

CITY OF VICTORVILLE DEVELOPMENT DEPARTMENT
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MITIGATED NEGATIVE DECLARATION
Preparation Date: December 22, 2023

CLERK OF THE
BOARD OF SUPERVISORS
2024 APR 16 PM 1:23
COUNTY OF SAN BERNARDINO
CALIFORNIA

Name or Title of Project: Tentative Tract Map Case No. PLAN22-00028 (TTM 20500).

Location: Southeast corner of Seneca Road and Cantina Drive (APN No. 3103-551-05)

Entity or Person Undertaking Project: Ludwig Engineering; 109 E. Third Street; San Bernardino, California 92410.

Description of Project: A Tentative Tract Map with a proposed Mitigated Negative Declaration to allow for the creation of 210 single-family lots from approximately 60 acres of R-1 (Single-Family Residential) zoned property located at the southeast corner of Seneca Road and Cantina Drive.

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)** A qualified biologist shall develop a Worker Environmental Awareness Program (WEAP) that would include information on general and special status species within the project area, identification of these species and their habitats, techniques being implemented during construction to avoid impacts to species, consequences of killing or injuring an individual of a listed species, and reporting procedures when encountering listed or sensitive species. All construction crews, foremen, and other project personnel potentially working on site should attend this education program prior to the first day of work.
2. **(BIO-2)** BUOW would be included as one of the species covered in the WEAP that all construction crews, foremen, and other project personnel potentially working on site should attend prior to the first day of work.

Preconstruction presence/absence surveys for burrowing owl shall be conducted no less than 3 days prior to any onsite ground disturbing activity by a qualified biologist, including prior to each phase of new ground disturbance. The burrowing owl surveys shall be conducted pursuant to the recommendations and guidelines established by the California Department of Fish and Wildlife in the "California Department of Fish and Wildlife 2012 Staff Report on Burrowing Owl Mitigation." In the event this species is not identified within the project limits, no further mitigation is required, and a letter shall be prepared by the qualified biologist documenting the results of the survey. The letter shall be submitted to CDFW prior to commencement of project activities. If during the preconstruction survey, the burrowing owl is found to occupy the site, Mitigation Measure BIO-3 shall be required

3. **(BIO-3)** If burrowing owls are identified during the survey period, the Developer, in conjunction with the City, shall take the following actions to offset impacts prior to ground disturbance:

The Developer, in conjunction with the City shall notify CDFW within three business days of determining that a burrowing owl is occupying the site to discuss the observed location, activities and behavior of the burrowing owl(s) and appropriate avoidance and minimization measures.

Active nests within the areas scheduled for disturbance or degradation shall be avoided until fledging has occurred, as confirmed by a qualified biologist. Following fledging, owls may be passively relocated by a qualified biologist, as described below.

If impacts on occupied burrows are unavoidable, onsite passive relocation techniques may be used if approved by the CDFW to encourage owls to move to alternative burrows provided by the Developer outside of the impact area.

If relocation of the owls is approved for the site by CDFW, CDFW shall require the Developer to hire a qualified biologist to prepare a plan for relocating the owls to a suitable site and conduct an impact assessment. A qualified biologist shall prepare and submit a passive relocation program in accordance with Appendix E (i.e., Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans) of the 2012 Staff Report on Burrowing Owl Mitigation (CDFG 2012) to the CDFW for review/approval prior to the commencement of disturbance activities onsite.

The relocation plan must include all of the following and as indicated in Appendix E:

- The location of the nest and owls proposed for relocation.
- The location of the proposed relocation site.
- The number of owls involved and the time of year when the relocation is proposed to take place.
- The name and credentials of the biologist who will be retained to supervise the relocation.
- The proposed method of capture and transport for the owls to the new site.
- A description of site preparation at the relocation site (e.g., enhancement of existing burrows, creation of artificial burrows, one-time or long-term vegetation control).

The Developer shall conduct an impact assessment, in accordance with the Staff Report on Burrowing Owl Mitigation prior to commencing project activities to determine appropriate mitigation, including the acquisition and conservation of occupied replacement habitat at no less than a 2:1 ratio.

