ATTACHMENT "A" List of Conditions for SPR19-00015

Approval Date: August 13, 2020 Effective Date: August 25, 2020 Expiration Date: August 25, 2023

This list of conditions applies to: Consideration of Site Plan Review SPR19-00015 to construct a 123,132 square foot manufacturing/industrial building, a 19,600 square foot storage building, and a 8,865 square foot office building in conjunction with Variance VAR20-00001 to exceed the maximum floor area ratio, on approximately 9.5 gross acres within the Commercial/Industrial Business Park zone of the Main Street and Freeway Corridor Specific Plan, located at the south-east corner of Highway 395 and Poplar Street (Applicant: 395 LLC; APN: 3064-591-01 & 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).

ADDITIONAL CONDITIONS

COMPLETEDCOMPLIED BYCEQA. Applicant shall also comply with all mitigationNOT IN COMPLIANCEmeasures adopted for Negative Declaration ND-19-00006

CONDITIONS REQUIRED AS PART OF SUBMITTAL OF PUBLIC IMPROVEMENT PLANS

COMPLIED BY CONSTRUCTION PLANS. Five complete sets of construction COMPLETED NOT IN COMPLIANCE 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) GEOTECHNICAL REPORT. The Developer shall provide two COMPLETED **COMPLIED BY** copies of the soils report to substantiate all grading building NOT IN COMPLIANCE and public improvement plans. Include R value testing and pavement recommendations for public streets. (E B) TITLE REPORT. The Developer shall provide a complete title COMPLETED **COMPLIED BY** report 90 days or newer from the date of submittal. (E) NOT IN COMPLIANCE

UTILITY INTERFERE/QUITCLAIM DOCS. **COMPLETED** NON The **COMPLIED BY** NOT IN COMPLIANCE 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 Department and affected utility agencies. improvement plans will not be accepted without the required

documents and approval from the affected agencies. (E)

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 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)

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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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DRAINAGE IMPACT PREVENTION. The Project shall provide additional drainage facilities, and/or additional drainage facility capacity to mitigate flooding or other downstream impacts associated with or in the vicinity of the proposed project per direction of the City Engineer.

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

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

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

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

A. Drawdown Time. All drainage facilities which are designed to percolate/infiltrate surface runoff (including basins, drywells, or infiltration-based low impact development features) shall not

accumulate standing water for more than 48 hours. All drainage facilities designed to provide detention storage shall recover 100 percent of their design detention volume within 48 hours.

- B. Groundwater Protection. The Project shall ensure any retention/infiltration or detention facilities will not adversely impact groundwater.
- C. Underground Retention/Detention Systems. The Project shall demonstrate a minimum functional life span of 50 years for materials (e.g., polymer, metal, mineral-based, or other) used in underground retention/detention systems.

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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

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TRAFFIC STUDY. Prior to, or included with, improvement (grading, street, drainage, sewer, and water) plans first submittal, an updated Traffic Impact Analysis (TIA) shall be submitted for review and approval by the City Engineer. The TIA shall comply with all City traffic requirements including intersection geometric exhibit. TIA approval shall be acquired prior to issuance of any construction permits. Prior to issuance of Certificate of Occupancy, all mitigation measures required in the approved TIA shall be satisfied and are made part of these conditions of approval.. (E)

COMPLETED COMPLIED BY NOT IN COMPLIANCE

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 GROUND DISTURBING ACTIVITY

COMPLETED COMPLIED BY NOT IN COMPLIANCE

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

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. 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)

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DEDICATION(S). The Developer shall grant to the City an Irrevocable Offer of Dedication for Poplar Street. The right of way full width for Poplar Street shall be one-hundred (100') feet. The Developer shall also grant to the City an Irrevocable Offer of Dedication for Highway 395. The right of way full width for Highway 395 shall be one-hundred-thirty (130') 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. (E)

COMPLETED COMPLIED BY NOT IN COMPLIANCE

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

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GRADING PLAN. The Developer shall submit a Grading Plan with existing contours tied to an acceptable City of Hesperia

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

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STREET IMPROVEMENTS. All public improvements shall be designed in compliance with all appropriate Federal, State, County, and/or City standards. The most stringent standard shall prevail. (E)

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All public improvements shall be designed in compliance with all appropriate Federal, State, County, and/or City standards. The most stringent standard shall prevail.

