

PLANNING COMMISSION

ATTACHMENT A

Site Plan Resolution No. P-24-035

RESOLUTION NO. P-24-035

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VICTORVILLE APPROVING SITE PLAN CASE NO. PLAN23-00011; A SITE PLAN WITH AN ENVIRONMENTAL IMPACT REPORT TO ALLOW FOR THE DEVELOPMENT OF A TRACTOR-TRAILER PARKING LOT EXPANSION ASSOCIATED WITH AN EXISTING CHURCH & DWIGHT WAREHOUSE FACILITY ON AN APPROXIMATELY 10-ACRE UNDEVELOPED M-2 (HEAVY INDUSTRIAL) ZONED PARCEL LOCATED EAST OF AND ABUTTING ENTERPRISE WAY, AND APPROXIMATELY 1,000' NORTH OF NISQUALLI ROAD

WHEREAS, an application has been received from Link Logistics regarding property in the City of Victorville, County of San Bernardino, State of California, particularly described as follows:

RESULTANT PARCEL "B", AS SHOWN ON LOT LINE ADJUSTMENT, AS EVIDENCED BY DOCUMENT RECORDED JULY 05, 2017 AS INSTRUMENT NO. 2017-0274147 OF OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: RESULTANT PARCEL "B" OF THAT LOT LINE ADJUSTMENT RECORDED JULY 05, 2016 AS DOCUMENT NUMBER 2016-0263456 IN SAID OFFICIAL RECORDS, TOGETHER WITH A PORTION OF THAT PROPERTY CONVEYED TO THE CITY OF VICTORVILLE BY THAT GRANT DEED RECORDED AUGUST 12, 2016 AS DOCUMENT NUMBER 2016-0326060 IN SAID OFFICIAL RECORDS, AND SAID PROPERTY BEING IDENTIFIED AS RESULTANT PARCEL "A" OF SAID LOT LINE ADJUSTMENT, ALL TOGETHER THE BOUNDARY BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID PROPERTY CONVEYED TO SUCCESSOR AGENCY TO THE VICTORVILLE REDEVELOPMENT AGENCY, AND SAID CORNER BEING THE INTERSECTION OF THE SOUTHERLY LINE OF PARCEL 4 OF PARCEL MAP NO. 16201 AS FILED IN BOOK 202 OF PARCEL MAPS, PAGES 67 THROUGH 70, RECORDS OF SAID COUNTY, AS MAY HAVE BEEN AMENDED BY THAT CERTIFICATE OF CORRECTION RECORDED JANUARY 06, 2006 AS INSTRUMENT NO. 2006-0012275 OF OFFICIAL RECORDS, WITH A LINE THAT IS 91.00 FEET WESTERLY FROM, AS MEASURED AT RIGHT ANGLES TO, AND PARALLEL WITH THE EASTERLY LINE OF SAID PARCEL 4, AND SAID PARALLEL LINE ALSO BEING THE EASTERLY LINE OF SAID PROPERTY CONVEYED TO SUCCESSOR AGENCY TO THE VICTORVILLE REDEVELOPMENT AGENCY;

THENCE ALONG THE SAID EASTERLY LINE OF THAT PROPERTY CONVEYED TO SUCCESSOR AGENCY TO THE VICTORVILLE REDEVELOPMENT AGENCY,

