



# LAND USE SERVICES DEPARTMENT

## PLANNING COMMISSION STAFF REPORT

**HEARING DATE:** January 21, 2016

**AGENDA ITEM # 2**

Project Description:

Vicinity Map

<b>APN:</b>	<b>0528-243-04 &amp; 05</b>
<b>Applicant:</b>	Bob's Towing - Bandar Albadawi & Virgil Massey
<b>Community:</b>	Newberry Springs
<b>Location:</b>	31112 Nopal Lane, Newberry Springs
<b>Project No:</b>	P201500147
<b>Staff:</b>	John Oquendo, Senior Planner
<b>Rep:</b>	Tom Ragen- TRLS Engineering
<b>Proposal:</b>	Conditional Use Permit to establish a towing, impound and storage facility on two parcels totaling approximately 0.56 acres.



14 Hearing Notices Sent On: January 8, 2016

Report Prepared By: Lisette Sanchez-Mendoza

**SITE INFORMATION**

**Parcel Size:** 0.56 acres  
**Terrain:** Generally flat  
**Vegetation:** Disturbed site

**SURROUNDING LAND DESCRIPTION**

AREA	EXISTING LAND USE	LAND USE ZONING DISTRICT
Site	Single Family Residence	CG (General Commercial)
North	Tow yard	CG (General Commercial)
South	Single Family Residence	RL (Rural Living)
East	Unimproved, vacant land	CG (General Commercial)
West	Unimproved, vacant land	CG (General Commercial)

	<u>AGENCY</u>	<u>COMMENT</u>
City Sphere of Influence:	None	N/A
Water Service:	EHS	Well water
Sewer Service:	EHS	On-site septic

**STAFF RECOMMENDATION:** That the Planning Commission **ADOPT** the proposed Findings, **APPROVE** the Conditional Use Permit subject to the attached Conditions of Approval and **FILE** a Notice of Exemption.

In accordance with Section 86.08.010 of the Development Code, the action taken by the Planning Commission may be appealed to the Board of Supervisors within 10 calendar days after the Planning Commission hearing.

Project Name: Bandar Albadawi & Virgil Massey (Bob's Towing)  
Project Number/APN: P201500147, APN 0528-243-04 &05  
Planning Commission Staff Report  
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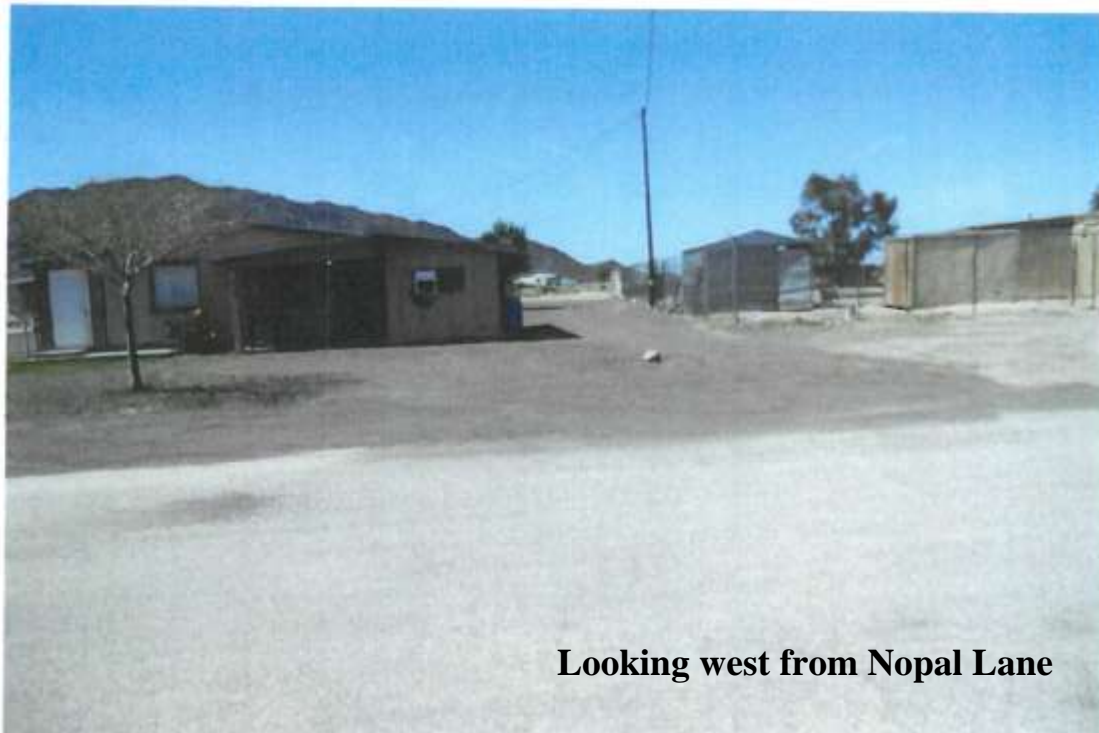
### VICINITY/LAND USE DISTRICT MAP





