



# LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

**HEARING DATE: August 23, 2018**

**AGENDA ITEM #2**

Project Description:

Vicinity Map

**APNs:** 0467-101-12

**Applicant:** Moussa Waw

**Community:** Helendale, 1st Supervisorial District

**Location:** 26426 National Trails Highway, at the Southwest corner of Vista Road and National Trails, Helendale

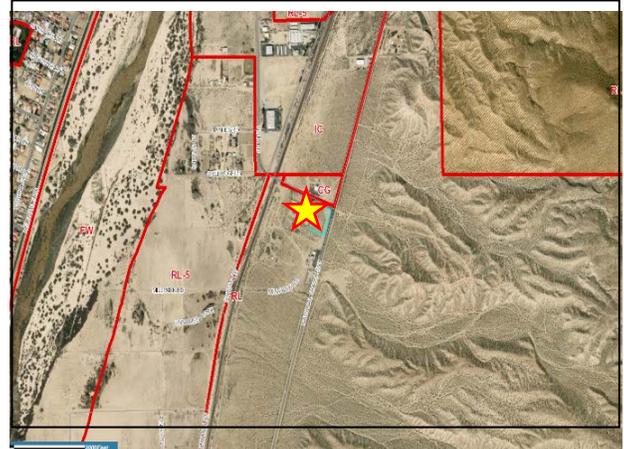
**Project No.:** P201600565

**Staff:** Reuben J. Arceo, Contract Planner

**Rep.:** N/A

**Proposal:**

- A) General Plan Amendment to rezone the Land Use designation of a Vacant 1.71 acre parcel from Rural Living to General Commercial.
- B) Conditional Use Permit to permit the development of a 4,998 square foot convenience store, and fueling service station.
- C) A Major Variance to reduce the front yard and street side landscape setback from 25 feet to 10 feet



7 Hearing Notices Sent On: August 12, 2018

Report Prepared By: Reuben J. Arceo

**SITE INFORMATION**

Parcel Size 1.71 acres  
 Terrain: Desert  
 Vegetation: Sparse Desert vegetation

**SURROUNDING LAND DESCRIPTION:**

AREA	EXISTING LAND USE	LAND USE ZONING DISTRICT
Site	Vacant undeveloped	Rural Living (RL)14,000 sq.ft.LA/RS (LA/R+
North	Commercial/retail	General Commercial (CG)
South	Single Family Dwellings and Cabins	Rural Living (RL)
East	Vacant undeveloped	Rural Living (RL)
West	Residential and Storage Units	Rural Living (RL)

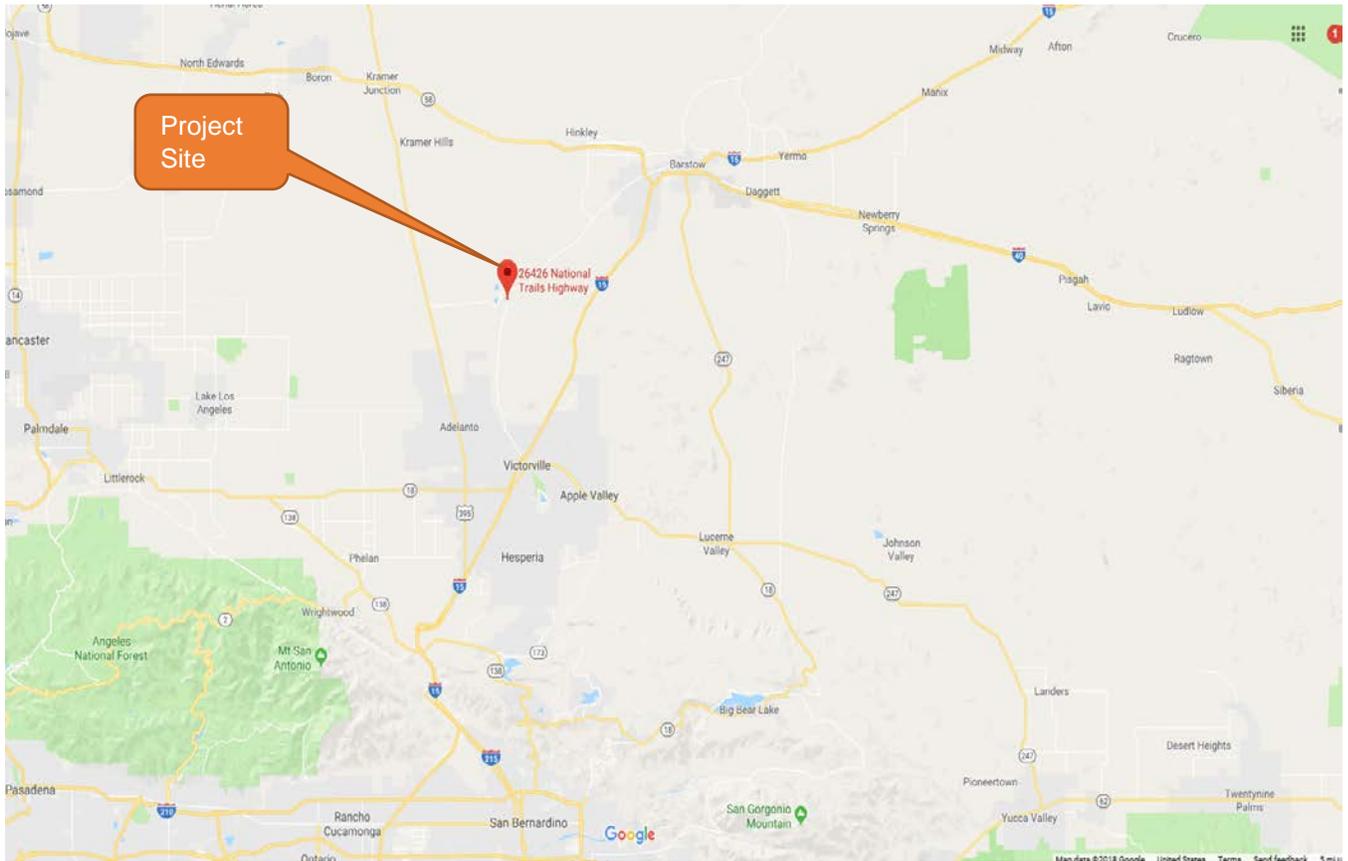
**AGENCY**

**COMMENT**

City Sphere of Influence:	N/A	N/A
Water Service:	Helendale CSD	will serve
Sewer Service:	Private on-site septic system	N/A

