

CITY OF VICTORVILLE DEVELOPMENT DEPARTMENT  
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MITIGATED NEGATIVE DECLARATION  
Preparation Date: March 3, 2022

Name or Title of Project: Tentative Tract Map Case No. PLN16-00006 (TTM 20262)

Location: Southeast corner of Bellflower Street and Dos Palmas Road  
APN No. 3096-311-02

Entity or Person Undertaking Project: LA-DF INVESTMENT FUND 68; 212 S. Palm Ave, Suite 200;  
Alhambra, CA 91801

Description of Project: To allow for the recordation and development of a 320-lot single family residential subdivision (Tentative Tract Map 20262) with 5,000 sq. ft. (Medium-Low Residential), 6,000 sq. ft. (Low Residential), and 7,000 sq. ft. (Very Low Residential) minimum size lots, on an approximately 80 gross-acre building site that is vacant and undeveloped with an approximate density of 3.95 units per acre.

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 and other sensitive wildlife species (i.e. Desert Tortoise, Desert Kit Fox, American Badger, and nesting birds) on the project site and in the surrounding area in accordance with California Department of Fish and Wildlife approved protocols for each species 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 (including the restarting of activities after project/ground disturbing delays of 30-days or more), additional surveys will be required.**
2. **(BIO-2) If burrowing owls are observed on the project site during future surveys the California Department of Fish and Wildlife shall be immediately notified and mitigations shall be required to reduce impacts to less than significant, including 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.
  - 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.
3. (BIO-3) If sensitive wildlife species such as the Desert Tortoise, Desert Kit Fox, American Badger, 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. 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 California Department of Fish and Wildlife as applicable in accordance with typical best practices.
  4. (BIO-4) Pre-Construction Desert Tortoise Surveys. No more than 30 calendar days prior to 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 2 negative 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-8, the Project Proponent shall obtain an Incidental Take Permit for desert tortoise prior to the start of Project activities.
  5. (BIO-5) 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.

6. (BIO-6) 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 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.
7. (BIO-7) All Project activities on-site shall be conducted outside of nesting season (January 15 to August 31) to the maximum extent feasible. During the nesting bird season, a qualified biologist shall conduct pre-project nesting bird surveys, implement nest buffers, and conduct monitoring at all active nests within the work area and surrounding 300-foot buffer. Nesting bird surveys shall be conducted by a qualified biologist within 300 feet of all work areas, no more than 3 days prior to commencement of project activities. If active nests containing eggs or young are found, a qualified biologist shall establish an appropriate nest buffer. Nest buffers are species-specific and range from 15 to 100 feet for passerines and 50 to 300 feet for raptors, depending on the planned activity's level of disturbance, site conditions, and the observed bird behavior. 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 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.
8. (BIO-8) 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 incidental take permit or a consistency determination in certain circumstances as determined by the California Department of Fish and Wildlife.
9. (BIO-9) Unless determined to be unnecessary by the project biologist, 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.
10. (BIO-10) Joshua trees shall be protected to comply with the Victorville City Development Code through transplanted, stockpiling and implementation of protective measures as recommended in the Protected Plant Preservation Plan, November 2021. Additionally, prior to

the implementation of the recommended measures outlined in the Protected Plant Preservation Plan, an ITP shall be obtained from the California Department of Fish and Wildlife (CDFW) for any Joshua Tree on-site removed from its current position as deemed applicable by the CDFW.

11. (BIO-11) Should ground disturbing activities commence after October 28, 2022, 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 California Department of Fish and Wildlife 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 California Department of Fish and Wildlife (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.
12. (BIO-12) Unless otherwise deemed unnecessary by applicable reviewing agencies (e.g. U.S. Army Corps of Engineers, Regional Water Quality Control Board, and the California Department of Fish and Wildlife), a Jurisdictional Delineation shall be prepared to determine if waterways are present within the project footprint. If these potential jurisdictional features are within the project footprint, a jurisdictional delineation and notification package shall be submitted to applicable agencies for review and approval prior to project development. If impacts to a jurisdictional drainage feature are determined to be included in the projects scope of work, the necessary permits pursuant to Sections 404 and 401 of the Clean Water Act and Section 1602 of the Fish and Game Code shall be prepared accordingly.
13. (BIO-13) Unless proven to be unnecessary as a result of the required Jurisdictional Delineation, the applicant/developer shall submit a Notification of Lake or Streambed Alteration to the California Department of Fish and Wildlife's (CDFW) Lake and Streambed Alteration Program prior to the commencement of construction related activities on-site; and if determined necessary by CDFW, obtain a Lake and Streambed Alteration Agreement, authorizing impacts to California Fish and Game Code, section 1602 resources associated with the project.

