

ATTACHMENT "A"
List of Conditions for CUP24-00012

Approval Date:
Effective Date:
Expiration Date:

This list of conditions applies to: Consideration of a Conditional Use Permit, CUP24-00012 to construct a 5,915 square foot convenience store with off-sale of alcohol along with a 4,080 square foot fueling station canopy with 10 pumps and a 1,968 square foot drive thru carwash in conjunction with adoption of a mitigated negative declaration pursuant to the provisions of CEQA on a 2.36 acre site within the Neighborhood Commercial (NC) zone of the Main Street and Freeway Corridor Specific Plan located on the northwest corner of Phelan Road and HWY 395 (Applicant: AUE Energy LLC; APNs: 3064-401-10).

The use shall not be established until all conditions of this land use approval application have been met. This approved land use shall become null and void if all conditions have not been completed by the expiration date noted above. Extensions of time may be granted upon submittal of the required application and fee prior to the expiration date.

(Note: the "COMPLETED" and "COMPLIED BY" spaces are for internal City use only).

CONDITIONS REQUIRED AS PART OF SUBMITTAL OF PUBLIC IMPROVEMENT PLANS

<u>COMPLETED</u> NOT IN COMPLIANCE	<u>COMPLIED BY</u>	CONSTRUCTION PLANS. Five complete sets of construction plans prepared and wet stamped by a California licensed Civil or Structural Engineer or Architect shall be submitted to the Building Division with the required application fees for review. (B)
<u>COMPLETED</u> NOT IN COMPLIANCE	<u>COMPLIED BY</u>	SPECIALTY PLANS. The following additional plans/reports shall be required for businesses with special environmental concerns: (B) A. Three sets of plans for underground fuel storage tanks shall be submitted to the Building Division with required application fees.
<u>COMPLETED</u> NOT IN COMPLIANCE	<u>COMPLIED BY</u>	IRREVOCABLE OFFERS OF DEDICATION. The Developer shall submit an Offer of Dedication to the City's Engineering Department for review and approval. At time of submittal the developer shall complete the City's application for document review and pay all applicable fees. (E)
<u>COMPLETED</u> NOT IN COMPLIANCE	<u>COMPLIED BY</u>	UTILITY NON INTERFERE/QUITCLAIM DOCS. The Developer shall provide non interference and or quitclaim letter(s) from any applicable utility agencies for any utility easements that affect the proposed project. All documents shall be subject to review and approval by the Engineering Department and the affected utility agencies. The improvement plans will not be accepted without the required documents and approval from the affected agencies. (E)
<u>COMPLETED</u> NOT IN COMPLIANCE	<u>COMPLIED BY</u>	WATER/SEWER/STORM DRAIN EASEMENT. The Developer shall submit a "Grant of Easement" to the City's Engineering Department for review and approval if needed. A time of

submittal the developer shall complete the City's "application for document review" and pay all applicable fees. (E)

COMPLETED
NOT IN COMPLIANCE

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GEOTECHNICAL REPORT. The Developer shall provide two copies of the soils report to substantiate all grading building and public improvement plans. Include R value testing and pavement recommendations for public streets. (E B)

COMPLETED
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COMPLIED BY

PLAN CHECK FEES. Plan checking fees must be paid in conjunction with the improvement plan submittal. All required plans, maps, requested studies, CFD annexations, etc. must be submitted as a package. The Developer shall coordinate with the City's Engineering Analyst, Dena Alcayaga at (760) 947-1438 or dlalcalyaga@cityofhesperia.us, to obtain the fee calculation form which shall be completed and submitted, along with fee payment, at time of plan submittal. Any outstanding fees must be paid before final inspection and the release of bonds.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

TITLE REPORT. The Developer shall provide a complete title report 90-days or newer from the date of submittal. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

TRAFFIC STUDY. The applicant shall be required to provide a traffic study prepared by a California licensed traffic engineer. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

DRAINAGE STUDY. The Developer shall submit three (3) copies of a Final Drainage Study which analyzes the pre-project and proposed project hydrology, including flows from offsite, flows generated onsite, hydraulic properties of flows entering or exiting the project to and from natural or constructed conveyances, and capacity and function of any runoff management structures such as catch basins, inlets, outlets and detention or retention structures. The study must include all information specified in the City's hydrology study outline

COMPLETED
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COMPLIED BY

DRYWELLS. The Project may be permitted to install drywells to ensure the required drawdown time will be achieved.

