

CITY OF VICTORVILLE DEVELOPMENT DEPARTMENT  
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MITIGATED NEGATIVE DECLARATION  
Preparation Date: July 21, 2023

Name or Title of Project: A Site Plan and Conditional Use Permit to allow for the development of an express service carwash and restaurant on two vacant properties zoned C-1 (Neighborhood Service Commercial) located at the northeast corner of Palmdale Road and Cantina Street; Case No. PLAN22-00017

Location: The project site is in the western portion of Victorville in San Bernardino County. Victorville is located along Interstate 15 (I-15), approximately 90 miles northeast of the City of Los Angeles and 30 miles north of the City of San Bernardino. Adjacent communities include the Town of Apple Valley to the east, the City of Adelanto to the west, and the City of Hesperia to the south. The approximately 2.4-acre vacant project site (total parcel acreage of 5.5 acres) consists of desert land and is void buildings, structures, or improvements. The site is located at the northeast corner of Palmdale Road and Cantina Street and approximately 1,500 ft east of the intersection of Palmdale Road (Hwy 18) and Hwy 395 and approximately 4-miles west of Interstate 15 (I-15). The Project comprises Assessor Parcel Number (APNs): 3103-561-11 and 3103-561-12.

Entity or Person Undertaking Project: Rich Development, 600 N. Tustin Avenue, Unit 150, Santa Ana, CA 92705

Description of Project: Rich Development (Applicant) proposes to develop 2.361 acres in the City of Victorville for the purpose of constructing and operating the following uses: one 3,600 square foot (sf) express service carwash, one 1,000 sf coffee shop, and associated improvements to include landscaping, parking and right-of-way and drainage improvements. The project is proposed for the northeast corner of Palmdale Road and Cantina Street on two vacant properties zoned C-1 (Neighborhood Service Commercial). Although the proposed project would only develop 2.361 acres, the entirety of both parcels is 5.5 acres. Project development requires City approval of a site plan and conditional use permit 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:

- (BIO-1) A nesting bird clearance survey shall be conducted prior to any ground disturbance or vegetation removal activities that may disrupt the birds during the nesting season. If construction occurs between February 1st and August 31st, a pre-construction clearance survey for nesting birds shall be conducted within three (3) days of the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds will be disturbed during construction. The biologist conducting the clearance survey shall document a negative survey with a brief letter report indicating that no impacts to active avian nests will occur. If an active**

avian nest is discovered during the pre-construction clearance survey, construction activities should stay outside of a no-disturbance buffer. The size of the no-disturbance buffer (generally 300 feet for migratory and non-migratory songbirds and 500 feet raptors and special status species) will be determined by the wildlife biologist, in coordination with the CDFW, and will depend on the level of noise and/or surrounding disturbances, line of sight between the nest and the construction activity, ambient noise, and topographical barriers. These factors will be evaluated on a case-by-case basis when developing buffer distances. Limits of construction to avoid an active nest will be established in the field with flagging, fencing, or other appropriate barriers; and construction personnel will be instructed on the sensitivity of nest areas. A biological monitor shall be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, construction activities within the buffer area can occur.

2. (BIO-2) A comprehensive survey and evaluation of the Joshua trees on the site will need to be conducted and preparation of a Protected Plant Plan. The project applicant shall maintain the Joshua trees (*Yucca brevifolia*) at its current location on the project site. If any Joshua trees are to be relocated, removed, or otherwise taken, the project applicant shall obtain an incidental take permit from California Department of Fish and Wildlife (CDFW) prior to the relocation, removal, or take. The project applicant shall comply with all minimization and avoidance measures associated with the incidental take permit. A qualified biologist shall be present on the project site during all ground disturbance activities and shall oversee all project-related staging, storage areas, laydown areas, equipment storage, installation of exclusionary fencing, and any other ground disturbing activities to ensure that all minimization and avoidance measures that are part of the incidental take permit are followed.

Any Joshua trees that are to be relocated on- or off-site shall require approval from the City of Victorville and shall comply with City standards, including the City's Joshua Tree Preservation Ordinance. If Joshua trees are to be relocated on-site, the proposed location shall be identified in a landscape plan and a replanting plan shall be prepared and approved by the City. The replanting plan shall be prepared by a botanist or biologist, and recommendations from the botanist or biologists shall be incorporated into the landscape plan and implemented.

3. (BIO-3) 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. 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.
4. (CUL-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 and/or historic-era 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.

5. **(CUL-2)** If significant pre-contact and/or historic-era 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.
6. **(CUL-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.
7. **(GEO-1)** If paleontological resources are encountered during implementation of the Project, ground-disturbing activities will be temporarily redirected from the vicinity of the find. A qualified paleontologist (the “Project Paleontologist”) shall be retained by the developer to make an evaluation of the find. If the resource is significant, Mitigation Measure GEO-2 shall apply.
8. **(GEO-2)** If a significant paleontological resource(s) is discovered on the property, in consultation with the Project proponent and the City, the qualified paleontologist shall develop a plan of mitigation which shall include salvage excavation and removal of the find, removal of sediment from around the specimen (in the laboratory), research to identify and categorize the find, curation in the find a local qualified repository, and preparation of a report summarizing the find
9. **(HYD-1)** Prior to issuance of grading permits, the City of Victorville will ensure that the applicant has obtained permits from the California Department of Fish and Wildlife (CDFW) and the Regional Water Quality Control Board (RWQCB) relative to modifying the on-site drainage; alternatively, concurrence from these agencies that no permit is required may be provided.
10. **(TCR-1)** The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed in CR-1, of any pre-contact and/or historic-era 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.
11. **(TCR-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.

Public Review Period: July 21, 2023, to August 21, 2023.

Tentative Public Hearing Date: September 13, 2023