

PLANNING COMMISSION

ATTACHMENT B

Conditional Use Permit

Resolution P-25-012

RESOLUTION NO. P-25-012

A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF VICTORVILLE THE APPROVAL OF CONDITIONAL USE PERMIT PORTION OF CASE NO. PLAN25-00006; A CONDITIONAL USE PERMIT WITH AN ENVIRONMENTAL EXEMPTION TO ALLOW FOR NEW VEHICLE SALES ON PROPERTY LOCATED AT 14444 ATSTAR DRIVE

WHEREAS, an application has been received from Omega Design Group (Del Amo Motorsports) regarding property in the City of Victorville, County of San Bernardino, State of California, particularly described as follows:

PARCEL 1 OF PARCEL MAP NO. 11632, IN THE CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 134 OF PARCEL MAPS, PAGES 96 AND 97, RECORDS OF SAID COUNTY; and

WHEREAS, a public hearing was held on the 14th day of May, 2025, pursuant to Title 7, Division I, Chapter 4, of the Government Code, State of California, to hear arguments for and against the issue; and

WHEREAS, this project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA) based upon CEQA Guidelines Section 15301, which allows a categorical exemption for the permitting of private structures that involve negligible or no expansion of use. Since the location was developed as and has historically operated as a commercial retail building, and approval of the project will not result in any significant effects to traffic, noise, air or water quality; and

WHEREAS, the Planning Commission finds that all materials that constitute the record of proceedings upon which its decision is based, shall be located with the City of Victorville Clerk, located at 14343 Civic Drive, Victorville, CA; and

WHEREAS, the Planning Commission finds that the site is adequate in size to accommodate the proposed use along with adequate development standards to ensure land use compatibility due to the sites location within a commercial zone, the projects conformance with applicable standards of Civic Center Specific Plan and Title 16 of the Victorville Municipal Code including sufficient parking and conformance with the development standards, and the sites location along an Arterial Roadway (Valley Center Drive) near a major interchange with Interstate 15; and

WHEREAS, the Planning Commission finds that pursuant to Section 16-3.02.050(a) of the Victorville Municipal Code the proposed location of the conditional use is in accord with the objectives and requirements of the development code, given the CC-2 (Civic Commercial) district of the Civic Center Community Sustainability Specific Plan land use district would conditionally permit new vehicle sales contingent upon the associated Specific Plan Amendment adoption. Therefore, the use would be in accord with the objectives and requirements of the Development Code and Specific Plan; and

WHEREAS, the Planning Commission finds that pursuant to Section 16-3.02.050(b) of the Victorville Municipal Code the proposed location of the conditional use and the conditions under which it will be operated is consistent with the General Plan and will not be detrimental to the public health, safety and welfare or materially injurious to uses, properties or improvements in the vicinity, if the associated Specific Plan Amendment is approved, the use would be consistent with the Specific Plan designation of the General Plan and is consistent and complementary to other similar uses within the vicinity which include new and used vehicle sales. The site is in a commercial center with no residential uses in the vicinity; and

WHEREAS, the Planning Commission finds that pursuant to Section 16-3.02.050(c) of the Victorville Municipal Code the traffic generated by the proposed conditional use will not overload the capacity of the surrounding street system and will not create a hazard to public safety since the proposed use will utilize hours of operation which are similar to existing uses in the area and consistent with previous retail uses which have occupied the building and have operated without overloading the capacity of the roadways, the proposal is not anticipated to overload the surrounding street system or include impacts greater than those that similar uses would generate during peak hours; and

WHEREAS, the Planning Commission finds that pursuant to Section 16-3.02.050(d) of the Victorville Municipal Code the proposed conditional use complies with each of the applicable provisions of Title 16, the existing site is fully developed, including sufficient parking for the proposed use in accordance with current Specific Plan requirements. Additionally, the proposed used, if amended as noted above, will conditionally permit the proposed use within the proposed CC-2 district. Therefore, Staff finds that the proposal will comply with each of the applicable provisions of the “Zoning and Land Use Requirements” chapter of Title 16 of the Development Code and the Specific Plan; and

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission, pursuant to Section 16-3.02.040 of the Victorville Municipal Code that it recommends to the City Council that the Conditional Use Permit portion of Case No. PLAN25-00006, a Conditional Use Permit with an Environmental Exemption to allow for new vehicle sales

on the hereinabove described property be granted subject to the following conditions of approval:

Planning Conditions:

1. This Minor Conditional Use Permit approval is to allow for an approximately 89,000 sq. ft. powersports dealer that includes the sale and service of on and off highway vehicles located at 14444 Atstar Drive.
2. The proposed improvements and use shall comply with all applicable development standards of Title 16 and the Civic Center Community Sustainability Specific Plan.
3. Any expansion of this proposed use beyond the scope of this conditional use permit shall require submission and approval of a conditional use permit modification or a new conditional use permit based upon the extent of the expansion.
4. The proposed development shall be in substantial conformity with the plans submitted as part of this application, unless modification is required to comply with the applicable development standards of the Civic Center Community Sustainability Specific Plan or Title 16 and/or conditions of approval.
5. Any change in use or implementation of a new use within the facility, which will require additional parking spaces resulting in non-compliance of Title 16 and the Civic Center Community Sustainability Specific Plan shall cause that use to be subject to Zoning Administrator and/or Planning Commission review and approval.
6. The number and location of all handicapped parking spaces shall be subject to Development Department review and approval.
7. No outdoor repair or storage of vehicles, parts or equipment shall be permitted onsite. All vehicles shall be stored within the building.
8. All proposed signs, including any freestanding signage, shall comply with Title 16 and the Civic Center Community Sustainability Specific Plan. The applicant shall be required to submit a sign package for review and must gain approval by the Planning Commission prior to approval of any signage proposed which is inconsistent with Title 16 or the Civic Center Community Sustainability Specific Plan. Painted and off-site signs are prohibited, and all signs shall be subject to Planning Staff review and approval prior to obtaining a sign permit.

9. All proposed temporary signage shall comply with Title 16 and the Civic Center Specific Plan. All temporary signs (grand openings, special sales, etc.) shall only be affixed to the suite they serve in accordance with an approved Temporary Sign Permit. Flags or other off-site signage is prohibited within multi-tenant developments.
10. All new rooftop and/or ground mounted equipment visible from public right-of-ways shall be screened from view and architecturally integrated into the building.
11. Any new wall mounted utility equipment (i.e. meters, panels, boxes, conduit etc.) shall not be visually exposed on the building. This type of equipment shall be internally located, screened with landscaping or covered in a manner that is architecturally integrated into the design of the building, subject to the review and approval of the Zoning Administrator.
12. Any new roof drains (i.e. scuppers and down spouts) shall not be visually exposed on the building(s). Roof drains shall be internally located, subject to the review and approval of the Zoning Administrator.
13. The applicant shall install and/or upgrade the existing trash enclosure in accordance with Section 16-3.10.060(d)(2) & Sec. 16-3.24.110 of the Victorville Municipal Code. The enclosure shall be architecturally compatible with the building design with matching colors and materials and meet Title 16 standards (e.g. pedestrian access). Additionally, in accordance with the City's Small MS4 Permit, a solid roof/cover that is architecturally compatible with the primary building onsite and serves to protect the refuse area from inclement weather shall be provided, as well as wrought iron that fully encloses the trash enclosure between the block wall/metal gates and the roof to prevent unauthorized entry. The applicant shall initiate the required improvements prior to the issuance of a Certificate of Occupancy or obtain the approval of a Minor Site Plan inclusive of an installation schedule with final design approval subject to the review and approval of the Zoning Administrator.
14. All parking areas and access thereto, including access to the trash enclosure and loading zone, shall be repaired. Repair shall include repaving, patching and/or slurry coat & seal as needed to repair broken and weathered asphalt throughout the site. Additionally, all parking spaces and directional arrows shall be restriped. The applicant shall initiate the required improvements prior to the issuance of a Certificate of Occupancy or obtain the approval of a Minor Site Plan inclusive of an installation schedule with final design approval subject to the review and approval of the Zoning Administrator.

15. The exterior of the building shall be patched, repaired and repainted including the replacement or repair of any damaged or missing doors, windows or light fixtures. Final colors and materials shall be subject to the review and approval of the Zoning Administrator. The applicant shall initiate the required improvements prior to the issuance of a Certificate of Occupancy or obtain the approval of a Minor Site Plan inclusive of an installation schedule with final design approval subject to the review and approval of the Zoning Administrator.
16. The existing chain-link fencing surrounding the outdoor yard area shall be replaced with pilasters with wrought-iron fencing with metal mesh to screen outdoor storage and on-site activities. The applicant shall initiate the required improvements prior to the issuance of a Certificate of Occupancy or obtain the approval of a Minor Site Plan inclusive of an installation schedule with final design approval subject to the review and approval of the Zoning Administrator.
17. Prior to issuance of a certificate of occupancy, the Applicant/Owner shall submit documentation that demonstrates the site will be regularly maintained by a commercial landscape company or comparable means, subject to the review and approval of the Zoning Administrator. The Applicant/Owner shall also include current property management contact information when submitting the documentation.
18. All landscaped areas shall be maintained in a neat, clean, orderly and healthful condition. This includes proper pruning, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants when necessary and the regular watering of all plants. In addition, all landscaped areas shall be provided with a suitable permanent water system.
19. All existing irrigation and landscaping including groundcover, shrubs and trees shall be repaired, maintained, pruned and replaced as needed.
20. All new light standards (wall and freestanding) shall be approved by the Zoning Administrator prior to building permit issuance and be architecturally compatible with the design of the building. All freestanding light standards shall match and be consistent with lighting utilized throughout the site.
21. All site conditions shall be maintained in a functional and tidy manner, including but not limited to parking lot striping, wheel stops, signage, curbing, trash enclosure gates, parking lot paving and enhanced paving areas.
22. Special events and/or any use proposed outdoors shall be required to obtain Temporary Use Permit or Conditional Use Permit Modification at the discretion of the City Planner.