- A. Drywells shall have a City-approved pretreatment component equivalent to a 2-phase system with debris shield and filter element.
- B. Drywells shall be constructed by a contractor qualified in the construction of drywells.
- C. Drywells in retention basins shall include a secured grate to prevent unauthorized removal.
- D. The excavation for the drywell shall penetrate a minimum of 10 continuous feet into a suitable permeable layer or when a depth of 60 feet has been reached, unless otherwise approved by the City Engineer.
- E. Drywells that cease to drain a basin or underground system within 48 hours of the end of a storm event shall be replaced or refurbished by the owner. This requirement shall be written in the CC&Rs for all subdivisions where drywells are installed.
- F. Drywell usage shall comply with all prevailing City, State, and Federal requirements, including the Underground Injection

Control Regulations for Class V Injection Wells.

G. A Drywell Maintenance Plan shall be submitted to the City for review and approval prior to the approval of a drywell installation at a project site.

H. The Drywell Maintenance Plan shall include the following:

1. Drywell(s) location, depth, type, installing contractor, date of installation, owner, maintenance contractor, and emergency contact.

2. Settling chambers and interceptors to be inspected annually;

3. Removal of sediment and debris when:

a. Sediment/debris level fills = 25% of the capacity;

b. Drywell ownership or maintenance responsibility changes;

c. Material not resulting from stormwater/urban runoff enters the settling chamber or

interceptor

I. Submit inspection/maintenance reports to the City (Building and Safety) within 10 days of inspection/maintenance.

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OFFSITE DRAINAGE IMPACT PREVENTION. The Project shall provide safe conveyance for offsite runoff either routed through the project or around the project site. The Project shall ensure that the proposed conveyance of offsite flows will not increase adverse impacts to downstream properties and/or drainage facilities for the 1-hour design storm for the 100-year return frequency rainfall events.

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The Project shall be designed to prevent adverse impacts to downstream properties and/or drainage facilities caused or exacerbated by the project. The project shall demonstrate that runoff from the completed project site will not exceed 90% of the pre-project runoff discharge rates for the 24-hour design storm for the 100-year return frequency rainfall events.

A. Drawdown Time. All drainage facilities which are designed to percolate/infiltrate surface runoff (including basins, drywells, or infiltration-based low impact development features) shall not accumulate standing water for more than 48 hours. All drainage facilities designed to provide detention storage shall recover 100 percent of their design detention volume within 48 hours.

B. Groundwater Protection. The Project shall ensure any retention/infiltration or detention facilities will not adversely impact groundwater.

C. Underground Retention/Detention Systems. The Project shall demonstrate a minimum functional life span of 50 years for materials (e.g., polymer, metal, mineral-based, or other) used in underground retention/detention systems.

COMPLETED
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COMPLIED BY

INDEMNIFICATION(1). To the furthest extent allowed by law, Applicant shall indemnify, hold harmless and defend City and each of its officers, officials, employees, consultants, agents and volunteers from any and all loss, liability, fines, penalties, forfeitures, damages and costs (including attorney's fees, litigation expenses and administrative record preparation

costs) arising from, resulting from, or in connection with any Third-Party Action (as hereinafter defined). The term "Third Party Action" collectively means any legal action or other proceeding instituted by (i) a third party or parties, or (ii) a governmental body, agency or official other than the City, that: (a) challenges or contests any or all of these Conditions of Approval or any approval associated with entitlements associated with the project to which these conditions of approval apply (collectively "Approvals"); or (b) claims or alleges a violation of CEQA or another law in connection with the Approvals by the City, or the grant, issuance or approval by the City of any or all Approvals. Applicant's obligations under this paragraph shall apply regardless of whether City or any of its officers, officials, employees, consultants, agents or volunteers are actively or passively negligent, but shall not apply to any loss, liability, fines, penalties forfeitures, costs or damages caused solely by the active negligence or willful misconduct of the City or any of its officers, officials, employees, agents or volunteers. The provisions of this section shall survive any termination, revocation, overturn, or expiration of an approval. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

