

CITY OF VICTORVILLE DEVELOPMENT DEPARTMENT
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MITIGATED NEGATIVE DECLARATION
Preparation Date: April 22, 2022

Name or Title of Project: Vesting Tentative Tract Map Case No. PLAN21-00040 (TTM 20488).

Location: Northwest corner of La Mesa Road and Mesa View Drive (APN No. 3096-351-02 & 03)

Entity or Person Undertaking Project: Victorville LLC, % United Engineering Group, 8885 Haven Avenue, Suite 195 Rancho Cucamonga, California 91730.

Description of Project: To allow for the recordation and development of a 152-lot single family residential subdivision (Vesting Tentative Tract Map 20488) with 4,000 – 5,000 sq. ft. minimum size lots, on an approximately 40.0-acre vacant/undeveloped building site located within the Vista Verde Specific Plan.

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) Dust Mitigation Measures.** In accordance with Mojave Desert Air Quality Management District (MDAQMD) requirements and prior to commencement of earth moving activities, the Project Proponent shall prepare and submit to the MDAQMD a dust control plan that describes all applicable dust control measures that will be implemented at the project. Additionally, the Project Proponent shall implement the following measures:

- Signage compliant with Rule 403 Attachment B shall be erected at each project entrance not later than the commencement of construction.
- Use a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes to minimize visible fugitive dust emissions. For projects with exposed sand or fines deposits (and for projects that expose such soils through earthmoving), chemical stabilization or covering with a stabilizing layer of gravel will be required to eliminate visible dust/sand from sand/fines deposits.
- All perimeter fencing shall be wind fencing or the equivalent, to a minimum of four feet in height or the top of all perimeter fencing. The owner/operator shall maintain the wind fencing as needed to keep it intact and remove windblown dropout. This wind fencing requirement may be superseded by local ordinance, rule or project-specific biological mitigation prohibiting wind fencing.
- All maintenance and access vehicular roads and parking areas shall be stabilized 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, and clean any

project related trackout within 24-hours. All other earthen surfaces within the project area shall be stabilized by natural or irrigated vegetation, compaction, chemical or other means sufficient to prohibit visible fugitive dust from wind erosion.

Biological Measures:

2. **(BIO-1) Incidental Take Permit Required During Candidacy Period for Western Joshua Tree.** If any western Joshua trees (WJT) are to be relocated, removed, or otherwise taken, the Project Proponent shall obtain an incidental take permit (ITP) from California Department of Fish and Wildlife (CDFW) under CDFW under §2081 of the California Endangered Species Act (CESA), prior to the relocation, removal, or take. The Project Proponent shall comply with the following measures as approved by the CDFW:
- a) Special Order 749.11 Mitigation for Qualifying Dead WJT. If the site has only dead WJT and these trees can qualify for mitigation under Special Order 749.11, the Project Proponent shall pursue mitigation under Special Order 749.11.
 - b) Seed Preservation for Non-Qualifying Dead WJT. If avoidance of dead WJT is infeasible, seeds shall be collected from the dead tree by a certified arborist or a qualified desert plant biologist and preserved at a CDFW approved repository. Subsequent to the collection of seeds, the dead tree can be removed for disposal.
 - c) Payment of Mitigation Fee to Western Joshua Tree Mitigation Fund. For unavoidable impacts to live WJT, the Project Proponents shall propose making a payment to the Western Joshua Tree Mitigation Fund as established under Special Order 749.10. This mitigation should strictly follow the census requirements, occupied habitat acreage calculation methodology, and mitigation ratio listed under Special Order 749.10. More specifically, Project Proponent shall calculate impacts to WJT and associated habitat using the impact area methodology identified in Special Order 749.10. Alternatively, the project proponent may pay a mitigation fee consistent with the mitigation fee requirements identified in Special Order 749.12.

In the event Joshua tree is not listed as a threatened species, Mitigation Measure BIO-1 shall not apply. The Project would be subject to Municipal Code Chapter 13.33 - Preservation and Removal of Joshua Trees as a condition of approval and not mitigation as defined by CEQA.

3. **(BIO-2) Burrowing Owl Pre-Construction Surveys.** Pre-construction surveys for Burrowing Owls on the Project site and in the surrounding area shall be conducted by a qualified biologist no more than 30-days prior to ground disturbing activities in accordance with guidelines 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. If burrowing owls are observed on the project site during future surveys the California Department of Fish and Wildlife shall be immediately notified, and additional mitigation measures shall be required to reduce impacts to less than significant. Acceptable mitigation measures are described in the Staff Report on Burrowing Owl Mitigation State of California Natural Resources Agency, Department of Fish and Game, March 7, 2012, and as outlined in Mitigation Measure BIO-3.
4. **(BIO-3) Burrowing Owl Mitigation if Detected on-site.** 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.
5. **(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 presence/absence surveys for desert tortoise. Pre-construction surveys shall be completed using perpendicular survey routes within the Project site 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, all desert tortoises encountered during clearance surveys and subsequent monitoring efforts will be permanently removed from the Project site and translocated to an off-site recipient site. The Project Proponent shall prepare a site-specific Desert Tortoise Translocation Plan that will provide details on the proposed recipient site, desert tortoise clearance surveys and relocation, definitions for Authorized Biologists and qualified desert tortoise biologists, exclusion fencing guidelines, protocols for managing desert tortoise found during active versus inactive seasons, protocols for incidental tortoise death or injury, and will be consistent with project permits and current USFWS guidelines. The Plan will also include a requirement for communication and coordination with the Bureau of Land Management (BLM) regarding the desert tortoise recipient site. Prior to construction, the Plan will be subject to the approval of the CDFW and the USFWS. Impacts shall be offset through acquisition of compensatory land within suitable and occupied desert tortoise habitat and/or monetary contributions to other recovery efforts in the West Mojave habitat mitigated for at a ratio of 1:1. Final mitigation acreage are subject to the approval of the State and federal wildlife agencies.
6. **(BIO-5) Nesting Bird Survey.** 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.

