

CITY OF VICTORVILLE DEVELOPMENT DEPARTMENT
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MITIGATED NEGATIVE DECLARATION
Preparation Date: August 28, 2018

Name or Title of Project: A General Plan Amendment, Zone Change and a Specific Plan Amendment to update the Victorville Old Town Specific Plan.

Location: The Old Town Specific Plan project area encompasses 428 acres bounded roughly by the Mojave River and Stoddard Wells Road to the northeast, Eleventh Avenue to the east, Mojave Drive and Verde Street to the south and Interstate I-15 to the northwest.

Entity or Person Undertaking Project: City of Victorville, Development Department.

Description of Project: The proposed Old Town Specific Plan (OTSP) is a regulatory document that would serve as the zoning ordinance for the properties within its boundary. The OTSP would establish the nature, character, and intensity of development in the project area by identifying allowed land uses and densities, transportation and streetscape improvements, public signage, design guidelines, development standards, an infrastructure plan, and implementation and financing strategies and guidelines. The OTSP promotes higher-density mixed-use development in the project area through new housing opportunities and new businesses. The Specific Plan also implements standards and guidelines to promote an attractive and pedestrian-oriented downtown that reflects its historic character.

Statement of Findings: The 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, Development Department and online at www.victorvilleca.gov/planning. Digital copies of the documents are also available by sending an email request to planning@victorvilleca.gov.

Mitigation Measures:

MM 3a-1: All future development within the OTSP project area shall be required to conform with all Mojave Desert AQMD rules and regulations applicable to the specific project proposal. Specific rules applicable to future and subsequent projects under the OTSP may include, but are not limited to, Regulation 1 – General Provisions, Rule 401 – Visibility Emissions, Rule 402 – Nuisances, Rule 403 – Fugitive Dust, and Rule 442 – Usage of Solvents.

Timing/Implementation: Prior to the issuance of a building permit

Enforcement/Monitoring: City of Victorville Development Department

MM 4a-1: All future development within the OTSP project area involving ground disturbance shall be required to conduct focused surveys in suitable habitat to determine the presence of

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special-status plant species. Surveys shall be conducted in accordance with the CDFG *Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities* (2000). If no special-status plant species are found, then development will not have any impacts to the species and no additional mitigation measures are necessary.

If any of the species are found on site and cannot be avoided, the City shall consult with the USFWS and/or the CDFG, as applicable, to determine appropriate avoidance and mitigation for special-status plants, which may include, but is not limited to, the following measures:

1. Future project applicants shall salvage portions of the plant populations that cannot be feasibly avoided for either re-establishment after construction is complete or transplantation in a new area supporting appropriate habitat.
2. A propagation program shall be developed for the salvage and transfer of rare, threatened, or endangered plant populations from the site before the initiation of construction activities. The propagation and transfer of individual plant species must be performed at the correct time of year and successfully completed before the project's construction activities eliminate or disturb the plants and habitats of concern. The viability of the plant population shall be maintained.

Timing/Implementation: Prior to any ground disturbance

Enforcement/Monitoring: City of Victorville Development Department

MM 4a-2: All future development within the OTSP project area involving ground disturbance shall be required to conduct focused surveys for California red-legged frog in all suitable habitat within 100 feet of construction activities. Surveys shall be conducted within 15 days of the onset of any construction activities. If California red-legged frogs are determined to be present, construction activities will not be allowed within a 100-foot buffer of occupied habitat. Future project applicants shall consult with the USFWS and obtain all the necessary approvals and/or permits. Through consultation with the USFWS, appropriate avoidance and mitigation for California red-legged frog shall be determined, which may include, but is not limited to, having an on-site biological monitor during construction activities, compensation for loss of habitat, and exclusionary buffer zones.

Timing/Implementation: Prior to any ground disturbance

Enforcement/Monitoring: City of Victorville Development Department

MM 4a-3: All future development within the OTSP project area involving ground disturbance shall be required to conduct focused surveys for western pond turtle in all suitable habitat within 100 feet of construction activities. Surveys shall be conducted within 15 days prior of the onset of any construction activities. If construction is planned after April 1, this survey should include looking for turtle nests. If a nest is found within a 100-foot radius of the construction zone, construction shall not take place within 100 feet of the nest until the turtles have hatched or the eggs have been moved to an appropriate location under consultation with the CDFG. In the event that a turtle is found during construction activities, construction activities shall stop until a qualified biologist, under consultation with the CDFG, moves the turtle to a safe location outside of the construction zone.

