

ATTACHMENT 6

ATTACHMENT "A" List of Conditions for CUP18-00007

Approval Date: November 05, 2019
Effective Date: November 05, 2019
Expiration Date: November 05, 2022

This list of conditions applies to: Consideration of Planned Development PPD18-00001 and Conditional Use Permit CUP18-00007 to construct a two-story, 160 unit senior apartment development, a two-story, 128 unit senior assisted living facility, a 13,462 square foot commercial building, and a 14,820 square foot commercial building on 22 gross acres within the PPD (15-00001) and the Medium Density Residential (MDR) zones of the Main Street and Freeway Corridor Specific Plan located on the north side of Main Street, approximately 250 feet east of the California Aqueduct (Applicant: Americana Hesperia Retirement Project LLC; APN: 0405-062-56 & 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

<u>COMPLETED</u>	<u>COMPLIED BY</u>
NOT IN COMPLIANCE	

PRE-CONSTRUCTION SURVEY. ACDFW 30-day pre-construction survey be performed immediately prior (i.e. 30 days or less) to the start of any future construction activities to determine if any owls have moved onto the site since the May 2018 surveys. (P)

<u>COMPLETED</u>	<u>COMPLIED BY</u>
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 Agavaceae family, mesquite, large creosote bushes, Joshua Trees, and other plants protected by the State Desert Native Plant Act. Prior to issuance of a grading permit, the grading plan shall require transplanting of all protected plants as specified in the approved protected plant plan. (P)

CONDITIONS REQUIRED AS PART OF SUBMITTAL OF PUBLIC IMPROVEMENT PLANS

<u>COMPLETED</u>	<u>COMPLIED BY</u>
IN COMPLIANCE	

THESE CONDITIONS SHALL APPLY TO EACH SEPARATE AND INDIVIDUAL PHASE OF DEVELOPMENT (IF APPLICABLE TO THAT PHASE).

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NOT IN COMPLIANCE	

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. Submit two (2) sets of engineered plans for the proposed swimming pool to the Building Division for review and construction permits with the required application fees. The plans shall have prior review and approval by the San Bernardino County Department of Environmental Health Services.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

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**
NOT IN COMPLIANCE

PARCEL MAP. A Parcel Map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor, based upon a survey, and shall conform to all provisions as outlined in article 66444 of the Subdivision Map Act as well as the San Bernardino County Surveyors Office Map Standards. (E)

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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. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

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 **COMPLIED BY**
NOT IN COMPLIANCE

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

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NOT IN COMPLIANCE

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

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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 City's 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 City's Engineering Department for review and approval. At time of submittal the developer shall complete the City's application for document review and pay all applicable fees. (E)

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COVERED PARKING. The applicant shall provide the amount of covered parking for the total number of senior apartment units. The mix of garages and carports shall equal the number of living units.

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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 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)

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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. Due to the small scale of the site plan, these requirements could result in minor changes to parking spaces and landscape planters. The building shall be designed consistent with the design shown upon the approved elevations, materials board and color exterior building elevations. Any exceptions shall be approved by the Director of Development Services. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

RECREATIONAL FACILITIES. The Developer shall submit two sets of plans to develop the recreational facilities to the Building Division with the required application fees. The recreational facilities shall be developed in a similar fashion as shown on the approved plans and any changes to the amenities shall be approved by the director. (P)

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY

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NOT IN COMPLIANCE

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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)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

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

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

DEDICATION(S). The Developer shall grant to the City an Irrevocable Offer of Dedication for Main Street. The right of way full width for Main Street shall be one-hundred (100') feet. The Developer shall also grant to the City an Irrevocable Offer of Dedication for La Rosa Street. The right of way full width for La Rosa Street 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. It is the Developers responsibility to obtain any additional Right of Way dedication needed to satisfy the 26 minimum paving requirement at no cost to the City. Corner cut off right of way dedication per City standards is required at all intersections. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

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

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

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

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

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STREET IMPROVEMENTS. The Developer shall design

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street improvements in accordance with City standards and these conditions. (E)

MAIN STREET: Saw-cut (2-foot min.) and match-up asphalt pavement on Main Street across the project frontage, based on City's 120-foot Main Street Corridor "A" Roadway Standard. The curb face is to be located at 44' from the approved construction 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 12 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. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.
- M. Provide signage and striping for a Class 2 bike trail, per City's adopted non-motorized transportation plan.

