

PLANNING COMMISSION

REGULAR MEETING

Date: March 8, 2018

Time: 6:30 P.M.

COMMISSION MEMBERS

Tom Murphy, Chair

Cody Leis, Vice Chair

Rusty Caldwell, Commissioner

Joline Hahn, Commissioner

Jim Heywood, Commissioner

* - * - * - * - * - * - *

Jeff Codega, Principal Planner

Jeff M. Malawy, Assistant City Attorney



CITY OF HESPERIA

9700 Seventh Avenue

Council Chambers

Hesperia, CA 92345

City Offices: (760) 947-1000

The Planning Commission, in its deliberation, may recommend actions other than those described in this agenda.

Any person affected by, or concerned regarding these proposals may submit written comments to the Planning Division before the Planning Commission hearing, or appear and be heard in support of, or in opposition to, these proposals at the time of the hearing. Any person interested in the proposal may contact the Planning Division at 9700 Seventh Avenue (City Hall), Hesperia, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday, and 7:30 a.m. to 4:30 p.m. on Fridays) or call (760) 947-1200. The pertinent documents will be available for public inspection at the above address.

If you challenge these proposals, the related Negative Declaration and/or Resolution in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to the public hearing.

In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at (760) 947-1200. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.10235.104 ADA Title 11]

Documents produced by the City and distributed less than 72 hours prior to the meeting regarding any item on the Agenda will be made available in the

Planning Division, located at 9700 Seventh Avenue during normal business hours or on the City's website.

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City of Hesperia

City Council Chambers
9700 Seventh Ave.
Hesperia CA, 92345
www.cityofhesperia.us

Meeting Agenda Planning Commission

Thursday, March 8, 2018

6:30 PM

AGENDA HESPERIA PLANNING COMMISSION

As a courtesy, please silence your cell phones, pagers, and other electronic devices while the meeting is in session. Thank you.

Prior to action of the Planning Commission, any member of the audience will have the opportunity to address the legislative body on any item listed on the agenda, including those on the Consent Calendar. PLEASE SUBMIT A COMMENT CARD TO THE COMMISSION SECRETARY WITH THE AGENDA ITEM NUMBER NOTED.

CALL TO ORDER - 6:30 PM

- A. Pledge of Allegiance to the Flag
- B. Invocation
- C. Roll Call

*Tom Murphy Chair
Cody Leis Vice Chair
Rusty Caldwell Commissioner
Joline Bell Hahn Commissioner
James Heywood Commissioner*

JOINT PUBLIC COMMENTS

Please complete a "Comment Card" and give it to the Commission Secretary. Comments are limited to three (3) minutes per individual. State your name for the record before making your presentation. This request is optional, but very helpful for the follow-up process.

Under the provisions of the Brown Act, the Commission is prohibited from taking action on oral requests. However, Members may respond briefly or refer the communication to staff. The Commission may also request the Commission Secretary to calendar an item related to your communication at a future meeting.

CONSENT CALENDAR

- 1. Page 5 Consideration of the February 8, 2018, Planning Commission Draft Meeting Minutes.

Recommended Action:

It is recommended that the Planning Commission approve the Draft Minutes from the Regular Meeting held on February 8, 2018.

Staff Person: Senior Office Specialist Denise Bossard

Attachments: [A1 - 02-08-2018 PC MINUTES](#)

PUBLIC HEARINGS

2. Page 9

Consideration of Conditional Use Permit CUP18-00001 to develop a two-story 9,950 square foot restaurant and a 6,900 square foot banquet room that would serve beer, wine and liquor for on-site consumption (Type 47) on 2.6 gross acres within the Pedestrian Commercial zone of the Main Street and Freeway Corridor Specific Plan located on the southwest corner of Juniper Street and Eighth Avenue (Applicant: Tom Carpino; APN: 0413-021-03).

Recommended Action:

It is recommended that the Planning Commission adopt Resolution No. PC-2018-02, approving CUP18-00001.

Staff Person: Associate Planner Ryan Leonard

Attachments: [Staff Report](#)

[A1 - Site Plan](#)

[A2 - General Plan Map](#)

[A3 - Aerial photo](#)

[A4 - Floor plans](#)

[A5 - Color elevations](#)

[A6 - Color renderings](#)

[A7 - Census tract](#)

[A8- Reso PC-2018-02](#)

[A8.1-Conditions of Approval](#)

3. Page 35

Consideration of Appeal APP18-00001 overturning the Development Review Committee's decision to issue certain conditions of approval for SPRE17-00005 pertaining to timelines on code abatement activities and street improvements located on the west side of Topaz Avenue, 300 feet north of Live Oak Street (Applicant: Cal Earth; APNs; 0405-261-24 & 70).

Recommended Action:

It is recommended that the Planning Commission adopt Resolution No. 2018-04 upholding the Development Review Committee's decision to issue certain conditions of approval for SPRE17-00005 pertaining to timelines on code abatement activities and street improvements.

Staff Person: Senior Planner Daniel Alcayaga

Attachments: [Staff Report](#)
[A1 - Examples of SuperAdobe Structures](#)
[A2 - Appeal Application & Statement](#)
[A3 - Conditions of Approval](#)
[A4- Resolution No. 2018-04](#)

4. Page 55 Consideration of Revocation of Conditional Use Permit CUP14-00013 that permits live entertainment for a hookah lounge at 15923 Bear Valley Road, Unit A120 (Applicant: Spacy Smoke Lounge; APN: 0414-021-20).

Recommended Action:

It is recommended that the Planning Commission adopt Resolution No. PC 2018-03 revoking CUP14-00013 that allows live entertainment for a hookah lounge at 15923 Bear Valley Road.

Staff Person: Senior Planner Daniel Alcayaga

Attachments: [Staff Report](#)
[A1 - Conditions of Approval for CUP14-00013](#)
[A2 - Resolution 2018-03](#)

PRINCIPAL PLANNER'S REPORT

The Principal Planner or staff may make announcements or reports concerning items of interest to the Commission and the public

D. DRC Comments

Page 63 DRC Agendas

Staff Person: Principal Planner Jeff Codega

Attachments: [A1 - 2-07-2018 DRC Agenda With Action](#)
[A2 - 2-21-2018 DRC Agenda With Action](#)

E. Major Project Update

PLANNING COMMISSION BUSINESS OR REPORTS

The Commission Members may make comments of general interest or report on their activities as a representative of the Planning Commission.

ADJOURNMENT

I, Denise Bossard, Planning Commission Secretary of the City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Friday, March 2, 2018, at 5:30 p.m. pursuant to California Government Code §54954.2.

*Denise Bossard,
Planning Commission Secretary*



City of Hesperia Meeting Minutes Planning Commission

City Council Chambers
9700 Seventh Ave.
Hesperia CA, 92345

Thursday, February 8, 2018

6:30 PM

AGENDA HESPERIA PLANNING COMMISSION

CALL TO ORDER - 6:35 PM:

A. Pledge of Allegiance to the Flag:

Pledge of Allegiance led by Vice Chair Cody Leis.

B. Invocation:

Invocation led by Commissioner Joline Hahn.

C. Roll Call:

AYES: Commissioner Rusty Caldwell
Commissioner Joline Hahn
Commissioner Cody Leis
Commissioner Tom Murphy
ABSENT Commissioner Jim Heywood

D. Reorganization of the Planning Commission

1. Election of Chair

Motion by Commissioner Cody Leis to approve Tom Murphy as Planning Commission Chair, Seconded by Commissioner Joline Hahn, passed with the following roll call vote:

AYES: Commissioner Rusty Caldwell
Commissioner Joline Hahn
Commissioner Cody Leis
Commissioner Tom Murphy
ABSENT Commissioner Jim Heywood

2. Election of Vice Chair

Motion by Commissioner Joline Hahn to approve Commissioner Cody Leis as Planning Commission Vice Chair, Seconded by Commissioner Rusty Caldwell, passed with the following roll call vote:

AYES: Chair Tom Murphy
Commissioner Rusty Caldwell
Commissioner Joline Hahn
ABSTAIN: Commissioner Cody Leis
ABSENT Commissioner Jim Heywood

Motion by Chair Tom Murphy to excuse the absence of Commissioner Jim Heywood, Seconded by Commissioner Joline Hahn, passed with the following roll call vote:

AYES: Chair Tom Murphy
Vice Chair Cody Leis
Commissioner Rusty Caldwell
Commissioner Joline Hahn
ABSENT Commissioner Jim Heywood

JOINT PUBLIC COMMENTS:

Chair Tom Murphy opened the Joint Public Comments at 6:41 pm.
There were no public comments.
Chair Tom Murphy closed the Joint Public Comments at 6:41 pm.

CONSENT CALENDAR:

1. Approval of Minutes: November 27, 2017, Planning Commission Meeting Draft Minutes

Recommended Action:

It is recommended that the Planning Commission approve the Draft Minutes from the Regular Meeting held on November 27, 2017.

Sponsor: Senior Office Specialist Denise Bossard

Motion by Commissioner Joline Hahn to approve the Draft Minutes from the Regular Meeting held on November 27, 2017, Seconded by Vice Chair Cody Leis, passed with the following roll call vote:

AYES: Chair Tom Murphy
Vice Chair Cody Leis
Commissioner Rusty Caldwell
Commissioner Joline Hahn
ABSENT Commissioner Jim Heywood

2. Consideration of Development Code Amendment DCA18-00001 modifying the distance limitation in Section 16.16.470 between a delivery dispensary and a legal non-conforming residence within the Cannabis Business - Restricted Area and by finding an exemption from CEQA (Applicant: City of Hesperia; Affected Area: Citywide)

Recommended action:

It is recommended that the Planning Commission adopt Resolution No. PC-2018-01 recommending that the City Council introduce and place on first reading an ordinance approving Development Code Amendment DCA18-00001 modifying the distance limitation in Section 16.16.470 between a delivery dispensary and a legal non-conforming residence within the Cannabis Business - Restricted Area.

Sponsor: Senior Planner Daniel Alcayaga

Senior Planner Daniel Alcayaga presented Development Agreement DCA18-00001.
The Commission asked questions of staff with discussions ensuing.
Chair Tom Murphy opened the Public Hearing at 6:52 pm.

There were no public comments.
Chair Tom Murphy closed the Public Hearing at 6:52 pm.

Motion by Commissioner Joline Hahn to adopt Resolution No. PC-2018-01 recommending that the City Council introduce and place on first reading an ordinance approving Development Code Amendment DCA18-00001 modifying the distance limitation in Section 16.16.470 between a delivery dispensary and a legal non-conforming residence within the Cannabis Business - Restricted Area as amended.

AYES: Commissioner Joline Hahn
NOES Chair Tom Murphy
Vice Chair Cody Leis
Commissioner Rusty Caldwell
ABSENT Commissioner Jim Heywood

As a result of the item failing, Assistant City Attorney Jeff Malawy requested the Commission make a motion to take action on Development Code Amendment DCA18-00001.

Motion by Vice Chair Cody Leis to not adopt Resolution No. PC-2018-01 and deny recommending that the City Council introduce and place on first reading an ordinance approving Development Code Amendment DCA18-00001 modifying the distance limitation in Section 16.16.470 between a delivery dispensary and a legal non-conforming residence within the Cannabis Business - Restricted Area as amended.

AYES: Chair Tom Murphy
Vice Chair Cody Leis
Commissioner Rusty Caldwell
Commissioner Joline Hahn
ABSENT Commissioner Jim Heywood

PRINCIPAL PLANNER'S REPORT:

E. DRC Comments

Principal Planner Jeff Codega introduced himself and provided the Commission with his background, experience, and education.

Principal Planner Jeff Codega updated the Commission on the following:

- 130 single family residential permits for the current fiscal year.
 - 18 single family residential permits issued in January.
- Lake Arrowhead Community Services District General Plan Amendment and Conditional Use Permit denial by the City Council.
- March Planning Commission Agenda items:
 - Cal Earth Educational Institute Appeal.
 - Tom Carpino's 16,850 square foot restaurant, bar and banquet facility.

F. Major Project Update

No update provided.

PLANNING COMMISSION BUSINESS OR REPORTS:

Chair Tom Murphy expressed the Commission's excitement regarding Principal Planner Jeff Codega joining the City and that they look forward to working with him.

ADJOURNMENT:

Meeting adjourned at 7:01 pm until Thursday, March 8, 2018.

Tom Murphy,
Chair

By: Denise Bossard,
Commission Secretary



DATE: March 8, 2018
TO: Planning Commission
FROM: Jeff Codega, AICP, P.E., Principal Planner
BY: Ryan Leonard, AICP, Senior Planner
SUBJECT: Conditional Use Permit CUP18-00001; Applicant: Tom Carpino; APN: 0413-021-03

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2018-02, approving CUP18-00001.