Cultural Resource Measures:

7. **(CR-1) Archaeological Inadvertent Discovery.** Prior to the initiation of ground-disturbing activities, the resident engineer shall alert field personnel to the possibility of buried prehistoric or historic cultural deposits. In the event that field personnel encounter buried cultural materials, work in the immediate vicinity of the find should cease and a qualified archaeologist should be retained to assess the significance of the find. The qualified archaeologist shall have the authority to stop or divert construction excavation as necessary. If the qualified archaeologist finds that any cultural resources present meet eligibility requirements for listing on the California Register or the National Register of Historic Places (National Register), plans for the treatment, evaluation, and mitigation of impacts to the find will need to be developed.
8. **(CR-2) Archeological Treatment Plan.** If a significant archaeological resource(s) is discovered on the property, ground disturbing activities shall be suspended 100 feet around the resource(s). The archaeological monitor, the Project Proponent, and the City Planning Department shall confer regarding mitigation of the discovered resource(s). A treatment plan shall be prepared and implemented by the archaeologist to protect the identified archaeological resource(s) from damage and destruction. The treatment plan shall contain a research design and data recovery program necessary to document the size and content of the discovery such that the resource(s) can be evaluated for significance under CEQA criteria. The research design shall list the sampling procedures appropriate to exhaust the research potential of the archaeological resource(s) in accordance with current professional archaeology standards (typically this sampling level is two (2) to five (5) percent of the volume of the cultural deposit). At the completion of the laboratory analysis, any recovered archaeological resources shall be processed and curated according to current professional repository standards. The collections and associated records shall be donated to an appropriate curation facility. A final report containing the significance and treatment findings shall be prepared by the archaeologist and submitted to the City of Victorville Planning Department and the South-Central Coastal Information Center.

Geology and Soils Measures:

9. **(GEO-1) Inadvertent Discovery of Paleontological Resources.** If paleontological resources are encountered during implementation of the Project, ground-disturbing activities will be temporarily redirected from the vicinity of the find. A qualified paleontologist (the "Project Paleontologist") shall be retained by the developer to make an evaluation of the find. If the resource is significant, Mitigation Measure GEO-2 shall apply.
10. **(GEO-2) Paleontological Treatment Plan.** If a significant paleontological resource(s) is discovered on the property, in consultation with the Project proponent and the City, the qualified paleontologist shall develop a plan of mitigation which shall include salvage excavation and removal of the find, removal of sediment from around the specimen (in the laboratory), research to identify and categorize the find, curation in the find a local qualified repository, and preparation of a report summarizing the find.

Greenhouse Gas Measures:

11. **(GHG-1) Updated Screening Table.** 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.

12. (GHG-2) Compliance Verification. 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:

13. (WTR-1) NPDES Permit. 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.

14. (WTR-2) Spill Prevention and Response Plan. 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.

Noise Measures:

15. (NOI-1) Construction Noise Mitigation. Prior to the issuance of a grading permit, the following notes shall be included on grading plans and building plans. Project contractors shall be required to ensure compliance with the notes and permit periodic inspection of the construction site by City of Victorville staff or its designee to confirm compliance. These notes also shall be specified in bid documents issued to prospective construction contractors.

- a) Haul truck deliveries shall be limited daytime hours of 6:00 a.m. to 6:00 p.m.
- b) Construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards.
- c) All stationary construction equipment shall be placed in such a manner so that emitted noise is directed away from any sensitive receptors adjacent to the Project site.
- d) Construction equipment staging areas shall be located the greatest distance between the staging

area and the nearest sensitive receptors.”

Tribal Cultural Resources Measures:

- 16. (TCR-1) Discover of Cultural Resources.** 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, any tribes noticed in conjunction with the AB 52 process shall be contacted, as detailed within TCR-4, 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.
- 17. (TCR-2) Monitoring and Treatment Plan.** 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 any tribes noticed in conjunction with the AB 52 process for review and comment, as detailed within TCR-4. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.
- 18. (TCR-3) Discovery of Human Remains.** 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.
- 19. (TCR-4) Tribal Input.** Any tribes noticed in conjunction with the AB 52 process shall be contacted, as detailed in TCR-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 any tribes noticed in conjunction with the AB 52 process, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents any tribes noticed in conjunction with the AB 52 process for the remainder of the project, should any tribes noticed in conjunction with the AB 52 process elect to place a monitor on-site.
- 20. (TCR-5) Archaeological/Cultural Documents.** 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 any tribes noticed in conjunction with the AB 52 process. The Lead Agency and/or applicant shall, in good faith, consult with any tribes noticed in conjunction with the AB 52 process throughout the life of the project.

Public Review Period: April 22, 2022 through May 23, 2022.

Tentative Public Hearing Date: June 8, 2022