**STAFF RECOMMENDATION:** That the Planning Commission **RECOMMEND** that the Board of Supervisors **APPROVE** the General Plan Amendment, Conditional Use Permit and Variance. Note: Planning Commission recommendations are not subject to appeal because final action by the Board of Supervisors is required.

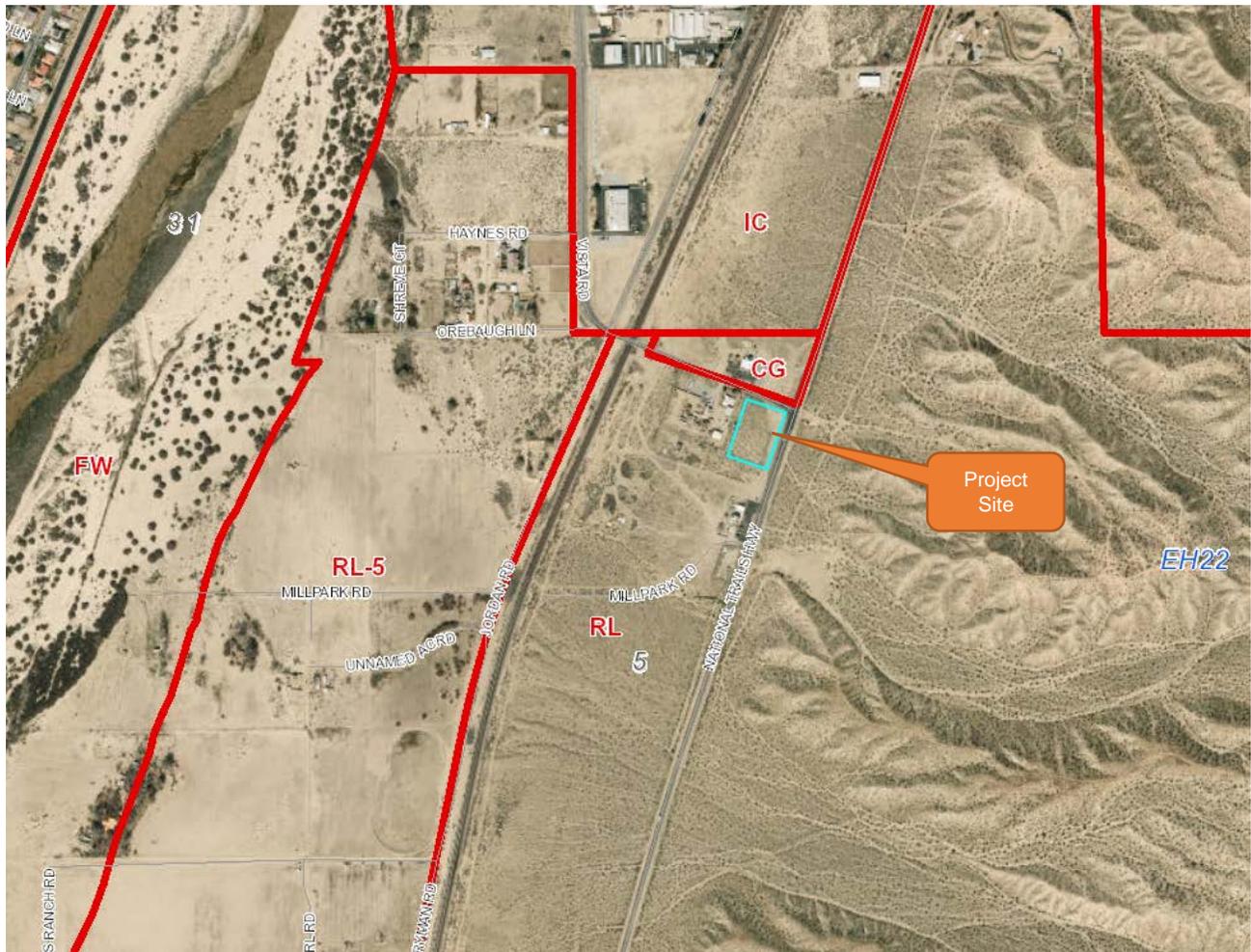
# VICINITY MAP Project Site



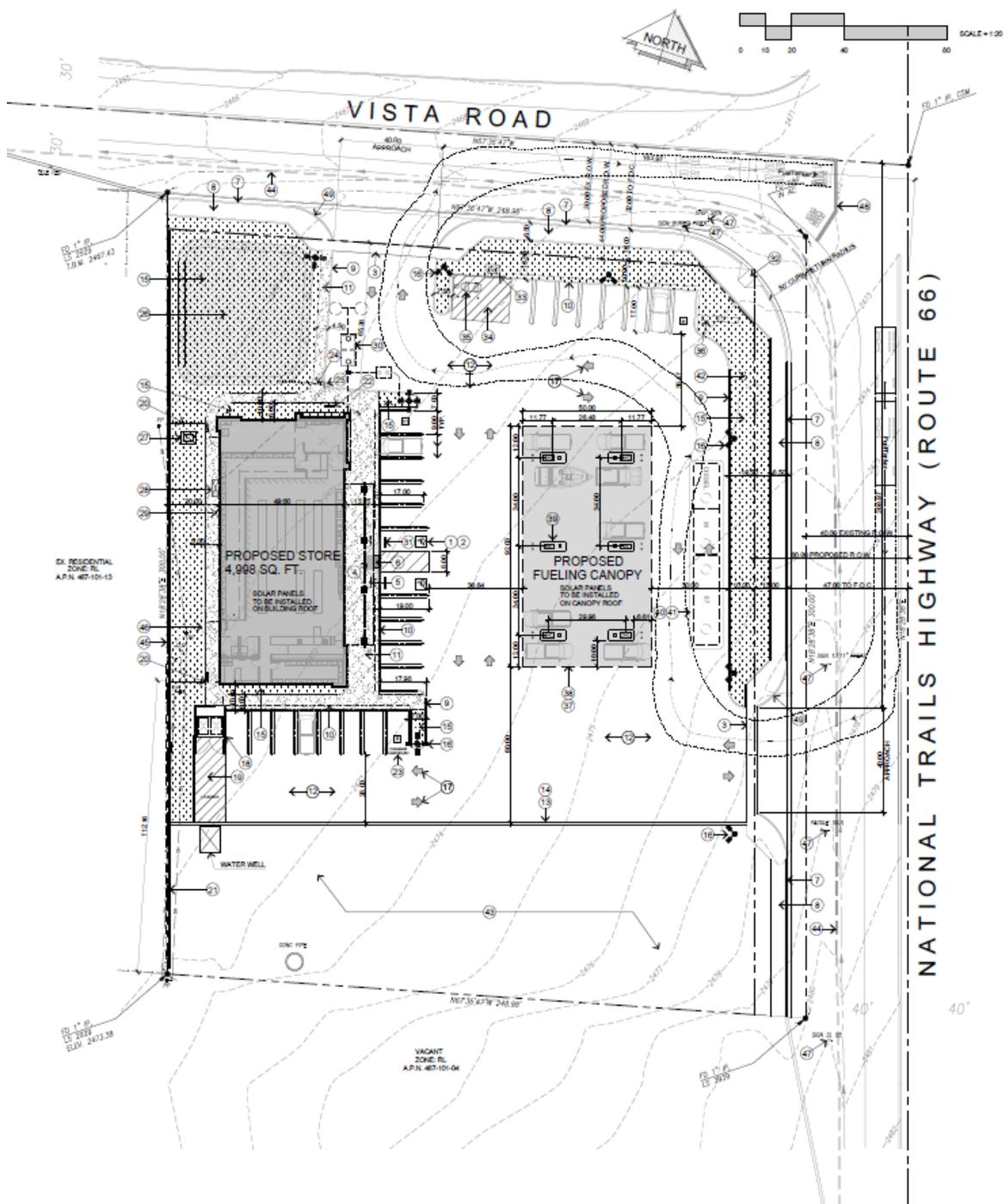
Aerial  
Project Site  
Figure 1



Existing Land Use District  
Rural Living (RL)  
Figure 2

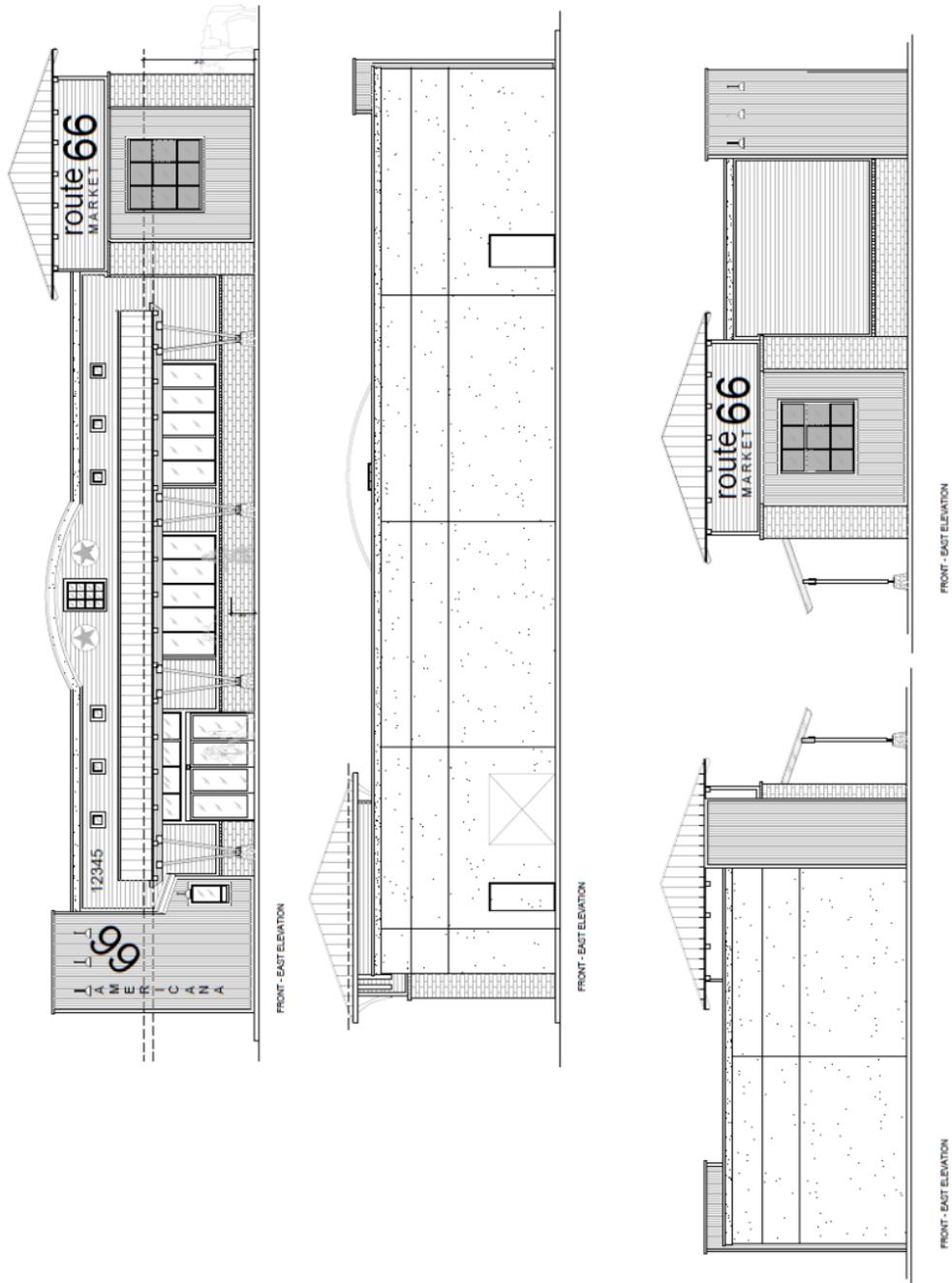


### Site Plan Proposed Operational; Layout of Convenience Store and Fueling Station Figure 3





### Building Elevations Figure 5



Building Colored Rendering  
Figure 6



Site Photos  
Figure 7  
Northwest View



Southwest View



East View



Southeast View



## **PROJECT DESCRIPTION & BACKGROUND:**

**Project:** The Applicant is requesting approval of a General Plan Land Use District Amendment (GPA) to rezone a 1.71 acre parcel from Rural Living (RL) to General Commercial (CG) and a Conditional Use Permit (CUP) to permit the development of a 4,998 square foot convenience store and fueling station, containing six fueling pumps and twelve (12) gasoline fueling stations, and Major Variance to reduce the front landscape setback from 25 feet to 10 feet fronting National Trails Highway and Vista Road (Project).

The Project originally involved a change to CR (Rural Commercial). However, the CR District requires a minimum 2.5 acre area, which is greater than the existing parcel size. The parcel could not be combined with any other adjoining property zoned CR to achieve the minimum district size. The proposal was subsequently modified to General Commercial (CG), to expand the existing CG district adjacent to the site. The CG district also permits the proposed convenience store and gasoline station with the approval of a Conditional Use Permit.

