

# PLANNING COMMISSION

## ATTACHMENT A

Site Plan Resolution No. P-23-023

RESOLUTION NO. P-23-023

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VICTORVILLE APPROVING THE SITE PLAN PORTION OF CASE NO. PLAN22-00023; A SITE PLAN WITH AN ENVIRONMENTAL IMPACT REPORT (EIR) TO ALLOW FOR THE DEVELOPMENT OF AN APPROXIMATELY 1.1 MILLION SQUARE FOOT WAREHOUSE DISTRIBUTION BUILDING AND A TENTATIVE PARCEL MAP TO ALLOW FOR THE CREATION OF ONE PARCEL FROM FIVE EXISTING PARCELS ON AN APPROXIMATELY 66-ACRE SITE ZONED M-1 (LIGHT INDUSTRIAL) LOCATED AT THE NORTHEAST CORNER OF MOJAVE DRIVE AND MESA LINDA AVENUE

WHEREAS, an application has been received from Industrial Property Group, Inc. regarding property in the City of Victorville, County of San Bernardino, State of California, particularly described as follows:

PARCEL 1: (3128-621-02)

THE EAST 1/2 OF THE NORTH 1/2 OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 10, TOWNSHIP 5 NORTH, RANGE 5 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO GOVERNMENT SURVEY.

PARCEL 2: (3128-621-06)

THE EAST 1/2 OF THE SOUTH 1/2 OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 10, TOWNSHIP 5 NORTH, RANGE 5 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ACCORDING TO GOVERNMENT SURVEY.

PARCEL 3: (3128-621-05)

PARCEL 4 OF PARCEL MAP NO. 2092, IN THE CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 18 OF PARCEL MAPS, PAGE 52, RECORDS OF SAID COUNTY.

PARCEL 4: (3128-621-03)

PARCEL NO. 2 OF PARCEL MAP NO. 2092, IN THE CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 18, PAGE 52 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 5: (3128-621-04)

PARCEL 3 OF PARCEL MAP NO. 2092, IN THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER PLAT RECORDED IN BOOK 18 OF PARCEL MAPS, PAGE(S) 52, RECORDS OF SAID COUNTY.

WHEREAS, a public hearing was opened on the 11<sup>th</sup> day of October 2023, and closed on the 8<sup>th</sup> day of November 2023, 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 March 3, 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 Mojave 68 Project located on property as described above.

WHEREAS, a Notice of Availability (NOA) of a Draft EIR (DEIR) was issued on August 18, 2023 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 August 18, 2023, 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 of which documents are hereby incorporated by reference into this Resolution; and

WHEREAS, the Draft EIR, supporting documents, and Final Environmental Impact Report for a proposed Mojave 68 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 the Planning Commission Staff Report Attachment F "*Facts and Findings for the Mojave 68 Project*" and certifies that the Final EIR for the Project, *Planning Commission Staff Report Attachment E*, 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 light industrial zone, the projects conformance with applicable standards of Title 16 of the Victorville Municipal Code including building size and placement, sufficient access and off-site connections, and the sites location along a Super Arterial Roadway (Mojave Drive) with direct access to Highway 395; 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 a deviation from the maximum 50-foot building height limitation of Section Sec. 16-3.11.020 Table 11-1 of the Development Code entitled 'Industrial Development Standards' is found not to be injurious to the public health, safety and welfare and based on the characteristics of the site, the elimination of the development standard will have no adverse effects on surrounding properties, since the building will be setback approximately 230 feet from the public right-of-way of Mojave Drive and 400 feet from the nearest residence and the proposed height will be in line with similar industrial warehouse projects approved by the Planning Commission; 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 residents; 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 a design theme that adheres to the industrial design standards with screened loading areas, dense landscaping with increased setbacks, wrought iron fencing along the site's east and west frontages, 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 public right-of-way on all four sides, adjacent to undeveloped industrial property expected to be developed with similar uses and the site is separated from residential development to the south by a Super Arterial Roadway and large landscape setbacks; 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, lot coverage, parking, landscaping, site design, building 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 portion of Case No. PLAN22-00023, to allow for the development of an approximately 1.1 million square foot warehouse distribution building on an approximately 66-acre site zoned M-1 (Light Industrial) 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 approximately 1,097,300 sq. ft. warehouse and distribution facility that includes 40,000 sq. ft. of ancillary office space, 187 loading docks, 726 truck trailer parking spaces, as well as 457 passenger vehicle parking spaces. Associated site 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 elevations 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. Parking spaces provided in excess of required parking may be designed in accordance with the specifications for compact parking spaces outlined in Title 16.
8. Stamped color concrete shall be installed at driveway entrances, ADA path of travel and at the main building entries with the color and design subject to review and approval by the Zoning Administrator prior to the issuance of a building permit. The stamped color concrete shall be noted on the approved construction plans accordingly.
9. 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.
10. 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.
11. 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.