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Timing/Implementation: Prior to any ground disturbance

Enforcement/Monitoring: City of Victorville Development Department

MM 4a-4: All future development within the OTSP project area involving ground disturbance shall be required to conduct surveys to detect desert tortoise (as determined by the USFWS and the City). Future project applicants shall implement the provisions of the *Field Survey Protocol for Any Non-Federal Action That May Occur within the Range of the Desert Tortoise* (USFWS 1992). A desert tortoise presence/absence survey shall be conducted by a qualified biologist in accordance with USFWS 1992 Desert Tortoise Survey Protocol for non-federal actions.

Timing/Implementation: Prior to any ground disturbance

Enforcement/Monitoring: City of Victorville Development Department

MM 4a-5: All future development within the OTSP project area involving ground disturbance shall be required to conduct preconstruction surveys for California horned lizard in suitable habitat within 24 hours of the onset of construction activities. The surveys shall be conducted using established protocols to maximize the likelihood of observing the species and shall rely on several walking surveys at times of the day when California horned lizards are most active. The estimated occupied area will be delineated on a map, flagged in the field, and made available to all project personnel. All horned lizards found on the project site during the preconstruction survey will be relocated to a property designated as horned lizard habitat prior to project construction. This measure shall be planned and implemented in coordination with the CDFG.

Timing/Implementation: Prior to any ground disturbance

Enforcement/Monitoring: City of Victorville Development Department

MM 4a-6: All future development within the OTSP project area involving ground disturbance shall be required to conduct burrowing owl surveys in all suitable habitat within 30 days of the onset of any construction activities using CDFG and *California Burrowing Owl Consortium Guidelines* (CBOC 1993).

Surveys shall be completed for occupied burrows within all construction areas and a 500-foot buffer of this area in appropriate habitat. All occupied burrows will be mapped on an aerial photo. If no burrowing owls are detected, no further mitigation is necessary.

If burrowing owls are determined to be present in the construction zone and buffer area, the following actions shall be taken by future project applicants to offset impacts:

1. If paired owls are present in areas scheduled for disturbance or degradation (e.g., grading) or within 160 feet of a permanent project feature, and nesting is not occurring, owls are to be removed per CDFG-approved relocation.
2. If paired owls are present within 160 feet of a temporary project disturbance (e.g., parking areas), active burrows shall be protected with fencing/cones/flagging and monitored by a qualified biologist throughout construction to identify additional losses from nest abandonment and/or loss of reproductive effort (e.g., killing of young).

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3. If paired owls are nesting in areas scheduled for disturbance or degradation, nest(s) should be avoided from February 1 through August 31 by a minimum of a 250-foot buffer or until fledging has occurred. Following fledging, owls may be passively relocated.
4. Active burrows shall be monitored by a qualified biologist(s)/monitor(s) throughout construction to identify additional losses from nest abandonment.

Timing/Implementation: *Prior to any ground disturbance*

Enforcement/Monitoring: *City of Victorville Development Department*

MM 4a-7: All future development within the OTSP project area involving ground disturbance shall be required to conduct flycatcher protocol surveys according to the *Willow Flycatcher Survey Protocol for California* (Bombay et al. 2003), and least Bell's vireo protocol surveys shall be conducted according to the *Least Bell's Vireo Survey Guidelines* (USFWS 2001) in all suitable habitat within 100 feet of the construction zones. If no willow flycatchers and/or least Bell's vireos are detected, no further mitigation is necessary. If willow flycatchers or least Bell's vireos are detected, then future project applicants shall consult with the USFWS and/or the CDFG, as applicable, to determine appropriate avoidance and mitigation, which may include, but is not limited to, the following measures:

Construction activities will be limited to outside the nesting season (typically between September 1 and February 28) so as to avoid impacts associated with nesting bird species. Impacts to suitable willow flycatcher and/or least Bell's vireo habitat from the project will be mitigated through compensation for loss of riparian habitat.