23. The Applicant/Owner shall agree to defend, indemnify and hold harmless, the City of Victorville, its agents, officers and employees from any claim, action or proceeding against the City of Victorville or its agents, officers or employees to attack, set aside, void or annul this approval. The City of Victorville shall promptly notify the applicant of any such claim, action or proceeding, and the City of Victorville shall cooperate fully in the defense.
24. The applicant/developer shall be responsible for obtaining all necessary permits from any affected regulatory agencies.
25. The project shall comply with all Federal, State and local laws and policies, including: the California Government Code (including the Planning, Zoning and Development Laws), Environmental Quality Act (CEQA), Subdivision Map Act, International Building Code, Green Code, Fire Code; and, Victorville General Plan and Municipal Code; unless permitted to deviate through provisions of such, or through adopted mitigation measures, conditions of approval, or the plans themselves.
26. The handling and disposal of construction and demolition waste for the project shall comply with 6.36.040 of the Victorville Municipal Code. In summary, only the City of Victorville's employees working in their official capacity and the City's waste handling contractor, Victorville Disposal (Burrtec Waste), are authorized to provide solid waste handling services from any and all premises in the City; and no person other than those above specified shall provide solid waste handling services, convey or transport any solid waste material in, along or over any public street, alley or highway in the City, with the exception of solid waste removed from any premises by the waste generator, and which is transported personally by such waste generator (or his/her employees) to a processing or disposal facility in a manner consistent with all applicable laws and regulations, utilizing equipment owned and/or leased by the waste generator.

Building Conditions:

27. The project shall comply with all building codes in effect at the time of plan submittal.
28. The scope of work indicated will require full accessibility to be included in accordance with Chapter 11B of the California Building Code.
29. All tenant improvements must be approved and issued prior to any work being started.
30. Plan check fees for this project will be due, and shall be paid in full, upon submittal of plans to the Building Division. The Building Division may be contacted at (760)

955-5100 for an estimation of these fees. Tools for estimating total permit fees are available on the City's website at <https://www.victorvilleca.gov/government/city-departments/development/permit-center/fees-forms>. Actual amounts owed will be determined upon submittal of the plans via the City's online permit center.

Fire Conditions:

31. Shall comply with all 2022 California Building and Fire Code requirements based on occupancy classification; and all applicable City of Victorville Fire Prevention Standards.
32. Address and suite numbers shall be clearly identified on all new construction or tenant improvement plans submitted to the Fire Department for approval with City of Victorville Fire Prevention Standard B-1.
33. Shall comply with all Fire hydrant and fire water delivery requirements per City of Victorville Fire Prevention Standard W-2.
34. Automatic Fire Sprinkler System(s) modification may be required for the proposed building(s). Fire Sprinkler Systems shall be monitored by a Fire Alarm System. Fire Sprinklers Plans shall be submitted and approved prior to construction under a separate submittal and comply with City of Victorville Fire Prevention Standard F-1. Fire Alarm systems Plans shall be submitted and approved prior to construction under a separate submittal and comply with City of Victorville Fire Prevention Standard F-5.
35. Interior/exterior Fire Department access roadways/fire lanes shall be required per City of Victorville Fire Prevention Standard A-1. Fire Department access roadways providing access to the buildings in this project shall be a minimum of 26 feet wide and shall be directly adjacent to 2 sides of the building and shall provide 14 feet and six inches of clear vertical clearance.
36. Fire lanes shall be designated and marked adjacent to all multi-family residential, commercial, and industrial building access points and approaches per City of Victorville Fire Prevention Standard A-2
37. Fire Department access roadways greater than 150 feet in length shall require approved turnarounds per City of Victorville Fire Prevention Standard A-1. Any street exceeding 600 feet; will require secondary access.
38. All gates shall comply with City of Victorville Fire Prevention Standard A-3, motorized gates shall provide a Knox Key gate override witch AND an Opticom compatible Preemption Device.
39. Knoxbox required per City of Victorville Fire Prevention Standard A-4.
40. Due to insufficient information, additional conditions/restrictions may apply.