ATTACHMENT "A" List of Conditions for CUP16-00009

Approval Date: Effective Date: Expiration Date:

This list of conditions applies to: Consideration of General Plan Amendment GPA16-00002 to change the designation of the subject property from Limited Agricultural with a minimum lot size of 2.5 acres (A1-2 ½) to General Commercial (C2) in conjunction with Conditional Use Permit CUP16-00009 to construct a gas station with six fuel islands, a 5,784 square foot convenience store that includes the sale of beer, wine and liquor for off-site consumption, a 1,560 square foot automated car wash tunnel, a 3,300 square foot drive-thru restaurant and a 19,000 square foot multi-tenant commercial building located on 3.46 acres at the northeast corner of Ranchero Road and Seventh Avenue (Applicant: Verma, Harp; APN: 0412-172-01)

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	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 COMPLIED BY

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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

- B. Three sets of plans for underground fuel storage tanks shall be submitted to the Building Division with required application fees.
- C. Demolition permits shall be obtained from the Building Division prior to demolition of above or below ground structures. Prior to issuance a certificate that the structure is asbestos free shall be obtained from a licensed environmental engineer.

COMPLETED COMPLIED BY NOT IN COMPLIANCE

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.

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NOT IN COMPLIANCE

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

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DRAINAGE STUDY. The Developer shall submit a Final Hydrology Hydraulic study identifying the method of collection and conveyance of any tributary flows from off-site as well as the method of control for increased run-off generated on-site. (E)

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

COMPLIED BY COMPLETED NOT IN COMPLIANCE

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

COMPLETED COMPLIED BY NOT IN COMPLIANCE

N.P.D.E.S. The Developer shall apply for the required NPDES (National Pollutant Discharge Elimination System) permit with the Regional Water Quality Control Board and pay applicable fees. (E)

COMPLETED **COMPLIED BY** NOT IN COMPLIANCE

STORM WATER POLLUTION PREVENTION PLAN. The Developer shall provide a Storm Water Pollution Prevention Plan (SWPPP), which addresses the method of storm water run-off control during construction. (E)

COMPLETED COMPLIED BY NOT IN COMPLIANCE

UTILITY NON INTERFERE/QUITCLAIM DOCS. Developer shall provide non-interference and or quitclaim letter(s) from any applicable utility agencies for any utility easements that affect the proposed project. All documents shall be subject to review and approval by the Engineering the affected utility agencies. Department and improvement plans will not be accepted without the required documents and approval from the affected agencies. (E)

COMPLETED **COMPLIED BY** NOT IN COMPLIANCE

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** NOT IN COMPLIANCE

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)

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PLAN AMENDMENT. GENERAL These conditions NOT IN COMPLIANCE with General Plan Amendment GPA16-00002 concurrent

becoming effective.

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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)

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PHOTOMETRIC PLANS. The Developer shall submit two sets of photometric plans to the Building Division demonstrating that parking lot lighting will not exceed 0.5 foot-candles at the property lines.

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY

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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)

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SURVEY. The Developer shall provide a legal survey of the property. All property corners shall be staked and the property

address posted. (B)

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APPROVAL OF **IMPROVEMENT** PLANS. ΑII 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 **COMPLIED BY** DEDICATION(S). The Developer shall grant to the City an

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Irrevocable Offer of Dedication for Ranchero Road and Seventh Avenue. The right of way half width for Ranchero Road shall be seventy (70') feet. The right of way half width for Seventh Avenue shall be fifty (50') 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. Corner cut off right of way dedication per City standards is required at all intersections, including interior roadways. (E)

COMPLETED COMPLIED BY
NOT IN COMPLIANCE

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

COMPLETED COMPLIED BY NOT IN COMPLIANCE

N.P.D.E.S. The Developer shall provide a copy of the approved original NPDES (National Pollutant Discharge Elimination System) permit from the Regional Water Quality Control Board and provide a copy of fees paid. The copies shall be provided to the City's Engineering Department. (E)

COMPLETED COMPLIED BY NOT IN COMPLIANCE

STORM WATER POLLUTION PREVENTION PLAN. All of the requirements of the Storm Water Pollution Prevention Plan shall be incorporated and be in place prior to issuance of a grading permit. (E)

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

COMPLETED COMPLIED BY NOT IN COMPLIANCE

ON SITE RETENTION (FUELING STATIONS). 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. It is the Developers responsibility to remove existing

on site storm drain facilities per the City Inspector. 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. The Developer shall provide an E.P.A. approved oil and gasoline stop valve for the proposed on site retention system. The documentation shall be provided to the City for their review. (E)

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TRAFFIC SIGNAL(S). The Developer shall design and construct traffic signal at the intersection of Ranchero Road and Seventh Avenue. Traffic signal preemption device for emergency vehicle operation shall be included. The Developer shall also pay their fair contribution of traffic signal construction for a.) Ranchero Road and Maple Avenue and b.) Ranchero Road and Cottonwood Avenue in the amount of \$140,399 as indicated in the TIA, page 78. (E)

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

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SEVENTH AVENUE. Saw-cut (2-foot min.) and match-up asphalt pavement on Seventh Avenue across the project frontage, based on City's 100-foot Arterial Roadway with Bike Lane Standard. The curb face is to be located at 32' from the approved centerline to match the existing curb return. These improvements shall consist of:

- 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. Intersection improvements including handicapped ramps per City standards.
- F. Commercial driveway approaches per City standards.
- G. Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index of 10 and per the soils report.
- H. Cross sections every 50-feet per City standards.
- I. Traffic control signs and devices as required by the traffic study and/or the City Engineer.
- J. Provide a signage and striping plan per City standards.
- K. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.
- L. Provide signage and striping for a Class 2 bike trail, per City's adopted non-motorized transportation plan.