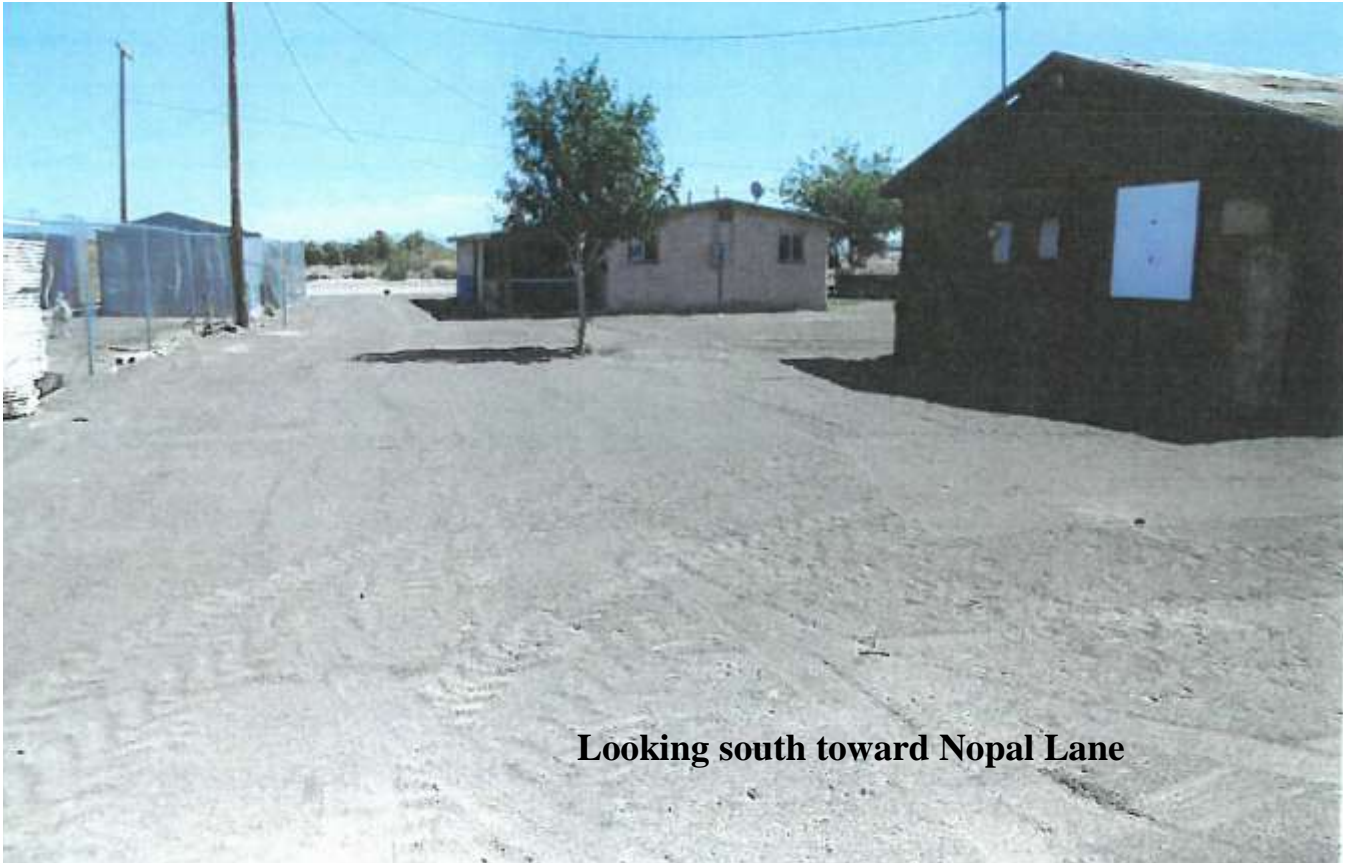


## SITE PHOTOS



Project Name: Bandar Albadawi & Virgil Massey (Bob's Towing)  
Project Number/APN: P201500147, APN 0528-243-04 & 05  
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**BACKGROUND:**

Project: The proposed project (Project) consists of establishing a tow, impound, and storage facility. The site is currently developed with two buildings, a single family residence approximately 994 square feet in size and a 989 square-foot storage building. The Project applicant does not propose any new buildings; however, a new parking lot, drive approach, and trash enclosure will be constructed and landscaping and an irrigation system installed. The site will include two storage areas; one will be used to store towed vehicles (1,650 square foot) and the other (288 square foot) is for the storage of the tow trucks.

Location and Access: The proposed facility will occupy a total of 1,983 square feet of existing building area and is located on two parcels approximately 0.56 acres with paved access from Nopal Lane and National Trails Highway. The site is within the Airport Safety Review Area 4.

**ANALYSIS: CONDITIONAL USE PERMIT**

Project Notice: The original Project notifications were mailed to 10 surrounding property owners in September 2015. Staff received no responses.

Consistency with General Plan and Zoning Regulations: The current General Plan Land Use District is CG (General Commercial). This designation allows development of a tow, impound, and storage facility. The Project site currently holds a home occupation permit to operate a dispatch office only. Expanding the use and including tow service and storage area constitute a change of use and, as such, a Conditional Use Permit is required.

Aesthetics/Visual: The conditions of approval include requirements for submittal of landscaping plans that will ensure that the proposed development is an aesthetic enhancement to the area. The existing visual character of the site will be improved through the installation of landscaping appropriate to this desert setting along the frontages, adjacent to the buildings, and along the side property lines.

Any security lighting must comply with the Glare and Outdoor Lighting requirements within the Desert Region, which includes shielding to prevent light trespass and to protect the night sky.

Biological Resources: Although the site is within a general area known to contain habitat to support Desert Tortoise and Burrowing Owl, the site contains no native vegetation, is developed with a residential use, is adjacent to National Trails Highway existing development. As such, the site has been extensively and historically disturbed and no impacts to biological resources are anticipated.

Transportation/Traffic: The County Traffic Division found that the proposed Project would not result in any significant impacts to traffic. The LUSD Land Development Division is requiring road improvements to those portions of Nopal Lane adjacent to the property as part of this Project.