BACKGROUND

Proposal: A Conditional Use Permit (CUP) has been filed to construct a two story 9,950 square foot restaurant, bar, wine cellar, outside mezzanine, and service deli that will be constructed in phase 1 and a 6,900 square foot banquet room that will be constructed in phase 2 on an approximately 2.4 gross acre parcel (Attachment 1). The CUP includes the sale of beer, wine, and liquor from the restaurant and banquet hall for on-site consumption.

Location: On the southwest corner of Juniper Street and Eighth Avenue.

Current General Plan, Zoning and Land Uses: The site is within the Pedestrian Commercial (PC) zone of the Main Street and Freeway Corridor Specific Plan (Specific Plan). The surrounding land is designated as noted on Attachment 2. The site is currently vacant. Hesperia Civic Center Park is located to the north on the opposite side of Juniper Street. Eagle Plaza is located to the south and a San Bernardino County government building is located to the west. The property to the east on the opposite side of Eighth Avenue is vacant (Attachment 3).

ISSUES/ANALYSIS

Land Use: The applicant currently owns and operates a successful Italian restaurant in the Town of Apple Valley and would like to open a second location in the City of Hesperia. The applicant is proposing to construct a two story 9,950 square foot restaurant that will feature a bar, wine cellar, outside mezzanine, and service deli that will be constructed in phase 1 and a 6,900 square foot banquet room that will be constructed in phase 2 (Attachment 4). The sale of beer, wine and liquor from the restaurant (Type 47 License) necessitates the approval of a CUP application.

The 9,950 square foot restaurant building is planned to feature a 1,840 square foot formal sit down restaurant, a 1,150 square foot walk-up deli, an 840 square foot bar and a 480 square foot conference room on the main floor. The second story will feature an 840 square foot mezzanine that will be located directly above the bar and will feature outdoor seating and a fire place. The project also features a below ground 768 square foot wine cellar with an open patio. Access to

the wine cellar will be from an outdoor stairway that is planned to be located within an enclosed patio near the front entrance.

As proposed, the restaurant is planned to accommodate approximately 225 patrons. The deli is planned as a quick serve deli that would be open for mostly takeout until 5:00 p.m. The banquet facility which would be constructed during phase 2 of the project would host various types of private events, such as, wedding receptions, quinceaneras, birthdays, and other similar conference/meeting type events. The banquet room is planned to accommodate approximately 350 patrons.

The proposed development complies with site development regulations, including the minimum building requirements, landscaping, and number of parking spaces. The parking ordinance requires a minimum of 131 parking spaces, based upon the requirements listed in Table 1. As proposed the project complies with the minimum number of parking spaces; the project will provide all of the 136 parking spaces during phase 1 affording 5 surplus spaces at full build-out.

Table 1: Parking Spaces Required

| Floor Plan
(sq. ft) | Parking Formula | Spaces
Required |
|--|--|----------------------------|
| Phase 1 | | |
| Restaurant (1,840 sq. ft.) | 10 spaces per 1,000 square feet gross floor area | 18 |
| Bar (840 sq. ft.) | 10 spaces per 1,000 square feet gross floor area | 8 |
| Conference Room (480 sq. ft.) | 10 spaces per 1,000 square feet gross floor area | 5 |
| Second floor mezzanine (840 sq. ft.) | 10 spaces per 1,000 square feet gross floor area | 8 |
| Below ground wine cellar (768 sq. ft.) | 10 spaces per 1,000 square feet gross floor area | 8 |
| Deli (1,150 sq. ft.) | 10 spaces per 1,000 square feet gross floor area | 12 |
| Kitchen/bathrooms/hallway/office/storage (4,032 sq. ft.) | 4 spaces per 1,000 square feet gross floor area | 16 |
| Phase 1 Total | | 75 |
| Phase 2 | | |
| Banquet Room (4,650 sq. ft.) | 10 spaces per 1,000 square feet gross floor area | 47 |
| Bathrooms/hallway (2,250 sq. ft.) | 4 spaces per 1,000 square feet gross floor area | 9 |
| Phase 2 Total | | 56 |
| Total Required | | 131 |

Access to the site is proposed from three separate drive approaches. A principal drive approach is proposed off of Eighth Avenue which is planned as an extended driveway with significant landscaping and amenities that provide for a distinctive entrance (Attachment 6). The principal

driveway leads to the front entrance of the restaurant via a roundabout where customers will be able to drop off and pick up passengers or continue to the parking areas. A second driveway approach is proposed off of Juniper Street, which will provide primary access and parking for the service deli. A third driveway approach is proposed off of Yucca Street (a vacated alley) and is the primary driveway for service vehicles.

Overall staff is generally pleased with the layout but does have a concern with internal circulation; specifically the backup space provided at the end of the two drive aisles that dead end at the primary drive approach. As a condition of approval staff is requiring “hammerhead turnaround” space at the end of the drive aisles to assist traffic movements in the event that all the parking spaces are all filled. The hammerhead turnaround could be in place of pairs of parking spaces at the end of the aisles. Thus the general approach to site layout and the design of the primary driveway would remain.

The architecture of the restaurant and banquet room are consistent with “Tuscan” style architecture. The project exceeds the architectural requirements of the Specific Plan, and will set a standard for new development surrounding Civic Plaza (Attachments 5 and 6). The proposed building is well designed and includes architectural attributes that include variation in wall and roof planes and the use of tile roofs. Walls are enhanced using decorative concrete, tile, stacked stone, windows with wrought-iron bars and grids, trellises, decorative columns, sconces and other enhancements. In addition the overall site design provides several areas for open space, courtyards and open patios that enhance the site design. The project also provides a surplus of landscaping. The minimum required landscape coverage is 5% of the total site and the project provides 18,600 square feet (20%) of total landscape coverage.

The applicant will file an application for a Type 47 License (On-Sale Beer, Wine and Liquor) with the California Department of Alcoholic Beverage Control (ABC). The Specific Plan requires approval of a CUP for the sale of alcoholic beverages. Table 2 identifies 5 active on-sale alcoholic beverage licenses within Census Tract 100.15 (Attachment 7). ABC has determined that the site is located in an over-concentrated census tract, as this census tract currently exceeds its limitation of 4 licenses. Therefore ABC will require the City to make a finding of public convenience and necessity.

Table 2: Existing On-Sale Licenses in Census Tract 100.15

| Status | Business Name | Business Address | Type of License |
|--------|--------------------------|--------------------------|---------------------------|
| Active | Casa Jimenez | 15800 Main St | 41-Beer and Wine |
| Active | Cancun Mexican Seafood | 15550 Main St | 47-Beer, Wine, and Liquor |
| Active | Corral Family Restaurant | 15550 Main Street | 41-Beer and Wine |
| Active | Civic Plaza 12 Cinema | 9711 9 th Ave | 41-Beer and Wine |
| Active | Samurai Sushi 2 | 15550 Main St | 41-Beer and Wine |

Staff believes that a finding of public convenience and necessity can be made to obtain an additional license in this over-concentrated tract. Specifically, Main Street is a major commercial corridor that provides convenient shopping and dining services. The use will be located within the Pedestrian Commercial (PC) zone of the Specific Plan, which is intended to be a center of activity in the downtown portion of Hesperia. This zone is intended to encourage a mix of uses that generate activity during daytime, evening and weekend hours and that create a vibrant

atmosphere and convenient location for residents. It is the City's intent to continue to attract commercial developments in this area, which will necessitate exceedence of ABC's standards for on-sale licenses

Drainage: Any additional runoff created on-site will be conveyed to an underground storm water retention system constructed beneath a portion of the parking lot. The retention system will be sized to handle the additional storm water due to the additional impervious area created by the building and parking lot. Consequently, the development will mitigate any increase surface drainage flow and the impact of the project upon properties downstream is not considered significant.

Water and Sewer: The development will connect to an existing 10-inch sewer line in Juniper Street and an existing 12-inch water line located in Juniper Street.

Environmental: The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) by Section 15332, In-fill Development Projects. This exemption applies to developments on sites no larger than five acres, which are consistent with the General Plan and are substantially surrounded by urban uses. Prior to issuance of a grading permit, a pre-construction survey conducted by an approved biologist shall be performed to determine whether the site contains burrowing owls.

Conclusion: The project conforms to the policies of the City's General Plan as well as the intent of the Specific Plan. Further, approval of the sale of beer, wine and liquor is appropriate, particularly to allow the restaurant and banquet hall to be competitive with similar businesses and to meet customer demand.

FISCAL IMPACT

None.

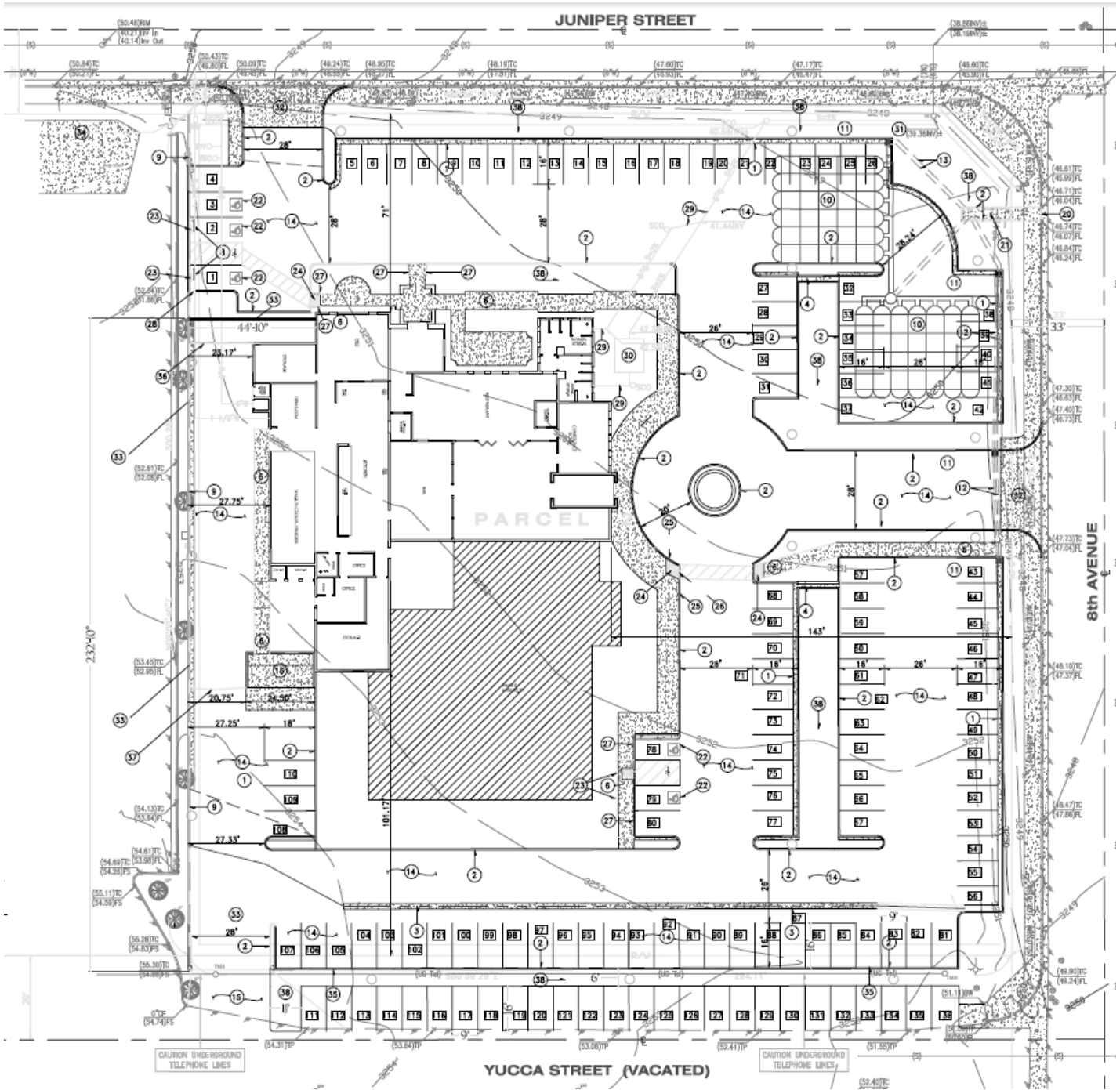
ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Site Plan
2. General Plan
3. Aerial photo
4. Floor plans
5. Color elevations
6. Color Renderings
7. Census Tract Map
8. Resolution No. PC-2018-02, with list of conditions

