

CITY OF VICTORVILLE DEVELOPMENT DEPARTMENT
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MITIGATED NEGATIVE DECLARATION
Preparation Date: January 6, 2026

Name or Title of Project: PLAN24-00005 – The Court

Location: The proposed project site is located to the east of the Mojave Freeway (I-15) on the northwest corner of Silica Road and First Avenue. The site is bounded by Silica Road on the south and First Avenue on the east side. Currently, no legal address has been assigned to the project site. The corresponding Assessor Parcel Number (APN) is 3091-161-02 and 3091-161-04. The project site is located within the Hesperia, Calif., United States Geological Survey (USGS) 7 ½ Minute Quadrangle (Township 5 North, Range 4 West, Section 33, San Bernadino Principal Meridian). The project site's latitude and longitude is 34°28'43.97" N; -117°17'46.68" W.

Entity or Person Undertaking Project: Clark Yeung, Bear Stone Realty LLC. 133 Palencia, Irvine, CA 92618 (Applicant)

Description of Project: The proposed project would involve the development of the 8.52-acre site with a new multiple-family residential development that would consist of 99-townhouse units with recreational amenities including a club house, pool area, game courts, and walkways. The proposed 99 unit townhome complex would include 20, 3 story buildings consisting of the following: 5 six-plex buildings with 6 units each, 13 five-plex buildings with 5 units each, 1 four-plex building with 4 units each, and 1 recreational building. Each of the 99 townhouse units would include an enclosed two or three-car garage. The 20 buildings would have a total floor area of 248,414 square feet. Each unit would have 1,138 square feet of common open space and between 175 to 354 square feet of private open space. The total site area is 8.52 acres or 371,131 square feet. Vehicular access to the project site would be provided by a new gated driveway connection with the north side of Silica Drive and a gated secondary connection with the west side of First Avenue. A total of 254 vehicle parking spaces and 38 bicycle parking stalls would be provided. Landscaping would total 112,714 square feet.

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:

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 16-3.08.100. A lighting plan shall be submitted to the City of Victorville Planning Department for review.

Air Quality Measures:

2. **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.
3. **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.
4. **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.
5. **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.
6. **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:

7. **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. 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. 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.
8. **BIO Mitigation #2.** Fourteen days prior to the onset of site disturbance/construction activities (e.g., grading, grubbing, construction), a qualified biologist shall survey the construction limits of the project site, the surveys shall include 100 percent coverage and a 500-foot buffer for the presence of burrowing owls and occupied nest burrows. The survey shall be conducted in accordance with the most current California Department of Fish and Wildlife (CDFW) survey methods (2012 CDFW's Staff Report on Burrowing Owl Mitigation). Burrowing owls may re-colonize a site after only a few days. Time lapses between Project activities trigger subsequent take avoidance surveys. Another survey shall be conducted no less than 24 hours prior to the start of construction. If burrowing owls or suitable burrowing owl burrows with sign (e.g., whitewash, pellets, feathers, prey remains) are not observed during the clearance survey, no additional conditions are required to avoid impacts on burrowing owl. If burrowing owl or signs thereof, is documented on the site, either during pre-construction clearance

surveys or during construction, project activities shall be halted immediately. The Project Proponent shall consult with CDFW on the next steps, which might include obtaining an Incidental Take Permit (ITP) under California Endangered Species Act (CESA) Section 2081 if take of burrowing owl cannot be avoided.

- 9. BIO Mitigation #3.** To ensure compliance with California Fish and Game Code Sections 3503, 3503.5, and 3513 and to avoid potential impacts to nesting birds, vegetation clearing and ground-disturbing activities shall be conducted outside of the bird nesting season (generally February through August). Regardless of the time of year, a pre-construction survey shall be performed to verify absence of nesting birds. A qualified biologist shall conduct the pre-activity survey within the Project areas (including access routes) and a 500-foot buffer surrounding the Project areas, no more than three (3) days prior to the initiation of Project activities, including, but not limited to clearing, grubbing, and/or rough grading to prevent impacts to birds and their nests. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified biologist shall make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests or nesting bird activity are identified within the work area or the Project's zone of influence (generally 100- 300 feet), a no disturbance buffer zone shall be established by the qualified biologist to be marked on the ground around each nest. The buffer shall be a minimum of 500 feet for raptors and 300 feet for songbirds, unless a smaller buffer is specifically determined by a qualified biologist familiar with the nesting phenology of the nesting species. The buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests. Active nest(s) and an established buffer distance(s) shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance. If there is no nesting activity, then no further action is needed for this measure. If an active nest is encountered during the Project construction, construction shall stop immediately until a qualified biologist can determine (1) the status of the nest, and (2) when work can proceed without risking violation to state or federal laws.
- 10. BIO Mitigation #4.** Per ELMT Consulting, the applicant has been recommended to confirm the absence of United States Army Corps of Engineers (Corps) jurisdiction with the Corps to waive the requirement of an Approved Jurisdictional Determination. The applicant is required to obtain a Report of Waste Discharge Certification from the Regional Water Quality Control Board and to obtain a Section 1602 Streambed Alteration Agreement from CDFW prior to project implementation. The Section 1602 permit will need to be submitted and reviewed by CDFW.