**ENVIRONMENTAL REVIEW:**

In 2014, Planning Staff prepared an Initial Study for a General Plan Amendment that changed the zone for the Project site as well as 3 other surrounding parcels pursuant to County Guidelines under Ordinance 3040 and Section 15063 of the California Environmental Quality Act (CEQA) Guidelines. As such, staff determines that environmental impacts associated with the change in use of the current Project proposal have been evaluated. Consequently, the proposed Project is Categorically Exempt pursuant to Section 15303 of the CEQA Guidelines. This exemption includes the construction and location of limited numbers of new small facilities or structures and installation of small new equipment. Therefore, Staff recommends the filing of a Notice of Exemption.

**SUMMARY**

The Project has been evaluated and no significant environmental impacts were identified. The Project complies with the requirements of the County Development Code and is consistent with the County General Plan, specifically Goal D/ED 1, which promotes economic development that is compatible with the rural desert character of the Desert Region, and Policy D/ED 1.1 which supports development that is of a size and scale that complements the natural setting, is compatible with surrounding development and enhances the rural character. Therefore, Planning Staff recommends approval of the Project.

**RECOMENDATION:**

That the Planning Commission:

- A. **APPROVE** the Conditional Use Permit to establish a towing impound and storage facility on 2 parcels
- B. **ADOPT** the proposed Findings for approval of the Conditional Use Permit as contained in the staff report; and
- C. **FILE** the Notice of Exemption

**ATTACHMENTS:**

- Exhibit A: Findings  
Exhibit B: Conditions of Approval
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## EXHIBIT A

### **FINDINGS: CONDITIONAL USE PERMIT**

Conditional Use Permit for the establishment of a towing, impound, and storage facility (Project).

1. The site for the proposed use is adequate in terms of shape and size to accommodate the proposed use and all parking areas, setbacks, walls, and other features pertaining to the application, because the proposed Project has been designed to meet all applicable County standards.
  2. The site for the proposed use has adequate access, which means that the site design incorporates appropriate street and highway characteristics to serve the proposed use, because an existing paved roadway extends near the proposed facility site. Access to the site will be from Nopal Lane and National Trails Highway.
  3. The proposed use will not have a substantial adverse effect on abutting property or the allowed use of the abutting property, which means that the use will not generate excessive noise, traffic, vibration, or other disturbance, as the adjacent use to the north is also a tow yard. In addition, the use will not substantially interfere with the present or future ability to use solar energy systems.
  4. The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the General Plan and any applicable community or specific plan, because the Project site is permitted in the existing Land Use District and County General Plan Goal LU 4 states the unincorporated communities within the County will be sufficiently served by industrial land uses.
  5. There is supporting infrastructure, existing or available, consistent with the intensity of the development, to accommodate the proposed development without significantly lowering service levels, because electrical service is located adjacent to the Project site and additional water or sewer lines are necessary as this is an existing developed site.
  6. The lawful conditions stated in the approval are deemed reasonable and necessary to protect the overall public health, safety and general welfare, because the Project has been evaluated by County agencies and appropriate conditions of approval have been required.
  7. The design of the site has considered the potential for the use of solar energy systems and passive or natural heating and cooling opportunities. The Project does not propose any new buildings or structures as such, no opportunity for the use of solar energy systems exist at this time.
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## **EXHIBIT B**

### **Conditions of Approval**

## **CONDITIONS OF APPROVAL**

Bob's Towing: P201500147  
Conditional Use Permit

### **GENERAL REQUIREMENTS** Ongoing and Operational Conditions

#### **LAND USE SERVICES DEPARTMENT– Planning Division (760) 995-8140**

1. Project Approval Description. This Conditional Use Permit (CUP) is conditionally approved to establish a towing, impound, and storage facility on two parcels totaling approximately 0.56 acres. The project shall be constructed and operated in compliance with the San Bernardino County Code (SBCC), California Building Codes (CBC) San Bernardino County Fire Code, and the following conditions of approval, the approved site plan and all other required and approved reports and/or displays (e.g. elevations). The developer shall provide a copy of the approved conditions and the site plan to every current and future project tenant, lessee, and property owner to facilitate compliance with these conditions of approval and continuous use requirements for the project site. APN: 0528-243-04 & 05.; Project No. P201500147.
2. Project Location. The project site is located at 31112 Nopal Lane in the unincorporated Community of Newberry Springs.
3. Revisions. Any proposed change to the approved use/activity on the site or any increase in the developed area of the site or any expansion or modification to the approved facilities, including changes to the height, location, bulk or size of structure or equipment shall require an additional land use review and application subject to approval by the County. The developer shall prepare, submit with fees and obtain approval of the application prior to implementing any such revision or modification. (SBCC §86.06.070)
4. Indemnification. In compliance with SBCC §81.01.070, the developer shall agree, to defend, indemnify, and hold harmless the County or its "indemnitees" (herein collectively the County's elected officials, appointed officials (including Planning Commissioners), Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action, or proceeding against the County or its indemnitees to attack, set aside, void, or annul an approval of the County by an indemnitee concerning a map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval.

Any condition of approval imposed in compliance with the County Development Code or County General Plan shall include a requirement that the County acts reasonably to promptly notify the developer of any claim, action, or proceeding and that the County cooperates fully in the defense. The developer shall reimburse the County and its indemnitees for all expenses resulting from such actions, including any court costs and attorney fees, which the County or its indemnitees may be required by a court to pay as a result of such action.

