

CITY OF VICTORVILLE DEVELOPMENT DEPARTMENT
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MITIGATED NEGATIVE DECLARATION
Preparation Date: December 20, 2021

Name or Title of Project: Site Plan Case No. PLAN21-00032 (Amethyst Crossing).

Location: Southeast corner of Bear Valley Road and Amethyst Road
(APN No. 3072-211-13, 3072-211-14, 3072-211-15, & 3072-211-16)

Entity or Person Undertaking Project: Tom Lao; Highland Park Development; 5567 Reseda Boulevard, Suite #318; Tarzana, CA 91356

Description of Project: The proposed project involves the construction of a 98,000-square foot commercial shopping center on a 11.2-acre project site at the southeast corner of Bear Valley Road and Amethyst Road (Assessor's Parcel Numbers [APNs] 3072-211-13 through 3072-211-16) in the City of Victorville. The project site is currently undeveloped, and the proposed project would develop seven commercial structures for retail, restaurant, and office uses. Over 450 parking spaces in accordance with City standards would be provided in a surface parking lot. Roadway improvements are proposed on Amethyst Road and Bear Valley Road, and Pluto Road would be extended from Bear Valley Road to the southerly perimeter of the project site. The project site is in the General Commercial Transitional (C-2T) zoning district and has a General Plan land use designation of Commercial.

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:

Air Quality Measures:

- 1. (AQ-1) Prior to commencement of ground disturbing activities, the project applicant and construction contractor shall prepare and submit a dust control plan to the Mojave Desert Air Quality Management District (MDAQMD). The dust control plan shall describe all applicable dust control measures that will be implemented during all construction activities (including site clearing, grading, building construction, paving, and architectural coating) to limit the generation of visible dust plumes. Rule 403 control measures to be incorporated into the dust control plan include, but are not limited to, the following:**
 - Use a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes to minimize visible fugitive dust emissions.
 - For construction activities that would expose sand or fines deposits, or would expose such soil through earth moving activities, use chemical stabilization or coverings with a stabilizing layer of gravel to eliminate visible dust/sand from sand/fines deposits. All perimeter fencing shall be wind fencing or the equivalent, and perimeter fencing shall be at

least 4 feet tall. The owner/operator shall maintain the fencing as needed to keep it intact and remove windblown dropout.

- Covering loaded haul vehicles while operating on publicly maintained paved surfaces.
 - Stabilize all maintenance and access vehicle roads and parking areas with chemical, gravel, or asphaltic pavement sufficient to eliminate visible fugitive dust from vehicular travel and wind erosion.
 - Take actions to prevent project-related trackout onto paved surfaces.
 - Cleanup project-related trackout or spills on publicly maintained paved surfaces within 24 hours;
 - Earthen surfaces within the project site that are not used for maintenance and access vehicle roads and parking areas shall be stabilized by natural or irrigated vegetation, compaction, chemical or other means sufficient to prohibit visible fugitive dust from wind erosion.
 - Reducing non-essential earth-moving activity during high wind conditions;
 - Covering or otherwise containing bulk material carried on haul trucks operating on paved roads; and,
 - Removing bulk material tracked onto paved road surfaces.
2. (AQ-2) Signage that is compliant with MDAQMD Rule 403 Attachment B shall be erected at the project site entrance prior to the commencement of construction.
3. (AQ-3) The construction contractor shall be required to comply with the California Air Resources Board (CARB) In-Use Off-Road Diesel Vehicle Regulation and Air Toxics Control Measures during all construction activities, including site clearing, building construction, paving, and architectural coating. To ensure compliance with these regulations and control measures the following measures shall be implemented during construction activities:
- Diesel-powered equipment and truck idling shall be limited to no more than five minutes at any particular location.
 - Diesel-powered equipment and vehicles shall be routinely inspected and maintained to limit diesel PM emissions.
4. (AQ-4) The construction contractor shall obtain MDAQMD permits for any miscellaneous process equipment that may not be exempt under MDAQMD Rule 219 including, but not limited to, internal combustion engines with a manufacture's maximum continuous rating greater than 50 break horsepower.

Biological Measures:

5. (BR-1) The project applicant shall maintain the Joshua trees (*Yucca brevifolia*) at its current location on the project site. If any Joshua trees are to be relocated, removed, or otherwise taken, the project applicant shall obtain an incidental take permit from California Department of Fish and Wildlife (CDFW) prior to the relocation, removal, or take. The project applicant shall comply with all minimization and avoidance measures associated with the incidental take permit. A qualified biologist shall be present on the project site during all ground disturbance activities and shall oversee all project-related staging, storage areas, laydown areas, equipment storage, installation of exclusionary fencing, and any other ground disturbing activities to ensure that all minimization and avoidance measures that are part of the incidental take permit are followed.