Timing/Implementation: *Prior to any ground disturbance*

Enforcement/Monitoring: *City of Victorville Development Department*

MM 4a-8: All future development within the OTSP project area involving ground disturbance shall be required to undertake measures during construction activities and vegetation clearing (including shrubs and bushes) to avoid active nesting activities. If feasible, vegetation clearing should be conducted outside of the nesting season (typically August 30 to February 1). If vegetation clearing must occur during the nesting seasons (February 1 to August 30), surveys shall be conducted for active nest sites of raptors and other migratory birds no sooner than two weeks prior to the onset of construction activities. The qualified biologist shall survey the construction zone, including staging areas, and a 250-foot radius surrounding the construction zone to determine if active nest sites are present.

If active nests are identified, the following avoidance measures shall be employed:

No construction activities shall occur within 250 feet of an active raptor nest or within 50 feet of other migratory birds. Construction activities can commence in the avoidance buffer once the young have successfully fledged. A qualified wildlife biologist shall monitor the nest to determine when the young have fledged. The biological monitor shall have the authority to cease construction if there is any sign of distress to the raptor or migratory bird. Reference to this requirement and to the MBTA shall be included in the construction specifications.

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Timing/Implementation: Prior to any ground disturbance

Enforcement/Monitoring: City of Victorville Development Department

MM 4a-9: All future development within the OTSP project area involving ground disturbance shall be required to conduct surveys for bat use in construction zones containing suitable habitat within 30 days prior to the onset of construction activities. If bat roosts are identified on site, future project applicants shall ensure that the bats are safely flushed from the sites. If maternity roosts are identified during the maternity roosting season (typically May to August), no construction activities shall occur within 100 feet of active maternity roosts until a qualified biologist has determined the young bats are no longer roosting.

Timing/Implementation: Prior to any ground disturbance

Enforcement/Monitoring: City of Victorville Development Department

MM 4a-10: All future development within the OTSP project area involving ground disturbance shall be required to conduct pre-construction surveys for the pallid San Diego pocket mouse and Mojave River vole in suitable habitat within 14 days prior to the onset of construction activities. If individuals are found, future project applicants shall consult with the CDFG to determine appropriate avoidance and minimization, which may include but is not limited to establishment of buffer zones to avoid the species, relocation of individuals, and provision of an on-site biological monitor.

Timing/Implementation: Prior to any ground disturbance

Enforcement/Monitoring: City of Victorville Development Department

MM 4a-11: All future development within the OTSP project area involving ground disturbance shall be required to conduct protocol-level pre-construction surveys for the Mohave ground squirrel in suitable habitat within 14 days prior to the onset of construction activities. Surveys shall be conducted according to established protocols accepted by the CDFG. If Mohave ground squirrels are determined to be present on a project site, future project applicants shall avoid known burrows of this species as directed by consultation with the CDFG. Avoidance measures may include restricting construction activities for each phase of the project as necessary to avoid disturbance to the known burrows or establishment of exclusion zones (no ingress of personnel or equipment), installation of exclusionary fencing of the area where the species are found, and posting of signs to publicize the sensitive nature of the area. If Mohave ground squirrel burrows cannot be avoided, any individuals present shall be systematically removed by an authorized biologist in accordance with CDFG protocol and guidance. Loss of habitat for this species shall be mitigated for through on-site restoration or purchase of credits at a CDFG-approved conservation bank.

Timing/Implementation: Prior to any ground disturbance

Enforcement/Monitoring: City of Victorville Development Department

MM 4b-1: Where impacts to riparian habitat are not avoidable and on-site preservation is not possible, habitat compensation shall be required at a minimum of 1:1 impact preservation ratio. To mitigate for the permanent direct and indirect impacts from the proposed project, a mitigation and monitoring plan will be prepared for submittal to the

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USACE with the Section 404 permit application. The mitigation plan will identify impacts on all jurisdictional features and mitigation measures that will be implemented to achieve “no net loss” (i.e., the same amount of wetland resources lost to site development shall be replaced/created). This may include creation of wetland resources on the project site or off site as determined acceptable to the City and the USACE. To assist in the on-site revegetation, areas of vegetation with a diameter at breast height (DBH) of 4 inches or less that do not require complete removal shall be cut at ground level with hand-operated power. Future project applicants shall prepare and implement riparian vegetation mitigation and monitoring plans for disturbed riparian vegetation.