ATTACHMENT 1



APPLICANT: TOM CARPINO

FILE NO. CUP18-00001

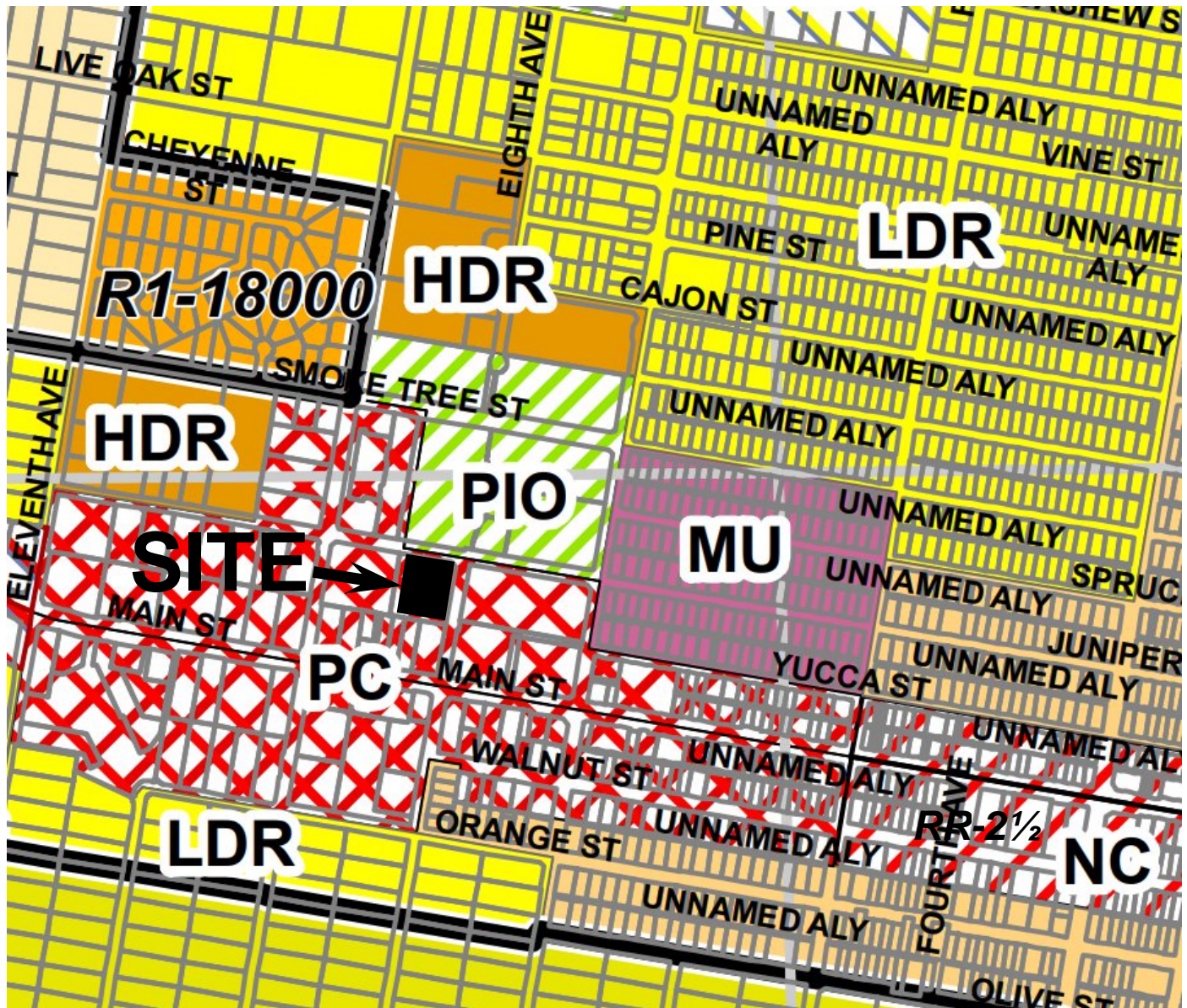
LOCATION: SOUTHWEST CORNER OF JUNIPER STREET AND EIGHTH AVENUE

APN(S):
0413-021-03

PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT A TWO-STORY 9,950 SQUARE FOOT RESTAURANT WITH A BAR IN PHASE 1 AND A 6,900 SQUARE FOOT BANQUET ROOM IN PHASE 2 ON 2.6 GROSS ACRES WITHIN THE PEDESTRIAN COMMERCIAL (PC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN LOCATED ON THE SOUTHWEST CORNER OF JUNIPER STREET AND EIGHTH AVENUE



ATTACHMENT 2



APPLICANT: TOM CARPINO

FILE NO. CUP18-00001

LOCATION: SOUTHWEST CORNER OF JUNIPER STREET AND EIGHTH AVENUE

APN(S):
0413-021-03

PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT A TWO-STORY 9,950 SQUARE FOOT RESTAURANT WITH A BAR IN PHASE 1 AND A 6,900 SQUARE FOOT BANQUET ROOM IN PHASE 2 ON 2.6 GROSS ACRES WITHIN THE PEDESTRIAN COMMERCIAL (PC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN LOCATED ON THE SOUTHWEST CORNER OF JUNIPER STREET AND EIGHTH AVENUE



ATTACHMENT 3



APPLICANT: TOM CARPINO

FILE NO. CUP18-00001

LOCATION: SOUTHWEST CORNER OF JUNIPER STREET AND EIGHTH AVENUE

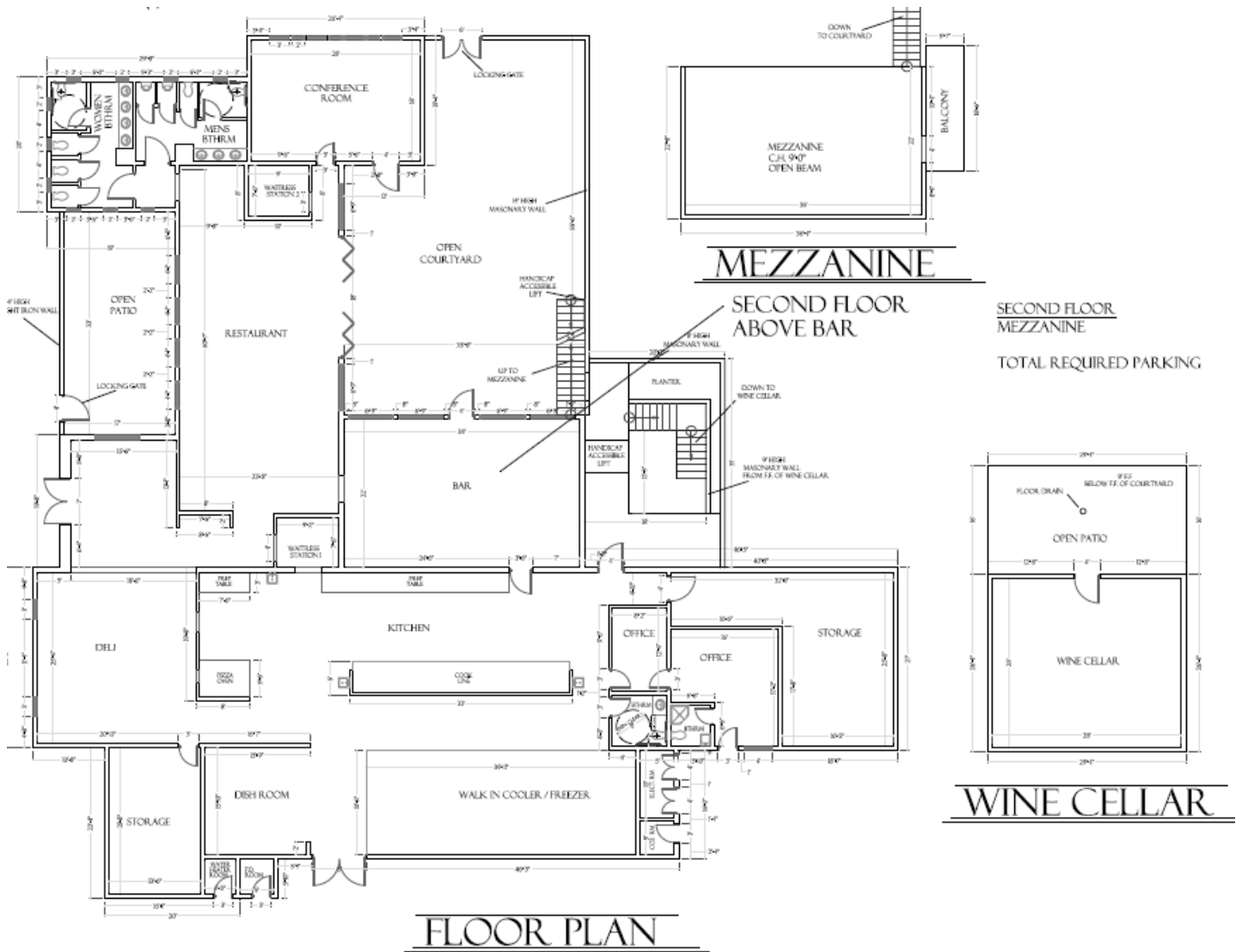
APN(S):
0413-021-03

PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT A TWO-STORY 9,950 SQUARE FOOT RESTAURANT WITH A BAR IN PHASE 1 AND A 6,900 SQUARE FOOT BANQUET ROOM IN PHASE 2 ON 2.6 GROSS ACRES WITHIN THE PEDESTRIAN COMMERCIAL (PC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN LOCATED ON THE SOUTHWEST CORNER OF JUNIPER STREET AND EIGHTH AVENUE



AERIAL PHOTO

ATTACHMENT 4



APPLICANT: TOM CARPINO

FILE NO. CUP18-00001

LOCATION: SOUTHWEST CORNER OF JUNIPER STREET AND EIGHTH AVENUE

APN(S):
0413-021-03

PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT A TWO-STORY 9,950 SQUARE FOOT RESTAURANT WITH A BAR IN PHASE 1 AND A 6,900 SQUARE FOOT BANQUET ROOM IN PHASE 2 ON 2.6 GROSS ACRES WITHIN THE PEDESTRIAN COMMERCIAL (PC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN LOCATED ON THE SOUTHWEST CORNER OF JUNIPER STREET AND EIGHTH AVENUE



FLOOR PLAN

ATTACHMENT 5



EAST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION

APPLICANT: TOM CARPINO

FILE NO. CUP18-00001

LOCATION: SOUTHWEST CORNER OF JUNIPER STREET AND EIGHTH AVENUE

APN(S):
0413-021-03

PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT A TWO-STORY 9,950 SQUARE FOOT RESTAURANT WITH A BAR IN PHASE 1 AND A 6,900 SQUARE FOOT BANQUET ROOM IN PHASE 2 ON 2.6 GROSS ACRES WITHIN THE PEDESTRIAN COMMERCIAL (PC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN LOCATED ON THE SOUTHWEST CORNER OF JUNIPER STREET AND EIGHTH AVENUE