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THIRD AVENUE. Saw-cut (2-foot min.) and match-up asphalt pavement on Third Avenue across the project frontage, based on City's 60-foot Suburban Collector Roadway Standard. The curb face is to be located at 20' from the approved centerline. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These

improvements shall consist of:

- 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. Intersection improvements including handicapped ramps per City standards.
- F. Commercial driveway approaches per City standards.
- G. Pavement transitions per City Standards.
- H. Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index of 8 and per the soils report.
- I. Cross sections every 50-feet per City standards.
- J. Traffic control signs and devices as required by the traffic study and/or the City Engineer.
- K. Provide a signage and striping plan per City standards.
- L. It is the Developer's responsibility to obtain any off-site dedications for transition tapers including acceleration / deceleration tapers per City standards.
- M. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.

COMPLETED COMPLIED BY NOT IN COMPLIANCE

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. (F)

- 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 16" ACP water line in Seventh Avenue per City Standards.
- C. The Developer is not required to install sewer lines unless the proposed septic system cannot meet the La Honton Regional Water Quality Board's requirements or the City of Hesperia's EDU requirements.

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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.

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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.

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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]

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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: 3,750 GPM for a 3hour duration at 20 psi residual operating pressure. Fire Flow is based on a 19,000 sq.ft. structure. [F 5]

COMPLETED COMPLIED BY NOT IN COMPLIANCE

FISH AND GAME FEE. The applicant shall submit a check to the City in the amount of \$2,266.25 payable to the Clerk of the Board of Supervisors of San Bernardino County to enable the filing of a Notice of Determination. (P)

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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 COMPLIED BY NOT IN COMPLIANCE

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 COMPLIED BY NOT IN COMPLIANCE

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 COMPLIED BY NOT IN COMPLIANCE

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. The exterior staircase shall incorporate decorative materials such as wrought iron railing and the metal poles underneath the staircase shall be replaced with stucco columns or some other combination of materials as approved by staff.

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NOISE SUPPRESSION. To reduce noise impacts associated with the carwash, noise suppression/mufflers shall be incorporated in the blowers for use in the carwash and any

noisy mechanical equipment like hydraulic pumps be contained in a noise attenuating enclosure or room. In addition, the vacuums that are utilized shall incorporate factory installed noise suppression and the unit shall be surrounded on three sides with an enclosure that is constructed of masonry materials or stuccoed wood framing. The height of the enclosure shall extend at least two feet above the top of the vacuum.

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE

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

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

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contract with the Citys 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)

COMPLETEDCOMPLIED BYDEVELOPMENTFEES. The Developer shall pay required development fees as follows:

A. School Fees (B)

COMPLETEDCOMPLIED BYFIRE SURFACE-MINIMUM 80K POUNDS. All roads shall beNOT IN COMPLIANCEdesigned to 85 compaction and/or paving and hold the weightof Fire Apparatus at a minimum of 80K pounds. [F 42]

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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]

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LANDSCAPE AND IRRIGATION 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 with the required application fees. 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 RPD)

SOLID MASONRY WALLS AND FENCES. The Developer shall submit four sets of masonry wall/wrought iron fencing

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Page 8 of 11

plans to the Building Division with the required application fees for all proposed walls. An approved six foot high wall with decorative cap shall be installed along the eastern property line in accordance with the development code. (P)

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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)

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY

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

A. Development Impact Fees (B)

B. Fair share traffic fees (B)

Utility Fees (E)

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UTILITY CLEARANCE AND C OF O. The Building utility clearances on individual buildings after provide 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)

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EXECUTED AND RECORDED WOMP MAINTENANCE AGREEMENT. The WOMP Maintenance Agreement:

Agreement Water Covenant and Regarding Quality Management Plan and Stormwater Best 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) fully executed and recorded with the San Bernardino County Assessor-Recorder-County Clerk's office. A copy of the recorded WQMP Maintenance Agreement must be

received before the City will issue a Certificate of Occupancy.

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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)

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ELECTRONIC COPIES. The Developer shall provide

electronic copies of the approved project in AutoCAD format

Version 2007 to the City's Engineering Department. (E)

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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)

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FIRE ALARM-AUTO OR MANUAL. A manual, automatic or

manual and automatic fire alarm system complying with the

Page 9 of 11

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]

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

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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

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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]

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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]

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

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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 COMPLIED BY
NOT IN COMPLIANCE

NOISE LEVELS. Noise levels shall be maintained at or below the general performance standards in teh City's Noise Ordinance at all times. In addition the hours of operation of the carwash shall be limited to 7:00 a.m to 10:00 p.m.

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