

**CITY OF HESPERIA
9700 Seventh Avenue
Hesperia, CA 92345**

NOTICE OF NEGATIVE DECLARATION ND19-00006

Name or Title of Project: Site Plan Review SPR19-00015.

Location: On the southeast corner of Highway 395 and Popular Street.

Entity or Person(s) Undertaking Project: Steeno Design Studio.

Background: An Initial Study/Mitigated Negative Declaration was previously prepared for the project and was circulated for a 30-day public review period from February 10, 2020 through March 11, 2020. After the public review period ended, the applicant modified the project to include a 19,600 square foot storage building on a portion of the site that was previously proposed as undeveloped. The applicant also submitted a revised hydrology study to account for the new building. Therefore, as a result of the changes to the project, as well as comments received during the public review, the City has chosen to revise portions of the IS/MND and re-circulate a revised IS/MND in order to offer the public an opportunity to fully review the proposed changes.

Differences between the previously circulated IS/MND and the revised version include the following changes:

- Revised the project description to include a 19,600 square foot storage building that was not previously analyzed;
- Revised the project description to include a variance as a part of the project because the modified project will exceed the maximum floor area ratio;
- Included a revised site plan exhibit (Attachment 2);
- Expanded and modified the discussion of biological resources and added new mitigation measures;
- Expanded and modified the discussion of hydrology/water quality resources;
- The hydrology study was updated and it is now included as an attachment to the IS/MND.

Description of project:

The proposed project consists of the construction of a 123,132 square foot manufacturing/industrial building, a 19,600 square foot storage building, and an 8,865 square foot office building along with paved parking areas, drive aisles, landscaping, and curb, gutter and sidewalk improvements.

The project site is located on approximately 9.5 gross acres and is zoned Commercial Industrial Business Park (CIBP) within the Main Street and Freeway Corridor Specific Plan (MSFCSP). The proposed project will be constructed in three phases; the 123,132 square foot industrial building will be constructed first, followed by the 8,865 square foot office administration building, and then the 19,600 square foot storage building. Access to the site is proposed from two separate drive approaches on Popular Street (see Figure 1)

In addition, the project proposes a variance to exceed the maximum floor area ratio (FAR) that is allowed in the MSFCSP. The CIBP zone allows a maximum F.A.R of 0.35 (based on gross acres) and the project proposes a 0.37 F.A.R.

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

PROPOSED NEGATIVE DECLARATION ND-2019-06
Preparation Date: February 5, 2020

Name or Title of Project: Site Plan Review SPR19-00015

Location: At the southeast corner of Highway 395 and Popular Street and encompasses all or portions of APNs 3064-591-01 & 03

Entity or Person Undertaking Project: Steeno Design Studio, 11774 Hesperia Road #B1, Hesperia, CA 92345

Background: An Initial Study/Mitigated Negative Declaration was previously prepared for the project and was circulated for a 30-day public review period from February 10, 2020 through March 11, 2020. After the public review period ended, the applicant modified the project to include a 19,600 square foot storage building on a portion of the site that was previously proposed as undeveloped. The applicant also submitted a revised hydrology study to account for the new building. Therefore, as a result of the changes to the project, as well as comments received during the public review, the City has chosen to revise portions of the IS/MND and re-circulate a revised IS/MND in order to offer the public an opportunity to fully review the proposed changes.

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In addition, the project proposes a variance to exceed the maximum floor area ratio (FAR) that is allowed in the MSFCSP. The CIBP zone allows a maximum F.A.R of 0.35 (based on gross acres) and the project proposes a 0.37 F.A.R.