COLOR ELEVATIONS

ATTACHMENT 6



PHASE II ELEVATION



COURTYARD



Eighth Ave Driveway Entrance

APPLICANT: TOM CARPINO

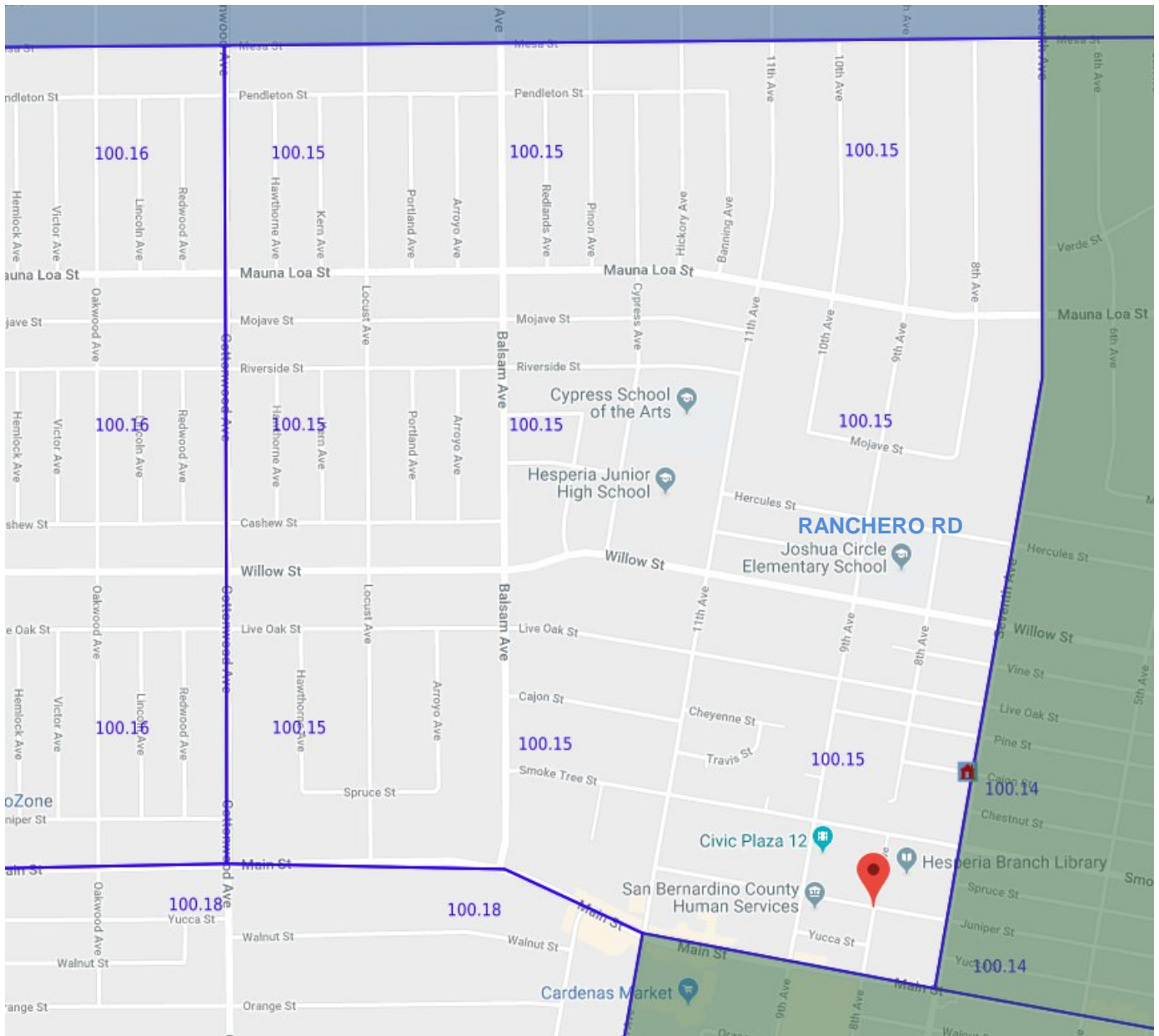
FILE NO. CUP18-00001

LOCATION: SOUTHWEST CORNER OF JUNIPER STREET AND EIGHTH AVENUE

APN(S):
0413-021-03

PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT A TWO-STORY 9,950 SQUARE FOOT RESTAURANT WITH A BAR IN PHASE 1 AND A 6,900 SQUARE FOOT BANQUET ROOM IN PHASE 2 ON 2.6 GROSS ACRES WITHIN THE PEDESTRIAN COMMERCIAL (PC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN LOCATED ON THE SOUTHWEST CORNER OF JUNIPER STREET AND EIGHTH AVENUE

ATTACHMENT 7



APPLICANT: TOM CARPINO

FILE NO. CUP18-00001

LOCATION: SOUTHWEST CORNER OF JUNIPER STREET AND EIGHTH AVENUE

APN(S):
0413-021-03

PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT A TWO-STORY 9,950 SQUARE FOOT RESTAURANT WITH A BAR IN PHASE 1 AND A 6,900 SQUARE FOOT BANQUET ROOM IN PHASE 2 ON 2.6 GROSS ACRES WITHIN THE PEDESTRIAN COMMERCIAL (PC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN LOCATED ON THE SOUTHWEST CORNER OF JUNIPER STREET AND EIGHTH AVENUE



CENSUS TRACT MAP

ATTACHMENT 8

RESOLUTION NO. PC-2018-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO CONSTRUCT A TWO-STORY 9,950 SQUARE FOOT RESTAURANT AND A 6,900 SQUARE FOOT BANQUET ROOM THAT WOULD SERVE BEER, WINE AND LIQUOR FOR ON-SITE CONSUMPTION (TYPE 47) ON 2.6 GROSS ACRES WITHIN THE PEDESTRIAN COMMERCIAL ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN LOCATED ON THE SOUTHWEST CORNER OF JUNIPER STREET AND EIGHTH AVENUE (CUP18-00001)

WHEREAS, Tom Carpino has filed an application requesting approval of CUP18-00001 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to approximately 2.6 gross acres located on the southwest corner of Eighth Avenue and Juniper Street and consists of Assessor's Parcel Number 0413-021-03; and

WHEREAS, the Application, as contemplated, proposes to construct a two story 9,950 square foot restaurant, bar, wine cellar, outside mezzanine, and service deli that will be constructed in phase 1 and a 6,900 square foot banquet room that will be constructed in phase 2 and the applicant proposes to serve beer, wine, and liquor for on-site consumption (Type 47); and

WHEREAS, the 2.6-acre site is vacant. Hesperia Civic Center Park is located to the north, on the opposite side of Juniper Street, Eagle Plaza is located to the south, a San Bernardino County government building is located to the west and the property to the east on the opposite side of Eighth Avenue is vacant; and

WHEREAS, the subject property as well as the surrounding properties are within the Pedestrian Commercial (PC) Zone of the Main Street and Freeway Corridor Specific Plan (Specific Plan); and

WHEREAS, this project is exempt from the California Environmental Quality Act (CEQA), per Public Resources Code Section 15332, Infill Development Projects; and

WHEREAS, on March 8, 2018, the Planning Commission of the City of Hesperia conducted a public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF HESPERIA PLANNING COMMISSION AS FOLLOWS:

Section 1. The Planning Commission hereby specifically finds that all of the facts set forth in this Resolution are true and correct.

Section 2. Based upon substantial evidence presented to the Planning Commission during the above-referenced March 8, 2018 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The proposed on-sale sales of alcohol in conjunction with a restaurant and a banquet hall is a conditionally allowed use within the PC Zone of the Specific Plan and complies with all applicable provisions of the

Specific Plan and Development Code. The proposed use would not impair the integrity and character of the surrounding neighborhood. The site is suitable for the type and intensity of the use that is proposed.

- (b) The proposed use would not create significant noise, traffic or other conditions or situations that may be objectionable or detrimental to other allowed uses in the vicinity or be adverse to the public convenience, health, safety or general welfare. The proposed serving of beer and wine as part of the dining experience will not have a detrimental impact on adjacent properties.
- (c) The proposed project is consistent with the goals, policies, standards and maps of the adopted zoning, Specific Plan, Development Code and all applicable codes and ordinances adopted by the City of Hesperia because the project is consistent with the regulations allowing nonresidential uses within the PC zone of the Specific Plan. The development is subject to conditions of approval and complies with the standards for landscaping, driveway aisles, parking stall dimensions, building heights, trash enclosure, loading areas, and all other applicable development standards. The project also complies with the Americans with Disabilities Act (ADA), as the required accessible parking spaces and paths of travel will meet the standards within the ADA as well as state and federal handicapped accessible regulations. The development will be constructed pursuant to the California Building and Fire Codes and subsequent adopted amendments.
- (d) The site for the proposed use will have adequate access based upon its frontage along Juniper Street, Eighth Avenue and Yucca Street. There are also general services for sanitation, water and public utilities to ensure the public convenience, health, safety and general welfare. Additionally, the building will have adequate infrastructure to operate without a major extension of infrastructure.
- (e) The proposed project is consistent with the adopted General Plan of the City of Hesperia. The project site is within the PC zone of the Specific Plan. A restaurant and banquet hall and the sale of alcoholic beverages are allowable uses with approval of a conditional use permit.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit CUP18-00001, subject to the conditions of approval as shown in Attachment "A".

Section 4. That the Secretary shall certify to the adoption of this Resolution.

ADOPTED AND APPROVED on this 8th day of March 2018.

Tom Murphy, Chair, Planning Commission

ATTEST:

Denise Bossard, Secretary, Planning Commission

ATTACHMENT "A"
List of Conditions for CUP18-00001

Approval Date: March 08, 2018
Effective Date: March 20, 2018
Expiration Date: March 20, 2020

This list of conditions applies to: Consideration of Conditional Use Permit CUP18-00001 to develop a two-story 9,950 square foot restaurant and a 6,900 square foot banquet room that would serve beer, wine and liquor for on-site consumption (Type 47) on 2.6 gross acres within the Pedestrian Commercial zone of the Main Street and Freeway Corridor Specific Plan located on the southwest corner of Juniper Street and Eighth Avenue (Applicant: Tom Carpino; APN: 0413-021-03).

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

SPECIALTY PLANS. The following additional plans/reports shall be required for businesses with special environmental concerns: (B)

A. Restaurants and food handling facilities shall submit plans to the San Bernardino County Department of Environmental Health Services. One set of the approved plans shall be submitted to the Building Division with the required application fees.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

DESIGN FOR FOR REQUIRED IMPROVEMENTS-PARKING. Improvement plans for on-site improvements shall be consistent with the plans approved as part of this Conditional Use Permit application with the following revisions made to the improvement plans: (E, P)

(a) All parking spaces shall be delineated with a two-foot overhang depicted with a dashed line to indicate the area two feet beyond the curb face is part of the parking space and shall not be encroached with walls, fences and the like. Similarly, this area is not counted as site landscaping.

(b) Pedestrian routes/walkways and accessible paths of travel shall be provided to/from Eighth Avenue and Juniper Street, including along both sides of the principal Eighth Avenue access way. Sidewalks shall not terminate in parking spaces.

(c) Any dead end parking fields shall provide a back-up space that is at least a five-foot extension of the drive aisle.

(d) The parking spaces south of the proposed trash enclosure shall include a landscape island along their north side to protect access to the enclosure and prevent parking from encroaching on the service access.

(f) Parking area end islands must be shown and provide at least four feet of landscaping (between the back faces of concrete).

(g) The service area to the west of the building shall be designed to accommodate delivery vehicle maneuvers to both head in and out of the service area, or be designed to provide for one-way through movements of service/delivery vehicles.

(h) Wheel stops should not be used unless absolutely necessary.

COMPLETED

NOT IN COMPLIANCE

COMPLIED BY

INDEMNIFICATION. As a further condition of approval, the Applicant agrees to and shall indemnify, defend, and hold the City and its officials, officers, employees, agents, servants, and contractors harmless from and against any claim, action or proceeding (whether legal or administrative), arbitration, mediation, or alternative dispute resolution process), order, or judgment and from and against any liability, loss, damage, or costs and expenses (including, but not limited to, attorney's fees, expert fees, and court costs), which arise out of, or are in any way related to, the approval issued by the City (whether by the City Council, the Planning Commission, or other City reviewing authority), and/or any acts and omissions of the Applicant or its employees, agents, and contractors, in utilizing the approval or otherwise carrying out and performing work on Applicants project. This provision shall not apply to the sole negligence, active negligence, or willful misconduct of the City, or its officials, officers, employees, agents, and contractors. The Applicant shall defend the City with counsel reasonably acceptable to the City. The Citys election to defend itself, whether at the cost of the Applicant or at the Citys own cost, shall not relieve or release the Applicant from any of its obligations under this Condition. (P)

COMPLETED

NOT IN COMPLIANCE

COMPLIED BY

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

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

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 Citys Engineering Analyst, Jamie Carone at (760)947-1149 or jcarone@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. (E)

COMPLETED

COMPLIED BY

IRREVOCABLE OFFERS OF DEDICATION. The Developer

NOT IN COMPLIANCE

shall submit an Offer of Dedication to the Citys Engineering Department for review and approval. At time of submittal the developer shall complete the Citys application for document review and pay all applicable fees. (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 Citys hydrology study outline

COMPLETED
NOT IN COMPLIANCE

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 72 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/mainte

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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 24-hour design storm for 2-year, 10-year, 25-year, and 100-year return frequency rainfall events.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

ONSITE DRAINAGE IMPACT PREVENTION. 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 2-year, 10-year, 25-year, and 100-year return frequency rainfall events.

A. Drawdown Time. All drainage facilities which are designed to percolate/infiltrate surface runoff (including basins, drywells, infiltration trenches, or infiltration-based low impact development features) shall not accumulate standing water for more than 72 hours. All drainage facilities designed to provide detention storage shall recover 100 percent of their design detention volume within 24 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
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 Conditional Use Permit application with the following revisions made to the improvement plans: (E, P)

(a) Accessible parking spaces shall be designed as required. Accessible routes throughout the site shall be indicated, including proper spacing at doors, gates and changes in travel directions.

(b) The site plan shall be thoroughly and accurately dimensioned.

(c) All landscape/planter areas must be clearly delineated.

(d) Parking statistics and development data shall be accurately and appropriately provided.

(e) The access aisle along Vacated Yucca Street shall be 26 feet in width measured from the curb face to the south to the southerly edge of the project parking spaces.

(f) The property boundary must be clearly depicted.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

SITE PLAN. The following improvements that are shown on the site plan are not part of this approval:

1) The items listed under "Construction Notes."

2) References to walls, gates and fencing. These features will be evaluated and considered in the future as part of a Fencing/Wall/Gate plan, including design details, materials and colors.

3) Exterior lighting shall be subject to a future plan that depicts all such lighting, including pole/fixture details and a lighting photometric plan.