Any Joshua Trees that are to be relocated on- or off-site shall require approval from the City of

Victorville and shall comply with City standards, including the City's Joshua Tree Preservation Ordinance. If Joshua Trees are to be relocated on-site, the proposed location shall be identified in a landscape plan and a replanting plan shall be prepared and approved by the City. The replanting plan shall be prepared by a botanist or biologist, and recommendations from the botanist or biologists shall be incorporated into the landscape plan and implemented.

6. (BR-2) To comply with MBTA (16 United States Code Chapter 7, Subchapter II, Section 703) and California Fish and Game Code Section 3513, a preconstruction survey shall be conducted within 30 days prior to any clearing/vegetation removal, grubbing, and ground disturbance activities to determine the presence of any burrowing owls or active burrows on the project site. If no burrowing owls or active burrows are detected, construction may proceed. If clearing/vegetation removal, grubbing, and ground disturbance activities are delayed or suspended for more than 30 days, the project site shall be resurveyed. In the event a burrowing owl or active burrow is detected, the project applicant shall consult with CDFW to determine the amount of habitat that is needed to protect the burrowing owl or active burrow on the project site and to successfully relocate the owl prior to clearing/vegetation removal, grubbing, and ground disturbance activities.
7. (BR-3) Activities involving the removal of any trees, shrubs, or any other potential nesting habitat on the project site shall be performed prior to or after the bird-breeding season of February 1st through August 15th (i.e., only between August 16 and January 31). If clearing/vegetation removal and ground disturbing activities plan to occur during the breeding season, a bird breeding survey shall be conducted to determine if birds are nesting on the project site. The survey shall be conducted by a qualified biologist no more than seven days prior to any clearing/vegetation removal and ground disturbance activities. Work may proceed only if no active bird nests are detected. If breeding birds are detected on the project site, the project applicant shall either modify the clearing/vegetation removal and ground disturbance operations to avoid those nesting areas or postpone clearing/vegetation removal and ground disturbance operations until the breeding season is over. A qualified biologist shall be present on the project site to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by construction activities. Once a qualified biologist determines that the young have fledged or the nest otherwise becomes inactive under natural conditions, normal construction activities can occur. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.

Cultural Resource Measures:

8. (CR-1) If archaeological resources are encountered during ground disturbing activities, the City of Victorville Planning Department, project applicant, and project archaeologist shall be immediately informed of the discovery. All work shall cease in the area of the find or diverted away from the discovery to a distance of 50 feet until a qualified archaeologist has evaluated the find in accordance with federal, state, and local guidelines, including those set forth in Public Resources Code (PRC) Section 21083.2. Personnel of the project shall not collect or move any archaeological materials or associated materials. Construction activity may continue unimpeded on other portions of the project site. If the find is classified as a significant cultural resource pursuant to the California Environmental Quality Act (CEQA) definition of historical (CEQA Guidelines Section 15064.5[a]) and/or unique archaeological resources (PRC Section 21083.2[g]), the qualified archaeologist shall make recommendations on the treatment and disposition of the finding. The final recommendations on the treatment and disposition of the finding shall be developed in accordance with all applicable provisions of PRC Section 21083.2 and CEQA Guidelines Sections 15064.5 and 15126.4 and shall be

reviewed and approved by the City of Victorville Planning Department prior to implementation. The final recommendations shall be implemented, and the City Planning Department shall be provided with a final report on the treatment and disposition of the finding prior to issuance of a Certificate of Occupancy.

9. (CR-2) In the unlikely event that human remains are encountered, the project applicant shall notify the County Coroner of the find immediately and shall comply with Section 7050.5 of the California Health and Safety Code, which states that no further disturbance shall occur until the County Coroner has determined the origin and disposition pursuant to PRC Section 5097.98.
10. (CR-3) If Native American human remains are discovered on the project site, pursuant to PRC Section 5097.98, persons believed to be the most likely descended from the deceased Native American shall be notified. With the permission of the property owner or his/her authorized representative, the descendants may inspect the area where the Native American remains were discovered and may recommend to the owner or the person responsible for the excavation work means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The descendants shall complete their inspection and make their recommendation within 48 hours of their notification by the Native American Heritage Commission. Recommendations may include, but are not limited to, scientific removal and nondestructive analysis of human remains and items associated with Native American burials. The area where the Native American human remains were discovered shall not be damaged or further disturbed until the landowner has discussed and conferred with the most likely descendants regarding their recommendation.