NORTH 01° 30' 04" WEST 585.48 FEET TO A POINT ON A CURVE, THAT IS NON-TANGENT WITH LAST SAID COURSE, BEING CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 477.67 FEET, AND SAID CURVE BEING DISTANT SOUTHERLY AND CONCENTRIC WITH THAT CERTAIN CURVE IN THE NORTHERLY LINE OF SAID PROPERTY CONVEYED TO SUCCESSOR AGENCY TO THE VICTORVILLE REDEVELOPMENT AGENCY HAVING A RADIUS OF 507.67 FEET, AND TO SAID POINT A RADIAL LINE BEARS NORTH 15° 55' 57" EAST FROM THE CENTER OF SAID CURVES, AND SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE EASTERLY, SOUTHEASTERLY AND SOUTHERLY ALONG SAID CONCENTRIC CURVE 494.21 FEET THROUGH A CENTRAL ANGLE OF 59° 16' 48" TO A LINE THAT IS 30.00 FEET WESTERLY FROM, AS MEASURED AT RIGHT ANGLES TO, AND PARALLEL WITH, THE EASTERLY LINE OF SAID PROPERTY CONVEYED TO THE CITY OF VICTORVILLE, AND SAID EASTERLY LINE ALSO BEING THE EASTERLY LINE OF PARCEL "A" OF SAID PARCEL MAP NO. 16201; THENCE LEAVING SAID CONCENTRIC CURVE ON A NON-TANGENT COURSE, ALONG SAID PARALLEL LINE, SOUTH 09° 34' 19" EAST 241.93 FEET, TO THE SOUTHERLY LINE OF SAID PROPERTY CONVEYED TO THE CITY OF VICTORVILLE, AND SAID SOUTHERLY LINE BEING THE SOUTHERLY LINE OF SAID PARCEL "A" OF PARCEL MAP NO. 16201; THENCE ALONG THE SOUTHERLY LINE OF SAID PROPERTY CONVEYED TO THE CITY OF VICTORVILLE, AND THE SOUTH LINE OF SAID PROPERTY CONVEYED TO SUCCESSOR AGENCY TO THE VICTORVILLE REDEVELOPMENT AGENCY, SOUTH 88° 29' 56" WEST 1764.45 FEET TO THE MOST SOUTHEASTERLY CORNER OF SAID PROPERTY CONVEYED TO SUCCESSOR AGENCY TO THE VICTORVILLE REDEVELOPMENT AGENCY AND SAID SOUTHEASTERLY CORNER ALSO BEING THE ON THE EASTERLY LINE OF ENTERPRISE WAY AS SHOWN ON SAID PARCEL MAP NO. 16201; THENCE ALONG THE WESTERLY BOUNDARY LINE OF SAID PROPERTY CONVEYED TO SUCCESSOR AGENCY TO THE VICTORVILLE REDEVELOPMENT AGENCY AND SAID EASTERLY LINE OF ENTERPRISE WAY, NORTH 01° 30' 04" WEST 42.00 FEET TO AN ANGLE POINT IN SAID PROPERTY CONVEYED TO SUCCESSOR AGENCY TO THE VICTORVILLE REDEVELOPMENT AGENCY; THENCE LEAVING SAID EASTERLY LINE OF ENTERPRISE WAY, ALONG THE BOUNDARY LINE OF SAID PROPERTY CONVEYED TO SUCCESSOR AGENCY TO THE VICTORVILLE REDEVELOPMENT AGENCY, NORTH 88° 29' 56" EAST 1035.32 FEET TO AN ANGLE POINT IN SAID BOUNDARY LINE; THENCE ALONG THE BOUNDARY LINE OF SAID PROPERTY CONVEYED TO SUCCESSOR AGENCY TO THE VICTORVILLE REDEVELOPMENT AGENCY, NORTH 01° 28' 54" WEST 595.50 FEET TO THE NORTHERLY LINE OF SAID PROPERTY, AND SAID NORTHERLY LINE ALSO BEING THE BOUNDARY LINE OF SAID PROPERTY CONVEYED TO THE CITY OF VICTORVILLE AND THE BOUNDARY LINE OF SAID PARCEL "A" OF

PARCEL MAP NO. 16201; THENCE ALONG SAID NORTHERLY LINE, NORTH 88° 31' 06" EAST 230.25 FEET TO THE BEGINNING OF A CURVE IN SAID NORTHERLY LINE, CONCAVE SOUTHERLY AND HAVING A RADIUS OF 507.67 FEET; THENCE EASTERLY ALONG SAID CURVE, 144.91 FEET THROUGH A CENTRAL ANGLE OF 16° 21' 15", TO SAID LINE THAT IS 91.00 FEET WESTERLY FROM, AS MEASURED AT RIGHT ANGLES TO, AND PARALLEL WITH THE EASTERLY LINE OF SAID PARCEL 4, AND SAID LINE BEING THE BOUNDARY LINE OF SAID PROPERTY CONVEYED TO SUCCESSOR AGENCY TO THE VICTORVILLE REDEVELOPMENT AGENCY; THENCE ALONG SAID BOUNDARY LINE OF THAT PROPERTY CONVEYED TO SUCCESSOR AGENCY TO THE VICTORVILLE REDEVELOPMENT AGENCY SOUTH 01° 30' 04" EAST 31.35 FEET TO THE TRUE POINT OF BEGINNING..