The County may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the developer of their obligations under this condition to reimburse the County or its indemnitees for all such expenses.

This indemnification provision shall apply regardless of the existence or degree of fault of indemnitees. The developer's indemnification obligation applies to the indemnitees' "passive" negligence but does not apply to the indemnitees' "sole" or "active" negligence or "willful misconduct" within the meaning of Civil Code Section 2782.

5. Expiration. This project permit approval shall expire and become void if it is not “exercised” within three (3) years of the effective date of this approval, unless an extension of time is approved. The permit is deemed “exercised” when either:
- a. The permittee has commenced actual construction or alteration under a validly issued building permit, or
  - b. The permittee has substantially commenced the approved land use or activity on the project site, for those portions of the project not requiring a building permit. (SBCC §86.06.060)
  - c. Occupancy of approved land use occupancy of completed structures and operation of the approved and exercised land use remains valid continuously for the life of the project and the approval runs with the land, unless one of the following occurs:
    - Construction permits for all or part of the project are not issued or the construction permits expire before the structure is completed and the final inspection is approved.
    - The land use is determined by the County to be abandoned or non-conforming.
    - The land use is determined by the County to be not operating in compliance with these conditions of approval, the County Code, or other applicable laws, ordinances or regulations. In these cases, the land use may be subject to a revocation hearing and possible termination.

PLEASE NOTE: This will be the ONLY notice given of this approval's expiration date. The developer is responsible to initiate any Extension of Time application.

6. Enforcement. If any County enforcement activities are required to enforce compliance with the conditions of approval, the property owner or developer shall be charged for such enforcement activities in accordance with the County Code Schedule of Fees.
7. Continuous Effect/Revocation. All of the conditions of this project approval are continuously in effect throughout the operative life of the project for all approved structures and approved land uses/activities. Failure of the property owner or developer to comply with any or all of the conditions at any time may result in a public hearing and possible revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner, developer or other interested party to correct the non-complying situation.
8. Extension of Time. Extensions of time to the expiration date (listed above or as otherwise extended) may be granted in increments each not to exceed an additional three years beyond the current expiration date. An application to request consideration of an extension of time may be filed with the appropriate fees no less than thirty days before the expiration date. Extensions of time may be granted based on a review of the application, which includes a justification of the delay in construction and a plan of action for completion. The granting of such an extension request is a discretionary action that may be subject to additional or revised conditions of approval or site plan modifications. (SBCC §86.06.060)
9. Project Account. The Job Costing System (JCS) account number is P201500147. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works, and County Counsel). Upon notice, the “developer” shall deposit additional funds to maintain or return the account to a positive balance. The “developer” is responsible for all expense charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$1,000.00 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use.

10. Condition Compliance. In order to obtain construction permits for grading, building, final inspection and tenant occupancy for each approved building, the developer shall process Condition Compliance Release Form(s) (CCRF) for this wireless facility through County Planning in accordance with the directions stated in the Approval letter. County Planning shall release its holds on each phase of development by providing to County Building and Safety the following:
  - a. Grading Permits: A copy of the signed CCRF for grading/land disturbance and two "red" stamped and signed approved copies of the grading plans.
  - b. Building Permits: A copy of the signed CCRF for building permits and three "red" stamped and signed approved copies of the final approved site plan.
  - c. Final Inspection: A copy of the signed CCRF for final inspection, after an on-site compliance inspection by County Planning.
  
11. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
  
12. Additional Permits. The developer shall ascertain compliance with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies that may apply for the development and operation of the approved land use. These may include but not limited to:
  - a. FEDERAL: N/A
  - b. STATE: Lahontan RWQCB
  - c. COUNTY: Land Use Services – Building and Safety/Code Enforcement/Land Development, County Fire/HazMat; Public Health – Environmental Health Services, Public Works – Solid Waste Management
  - d. LOCAL: N/A
  
13. Continuous Maintenance. The project developer shall continually maintain the property so that it is visually attractive and not dangerous to the health, safety and general welfare of both on- and off-site users (e.g. wireless company employees and visiting public to this tourism destination) and surrounding properties and residences. The developer shall ensure that all facets of the development are regularly inspected, maintained and repaired in a timely fashion. Elements to be maintained are but are not limited to:
  - a. Annual maintenance and repair inspections shall be conducted for all structures, fencing/walls, walks, parking area, driveways, and signs to assure proper structural, electrical and mechanical safety and a properly operating irrigation system.
  - b. Graffiti and debris shall be removed within 24 hours of notification.
  - c. Erosion control measures shall be maintained to reduce water runoff, siltation, and promote slope stability.
  - d. Architectural controls shall be enforced by the property owner to maintain compatibility of theme, materials, unfaded colors, building mass, size and height.
  - e. External Storage, loading, recycling and trash storage are NOT allowed.
  - f. Metal Storage Containers are NOT allowed as part of this approval.
  - g. Signage. All on-site signs, including posted area signs (e.g. "No Trespassing") shall be maintained in a clean readable condition at all times and all graffiti and vandalism shall be removed and repaired on a regular weekly basis. Signs on the site shall be of the size and general location as shown on the approved site plan or an approved sign plan.
  - h. Parking and on-site circulation requirements, including surfaces, all markings and traffic/directional signs shall be maintained in an unfaded condition as identified on the approved site plan. Any modification to parking and access layout requires County review and approval. The markings and signs shall be clearly defined and legible. These include parking spaces, disabled space and access path of travel, directional designations and signs, stop signs, pedestrian crossing, speed humps "No Parking" "carpool" and "Fire Lane" designations.