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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)

COMPLETED
NOT IN COMPLIANCE

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

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. (P)

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 approaches that encroach onto private property. (E)

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 Citys 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

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
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

JUNIPER STREET: Improvements shall consist of:

A. Commercial driveway approach per City standards.
B. Traffic control signs and devices as required by City Engineer.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

EIGHTH AVENUE: Improvements shall consist of:

A. Commercial driveway approach per City standards.
B. Traffic control signs and devices as required by City Engineer.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

ALLEY. Construct improvements across the project frontage as approved on site plan.

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 Developer's 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 from the existing 12" PVC water line in Juniper Street per City Standards.
C. It is the Developer's responsibility to connect to sewer and pay the appropriate fees. The Developer will be required to connect to the existing 10" PVC sewer main in Juniper Street 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
NOT IN COMPLIANCE

COMPLIED BY

COMBUSTIBLE PROTECTION. Prior to combustibles being placed on the project site an approved all weather fire apparatus access surface and operable fire hydrants with acceptable fire flow shall be installed. The topcoat of asphalt does not have to be installed until final inspection and occupancy. [F 44]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FIRE FLOW TEST. Your submittal did not include a flow test report to establish whether the public water supply is capable of meeting your project fire flow demand. You will be required to produce a current flow test report from your water purveyor demonstrating that the fire flow demand is satisfied. This requirement shall be completed prior to combination inspection by Building and Safety. [F 5b]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

WATER SYSTEM. Prior to any land disturbance, the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using California Fire Code. The Fire Flow for this project shall be: 1,750 GPM for a 3 hour duration at 20 psi residual operating pressure. Fire Flow is based on a 16,850 sq.ft. structure. [F 5]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

WATER SYSTEM COMMERCIAL. A water system approved by the Fire Department is required. The system shall be operational prior to any combustibles being stored on the site. Fire hydrants shall be spaced no more than three hundred (300) feet apart (as measured along vehicular travel ways) and no more than three hundred (300) feet from any portion of a structure. [F 54]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

CULTURAL 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

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)

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE

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 (B)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

EROSION CONTROL. The Project shall implement all requirements of the approved Erosion and Sediment Control Plan (or SWPPP if applicable) prior to the City's issuance of a grading permit, and provide ongoing implementation until the project is complete and all disturbed areas are fully stabilized. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FINAL WQMP SUBMITTAL. Submit a final WQMP, prepared using the applicable City of Hesperia WQMP Template, which includes all required or proposed revisions, addresses any comments provided on the draft WQMP, provides final designs for best management practices (BMP's), and includes calculations for BMP sizing. The WQMP must include a final Maintenance Agreement and must be signed and certified by the owner and preparer.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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. (E)

COMPLETED
NOT IN COMPLIANCE

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.asp>
x

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>

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

FIRE ACCESS-POINTS OF VEH. ACCESS. The development shall have a minimum of three points of vehicular access. These are for fire/emergency equipment access and for evacuation routes.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FIRE ACCESS-SINGLE STORY ROAD ACCESS. Single Story Road Access Width. All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Other recognized standards may be more restrictive by requiring wider access provisions.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FIRE SURFACE. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all weather driving capabilities. Road surface shall meet the approval of the Fire Chief prior to installation. All roads shall be designed to 85 compaction and or paving and hold the weight of Fire Apparatus at a minimum of 80K pounds. [F 42]

COMPLETED

COMPLIED BY

LANDSCAPE PLANS. The Developer shall submit three sets

NOT IN COMPLIANCE

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. 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

MASONRY WALLS AND FENCING. The Developer shall submit four sets of masonry wall/wrought iron fencing plans to the Building Division with the required application fees for all proposed walls. (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. Utility Fees (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

UTILITY CLEARANCES. The Building Division will provide utility clearances after required permits and inspections for the facility. Utility meters shall be permanently labeled. (B)

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)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

AS BUILT PLANS. The Developer shall provide as built plans, Notice of Completion, and One Year Maintenance Bonds to the Engineering / Water Sewer Departments. (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

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

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 Associated with Construction and Land Disturbance Activities, and provide to the City a copy of the approved NOT. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

VOLUME CERTIFICATION. The property owner will provide the City with certified as-built dimensions of the basins and the actual volume of storage provided. This must be based on As-Built topographic surveys made by either a Civil Engineer or Land Surveyor who is registered to practice in California. These as-built volumes must reflect permanent conditions, with finished landscaping in place. The volumes shall be certified by the Design Engineer that the volumes provided meet or exceed the required design volumes per City requirements and the approved Water Quality Management Plan. The volume of storage provided must equal or exceed the approved design volumes before the City will issue Letters of Acceptance for maintenance of any public facilities.

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

FIRE ALARM-AUTO OR MANUAL. A manual, automatic or manual and automatic fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required. The applicant shall hire a Fire Department approved fire alarm contractor. The fire alarm contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. [F 62a]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FIRE EXTINGUISHERS. Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department. [F88]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FIRE SPRINKLER NFPA#13. An automatic fire sprinkler system complying with NFPA Pamphlet #13 and the Fire Department standards is required. The applicant shall hire a Fire Department approved fire sprinkler contractor. The fire sprinkler contractor shall submit three (3) sets of (minimum 1/8 scale) shall include hydraulic calculations and manufacturers specification sheets. The contractor shall submit plans showing type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal. [F 59]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

HOOD AND DUCT SUPPRESSION. An automatic hood and duct fire extinguishing system is required. A Fire Department approved designer/installer shall submit three (3) sets of detailed plans (minimum 1/8 scale) with manufactures specification sheets to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. [F 65]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

HYDRANT MARKING. Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. In areas where snow removal occurs or non paved roads exist, the blue reflective hydrant marker shall be posted on an approved post along the side of the road, no more than three (3) feet from the hydrant and at least six (6) feet high above the adjacent road. [F80]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

KNOX BOX. An approved Fire Department key box is required. [F85]

NOTICE TO DEVELOPER: IF YOU NEED ADDITIONAL INFORMATION OR ASSISTANCE REGARDING THESE CONDITIONS, PLEASE CONACT 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 |



DATE: March 8, 2018

TO: Planning Commission

FROM: Jeff Codega, Principal Planner

BY: Daniel Alcayaga, Senior Planner

SUBJECT: Consideration of Appeal APP18-00001 overturning the Development Review Committee's decision to issue certain conditions of approval for SPRE17-00005 pertaining to timelines on code abatement activities and street improvements located on the west side of Topaz Avenue, 300 feet north of Live Oak Street (Applicant: Cal Earth: APNs: 0405-261-24 & 70)

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. 2018-04 upholding the Development Review Committee's decision to issue certain conditions of approval for SPRE17-00005 pertaining to timelines on code abatement activities and street improvements.

BACKGROUND

On October 11, 1990, Precise Plan of Design PPD-90-005 was approved to construct a school of architecture and dormitories for Cal Earth totaling 75,074 square feet on a portion of the subject property. In 1991, a revision was approved creating a phasing plan. PPD-90-005 expired on October 11, 1993, and a land use was not established.

SuperAdobe is a form of earth bag architecture developed by architect and Cal Earth founder Nader Khalili. Cal Earth uses long sandbags ("SuperAdobe Bags"), barbed wire, on-site earth and a few tools to build structures and homes for emergency shelter, disaster relief, and also sustainable healthy housing using the patented SuperAdobe Technology (Attachment 1). There are upwards of 20 structures constructed of SuperAdobe Technology on the property that were constructed without building permits. Cal Earth did obtain approvals from International Conference of Building Officials (ICBO) for the construction type; however, there have been multiple building code updates since the prior ICBO approvals making the prior approvals invalid.

Prompted by code enforcement action, Site Plan Review SPR16-00005 was submitted on May 5, 2016 to construct a Cal Earth Research and Educational Facility, which included: 1) constructing a new campus; and 2) legalizing existing SuperAdobe structures on the site. On November 2, 2016, the Development Review Committee (DRC) approved SPR16-00005 with conditions of approval. Phase 1 included legalizing existing structures, and subsequent phases (i.e. Phases 2 thru 5) were intended for the new campus.

SPR16-00005 required Cal Earth to obtain grading and building permits within six months of the effective date of approval for Phase 1. Staff learned after approving the land use entitlement that permitting the SuperAdobe structures warranted certification and approval by the International Code Council (ICC), and obtaining ICC approval may take up to two years to obtain.

Staff granted another six month extension to provide Cal Earth time to work with ICC, and requested that the applicant continue to work in obtaining approval of civil plans and grading permits for Phase 1. Civil plans required establishment of on-site parking, accessible (handicap) parking and a path of travel, emergency access, as well as construction of street improvements along Topaz Avenue, including curb, gutter and sidewalk. A revised time line would be issued upon the next extension, and the DRC advised Cal Earth that no person shall occupy any unpermitted structures.

On December 12, 2017, an extension of time was filed by Cal Earth. The reason given for the request was that Cal Earth is slated to begin ICC evaluation in February 2018. On January 10, 2018, the DRC approved extension of time SPRE17-00005 with revised code enforcement times:

Building Permits:

- Obtain building permits for all unpermitted structures on the property by January 23, 2019 (one year);

Civil Plans/Grading Permits:

- Resubmit civil plans to the City by February 5, 2018 (two weeks);
- Civil improvements plans shall be approved by June 23, 2018 (five months);
- Street improvements for Topaz Avenue shall be completed by August 23, 2018 (seven months); and
- Approvals for new campus improvements as shown in Phases 2-5 are automatically extended to January 23, 2021 upon completion of all Phase 1 improvements.

In setting this timeline, the DRC considered prior progress made in satisfying the conditions of approval. The understanding was that additional time can be given if progress continues to be made in obtaining ICC approval and completing other improvements. Even though obtaining ICC approval may take up to two years, the DRC found no reason why other requirements related to civil plans/grading permits could not be satisfied. On January 22, 2018, Cal Earth appealed the conditions of approval.

ISSUES/ANALYSIS

In the appeal, Cal Earth is requesting eight months to complete the street improvements or until February 23, 2019 to construct the improvements. Cal Earth also seeks to construct the proposed driveway on Topaz along with street improvements not to exceed ten feet on either side of the driveway curb return along Topaz (includes curb, gutter and sidewalk improvements). Reasons for this request include extensive cost and time involved in obtaining ICC review and approval, and the length of street improvements bordering the property (Attachment 2).

Staff does not support this appeal. The DRC has been accommodating in providing Cal Earth with sufficient time in satisfying the conditions of approval. The DRC is not opposed to granting additional time as need if progress in satisfying the conditions of approval is being made, and provided the unpermitted structures are not occupied in their daily operation. The drive approach alone with improvements ten feet on both sides is not consistent with City policy and requirements imposed on other developers. The legalization of existing structures is seen as an

establishment of a new use. It is therefore City policy that if a new land use is being established that street improvements must be constructed along the entire project frontage. Cal Earth offers tours and instructional seminars on a regular basis without complying with basic development standards and necessary building permits. Both on-site and off-site improvements, as outlined in the conditions of approval, will achieve compliance with City standards.

FISCAL IMPACT

There is no fiscal impact associated with approval of the recommended action.