**Location:** The Project site is located at 26426 National Trails Highway, at the Southwest corner of Vista Road and National Trails Highway (Route 66), in Helendale. The site is approximately one (1) mile east of the Master Planned Community of Silver Lakes.

**Environmental Setting:** The Project site is vacant, with minimal vegetation that includes common shrubs and annual plants, such as Burrobush, Peach Thorn, and Russian Thistle, as shown in the Figure 7 photos. Development of the Project site would not affect any notable vegetation nor substantially damage scenic resources, trees, rock outcroppings, or historic structures within a County or State Scenic Corridor. As the Project site is adjacent to the County designated Route 66 Scenic Highway, the Project will support the Desert Conservation Goal of the County General Plan (Goal D/CO1) to *“Preserve the unique environmental features and natural resources of the Desert Region, including native wildlife, and vegetation water and scenic vistas.* The County will require a landscape plan that preserves existing native vegetation to the greatest degree possible for this Project, and which meets the landscaping requirements identified in the County Development Code. Relatively small sized commercial uses lie directly north of the site. A storage business mixed with single family residential uses lies adjacent to the Project. No other commercial or retail uses are within close proximity of the Project. The site is primarily located within an undulating desert hilly environment.

A Focused Survey for Agassiz’s Desert Tortoise, Habitat Assessments for Burrowing Owl and Mohave Ground Squirrel, and General Biological Resource Assessment, dated June 2016, was completed for the property, which included a records search and field survey. No evidence of any sensitive species was found on the subject property. The report also noted the likelihood of the Mohave ground squirrel is low due to development around the property, the low shrub diversity, and the location of the property at the eastern edge of the species range.

Comments from Ray Bransfield of the U.S. Fish and Wildlife Service (Service) expressed concern, via e-mail correspondence, about the effect of ravens upon the tortoise population due to trash that may occur in and around the new use. To address these potential impacts, the conditions of approval require that the waste storage area be enclosed and covered to deter ravens.