14. Performance Standards. The approved land uses shall operate in compliance with the general performance standards listed in the County Development Code Chapter 83.01, regarding air quality, electrical disturbance, fire hazards (storage of flammable or other hazardous materials), heat, noise, vibration, and the disposal of liquid waste.
15. Lighting. The glare from any luminous source, including on-site lighting shall not exceed one-half (0.5) foot-candle at property line. All lighting shall be limited to that necessary for maintenance activities and security purposes. This is to allow minimum obstruction of night sky remote area views. No light shall project onto adjacent roadways in a manner that interferes with on-coming traffic or into adjacent native vegetated areas that may disturb nocturnal wildlife. All signs proposed by this project shall only be lit by steady, stationary, shielded light directed at the sign, by light inside the sign, by direct stationary neon lighting or in the case of an approved electronic message center sign alternating no more than once every five seconds.
16. Grading and Excavation. During grading and excavation operations, should any potential paleontological or archaeological artifacts be unearthed or otherwise discovered, the South Central Coastal Information Center at California State University, Fullerton shall be notified and the uncovered items shall be preserved and curated, as required. For information, contact the Information Center at (657) 278-5395.
17. Underground Utilities. No new above-ground power or communication lines shall be extended to the site. All required utilities shall be placed underground in a manner that complies with the California Public Utilities Commission General Order 128, and avoids disturbing any existing/natural vegetation or the site appearance.
18. Construction Hours. Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday in accordance with the County of San Bernardino Development Code standards. No construction activities are permitted outside of these hours or on Sundays and Federal holidays.
19. Construction Noise. The following measures shall be adhered to during the construction phase of the project:
  - All construction equipment shall be muffled in accordance with manufacturer's specifications.
  - All construction staging shall be performed as far as possible from occupied dwellings. The location of staging areas shall be subject to review and approval by the County prior to the issuance of grading and/or building permits.
  - All stationary construction equipment shall be placed in a manner so that emitted noise is directed away from sensitive receptors (e.g. residences and schools) nearest the project site.

**LAND USE SERVICES DEPARTMENT – Code Enforcement Division (760)995-8140**

20. Enforcement. If any County enforcement activities are required to enforce compliance with the conditions of approval, the County will charge the property owner for such enforcement activities in accordance with the SBCC Schedule of Fees.
21. Weed Abatement. The applicant shall comply with San Bernardino County weed abatement regulations [SBCC §23.031-23.043] and periodically clear the site of all non-complying vegetation. This includes removal of all Russian thistle (tumbleweeds).

**LAND USE SERVICES DEPARTMENT – Land Development Division- Drainage (909) 387-8311**

22. Tributary Drainage. Adequate provisions shall be made to intercept and conduct the tributary off site – on site drainage flows around and through the site in a manner which will not adversely affect adjacent or downstream properties at the time the site is developed.
23. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.
24. Additional Drainage Requirements. In addition to drainage requirements stated herein, other "on-site" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.

**DEPARTMENT OF PUBLIC WORKS– Solid Waste (909) 386-8968**

25. Recycling Storage Capacity – The developer shall provide adequate space and storage bins for both refuse and recycling materials. This requirement is to assist the County in compliance with the recycling requirements of Assembly Bill (AB) 2176
26. Mandatory Commercial Recycling – Beginning July 1, 2012 all businesses defined to include a commercial or public entity that generates 4 or more cubic yards of commercial waste a week or is a multi-family residential dwelling of 5 units or more to arrange for recycling services. The County is required to monitor commercial recycling and will require businesses to provide recycling information. This requirement is to assist the County in compliance with AB 341.
27. Mandatory Trash Service – This project falls within a Uniform Handling Service area. If uniform handling is implemented in all or part of a particular franchise area, all owners or a dwelling or a commercial or industrial unit within the uniform handling area who are required to have uniform handling service shall, upon notice thereof, be required to accept uniform handling service from the grantee holding a franchise agreement and pay the rate of such services. This requirement is a stipulation of County Code Title 4, Division 6, Chapter 5, Section 46.0501.
28. Mandatory Organics Recycling – As of April 2016, the State of California through AB 1826 (Enacted October 2014), requires businesses that generate eight (8) cubic yards of organics per week to recycle. A business generating organic waste shall arrange for the recycling services in a manner that is consistent with state and local laws and requirements, including a local ordinance or local jurisdiction's franchise agreement, applicable to the collection, handling, or recycling of solid and organic waste or arrange for separate organic waste collection and recycling services, until the local ordinance or local jurisdiction's franchise agreement includes organic waste recycling services. A business that is a property owner may require a lessee or tenant of that property to source separate their organic waste to aid in compliance. **Additionally, all businesses that contract for gardening or landscaping services must stipulate that the contractor recycle the resulting gardening or landscaping waste.** Residential multifamily dwellings of five (5) or more units are required to recycle organics though not required to arrange for recycling services specifically for food waste. Applicant will be required to report to the County on efforts to recycle organics materials once operational.

**PUBLIC HEALTH – Environmental Health (800-442-2283)**

29. Noise Standards. Noise level(s) shall be maintained at or below County Standards, Development Code §83.01.080.

30. Septic System Maintenance. The septic system shall be properly maintained, not create a public nuisance, and be serviced by a DEHS permitted sewage pumper.
31. Refuse Maintenance. Refuse generated at the premises shall, at all times, be stored in approved containers and be placed in a manner so environmental public nuisances are minimized. Refuse NOT containing garbage shall be removed from the premises at least ONE (1) time per week, or as often as necessary, to minimize public health nuisances. Refuse containing garbage shall be removed from the premises at least TWO (2) times per week, or as often as necessary, to minimize public health nuisances. Refuse shall be removed by a permitted hauler to an approved solid waste facility pursuant with San Bernardino County Code, Chapter, §33.0801 et. seq.