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. Prior to the issuance of a grading permit, a pre-construction burrowing owl clearance survey must be conducted in accordance with the *Staff Report on Burrowing Owl Mitigation, State of California Natural Resource Agency, Department of Fish and Game, May 7, 2012* by a qualified biologist within 30 days prior to the beginning of project construction to determine if the project site contains suitable burrowing owl habitat and to avoid any potential impacts to the species. The surveys shall include 100 percent coverage of the project site. If the survey reveals that no burrowing owls are present, no additional actions related to this measure are required. If occupied burrows are found within the development footprint during the pre-construction clearance surveys, **Mitigation Measure 2** shall apply.
2. If occupied burrows are found within the development footprint during the pre-construction clearance survey, site-specific buffer zones shall be established by the qualified biologist through consultation with the California Department of Fish and Wildlife (CDFW). The buffer zones may vary depending on burrow location and burrowing owl sensitivity to human activity, and no construction activity shall occur within a buffer zone(s) until appropriate minimization and avoidance measures are determined through consultation with the CDFW.
3. If project activities are planned during the bird nesting season (February 1 to August 31), a nesting bird survey shall be conducted within three days (72 hours) prior to any ground-disturbing activities, including, but not limited to clearing, grubbing, and/or rough grading, to ensure birds protected under the Migratory Bird Treaty Act (MBTA) are not disturbed by on-site activities. Any such survey(s) shall be conducted by a qualified biologist. If no active nests are found, no additional actions related to this measure are required. If active nests are found, the nest locations shall be mapped by the biologist. The nesting bird species shall be documented and, to the degree feasible, the nesting stage (e.g., incubation of eggs, feeding of young, near fledging) determined. Based on the species present and surrounding habitat, a no-disturbance buffer shall be established around each active nest. The buffer shall be identified by a qualified biologist and confirmed by the City. No construction or ground disturbance activities shall be conducted within the buffer until the biologist has determined the nest is no longer active and has informed the City and construction supervisor that activities may resume.
4. Prior to the issuance of a grading permit, a pre-construction survey for Mohave Ground Squirrel following the Mohave Ground Squirrel Survey Guidelines, or most recent version, shall be performed by a qualified biologist. The pre-construction survey shall cover the project site and a 50-foot buffer zone. Should Mohave ground squirrel presence be confirmed during the survey, the project applicant shall obtain an incidental take permit for Mohave ground squirrel prior to the start of construction.
5. No more than 30 days prior to the issuance of a grading permit, a qualified biologist shall conduct pre-construction surveys for desert tortoise as described in the most recent United States Fish and Wildlife Service Desert Tortoise (Mojave Population) Field Manual. The pre-construction survey shall cover the project site and a 50-foot buffer zone. Should desert tortoise presence be confirmed during the survey, the Project applicant shall obtain an incidental take permit for Desert Tortoise prior to the start of construction.
6. 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. 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 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, San Manuel Band of Mission Indians will be contacted by the Lead Agency if any such find occurs and be provided, by the Lead Agency, the information collected by the archaeologist, and be permitted/invited to perform a site visit prior to treatment and disposition, so as to provide Tribal input.
8. If significant Native American historical resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, an SOI-qualified archaeologist shall be retained to develop an cultural resources Treatment Plan, as well as a Discovery and Monitoring Plan, the drafts of which shall be provided to San Manuel Band of Mission Indians for review and comment.
 - a. All in-field investigations, assessments, and/or data recovery enacted pursuant to the finalized Treatment Plan shall be monitored by a San Manuel Band of Mission Indians Tribal Participant(s).
 - b. The Lead Agency and/or applicant shall, in good faith, consult with San Manuel Band of Mission Indians on the disposition and treatment of any artifacts or other cultural materials encountered during the project.
9. Formal acceptance of the traffic study is required by Caltrans and the City Engineer prior to City approval of the project. The applicant shall be required to implement all recommendations/improvements outlined in the project specific traffic study to the satisfaction of the City Engineer and/or Caltrans.

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: May 12, 2020 through June 11, 2020.

Tentative Planning Commission Meeting: June 11, 2020.

Attest:



RYAN LEONARD, AICP, SENIOR PLANNER