**ANALYSIS:**

**Conditional Use Permit**

Site Function and Operations: The proposed 4,998 square foot convenience store includes 930 square feet of leasable space for fast food service as a separate suite as show in Figure 4 and storage area freezer compartments for food merchandise and liquor. The convenience store will have a Type 21 liquor license, to provide and sell beer, wine and tobacco. Propane gas will also be sold. The convenience store will be open 24 hours a day, seven days a week. An estimated two employees per shift will man the fueling station and store. One delivery of merchandise is proposed per day and three to four deliveries of gas per week, depending on sales.

The Twenty-five (25) foot high building, and twenty-one (21) foot high dispensing canopy as shown in Figure 6 are designed to reflect an ‘AMERICANA’ design theme that is consistent with the historical Route 66 roadway architecture. The design’s intent was to recreate the style of building architecture that was distinctive to the Route’s roadway themes which has faded throughout the years, coupled with its own unique architecture and color themes as shown in Figure 6. The building itself incorporates materials such as stucco, glass block, galvanized corrugated metal and red brick. A six (6) foot high decorative garden wall is proposed along the westerly boundary of the property to provide a barrier between the adjacent uses and fuel station and assist with attenuating operational noise and other ambient noise impacts.

The fueling station and convenience store water service will be provided by Helendale Community Service District. The facility is on septic system.

Access & Parking. As shown in Figure 3, two forty (40) foot wide driveway approaches will provide ingress and egress for vehicles and trucks off Vista Road and National Trails Highway. The Project’s traffic impact analysis report found no significant traffic impacts. The Project exceeds the minimum 20 parking stalls required for the site, containing 26 parking spaces, two handicap parking spaces, and one loading zone as per the Development Code. The site provides adequate space for vehicle and truck circulation. Except for the Major Variance the Project meets the County Development Code requirements as to building setbacks, landscaping, density and building height as noted in Table 1.