### **COUNTY FIRE DEPARTMENT – Community Safety (760) 995-8190**

32. Construction Permits. Construction permits, including Fire Condition Letters, shall automatically expire and become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Suspension or abandonment shall mean that no inspection by the Department has occurred with 180 days of any previous inspection. After a construction permit or Fire Condition Letter, becomes invalid and before such previously approved work recommences, a new permit shall be first obtained and the fee to recommence work shall be one-half the fee for the new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. A request to extend the Fire Condition Letter or Permit shall be made in writing PRIOR TO the expiration date justifying the reason that the Fire Condition Letter should be extended.
33. Jurisdiction. The above referenced project is under the jurisdiction of the San Bernardino County Fire Department herein ("Fire Department"). Prior to any construction occurring on any parcel, the developer shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current Uniform Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department.

### **PRIOR TO ISSUANCE OF GRADING PERMITS**

#### **OR LAND DISTURBING ACTIVITIES**

The Following Shall Be Completed

### **PUBLIC WORKS DEPARTMENT– Surveyor (909) 387-8149**

34. Survey. If any activity on this project will disturb any land survey monumentation, including but not limited to vertical control points (benchmarks), said monumentation shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer authorized to practice land surveying prior to commencement of any activity with the potential to disturb said monumentation, and a corner record or record of survey of the references shall be filed with the County Surveyor pursuant to Section 8771(b) Business and Professions Code.
35. Record of Survey or Corner Record. Pursuant to Sections 8762(b) and/or 8773 of the Business and Professions Code, a Record of Survey or Corner Record shall be filed under any of the following circumstances:
  - a. Monuments set to mark property lines or corners;

- b. Performance of a field survey to establish property boundary lines for the purposes of construction staking, establishing setback lines, writing legal descriptions, or for boundary establishment/mapping of the subject parcel;
- c. Any other applicable circumstances pursuant to the Business and Professions Code that would necessitate filing of a Record of Survey.

**LAND USE SERVICES DEPARTMENT – Land Development Division- Drainage (909) 387-8311**

- 36. Drainage Improvements. A Registered Civil Engineer shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site drainage flows around and through the site in a manner, which will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. A \$550 deposit for drainage study review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.
- 37. FEMA Flood Zone. The Project is located within Flood Zone D according to FEMA Panel Number 4625H dated 08/28/2008. Flood Hazards are undetermined in this area but possible. The requirements may change based on the most current Flood Map prior to issuance of grading permit.
- 38. Topo Map. A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.
- 39. Grading Plans. Grading plans shall be submitted for review and approval obtained. An \$806 deposit for grading plan review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.

**LAND USE SERVICES DEPARTMENT– Building and Safety Division (909) 387-8304**

- 40. Grading Plans. Grading plans shall be submitted to Building and Safety for review and approval prior to grading/land disturbance of more than 50 Cu Yards.
- 41. Erosion & Sediment Control Plan. An erosion and sediment control plan and permit shall be submitted to and approved by the Building Official prior to any land disturbance.
- 42. Erosion Control Installation. Erosion control devices must be installed at all perimeter openings and slopes. No sediment is to leave the job site.
- 43. Geotechnical (Soil) Report: When earthwork quantities exceed 5,000 cubic yards, a geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading permits.
- 44. Demolition Permit: Obtain a demolition permit for any building/s or structures to be demolished. Underground structures must be broken in, back-filled and inspected before covering.
- 45. NPDES Permit: An NPDES permit - Notice of Intent (NOI) - is required on all grading of one (1) acre or more prior to issuance of a grading/construction permit. Contact your Regional Water Quality Control Board for specifics. [www.swrcb.ca.gov](http://www.swrcb.ca.gov)

46. Regional Board Permit Letter: CONSTRUCTION projects involving one or more acres must be accompanied by a copy of the Regional Board permit letter with the WDID #. Construction activity includes clearing, grading, or excavation that results in the disturbance of at least one (1) acre of land total.

### **PRIOR TO ISSUANCE OF BUILDING PERMITS**

The Following Shall Be Completed:

#### **LAND USE SERVICES DEPARTMENT – Planning Division (760) 995-8140**

47. Lot Merger. The developer shall submit a Lot Merger application for APNs 0528-243-04 & 0528-243-05 in order to place all uses associated with the existing towing and impound facility on a single parcel.
48. Landscape Plans. The applicant shall submit to the Planning Division for review and obtain approval of three sets of a Landscape Documentation Package, prepared by a Certified Landscape Professional in compliance with SBCC §83.10, Landscape Standards. At a minimum, landscaping shall be along National Trails Highway and Nopal Lane, adjacent to the structures, within the parking lots, and along the perimeters of the property. Planting plans shall utilize indigenous plant material, when possible, to minimize water consumption. The required planting plans and irrigation plans shall comply with Regional Landscaping Standards for the Desert Region.

#### **LAND USE SERVICES DEPARTMENT – Land Development Division- Road Section (909) 387-8311**

49. Road Improvements. The developer shall submit for review and obtain approval from the Land Use Services Department the following plans for the listed required improvements, designed by a Registered Civil Engineer (RCE), licensed in the State of California. These shall be submitted to the Land Use Services Department, located at 385 N. Arrowhead Ave, San Bernardino CA 92415-0187. Phone: (909) 387-8311.