POPLAR STREET. Saw-cut (2-foot min.) and match-up asphalt pavement on Poplar Street across the project frontage, based on City's 100-foot Arterial Roadway Standard. The curb face is to match existing to east. 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.

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All public improvements shall be designed in compliance with all appropriate Federal, State, County, and/or City standards. The most stringent standard shall prevail.

HIGHWAY 395. Saw-cut (2-foot min.) and match-up asphalt pavement on Highway 395 across the project frontage, based on City's / Caltran's 130-foot US Highway 395 Roadway Standard. The curb face is to be located at 53' from the approved construction centerline. Coordination with Caltrans including plan review and approval along with permit issuance shall be completed before City will approve plans. 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 not required per City Engineer.
- C. Roadway drainage device(s).
- D. Streetlights per City standards.
- E. Intersection improvements including handicapped ramps 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 approved by Caltrans and City Traffic Engineer 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. It is the Developer's responsibility to obtain any off-site dedications for transition tapers including acceleration / deceleration tapers per City standards.
- 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. Domestic and fire connections shall be made from the existing 12" PVC water line in Poplar 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 8" PVC sewer main in Poplar 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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STORM WATER POLLUTION PREVENTION PLAN. The Project shall submit to the City for approval two (2) copies of a Storm Water Pollution Prevention Plan (SWPPP) as specified in the prevailing National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities issued by the California State Water Resources Control Board.

Prepare the SWPPP using or following the format of the most recent SWPPP Template in the Construction BMP Handbook prepared by the California Stormwater Quality Association (requires subscription); see:

https://www.casqa.org/resources/bmp-handbooks

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

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

NPDES-PERMIT **TERMINATION:** Upon completion 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

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

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FISH AND GAME FEE. The applicant shall submit a check to the City in the amount of \$2,456.75 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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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)

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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. The project is required to provide 10% on-site landscape coverage. Additional landscaping is required in order to comply with this requirement. Furthermore, since Engineering is not requiring sidewalk improvements along Highway 395, the landscape planter adjacent to Highway 395 shall be expanded to include that area that would have otherwise been sidewalk;
- B. In regards to the manufacturing building, the proposed multicolor panel accent wall that is shown on the east elevation shall also be required on the west elevation in order to add architectural interest along the project frontage of Highway 395
- C. The storage building shall provide the same level of architectural detail as the manufacturing building. Therefore, the storage building shall provide the multicolor accent wall, textured and decorative metal panels, and window treatments along the frontages of Highway 395 and Popular Street.
- D. Decorative wrought iron fencing shall be provided along the property boundary adjacent to Highway 395.

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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)

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE

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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)

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

A. School Fees (B)

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NOT IN COMPLIANCE

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LANDSCAPE/IRRIGATION. The Developer shall submit three sets of landscape and irrigation plans including water budget application calculations, required fees, and completed landscape packet to the Building Division. Plans shall utilize xeriscape landscaping techniques in conformance with the Ordinance. The number, Landscaping size. 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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DEVELOPMENT FEES. The Developer shall pay required

development fees as follows:

A. Development Impact Fees (B)

B. Utility Fees (E)

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UTILITY CLEARANCE AND C OF O. The Building Division

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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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)

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NOT IN COMPLIANCE

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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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COPIES. provide **ELECTRONIC** The Developer shall electronic copies of the approved project in AutoCAD format

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

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PUBLIC IMPROVEMENTS. Prior to the issuance of Certificate of Occupancy for any building, a traffic signal and roadway

improvements at the intersection Highway 395 and Poplar Street shall be installed and energized to the satisfaction of the City Engineer in accordance with the approved TIA. The signal shall be designed to operate allowing full turning movements. Installation of concrete curb returns, forming the west legs of Poplar Street, shall be constructed to accommodate ultimate

traffic signal pole placement. . (E)

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EXECUTED AND RECORDED **WQMP MAINTENANCE**

AGREEMENT. The **WQMP** Maintenance Agreement: Covenant and Agreement Regarding Quality Water

Management Plan and Stormwater Best Management

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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.

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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.

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