**Table 1: Development Standards**

<b>Development Standards General Commercial</b>	<b>Required</b>	<b>Project Design Parameters Provided</b>
Setbacks	Front 25’ Side –Street 25 Rear 10’	10’ w/Variance 10’ w/Variance 20’
Landscaping	15%	18%
Building Height	35’	25’
Parking	20	26 stalls
Lot Coverage Permitted	80%	Provided 13%

## **Variance**

A major variance is requested to reduce the front and side street landscaped setbacks from twenty-five feet to ten feet. This reduction will maximize on-site parking and circulation improvements, while minimizing the area requiring irrigated landscaping. Desert landscaping will be incorporated in the setback areas, as well as on-site, to maintain an attractive site design.

## **General Plan Amendment**

The applicant is proposing a GPA to rezone the site to General Commercial (CG), consistent with the 3.71 acre parcel to the north. The proposed General Commercial zoning district is consistent with the proposed use and adjacent uses. The uses proposed for the Project are permitted in the CG land use district, subject to approval of a CUP.

### County General Plan – General Commercial

The proposed Project meets both the purposed and the locational criteria of the General Commercial Land Use designation in accordance with the General Plan (Section II, K.1.):

*Purpose:* The purpose of the General Commercial (CG) Land Use Zoning designation is to provide appropriately located areas for stores, offices, service establishments, and amusements offering a wide range of commodities and services scaled to meet neighborhood and community needs.

*Locational Criteria:* The intent is to encourage the formation and continuance of a compatible and economically healthy environment for business, financial service and professional uses, which benefit from being located in close proximity to each other; and to discourage any encroachment capable of adversely affecting the general commercial character of the district; thus:

- Concentrating retail business and service areas that supply daily community commercial needs. Achieved: the Project is situated within a developing commercial intersection.
- Providing areas of retail commercial uses in central business districts providing local and regional trade services. Achieved: as cited above.
- Developing areas adjacent to a major arterial street, highway, or freeway or the intersection of two major arterial streets. Achieved: the Project is located at highly traveled intersection of National Trails Highway and Vista Road;
- Improving areas with full urban services and infrastructure facilities. Achieved: the intersection of National Trails Highway and Vista Road will be improved for vehicular and infrastructure services.

The Project represents a commercial/retail use that is able to maximize the location's benefits of lying adjacent to a major arterial. Located along a major thoroughfare, it does not conflict with commercial or residential uses along the highway. Moreover, it is compatible with the existing commercial development located to the north and is not located within a city's sphere of influence.

In addition, the Project will meet the following General Plan Goals and Policies:

*GOAL LU 1. The county will have a compatible and harmonious arrangement of land uses by providing a type and mix of functionally well-Integrated land uses that are fiscally viable and meet general social and economic needs of the residents.*

*Policy LU 1.2. The design and siting of new development will meet locational and development standards to ensure compatibility of the new development with adjacent land uses and community character.*

*Policy LU 1.3 Promote a mix of land uses that are fiscally self-sufficient.*

*GOAL LU 3. The unincorporated communities within the County will be sufficiently served by commercial land uses through a combination of commercial development within cities and unincorporated communities.*

*Policy LU 3.1 Protect areas best suited for commercial uses by virtue of their location, access to major arterials, and availability of infrastructure and other incompatible uses.*

*Policy LU 5.2 Provide sufficient incentives to encourage development of areas designated for commercial and industrial uses to be developed to provide employment opportunities*

*GOAL LU 10. Encourage distinct communities with a sense of “place” and identity”*

*GOAL D/LU 2. Establish locational criteria for future development within the region to ensure compatibility between uses and with the character and vision that is desired for the region.*

*GOAL ED 1. The County will have a vibrant and thriving local economy that spans a variety of industries, services, and other sectors.*

*GOAL ED 4. The County will assist development of small businesses and encourage new businesses of all sizes.*

*Policy ED 4.1 Promote commercial development that enhances the County’s economic base, particularly for small businesses and provides jobs for its residents.*

*GOAL ED 10. The County will have a strong and diversified economic base.*

Subject to approval of the General Plan amendment, the Project meets the goals and policies of the County General Plan and will not conflict with surrounding land uses. Site design and planned operation of the facility will serve the public convenience and maintain compatibility with adjacent residential uses. The site is located along a major arterial and stands to benefit from the high traffic volume along National Trails Highway.

## **ENVIRONMENTAL REVIEW**

The Planning Division circulated an Initial Study/Mitigated Negative Declaration that was posted for the thirty (30) day review and comment period from June 18, 2018 through July 18, 2018. The Notice of Availability/Notice of Intent (NOI/NOA) was mailed to property owners within a 300 foot radius. Planning received one letter from Caltrans dated July 2, 2018, stating no project comments. No other comments were received.

### **AB-52 and SB-18 Tribal Consultation**

On May 26, 2017, as required by AB-52, Tribal consultation letters were mailed to Native American Tribes whose territories encompass the Project area. As the project involves a GPA, consultation letters were also mailed to Tribes identified by the California Native American Heritage Commission on May 24, 2015.

Responses from three tribes were received from both AB 52 and SB 18 notices. The Colorado River Indian Tribes deferred comment to other affiliated tribes and the Twenty-Nine Palms Band of Mission Indians indicated they did not have any specific concerns, but should any inadvertent cultural discoveries occur, they indicated "construction should stop immediately, and the appropriate agency and tribe(s) should be notified." A standard condition of approval has been incorporated to address this concern. The San Manuel Band of Mission Indians requested on-site testing. Six on-site test pits were completed utilizing shovels to a depth of approximately three feet and auger depths to approximately 10 feet. No resources were identified. A copy of the report was provided to the San Manuel Tribe, which indicated its satisfaction with the report and indicated in an e-mail, dated January 16, 2018, that they no longer have reason to believe this project location is culturally sensitive.