INDEMNIFICATION(2). Nothing in this condition shall obligate the City to defend any claim and the City shall not be required to pay or perform any settlement arising from any such claim unless the City approves the settlement in writing. Additionally, the City shall not be prohibited from independently defending any claim, and whether or not the City does decide to independently defend a claim, the applicant shall be responsible for City's attorneys' fees, expenses of litigation, and costs for that independent defense, including the costs of preparing any required administrative record. Unless the City independently chooses to defend any Third Party Action on its behalf, Applicant shall control the conduct of the defense of any claim or action provided that: (1) the City shall have the right, prior to filing, to review and approve any and all pleadings or related documents filed with the court in connection with such defense and Applicant shall reimburse the City for review time for each draft brief or pleading to be filed on behalf of the City; and (2) the City shall review and reasonably approve any proposed settlement. The Applicant acknowledges that the City is not obligated to approve a proposed settlement requiring the City to pay or incur any monetary amount, take a future legislative action, render a future quasi judicial decision, or otherwise take a future discretionary government action. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

INDEMNIFICATION(3). The City may, at any time, require the applicant to reimburse the City for costs that have been, or which the City reasonably anticipates will be, incurred by the City during the course of processing or defending any Third-Party Actions. The City shall provide Applicant with an invoice detailing all reasonable costs incurred. Applicant shall tender to the City payment in full of all reasonable and necessary costs within thirty (30) days from the date upon the invoice. Applicant further acknowledges and agrees that failure to timely tender payment in full to the City shall be considered a breach and non compliance with the conditions

of approval for the project. Applicant shall also be required, upon request of the City, to deposit two month's estimated costs anticipated by the City to be incurred, which may be used by the City as a draw down account to maintain a positive balance pending tender of payment by Applicant as noted herein. (P)

COMPLETED
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EXPIRATION OF ENTITLEMENT. Unless the applicant has obtained a grading permit and/or building permit and commenced construction, this approval shall expire three (3) years from the date of action of the reviewing authority. Where no grading or building permit is required, the allowed use on the site shall have commenced prior to the expiration date in compliance with the approval and any applicable conditions of approval. An extension of time may be granted pursuant to Municipal Code Section 16.12.060 if the applicant files an application and written request for an extension prior to the expiration of the permit. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

CEQA MITIGATION MEASURES. In addition to the conditions of approval, the project must comply with all mitigation measures that are identified in the Initial Study/Mitigated Negative Declaration (P).

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY

COMPLETED
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COMPLIED BY

PRE-CONSTRUCTION MEETING. Pre-construction meetings shall be held between the City the Developer grading contractors and special inspectors to discuss permit requirements monitoring and other applicable environmental mitigation measures required prior to ground disturbance and prior to development of improvements within the public right-of-way. (B)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

SURVEY. The Developer shall provide a legal survey of the property. All property corners shall be staked and the property address posted. (B)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FIRE PROTECTION. Plans for fire protection requirements shall be submitted to the Building Division as follows: (F)

A. Applicant shall annex the site into Community Facilities District CFD 94-01 and insure the reapportionment of all existing obligations affecting the property.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

APPROVAL OF IMPROVEMENT PLANS. All required improvement plans shall be prepared by a registered Civil Engineer per City standards and per the City's improvement plan checklist to the satisfaction of the City Engineer. Five sets of improvement plans shall be submitted to the Development Services Department and Engineering Department for plan review with the required plan checking fees. All Public Works plans shall be submitted as a complete set. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

DEDICATION(S). The Developer shall grant to the City an Irrevocable Offer of Dedication for any part of the Path of Travel located behind any commercial drive approach that

encroach onto private property. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

UTILITY NON INTERFERENCE/QUITCLAIM. The Developer shall provide non interference and or quitclaim letter(s) from any applicable utility agencies for any utility easements that affect the proposed project. All documents shall be subject to review and approval by the Engineering Department and the affected utility agencies. Grading permits will not be issued until the required documents are reviewed and approved by all applicable agencies. Any fees associated with the required documents are the Developers responsibility. (E)

