

CITY OF HESPERIA PLANNING DIVISION
9700 Seventh Avenue, Hesperia, California 92345
(760) 947-1224 FAX (760) 947-1221

PROPOSED NEGATIVE DECLARATION ND-22-01
Preparation Date: February 22 2022

Name or Title of Project: Conditional Use Permit CUP22-00006

Location: The proposed project site is located at 8899 Three Flags Avenue in the northwestern portion of the City of Hesperia, California. The corresponding Assessor Parcel Number (APN) is 3064-591-014. The proposed project site is located to the east of Three Flags Avenue between two access roads that provide a connection to the commercial uses located to the east of the project site. The project site's latitude and longitude are 34°41'32.13" N; -117°39'38.15" W. The project site's is located within the Baldy Mesa, California 7 1/2 Minute USGS Quadrangle (Township 4 North, Range 5 West, Section 22) 1956.

Entity or Person Undertaking Project: Industrial Builders

Description of Project: The proposed project would involve the development of a 7.33-acre site as a RV storage and personal storage facility. The proposed project would include the construction of an office building, consisting of 1,632 square feet, and a manager's residence, consisting of 1,482 square feet. Storage buildings would be located around the site's perimeter while the RV storage would be concentrated in the center of the site. A total of 428 storage units would be provided, totaling 97,250 square feet. The RV storage would consist of both covered surface parking areas and enclosed storage. A total of 16 enclosed spaces and 28 covered spaces would be provided. A total of 12 parking spaces would be provided for patrons and employees. Of this total, 2 stalls would be reserved for ADA parking. Access (both ingress and egress) to the site would be provided by a 50-foot wide, two-way driveway connection with the east side of Three Flags Avenue. Two secondary, non-public accessways would connect to the roadways located on the north and south sides. Internal roadway widths would range from 20 feet to 50 feet. A total of 40,415 square feet would be landscaped.

Statement of Findings: The Planning Commission has reviewed the Initial Study for this proposed project and has found that there are no significant adverse environmental impacts to either the man-made or physical environmental setting with inclusion of the following mitigation measures and does hereby direct staff to file a Notice of Determination, pursuant to the California Environmental Quality Act (CEQA).

Mitigation Measures:

1. Pre-construction surveys for burrowing owls and nesting birds shall be conducted prior to the commencement of Project activities as follows:
 - a. Nesting Birds. If construction occurs during the non-nesting season (typically September 16 through December 31), a pre-construction sweep shall be performed to verify absence of nesting birds. A qualified biologist shall conduct the pre-activity sweep within the Project areas (including access routes) and a 300-foot buffer surrounding the Project areas, within 2 hours prior to initiating Project activities. If Project activities are planned during bird nesting season (generally, raptor nesting season is January 1 through September 15; and passerine bird nesting season is February 1 through September 1), a nesting bird survey shall be conducted by a qualified biologist 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. If nesting bird activity is present, a no

disturbance buffer zone shall be established by the qualified biologist around each nest. The buffer shall be a minimum of 300 feet for raptors and 100 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.

- b. Burrowing Owl. No less than 14 days prior to the initiation of any Project activities within suitable habitat, a qualified biologist shall conduct take avoidance surveys in accordance with the Staff Report on Burrowing Owl Mitigation (Department of Fish and Game, March 2012). If no burrowing owl(s) are observed on site during the take avoidance survey, a letter shall be prepared by the qualified biologist documenting the results of the survey. The letter shall be submitted to CDFW. If burrowing owl(s) are observed on site during the take avoidance survey, areas occupied by burrowing owls shall be avoided. If burrowing owls cannot be avoided by the Project, then the qualified biologist shall prepare and submit a passive relocation program in accordance with Appendix E (i.e., Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans) of the 2012 Staff Report on Burrowing Owl Mitigation (CDFG 2012) to CDFW for review/approval prior to the commencement of disturbance activities onsite and proposed mitigation for permanent loss of occupied burrow(s) and habitat consistent with the 2012 Staff Report on Burrowing Owl Mitigation. Survey results shall be submitted to CDFW within 30 days of completion of surveys following the guidelines provided in Appendix D of the Staff Report on Burrowing Owl Mitigation (Department of Fish and Game, March 2012).
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 report shall identify methods, locations, and criteria for transplanting those trees that would be removed prior to ground disturbance activities and Project construction.
3. The Joshua trees will be retained in place or replanted somewhere on the site where they can remain in perpetuity or will be transplanted to an off-site area approved by the city where they can remain in perpetuity. Joshua trees which are deemed not suitable for transplanting will be cut-up and discarded as per City requirements.
4. Earthen berms will be created around each tree by the biologist prior to excavation and the trees will be watered approximately one week before transplanting. Watering the trees prior to excavation will help make excavation easier, ensure the root ball will hold together, and minimize stress to the tree.
5. Each tree will be moved to a pre-selected location which has already been excavated and will be placed and oriented in the same direction as their original direction. The hole will be backfilled with native soil, and the transplanted tree will be immediately watered. As noted in Section 3.0, a numbered metal tag was placed on the north side of the trees and the trees were also flagged with surveyor's flagging. The biologist will develop a watering regimen to ensure the survival of the transplanted trees. The watering regimen will be based upon the needs of the trees and the local precipitation.
6. CDFW recommends that a California Endangered Species Act (CESA) Incidental Take Permit (ITP) be obtained if the Project has the potential to result in "take" (California Fish and Game Code Section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or

attempt to hunt, pursue, catch, capture, or kill”) of western Joshua tree, a Candidate for Threatened CESA-listed species. Take of any CESA-listed species is prohibited except as authorized by state law (Fish and Game Code, §§ 2080 & 2085). Permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate Project-related impacts of the taking of CESA-listed species. CDFW recommends permanent protection through a conservation easement, development of a long-term management plan, and funding sufficient to implement management plan tasks in perpetuity which should be completed before starting Project ground-disturbing activities or by providing financial security. In order to execute an ITP, CDFW requires documentation of CEQA compliance. CDFW requires the CEQA document have a state clearing house number, show proof of filing fees, and proof the document has been circulated.

7. 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 San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) 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.
8. 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 SMBMI for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.
9. 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.
10. The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) 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 SMBMI, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents SMBMI for the remainder of the project, should SMBMI elect to place a monitor on-site.
11. 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 SMBMI. The Lead Agency and/or applicant shall, in good faith, consult with SMBMI throughout the life of the project.
12. The project must employ, as much as possible, the use of glass or translucent plastic materials on building roof and gables to allow natural daylight in work areas.

13. The project must use motion activated lighting in the storage units to reduce energy use at night.

A copy of the Initial Study and other applicable documents used to support the proposed Mitigated Negative Declaration is available for review at the City of Hesperia Planning Department.

Public Review Period: March 1, 2022 through April 1, 2022.

Tentative Planning Commission Meeting: August 11, 2022.

Attest:

RYAN LEONARD, AICP, SENIOR PLANNER