WHEREAS, a public hearing was held on the 12th day of June 2024, 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, in accordance with the California Environmental Quality Act (CEQA), and the CEQA Guidelines, the City of Victorville Development Department determined that implementation of the project had the potential to result in significant environmental effects and determined that an EIR was required, subject to CEQA Guidelines Section 15063(a) and therefore not required to prepare an Initial Study.

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), and the CEQA Guidelines a Notice of Preparation was distributed on July 21, 2023, to responsible agencies, local government agencies, the State of California Office of Planning and Research, State Clearinghouse (SCH) for distribution to State agencies and interested parties for a 30-day public review period in order to solicit comments and inform agencies and the public of the project.

WHEREAS, the Development Department initiated an Environmental Impact Report regarding the Project located on property as described above.

WHEREAS, a Notice of Availability (NOA) of a Draft EIR (DEIR) was issued on March 8, 2024 for the project allowing a forty-five (45) day comment and review period in accordance with CEQA Guidelines and was mailed to responsible agencies, local government agencies, and interested parties that received the NOP and to individuals who had previously requested the NOA or EIR; and

WHEREAS, the Draft EIR was circulated on March 8, 2024, for a forty-five (45) day comment and review period in accordance with CEQA Guidelines to the public, was distributed to the State Clearinghouse for distribution to State agencies, was posted on the City's website and at the San Bernardino County Clerk's office in accordance with applicable CEQA Guidelines; and

WHEREAS, the Planning Commission has reviewed the Draft EIR and the Final EIR prepared for the project, including all supporting evidence and comments received, all which documents are hereby incorporated by reference into this Resolution; and

WHEREAS, the Draft EIR, supporting documents, and Final Environmental Impact Report for the proposed Project have been presented to the Planning Commission, and after review and consideration of the environmental information the Planning Commission finds the proposal will not have a significant effect on the environment and therefore adopts the attached Statement of Facts and Findings, and determined that a Statement of Overriding Considerations is not required under Section 15093 of the CEQA Guidelines because all impacts can be mitigated to below a level of significance; and

WHEREAS, the Planning Commission makes and adopts the Statement of Facts and Findings noted in the Planning Commission Staff Report Attachment E “*Findings of Fact for the Nisqualli Road Trailer Lot Expansion Project*” and certifies that the Final EIR for the Project, *Planning Commission Staff Report Attachment D*, has been completed in compliance with the California Environmental Quality Act, the State CEQA Guidelines, and local procedures adopted pursuant thereto and reflects its independent judgment and analysis.

WHEREAS, the Planning Commission adopts the Mitigation Monitoring Program as set forth in the Final EIR for the Project; 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 heavy industrial zone, the projects conformance with applicable standards of Title 16 of the Victorville Municipal Code including sufficient access and off-site connections, and the sites access to an Arterial Roadway (Nisqualli Road) with direct access to Interstate 15; and

WHEREAS, the Planning Commission finds that the proposed use does not meet the suspension allowances provided by Planning Commission Policy PCP-09-001 or Section 16-5.12.190 of the Victorville Municipal Code for any unfinished right-of-way improvements and that the suspension of any unfinished improvements may adversely affect the public’s health, safety and welfare; and therefore requires the

construction of any unfinished right-of-way improvements as required by the Victorville Municipal Code; and

WHEREAS, the Planning Commission finds that the proposed site plan satisfies the Site Plan Review criteria, pursuant to Section 16-3.01.030(a) of the Victorville Municipal Code because the project follows the existing contours of the site and does not create significant artificial slopes or introduce buildings with views that would impact or reduce the privacy of neighboring properties; and

WHEREAS, the Planning Commission finds that the proposed site plan satisfies the Site Plan Review criteria, pursuant to Section 16-3.01.030(b) of the Victorville Municipal Code because the project will include screened parking areas, landscaping, wrought iron fencing around the facility, as well as complete roadway improvements along the site's frontages; and