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GRADING PLAN. The Developer shall submit a Grading Plan with existing contours tied to an acceptable City of Hesperia benchmark. The grading plan shall indicate building footprints and proposed development of the retention basin(s) as a minimum. Site grading and building pad preparation shall include recommendations provided per the Preliminary Soils Investigation. All proposed walls shall be indicated on the grading plans showing top of wall (tw) and top of footing (tf) elevations along with finish grade (fg) elevations. Wall height from finish grade (fg) to top of wall (tw) shall not exceed 6.0 feet in height. Grading Plans are subject to a full review by the City of Hesperia and the City Engineer upon submittal of the Improvement Plans. (E)

COMPLETED
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COMPLIED BY

OFF-SITE GRADING LETTER(S). It is the Developers responsibility to obtain signed Off-Site Grading Letters from any adjacent property owner(s) who are affected by any Off-Site Grading that is needed to make site work. The Off-Site Grading letter(s) along with the latest grant deed(s) must be submitted and appropriate fees paid to the City's Engineering Department for plan check approval. (E)

COMPLETED
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COMPLIED BY

STREET IMPROVEMENTS. The Developer shall design street improvements in accordance with City standards and these conditions. (E)

COMPLETED
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PHELAN ROAD: Saw-cut (2-foot min.) and match-up asphalt pavement on Phelan Road across the project frontage based on City's 120-foot Modified Major Arterial Roadway Standard. The curb face is to be at 46' from the approved centerline. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of (E)

- A. 8 Curb and Gutter per City standards.
- B. Sidewalk (width = 6 feet) per City standards.
- C. Roadway drainage device(s).
- D. Streetlights per City standards.
- E. Commercial drive approach per City standards.
- F. Pavement transitions per City Standards.
- G. Design roadway sections per existing approved street sections and per R value testing with a traffic index of 12 and per the soils report.
- H. Cross sections every 50-feet per City standards.

- I. Traffic control signs and devices as required by the traffic study and or the City Engineer.
- J. Provide a signage and striping plan per City standards.
- K. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

PHELAN ROAD CALTRANS: Developer shall coordinate with Caltrans for all design, approval, permitting and construction with Caltrans right-of-way. Design plans for work within Caltrans right-of-way shall be approved by Caltrans and included as part of the civil design plans submitted to the City of Hesperia.

COMPLETED
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COMPLIED BY

HIGHWAY 395 CALTRANS: Developer shall coordinate with Caltrans for all design, centerline alignment, approval, permitting and construction with Caltrans right-of-way Including TIA. Design plans for work within Caltrans right-of-way shall be approved by Caltrans and included as part of the civil design plans submitted to the City of Hesperia.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

UTILITY PLAN. The Developer shall design a Utility Plan for service connections and / or private hydrant and sewer connections. Any existing water, sewer, or storm drain infrastructures that are affected by the proposed development shall be removed / replaced or relocated and shall be constructed per City standards at the Developers expense. (E)

A. A remote read automatic meter reader shall be added on all meter connections as approved by the City Engineer.

B. The Developer shall design a Utility Plan for service connections and / or private water and sewer connections. Domestic and fire connections shall be made per approved site plan per City Standards.

C. It is the Developers responsibility to connect to sewer and pay the appropriate fees. The Developer will be required to connect to the existing sewer main in Caliente Road per City standards.

D. Complete V.V.W.R.A.s Wastewater Questionnaire for Commercial / Industrial Establishments and submit to the Engineering Department. Complete the Certification Statement for Photographic and X ray Processing Facilities as required.

COMPLETED
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COMPLIED BY

OVERFLOW-OUTFALL. Each project shall be designed such that the outfall(s) for discharges from the project site in excess of design capacity and or in excess of the 100-year, 24-hr design storm is are routed to a public street, storm drain, drainage channel, or natural watercourse.