## **RECOMENDATION:**

That the Planning Commission RECOMMEND the following actions to the Board of Supervisors:

- A. **ADOPT** the Mitigated Negative Declaration.
- B. **ADOPT** a General Plan Amendment to change the land use designation from Rural Living to General Commercial on 1.71 acres.
- C. **APPROVE** the Conditional Use Permit to establish a 4,998 square foot convenience store and fueling station with a Major Variance to reduce the front yard and side street setbacks from 25 feet to 10 feet, subject to Conditions of Approval.
- D. **ADOPT** the recommended Findings; and
- E. **FILE** a Notice of Determination.

## **ATTACHMENTS:**

- Exhibit A: Site Plan
- Exhibit B: Findings
- Exhibit C: Conditions of Approval
- Exhibit D: Initial Study/Mitigated Negative Declaration (Please see link)

# EXHIBIT A

## Site Plan



# **EXHIBIT B**

## **Findings**

## **PROJECT FINDINGS**

The Project consists of a General Plan Amendment to change the Land Use designation of 1.71 acres from Rural Living (RL) to General Commercial (CG), a Conditional Use Permit (CUP) to permit the development of a 4,998 sq. ft. convenience store and fueling station, which includes a 930 square foot leasable unit for fast food service and a Major Variance to reduce the front yard landscape setback from 25 feet to 10 feet is also requested.

### **GENERAL PLAN AMENDMENT** [SBCC 86.12.060]

- 1. The proposed GPA is internally consistent with all other provisions of the San Bernardino County General Plan (General Plan),** as it is consistent with the following goals and policies:

#### **General Plan**

##### County General Plan – General Commercial

*Purpose: The purpose of the General Commercial (CG) Land Use Zoning designation is to provide appropriately located areas for stores, offices, service establishments, and amusements offering a wide range of commodities and services scaled to meet neighborhood and community needs*

*Locational Criteria: The intent is to encourage the formation and continuance of a compatible and economically healthy environment for business, financial service and professional uses which benefit from being located in close proximity to each other; and to discourage any encroachment capable of adversely affecting the general commercial character of the district, thus:*

- *Areas along major remote thoroughfares or intersections.*
- *Areas where a mixture of uses can coexist without conflict and there is no need to use multiple commercial districts to; separate land uses.*
- *Areas where there is no competing commercial core.*
- *Areas where special design considerations are not necessarily required to ensure compatibility with surrounding land uses and the community.*
- *Areas not within any city sphere of influence.*

Application: The proposed Project meets both the purpose and the locational criteria of the General Commercial land use designation. The future operation is intended to coexist without conflict among dissimilar uses that exist adjacent to the site and in the vicinity. Located along a major arterial, the project will not conflict with Rural Living zoned property located adjacent to the project as the site's design and planned facility operation will help to maintain compatibility with adjacent residential uses. Moreover, during the time of convenience store and fueling operations, operating noise levels are restricted to meet Development Code standards and are also listed as conditions of approval.

GOAL LU 1. The County will have a compatible and harmonious arrangement of land uses by providing a type and mix of functionally well-integrated land uses that are fiscally viable and meet general social and economic needs of the residents.

*POLICY LU 1.2 The design and siting of new development will meet locational and development standards to ensure compatibility of the new development with adjacent land uses and community character.*

*POLICY LU 1.3 Promote a mix of land uses that are fiscally self-sufficient.*

*GOAL LU 3. The unincorporated communities within the County will be sufficiently served by commercial land uses through a combination of commercial development within cities and unincorporated communities.*

*Policy LU 3.1 Protect areas best suited for commercial uses by virtue of their location, access to major arterials, and availability of infrastructure and other utilities from other incompatible uses.*

*GOAL D/LU 1. Maintain land use patterns in the Desert Region that enhance the rural environment and preserve the quality of life of the residents of the region.*

*GOAL D/LU 3. Ensure that commercial and industrial development within the region is compatible with the rural desert character and meets the needs of local residents.*

Goal and Policy Implementation: The proposed Project meets the criteria of being a commercially compatible and fiscally viable facility that fulfills the fundamental needs of promoting the establishment of commercial/retail uses in the unincorporated areas of the County. The proposed Project will also provide contiguous development, to the extent feasible, which minimizes environmental and other impacts to adjacent land uses. Subject to the requirements of the San Bernardino County Development Code (Development Code) environmental factors such as noise, odor, and lighting will be compatible with adjacent low density residential uses even though the facility will operate 24 hours a day seven days a week. To ensure adequate land use separation and mitigate any potential operational impacts, a six (6) foot high block wall will provide a barrier to shield sensitive uses adjacent to the site. Moreover, the design and internal vehicular circulation of the facility is concentrated primarily around the fueling canopy, which is substantially separated from the westerly property line and adjoining sensitive land uses. Moreover, the 25 foot high convenience store, where parking is concentrated, will function as a shield to minimize noise impacts upon sensitive uses.

2. **The proposed GPA would not be detrimental to the public interest, health, safety, convenience, or welfare of the County**, because the amendment facilitates a Project that has incorporated appropriate conditions of approval and mitigation measures to protect and enhance public health and safety, while promoting commercial and retail development along a major arterial roadway designed to accommodate such uses.
3. **The proposed land use zoning district change is in the public interest, there will be a community benefit, and other existing and allowed uses will not be compromised.** The GPA does not compromise existing or other planned uses, but enhances the goal of facilitating commercial/retail development at the intersection of a well traveled road corridor, also known as Route 66.
4. **The proposed land use zoning district change will provide a reasonable and logical extension of the existing land use pattern in the surrounding area.** The proposed General Commercial zoning designation is an extension of similarly zoned commercial properties within the area that are

also bounded by major arterials and collector streets developed to facilitate retail needs. The proposed amendment to General Commercial is a logical extension of the General Commercial zoning district as the site is bounded by a major arterial to service the operation and, is adjacent to an existing and developed General Commercial zoned property.