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FUENTE AVENUE. Construct 26' minimum paving on Fuent Avenue across the project frontage, based on City's 80-foot Secondary Arterial Roadway Standard. The curb face is to be located at 25' 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. Street lights 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 10 and per the soils report.
- 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. It is the Developer's responsibility to obtain any off-site dedications for transition tapers including acceleration / deceleration tapers per City standards. It is also the

Developer's responsibility to obtain any additional Right-of-Way dedication needed to satisfy the 26' minimum paving requirement at no cost to the City.
L. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.

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LA ROSA STREET. Construct 26' paving minimum on La Rosa Street across the project frontage, based on City's 60-foot Local 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. 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. It is the Developer's responsibility to obtain any off-site dedications for transition tapers including acceleration / deceleration tapers per City standards. It is also the Developer's responsibility to obtain any additional Right-of-Way dedication needed to satisfy the 26' minimum paving requirement at no cost to the City.
- L. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.

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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. The Developer will be required to design and construct 8" (min.) PVC water main in Fuente Avenue and La Rosa 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 design and construct 8" (min.) PVC sewer main and tie proposed sewer into existing sewer in Live Oak 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.

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NOT IN COMPLIANCE

WATER IMPR. PLAN. The Developer shall design and construct an 8 minimum PVC water main in Fuente Avenue from Main Street to La Rosa Street and in La Rosa Street from Fuente Avenue to westerly property line. Design shall consist of plan and profile per City standards. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

WATER/SEWER IMPR. PLAN. The Developer shall design water and sewer improvements in accordance with City standards, and as indicated below. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

SEWER IMPROVEMENT PLAN: The Developer shall design and construct an 8 minimum PVC SDR 35 sewer main in La Rosa Street from Fuente Avenue to westerly property line and north to Live Oak Street where Developer will tie into existing sewer main. Design shall consist of plan and profile per City standards. (E)

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NOT IN COMPLIANCE

CULTURAL RESOURCES. In the event that pre-contact cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the San Manuel Band of Mission Indians Cultural Resources Department will be contacted if any such find occurs and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment. The archaeologist shall complete an isolate/site record for the find and submit this document to the applicant and Lead Agency for dissemination to the San Manuel Band of Mission Indians.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

CULTURAL RESOURCES. If pre-contact cultural resources are discovered and avoidance cannot be ensured, an SOI-qualified archaeologist shall be retained to develop a cultural resources Treatment Plan, as well as a Discovery and Monitoring Plan, the drafts of which shall be provided to San Manuel Band of Mission Indians Cultural Resources Department for review and comment. The Lead Agency and/or applicant shall, in good faith, consult with San Manuel Band of Mission Indians Cultural Resources Department on the disposition and treatment of any other cultural materials encountered during the project.

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CULTURAL RESOURCES. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.

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NOT IN COMPLIANCE

LOT MERGER. A lot merger shall be submitted, approved, and recorded if construction occurs before the recordation of the Parcel Map. 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 **COMPLIED BY**
NOT IN COMPLIANCE

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE FEE. The applicant shall submit a check to the City in the amount of \$2,404.75 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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NOT IN COMPLIANCE

The applicant/developer shall coordinate with the San Bernardino County Fire Department for plan check purposes prior to submittal to the City.

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

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 **COMPLIED BY**
NOT IN COMPLIANCE

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

A. School Fees (B)

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NOT IN COMPLIANCE

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

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NOT IN COMPLIANCE

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

A. Development Impact Fees (B)

B. Park Fees (Not applicable to commercial portion) (B)

C. Utility Fees (E)

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NOT IN COMPLIANCE

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. (B)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

DIRECTORY ADDRESSING. Apartments with more than three separate buildings on site shall have a building directory. Directories are to be posted at the main entrance(s) to the complex on the entry driveway side. Directories shall not be located in the public right-of-way or clear sight triangle areas. Directories shall be of sufficient size to be clearly visible from the public roadway serving the entrance driveway but in no case less than two feet in either dimension or six square feet. The directory shall be lighted from a power source dedicated to the general premises. (B)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

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 **COMPLIED BY**
NOT IN COMPLIANCE

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 **COMPLIED BY**
NOT IN COMPLIANCE

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 **COMPLIED BY**
NOT IN COMPLIANCE

CFD ANNEXATION. The applicant shall annex the property into Community Facilities District CFD 94-01 prior to occupancy of any building or concurrent with recordation of the parcel map. (F)

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