

Attachment A

Minor Location & Development Plan (MLDP) # 21-18 – Proposal by Caligold, LLC for Tenant Improvements to an existing 29,925 SF building for Adult Use & Medical Use Cannabis Cultivation located at 17455 Muskrat Avenue, Unit 11 within the LM zoning district (APN: 0459-851-10 (Formerly 0459-851-13) Related Cases: MMC 19-04, AUCC 19-27, CUP 16-37, LDP 16-23

Applicant: Caligold, LLC, Mr. James Tracy, 22421 Gilberto, Rancho Santa Margarita, CA 92688

DEVELOPMENT SERVICES DEPARTMENT (Planning Division)

General Conditions:

1. **Approval Period.** Approval of this project will become valid only after a signed copy of the City's approval letter is received by the Planning Department acknowledging acceptance of all conditions of approval. If not received within 10 working days after approval action, this approval will be null and void.
2. This approval shall be used within 12-Months of the approval date of this project by **October 17, 2022**, otherwise, it shall become invalid and of no effect whatsoever. Use means the beginning of the substantial construction under this approval within a 12-Month period, which is thereafter diligently pursued to completion. The applicant may apply for one (1) one-year extension to permit additional time to begin construction. In the event the use hereby permitted ceases operation for a period of one (1) year or more, this approval shall become invalid.
3. **Modification to Plans.** Subsequent modifications of this approval, which do not intensify the use, including but not limited to reorientation of structures, alteration of parking and circulation design, minor changes to the Conditions of Approval, interpretations of the Conditions of Approval relative to intent, necessity of, and timing, may be approved by the Community Development Director, unless the Director requires a Substantial Conformance or Revised Permit application in accordant with the City's Development Code.
4. **Indemnity.** The applicant shall agree to defend, indemnify, and hold harmless the City, its agents, officers, or employees against any action, claim, or proceeding brought because of the issuance of such approval, or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees, for any Court costs and attorney's fees, which the City, its agents, officers or employees may be required to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his obligations under this condition.
5. **County CEQA Notice of Exemption.** The proposed project has been determined to be exempt from CEQA. Accordingly the applicant/owner shall file a Notice of Exemption with San Bernardino County within five (5) days of this approval at their own expense. A copy of the filed NOE shall be submitted to the Planning Division immediately upon filing. The applicant should be aware that Section 21089(b) of the Public Resources Code provides

that any project approved under CEQA is not operative, vested or final until the required fee is paid. Proof of fee payment will be required prior to issuance of any permits.

6. **Outstanding Costs.** Any fees due to the City of Adelanto for processing this project shall be paid to the City within 30 calendar days of final action. Failure to pay such outstanding fees within the time specified shall invalidate any approval or conditional approval granted by this action. No permits, site work, or other actions authorized by this entitlement shall be permitted, authorized or commenced until all outstanding fees are paid to the City.
7. **City Codes.** The project shall comply with all disabled access requirements of the American with Disabilities Act and Title 24 of the State Code, and all local requirements of the City of Adelanto Municipal Code, including Title 17 (Zoning Code), specifically the R-1 zoning district.
8. **Required Approvals.** The applicant shall obtain the following clearances or approvals:
 - a. Verification from the Planning Division that all pertinent conditions of approval have been met, including any administrative development plan review approvals, as mandated by the Adelanto Municipal Code.
 - b. Building and Safety Department approval.
 - c. San Bernardino County Fire and any other required approval from an outside agency.
9. **Signed Approval Letter.** A signed copy of the City's approval letter shall be on file with the Planning Department. If ownership of the property or the developer of the property has change since the original approval, a new copy of the City approval letter shall be signed by the current development parties.
10. **Signage.** Proposed signs for this development shall require a separate application Approval by the Planning Department prior to installation. The project shall remain in full compliance with all City sign regulations at all times.
11. The conditions of approval for Minor Location and Development Plan 21-18 shall be included on the construction plans and documents submitted to the Building and Safety Department for plan check.

During Construction:

12. **Approved Plans.** All construction shall be per building permits issued by the Building Department and UBC Standards, and dust control shall be exercised at all times during construction.
13. **Dust Control.** The applicant shall apply water to the disturbed portions of the project site at least two times per day. On days where wind speeds are sufficient to transport fugitive dust beyond the working area boundary, the applicant shall increase watering to the point that fugitive dust no longer leaves the property (typically a moisture content of 10%), and/or the applicant shall terminate grading and loading operations.

14. **Construction Practices/Activity.** To reduce potential noise and air quality nuisances, the following items shall be listed as "General Notes" on the construction drawings:
 - a. Construction activity and equipment maintenance is limited to the hours between 7:00 a.m. and dusk on weekdays. Construction may not occur on weekends or State holidays, without prior consent of the Building Official. Non-noise generating activities (e.g. interior painting) are not subject to these restrictions.
 - b. Stationary construction equipment that generates noise in excess of 65 dBA at the project boundaries must be shielded and located at least 100 feet from occupied residences. The equipment area with appropriate acoustic shielding shall be designated on building and grading plans. Equipment and shielding shall remain in the designated location throughout construction activities.
 - c. Construction routes are limited to City of Adelanto designated truck routes.
 - d. Water trucks or sprinkler systems shall be used during clearing, grading, earth moving, excavation, or transportation of cut or fill materials to prevent dust from leaving the site and to create a crust after each day's activities cease. At a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour.
 - e. A person or persons shall be designated to monitor the dust control program and to order increased watering as necessary to prevent transport of dust off-site. The name and telephone number of such person(s) shall be provided to the City.
 - f. All grading equipment shall be kept in good working order per factory specifications.
 - g. The contractor shall provide verification that all construction equipment is in proper tune per the manufacturer's recommendation.
 - h. Roll off trash bins and chemical toilets for construction workers shall be required on all construction sites and temporary fencing provided around the construction sites and/or a row of temporary fencing provided at such location as to prevent any building materials from blowing off of the construction site.
 - i. During those periods when grading is being conducted, the contractor shall inspect the adjacent paved roadways at least two times per week, and shall sweep the street if visible dirt or dust, attributable to the project, can be seen on the roadway.

15. **Human Remains.** If human remains are encountered on the property, then the San Bernardino County Coroner's Office MUST be contacted within 24 hours of the find, and all work halted until a clearance is given by that office and any other involved agencies. Contact the County Coroner at either 1) 15329 Bonanza Road, Unit 8, Victorville, CA 92392 or (760) 955-8535; or 2) 175 South Lena Road, San Bernardino, CA 92415-0037 or (909) 387-2978.