**Cultural Resource Measures:**

14. (CR-1) 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 a) is not necessary during grading, or b) that the monitoring schedule can be adjusted to scheduled intervals. 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 Planning Department prior to the final approval of the project.
15. (CR-2) 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 area may continue during this

assessment period. Additionally, the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) and the Cabazon Band, Morongo Band, and Twenty-nine Palms Band of Mission Indians shall be contacted, as detailed within TCR-1, regarding any pre-contact 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.

16. (CR-3) If significant pre-contact 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 the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) and the Cabazon Band, Morongo Band and Twenty-nine Palms Band of Mission Indians for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.
17. (CR-4) 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.
18. (CR-5) If the remains are determined to be prehistoric, the County Coroner will notify the Native American Heritage Commission (NAHC), which will determine a notify 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

**Greenhouse Gas Measures:**

19. (GHG-1) Prior to the recordation of the final map, the applicant/developer shall complete a revised Greenhouse Gas Emissions Screening Table in accordance with the City's adopted version of the San Bernardino County Regional Greenhouse Gas Reduction Plan 2021, while achieving the minimum number of points necessary to comply with the City of Victorville Greenhouse Gas reductions goals.
20. (GHG-2) To the extent feasible, the City of Victorville Planning Department shall verify incorporation of the identified Screening Table Measures within the Project building plans/site designs and/or verify compliance with an updated version of the City's Greenhouse Gas Screening Table prior to the issuance of building permit(s).

**Hydrology and Water Quality Measure:**

21. (WTR-1) 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.
22. (WTR-2) 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;
- 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; and
- All excess sediment excavated as part of the Project that is not used onsite should be stockpiled in a location such that it will not be transported by wind or water into a surface water. An adequate combination of sediment and erosion control BMPs must be implemented and maintained to temporarily stabilize all stockpiled sediment until such time that it is reused and/or permanently stabilized.

23. (WTR – 3) The applicant/developer shall prepare and implement a comprehensive Spill Prevention and Response Plan for the Project, subject to review and approval by the City Planner and City Engineer (or their designee) prior to the issuance of any associated building or grading permit. This plan should outline the site-specific monitoring requirements and list the best management practices necessary to prevent hazardous material spills or to contain and cleanup a hazardous material spill, should one occur.

**Transportation Measure:**

24. (TRAN-1) The Applicant/Developer shall be responsible for implementing all required mitigation measures as outlined in the Traffic Impact Analysis prepared for the subject Tentative Tract Map on July 7, 2020, as approved by the City Traffic Engineer. Adherence to the subject mitigation measures shall be included in associated street improvement plans and the final map as deemed necessary by the City Engineer.

**Tribal Cultural Resources Measure:**

25. (TCR-1) The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) and the Cabazon Band, Morongo Band and Twenty-nine Palms Band of Mission Indians shall be contacted, as detailed in Cultural Resources Mitigation Measure CR-2, of any pre-contact 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 the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) and the Cabazon Band, Morongo Band and Twenty-nine Palms Band of Mission Indians, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor(s) to be present that represents SMBMI as well as the Cabazon Band, Morongo Band and Twenty-nine Palms Band of Mission Indians for the remainder of the project, should any of the tribes elect to place a monitor on-site.

26. (TCR-2) Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) and the Cabazon Band, Morongo Band and Twenty-nine Palms Band of Mission Indians. The Lead Agency and/or applicant shall, in good faith, consult with SMBMI and the Cabazon Band, Morongo Band and Twenty-nine Palms Band of Mission Indians throughout the life of the project.

- 27. (TCR-3) The applicant shall provide for an on-site Native American Monitor approved by the Twenty-Nine Palms Band of Mission Indians to monitor all ground disturbing activities, or a letter from the Twenty-Nine Palms Band of Mission Indians indicating that monitoring a) is not necessary during all ground disturbing activities, or b) that the monitoring schedule can be adjusted to scheduled intervals. 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 Planning Department prior to the final approval of the project.**
- 28. (TCR-4) 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: March 4, 2022 through April 4, 2022

Tentative Public Hearing Date: April 13, 2022