

CITY OF VICTORVILLE DEVELOPMENT DEPARTMENT
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MITIGATED NEGATIVE DECLARATION
Preparation Date: November 1, 2024

Name or Title of Project: Shiloh West Medical Offices. PLAN23-00010

Location: Palmdale Road, 900 feet east of Cantina Street (APN No. 3103-561-20)

Entity or Person Undertaking Project: Paul Earle, LLC, 12984 Hesperia Road, Victorville, CA 92395.

Description of Project: Paul Earle, LLC (Applicant) proposes to develop a total of 30,840 square foot (SF) medical office buildings in two phases within 3.26 gross acres of vacant lands along the north side of Palmdale Road/SR-18, approximately 900 feet east of Cantina Street and approximately 4 miles west of Interstate 15 (I-15), along with road improvements to Aster Road between Cantina Street and the Project Site. The phases would include: Phase 1 to include a single story 10,111 SF building to house a family practice office, a lab, a pharmacy and a drive through coffee shop and required parking landscaping and drainage; and Phase 2 to include a 20,729 SF two-story building designed to house one or more tenants, which have not been designated at this time, and related site landscaping, drainage. The Project includes a total of a total of 160 parking stalls and approximately 1 acre of street dedication (Proposed Project). The Proposed Project is identified as Assessor Parcel Number (APN) 3103-561-20 and is within the C-1 (Neighborhood Service) zone. Site access will be provided by developing a driveway from Palmdale Road/SR-18 and by developing approximately 1,100 linear feet of Aster Road from the intersection of Cantina Street to the Project Site, at a minimum of 26 feet wide in Phase 1, which is anticipated to be completed in 2024; Phase 2 is anticipated to begin in 2028. Project development requires City approval of a site plan review, and adoption of a mitigated negative declaration.

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-1).** Prior to issuance of construction permits, the Applicant is required to demonstrate to the City that the Applicant and/or its contractor has submitted a dust control plan to the MDAQMD that describes all applicable dust control measures that will be implemented at the Project Site. The dust control plan must include the following measures:
 - Signage compliant with Rule 403 Attachment B shall be erected at each project site 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, with a minimum of four feet in height. 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.
- Prepare a site-specific work plan to detect and manage the potential for Valley Fever to be present in the soils. The workplan would include sampling and worker education.

Biological Resources Measures:

2. **(BIO-1):** For any Western Joshua Trees that would be removed, the Project applicant 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 (California Fish and Game Code Section 86 defines “take” as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”).

Mitigation would consist of purchase of credits from an approved conservation bank at an agreed upon ratio with CDFW that fully mitigates impacts to Joshua tree. The project applicant will prepare and process a Section 2081 ITP with CDFW and will purchase credits out of an approved conservation bank prior to project implementation.

For any Joshua Tree that would remain, an area of 30 feet around the Joshua Tree at will be identified with a highly visible barrier (e.g., orange snow fencing) that will represent an Environmentally Sensitive Area (ESA). The fencing is to be installed by the contractor, as directed by the monitoring biologist, around the tree and maintained during construction. No grading or fill activity of any type will be permitted within the ESA. In addition, no construction activities, materials, or other equipment will be allowed within the ESA. All construction equipment will be operated in a manner to prevent accidental damage to nearby preserved areas. No structure of any kind or incidental storage equipment will be allowed within the protected zone. Silt fence barriers will be installed at the ESA boundary to prevent accidental deposition of cut or fill material in areas adjacent to the ESA.

3. **(BIO-2):** A pre-construction clearance survey shall be conducted prior to any ground disturbance or vegetation removal activities to ensure that burrowing owls remain absent, and impacts do not occur to occupied burrows on or within 500 feet of the project site. In accordance with the CDFW’s Staff Report on Burrowing Owl Mitigation (CDFW 2012), two (2) pre-construction clearance surveys should be conducted 14 – 30 days and 24 hours prior to any ground disturbance or vegetation removal activities.
4. **(BIO-3):** A pre-construction clearance survey shall be conducted prior to any ground disturbance or vegetation removal activities to ensure desert tortoise remain absent, and impacts do not occur to desert tortoise on the project site.

