

CITY OF VICTORVILLE DEVELOPMENT DEPARTMENT
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MITIGATED NEGATIVE DECLARATION

Preparation Date: February 25, 2025

Name or Title of Project: A Site Plan and Conditional Use Permit Case No. PLAN24-00037.

Location: The proposed project is located at the northeast corner of Cottonwood Street and Pahute Avenue (Assessor's Parcel Numbers [APN] 3093-141-05).

Entity or Person Undertaking Project: TGC Group (Applicant)

Description of Project: A Site Plan and Conditional Use Permit with a Mitigated Negative Declaration to allow for the development of a 4-story hotel totaling approximately 46,400 square feet on a vacant 3.18-acre parcel zoned C-2 (General Commercial).

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

The following mitigation measure would be required to address potential light and glare impacts:

AES Mitigation #1. All light fixtures (including portable fixtures) shall be oriented downward and away from adjacent properties in conformance with municipal code Section 16-3.11.060. Lighting shall consist of the minimal wattage necessary to provide safety at the construction site. A construction lighting plan shall be submitted to the City of Victorville Development Department for review concurrent with Grading Permit application.

The following mitigation measures would further reduce the potential air quality impacts to levels that are less than significant.

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.

AIR Mitigation #2. The Applicant shall ensure that signage, compliant with Rule 403 Attachment, is erected at each project site entrance not later than the commencement of construction.

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.

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 dropout. This wind fencing requirement may be superseded by local ordinance, rule or project-specific biological mitigation prohibiting wind fencing.

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.

The following mitigation measures would address potential impacts on biological resources:

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.

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.

BIO-Mitigation #3 Prior to grading, mitigation for direct impacts to the western Joshua trees within the project site will be fulfilled through the attainment of a Western Joshua Tree Conservation Act (WJTCA) Incidental Take Permit and a payment of the elected fees as described in Section 1927.3 of the WJTCA. In conformance with the reduced fee schedule prescribed for the project area, mitigation will consist of payment of \$2,544.75 for each western Joshua tree five meters or greater in height. California Department of Fish and Wildlife determines the final fee.

The Yuhaaviatam of San Manuel Nation requested the following mitigation measures be included in the IS/MND:

CUL Mitigation #1. In the event that cultural/paleontological 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 Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within TCR-1, regarding any pre-contact 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.

CUL Mitigation #2. If significant pre-contact 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 YSMN for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.

CUL Mitigation #3. 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 §7050.5 and that code enforced for the duration of the project.

A mitigation measure (*CUL Mitigation #1*) included in Section 3.5, would also address the potential for the discovery of paleontological resources that may be encountered during ground disturbance. This measure is listed below:

GEO Mitigation #1. In the event that cultural/paleontological 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 Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within TCR-1, regarding any pre-contact 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.

The following mitigation will be required in order to further reduce construction noise:

NOI Mitigation #1. The Applicant must ensure that the contractors use construction equipment that includes working mufflers and other sound suppression equipment as a means to reduce machinery noise.

To ensure the project's potential noise impacts are mitigated, the following mitigation measures must be implemented:

NOI Mitigation #2. Loitering in the parking areas with attendant loud noise (radios, car noise, etc.) will not be permitted.

Strict adherence to the mitigation provided below will reduce the number of units and residents potentially affected by ground-borne vibration generated by construction vehicles:

NOI Mitigation #3. Construction vehicles will be prohibited from travelling on local streets in the residential areas. All construction vehicles must travel on Cottonwood Avenue Drive to access the site.

The analysis of public service impacts indicated that no significant adverse impacts are anticipated, for the majority of the public service issues. The following mitigation was recommended to address security:

PUB Mitigation #1. A security plan must be submitted to the City and/or Sheriff's Department prior to issuance of any occupancy permits.

PUB Mitigation #2. Exterior lighting (i.e., for internal drive aisles, parking areas, and the drive-thru) shall be illuminated in a manner meeting the approval of the Sheriff's Department.

PUB Mitigation #3. Landscape plants shall be designed to permit unobstructed visual access to the project site.

The following mitigation measures are required as a means to reduce potential tribal cultural resources impacts to levels that are less than significant:

TCR Mitigation #1. The Yuhaaviatam of San Manuel Nation Cultural Resources Management Department (YSMN) shall be contacted, as detailed in CUL-1, of any pre-contact 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 shall 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.

TCR Mitigation #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.