ALTERNATIVE(S)

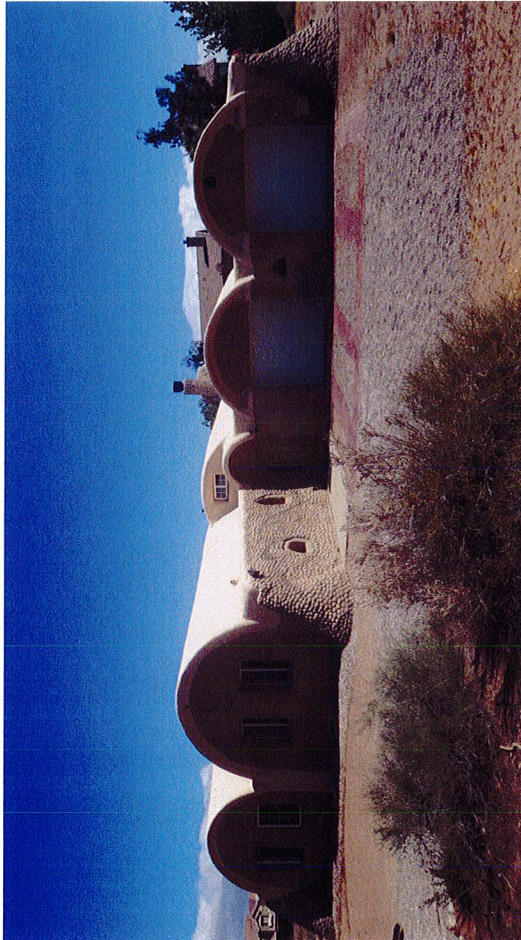
1. Provide alternative direction to staff

ATTACHMENT(S)

1. Structures constructed from SuperAdobe Technology
2. Application for Appeal and Appeal Statement
3. Conditions of Approval for SPRE17-00005
4. Resolution No. 2018-04

ATTACHMENT 1

Existing Earth One Color Rendering



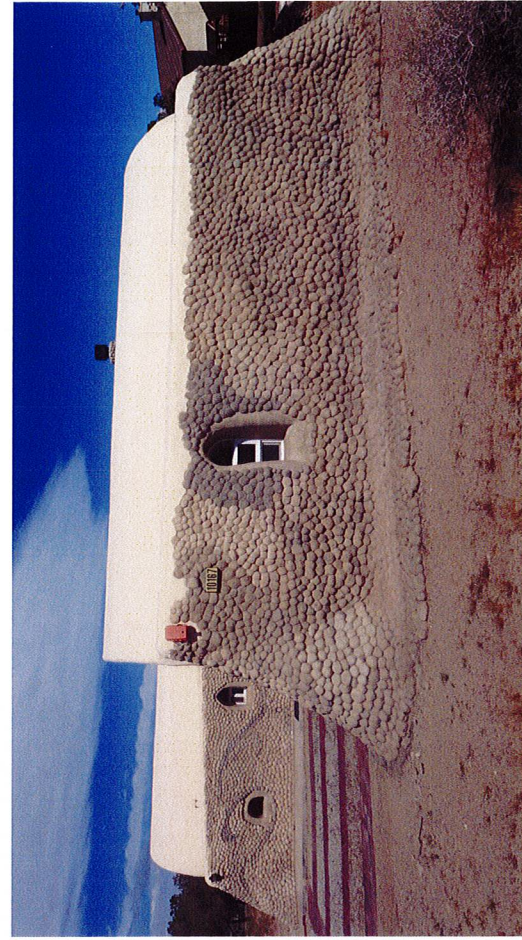
North Elevation



East Elevation



South Elevation



West Elevation

ATTACHMENT 2

**CITY OF HESPERIA
COMMUNITY DEVELOPMENT DEPARTMENT
9700 Seventh Avenue
Hesperia, CA 92345
(760) 947-1200**



APPLICATION FOR APPEAL

FEES

\$311.00 Appeal from Staff to Planning Commission or,
\$324.00 Appeal from Planning Commission to City Council

NOTICE: This form must be filed prior to the effective action date for the project action being appealed (normally 10 days). Appeal applications received after this time period will not be accepted.

As every project action is based upon a set of findings and conditions, you should focus your appeal toward changing those findings, and/or conditions. If you need assistance, contact the City of Hesperia, Planning Division at 947-1200.

For appeals to Planning Commission, completed application should be submitted with the specified fee, to the Community Development Department, 9700 Seventh Street, Hesperia.

You may attach additional pages or other documentation to this application.

Project Action Date: January 23, 2018

File No.: SPRE17-0005 Date Appeal Filed: January 22, 2018

Project Applicant(s): Cal Earth, Inc.

Appellant's Name: Cal Earth, Inc.

Appellant's Address: 10177 Baldy Lane

City: Hesperia Zip: 92345 Phone No.: 760-956-7533

Assessor's Parcel No. of Subject Property: APN Nos. 0405-261-70 and 0405-261-24

General Location of Property: north of Live Oak St between Baldy Lane and Topaz

APPEAL STATEMENT

1. I/We hereby appeal to the City of Hesperia: (Check One)

☒ Planning Commission

☐ City Council

2. I/We are appealing the project action taken to:

☐ DENY the project ☐ DENY the project without prejudice

☐ APPROVE the project ☒ APPROVE the project with conditions (attach a copy of the conditions, if they are the subject of the appeal).

☐ ADOPT a Negative Declaration

☒ OTHER (specify) _____

3. ^{to be completed by Cal Earth, Inc. on City owned property.} Detail what is being appealed and what action or change you seek. Specifically address the findings, mitigation measures, conditions and/or policies with which you disagree. Also, state exactly what action/ changes you would favor.

(1) The condition that states the Topaz street improvements be completed by August 23, 2018 upon approval of construction drawings on June 23, 2018. We seek to allow for 8 month completion.

(2) The condition that states all of Topaz that borders the Cal Earth, Inc. property be improved. The change we seek is to make improvements on Topaz that include the proposed driveway that extends to Topaz along with street improvements not to exceed ten (10) feet on either side of the driveway curb return onto Topaz (includes curb and gutter and sidewalk improvements).

4. (3) NOTE: Within 8 months Cal Earth, Inc. is able to complete the City specified improvements. State why you are appealing - be specific. Reference any errors or omissions - attach any supporting documentation.

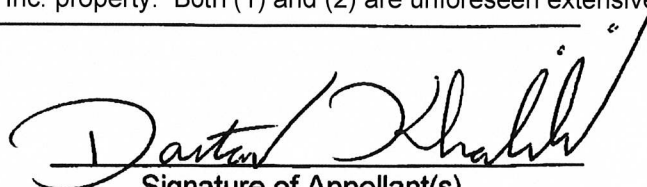
Due to extensive costs and time involved to complete City requests including: (1) ICC review and approval of the Subject with respect to building permits (see attachment) and (2) inclusion of improvements on the length of Topaz that borders Cal Earth, Inc. property. Both (1) and (2) are unforeseen extensive costs and time intensive activities.

I/We certify that I/We are the:

☐ Legal Owner(s)

☒ Authorized Legal Agent(s)

☐ Other Interested Person(s)


Signature of Appellant(s)

DATE: 1/22/18

ATTACHMENT 3

ATTACHMENT "A" List of Conditions for SPRE17-00005

Approval Date: January 10, 2018

Effective Date: January 23, 2018

Expiration Date: August 23, 2018

This list of conditions applies to: Consideration of Extension of Time SPRE17-00005 to establish the Cal-Earth Institute on 7.5 gross acres within the Low Density Residential (LDR) zone of the Main Street and Freeway Corridor Specific Plan located on the west side of Topaz Avenue, 300 feet north of Live Oak Street (Applicant: Cal-Earth; APNs: 0405-261-24 & 70)

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).

ADDITIONAL CONDITIONS

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

BUILDING PERMITS. The applicant shall obtain permits for all new and previously unpermitted buildings and structures that are greater than one-story in height and/or where the floor area exceeds 120 square feet. Any building or structure using non-standard materials, design, methods of construction or equipment, not specifically approved by the California Building Code (CBC), shall comply with Section 104.11 of the CBC.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

CODE ENFORCEMENT ABATEMENT TIMELINES.

+ Civil improvement plans for Phase I shall be resubmitted by February 5, 2018 of the effective date of this approval and civil improvement plans shall be approved by August 23, 2018 at which time construction shall begin on street improvements for Topaz Avenue.

+ Street improvements for Topaz Avenue shall be completed by August 23, 2018. If street improvements are completed, the SPRE17-00005 is automatically extended to January 23, 2019.

+ The owner shall complete Phase I improvements, including legalizing existing domes, vaults, buildings, or structures by January 23, 2019.

+ Approvals for new campus improvements as shown in Phase II-V are automatically extended to January 23, 2021 upon completion of all Phase 1 improvements.

CONDITIONS REQUIRED AS PART OF SUBMITTAL OF PUBLIC IMPROVEMENT PLANS

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

IRREVOCABLE OFFERS OF DEDICATION. The Developer shall submit an Offer of Dedication to the Citys Engineering Department for review and approval. At time of submittal the developer shall complete the Citys application for document review and pay all applicable fees. (E)

COMPLETED

COMPLIED BY

PLAN CHECK FEES. Plan checking fees must be paid in

NOT IN COMPLIANCE

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 Citys Engineering Analyst, Jamie Carone at (760)947-1149 or jcarone@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. (E)

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

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
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 Citys hydrology study outline

COMPLETED
NOT IN COMPLIANCE

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 72 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)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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 24-hour design storm for 2-year, 10-year, 25-year, and 100-year return frequency rainfall events.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

ONSITE DRAINAGE IMPACT PREVENTION. 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 2-year, 10-year, 25-year, and 100-year return frequency rainfall events.

A. Drawdown Time. All drainage facilities which are designed to percolate/infiltrate surface runoff (including basins, drywells, infiltration trenches, or infiltration-based low impact development features) shall not accumulate standing water for more than 72 hours. All drainage facilities designed to provide detention storage shall recover 100 percent of their design detention volume within 24 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
NOT IN COMPLIANCE

COMPLIED BY

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)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

INDEMNIFICATION. As a further condition of approval, the Applicant agrees to and shall indemnify, defend, and hold the City and its officials, officers, employees, agents, servants,

and contractors harmless from and against any claim, action or proceeding (whether legal or administrative), arbitration, mediation, or alternative dispute resolution process), order, or judgment and from and against any liability, loss, damage, or costs and expenses (including, but not limited to, attorney's fees, expert fees, and court costs), which arise out of, or are in any way related to, the approval issued by the City (whether by the City Council, the Planning Commission, or other City reviewing authority), and/or any acts and omissions of the Applicant or its employees, agents, and contractors, in utilizing the approval or otherwise carrying out and performing work on Applicants project. This provision shall not apply to the sole negligence, active negligence, or willful misconduct of the City, or its officials, officers, employees, agents, and contractors. The Applicant shall defend the City with counsel reasonably acceptable to the City. The Citys election to defend itself, whether at the cost of the Applicant or at the Citys own cost, shall not relieve or release the Applicant from any of its obligations under this Condition. (P)

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

ON SITE RETENTION (PHASE II AND PHASE III). The Developer shall design / construct on site retention facilities, which have minimum impact to ground water quality. This shall include maximizing the use of horizontal retention systems and minimizing the application of dry wells / injection wells. All dry wells / injection wells shall be 2 phase systems with debris shields and filter elements. All dry wells / injection wells shall have a minimum depth of 30 with a max depth to be determined by soils engineer at time of boring test. Per Resolution 89 16 the Developer shall provide on site retention at a rate of 13.5 Cu. Ft per every 100 Sq. Ft. of impervious materials. Any proposed facilities, other than a City approved facility that is designed for underground storage for on site retention will need to be reviewed by the City Engineer. The proposed design shall meet City Standards and design criteria established by the City Engineer. A soils percolation test will be required for alternate underground storage retention systems. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

TOPAZ AVENUE (PHASE I): Saw cut (2 foot min.) and match up asphalt pavement on Topaz Avenue across the project frontage based on Citys 60 foot Local Roadway Standard. The curb face shall tie into the existing curb constructed per Tract 16665. 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. Concrete residential driveway 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 8 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. It is the Developers responsibility to obtain any off site dedications for transition tapers including acceleration deceleration tapers per City standards
- K. Relocate existing utilities. The Developer shall coordinate with affected utility companies.

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 Citys 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) (PHASE I). The Developer shall grant to the City an Irrevocable Offer of Dedication for Topaz Avenue and Baldy Lane as part of Phase I. The right of way full width for Topaz Avenue and Baldy Lane shall be sixty (60') feet. The Developer shall also grant to the City an Irrevocable Offer of Dedication for any part of the Path of Travel located behind any commercial drive approaches that encroach onto private property. (E)

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 Developer's 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 from the existing 8" PVC water line in Topaz Avenue per City Standards.

C. It is the Developer's responsibility to connect to sewer and pay the appropriate fees. The Developer will be required to connect to the existing 8" PVC sewer main in Topaz Avenue 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

COMPLIED BY

GRADING PLAN. The Developer shall submit a Grading Plan

NOT IN COMPLIANCE

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
NOT IN COMPLIANCE

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

LOT MERGER. A lot merger shall be submitted, approved, and recorded. The lot merger 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

CULTURAL RESOURCES. If cultural resources are found during grading, then grading activities shall cease and the applicant shall contract with a City approved archaeologist or paleontologist to monitor grading prior to resuming grading. All cultural resources discovered shall be handled in accordance with state and federal law. A report of all resources discovered as well as the actions taken shall be provided to the City prior to issuance of a Certificate of Occupancy. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

LANDSCAPING. A five-foot wide landscape area shall be constructed adjacent to street improvements (i.e. curb, gutter and sidewalk) along Topaz Avenue subject to Planning Department approval. This landscape area is intended to be temporary until Phases II and III are constructed at which time the landscaping shall be replaced with permanent improvements as shown on the approved site plan.

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. (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

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 with the following revisions made to the improvement plans: (E, P)

+ A total of 20 temporary parking spaces, including two accessible (handicap) parking spaces, shall be provided within Phase I subject to City approval. Compacted decomposed granite (DG) may be used for parking areas and fire lanes, as part of Phase I, provided compaction percentages meet Fire Prevention Department standards. The parking lot within Phases II and III as shown on the approved site plan shall be paved.

+ Drive aisles within Phases II and III shall be in place as part of Phase I in order to connect Topaz Avenue to the western portion of Phase I.

+ The pavement/compaction method for the accessible parking spaces and path of travel shall be approved by the Building Department. Restrooms shall be provided in compliance with accessible requirements.