Timing/Implementation: *Prior to the issuance of a grading permit*

Enforcement/Monitoring: *City of Victorville Development Department*

MM 4e-1: All future development within the OTSP project area that will result in removal of trees that are protected by Municipal Code Title 13, Chapter 13.33, Preservation and Removal of Joshua Trees, will provide mitigation that will compensate for tree losses. Mitigation can be achieved through replacement, through purchase of habitat conservation areas to protect existing Joshua tree habitats, through in-lieu fee contribution to tree planting programs, or through some combination of these options to achieve a no net loss of tree standard. Prior to any groundbreaking activities, the City Planning Department will determine which trees would be suitable candidates for protection and which trees will need to be mitigated if removed. Trees that will be removed or otherwise harmed by the proposed project shall be mitigated for as described above.

Timing/Implementation: *Prior to any ground disturbance*

Enforcement/Monitoring: *City of Victorville Development Department*

MM 7f-1: The applicant shall provide for an on-site paleontological inspector to monitor all grading operations, or a letter from said licensed professional indicating that monitoring is not necessary during grading. Further, if disturbed resources are required to be collected and preserved, the applicant shall be required to participate financially up to the limits imposed by Public Resources Code Section 21083.2. The results of said monitoring shall be filed with the Development Department prior to the final approval of the project.

Timing/Implementation: *Prior to any ground disturbance*

Enforcement/Monitoring: *City of Victorville Development Department*

MM 8a-1: All future development within the OTSP project area shall be required to implement the following management practices during construction activities:

- a) Perform 90-day low-NOx tune-ups for off-road equipment operating in the Old Town Specific Plan project area.
- b) Limit allowable idling to 5 minutes for trucks and heavy equipment.
- c) Construction operators shall use Tier 3-rated engines during site grading for all equipment exceeding 100 horsepower, if available.
- d) Construction operators shall utilize equipment with engines equipped with diesel oxidation catalysts, if available.
- e) Construction operators shall utilize diesel particulate filter and diesel oxidation catalyst on heavy equipment, where feasible.

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Timing/Implementation: During construction

Enforcement/Monitoring: City of Victorville Planning Division

MM 8a-2: All future development within the OTSP shall include both of the following energy efficiency measures to be applied to the development of new multi-family, commercial, mixed use, industrial and public buildings or a building being renovated where more than 50 percent of the structure would be replaced:

Requirement 1

- The applicant shall be subject to the provisions of the City of Victorville Climate Action Plan (CAP). The applicant shall submit the required CAP screening table demonstrating 45-points or greater of Greenhouse Gas Reduction Measures with the appropriate entitlement application submittal.

Requirement 2

- Provide a renewable energy generation (solar, wind, etc.) capable of producing at least 50 percent of the building's total energy demand.

Timing/Implementation: Prior to the issuance of a building permit

Enforcement/Monitoring: City of Victorville Development Department

MM 9d-1: Prior to the issuance of any building permits, all future development within the OTSP project area shall be required to submit a Phase I environmental site assessment conducted in accordance with American Society of Testing and Materials's "ASTM Standards on Environmental Site Assessments for Commercial Real Estate" or such other standard as may be acceptable to the City Engineer. Future development under the OTSP shall also provide an updated groundwater sampling program in compliance with City requirements. If further investigative or remedial actions are identified therein, all such actions and/or such alternative actions as may be approved by the Development Department shall be implemented to the satisfaction of the Development Department prior to the issuance of any grading permits.

Timing/Implementation: Prior to the issuance of Building Permit

Enforcement/Monitoring: City of Victorville Development Department

MM 18b-1: If human remains or funerary objects are encountered during any grading 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.

Timing/Implementation: During any grading operations

Enforcement/Monitoring: City of Victorville Development Department

MM 18b-2: In the event that Native American cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and the retained SOI-qualified archaeologist shall assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment

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period.

Timing/Implementation: During any grading operations

Enforcement/Monitoring: City of Victorville Development Department

Public Review Period: September 7, 2018 through October 6, 2018

First Public Hearing Date: October 17, 2018

PASSED, APPROVED AND ADOPTED this 17th day of October, 2018.

ROB KURTH, CHAIRMAN
VICTORVILLE PLANNING COMMISSION

ATTEST:

SCOTT WEBB, SECRETARY
PLANNING COMMISSION

MJS