12. 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. The landscaping plan shall include a minimum of one 24-inch box tree for every eight parking spaces provided on-site. 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.

13. 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 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.

14. 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.

15. 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.

16. Any proposed screen wall shall architecturally match the building. The 8-foot-high wrought iron decorative fence shall include decorative pilasters that architecturally match the building at each entrance to the facility and at regular intervals at a maximum of 100 feet apart on center. Additionally, the proposed walls and fencing in combination with landscaping shall be sited in a manner that adequately screens the truck courts and loading areas from public view subject to the review and approval of the Zoning Administrator.

17. The applicant shall install trash enclosures in conformance with Section 16-3.24.110 of the Victorville Municipal Code. The enclosure shall have solid block split-face walls or tilt-up walls to match the building, non-transparent metal gates, a solid roof/cover that is architecturally compatible with the primary building(s) onsite and serves to protect the refuse area from inclement weather, as well as wrought iron that fully encloses the trash enclosure between the block wall/metal gates and the roof to prevent unauthorized entry. Additionally, all trash enclosures shall include "walk-in" rear or side access for pedestrian use. The location, design and quantity of said enclosures shall be subject to Planning Staff and Burrtec review and approval prior to the issuance of a building permit.
18. All trash enclosures on site shall provide numerical identification in accordance with Section 16-3.24.110(c)(3) of the Victorville Municipal Code. Details and specifications of required identification subject to review and approval by the Zoning Administrator prior to the issuance of a building permit.
19. All 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.
20. All rooftop and/or ground mounted equipment visible from public right-of-ways shall be screened from view and architecturally integrated into the building.
21. Any 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.
22. Roof drains (i.e. scuppers and down spouts) shall not be visually exposed on the building(s). Roof drains shall be internally located, and scuppers screened, subject to the review and approval of the Zoning Administrator.
23. 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.
24. 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.

25. The applicant/developer shall be responsible for obtaining all necessary permits from any affected regulatory agencies.
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.
27. 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.
28. 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.
29. 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:**

30. (AIR-2) A Health Risk Assessment shall be prepared by a qualified air quality professional for future projects that would generate toxic air contaminants (such as diesel particulate matter) in the General Plan Update Planning Area or that would locate a new sensitive receptor within the following screening-level distances identified in the Mojave Desert Air Quality Management District CEQA and Federal Conformity Guidelines (2020): any industrial project within 1,000 feet; a distribution center (40 or more trucks per day) within 1,000 feet; a major transportation project within 1,000 feet; a dry cleaner using perchloroethylene within 500 feet; and a gasoline dispensing facility within 300 feet. A project shall not be considered for approval until a Health Risk Assessment has been completed and approved by the MDAQMD. The methodology for the Health Risk Assessment shall follow the Office of Environmental Health Hazard Assessment guidelines for the preparation of Health Risk Assessments. If a potentially significant health risk is identified, the Health Risk Assessment shall identify appropriate measures, such as upgrading building ventilation systems, to reduce the potential health risk to below a significant level, or the sensitive receptor or proposed facility shall be sited in another location.
31. (AQ-1) The Project Applicant/Developer/Operator shall post both interior and exterior facing signs, including signs directed at all dock and delivery areas, identifying idling restrictions and contact information to report violations to CARB, SCAQMD, and the building manager.
32. (AQ-2) During Project grading operations, Project contractors shall limit the amount of daily grading disturbance area to not exceed the assumptions specified in the Draft EIR Air Quality Impact Analysis.
33. (AQ-3) Project construction plans and specifications shall require on-road heavy-duty haul trucks to be model year 2010 or newer if diesel-fueled, if such equipment is widely available and economically feasible.
34. (AQ-4) The Project shall provide electrical hook ups to the power grid, rather than use diesel-fueled generators, for electric construction tools, such as saws, drills and compressors, and shall use electric tools whenever feasible.
35. (AQ-5) The construction plans and specifications shall prohibit off-road diesel-powered construction equipment from being in the "on" position for more than 10 hours per day during Project construction.
36. (AQ-6) During Project construction, the Project contractors shall keep all equipment maintenance records and data sheets, including design specifications and emission control tier classifications, onsite or at the contractor's office and shall furnish documents to the Lead Agency or other regulators, upon request.