Prior to passive relocation, suitable replacement burrows site(s) shall be provided at a ratio of 2:1 and permanent conservation and management of burrowing owl habitat such that the habitat acreage, number of burrows and burrowing owl impacts are replaced consistent with the Staff Report on Burrowing Owl Mitigation including its Appendix A within designated adjacent conserved lands identified through coordination with CDFW and the City. A qualified biologist shall confirm the natural or artificial burrows on the conservation lands are suitable for use by the owls. Monitoring and management of the replacement burrow site(s) shall be conducted and a reporting plan shall be prepared. The objective shall be to manage the replacement burrow sites for the benefit of burrowing owls (e.g., minimizing weed cover), with the specific goal of maintaining the functionality of the burrows for a minimum of 2 years.

A final letter report shall be prepared by the qualified biologist documenting the results of the passive relocation. The letter shall be submitted to CDFW.

4. **(BIO-4)** Although no desert tortoises were detected during the site surveys, habitat within the project footprint is considered marginally suitable for this species. Therefore, a qualified biologist shall conduct a pre-construction clearance survey no more than 14 days prior to initiating construction in accordance with U.S. Fish and Wildlife Service's (2019) survey protocol; if the biologist detects a desert tortoise, the biologist or applicant will contact the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife immediately.
5. **(BIO-5)** Prior to construction, a preconstruction survey shall be conducted by a qualified biologist to verify the location or locations of Joshua Trees on site. The qualified biologist, preferably a Desert Native Plant Specialist, shall prepare a report that shall be submitted to the City that shall identify and provide: a) the GPS coordinates and accompanying map of each WJT within the project area; b) the age class of each WJT; c) the number of clonal WJT associated with each parent plant and the methodology used to make this determination; d) a unique numbering system for each WJT, and e) geo-referenced, representative photos of parent trees, clones, and general distribution of WJT across the project site. The report shall show the location of the proposed grading/construction and all existing western Joshua trees with photos showing all western Joshua trees in relation to the proposed grading/construction. The report shall include findings and avoidance or mitigation recommendations in conformance with the WJTCA after consultation with the California Department of Fish and Game.

A biological monitor shall be present for all construction-related activities and shall ensure that any required buffers are maintained for the duration of construction, such that any direct or indirect impacts to any western Joshua trees are consistent with the agreement negotiated under the WJTCA.

6. **(BIO-6)** If the bird nesting season cannot be avoided, nesting bird surveys shall be conducted by a qualified avian biologist no more than three (3) days prior to vegetation clearing or ground disturbance activities. Preconstruction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the preconstruction nesting bird surveys, a Nesting Bird Plan (NBP) shall be prepared and implemented by the qualified avian biologist. At a minimum, the NBP shall include guidelines for addressing active nests, establishing buffers, ongoing monitoring, establishment of avoidance and minimization measures, and reporting. The size and location of all buffer zones, if required, shall be based on the nesting species, individual/pair's behavior, nesting stage, nest location, its sensitivity to disturbance, and intensity and duration of the disturbance activity. To avoid impacts to nesting birds, any grubbing or vegetation removal should occur outside peak breeding season (typically February 1 through September 1).

Cultural Resource Measures:

7. **(CR-1)** Should any cultural resources be encountered during construction of these facilities, earthmoving or grading activities in the immediate area of the finds shall be halted and an onsite inspection shall be performed immediately by a qualified archaeologist. Responsibility for making this determination shall be with the applicant's onsite inspector. The archaeological professional shall assess the find, determine its significance, and make recommendations for appropriate mitigation measures within the guidelines of the California Environmental Quality Act.
8. **(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 shall be contacted 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.

9. **(CR-3)** 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 San Manuel Band of Mission Indians for review and comment. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.
10. **(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 para. 7050.5 and that code enforced for the duration of the project.

Geology and Soils Measures:

11. **(GEO-1)** Stored backfill material shall be covered with water resistant material during periods of heavy precipitation to reduce the potential for rainfall erosion of stored backfill material. Where covering is not possible, measures such as the use of straw bales or sand bags shall be used to capture and hold eroded material on the project site for future cleanup such that erosion does not occur.
12. **(GEO-2)** Excavated areas shall be backfilled and compacted such that erosion does not occur. Paved areas disturbed by this project shall be repaved in such a manner that roadways and other disturbed areas are returned to the pre-project conditions or better.
13. **(GEO-3)** All exposed, disturbed soil (trenches, stored backfill, etc.) will be sprayed with water or soil binders twice a day or more frequently if fugitive dust is observed migrating from parcel where the Project is being installed.
14. **(GEO-4)** The length of trench which can be left open at any given time will be limited to that needed to reasonably perform construction activities. This will serve to reduce the amount of backfill stored onsite at any given time.
15. **(GEO-5)** Should any paleontological resources be encountered during construction of these facilities, earthmoving or grading activities in the immediate area of the finds shall be halted and an onsite inspection should be performed immediately by a qualified paleontologist. Responsibility for making this determination shall be with the City's onsite inspector. The paleontological professional shall assess the find, determine its significance, and determine appropriate mitigation measures within the guidelines of the California Environmental Quality Act that shall be implemented to minimize any impacts to a paleontological resource.

