

ATTACHMENT "A"
List of Conditions for CUP19-00009

Approval Date: September 10, 2020
Effective Date: September 22, 2020
Expiration Date: September 22, 2023

This list of conditions applies to: Consideration of Conditional Use Permit CUP19-00009 to construct a gas station with 6 fuel dispensers, a 2,070 square foot drive-thru restaurant, and a 3,493 square foot convenience store that will include the off-site sale of beer, wine and liquor on 2.7 gross acres within the General Commercial (C2) zone located on the southeast corner of Bear Valley Road and I Avenue (Applicant: Poche Partners, LLC; APNs: 0399-132-01, 04, 05, 06, 27, 28, 29, & 30)

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

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TRASH RECEPTACLE. A trash receptacle shall be installed at the end of the drive-thru aisle and shall be accessible to the drivers of the vehicles. The trash receptacle shall be screened with a permanent enclosure and shall be shown on the grading and improvement plans. In addition, the trash receptacle shall be maintained at all times and emptied on a regular basis so as to prevent overflow.

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ALCOHOL SALES. The project is subject to Section 16.16.370 of the Municipal Code which provides standards for the continued operation of alcohol establishments, and sets forth grounds for the modification, revocation and termination of this conditional use permit if it is found to be in violation of this section.

CONDITIONS REQUIRED AS PART OF SUBMITTAL OF PUBLIC IMPROVEMENT PLANS

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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)

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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.

B. Three sets of plans for underground fuel storage tanks shall be submitted to the Building Division with required application fees.

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TITLE REPORT. The Developer shall provide a complete title report 90 days or newer from the date of submittal. (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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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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FINAL MAP: A Final 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 66433 of the Subdivision Map Act as well as the San Bernardino County Surveyors Office Final Map Standards. (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)

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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
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
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COMPLIED BY

VACATION. The Developer shall submit a Request for Vacation to the City's Engineering Department for acceptance. 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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TENTATIVE PARCEL MAP- These conditions are concurrent with Tentative Parcel Map TPM20-00003 (No. 20252)

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 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

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COMPLIED BY

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

COMPLETED
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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)

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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 Bear Valley Road and "I" Avenue. The right of way full width for Bear Valley Road and "I" Avenue shall be per the Hesperia Traffic Circulation Plan and as recommended per an approved Traffic Impact Analysis. 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. All dedications shall be offered and accepted on PM 20252. (E)

COMPLETED
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COMPLIED BY

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

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

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TRAFFIC SIGNAL(S). The Developer shall design to construct, relocate, and modify traffic signal at the intersection of "I" Avenue and Bear Valley Road. Traffic signal preemption device for emergency vehicle operation shall be included. (E)

COMPLETED
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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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BEAR VALLEY ROAD: Saw-cut (2-foot min.) and match-up asphalt pavement on Bear Valley Road across the project frontage, based on City's 64-foot Bear Valley Road Roadway Standard and per an approved Traffic Impact Analysis. The curb face is to be located at 52' from the approved centerline or per an approved Traffic Impact Analysis. 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 an approved 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.

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"I" AVENUE: Saw-cut (2-foot min.) and match-up asphalt pavement on "I" Avenue across the project frontage, based on City's 100-foot Arterial Roadway Standard and per an approved Traffic Impact Analysis. The curb face is to be located at 36' from the approved centerline or per an approved Traffic Impact Analysis. 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 10 and per the soils report.

I. Cross sections every 50-feet per City standards.

J. Traffic control signs and devices as required by an approved 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.

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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 "I" 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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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)

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

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

A. School Fees (B)

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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)

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SOLID MASONRY WALL/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. A six foot high masonry wall shall be provided along the southern property line where the property abuts residentially zoned properties. (P)

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY

<u>COMPLETED</u> NOT IN COMPLIANCE	<u>COMPLIED BY</u>	DEVELOPMENT FEES. The Developer shall pay required development fees as follows: A. Development Impact Fees (B) B. Utility Fees (E)
<u>COMPLETED</u> NOT IN COMPLIANCE	<u>COMPLIED BY</u>	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)
<u>COMPLETED</u> NOT IN COMPLIANCE	<u>COMPLIED BY</u>	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)
<u>COMPLETED</u> NOT IN COMPLIANCE	<u>COMPLIED BY</u>	ELECTRONIC COPIES. The Developer shall provide electronic copies of the approved project in AutoCAD format Version 2007 to the City's Engineering Department. (E)
<u>COMPLETED</u> NOT IN COMPLIANCE	<u>COMPLIED BY</u>	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)
<u>COMPLETED</u> NOT IN COMPLIANCE	<u>COMPLIED BY</u>	ON SITE IMPROVEMENTS. All on site improvements as recorded in these conditions, and as shown on the approved site plan shall be completed in accordance with all applicable Title 16 requirements. The building shall be designed consistent with the design shown upon the approved materials board and color exterior building elevations identified as Exhibit A. Any exceptions shall be approved by the Director of Development Services. (P)

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

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