- 37.(AQ-7) The Project Applicant/Developer shall provide information on transit and ridesharing programs and services to construction employees.
- 38.(AQ-8) The Project Applicant/Developer shall provide meal options onsite or shuttles between the construction site and nearby meal destinations for construction employees.
- 39.(AQ-9) The Project Applicant/Developer/Tenant shall require that all facility-owned and operated fleet equipment with a gross vehicle weight rating greater than 14,000 pounds accessing the site meet or exceed 2010 model-year emissions equivalent engine standards as currently defined in California Code of Regulations Title 13, Division 3, Chapter 1, Article 4.5, Section 2025. Facility operators which own vehicles subject to Section 2025 shall maintain records on-site demonstrating compliance with this requirement and shall make records available for inspection by the local jurisdiction, air district, and state upon request.
- 40.(AQ-10) The Project Applicant/Developer/Tenant shall require that all heavy-duty trucks entering or operated on the project site to be zero-emission beginning in 2030, if such trucks are widely available and economically feasible.
- 41.(AQ-11) The Project Applicant/Developer/Tenant shall require all on-site equipment, such as forklifts and yard trucks, to be electric, propane or natural gas with the necessary electrical charging stations provided.
- 42.(AQ-12) The Project Applicant/Developer/Owner shall require tenants to use zero-emission light- and medium-duty trucks as part of business operations, if such trucks are widely available and economically feasible.
- 43.(AQ-13) The Project Applicant/Developer shall construct electric truck charging infrastructure consisting of infrastructure (i.e., conduit) to support future installation of charging stations, when such trucks are widely available and economically feasible.
- 44.(AQ-14) The Project Applicant/Developer shall construct electric light-duty truck charging infrastructure consisting of infrastructure (i.e., conduit) proportional, i.e., conduit for one charging station for every five light-duty truck parking spaces at the Project.
- 45.(AQ-15) The Project Applicant/Developer shall install all necessary infrastructure (i.e., wiring, reinforced roofs) to allow solar photovoltaic systems on the project site to be installed in the future, with a specified electrical generation capacity, such as equal to the building's projected energy needs.