Hazards and Hazardous Materials:

16. **(HAZ-1)** All accidental spills or discharge of hazardous material during construction activities shall be reported to the Certified Unified Program Agency and shall be remediated in compliance with applicable state and local regulations regarding cleanup and disposal of the contaminant released. The contaminated waste will be collected and disposed of at an appropriately a licensed disposal or treatment facility. This measure shall be incorporated into the SWPPP prepared for the proposed

project. Prior to accepting the site as remediated, the area contaminated shall be tested to verify that any residual concentrations meet the standard for future residential or public use of the site.

Noise Measures:

17. **(NOI-1)** The City will require that all construction equipment be operated with mandated noise control equipment (mufflers or silencers). Enforcement will be accomplished by random field inspections by applicant personnel during construction activities.
18. **(NOI-2)** Noise minimizing measures shall be implemented to reduce noise levels to the greatest extent feasible at the nearest receptors, defined as at or below 55 dBA permitted between the hours of 10:00 PM and 7:00 AM; and at or below 65 dBA permitted between the hours of 7:00 AM and 10:00 PM.
19. **(NOI-3)** Equipment not in use for five minutes shall be shut off.
20. **(NOI-4)** Equipment shall be maintained and operated such that loads are secured from rattling or banging.]

Transportation

21. **(TRAN-1)** The project offsite improvements and fair share calculation is based on the proportion of project peak hour intersection turning movement volumes contributed to the specific improvement locations relative to the total new peak hour intersection turning movement volume forecast for Years (2023 and 2033) With Project conditions. The developer shall pay the project's fair share percentage of the identified impacted intersection costs identified in the approved traffic study "Victorville Residential Traffic Analysis" prepared by Urban Crossroads. This fee shall be paid prior to occupancy of the subdivision.
22. **(TRAN-2)** The City shall mandate that the Applicant require their contractors prepare a construction traffic control plan. Elements of the plan should include, but are not necessarily limited to, the following:
 - Develop circulation and detour plans, if necessary, to minimize impacts to local street circulation. Use haul routes minimizing truck traffic on local roadways to the extent possible.
 - To the extent feasible, and as needed to avoid adverse impacts on traffic flow, schedule truck trips outside of peak morning and evening commute hours.
 - Install traffic control devices as specified in Caltrans' Manual of Traffic Controls for Construction and Maintenance Work Zones where needed to maintain safe driving conditions. Use flaggers and/or signage to safely direct traffic through construction work zones.
 - For roadways requiring lane closures that would result in a single open lane, maintain alternate one-way traffic flow and utilize flagger-controls.
 - Coordinate with facility owners or administrators of sensitive land uses such as police and fire stations, hospitals, and schools. Provide advance notification to the facility owner or operator of the timing, location, and duration of construction activities.
23. **(TRAN-3)** The City shall require that all disturbances to public roadways be repaired in a manner that complies with the Standard Specifications for Public Works Construction (green book) or other applicable City of Victorville standard design requirements.

Tribal Cultural Resources Measures:

- 24. (TCR-1)** The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) 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 YSMN, and all subsequent finds shall be subject to this Plan. This Plan will allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.
- 25. (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 YSMN. The Lead Agency and/or applicant shall, in good faith, consult with YSMN throughout the life of the project.

Public Review Period: December 22, 2023, through January 22, 2024.

Tentative Public Hearing Date: February 14, 2024

PASSED, APPROVED AND ADOPTED this 14th day of February, 2024.



ROB KURTH, CHAIRMAN
VICTORVILLE PLANNING COMMISSION

ATTEST:



SCOTT WEBB, SECRETARY
VICTORVILLE PLANNING COMMISSION