#### **Nopal Lane (Local Street – 60')**

- Street Improvements. Design curb and gutter with match up paving 18 feet from centerline.
  - Driveway Approach. Design driveway approach per San Bernardino County Standard 129B, and located per San Bernardino County Standard 130.
50. Road Standards and Design. All required street improvements shall comply with latest San Bernardino County Road Planning and Design Standards and the San Bernardino County Standard Plans. Road sections shall be designed to Desert Road Standards of San Bernardino County, and to the policies and requirements of the County Department of Public Works and in accordance with the General Plan, Circulation Element.
51. Street Improvement Plans. The developer shall submit for review and obtain approval of street improvement plans prior to construction. Final plans and profiles shall indicate the location of any existing utility facility or utility pole which would affect construction, and any such utility shall be relocated as necessary without cost to the County.
52. Construction Permits. Prior to installation of road and drainage improvements, a construction permit is required from County Public Works, Transportation Operations Division, Permit Section, (909) 387-8046, as well as other agencies prior to work within their jurisdiction. Submittal shall include a materials report



and pavement section design in support of the section shown on the plans. Applicant shall conduct classification counts and compute a Traffic Index (TI) Value in support of the pavement section design.

53. Encroachment Permits. Prior to installation of driveways, sidewalks, etc., an encroachment permit is required from County Public Works, Transportation Operations Division, Permit Section, (909) 387-8046, as well as other agencies prior to work within their jurisdiction.
54. Soils Testing. Any grading within the road right-of-way prior to the signing of the improvement plans shall be accomplished under the direction of a soils testing engineer. Compaction tests of embankment construction, trench back fill, and all sub-grades shall be performed at no cost to San Bernardino County and a written report shall be submitted to the Transportation Operations Division, Permits Section of County Public Works, prior to any placement of base materials and/or paving.
55. Transitional Improvements. Right-of-way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing, shall be required as necessary.
56. Street Gradients. Road profile grades shall not be less than 0.5% unless the engineer at the time of submittal of the improvement plans provides justification to the satisfaction of County Public Works confirming the adequacy of the grade.

#### **LAND USE SERVICES DEPARTMENT – Building and Safety Division (909) 387-8311**

57. Construction Plans. Any building, sign, or structure to be constructed or located on site, will require professionally prepared plans based on the most current County and California Building Codes, submitted for review and approval by the Building and Safety Division.

#### **PUBLIC HEALTH DEPARTMENT – Environmental Health (800-442-2283)**

58. Water Purveyor. Water purveyor shall be DEHS approved. Applicant shall procure a verification letter from the water agency with jurisdiction. This letter shall state whether or not water connection and service shall be made available to the project by the water agency. This letter shall reference the Assessor's Parcel Number. For projects with current active water connections, a copy of water bill with project address may suffice. For information contact DEHS.
59. Acoustical Checklist. Preliminary acoustical information must be submitted demonstrating that the proposed project maintains noise levels at/or below County Noise Standard(s), San Bernardino Development Code (§ 83.01.080, 87.0905). The purpose is to evaluate potential future on-site and/or adjacent off-site noise sources. If the preliminary information cannot demonstrate compliance to noise standards, a project specific acoustical analysis shall be required. Submit information/analysis to DEHS for review and approval. For more information and request an acoustical checklist contact DEHS.
60. Well Certification. If wells are found on-site, evidence shall be provided that all wells are: (1) properly destroyed, by an approved C57 contractor and under permit from the County OR (2) constructed to DEHS standards, properly sealed and certified as inactive OR (3) constructed to DEHS standards and meet the quality standards for the proposed use of the water (industrial and/or domestic).
61. Onsite Water Treatment System. If sewer connection and/or service are unavailable, Onsite Wastewater Treatment System(s) (OWTS) may then be allowed under the following conditions: A percolation report shall

be submitted to DEHS for review and approval. If the percolation report cannot be approved, the project may require an alternative OWTS. For more information, contact DEHS Wastewater Section.

62. Regional Water Quality Control Board Clearance. Written clearance shall be obtained from the designated California Regional Water Quality Control Board and a copy forwarded to DEHS: (a) Santa Ana Region, 3737 Main Street, Suite 500, Riverside, CA 92501 (909) 782-4130 (b) Colorado River Basin Region, 73-720 Fred Waring Drive, Suite 100, Palm Desert, CA 92260 (760) 346-7491 (c) Lahontan Region, 14440 Civic Drive, Suite 200, Victorville, CA 92392 (760) 241-6583.
63. Septic Certification. An existing septic system can be used if applicant provides certification from a qualified professional (i.e.: Professional Engineer (PE), Registered Environmental Health Specialist (REHS), C42 contractor, Certified Engineering Geologist (CEG), etc.) stating that the system functions properly, meets code and has the capacity required for the proposed project. Applicant shall provide documentation outlining methods used in determining function. For more information, contact the DEHS Wastewater Section.
64. Sewer Purveyor. Sewage disposal shall be EHS approved. (i.e. approved sewage/wastewater agency/district and/or Onsite Wastewater Treatment System (OWATS)). Applicant shall procure a verification letter from the sewerage agency with jurisdiction. The letter shall state whether or not sewer connection and service shall be made available to the project by the sewerage agency. The letter shall also reference the project name and assessor's parcel number. For projects with a current active sewer connection, a copy of the sewer bill with project address may suffice. For more information contact DEHS.