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE

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. 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

EROSION CONTROL. The Project shall implement all requirements of the approved Erosion and Sediment Control Plan (or SWPPP if applicable) prior to the City's issuance of a grading permit, and provide ongoing implementation until the project is complete and all disturbed areas are fully stabilized. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FINAL WQMP SUBMITTAL. Submit a final WQMP, prepared using the applicable City of Hesperia WQMP Template, which includes all required or proposed revisions, addresses any comments provided on the draft WQMP, provides final designs for best management practices (BMP's), and includes calculations for BMP sizing. The WQMP must include a final Maintenance Agreement and must be signed and certified by the owner and preparer.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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 projects Erosivity Waiver Certification and Waiver ID to the City. (E)

COMPLETED
NOT IN COMPLIANCE

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>

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

FIRE ACCESS 150+ FT. Dead End roadways exceeding one hundred fifty (150) feet in length shall be approved by the Fire Department. [F 45]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FIRE ACCESS-POINTS OF VEH. ACCESS. The development shall have a minimum of two points of vehicular access. These are for fire/emergency equipment access and for evacuation routes.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FIRE ACCESS-SINGLE STORY ROAD ACCESS. Single Story Road Access Width. All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty six (26) foot unobstructed width and vertically to

fourteen (14) feet six (6) inches in height. Other recognized standards may be more restrictive by requiring wider access provisions.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FIRE SURFACE. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all weather driving capabilities. Road surface shall meet the approval of the Fire Chief prior to installation. All roads shall be designed to 85 compaction and or paving and hold the weight of Fire Apparatus at a minimum of 80K pounds. [F 42]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FIRE TURNAROUND. An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length. Cul de sac length shall not exceed six hundred (600) feet; all roadways shall not exceed a 12 % grade and have a minimum of forty (40) foot radius for residential turns and forty five (45) for non residential turns. [F 43]

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 school fees. (B)

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)

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY

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

ELECTRONIC COPIES. The Developer shall provide electronic copies of the approved project in AutoCAD format Version 2007 to the City's Engineering Department. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

AS BUILT PLANS. The Developer shall provide as built plans, Notice of Completion, and One Year Maintenance Bonds to the Engineering / Water Sewer Departments. (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

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 Associated with Construction and Land Disturbance Activities, and provide to the City a copy of the approved NOT. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

VOLUME CERTIFICATION. The property owner will provide the City with certified as-built dimensions of the basins and the actual volume of storage provided. This must be based on As-Built topographic surveys made by either a Civil Engineer or Land Surveyor who is registered to practice in California. These as-built volumes must reflect permanent conditions, with finished landscaping in place. The volumes shall be certified by the Design Engineer that the volumes provided meet or exceed the required design volumes per City requirements and the approved Water Quality Management Plan. The volume of storage provided must equal or exceed the approved design volumes before the City will issue Letters of Acceptance for maintenance of any public facilities.

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

FIRE EXTINGUISHERS. Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department. [F88]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

- A. Development Impact Fees (B)
- B. 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

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)

Others

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

CLOSING OF BALDY LANE. Access from Baldy Lane Road shall be permanently closed so that traffic is not directed through the residential neighborhood to the south. Primary access shall be from Topaz Avenue, a paved road.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

TEST STRUCTURES. Applicant shall provide a letter to the Fire Department agreeing that the test structures are not to sleep in or habited for any duration of time.

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

(B) Building Division
(E) Engineering Division
(F) Fire Prevention Division
(P) Planning Division
(RPD) Hesperia Recreation and Park District

947-1300
947-1476
947-1603
947-1200
244-5488

ATTACHMENT 4

RESOLUTION NO. PC-2018-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, DENYING APPEAL APP18-00001, UPHOLDING THE DEVELOPMENT REVIEW COMMITTEE'S DECISION TO ISSUE CERTAIN CONDITIONS OF APPROVAL FOR SPRE17-00005 PERTAINING TO TIMELINES ON CODE ABATEMENT ACTIVITIES AND STREET IMPROVEMENTS LOCATED ON THE WEST SIDE OF TOPAZ AVENUE, 300 FEET NORTH OF LIVE OAK STREET (APP18-00001)

WHEREAS, Cal Earth has filed an application requesting approval of Appeal APP18-00001, overturning the Development Review Committee's decision to issue certain conditions of approval for SPRE17-00005 pertaining to timelines on code abatement activities and street improvements described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to an extension of time for SPR16-00005, to construct a Cal Earth Research and Educational Facility on 7.5 acres located on the west side of Topaz Avenue, 300 feet north of Live Oak Street and consists of Assessor's Parcel Number 0405-261-24 & 70; and

WHEREAS, on January 10, 2018, the Development Review Committee (DRC) of the City of Hesperia approved the extension of time for SPR16-00005 with certain conditions of approval; and

WHEREAS, this Application, as contemplated, proposes to appeal the DRC's decision to issue conditions of approval for SPRE17-00005 pertaining to timelines on code abatement activities and street improvements. The conditions of approval require: i) that civil plans be resubmitted to the City by February 5, 2018; ii) that improvements plans be approved by June 23, 2018; and iii) that street improvements along entire street frontage of Topaz Avenue be constructed by August 23, 2018; and

WHEREAS, the Applicant, as contemplated, proposes to complete a portion of the street improvements along Topaz by February 23, 2019. The second change that Cal Earth seeks to make includes constructing the proposed driveway that extends to Topaz along with street improvements not to exceed ten feet on either side of the driveway curb return onto Topaz Avenue (includes curb, gutter and sidewalk improvements).

WHEREAS, the 7.5 gross acre site is partially developed with upwards of 20 unpermitted SuperAdobe domes, vaults, buildings, and structures, along with three or four permitted single-family residences. The properties to the north and west are vacant. Single-family residential subdivisions exist to the south and east;

WHEREAS, the subject property as well as surrounding properties are currently within the Low Density Residential (LDR) Zone of the Main Street and Freeway Corridor Specific Plan (Specific Plan); and

WHEREAS, denial of a project is exempt from the requirements of the California Environmental Quality Act; and

WHEREAS, on March 8, 2018, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF HESPERIA PLANNING COMMISSION AS FOLLOWS:

Section 1. The Planning Commission hereby specifically finds that all of the facts set forth in this Resolution are true and correct.

Section 2. Based upon substantial evidence presented to the Planning Commission during the above-referenced March 8, 2018 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The proposed conditions by the Applicant are inconsistent with and contrary to the goals and policies of the General Plan as well as the Main Street and Freeway Corridor Specific Plan (Specific Plan).
- (b) The proposed conditions by the Applicant do not conform to the regulations of the Specific Plan, the Development Code, and all applicable City Policy and Ordinances.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby denies Appeal APP18-00001, upholding the Development Review Committee's decision to issue conditions of approval for SPRE17-00005 pertaining to timelines on code abatement activities and street improvements.

Section 4. That the Secretary shall certify to the adoption of this Resolution.

ADOPTED AND APPROVED this 8th day of March 2018.

Tom Murphy, Chair, Planning Commission

ATTEST:

Denise Bossard, Secretary, Planning Commission

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DATE: March 8, 2018

TO: Planning Commission

FROM: Jeff Codega, Principal Planner

BY: Daniel Alcayaga, Senior Planner

SUBJECT: Consideration of Revocation of Conditional Use Permit CUP14-00013 that permits live entertainment for a hookah lounge at 15923 Bear Valley Road, Unit A120 (Applicant: Spacy Smoke Lounge; APN: 0414-021-20)

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. 2018-03 revoking CUP14-00013 that allows live entertainment for a hookah lounge at 15923 Bear Valley Road.

BACKGROUND

The Planning Commission approved the original conditional use permit to allow live entertainment for a hookah lounge on February 12, 2015. The hookah lounge under the name Rippin Hookah Lounge first established at 15923 Bear Valley Road, Unit A120 in 2011. In permitting the business, staff understood the business to be similar to a restaurant, and was allowed to establish as a permitted use in the General Commercial (C2) designation. In 2014, there were reports of a high number of calls for service due to shootings, serving alcohol to minors, drunk in public arrests, assaults, fights, and loud music. The City discovered that live entertainment was occurring at the facility. Pursuant to Section 16.16.325 (Interpretation of land uses), staff determined that a hookah lounge with live entertainment warranted approval of a conditional use permit. While the City was investigating the business, there was a change in management of the hookah lounge. New management applied for a CUP and told the City that the business would work to reduce law enforcement incidents.

In 2017, the City imposed a city-wide moratorium on smoking lounges, including hookah lounges citing health hazards and a threat to health, safety and welfare of the residents of Hesperia. The City then adopted the Commercial Community Enhancement Ordinance (CCEO) imposing a prohibition on smoking lounges. This prohibition was prompted by a murder that occurred at a different hookah lounge in the City.

ISSUES/ANALYSIS

Pursuant to Section 16.12.130(C), the Planning Commission can revoke a Conditional Use Permit (CUP) after considering the evidence as presented in a staff report. Upon conclusion of a public hearing, the Commission shall render a decision finding: 1) that the "Conditional Use" is being conducted in an appropriate manner and that no action to modify or revoke is necessary; or 2) that the "Conditional Use" is not being conducted in an appropriate manner and that modifications to conditions are necessary; or 3) that the "Conditional Use" is not being conducted in an appropriate manner and that modifications are not available to mitigate the impacts. Upon revocation, the use shall cease and desist in the time allotted by the Commission.

The subject conditional use is not being conducted in an appropriate manner because the business has violated their operating conditions of approval and significant law enforcement issues have been created by the hookah lounge at 15923 Bear Valley Road, Unit A120. A condition of approval states that: "any documented law enforcement issues created by the proposed use shall cause this CUP to be reviewed by the Planning Commission for possible revocation." The Historical Summary of Incidents shows that law enforcement issues have been created by operation of the hookah lounge.

Law enforcement issues include multiple shootings, possession of weapons, vandalism, assaults on employees, and threats of robbery. Two serious incidents occurred where four people were shot in the month of January 2018 in two separate incidents. In one incident, three people were shot, and in another incident, the owner of the business shot a person attempting to rob and assault two employees. Based on the evidence, the staff believes the business is attracting an unsafe crowd. The incidents are evidence that the business is not operating in safe manner and not providing adequate security. A pattern of crime has continued at the facility. The business is in violation of their conditions of approval, which requires them to obtain and maintain an annual Operational Use Permit from San Bernardino County Fire Department for an Assembly Occupancy.

Historical Summary of Incidents

| Date | Case # | Summary (quoted from case file) |
|-----------|------------|---|
| 1/21/2018 | 191800559 | The above date and time, I responded to the above location reference gunshot Jahshay Shepherd, Darelle Laydelle Burton, and Cecil Cooper at the incident location. Shepherd sustained a gunshot wound to his right trap. Burton sustained a gunshot wound to the right of his chest and cooper sustained a gunshot wound to his lower abdomen. All subjects were treated at Desert Valley Hospital. Burton and Cooper were air lifted to Arrowhead Regional Medical Center. At the scene several fired cartridge casing and blood splatters were located, photographed and collected for evidence. There are currently no suspect leads at this time. |
| 1/12/2018 | 1918000298 | The suspect Michael Richardson came into the Rippin Hookah Lounge and began telling the owner Jacob Abutaleb, he is going to rob him and everyone in the business. Abutaleb told Richardson to leave the business multiple times. Richardson walked behind the counter and struck Abutaleb in his face then attempted to attack another employee. Abutaleb told Richardson he was armed and if he did not leave he would shoot him. Richardson tried to run back behind the counter and Abutaleb fired several rounds from his handgun striking Richardson. |
| 9/21/2017 | 191707485 | On 09/20/2017, between the hours of 0200 and 1200, an unknown suspect scratched three of the passenger windows on Jacob's vehicle and removed the front passenger mirror. Jacob valued the damage at approximately \$1,000.00 to replace. Jacob's vehicle was parked in the parking lot at the above location and there were no video cameras in the area. No show or tire track able to be located due to hard concrete surface. Photographs were taken of the damage to vehicle, burned onto a disk, sealed in a manila envelope and placed in a secure evidence locker at the Hesperia |

| | | |
|-----------|-----------|---|
| | | Police Station. Jacob advised he called at the time of incident but cancelled due to the time it would take law enforcement to respond. Jacob advised incident happened while he was asleep inside of his business. |
| 7/28/2017 | 191705784 | The unknown suspect was upset with the victim about a recent purchase he made. The suspect began yelling at the victim about wanting to return the accessory. The suspect threatened the victim he was going to shoot him with his gun and kill him. The victim was nervous and started to shake. The suspect went to the vehicle and the victim followed. The suspect took off his shirt, got in his face, and told him while tapping him on his shoulder, : you don't want to ... (expletive here) with me , I just got out of jail." The suspect then got into a vehicle and fled the scene. |

Staff notified the applicant and owners of the subject property in question. Such notices were sent by certified mail and stated that the Commission will be reviewing the CUP for possible revocation. It stated the date, time and place of the hearing. Public Hearing Notices were mailed to surrounding properties consistent with City code. Staff requests that revocation of CUP14-00013 should be effective immediately.