- 46.(AQ-16) The Project Applicant/Developer/Owner shall require all stand-by emergency generators to be powered by a non-diesel fuel.
- 47.(AQ-17) The Project owner shall require facility operators to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks.
- 48.(AQ-18) The Project owner shall require operators to establish and promote a rideshare program that discourages single-occupancy vehicle trips and provides financial incentives for alternate modes of transportation, including carpooling, public transit, and biking.
- 49.(AQ-19) The Project shall meet CALGreen Tier 2 green building standards, including all provisions related to designated parking for clean air vehicles, electric vehicle charging, and bicycle parking.
- 50.(AQ-20) The Project will achieve certification of compliance or demonstrate equivalency with LEED green building standards
- 51.(AQ-21) The Project Owner/Tenant shall provide meal options onsite or shuttles between the facility and nearby meal destinations if feasible.
- 52.(AQ-22) The Project Applicant/Developer/Owner shall post signs at every truck exit driveway providing directional information to the truck route.
- 53.(AQ-23) The Project Applicant/Developer/Owner shall require that every tenant train its staff in charge of keeping vehicle records in diesel technologies and compliance with CARB regulations, by attending CARB-approved courses. Also, if the tenant/facility operator owns its own fleet of vehicles, subject to 13 California Code of Regulations section 2025, require such tenants/facility operators to maintain records on-site demonstrating compliance and make records available for inspection by the local jurisdiction, air district, and state upon request.
- 54.(AQ-24) The Project Applicant/Developer/Owner shall encourage tenants to enroll in the United States Environmental Protection Agency's SmartWay program and encourage tenants to use carriers that are SmartWay carriers.
- 55.(AQ-25) The Project Applicant/Developer/Owner shall provide tenants with information on incentive programs, such as the Carl Moyer Program and Voucher Incentive Program, to upgrade their fleets.
- 56.(BIO-1) Prior to issuance of grading permits, for any Western Joshua Trees that would be removed, the Applicant shall either obtain an Incidental Take Permit (ITP) from California Department of Fish and Wildlife (CDFW) under CDFW under §2081

of the California Endangered Species Act (CESA) or obtain a permit as described by AB 1008, whichever is applicable at the time of grading permit issuance. Mitigation is to be determined by the CDFW through its issuance of the ITP or other permit as described in AB 1008, and could consist of purchase of credits from an approved conservation bank, third-party seed collection, Joshua Tree relocation, payment into the state's Western Joshua Tree Mitigation Fund, and/or purchase of mitigation lands

57. (BIO-2) A USFWS Qualified/CDFW-approved biologist shall conduct pre-construction presence/absence surveys for desert tortoise during the desert tortoise active season (April to May or September to October) 48 hours prior to initiation of Project activities and after any pause in Project activities lasting 30 days or more. Desert tortoise preconstruction surveys shall be conducted in accordance with the U.S. Fish and Wildlife Service (USFWS) 2019 desert tortoise survey methodology. Preconstruction surveys shall be completed using 100% visual coverage for desert tortoise and their sign and shall use perpendicular survey routes within the Project site and 50-foot buffer zone. Pre-construction surveys cannot be combined with other surveys conducted for other species while using the same personnel. Project Activities cannot start until 2 negative results from consecutive surveys using perpendicular survey routes for desert tortoise are documented. Results of the survey shall be submitted to CDFW prior to start of Project activities. If the survey confirms desert tortoise absence, the CDFW-approved biologist shall ensure desert tortoise do not enter the Project area. If desert tortoise presence is confirmed during the survey, the Project Proponent shall submit to CDFW for review and approval a desert tortoise specific avoidance plan detailing the protective avoidance measures to be implemented to ensure complete avoidance of take (California Fish and Game Code §86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") to desert tortoise. If complete avoidance of desert tortoise cannot be achieved, the Project Proponent will not undertake Project activities, and Project activities be postponed until appropriate authorization (i.e., California Endangered Species Act (CESA) Incidental Take Permit (ITP) under Fish and Game Code §2081) is obtained. If complete avoidance of desert tortoise is infeasible, the Project Proponent would be required to apply for a CESA ITP and prepare a site-specific Desert Tortoise Translocation Plan (Plan) that will provide details on the proposed recipient site, desert tortoise clearance surveys and relocation, definitions for Authorized Biologists and qualified desert tortoise biologists, exclusion fencing guidelines, protocols for managing desert tortoise found during active versus inactive seasons, protocols for incidental tortoise death or injury, and will be consistent with project permits and current USFWS and CDFW guidelines. The Plan shall also include a requirement for communication and coordination with Randel Wildlife Consulting, Inc. Prior to construction, the Plan shall be subject to the review and approval of the CDFW and the USFWS.