WHEREAS, the Planning Commission finds that the proposed site plan satisfies the Site Plan Review criteria, pursuant to Section 16-3.01.030(c) of the Victorville Municipal Code because the proposal will ensure minimal disruption to surrounding uses since the project site is bound by industrial development on three sides with the BNSF rail line on the fourth and the project site is approximately 850 feet from the nearest residence; and

WHEREAS, the Planning Commission finds that the proposed site plan satisfies the Site Plan Review criteria, pursuant to Section 16-3.01.030(d) & (e) of the Victorville Municipal Code because the development is in general compliance with the applicable development standards, regulations and requirements of Title 16 of the

Victorville Municipal Code the applicable standards of the Industrial Design Guidelines including setbacks, parking, landscaping, site design and site access; and

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission, pursuant to Sections 16-3.01.060 of the Victorville Municipal Code that Site Plan Case No. PLAN23-00011, to allow for the development of a tractor-trailer parking lot expansion associated with an existing Church & Dwight warehouse facility on an approximately 10-acre undeveloped M-2 (Heavy Industrial) zoned parcel on the hereinabove described property be granted subject to the following conditions of approval:

Planning Conditions:

1. The site plan approval allows for the development of an ancillary parking lot for the Church & Dwight industrial warehouse that will contain approximately 198 truck and trailer parking spaces as well as the associated improvements such as paving, landscaping, fencing, etc. are also included in the approval as depicted in the approved Site Plan and by Conditions of Approval.
2. The proposed development shall comply with all applicable development standards of Title 16 and shall be in general compliance with the Industrial Design Guidelines.
3. 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 Title 16 and/or conditions of approval.
4. The development shall be in substantial conformity with the architectural plans and renderings submitted with this application, unless modification is required by condition.
5. Any change in use or implementation of a new use within the facility, which will require additional parking spaces resulting in noncompliance with the parking standards of Title 16, shall cause that use to be subject to 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. All off-street parking spaces and access thereto required by Title 16 shall be provided in accordance with the specifications for standard parking spaces outlined in Title 16.

8. All proposed signs, including any freestanding signage, shall comply with Title 16. 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. All signs shall be subject to Planning Staff review and approval prior to obtaining a building permit.
9. All proposed temporary signage shall comply with Title 16. 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. A six-inch wide planter curbing, in accordance with Engineering Standard S-09, is required along the perimeter of all landscaped areas, including planters that abut the public right-of-way sidewalk. All planter strips abutting a public right-of-way and planter islands/landscape fingers shall be a minimum interior width of five feet, exclusive of curbing. The grading and site plans shall clearly show all required curbing.
11. The applicant/developer shall provide landscaping/irrigation plans in accordance with Chapter 13.60 of the Victorville Municipal Code, entitled Water Conservation. Landscape areas shall not exceed a slope of 3:1, unless otherwise approved by the Zoning Administrator and shall also meet Title 16 standards, including the minimum interior percentage of landscaping and the maximum dispersal of landscaping within a parking lot. In addition, the landscaping plan shall include the maximum spacing of all plants as follows:
 - A. Ground cover – eighteen inches on center
 - B. One-gallon plants – three feet on center
 - C. Five-gallon plants – five feet on center

In addition, a note shall be conspicuously placed on the landscape plan indicating the following: Any discrepancy between the maximum spacing criteria and the number of plants shown on the landscape plan shall result in the spacing criteria superseding any other information shown on the landscape plan.

12. All proposed landscaping plant materials shall be listed on the City's approved water-wise plant list and verified during the building permit plan check. Any plant materials not listed on the approved plant list shall be subject to review and approval by the Zoning Administrator to confirm the plant's ability to survive in the local climate. Additionally, the site shall include rock groundcover throughout all landscaped areas in accordance with the Municipal Code.
13. 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.

