

CITY OF VICTORVILLE DEVELOPMENT DEPARTMENT

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MITIGATED NEGATIVE DECLARATION

Preparation Date: October 23, 2024

Name or Title of Project: Tentative Tract Map No. 20527, Plan22-00029

Location: Southwest corner of Luna Road and Fremontia Road in the City of Victorville, San Bernardino

Entity or Person Undertaking Project: Canaday Company/Luna LLC, c/o Sherr Development Corporation. 31300 Orchard Lake Road, Suite 200, Farmington Hills, MI 48334.

Description of the Project: Canaday Company/Luna LLC is requesting the entitlement of a Tentative Tract Map (No. 20527, expired TTM No. 18345) to allow for the development of 53 residential lots in the City of Victorville. The Project Site occurs on two undeveloped parcels (APN 3096-341-04, and -09) located west of Fremontia Road and south of Luna Road on 19.08 acres. The site is currently designated as having a LDR (Low Density Residential) Land Use on the City of Victorville General Plan Land Use Map and has a zoning classification as R-1 (Single-family Residential) allowing up to five dwelling units per acre. Therefore, at 2.64 dwelling units per acre, the Proposed Project would be an allowable use under the current land use designations.

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)** The Proposed Project shall comply with MDAQMD Rules 402 and 403, as listed below.

(b) The Project Proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities.

(c) The Project Proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading activity on the site. Portions of the site that are actively being used shall be watered to ensure that a crust is formed on the ground surface and shall be watered at the end of each workday.

(d) The Project Proponent shall ensure that disturbed areas are treated to prevent erosion.

(e) The Project Proponent shall ensure that ground disturbing activities are suspended when winds exceed 25 miles per hour.

Although the Proposed Project would not exceed MDAQMD thresholds for exhaust emissions during operations, the Applicant would be required to implement the following conditions as required by MDAQMD:

(a) All equipment must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel.

(b) The operator shall comply with all existing and future CARB and MDAQMD Off-Road Diesel Vehicle Regulations related to diesel-fueled trucks, which may include among others: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment.

Biological Measures:

2. **(BIO-1)** For any Western Joshua Trees that would be removed, the Applicant shall obtain either an Incidental Take Permit (ITP) from California Department of Fish and Wildlife (CDFW) under §2081 of the California Endangered Species Act (CESA) or a permit under the Western Joshua Tree Conservation Act, whichever would be applicable at the time of the application. Mitigation would consist of either purchase of credits from an approved conservation bank at an agreed upon ratio or in accordance with the permit issued under the Western Joshua Tree Conservation Act. Therefore, as previously stated, impacts to the on-site Joshua trees would require a mitigation fee of \$11,150 which will go into the Western Joshua Tree Conservation Fund.

3. **(BIO-2)** If construction occurs between February 1st and August 31st, pre-construction surveys for burrowing owls and any other species 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. 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.

4. **(BIO-3)** A pre-construction clearance survey be conducted thirty (30) days prior to ground disturbing activities in undeveloped areas to confirm the absence of desert tortoise within the boundaries of the survey area. Survey transects should be spaced at 10-meter (33-foot) intervals throughout the undeveloped portions of the project area to provide 100 percent visual coverage and increase the likelihood of locating desert tortoise and/or sign. All

burrows, if present, will be thoroughly inspected for the presence of desert tortoise or evidence of recent use using non-intrusive methods (i.e., mirror, digital camera). Burrow characteristics including class, shape, orientation, size, and evidence of deterioration will be recorded on field data sheets. Should desert tortoise be found onsite during the pre-construction clearance survey, coordination will need to occur with the USFWS and CDFW to determine if avoidance and minimization measures can be implemented to avoid any direct or indirect impacts to desert tortoise, or if "Take" permits will need to be obtained prepared and approved by the USFWS and CDFW.

5. **(BIO-4)** Applicant is required to prepare a Jurisdictional Delineation to document the project's extent of jurisdictional impacts to the drainage. Subsequently the Applicant may be required to submit a Jurisdictional Determination for approval by the U.S. Army Corps of Engineers if no impacts to waters of the United States are determined; and a CDFW Lake and Streambed Alteration Agreement and a Regional Board Report of Waste Discharge Permit Application for impacts determined to occur to waters of the State.

Geology and Soils Measures:

6. **(GEO-1)** In consultation with the Applicant and the City, a qualified paleontologist shall develop a plan of mitigation which may include full-time monitoring, salvage excavation, scientific removal of the find, removal of sediment from around the specimen (in the laboratory), research to identify and categorize the find, curation of the find in a local qualified repository, and preparation of a report summarizing the find.
7. **(GEO-2)** Post investigative services through Construction Monitoring are an important and necessary continuation of the geotechnical investigation. Project plans and specifications should be reviewed by the project geotechnical consultant prior to construction to confirm that the intent of the recommendations presented in this report have been incorporated into the design. Additional R-value, expansion, and soluble sulfate content testing may be needed after/during site rough grading. During construction, sufficient and timely geotechnical observation and testing should be provided to correlate the findings of this investigation with the actual subsurface conditions exposed during construction. Items requiring observation and testing include, but are not necessarily limited to, the following:
 1. Site preparation-stripping and removals.
 2. Excavations, including approval of the bottom of excavations prior to the processing and preparation of the bottom areas for fill placement.
 3. Scarifying and recompacting prior to fill placement.
 4. Foundation excavations.
 5. Subgrade preparation for pavements and slabs-on-grade.

6. Placement of engineered compacted fill and backfill, including approval of fill materials and the performance of sufficient density tests to evaluate the degree of compaction being achieved.

Noise Measures:

8. **(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.
9. **(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.
10. **NOI-3:** Equipment not in use for five minutes shall be shut off.
11. **MM NOI-4:** Equipment shall be maintained and operated such that loads are secured from rattling or banging.

Tribal Cultural Resources:

12. **(TCR-1)** The YSMN Cultural Resources Department shall be contacted 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 findings 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 YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents the YSMN for the remainder of the project, should the YSMN elect to place a monitor on-site.
13. **(TCR-2)** Any and all archaeological/cultural documents created as part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and City of Victorville for dissemination to the YSMN. The City of Victorville and/or applicant shall, in good faith, consult with the YSMN throughout the life of the project.

Public Review Period: 10/25/2024, through 11/24/2024.

Tentative Public Hearing Date: 12/11/2024.