5. **The proposed land use zoning district change does not conflict with provisions of the Development Code**, because the Project site conforms to the size and location criteria specified for the General Commercial land use district and all future construction will be required to conform to the development standards and other applicable land use regulations of the General Commercial district.
6. **The proposed land use zoning district change will not have a substantial adverse effect on surrounding property.** The Project site is an extension of the Commercial development that lies to the north. Pursuant to the development requirements of the General Commercial zoning district, the project shall adhere to the Development Code requirements regarding noise, odor, lighting and use requirements that will mitigate impacts to adjacent uses.
7. **The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the proposed or anticipated uses and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.** The Project has been evaluated and conditioned to provide a safe and accessible site for the proposed operation. Fire and police protection will also be provided by the County Fire Department and the Sheriff's Department and appropriate emergency vehicle access has been incorporated into the site design. Water service is provided by Helendale CSD and the on-site septic system will operate and be maintained in accordance with the Public Health Environmental Health Services Division. With regard to solid waste, there is sufficient solid waste storage and landfill capacity to accommodate the Project's solid waste disposal needs. The County has evaluated all aspects of the Project and determined that the Project does not constitute a hazard to neighboring properties.
8. **An Initial Study/Mitigated Negative Declaration for the Project has been prepared in compliance with the California Environmental Quality Act (CEQA) and represents the independent judgment of the County acting as lead agency for the Project.** The Project will not have a significant adverse impact on the environment with implementation of all required conditions of approval and mitigation measures.

### CONDITIONAL USE PERMIT

[SBCC 85.06.040]

1. **The site for the proposed use subject to approval of the Major Variance to reduce the front and side yard setback from 25 feet to 10 feet is adequate in terms of shape and size to accommodate the proposed use and all landscaping, open space, setbacks, walls and fences, yards, and other required features pertaining to the application.** The 1.71 acre site contains adequate area necessary for site improvements associated with the development of the 4,998 square foot convenience store and fueling station facilities, including parking and landscaping. The Project incorporates conditions to construct offsite improvements, including curb and gutter, pedestrian sidewalk, and adequate vehicle

entry onto the site from both Vista Road and National Trails Highway. The proposed Project satisfies all applicable standards and requirements of the Development Code.

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.** The Project is located at the southwest corner of the intersection of National Trails Highway (formerly Route 66) and Vista Road, which provide adequate legal and physical access to the Project site. The proposed Project exceeds the minimum 20 parking stalls required for the proposed use with 24 standard parking stalls, two handicap stalls, and loading area. The Project design provides adequate space for vehicle and truck circulation.
3. **The proposed use will not have a substantial adverse effect on abutting properties or the allowed use of the abutting properties, which means that the use will not generate excessive noise, traffic, vibration, lighting, glare, or other disturbance.** The Project, subject to approval of a Major Variance to reduce the front and side yard setback from 25 feet to 10 feet, has sufficiently demonstrated compliance with the appropriate site design requirements and development standards such as building height, wastewater improvements, and off street parking. Compliance with these requirements, as well as all applicable conditions of approval, will ensure that the Project will not have a substantial adverse effect upon abutting properties. Additionally, the use will not 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.** The Project is consistent with the General Plan. The Project specifically implements the following goals, as previously described above:

#### **General Plan**

*GOAL LU 1. The County will have a compatible and harmonious arrangement of land uses by providing a type and mix of functionally well-integrated land uses that are fiscally viable and meet general social and economic needs of the residents.*

*POLICY LU 1.2 The design and siting of new development will meet locational and development standards to ensure compatibility of the new development with adjacent land uses and community character.*

*POLICY LU 1.3 Promote a mix of land uses that are fiscally self-sufficient.*

*GOAL LU 3. The unincorporated communities within the County will be sufficiently served by commercial land uses through a combination of commercial development within cities and unincorporated communities.*

*Policy LU 3.1 Protect areas best suited for commercial uses by virtue of their location, access to major arterials, and availability of infrastructure and other utilities from other incompatible uses.*

*GOAL D/LU 1. Maintain land use patterns in the Desert Region that enhance the rural environment and preserve the quality of life of the residents of the region.*

*GOAL D/LU 3. Ensure that commercial and industrial development within the region is compatible with the rural desert character and meets the needs of local residents.*

Goal and Policy Implementation: The proposed Project design is consistent with the requirements of the General Commercial zoning district and represents an extension of the General Commercial district located directly north of the site. The proposed Project design and planned operation, including the planned installation of a six (6) foot high garden wall, will help to maintain compatibility with the adjacent residential use. During convenience store and fueling operations, operating noise levels are required to meet Development Code standards and this requirement has been incorporated into the conditions of approval. The design and layout of the fueling station/convenience store meets development standards and adequate parking is available onsite. The facility is located along a major arterial and will benefit and enhance the limited commercial/retail uses currently operating in the area.

5. **There is supporting infrastructure, existing or available, consistent with the intensity of the development, to accommodate the proposed Project without significantly lowering service levels.** Appropriate infrastructure improvements, such as street paving, sidewalk, curb, and gutter have been incorporated into the development proposal, consistent with the requirements of the Development Code. Staff has concluded, upon review of the Project site plan and supporting documents, that adequate infrastructure design and services levels will be provided to the Project site to meet its operational needs.
6. **The lawful conditions stated in the approval are deemed reasonable and necessary to protect the overall public health, safety and general welfare.** All conditions are proposed to implement the requirements of the Development Code and ensure the safe and orderly development of the Project.
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.** Solar panels are proposed to be installed on both the fueling canopy and convenience center roof. The orientation and design of the proposed structures will take advantage of the property's passive solar heating capabilities, due to the ample area available for sun exposure and solar facility operations.

### **ENVIRONMENTAL FINDING**

In conformance with the requirements of the CEQA, an Initial Study (IS) was prepared to evaluate the environmental impacts of the Project. Mitigation measures were incorporated as part of the Project's conditions of approval, reducing the impacts to less than significant and justifying a Mitigated Negative Declaration (MND) as appropriate for adoption. The IS/MND represents the independent judgment of the County acting as lead agency for the Project.