14. 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.
15. With appropriate application and filing fees to the Planning Department, the applicant shall gain approval of and record a Lot Merger prior to the issuance of a building permit in order to consolidate the proposed parking lot and existing Church & Dwight warehouse parcel.
16. All light standards shall be approved by the Zoning Administrator prior to building permit issuance and be architecturally compatible with the design of the building and the adjacent warehouse. All freestanding light standards shall match and be consistent with lighting utilized throughout the site.
17. The applicant/developer shall install decorative pilasters at the driveway location on Enterprise Way and at equal intervals eastward for approximately 200 feet.
18. Electrical transformers and associated bollards shall be delineated on the site plan, landscape plan and utility plan. This equipment shall be appropriately screened from view, should not be placed adjacent to public areas and shall not encroach into required planters and/or parking stalls. The location of this equipment shall be subject to the review and approval of the Zoning Administrator and shall correspond with the utility company's approved location.
19. Prior to the release of any utilities for the use, all Title 16 improvements for the project shall be installed or a bond posted in the amount of one hundred fifty percent (150%) of the value of the uncompleted work shall be submitted to the Zoning Administrator, unless otherwise deemed unnecessary by the Zoning Administrator. Any modifications to the amount of the bond shall be subject to review and approval by the Zoning Administrator only if found by the Zoning Administrator that there are circumstances unique to the use that is not applicable to other uses.
20. The applicant/developer shall be responsible for obtaining all necessary permits from any affected regulatory agencies.
21. 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.

22. The proposed development is required to mitigate its ongoing economic impacts that require the provision of additional municipal services. To mitigate ongoing economic impacts created by new development, the City is preparing to form a Community Facilities District (CFD) to fund the ongoing costs of City services permitted by the CFD, including such services as public safety, street/sidewalk maintenance, and other eligible service impacts. Once formed, the City CFD will have established a uniform, standardized City-wide rate structure that will apply to new developments. If the City forms said CFD prior to the recordation of a final map or issuance of a building permit for the proposed development, the Developer shall annex the subject site into the CFD or shall establish a funding mechanism to provide an ongoing source of funds for the additional services comparable to the uniform standardized City-wide rate established in the CFD Resolution and associated Financial Impact Analysis report.
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 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.

Environmental Conditions:

25. (BIO 4.2-1) Prior to issuance of grading permits or any other permits allowing for the removal of vegetation on site, the City shall condition a qualified biologist to conduct two pre-construction presence/absence surveys for burrowing owls, one no less than 14 days prior to site disturbance, and one within 24 hours of site disturbance activities. If burrowing owls are detected on site, the owls will be relocated/excluded from the site outside of the breeding season following accepted protocols, and subject to the approval of CDFW. If burrowing owls are not detected during the pre-disturbance surveys, then no additional action is required. If burrowing owls are detected within or adjacent to the proposed disturbance area, then the owls shall be passively relocated from the site to adjacent areas of suitable habitat. A qualified biologist shall prepare a Burrowing Owl Relocation and Protection Plan that shall

document the relocation procedures. The Plan shall be submitted to CDFW for review and approval prior to relocating burrowing owls. Passive relocation shall be performed outside of the breeding season (October 1 to January 31), unless a qualified biologist verifies through non-invasive methods that either: 1) the birds have not begun egg-laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Prior to performing the relocation, the biologist shall ensure that the adjacent relocation area contains suitable burrows at a 2:1 ratio over the number of occupied burrows to be impacted. If the relocation site does not contain enough natural burrows, then artificial burrows shall be created. Until burrowing owls can be excluded from the impact area, the occupied burrows shall be avoided with adequate buffers as recommended by the biologist. During the breeding season, the avoidance buffer may be as high as 500 meters depending on the type of disturbance occurring adjacent to the occupied habitat.

26. (BIO 4.2-2) Prior to the issuance of grading permits or other permits allowing for ground-disturbing activities or the removal of vegetation on site, the City of Victorville Department of Engineering shall ensure that the following note is included on the grading plans. Project contractors shall be required to ensure compliance with this note and permit periodic inspection of the construction site by City of Victorville staff or its designee to confirm compliance. This note also shall be specified in bid documents issued to prospective construction contractors: Vegetation clearing shall be conducted outside of the bird nesting season (February 1 through September 15) to the extent feasible. If avoidance of the nesting season is not feasible, a nesting bird survey shall be conducted by a qualified biologist within no more than 72 hours of such scheduled disturbance, to determine the presence of nests or nesting birds. If active nests are identified, the biologist shall establish appropriate buffers around the vegetation (typically 500 feet for raptors and sensitive species, 200 feet for non-raptors/non-sensitive species). All work within these buffers shall be halted until the nesting effort is finished (i.e., the juveniles are surviving independent from the nest). The biologist shall review and verify compliance with these nesting boundaries and shall verify the nesting effort has finished. Work may resume within the buffer area when no other active nests are found. Alternatively, a qualified biologist may determine that construction can be permitted within the buffer areas and would develop a monitoring plan to prevent any impacts while the nest continues to be active (eggs, chicks, etc.). Upon completion of the survey and any follow-up construction avoidance management, a report shall be prepared and submitted to City of Victorville for mitigation monitoring compliance record keeping. If vegetation removal is not completed within 72 hours of a negative survey during nesting season, the nesting survey must be repeated to confirm the absence of nesting birds.