58. (BIO-3) A qualified biologist must present a biological resource information training for desert tortoise, as well as other species typically found in the area such as burrowing owl and Mohave ground squirrel, prior to project activities to all personnel that will be present within the Project site for longer than 30 minutes at any given time.
59. (BIO-4) If during project activities a desert tortoise is discovered within the project site, all activities must stop within 50-feet and the CDFW-approved biologist must be notified. Coordination with respective state and federal resource agencies will be required prior to restarting activities.
60. (BIO-5) A Pre-construction Burrowing Owl Survey shall be conducted by a qualified biologist no later than 14 prior to any Project ground-disturbing activities, at any time of year. Surveys shall be completed following the recommendations and guidelines provided within the Staff Report on Burrowing Owl Mitigation (CDFG, March 2012) or most recent version by a qualified biologist. If an active burrowing owl burrow is detected within any Project disturbance area, or within a 500-foot buffer of the disturbance area, a 300-foot radius buffer zone surrounding the burrow shall be flagged, and no impacts to soils or vegetation or noise levels above 65 dBA shall be permitted while the burrow remains active or occupied. Disturbance-free buffers may be modified based on site-specific conditions in consultation with CDFW. The qualified biologist shall monitor active burrows daily and will increase buffer sizes as needed if owls show signs of disturbance. If active burrowing owl burrows are located within any work area and impact cannot be avoided, a qualified biologist shall submit a burrowing owl exclusion plan to CDFW for review and approval. The burrowing owl exclusion plan shall include permanent compensatory mitigation consistent with the recommendations in the Staff Report on Burrowing Owl Mitigation such that the habitat acreage, number of burrows and burrowing owls impacted are replaced. If passive relocation is required, a Burrowing Owl Relocation and Protection Plan that shall document the relocation procedures, and the Plan shall be submitted to the CDFW and approved by the CDFW prior to any BUOW relocation. If burrowing owls are not detected during the pre-disturbance surveys, then no additional action is required.
61. (BIO-6) Implement Construction Monitoring and Worker Environmental Awareness Program. To reduce the potential of take of Mohave ground squirrels, and prior to ground disturbing activity, a qualified biologist will deliver a Worker Environmental Awareness Program (WEAP) on the ecology of the Mohave ground squirrel to the construction employees.
62. (BIO-7) To reduce the potential of take of Mohave ground squirrels, and prior to ground disturbing activity, a qualified biologist will deliver a Worker Environmental

Awareness Program (WEAP) on the ecology of the Mohave ground squirrel to the construction employees. A qualified biological monitor shall be on site during initial ground disturbing activities. The name and phone number of the biological monitor shall be provided to a CDFW regional representative at least 14 days before ground disturbing activities. If the biological monitor observes a living Mohave ground squirrel on the construction site and/or determines that a Mohave ground squirrel was killed by project related activities during construction or otherwise found dead, a written report will be sent to CDFW within 5 calendar days. The report will include the date, time of the finding or incident (if known), location of the carcass and the circumstances (if known). Mohave ground squirrel remains shall be collected and frozen as soon as possible. The California Department of Fish and Wildlife shall be contacted as to the ultimate disposition of the remains.

63. (BIO-8) Prior to issuance of grading permits or other permits authorizing ground disturbance (e.g., vegetation clearing, clearing and grubbing, tree removal, site watering, equipment staging), the Project applicant shall obtain all necessary authorizations from the Corps and Water Board for discharging fill material into a total of 0.12 acres of ephemeral stream habitat and authorization from the CDFW for discharging fill material into a total of 0.029 acres of ephemeral stream habitat.
64. (BIO-9) Prior to issuance of grading permits or other permits authorizing ground disturbance (e.g., vegetation clearing, clearing and grubbing, tree removal, site watering, equipment staging), The applicant shall either purchase agency authorized mitigation bank credits or prepare a detailed Mitigation and Monitoring Plan (MMP) to be submitted to the Corps, Water Board, and CDFW for review and approval as part of the process for obtaining permits from the agencies. The Wetland Mitigation Plan will address the loss of ephemeral drainage impact due to the proposed project development. The MMP once implemented at a minimum shall compensation for impacts to ephemeral drainages at a minimum 1:1 mitigation ratio or 0.12-acre for impacts to Corps and Water Board jurisdiction waters and 0.29-acre for impacts CDFW jurisdictional waters.
65. (BIO-10) To avoid violation of the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code, site-preparation activities (removal of trees and vegetation) for all projects shall be avoided, to the greatest extent possible, during the nesting season (generally February 1 to August 31) of potentially occurring native and migratory bird species. If site-preparation activities for implementing projects are proposed during the nesting/breeding season (February 1 to August 31), a pre-activity field survey shall be conducted by a qualified biologist prior to the issuance of grading permits for such project, to determine if active nests of species protected by the MBTA or the California Fish and Game Code are present in the construction zone. If active nests are not located within the implementing project site and an appropriate buffer of 500 feet of an active listed species or raptor nest, 300