5. **(BIO-4):** Prior to issuance of grading permits, provide evidence that applicable federal and State jurisdictional waters permits have been obtained.
6. **(BIO-5):** In order to avoid violation of the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code, site-preparation activities (removal of trees and vegetation) for all projects shall be avoided, to the greatest extent possible, during the nesting season (generally February 1 to August 31) of potentially occurring native and migratory bird species. If site-preparation activities for an implementing projects are proposed during the nesting/breeding season (February 1 to August 31), a pre-activity field survey shall be conducted by a qualified biologist prior to the issuance of grading permits for such project, to determine if active nests of species protected by the MBTA or the California Fish and Game Code are present in the construction zone. If active nests are not located within the implementing project site and an appropriate buffer of 500 feet of an active listed species or raptor nest, 300 feet of other sensitive or protected bird nests (nonlisted), or 100 feet of sensitive or protected songbird nests, construction may be conducted during the nesting/breeding season. However, if active nests are located during the pre-activity field survey, no grading or heavy equipment activity shall take place within at least 500 feet of an active listed species or raptor nest, 300 feet of other sensitive or protected (under MBTA or California Fish and Game Code) bird nests (nonlisted), or within 100 feet of sensitive or protected songbird nests until the nest is no longer active.

Cultural Resources Measures

7. **(CUL-1) Tribal Monitoring Services Agreement.** Prior to the issuance of grading permits, the applicant shall enter into a Tribal Monitoring Services Agreement with the Morongo Band of Mission Indians (MBMI) for the Project. The Tribal Monitor shall be on-site during all ground-disturbing activities (including, but not limited to, clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all utility and irrigation lines, and landscaping phases of any kind). The Tribal Monitor shall have the authority to temporarily divert, redirect, or halt the ground-disturbing activities to allow identification, evaluation, and potential recovery of cultural resources.
8. **(CUL-2) Retention of Archaeologist.** Prior to any ground-disturbing activities (including, but not limited to, clearing, grubbing, tree and bush removal, grading, trenching, fence post replacement and removal, construction excavation, excavation for all utility and irrigation lines, and landscaping phases of any kind), and prior to the issuance of grading permits, the Applicant shall retain a Qualified Archaeologist who meets the U.S. Secretary of the Interior Standards (SOI). The Archaeologist shall be present during all ground- disturbing activities to identify any known or suspected archaeological and/or cultural resources. The Archaeologist will conduct a Cultural Resource Sensitivity Training, in conjunction with the Tribe[s] Tribal Historic Preservation Officer (THPO), and/or designated Tribal Representative. The training session will focus on the archaeological and tribal cultural resources that may be encountered during ground-disturbing activities as well as the procedures to be followed in such an event.
9. **(CUL-3) Cultural Resource Management.** Plan Prior to any ground-disturbing activities the project Archaeologist shall develop a Cultural Resource Management Plan (CRMP) and/or Archaeological Monitoring and Treatment Plan (AMTP) to address the details, timing, and responsibilities of all archaeological and cultural resource activities that occur on the project site. This Plan shall be written in consultation with the consulting Tribe[s] and shall include the following: approved Mitigation Measures (MM)/Conditions of Approval (COA), contact information for all pertinent parties, parties' responsibilities, procedures for each MM or COA, and an overview of the project schedule.
10. **(CUL-4) Pre-Grade Meeting.** The retained Qualified Archeologist and Consulting Tribe[s] representative shall attend the pre-grade meeting with the grading contractors to explain and coordinate the requirements of the monitoring plan.

11. (CUL-5) On-site Monitoring. During all ground-disturbing activities the Qualified Archaeologist and the Tribal Monitor shall be on-site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of Tribal Cultural Resources as defined in California Public Resources Code Section 21074. Archaeological and Tribal Monitoring will be discontinued when the depth of grading and the soil conditions no longer retain the potential to contain cultural deposits. The Qualified Archaeologist, in consultation with the Tribal Monitor, shall be responsible for determining the duration and frequency of monitoring.