Cultural Resources Measures:

- 11. CUL Mitigation #1.** A Monitoring and Treatment Plan that is reflective of the project mitigation ("Cultural Resources" and "Tribal Cultural Resources") shall be completed by the archaeologist and submitted to the Lead Agency for dissemination to the Yuhaaviatam of San Manuel Nation Cultural Resources Management Department (YSMN, also known as San Manuel Band of Mission Indians). Once all parties review and approve the plan, it shall be adopted by the Lead Agency – the plan must be adopted prior to permitting for the project. 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. Any and all findings will be subject to the protocol detailed within the Monitoring and Treatment Plan.
- 12. CUL Mitigation #2.** Due to the heightened cultural sensitivity of the proposed project area, an archaeological monitor with at least 3 years of regional experience in archaeology shall be present for all ground-disturbing activities that occur within the proposed project area (which includes, but is not limited to, tree/shrub removal and planting, clearing/grubbing, grading, excavation, trenching,

compaction, fence/gate removal and installation, drainage and irrigation removal and installation, hardscape installation [benches, signage, boulders, walls, seat walls, fountains, etc.], and archaeological work). A sufficient number of archaeological monitors shall be present each work day to ensure that simultaneously occurring ground disturbing activities receive thorough levels of monitoring coverage.

Geology & Soils Measures:

- 13. GEO 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.
- 14. GEO 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.

Noise Measures:

- 15. 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.
- 16. NOI Mitigation #2.** Construction vehicles will be prohibited from travelling on local streets in the residential areas to the extent possible.

Tribal Cultural Resource Measures:

- 17. TRI Mitigation #1.** If a pre-contact cultural resource is discovered during project implementation, ground-disturbing activities shall be suspended 60 feet around the resource(s), and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. 1The Project Archaeologist shall develop a research design that shall include a plan to evaluate the resource for significance under CEQA criteria. Representatives from YSMN, the Archaeologist, and the Lead Agency shall confer regarding the research design, as well as any testing stakes needed to delineate the resource boundary. Following the completion of evaluation reAorts, all parties shall confer regarding the resource's archaeological significance, its potential as a Tribal Cultural Resource (TCR), and avoidance (or other appropriate treatment) of the discovered resource. Removal of any cultural resource(s) shall be conducted with the presence of a Tribal monitor representing the Tribe, unless otherwise decided by YSMN. All plans for analysis shall be reviewed and approved by the applicant and YSMN prior to implementation, and all removed material shall be temporarily curated on-site.

It is the preference of YSMN that removed cultural material be reburied as close to the original find location as possible. However, should reburial within/near the original find location during project implementation not be feasible, then a reburial location for future reburial shall be decided upon by

YSMN, the landowner, and the Lead Agency, and all finds shall be reburied within this location. Additionally, in this case, reburial shall not occur until all ground-disturbing activities associated with the project have been completed, all monitoring has ceased, all cataloguing and basic recordation of cultural resources have been completed, and a final monitoring report has been issued to Lead Agency, CHRIS, and YSMN. All reburials are subject to a reburial agreement that shall be developed between the landowner and YSMN outlining the determined reburial process/location and shall include measures and provisions to protect the reburial area from any future impacts. Should it occur that avoidance, preservation in place, and on-site reburial are not an option for treatment, the landowner shall relinquish all ownership and rights to this material and confer with YSMN to identify an American Association of Museums (AAM)-accredited facility within the County that can accession the materials into their permanent collections and provide for the proper care of these objects in accordance with the 1993 CA Curation Guidelines. A curation agreement with an appropriate qualified repository shall be developed between the landowner and museum that legally and physically transfers the collections and associated records to the facility. This agreement shall stipulate the payment of fees necessary for permanent curation of the collections and associated records and the obligation of the Project developer/applicant to pay for those fees. All draft records/reports containing the significance and treatment findings and data recovery results shall be prepared by the archaeologist and submitted to the Lead Agency and YSMN for their review and comment. After approval from all parties, the final reports and site/isolate records are to be submitted to the local CHRIS Information Center, the Lead Agency, and YSMN.

18. TRI Mitigation #2. 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.

Public Review Period: January 9, 2026, through February 9, 2026.

Tentative Public Hearing Date: February 11, 2026