feet of other sensitive or protected bird nests (non-listed), or 100 feet of sensitive or protected songbird nests, construction may be conducted during the nesting/breeding season. However, if active nests are located during the pre-activity field survey, no grading or heavy equipment activity shall take place within at least 500 feet of an active listed species or raptor nest, 300 feet of other sensitive or protected (under MBTA or California Fish and Game Code) bird nests (non-listed), or within 100 feet of sensitive or protected songbird nests until the nest is no longer active.

66. (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.
67. (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.
68. (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 California Health and Safety Code §7050.5 and that code enforced for the duration of the project.
69. (GEO-1) If evidence of subsurface paleontological resources is found during construction, excavation and other construction activity in that area shall cease and the construction contractor shall contact the City of Victorville Planning Director. With direction from the Planning Director, a paleontologist certified by the County of San Bernardino shall evaluate the find prior to resuming ground disturbing activities in the immediate vicinity. If warranted, the paleontologist shall prepare and complete a standard Paleontological Resources Mitigation Program for the salvage and curation of identified resources.

- 70.(GHG-1) The project shall implement the Greenhouse Gas Emissions Screening Table Review Measures (GHG Screening Table Measures) providing for a minimum 100 points per the City's Greenhouse Gas Emissions Screening Table Review form. The City shall verify incorporation of the identified GHG Screening Table Measures or equivalent replacement measures within the Project building plans and site design prior to the issuance of building permit(s) and/or site plans as applicable.
- 71.(TCR-1) The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed in Mitigation Measure CUL-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. If the find is 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.
- 72.(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. Note: Yuhaaviatam of San Manuel Nation on realizes that there may be additional tribes claiming cultural affiliation to the area; however, Yuhaaviatam of San Manuel Na on can only speak for itself. The Tribe has no objection if the agency, developer, and/or archaeologist wishes to consult with other tribes in addition to YSMN and if the Lead Agency wishes to revise the conditions to recognize additional tribes.

**Engineering Conditions:**

- 73.The developer shall dedicate an easement for public right-of-way to the City of Victorville for the following in accordance with the Circulation Element of the General Plan:
- i. 32-feet from the centerline of improvements for Onyx Street.
  - ii. 34-feet from the centerline of improvements for Cactus Road.
  - iii. 64-feet from the centerline of improvements for Mojave Drive.
  - iv. 75-feet from the centerline of improvements for Mojave Drive at the required right-turn pocket.
  - v. The corner cut-off/chamfer for the NEC of Mojave Drive and Mesa Linda Avenue shall accommodate a 40-foot radius curb return and City standard accessibility ramp per City Standard No. S-11.
  - vi. The corner cut-off/chamfer for the NWC of Mojave Drive and Onyx Road shall accommodate a 40-foot radius curb return and City standard accessibility ramp per City Standard No. S-11.

