

CITY OF VICTORVILLE DEVELOPMENT DEPARTMENT
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MITIGATED NEGATIVE DECLARATION

Preparation Date: September 18, 2024

Name or Title of Project: 55555 Amargosa LLC., Warehouse Development

Location: The proposed project site is 18.05 net acre property after the required roadway dedications in the City of Victorville. The project site is located on the southwest of the intersection of Cactus Road and Mesa Linda Avenue. The corresponding Assessor Parcel Numbers (APN) are 3128-581-05 and -06. Currently, no legal address has been assigned to the project site.

Entity or Person Undertaking Project: Mr. Simon Bouzaglou, 55555 Amargosa LLC. 10300 Arrow Route, Unit 519 Rancho Cucamonga, California 91730. (Applicant). City of Victorville (Agency)

Description of Project: The Project proposes to construct and operate a 392,857 square foot warehouse building within an 18.05-acre (786,742 square foot) vacant property. The project site is relatively level and is approximately 926 meters above sea level and contains no slope. The plant community present on site supports a disturbed desert scrub habitat that has been disturbed due human activity. The site encompasses some native plants, and some non-native grasses. The proposed new building would have a total floor area of 392,857 square feet that would include 14,933 square feet of office space and 377,924 square feet of warehouse floor area. The proposed project's floor area ratio (FAR) would be 0.49. The total lot coverage would be 49.06%. Landscaping would total 60,663 square feet or 7.71% of the total site area and this landscaping would be provided around the site's perimeter and around the new building. A total of 70 dock-high doors would be provided along the building's south-facing elevation. The truck maneuvering areas would be located further south of the loading docks. The loading docks and truck maneuvering area would be secured by security gates. There would be a total of 178 parking spaces provided. Of this total, 164 spaces would be standard 9'x20' parking spaces, 8 spaces would be electric vehicle (EV) parking spaces, and 6 spaces would be ADA 9'x20' parking spaces. There would also be a total of 91 parking spaces reserved for trailer trucks including 6 EV truck parking spaces. Vehicular access to the project would be provided by a total of four new driveway connections. Two, 40-foot-wide driveway connections would be provided along the south side of Cactus Road. One, 50-foot-wide driveway connection would be provided with the east side of Cantina Road. Finally, one, 50-foot-wide driveway connection would be provided with the west side of Mesa Linda Avenue.

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. **AIR Mitigation #1.** The Applicant 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.
2. **AIR Mitigation #2.** The Applicant shall ensure that signage, compliant with Rule 403 Attachment B, is erected at each project site entrance not later than the commencement of construction.
3. **AIR Mitigation #3.** The Applicant shall ensure the use of 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.
4. **AIR Mitigation #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 fugitive dust. This wind fencing requirement may be superseded by local ordinance, rule or project-specific biological mitigation prohibiting wind fencing.
5. **AIR Mitigation #5.** 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 track out onto paved surfaces and clean any project-related track out 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 Resource Measures:

1. **BIO Mitigation #1.** Pre-construction surveys for burrowing owls, desert tortoise, and nesting birds protected under the Migratory Bird Treaty Act and Section 3503 of the California Fish and Wildlife Code shall be conducted prior to the commencement of Project-related ground disturbance. a. Appropriate survey methods and timeframes shall be established, to ensure that chances of detecting the target species are maximized. In the event that listed species, such as the desert tortoise, are encountered, authorization from the USFWS and CDFW must be obtained. If nesting birds are detected, avoidance measures shall be implemented to ensure that nests are not disturbed until after young have fledged. b. Pre-construction surveys shall encompass all areas within the potential footprint of disturbance for the project, as well as a reasonable buffer around these areas.
2. **BIO Mitigation #2.** A Protected Plant Plan shall be developed and shall identify methods, locations, and criteria for transplanting those trees that would be removed during Project construction. a. As required by the San Bernardino County Development Code, Joshua trees proposed for removal shall be transplanted or stockpiled for future transplanting wherever

possible.

3. **BIO Mitigation #3** Prior to construction, the project proponent is required to obtain an Incidental Take Permit (ITP) through CDFW for the take of 2 Joshua trees. Per Section 1927.4 of the WJTCA, CDFW may authorize, by permit, the taking of a western Joshua tree if all of the following conditions are met:
 - (1) The permittee submits to CDFW for its approval a census of all western Joshua trees on the project site, including photographs, that categorize the trees according to the following size classes: a. Less than one meter in height. b. One meter or greater but less than five meters in height. c. Five meters or greater in height.
 - (2) The permittee avoids and minimizes impacts to, and the taking of, the western Joshua tree to the maximum extent practicable. Minimization may include trimming, encroachment on root systems, relocation, or other actions that result in detrimental but nonlethal impacts to western Joshua tree.
 - (3) The permittee mitigates all impacts to, and taking of, the western Joshua tree. In lieu of completing the mitigation on its own, the permittee may elect to pay mitigation fees.
 - (4) CDFW may require the permittee to relocate one or more of the western Joshua trees. The City of Victorville falls within an area of the WJTCA which qualifies for reduced Mitigation Fees for impacts to western Joshua trees (Fish and Wildlife Code, Section 1927). The reduced Mitigation Fees are as follows [Fish and Wildlife Code, Section 1927.3 (d)]: 1. Trees 5 meters or greater in height - \$1,000; 2. Trees 1 meter or greater but less than 5 meters in height - \$200; 3. Trees less than 1 meter in height - \$150. Each western Joshua tree stem or trunk arising from the ground shall be considered an individual tree requiring mitigation, regardless of proximity to any other western Joshua tree stem or trunk. Mitigation is required of all trees, regardless of whether they are dead or alive. It is recommended that specific Joshua tree mitigation measures or determination of in-lieu fees be addressed through consultation with CDFW.