FISCAL IMPACT

There is no fiscal impact associated with approval of the recommended action.

ALTERNATIVE(S)

1. Provide alternative direction to staff

ATTACHMENT(S)

1. Conditions of Approval for CUP14-00013
2. Resolution No. 2018-03

ATTACHMENT "A"
List of Conditions for CUP14-00013

Approval Date: February 12, 2015
Effective Date: February 24, 2015
Expiration Date: February 24, 2018

This list of conditions applies to: Consideration of Conditional Use Permit CUP14-00013 to allow live entertainment for an existing hookah lounge at 15923 Bear Valley Road (APN: 0414-021-20; Applicant: Akram Abdelmaseih).

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> | INDEMNIFICATION. As a further condition of approval, the Applicant agrees to and shall indemnify, defend, and hold the City and its officials, officers, employees, agents, servants, and contractors harmless from and against any claim, action or proceeding (whether legal or administrative), arbitration, mediation, or alternative dispute resolution process), order, or judgment and from and against any liability, loss, damage, or costs and expenses (including, but not limited to, attorney's fees, expert fees, and court costs), which arise out of, or are in any way related to, the approval issued by the City (whether by the City Council, the Planning Commission, or other City reviewing authority), and/or any acts and omissions of the Applicant or its employees, agents, and contractors, in utilizing the approval or otherwise carrying out and performing work on Applicants project. This provision shall not apply to the sole negligence, active negligence, or willful misconduct of the City, or its officials, officers, employees, agents, and contractors. The Applicant shall defend the City with counsel reasonably acceptable to the City. The City's election to defend itself, whether at the cost of the Applicant or at the City's own cost, shall not relieve or release the Applicant from any of its obligations under this Condition. (P) |
|--|---------------------------|---|

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY

| | | |
|--|------------------------------------|---|
| <u>COMPLETED</u>
IN COMPLIANCE | <u>COMPLIED BY</u>
GLENN | 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) |
|--|------------------------------------|---|

ONGOING CONDITIONS

| | | |
|--|---------------------------|--|
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | FIRE SPRINKLERS. Fire Sprinklers shall be maintained in compliance with NFPA 13 & 25 at all times. |
|--|---------------------------|--|

| | | |
|--|---------------------------|---|
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | FIRE ALARM. Fire Alarm shall be maintained in compliance with NFPA 72 at all times. |
|--|---------------------------|---|

| | | |
|--|---------------------------|---|
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | VENTILATION SYSTEM. Adequate ventilation shall be provided. Existing system, or equivalent, shall be maintained while the building is occupied. |
|--|---------------------------|---|

| | | |
|--|---------------------------|---|
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | ASSEMBLY OCCUPANCY REQUIREMENTS. Tenants shall comply with all requirements of the California Fire Code pertaining to Assembly Occupancies to include but not limited to: Maintaining exit pathways, emergency and egress lighting, fire extinguishers, and |
|--|---------------------------|---|

proof of flame retardant materials.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

HOOKAH REQUIREMENTS. All precautions should be taken with regards to hot hookah coals, to include but not limited to, securing hookahs on or in tables, transporting in non-combustible container, and proper disposal of used coals.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

OPERATING PERMIT. Occupant must obtain and maintain an annual Operational Use Permit from San Bernardino County Fire Department for an Assembly Occupancy .

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

AGE RESTRICTION. At no time during the conduct of the use shall anyone under the age of 18 be permitted on the premises, consistent with state law. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

SIGNAGE. All signage associated with the hookah lounge shall be consisted with the requirements within section 16.36 of the City's Municipal Code. Any proposed temporary signage shall be submitted to the Planning division under a temporary special event permit. All unpermitted signage shall be removed.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

PERMIT REVOCATION. Any, documented law enforcement, issues created by the proposed use shall cause this Conditional Use Permit to be reviewed by the Planning Commission for possible revocation. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

BUSINESS OPERATION. All activities associated with the use shall be contained wholly within the building.

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 |

ATTACHMENT 2

RESOLUTION NO. 2018-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, REVOKING LIVE ENTERTAINMENT FOR AN EXISTING HOOKAH LOUNGE AT 15923 BEAR VALLEY ROAD, UNIT A120 (CUP14-00013)

WHEREAS, Hesperia Municipal Code Chapter 16.12, Article III authorizes the Planning Commission to grant conditional use permits for the purpose of allowing certain uses that contribute to the orderly growth and development of the City to be properly integrated into the surrounding in which they are to be located; and

WHEREAS, pursuant to California Constitution Article XI, § 7, the state Zoning and Planning Law (Government Code sections 65800-65909.5), and Chapter 16.12, Article III of the Hesperia Municipal Code, the City of Hesperia ("City"), through the City of Hesperia Planning Commission ("Planning Commission"), is authorized to hear, approve, deny, or revoke conditional use permits that the City has previously granted; and

WHEREAS, in connection with any proposed proceeding to revoke a conditional use permit, Hesperia Municipal Code section 16.12.130(C) requires that (i) the Planning Commission hold a public hearing and consider the evidence presented in the staff report; (ii) the Commission shall render a decision finding: 1) that the CUP is being conducted in an appropriate manner and that no action to modify or revoke is necessary; or 2) that the CUP is not being conducted in an appropriate manner and that modifications to conditions are necessary; or 3) that the CUP is not being conducted in an appropriate manner and that modifications are not available to mitigate the impacts; and (iii) the City mail written notice of the public hearing to the applicant and record owner of the property for which the conditional use permit was granted prior to such public hearing; and

WHEREAS, the Planning Commission approved the original conditional use permit to allow live entertainment for a hookah lounge on February 12, 2015; and

WHEREAS, Spacy Smoke Lounge (the Business) and Victorville Holdings, Inc. (the record owner of the property) were sent written notification of a public hearing to be held on March 8, 2018 to determine whether the Planning Commission should revoke the CUP; and

WHEREAS, on March 8, 2018, the Planning Commission conducted the public hearing to determine whether the Planning Commission should revoke the CUP, and Spacy Smoke Lounge and Victorville Holdings, Inc. along with other interested members of the public, were afforded the opportunity to provide verbal and written evidence during such hearing regarding the possible revocation of the CUP; and

WHEREAS, the CUP applies to a developed lot within the General Commercial (C2) designation located 15923 Bear Valley Road and consists of Assessor's Parcel Number 0414-021-20; and

WHEREAS, the CUP14-00013 allows live entertainment for an existing hookah lounge; and

WHEREAS, the subject site is developed with a multi-tenant commercial building. Commercial uses exist to the north and west, and the parcels to south and east are vacant; and

WHEREAS, the subject property and the properties to the east and west are designated C2. The land to the north is commercially zoned located outside City limits. The land to the south is within the Multi-Family Residential (R3) designation; and

WHEREAS, the project is categorically exempt from the requirements for the California Environmental Quality Act by Section 15301, Existing Facilities; and

WHEREAS, on March 8, 2018, the Planning Commission of the City of Hesperia conducted a hearing on the Conditional Use Permit Application and concluded said hearing on that date; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF HESPERIA PLANNING COMMISSION AS FOLLOWS:

Section 1. The Planning Commission hereby specifically finds that all of the facts set forth in this Resolution are true and correct.

Section 2. Based upon substantial evidence presented to the Planning Commission during the above-referenced March 8, 2018 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

(a) The subject Conditional Use is not being conducted in an appropriate manner because the business has violated their operating conditions of approval and significant law enforcement issues have been created by the hookah lounge at 15923 Bear Valley Road, Unit A120. The Historical Summary of Incidents found in the staff report shows that law enforcement issues have been created by operation of the hookah lounge. The business is in violation of their conditions of approval, which requires them to obtain and maintain an annual Operational Use Permit from San Bernardino County Fire Department for an Assembly Occupancy.

(b) In the last year, police reports show incidents of multiple shootings, possession of weapons, vandalism, assaults on employees, and threats of robbery. Two serious incidents occurred where four people were shot in the month of January 2018 in two separate incidents. In one incident, three people were shot, and in another incident, the owner of the business shot a person attempting to rob and assault two employees. Based on the evidence, the City determines that the business is attracting a unsafe crowd and crime to the City. The incidents are evidence that the business is not operating in safe manner and not providing adequate security. A pattern of crime has continued at the facility.

Section 2. Based on the entire record before the Planning Commission and all written and verbal evidence presented, and the determinations and findings, the Planning Commission hereby revokes CUP14-00013 effective immediately.

Section 4. That Secretary shall certify to the adoption of this resolution.

ADOPTED AND APPROVED this 8th day of March 2018.

Tom Murphy, Chair, Planning Commission

ATTEST:

Denise Bossard, Secretary, Planning Commission



**CITY OF HESPERIA
DEVELOPMENT REVIEW COMMITTEE**

AMENDED

**City Hall Joshua Room
9700 Seventh Avenue
Hesperia, CA 92345
BEGINNING AT 10:00 A.M.
WEDNESDAY, FEBRUARY 7, 2018**

A. PROPOSALS:

1. KELLY YOUSSEF; (SPR17-00014)

Proposal: Consideration of a Site Plan Review to construct a 10-unit apartment complex on one gross acre.

Location: North side of Olive Street approximately 340 feet east of Santa Fe Avenue (0410-171-32)

Planner: Ryan Leonard

Action Taken: Administrative Approval

2. MARRIOTT FENCE CONSTRUCTION, INC; (SPRR18-00001)

Proposal: Consideration of a Revised Site Plan Review to construct a 1,025 square foot expansion of an existing 1,650 square foot fencing contractor business.

Location: 9459 Santa Fe Avenue East (0410-161-03)

Planner: Daniel Alcayaga

Action Taken: Administrative Approval

3. GEOFF BOLLEN; (ME18-00001)

Proposal: Consideration of a Minor Exception to construct a 2,100 square foot metal garage in conjunction with an existing 320 square foot cargo container which will exceed the 5% accessory building area.

Location: 18911 Vine Street (0411-425-32)

Planner: Ryan Leonard

Action Taken: Administrative Approval

4. LA VERIZON WIRELESS; (CUPE18-00001)

Proposal: Consideration of a first Extension of Time for CUP14-00011 to construct an 85-foot tall wireless communications facility at an existing water tank site.

Location: West side of Pinon Avenue, approximately 685 feet south of Sycamore Street (0406-101-21)

Planner: Daniel Alcayaga

Action Taken: Administrative Approval



**CITY OF HESPERIA
DEVELOPMENT REVIEW COMMITTEE**

**City Hall Joshua Room
9700 Seventh Avenue
Hesperia, CA 92345
BEGINNING AT 10:00 A.M.
WEDNESDAY, FEBRUARY 21, 2018**

A. PROPOSALS:

1. BLAZE PALM, LLC; (MCB18-00002)

Proposal: Consideration of a Medical Cannabis Business to occupy an existing 1,010 square foot suite on an approximately 57,063 acre lot.

Location: 11129 G Avenue (0415-231-10)

Planner: Daniel Alcayaga

Action Taken: Administrative Approval

2. MEDICAL CANNABIS EDUCATION CENTER; (MCB18-00003)

Proposal: Consideration of a Medical Cannabis Business to occupy an existing 3,000 square foot suite.

Location: 11114 "G" Avenue, Unit 9 (0415-244-04)

Planner: Ryan Leonard

Action Taken: Administrative Approval

3. GREEN SCORPION ORGANICS COMPANY; (MCB18-00004)

Proposal: Consideration of a Medical Cannabis Business to occupy an existing 1,000 square foot suite.

Location: 17525 Alder Street, Unit 43 (0415-271-03)

Planner: Daniel Alcayaga

Action Taken: Administrative Approval

4. **CHRIS NASH; (ME18-00002)**

Proposal: Consideration of a Minor Exception to construct a 3,750 square foot metal garage which will exceed the 5% accessory building area limitation.

Location: 17677 Fresno Street (0411-082-04)

Planner: Ryan Leonard

Action Taken: Administrative Approval

5. **TIM CASSARO; (SPRR18-00003)**

Proposal: Consideration of a Revised Site Plan Review to allow an RV sales business.

Location: 11768 Mariposa Road (3072-241-06)

Planner: Ryan Leonard

Action Taken: Administrative Approval

6. **THOMAS CARPINO; (CUP18-00001)**

Proposal: Consideration of a Conditional Use Permit to construct a two-story 16,850 square foot restaurant with a bar in two phases on 2.6 gross acres.

Location: Southwest corner of Juniper Street and Eighth Avenue (0413-021-03)

Planner: Ryan Leonard

Action Taken: Approved: Forwarded to the March 8, 2018, Planning Commission Meeting