- 27.(CUL 4.3-1) In the event previously undiscovered archaeological resources are inadvertently discovered during ground disturbing activities, all construction work in the immediate vicinity of the discovery shall stop, and a qualified archaeologist shall determine if further mitigation measures are warranted.
- 28.(CUL 4.3-2) 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) and Morongo Band of Mission Indians (MBMI) shall be contacted, as detailed within Mitigation Measure MM 4.11-1, 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.
- 29.(CUL 4.3-3) 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 and MBMI for review and comment, as detailed within MM 4.11-1. The Monitoring and Treatment Plan shall include methodology for the handling and curation of artifacts and be submitted to the City of Victorville for review and approval. The archaeologist shall monitor the remainder of the Project site.
- 30.(GEO 4.5-1) Prior to the approval of the Project's grading permits, a Paleontological Resource Impact Mitigation Project (PRIMP) shall be implemented, which describes monitoring and fossil collection procedures.
- a. Monitoring of mass grading and excavation activities shall be performed by a qualified paleontologist or paleontological monitor. Full-time monitoring for paleontological resources from the surface will be conducted in areas where grading, excavation, or drilling activities occur in alluvium of the ancestral Mojave River to mitigate any adverse impacts (loss or destruction) to potential nonrenewable paleontological resources.
 - b. Paleontological monitors will be equipped to salvage fossils as they are unearthed to avoid construction delays and to remove samples of sediment that are likely to contain the remains of small fossil invertebrates and vertebrates. The monitor must be empowered to temporarily halt or divert equipment to allow for the removal of abundant or large specimens in a timely manner. The monitor shall notify the project paleontologist, who will then notify the concerned parties of the discovery. Monitoring may be reduced if the potentially

fossiliferous units are not present in the subsurface, or if they are present, are determined upon exposure and examination by qualified paleontological personnel to have low potential to contain fossil resources.

- c. Preparation of recovered specimens to a point of identification and permanent preservation will be conducted, including screen-washing sediments to recover small vertebrates and invertebrates if indicated by the results of test sampling. Preparation of any individual vertebrate fossils is often more time-consuming than for accumulations of invertebrate fossils.
- d. All fossils must be deposited in an accredited institution (university or museum) that maintains collections of paleontological materials. The San Bernardino County Museum in Redlands, California, is the preferred institution by the County of San Bernardino. All costs of the paleontological monitoring and mitigation program, including any one-time charges by the receiving institution, are the responsibility of the developer.
- e. Preparation of a final monitoring and mitigation report of findings and significance will be completed, including lists of all fossils recovered and necessary maps and graphics to accurately record their original location(s). A letter documenting receipt and acceptance of all fossil collections by the receiving institution must be included in the final report. The report, when submitted to and accepted by the appropriate lead agency (e.g., the City of Victorville), will signify satisfactory completion of the project program to mitigate impacts to any nonrenewable paleontological resources.

31. (HAZ 4.7-1) The Project Contractor shall adhere to the protocols and performance standards stipulated in the SMP (*Technical Appendix I2*). Contractors working at the site follow all applicable Cal/OSHA regulations for construction safety. A Completion Report shall be prepared at the conclusion of grading activities. The report shall document field monitoring activities and visual observations made during grading/excavations, as well as soil sampling locations and results. The report shall include a description of the location of impacted soil encountered, actions taken to characterize and mitigate impacts, confirmation soil sampling results, and disposition of any excavated soil. In addition, the report shall include a description of encountered subsurface structures and steps to remove and close such structures. The report shall be reviewed and approved by the City of Victorville Planning Department, prior to issuance of building permits.