If such an outfall does not exist, the Project shall provide an outfall.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

DWR REVIEW. Applicant shall submit the final hydrology study to the California Department of Water Resources for review and approval.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

DESIGN FOR REQUIRED IMPROVEMENTS. Improvement plans for off-site and on-site improvements shall be consistent with the plans approved as part of this site plan review

application. (E, P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

NATIVE AMERICAN RESOURCES. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project. In the event that Native American cultural resources are discovered during project activities, all work in the immediate vicinity of the find shall cease and a qualified archaeologist 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. If significant Native American historical resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, a qualified archaeologist shall be retained to develop a cultural resources Treatment Plan, as well as a Discovery and Monitoring Plan. The Lead Agency and/or applicant shall, in good faith, consult local Indian tribes on the disposition and treatment of any artifacts or other cultural materials encountered during the project. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FISH & GAME FEE. Within five days from approval of the entitlement, the applicant shall file a Notice of Determination with the San Bernardino County Clerk of the Board and pay the filing fee of \$4,101.25 payable to the Clerk of the Board of Supervisors of San Bernardino County. A copy of the stamped NOD from the County shall be provided to the Planning Division when completed. Additionally, an electronic copy of the stamped NOD shall be filed with the Governor's Office of Planning and Research and posted on the CEQAnet Web Portal. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

PRE-CONSTRUCTION SURVEY. A pre-construction survey for the burrowing owl shall be conducted by a City approved and licensed biologist, no more than 30 days prior to ground disturbance.

A qualified biologist will perform breeding season and non-breeding season burrowing owl pre-construction surveys of the Project work area according to the CDFW Staff Report on Burrowing Owl Mitigation (2012 or most recent version). If performing both breeding season and non-breeding season surveys is infeasible, Project Proponent shall coordinate with CDFW regarding whether to proceed with either breeding season surveys or non-breeding season surveys, which will be determined by CDFW and depend on Project timelines. The qualified biologist conducting the surveys will identify, flag, and map all burrows potentially occupied by burrowing owl and confirm occupation of all potential burrows. Methods of determining burrow occupancy may include, but will not be limited to, visual observations of scat or tracks outside burrow entrances, installing trail cameras for nocturnal observations, or a combination of these methods as appropriate.

If burrows occupied by burrowing owl are found during pre-construction surveys, adequate buffers will be established around burrows. Adequate buffers will be determined by a

qualified biologist based on field conditions and the CDFW Staff Report on Burrowing Owl Mitigation (2012). (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

PROTECTED PLANTS. Three copies of a protected plant plan shall be submitted to the Building Division showing the present location and proposed treatment of all smoke tree, species in the Agavacea family, mesquite, large creosote bushes, Joshua Trees, and other plants protected by the State Desert Native Plant Act. The grading plan shall be consistent with the approved protected plant plan. No clearing or grading shall commence until the protected plant plan is approved and the site is inspected and approved for clearing. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

DRIVEWAY/PARKING EASEMENT. An access easement shall be recorded which allows for the perpetual use of the driveway for the benefit of the adjacent property. The easement and the required application and fees shall be submitted to the Planning Division prior to review and approval by the City for recordation. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

NESTING BIRD SURVEY. A pre-construction nesting bird survey will be conducted prior to vegetation removal or initial Project ground disturbance. If an active bird nest that may be impacted by Project-related activities is observed, AMMs, including delaying construction within the immediate vicinity of the active nest or establishing a nest buffer determined by a qualified biologist until the young have fledged or the nest has failed, will be implemented.

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE

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COMPLIED BY

LIGHT POLLUTION REDUCTION. The project shall comply with California Green Building Standards Code (CALGreen) Section 5.106.8 regarding Light Pollution Reduction for non-residential developments. Outdoor lighting systems shall be designed and installed to meet the minimum requirements of the California Energy Code for applicable Lighting Zones (0-4) and shall not exceed the allowable BUG (Backlight, Uplight, and Glare) ratings as specified in CALGreen Table 5.106.8 [N]. (B)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

AQMD APPROVAL. The Developer shall provide evidence of acceptance by the Mojave Desert Air Quality Management District. (B)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

CONSTRUCTION WASTE. The developer or builder shall contract with the City's franchised solid waste hauler to provide bins and haul waste from the proposed development. At any time during construction, should services be discontinued, the franchise will notify the City and all building permits will be suspended until service is reestablished. The construction site shall be maintained and all trash and debris contained in a method consistent with the requirements specified in Hesperia Municipal Code Chapter 15.12. All construction debris, including green waste, shall be recycled at Advance Disposal and receipts for solid waste disposal shall be provided prior to final approval of any permit. (B)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

DEVELOPMENT FEES. The Developer shall pay required development fees as follows:

A. School Fees

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

ELECTRIC VEHICLE CHARGING INFRASTRUCTURE. The project shall comply with the requirements of California Green Building Standards Code (CALGreen) Section 5.106.5.3 regarding electric vehicle (EV) charging infrastructure for non-residential developments. The developer shall provide the required number of EV-capable parking spaces, including the necessary raceways, conduits, panel capacity, and other supporting infrastructure to facilitate the future installation of EV charging stations in accordance with state and local requirements. This may include designated Electric Vehicle Charging Spaces (EVCS) that are required to have Electric Vehicle Supply Equipment (EVSE) installed as part of the project. (B)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

ACCESSIBLE PARKING SPACES. The project shall comply with California Building Code (CBC) Section 11B-208, ensuring that accessible parking spaces are provided as required for non-residential developments. (B)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FINAL WQMP SUBMITTAL. Submit a final WQMP, prepared using the applicable Mojave River Watershed Group Regulated WQMP Template, which includes all required or proposed revisions, addresses any comments provided on the draft WQMP, provides final designs for best management practices (BMPs), and includes calculations for BMP sizing.

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COMPLIED BY

PERCOLATION TEST. The applicant shall provide percolation test data which are adequate to substantiate the hydrologic performance of all proposed basins, underground retention systems, drywells, or other features requiring percolation of surface water:

A. Projects shall provide site-specific percolation test data to substantiate the performance and effective drawdown time of all proposed surface retention basins.

B. Projects shall provide site-specific, depth-appropriate percolation test data for the proposed subsurface infiltration/retention system; and/or for any proposed drywells.

C. Percolations tests shall be performed in accordance with the procedures in Appendix A of the Riverside County Design Handbook for Low Impact Development Best Management Practices; available online at:

<http://www.floodcontrol.co.riverside.ca.us/NPDES/LIDBMP.aspx>

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

STORM WATER POLLUTION PREVENTION PLAN. The Project shall submit to the City for approval two (2) copies of a Storm Water Pollution Prevention Plan (SWPPP) as specified in the prevailing National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities

issued by the California State Water Resources Control Board. Prepare the SWPPP using or following the format of the most recent SWPPP Template in the Construction BMP Handbook prepared by the California Stormwater Quality Association (requires subscription); see: <https://www.casqa.org/resources/bmp-handbooks>

NPDES: The Project shall enroll under the prevailing National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities issued by the California State Water Resources Control Board and pay applicable fees. The Project shall provide proof of such permit coverage including a copy of the Notice of Intent Receipt Letter and the project WDID No. to the City.

Alternatively, projects from 1 to 5 acres with an approved Rainfall Erosivity Waiver authorized by U.S. EPA Phase II regulations certifying to the State Water Resources Control Board that construction activity will occur only when the Rainfall Erosivity Factor is less than 5 (R in the Revised Universal Soil Loss Equation), shall provide a copy of the project's Erosivity Waiver Certification and Waiver ID to the City.

NPDES-PERMIT TERMINATION: Upon completion of construction, the Project shall ensure that all disturbed areas are stabilized and all construction waste, equipment, and unnecessary temporary BMPs are removed from the site. In addition, the Project shall file a Notice of Termination (NOT) with the Lahontan Regional Water Board as required by the NPDES General Permit for Storm Water Discharges.

COMPLETED
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SWPPP IMPLEMENTATION. All of the requirements of the City-approved Storm Water Pollution Prevention Plan shall be implemented prior to the City's issuance of a grading permit, and shall be maintained until construction is complete and all disturbed areas are fully stabilized. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

ROOFTOP EQUIPMENT. All rooftop equipment shall be screened from view from the right-of-way and architecturally integrated into the design of the building. All roof-mounted mechanical equipment proposed on the roof shall be shown on a cross-section of the building, as well as a line of site study, evidencing that the equipment will be screened from view and will not be visible from the right-of-way. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

LANDSCAPE PLANS. The Developer shall submit three sets of landscape and irrigation plans including water budget calculations, required application fees, and completed landscape packet to the Building Division. Plans shall utilize xeriscape landscaping techniques in conformance with the Landscaping Ordinance. The number, size, type and configuration of plants approved by the City shall be maintained in accordance with the Development Code. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