12. (CUL-6) Inadvertent Discovery of Cultural Resources. In the event that previously unidentified cultural resources are unearthed during construction, the Qualified Archaeologist and the Tribal Monitor shall have the authority to temporarily divert and/or temporarily halt ground-disturbance operations in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.

If a potentially significant cultural resource(s) is discovered, work shall stop within a 60-foot perimeter of the discovery and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. All work shall be diverted away from the vicinity of the find, so that the find can be evaluated by the Qualified Archaeologist and Tribal Monitor[s]. The Archaeologist shall notify the Lead Agency and consulting Tribe[s] of said discovery. The Qualified Archaeologist, in consultation with the Lead Agency, the consulting Tribe[s], and the Tribal Monitor, shall determine the significance of the discovered resource. A recommendation for the treatment and disposition of the Tribal Cultural Resource shall be made by the Qualified Archaeologist in consultation with the Tribe[s] and the Tribal Monitor[s] and be submitted to the Lead Agency for review and approval. Below are the possible treatments and dispositions of significant cultural resources in order of CEQA preference:

- A. Full avoidance
- B. If avoidance is not feasible, Preservation in place.
- C. If Preservation in place is not feasible, all items shall be reburied in an area away from any future impacts and reside in a permanent conservation easement or Deed Restriction.
- D. If all other options are proven to be infeasible, data recovery through excavation and then curation in a Curation Facility that meets the Federal Curation Standards (CFR 79.1)

13. (CUL-7) Inadvertent Discovery of Human Remains. No photographs are to be taken except by the coroner, with written approval by the consulting Tribe[s].

- A. Should human remains and/or cremations be encountered on the surface or during any and all ground-disturbing activities (i.e., clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all water supply, electrical, and irrigation lines, and landscaping phases of any kind), work in the immediate vicinity of the discovery shall immediately stop within a 100-foot perimeter of the discovery. The area shall be protected; project personnel/observers will be restricted. The County Coroner is to be contacted within 24 hours of discovery. The County Coroner has 48 hours to make his/her determination pursuant to State and Safety Code §7050.5. and Public Resources Code (PRC) § 5097.98.
- B. In the event that the human remains and/or cremations are identified as Native American, the Coroner shall notify the Native American Heritage Commission within 24 hours of determination pursuant to subdivision (c) of HSC §7050.5.

- C. The Native American Heritage Commission shall immediately notify the person or persons it believes to be the Most Likely Descendant (MLD). The MLD has 48 hours, upon being granted access to the Project site, to inspect the site of discovery and make his/her recommendation for final treatment and disposition, with appropriate dignity, of the remains and all associated grave goods pursuant to PRC §5097.98
- D. If the Morongo Band of Mission Indians has been named the Most Likely Descendant (MLD), the Tribe may wish to rebury the human remains and/or cremation and sacred items in their place of discovery with no further disturbance where they will reside in perpetuity. The place(s) of reburial will not be disclosed by any party and is exempt from the California Public Records Act (California Government Code § 6254[r]). Reburial location of human remains and/or cremations will be determined by the Tribe's Most Likely Descendant (MLD), the landowner, and the City Planning Department.

14. CUL-8: Final Report. The final report[s] created as a part of the project (AMTP, isolate records, site records, survey reports, testing reports, etc.) shall be submitted to the Lead Agency and Consulting Tribe[s] for review and comment. After approval of all parties, the final reports are to be submitted to the appropriate Information Center, and the Consulting Tribe[s].

Geologic Resources Measures:

15. GEO-1: If evidence of subsurface paleontological resources is found during construction, excavation and other construction activity in that area shall cease and the construction contractor shall contact the City of Victorville Planning Director. With direction from the Planning Director, a paleontologist certified by the County of San Bernardino shall evaluate the find prior to resuming ground disturbing activities in the immediate vicinity. If warranted, the paleontologist shall prepare and complete a standard Paleontological Resources Mitigation Program for the salvage and curation of identified resources.

Tribal Cultural Resources Measures:

16. (Refer to Measures 7 through 14).

Public Review Period: November 1, 2024, through December 2, 2024.

Tentative Public Hearing Date: December 11, 2024