/or historic-era cultural resources, as defined by CEQA 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.
5. **(CUL-3):** If, at any time, human remains or suspected human remains are identified within the Project Site, the Contractor will halt work in the immediate vicinity of the find and establish a buffer zone around the find. If the archaeological consultant is on-site, the archaeological consultant will oversee the level of protection. The City will be immediately notified and the City will contact the County Coroner (within 24 hours). The Coroner has the authority to examine the find in situ and make a determination as to the nature of the find:
  - A. If the remains are determined to be human, the Coroner will determine whether or not they are likely of Native American origin. If so, the Coroner will contact the Native American Heritage Commission and the Commission will name the Most Likely Descendent (MLD). In consultation between the City, Property Owner, MLD, and consulting archaeologist, the disposition of the remains will be defined. If there is a conflict, the Native American Heritage Commission will act as a mediator.
  - B. If the remains are determined to be archaeological, but not of Native American origin, the City, Property Owner and archaeological consultant will determine the management of the find and the removal from the site. The Property Owner would be responsible for any costs related to the removal, analysis, and reburial.
  - C. If the remains are determined to be of forensic value, the Coroner will arrange for the removal of the remains and oversee the analysis and disposition.

**Geology and Soils Measures:**

6. **(GEO-1):** Should older Quaternary Alluvial deposits be encountered during site preparation activities, a qualified paleontologist shall oversee the excavations to ensure that any paleontological specimens are identified, recovered, analyzed, reported, and curated in accordance with CEQA and the County of Riverside policies and guidelines. This program should be conducted while these older deposits are impacted and while the paleontological consultant deems the program necessary.

**Tribal Cultural Resources Measures:**

7. **(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.
  
8. **(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: December 3, 2021 through January 3, 2022.

Tentative Public Hearing Date: February 9, 2022