Cultural Resource Measures:

1. **CUL Mitigation #1.** Prior to the issuance of a grading permit, the Applicant shall provide evidence to the City of Victorville that a qualified archaeologist/paleontologist has been retained by the Project Applicant to conduct monitoring of excavation activities and has the authority to halt and redirect earthmoving activities in the event that suspected paleontological resources are unearthed.
2. **CUL Mitigation #2.** Recovered specimens shall be properly prepared to a point of identification and permanent preservation, including screen washing sediments to recover small invertebrates and vertebrates, if necessary. Identification and curation of specimens into a professional, accredited public museum repository with a commitment to archival conservation and permanent retrievable storage, such as the San Bernardino County Museum in San Bernardino, California, is required for significant discoveries. The

archaeologist/paleontologist must have a written repository agreement in hand prior to initiation of mitigation activities.

3. **CUL Mitigation #3.** A final monitoring and mitigation report of findings and significance shall be prepared, including lists of all fossils recovered, if any, and necessary maps and graphics to accurately record the original location of the specimens. The report shall be submitted to the City of Victorville prior to building final.
4. **CUL Mitigation #4.** Prior to the initiation of ground-disturbing activities, field personnel should be alerted to the possibility of buried prehistoric or historic cultural deposits and paleontological resources. In the event that field personnel encounter buried cultural materials and/or paleontological resources, work in the immediate vicinity of the find should cease and a qualified archaeologist/paleontologists must be retrained to assess the significance of the find. The qualified archaeologist/paleontologist shall have the authority to stop or divert construction excavation as necessary. If the qualified archaeologist/paleontologist 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 treatments, evaluation, and mitigation of impacts to the find will need to be developed. Prehistoric or historic cultural materials that may be encountered during ground-disturbing activities include:
 - Historic-period artifacts such as glass bottles and fragments, cans, nails, ceramic and pottery fragments, and other metal objects;
 - Historic-period structural or building foundations, walkways, cisterns, pipes, privies, and other structural elements;
 - Pre-historic flaked-stone artifacts and debitage (waste material), consisting of obsidian, basalt, and/or cryptocrystalline silicates;
 - Dark, greasy soil that may be associated with charcoal, ash, bone, shell, flaked stone, ground stone and fire affected rocks; and Human remains.

Geology & Soils Measures:

1. **GEO Mitigation #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.
2. **GEO Mitigation #2.** 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.

3. **GEO Mitigation #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 Measures:

1. **TRA Mitigation #1.** *Highway 395 / Mojave Drive:* Add exclusive westbound right turn lane; Convert the current shared through-right-turn lane to a through lane only; provide right turn overlap phasing for the westbound and northbound right turns; optimize signal timing.
2. **TRA Mitigation #2.** *Mojave Drive / Mesa Linda Avenue:* Install traffic signal control with protected left turn phasing on all approaches (To be established by Mojave 68 Project, which has been conditioned to install the traffic signal.)
3. **TRA Mitigation #3.** The projects contribution in the Near-Term is anticipated to be 21.0% and in the Mid-Term is anticipated to be 5.8% of the cost of the improvements to Highway 395 at Mojave Drive. In the event that the Mojave 68 Project is delayed, the project contribution in the Near-Term is anticipated to be 29.7% and in the Mid-Term is anticipated to be 8.1% of the cost of the improvements to Mojave Drive at Mesa Linda Avenue.

Tribal Cultural Resources Measures:

1. **TRI Mitigation #1.** Prior to the issuance of a grading permit, the Applicant shall provide evidence to the City of Victorville that a qualified archaeologist/paleontologist has been retained by the Project Applicant to conduct monitoring of excavation activities and has the authority to halt and redirect earthmoving activities in the event that suspected paleontological resources are unearthed.
2. **TRI Mitigation #2.** The archaeologist/paleontologist monitor shall conduct full-time monitoring during grading and excavation operations in undisturbed, very old alluvial fan sediments at or below four (4) feet below ground surface and shall be equipped to salvage fossils if they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. The archaeologist/paleontologist monitor shall be empowered to temporarily halt or divert equipment to allow of removal of abundant and large specimens in a timely manner. Monitoring may be reduced if the potentially fossiliferous units are not present in the subsurface, or if present, are determined upon exposure and examination by qualified archaeologist/paleontologist personnel to have a low potential to contain or yield fossil resources.
3. **TRI Mitigation #3.** Recovered specimens shall be properly prepared to a point of identification and permanent preservation, including screen washing sediments to recover small invertebrates and vertebrates, if necessary. Identification and curation of specimens into a professional, accredited public museum repository with a commitment to archival conservation and permanent retrievable storage, such as the San Bernardino County Museum

in San Bernardino, California, is required for significant discoveries. The archaeologist/paleontologist must have a written repository agreement in hand prior to initiation of mitigation activities.

4. **TRI Mitigation #4.** A final monitoring and mitigation report of findings and significance shall be prepared, including lists of all fossils recovered, if any, and necessary maps and graphics to accurately record the original location of the specimens. The report shall be submitted to the City of Victorville prior to building final.