

CITY OF VICTORVILLE DEVELOPMENT DEPARTMENT
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MITIGATED NEGATIVE DECLARATION
Preparation Date: April 27, 2022

Name or Title of Project: General Plan Amendment, Planned Unit Development, Site Plan, and Tentative Parcel Map Case No. PLAN21-00023 (Victor Valley Connection)

Location: North of and abutting Bear Valley Road between 2nd and 3rd Avenues, Victorville, CA 92395 (APN No. 3091-221-03 through 3091-221-10 & 3091-221-12 through 3091-221-21)

Entity or Person Undertaking Project: Bear Valley Road & 2nd Avenue, LLC; c/o Michael Asheghian; MJM Investment Co., LLC; 12300 Wilshire Blvd #410; Los Angeles, CA 90025

Description of Project: MJM Investment Company, LLC., Applicant, is proposing a mixed-use development, Victorville Connection Project (Project), consisting of commercial, retail, office, self-storage, and multi-family residential development on approximately 34.74 acres in the City of Victorville, CA (City), County of San Bernardino. The Project includes approximately 230,632 square feet of commercial, retail, office and self-storage uses on 16.07 acres and 376 multi-family residential dwelling units on 18.67 acres with a density of 20.14 dwelling units per acre (du/ac).

The Project Site is located in the southeast portion of the City of Victorville on the north side of Bear Valley Road between 2nd Avenue and 3rd Avenue. The site was previously approved for an office/business park use and was graded by a past owner with curb cuts and driveway entrances, and utilities installed for a previously anticipated development whose entitlements have expired. The site is currently vacant and traversed with dirt roads.

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:

- (AQ-1) The Project Proponent shall prepare and submit to the MDAQMD, prior to commencing earth-moving activity, a dust control plan that describes all applicable dust control measures that will be implemented at the project. The most current Dust Control Plan Requirements and Dust Control Plan Submission For are available at <http://mdaqmd.ca.gov/permitting/compliance-forms>.**
- (AQ-2) The Project Proponent shall ensure that signage compliant with MDAQMD Rule 403 Attachment B is erected at the project site entrance not later than the commencement of construction.**

3. **(AQ-3) The Project Proponent shall ensure that a water truck is used to maintain moist disturbed surfaces and that water is actively spread during visible dusting episodes to minimize 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.**
4. **(AQ-4) All perimeter fencing shall be wind fencing or the equivalent, to a minimum of four feet of 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 suspended by local ordinance, rule or project specific biological mitigation prohibiting wind fencing.**
5. **(AQ-5) All maintenance and access vehicular roads and parking areas shall be stabilized with chemical, gravel or asphaltic pavement sufficient to eliminate 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.**
6. **(AQ-6) Obtain MDAQMD permits for any miscellaneous process equipment that may not be exempt under District Rule 219 including, but not limited to internal combustion engines with a manufacture's maximum continuous rating greater than 50 brake horsepower.**
7. **(AQ-7) The Project Proponent shall ensure a minimum duration of 130 days for architectural coating.**

Biological Measures:

8. **(BIO-1) If construction occurs between February 1st and August 31st, a pre-construction clearance survey for nesting birds should be conducted within three (3) days of the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds will be disturbed during construction. The biologist conducting the clearance survey should document a negative survey with a brief letter report indicating that no impacts to active avian nests will occur. If an active avian nest is discovered during the pre-construction clearance survey, construction activities should stay outside of a no-disturbance buffer. The size of the no-disturbance buffer will be determined by the wildlife biologist and will depend on the level of noise and/or surrounding anthropogenic disturbances, line of sight between the nest and the construction activity, type and duration of construction activity, ambient noise, species habituation, and topographical barriers. These factors will be evaluated on a case-by-case basis when developing buffer distances. Limits of construction to avoid an active nest will be established in the field with flagging, fencing, or other appropriate barriers; and construction personnel will be instructed on the sensitivity of nest areas. A biological monitor should be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, construction activities within the buffer area can occur.**

Cultural Resource Measures:

9. **(CR-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 area may continue during this assessment period. Additionally, the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) and any other noticed tribes shall be contacted, as detailed within 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.

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 and any other noticed tribes for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.

10. (CR-2) If human remains or funerary objects are encountered during the undertaking, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of the origin and disposition of remains pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC.

Geology and Soils Measures:

11. (GEO-1) Excavation activity associated with the development of the project area would impact paleontologically sensitive Pleistocene alluvial units and may uncover paleontological resources. The project will therefore be subjected to a paleontological monitoring program designed to meet the standards, policies, and guidelines of the San Bernardino County Museum Department of Earth Sciences for excavations that would impact older Quaternary alluvium. The program requirements would be based on the depth of older alluvium and final project design. The required monitoring program shall be submitted to the City of Victorville prior to the issuance of a permit for any ground disturbing activities, subject to review and approval by the Zoning Administrator or their designee.

Greenhouse Gas:

12. (GHG-1) Prior to the issuance of building permits, the applicant/developer shall complete a current 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.
13. (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:

14. (WTR-1) 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.
15. (WTR-2) 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:

16. (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 project on December 3, 2020 by TJW Engineering, inc., 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 Measures:

17. (TCR-1) The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) and any other noticed tribes for review and comment shall be contacted, as detailed in CR-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 any other noticed tribes for review and comment, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents SMBMI and any other noticed tribes for review and comment for the remainder of the project, should SMBMI and any other noticed tribes for review and comment elect to place a monitor on-site.

18. (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 SMBMI and any other noticed tribes for review and comment. The Lead Agency and/or applicant shall, in good faith, consult with SMBMI and any other noticed tribes for review and comment throughout the life of the project.

Public Review Period: April 29, 2022 to May 30, 2022.

Tentative Public Hearing Date: June 8, 2022