- vii. The corner cut-off/chamfer for the SWC of Cactus Road and Onyx Road shall accommodate a 25-foot radius curb return and City standard accessibility ramp per City Standard No. S-11.
74. The developer shall install all improvements required by Section 9.32.040 of the Victorville Municipal Code (including curbs, gutters, sidewalks, pavement widening, drive approaches, street lighting, and drainage facilities) along the street frontages of the project, in accordance with the Standard Specifications for Public Improvements of the City of Victorville. The required street improvements include:
- i. Pavement and pavement widening, curb & gutter, commercial sidewalk, and commercial driveway approaches along the Mojave Drive frontage, Mesa Linda Avenue frontage, and Cactus Road frontage.
  - ii. If the existing pavement on Mojave Drive meets City Standard No. S-25, the developer shall complete a grind & overlay from Onyx Road to Mesa Linda Avenue. If the AC structural section is inadequate, it shall be removed & replaced per City Standard No. S-25. The limits pavement rehabilitation shall be from the new northerly curb to the existing median curbing.
  - iii. The extension of Cactus Road from the project's westerly boundary to existing pavement per City Standard No. S-25.
  - iv. Installation of streetlights along the frontages of the property per City Standards.
  - v. Landscaping parkway improvements along the frontages of the property per City Standards. Improving the center median by providing irrigation & landscaping and/or grouted river rock between the existing curbs.
  - vi. Per the Traffic Impact Analysis, the developer shall construct a new traffic signal at Mojave Drive and Mesa Linda Avenue intersection prior to opening day.
  - vii. The installation of the Master Planned Drainage Facilities E-01 on Mojave Drive and Onyx Road as required by the preliminary drainage study.
75. The City Engineer will recommend that the City Council enter into a DIF credit agreement for the required public improvements that are constructed by the Developer in accordance with City Policy No. CP-22-01.
76. Prio to the issuance of permits, the developer shall enter into an Improvement Agreement for the completion of all public improvements as required by Section 9.32.040 of the Victorville Municipal Code. The improvement agreement shall be secured by one of the forms specified by Section 17.64.060 of the Victorville Municipal Code.
77. The developer shall establish a new commercial Landscape Maintenance Assessment District (LMAD), or other mechanism as determined by the City, for the perpetual maintenance for the required parkway landscaping and irrigation improvements.

78. Street improvement plans for all required curb, gutter, sidewalks, pavement widening, driveway approaches, street lighting, and other improvements within public right-of-way shall be submitted to the Development Department for review and approval by the City Engineer.
79. Traffic signal plans shall be submitted to the Development Department for review and approval by the City Engineer.
80. A signing and striping improvement plan shall be submitted to the Development Department for review and approval by the City Engineer.
81. Landscape and irrigation improvement plan shall be submitted to the Development Department for review and approval by the City Engineer.
82. The developer shall install streetlights on decorative marblelite standards along the frontages of the project property as required by the City Engineer. A street lighting plan shall be prepared by the developer's engineer and submitted to the Development Department for review and approval by the City Engineer.
83. The site and public walkways shall be designed and constructed for accessibility in compliance with the guidelines of the Americans with Disabilities Act Standards for Accessible Design and the Standard Specifications for Public Improvements of the City of Victorville.
84. 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.
85. 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.
86. The developer shall prepare a 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.
87. 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.

88. A geotechnical report shall be submitted with and incorporated into the grading plan.
89. 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.
90. 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.
91. If landscaped areas equal or exceeds 1,000 square feet than a separate irrigation with an RP device shall be required. A reduced pressure backflow device per City standard W-39 must be installed behind the domestic water meter serving the site. A Fire Service Reduced Pressure Detector Assembly per City standard W-28 shall be installed on the fire protection service if on-site protection is required. The developer shall submit plans for water service connections and valves to the Development Department for review and approval by the City Engineer. A current water service will serve letter from Victorville Water District is required with the plan submittal. Water service shall be subject to the conditions within the will serve letter and the approved Water Supply Assessment Study including:
  - i. The construction of a 12" water main on Mojave Drive from the project's easterly boundary to Diamond Road.
  - ii. The construction of a 12" water main on the Mojave Drive, Mesa Linda Avenue, and Cactus Road frontages.
  - iii. The construction of a 12" water main on the Onyx Road frontage.
  - iv. The construction of a PRV station at the intersection of Mesa Linda Avenue and Mojave Drive.
92. This project requires a connection to the City's sewage collection system. All improvements shall be installed by the developer in accordance with the Standard Specifications for Public Improvements of the City of Victorville. Sewer improvement plans shall be submitted to the Development Department for review and approval by the City Engineer. Per the approved sewer feasibility study, the developer shall construct:
  - i. A 10" sanitary sewer on Mesa Linda Avenue from Mojave Drive to Cactus Road.
  - ii. A 10" sanitary sewer on Cactus Road from Mesa Linda Avenue to Diamond Road.
93. A permit issued from the City's Engineering Department is required for the connection to the City's sewer and water systems.

