

CITY OF VICTORVILLE DEVELOPMENT DEPARTMENT

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MITIGATED NEGATIVE DECLARATION

Preparation Date: October 3, 2024

Name or Title of Project: 39-Lot Single Family Residential Subdivision Project Plan PLAN21-00039 (TTM 20489)

Location: Southwest corner of Pahute Avenue and Tamarisk Road (APN: 0482-031-01, -02, -07, and -08).

Entity or Person Undertaking Project: Fahim Memom, MONK Capital Group, 13031 Beach Street, Cerritos, CA, 90703

Description of the Project: A Tentative Tract Map with a proposed Mitigated Negative Declaration to allow for the creation of 39 single-family lots from approximately 10 acres of R-1 (Single-Family Residential) zoned property located at the southwest corner of Pahute Road and Tamarisk Road.

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. Although the Proposed Project does not exceed MDAQMD thresholds, the Applicant is required to comply with applicable MDAQMD Rules 402 for nuisance and 403 for fugitive dust control. This would include, but not be limited to the following:
 - a. 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.
 - b. 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.
 - c. The Project Proponent shall ensure that disturbed areas are treated to prevent erosion.
 - d. The Project Proponent shall ensure that ground disturbing activities are suspended when winds exceed 25 miles per hour.

Biological Measures:

2. **(BIO-1)** Joshua trees shall be protected to comply with the Victorville City Development Code through transplantation, stockpiling and implementation of protective measures as required. A Protected Plant Preservation Plan will be prepared and approved by the City prior to issuance of a grading permit. However, prior to the implementation of the recommended measures outlined in the Protected Plant Preservation Plan, an Incidental Take Permit (ITP) shall be obtained from the California Department of Fish and Wildlife (CDFW) for any Joshua Tree deemed impacted by the CDFW and thereby requiring compensation/mitigation.
3. **(BIO-2)** A focused plant survey is recommended for all special status plant species that have the potential to occur on the site to be performed during the blooming season (April - June) to determine the potential environmental effects of the proposed projects on special status plants and sensitive natural communities following recommended protocols by the Department of Fish and Wildlife.
4. **(BIO-3)** A qualified biologist shall develop a Worker Environmental Awareness Program (WEAP) that will include information on general and special status species within the Project Site, 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. Construction crews, foremen, and other personnel potentially working on site will attend this education program and place their name on a sign-in sheet. The WEAP shall be submitted to the County for review prior to initiation of construction and upon completion of the Program. It shall include provisions of any requirements required for the project. The WEAP training will be implemented on the first day of work and periodically throughout construction as needed; verification will be as noted in the Mitigation Monitoring and Reporting Program.
5. **(BIO-4)** Bird nesting season generally extends from February 1 through September 15 in southern California and specifically, April 15 through August 31 for migratory passerine birds. In general, Projects should be constructed outside of this time to avoid impacts to nesting birds. If a Project cannot be constructed outside of nesting season, the Project Site shall be surveyed for nesting birds by a qualified avian biologist within three (3) days prior to initiating the construction activities. If active nests are found during the pre-construction nesting bird surveys, a Nesting Bird Plan (NBP) will be prepared and implemented. At a minimum, the NBP will include guidelines for addressing active nests, establishing buffers, monitoring, and reporting. The NBP will include a copy of maps showing the location of all nests and an appropriate buffer zone around each nest sufficient to protect the nest from direct and indirect impact. The size and location of all buffer zones, if required, shall be determined by the biologist, and shall be based on the nesting species, its sensitivity to disturbance, and expected types of disturbance. The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved buffer zone shall be marked in the field with construction fencing, within which no vegetation clearing or ground disturbance shall commence until the qualified biologist has determined the young birds have successfully fledged.

6. **(BIO-5)** Preconstruction surveys for BUOW and Desert Tortoise shall be conducted at least 30 days prior to new ground disturbance and documentation indicating such a survey has occurred is to be provided to the County. Regardless of the survey results, tortoises cannot be taken into take per the requirements of state and federal law. Handling or other inappropriate treatment of tortoises must be avoided until authorization is obtained from the USFWS and CDFW. If any sensitive species are observed on the property during future activities, CDFW and USFWS (as applicable) should be contacted to discuss specific mitigation measures which may be required for the individual species. CDFW and USFWS are the only agencies which can grant authorization for the “take” of any sensitive species and can approve the implementation of any applicable mitigation measures.

Cultural Resource Measures:

7. **(CR-1)** 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 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.
8. **(CR-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.
9. **(CR-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.

Geology and Soils Measures:

10. **(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.

Tribal Cultural Resources:

11. **(TCR-1)** The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed in CR-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.

- 12. (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 YSMN. The City of Victorville and/or applicant shall, in good faith, consult with YSMN throughout the life of the project.

Public Review Period: October 18th, 2024, through November 18th, 2024.

Tentative Public Hearing Date: December 11th, 2024.