Geology and Soils Measures:

11. (GS-1) A paleontological monitor shall be present full-time during ground disturbing activities below four feet in depth, including but not limited to grading, trenching, utilities, and off-site easements. The paleontological monitor shall have the authority to temporarily halt or redirect grading and other construction activities if paleontological resources are discovered. The monitor shall work under the direct supervision of a qualified paleontologist (B.S./B.A. in geology, or related discipline with an emphasis in paleontology and demonstrated competence in paleontological research, fieldwork, reporting, and curation).

The qualified paleontologist shall be on the project site at the pre-construction meeting to discuss monitoring protocols. If, after excavation begins, the qualified paleontologist determines that the sediments are not likely to produce fossil resources, monitoring efforts shall be reduced.

In the event of a paleontological discovery, the monitor shall flag the area and notify the construction crew immediately. No further disturbance in the flagged area shall occur until the qualified paleontologist has cleared the area. In consultation with the qualified paleontologist, the monitor shall quickly assess the nature and significance of the find. If the specimen is not significant, it shall be quickly mapped, documented, removed and the area cleared.

If the discovery is significant, the qualified paleontologist shall notify the project applicant and the City of Victorville Planning Department immediately. In consultation with the project applicant and the City, the qualified paleontologist shall develop a plan of mitigation, which would likely include full-time monitoring, salvage excavation, scientific removal of the find,

removal of sediment from around the specimen (in the laboratory), research to identify and categorize the find, curation of the find in a local qualified repository, and preparation of a report summarizing the find.

Work in the area of the discovery shall resume once the find is properly documented and the qualified paleontologist authorizes resumption of construction work.

Hydrology and Water Quality Measure:

12. (HW-1) The project applicant shall prepare an SWPPP prior to the beginning of construction. The SWPPP shall specify measures that would be implemented during construction to reduce pollutants in stormwater discharges from the project site. The SWPPP shall be reviewed and approved by the City Engineering Department prior to any site clearing and construction activities.

Noise Measures:

13. (N-1) Power construction equipment (including combustion engines), fixed or mobile, shall be equipped with muffling devices consistent with manufacturers' standards. All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.
14. (N-2) Noise and vibration construction activities whose specific location on the project site may be flexible (e.g., operation of compressors and generators) shall be conducted as far away as possible from the nearest sensitive land uses, and natural and/or manmade barriers (e.g., intervening construction trailers) shall be used to screen propagation of noise from such activities towards these land uses. The construction contractor shall locate construction staging areas away from noise-sensitive uses.
15. (N-3) A "noise disturbance coordinator" shall be established. The noise disturbance coordinator shall be responsible for responding to local complaints about construction noise. The noise disturbance coordinator shall determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall be required to implement reasonable measures such that the complaint is resolved. The project applicant and construction contractor shall post signs at the construction site listing the telephone number for the noise disturbance coordinator. Project plans, such as site plans and grading plans, submitted to the City shall also include the name and telephone number of the noise disturbance coordinator.

Public Services Measure:

16. (PS-1) Prior to issuance of any grading or building permits, or as required by the City Engineer, a Construction Traffic Management Plan shall be submitted for review and approval by the City of Victorville Engineering Department. The Construction Traffic Management Plan shall, at a minimum, address the following:
- Identify the location and duration of any potential lane and sidewalk closures.
 - Traffic control for any lane closure, detour, or other traffic circulation disruptions.
 - Identify the routes that construction vehicles would use.
 - Identify detour routes for partial lane closures.
 - Proposed construction phasing plan for the proposed project.

- **Specify the hours during which transport activities can occur.**
- **Haul trucks entering or existing the project site onto public streets shall yield to the public traffic at all times.**
- **Location of construction-related parking and staging areas. All construction-related parking and staging areas shall be kept out of public roadways and shall occur on-site or within the identified construction staging areas.**

The Construction Traffic Management Plan shall conform to the latest version of Caltrans' California Manual on Uniform Traffic Control Devices and all City of Victorville requirements. The project applicant shall coordinate with the City Engineering Department, Victorville Fire Department, and Victorville Police Department to ensure that adequate emergency access is maintained along the surrounding streets and at adjacent uses, and that the timing and duration of the proposed temporary lane and/or sidewalk closures would not adversely affect operations of adjacent uses.

Tribal Cultural Resources Measure:

- 17. (TR-1) If requested by a California Native American tribe affiliated with the area, soil disturbance activities on the project site shall be monitored by a qualified tribal monitor. If tribal resources are discovered during soil disturbance or construction activities, work shall cease in the area of the find until an appropriate Tribal Representative has evaluated the find. Construction personnel shall not collect or move any tribal resources. Construction activity may continue unimpeded on other portions of the project site. Any tribal resources shall be treated with appropriate dignity and protected and preserved as appropriate.**

Public Review Period: December 24, 2021 through January 22, 2022.

Tentative Public Hearing Date: February 9, 2022