32. (TCR 4.11-1) The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) and Morongo Band of Mission Indians (MBMI) be contacted, as detailed in Mitigation Measure MM 4.3-2, of any pre-contact and/or historic-era cultural resources discovered during project implementation and be provided information regarding the nature of the find, to provide Tribal input regarding significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resource Monitoring and Treatment Plan shall

be created by the archaeologist, in coordination with YSMN and MBMI, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN and MBMI for the remainder of the project, should YSMN and MBMI elect to place a monitor on-site.

33. (TCR 4.11-2) 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 and MBMI. The Lead Agency and/or applicant shall, in good faith, consult with YSMN and MBMI throughout the life of the project.

Engineering Conditions:

34. A permit issued from the City's Engineering Department is required prior to commencement of any work performed within public right-of-way and the City's inspection process followed for the connection to and construction of any facilities that are to be dedicated to, owned and maintained by the City.
35. In accordance with State Water Quality Resources Board requirements, the developer shall implement measures for site design, source control, run-off reduction, storm water treatment and baseline hydro modification as defined by the Phase II Small MS4 Permit. This includes measures installed such that post-development peak storm water runoff discharge rates do not exceed the estimated pre-development rate, and on-site post-construction BMPs for treatment of storm water run-off.
36. The developer shall prepare a final water quality management plan for the on-site post-construction BMPs for treatment of storm water run-off. The project property owner shall enter into a maintenance agreement with the City for the water quality management plan.
37. A grading plan/site improvement plan shall be submitted to the Development Department for review and approval. The grading plan shall address all on-site and off-site drainage issues, including nuisance water and flows entering and exiting the site. A final drainage study shall be submitted with the grading plan. The developer shall provide hydrology and hydraulic calculations to size any drainage structure included in the grading plan design.
38. A geotechnical report shall be submitted with and incorporated into the grading plan.
39. Grading operations and construction shall be conducted in a manner and/or measures taken to prevent sand, dust, and debris to blow onto other properties. An adequate dust palliative shall be used at all times. After completion of grading the

developer shall maintain the site such that sand, dust and debris do not blow onto other properties.

40. Temporary fencing shall be erected as required by City staff during construction to prevent windblown debris from leaving the project site and to ensure public safety.
41. The developer shall be responsible for all costs (including application fees) incurred due to the relocation of existing utility facilities where such facilities conflict with the improvements associated with this project.
42. Prior to construction of any improvements or any land disturbance, the developer shall construct temporary drainage facilities and provide erosion control measures as necessary to minimize storm water run-off, erosion, and silt deposition. The developer shall provide an erosion control plan of the Best Management Practices to be implemented during construction. The National Pollutant Discharge Elimination System (NPDES) stormwater permit program requires operators of construction sites one acre or larger (including smaller sites that are part of a larger common plan of development) to obtain an NPDES permit and prepare a Storm Water Pollution Prevention Plan (SWPPP). A copy of the SWPPP, and an erosion control plan shall be submitted to the Development Department. All NPDES guidelines must be adhered to, and best management practices followed at all times during construction.
43. A boundary survey must be performed, and property corners verified prior to construction to facilitate the placement of improvements per plan direction. The developer's engineer shall provide a horizontal control plan to the City for review or provide adequate control/dimensioning on the site/grading plan.
44. An application for plan review and an engineer's construction cost estimate for civil improvements shall be required at the time of initial improvement plan submittal. Payment of plan and map check fees as per the City's Development Department Engineering Plan Check Fee Schedule based on the engineer's cost estimate shall be required with the plan submittal.
45. The developer shall prepare a final traffic study for approval by the City Traffic Engineer.
46. The existing commercial driveway on Enterprise Way does not meet current City and ADA Standards, the developer shall be required to remove & replace it per City Standard No. S-03.
47. Proposed 40' driveway access onto the site shall be paved per City Standard S-25.

Building Conditions:

48. The project shall comply with all building codes in effect at the time of plan submittal.
49. The scope of work indicated will require accessibility upgrades to be included in accordance with Section 11B-202 of the California Building Code.
50. 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 <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.