94. All public utility distribution lines, including service lines to the site, shall be installed by the developer.
95. The method of installation (trenching or boring) for connections to existing utilities (sewer, water, storm drain, etc.) within paved streets shall be subject to approval by the City Engineer.
96. The developer shall be responsible for all costs (including application, design, and construction fees) incurred due to the relocation of existing utility facilities where such facilities conflict with the improvements associated with this project.
97. Landscaping within the traffic sighting distance triangle at intersections and driveway connections to public streets shall be limited to ground cover only and shall not include shrubs and trees.
98. The developer shall pay any and all fees and charges that may become effective prior to the issuance of a building permit or utility connection, and shall pay such fees as a condition of obtaining a building permit.
99. 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.
100. 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.
101. On-site drainage to streets shall be conveyed through parkway drains or as approved by the City Engineer.
102. 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.

**Building Conditions:**

103. The project shall comply with all building codes in effect at the time of plan submittal.
104. The scope of work indicated will require accessibility upgrades to be included in accordance with Section 11B-202 of the California Building Code.
105. 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.

**Fire Department Conditions:**

106. Shall comply with all 2022 California Building and Fire Code requirements based on occupancy classification; and all applicable City of Victorville Fire Prevention Standards.
107. Automatic Fire Sprinkler System(s) are required for the proposed building(s). System shall be monitored. Plans shall be submitted and approved prior to construction and comply with **City of Victorville Fire Prevention Standard F-1**.
108. Monitored Fire Alarm System(s) is required for the proposed building(s). Plans shall be submitted and approved prior to construction and comply with **City of Victorville Fire Prevention Standard F-5**.
109. Paved access from 2 points is required and shall comply with **City of Victorville Fire Prevention Standard A-2**. Plans shall be approved prior to the commencement of construction. **Cactus Road shall be extended west to Highway 395 from proposed building site and shall be paved with a minimum unobstructed width of 26 feet.**
110. Interior/Exterior Fire Department Access roadways/fire lanes shall be required per **City of Victorville Fire Prevention Standard A-1. Fire Lane shall have a minimum unobstructed width of 30 feet adjacent to building.**
111. An approved On-Site Private Underground Fire Service Line(s), in accordance with **City of Victorville Fire Prevention Standard W-2/F-4 and City of Victorville Water Standard W-28**, shall be in-service prior to any combustible materials being located on-site.

112. Required Fire Flow for this project is estimated to be 4,000gpm @20psi for a 4-hour duration at furthest remote hydrant. Contact **City of Victorville Cross-Connection Department** to assure availability of required fire flow.
113. Knox Box/Key Box is required and shall be provided and installed in accordance with **City of Victorville Fire Prevention Standard A-4**.
114. Access gates shall be provided with an 'Opticom' receiver capable of opening gates via decoding of the 'Opticom' strobe signal transmitted by Fire, police, and Ambulance units. All access gates shall require mechanical means for opening in event of power failure, shall not impinge on required clear width when fully open, and shall be equipped with Knox Box lock actuation devices. **City of Victorville Fire Prevention Standard A-3**.
115. Projects with buildings exceeding 100,000 square feet or a private underground supply that serves five (5) or more sprinkler risers or fire hydrants shall be required to have a looped fire line system with a minimum of two (2) points of connection to the public and private water source. **City of Victorville Fire Prevention Standard W-2**.