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Mitigation Measures	Responsible Party	Timing of Compliance	Signature & Date of Compliance
AESTHETICS MEASURES			
AES Mitigation #1. All light fixtures (including portable fixtures) shall be oriented downward and away from adjacent properties in conformance with municipal code Section 16-3.11.060. Lighting shall consist of the minimal wattage necessary to provide safety at the construction site. A construction lighting plan shall be submitted to the City of Victorville Development Department for review concurrent with Grading Permit application.	Project Developer	Prior to Occupancy and Over the Project's Life	
AIR QUALITY MEASURES			
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.	Project Developer	Prior to Project Grading and Construction Activities	
AIR Mitigation #2. The Applicant shall ensure that signage, compliant with Rule 403 Attachment, is erected at each project site entrance not later than the commencement of construction.	Project Developer	Prior to Project Grading and Construction Activities	
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.	Project Developer	During to Project Grading and Construction Activities	
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 dropout. This wind fencing requirement may be superseded by local ordinance, rule or project-specific biological mitigation prohibiting wind fencing.	Project Developer	Prior to Project Grading and Construction Activities	
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.	Project Developer	During to Project Grading and Construction Activities	
BIOLOGICAL RESOURCE MEASURES			
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.	Project Developer Qualified Biologist	Prior to Project Grading and Construction Activities	

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Mitigation Measures	Responsible Party	Timing of Compliance	Signature & Date of Compliance
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.	Project Developer	Prior to Project Grading and Construction Activities	
BIO-Mitigation #3 Prior to grading, mitigation for direct impacts to the western Joshua trees within the project site will be fulfilled through the attainment of a Western Joshua Tree Conservation Act (WJTCA) Incidental Take Permit and a payment of the elected fees as described in Section 1927.3 of the WJTCA. In conformance with the reduced fee schedule prescribed for the project area, mitigation will consist of payment of \$2,544.75 for each western Joshua tree five meters or greater in height. California Department of Fish and Wildlife determines the final fee.	Project Developer	Prior to Project Grading and Construction Activities	

CULTURAL RESOURCE MEASURES

CUL Mitigation #1. In the event that cultural/paleontological 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 Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within TCR-1, regarding any pre-contact 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.	Project Developer	Prior to Project Grading and Construction Activities	
CUL Mitigation #2. If significant pre-contact 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 YSMN for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.	Project Developer	During to Project Grading and Construction Activities	
CUL Mitigation #3. 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 §7050.5 and that code enforced for the duration of the project.	Project Developer	During to Project Grading and Construction Activities	

GEOLOGY & SOILS MEASURE

GEO Mitigation #1. In the event that cultural/paleontological 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 Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within TCR-1, regarding any pre-contact 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.	Project Developer	Prior to Project Grading and Construction Activities	
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NOISE MEASURES

NOI Mitigation #1. The Applicant must ensure that the contractors use construction equipment that includes working mufflers and other sound suppression equipment as a means to reduce machinery noise.	Project Developer	Prior to Project Grading or Construction Activities	
NOI Mitigation #2. Loitering in the parking areas with attendant loud noise (radios, car noise, etc.) will not be permitted.	Project Developer	Prior to Project Grading or Construction Activities	

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Mitigation Measures	Responsible Party	Timing of Compliance	Signature & Date of Compliance
<p>NOI Mitigation #3. Construction vehicles will be prohibited from travelling on local streets in the residential areas. All construction vehicles must travel on Cottonwood Avenue Drive to access the site.</p>	Project Developer	Prior to Project Grading or Construction Activities	
PUBLIC SERVICES MEASURES			
<p>PUB Mitigation #1. A security plan must be submitted to the City and/or Sheriff's Department prior to issuance of any occupancy permits.</p>	Project Developer	Prior to Occupancy and Over the Project's Life	
<p>PUB Mitigation #2. Exterior lighting (i.e., for internal drive aisles, parking areas, and the drive-thru) shall be illuminated in a manner meeting the approval of the Sheriff's Department.</p>	Project Developer	Prior to Occupancy and Over the Project's Life	
<p>PUB Mitigation #3. Landscape plants shall be designed to permit unobstructed visual access to the project site.</p>	Project Developer	Prior to Occupancy and Over the Project's Life	
TRIBAL CULTURAL RESOURCE MEASURES			
<p>TCR Mitigation #1. The Yuhaaviatam of San Manuel Nation Cultural Resources Management Department (YSMN) shall be contacted, as detailed in CUL-1, of any pre-contact 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 shall 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.</p>	Project Developer Qualified Archaeologist/ Paleontologist	Prior to Project Grading and Construction Activities	
<p>TCR Mitigation #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.</p>	Project Developer Qualified Archaeologist/ Paleontologist	Prior to Project Grading and Construction Activities	



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