#### **DEPARTMENT OF PUBLIC WORKS– Solid Waste (909) 386-8968**

65. Construction and Demolition Waste Management Plan (CDWMP) Part 1 – The developer shall prepare, submit, and obtain approval from SWMD of a CDWMP Part 1 for each phase of the project. The CWMP shall list the types and weights or volumes of solid waste materials expected to be generated from demolition. The CDWMP shall include options to divert from landfill disposal, materials for reuse or recycling by a minimum of 50% of total weight or volume. Forms can be found on our website at [www.sbcounty.gov/dpw/solidwaste](http://www.sbcounty.gov/dpw/solidwaste). An approved CDWMP Part 1 is required before a demolition permit can be issued.

Upon completion of demolition and prior to building permits, the developer shall complete SWMD's CDWMP Part 2 and shall provide documentation of diversion of materials including but not limited to receipts, invoices or letters showing material type(s) and weights or volume from diversion facilities or certification of reuse of materials on site. An approved Part 2 of the CDWMP is required prior to issuance of building permits.

#### **COUNTY FIRE DEPARTMENT – Community Safety (760) 995-8190**

66. Access. The development shall have a minimum of 1 points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. Standard 902.2.1

Single Story Road Access Width;

All building 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.

Multi-Story Road Access Width:

Building three (3) stories in height or more shall have a minimum access of thirty (30) feet unobstructed width and vertically to fourteen (14) feet six (6) inches in height.

67. Haz-Mat Approval. The applicant shall contact the San Bernardino County Fire Department/Hazardous Materials Division (909) 386-8400 for review and approval of building plans, where the planned use of such buildings will or may use hazardous materials or generate hazardous waste materials.

**PRIOR TO FINAL INSPECTION OR OCCUPANCY**

The Following Shall Be Completed

**LAND USE SERVICES DEPARTMENT – Land Development Division- Drainage (909) 387-8311**

68. Drainage Improvements. All required drainage improvements shall be completed by the applicant. The private registered engineer shall inspect improvements outside the County right-of-way and certify that these improvements have been completed according to the approved plans. Certification letter shall be submitted to Land Development.

**LAND USE SERVICES DEPARTMENT – Land Development Division- Road Section (909) 387-8311**

69. Road Improvements. All required on-site and off-site improvements shall be completed by the applicant, inspected and approved by County Public Works.
70. Open Roads/Cash Deposit. Existing County roads, which will require reconstruction, shall remain open for traffic at all times, with adequate detours, during actual construction. A cash deposit shall be made to cover the cost of grading and paving prior to issuance of road encroachment permit. Upon completion of the road and drainage improvement to the satisfaction of the Department of Public Works, the cash deposit may be refunded.
71. Structural Section Testing. A thorough evaluation of the structural road section, to include parkway improvements, from a qualified materials engineer, shall be submitted to County Public Works.
72. Parkway Planting. Trees, irrigation systems, and landscaping required to be installed on public right-of-way shall be approved by County Public Works and Current Planning and shall be maintained by the adjacent property owner or other County-approved entity.

**LAND USE SERVICES DEPARTMENT – Planning Division (760) 995-8140**

73. Installation of Improvements. All required on-site improvements shall be installed per approved plans.
74. Landscaping Installed. All landscaping, dust control measures, all walls/fences, pedestrian walkways, irrigation systems, etc. as delineated on the approved landscape plan shall be installed. The developer shall submit verification as required in SBCC §83.10.100 in the form of a Certificate of Completion prepared by the professional who prepared the plans. Supplemental verification should include photographs.
75. Fees Paid. Prior to final inspection by Building and Safety Division and/or issuance of a Certificate of Conditional Use by the Planning Division, the applicant shall pay in full all fees required under actual cost job number P201500147

**LAND USE SERVICES DEPARTMENT – Building and Safety Division (909) 387-8311**

76. Condition Compliance Release Form Sign-off: Prior to occupancy all Department/Division requirements and signoffs shall be completed.

**DEPARTMENT OF PUBLIC WORKS– Solid Waste (909) 386-8968**

77. Construction and Demolition Waste Management Plan (CDWMP) Part 2 – The developer shall complete SWMD's CDWMP Part 2 for construction and demolition. This summary shall provide documentation of actual diversion of materials including but not limited to receipts, invoices or letters from diversion facilities or certification of reuse of materials on site. The CDWMP Part 2 shall provide evidence to the satisfaction of SWMD that demonstrates that the project has diverted from landfill disposal, material for reuse or recycling by a minimum of 50% of total weight or volume of all construction waste.

**COUNTY FIRE DEPARTMENT – Community Safety (760) 995-8100**

78. Inspection by the Fire Department. Permission to occupy or use the building (Certification of Occupancy or Shell Release) will not be granted until the Fire Department inspects, approves and signs off on the Building and Safety job card for the "fire final".
79. Fire Extinguishers. Hand portable fire extinguishers are required. The location, type and cabinet design shall be approved by the Fire Department.
80. Commercial Addressing. Commercial and industrial development of 100,000 sq.ft. or less shall have the street address installed on the building with numbers that are a minimum six (6) inches in height and with a three quarter (3/4) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated contrasting six (6) inch numbers shall be displayed at the property access entrances. Standard 901.4.4.
81. Combustible Vegetation. Combustible vegetation shall be removed as follows:
- "Where the average slope of the site is less than 15% - Combustible vegetation shall be removed a minimum distance of thirty (30) feet from all structures or the property line, whichever is less".
  - "Where the average slope of the site is 15% or greater - Combustible vegetation shall be removed a minimum one hundred (100) feet from all structures or to the property line, whichever is less".
- County Ordinance #3586

**END OF CONDITIONS**