LIGHT AND LANDSCAPE DISTRICT ANNEXATION. Developer shall annex property into the lighting and landscape

district administered by the Hesperia Recreation and Parks District for all required street lights. The required forms are available from the Building Division and once completed, shall be submitted to the Building Division. (RPD)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

STAMPED CONCRETE. Stamped color concrete shall be installed at the driveway entrances in a color and design consistent with the architectural theme of the structures on-site, prior to the issuance of a building permit. The stamped color concrete shall be noted on the approved construction plans accordingly. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

TRASH ENCLOSURE. All trash enclosures shall be in conformance with Municipal Code Section 16.16.360 and City approved construction details. The enclosure shall be enclosed on three sides by a minimum six-foot tall decorative masonry wall with split face block on the viewable side and a decorative cap. The masonry wall shall be earth tone in color; solid grey block is not allowed. The enclosure shall have non-transparent metal gates and a solid roof-cover that is architecturally compatible with the primary building onsite and that serves to protect the refuse area from inclement weather, as well as prevents unauthorized entry into the enclosure. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FUEL CANOPY. The fuel canopy shall be architecturally enhanced to ensure compatibility with the approved convenience store building. All canopy support columns shall incorporate decorative brick or tile veneer consistent with the primary building materials and colors. The decorative treatment shall extend a minimum of five (5) feet in height on all canopy posts, subject to review and approval by the Planning Division. (P)

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

DEVELOPMENT FEES. The Developer shall pay required development fees as follows:

- A. Development Impact Fees (B)
- B. Park Fees (Not applicable to commercial and industrial developments (B))
- C. Utility Fees (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

UTILITY CLEARANCE AND C OF O. The Building Division will provide utility clearances on individual buildings after required permits and inspections and after the issuance of a Certificate of Occupancy on each building. Utility meters shall be permanently labeled. Uses in existing buildings currently served by utilities shall require issuance of a Certificate of Occupancy prior to establishment of the use. (B)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

AS BUILT PLANS. The Developer shall provide as built plans. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

PUBLIC IMPROVEMENTS. All public improvements shall be completed by the Developer and approved by the Engineering

Department. Existing public improvements determined to be unsuitable by the City Engineer shall be removed and replaced. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

EXECUTED AND RECORDED WQMP MAINTENANCE AGREEMENT. The WQMP Maintenance Agreement: Covenant and Agreement Regarding Water Quality Management Plan and Stormwater Best Management Practices Transfer, Access, and Maintenance, must be (1) prepared using the WQMP Maintenance Agreement Template provided as Attachment A to the City of Hesperia WQMP Templates, and (2) the complete WQMP Maintenance Agreement, with the Property Owners notarized signature(s) and suitable for recordation by the City, must be received before the City will authorize the final inspection or issue a Certificate of Occupancy.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

WQMP PERMIT. The Property Owner shall apply for a City WQMP Permit with the Building and Safety Department and pay the applicable permit fees. The WQMP Permit shall be renewed annually. To comply with the WQMP Permit, the Property Owner shall certify on an annual basis that all of the post-construction best management practices (BMPs) described in the approved project WQMP have been inspected and maintained as specified and required by the BMP Inspection and Maintenance Form and Operation and Maintenance Plan. The Property Owner shall provide proof of the WQMP Permit before the City will issue a Certificate of Occupancy.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

LANDSCAPING/IRRIGATION. The Developer shall install the landscaping and irrigation as required by the Planning Division. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

ON SITE IMPROVEMENTS. All on site improvements as recorded in these conditions, and as shown on the approved site plan shall be completed in accordance with all applicable Title 16 requirements. The building shall be designed consistent with the design shown upon the approved materials board and color exterior building elevations identified as Exhibit A. Any exceptions shall be approved by the Director of Development Services. (P)

NOTICE TO DEVELOPER: IF YOU NEED ADDITIONAL INFORMATION OR ASSISTANCE REGARDING THESE CONDITIONS, PLEASE CONTACT THE APPROPRIATE DIVISION LISTED BELOW:

(B) Building Division	947-1300
(E) Engineering Division	947-1476
(F) Fire Prevention Division	947-1603
(P) Planning Division	947-1200
(RPD) Hesperia Recreation and Park District	244-5488