### **MAJOR VARIANCE FINDINGS: [SBCC 85.17.060]**

1. The granting of the Variance will not be materially detrimental to other properties or land uses in the area and will not substantially interfere with the present or future ability to use solar energy system.

**Substantiation:** The proposed reduction of landscaping along National Trails Highway and Vista Road from 25 feet to 10 feet will not be materially detrimental to other properties or land uses in the area, since the reduced setback helps improve on-site and off-site vehicular circulation and avoid potential bottle-

necks along the driveway aisles in the service station. This reduced setback permits the designer to maximize the width of the driveway aisle to 30 feet to provide for two (2) way traffic, versus establishing a 15 foot aisle width which is designed primarily for one-way traffic and would affect the ability of drivers to enter and exit the site efficiently. The reduced landscaping and resulting improved on-site vehicular circulation will have no material effects or be detrimental to other properties or land uses in the area. Moreover, the approval of the Variance will not interfere with the future ability to use solar energy systems on the subject property or neighboring properties as the setback reduction is along the front and street side property lines.

2. There are exceptional or extraordinary circumstances or conditions applicable to the subject property or to the intended use that do not apply to other properties in the same vicinity and land use zoning district.

**Substantiation:** A variance will allow for the efficient vehicular movement of both auto vehicles, vans and trucks into and out of the property, given the substantial number of expected vehicle trips and the unique intersection attributes of the site, such as visibility. Moreover, the project has been restricted to fit within the confines of the existing 1.71 acre site, which less than the required minimum size of 2.5 acres for a newly create lot. In designing the project to fit within the confines of the existing smaller parcel, the project designers have minimized lot coverage to 64 percent, although the General Commercial standards permit a maximum of 80 percent lot coverage. The variance provides design flexibility to maintain efficient and fluid on-site circulation to help utilize a substandard parcel whose operation is compatible with surrounding uses and meets the needs of local residents. Section 83.02.050 (c) of the Development Code provides for the development of substandard parcels provided that the lot was legally created and otherwise conforms to the requirement of the Development Code.

3. The strict application of the land use zoning district deprives the subject property of privileges enjoyed by other properties in the vicinity or in the same land use zoning district.

**Substantiation:** The effect of enforcing the 25-foot wide front and side yard setback would require the applicant to reconfigure the site plan and disposition of the proposed fueling canopy and convenience store to maintain efficient on site vehicular circulation. As cited in paragraph 2, the variance provides design flexibility to maintain efficient and fluid on-site circulation and help utilize a substandard parcel whose operation is compatible with surrounding uses and meets the needs of local residents.

4. The granting of the Variance is compatible with the maps, objectives, policies, programs, and general land uses specified in the General Plan and any applicable specific plan.

**Substantiation:** The granting of the Variance as described above is compatible with the maps, objective polices, programs and general uses specified in the County General Plan.

# **EXHIBIT C**

## **Conditions of Approval**

## **CONDITIONS OF APPROVAL**

Moussa G. Waw

### **GENERAL REQUIREMENTS**

Ongoing and Operational Conditions

#### **LAND USE SERVICES DEPARTMENT– Planning Division (909) 387-8311**

1. Project Approval Description. The Project is a General Plan Amendment (GPA) from Rural Living (RL) to Rural Commercial (CR) and a Conditional Use Permit (CUP) to permit the development of a 4,998 square foot convenience store, and fueling service station on a vacant parcel located in Helendale.

The developer shall provide a copy of the approved conditions and the approved 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 with APN: 3068-231-38, 39 Project No. P201600565.

2. Project Location. The Project site is located at 26426 National Trails Highway, Helendale,
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. 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.
7. 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)
8. Project Account. The Job Costing System (JCS) account number is P201600565. 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.
9. Condition Compliance: In order to obtain construction permits for grading, building, final inspection and/or tenant occupancy for each approved building, the developer shall process a Condition Compliance Release Form (CCRF) for each respective building and/or phase of the development through the Planning Division in accordance with the directions stated in the Approval letter. The Planning Division shall release their holds on each phase of development by providing to County Building and Safety the following:
- Grading Permits: a copy of the signed CCRF for grading/land disturbance and two "red" stamped and signed approved copies of the grading plans.
  - 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.
  - Final Occupancy: a copy of the signed CCRF for final inspection of each respective building or use of the land, after an on-site compliance inspection by the Planning Division.
10. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.

11. 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:
- FEDERAL: N/A;
  - STATE: Mojave Desert AQMD, Mojave Water Agency, California Department of Fish and Wildlife
  - COUNTY: Land Use Services – Building and Safety/Code Enforcement/Land Development, County Fire/HazMat; Public Health – Environmental Health Services, Public Works –Traffic/County Surveyor/Solid Waste and,
  - LOCAL: N/A
12. Continuous Maintenance. The Project property owner shall continually maintain the property so that it is visually attractive and not dangerous to the health, safety and general welfare of both on-site users (e.g. employees) and surrounding properties. The property owner shall ensure that all facets of the development are regularly inspected, maintained and that any defects are timely repaired. Among the elements to be maintained, include but are not limited to:
- Annual maintenance and repair: The developer shall conduct inspections for any structures, fencing/walls, driveways, and signs to assure proper structural, electrical, and mechanical safety.
  - Graffiti and debris: The developer shall remove graffiti and debris immediately through weekly maintenance.
  - Landscaping: The developer shall maintain landscaping in a continual healthy thriving manner at proper height for required screening. Drought-resistant, fire retardant vegetation shall be used where practicable. Where landscaped areas are irrigated it shall be done in a manner designed to conserve water, minimizing aerial spraying.
  - Dust control: The developer shall maintain dust control measures on any undeveloped areas where landscaping has not been provided.
  - Erosion control: The developer shall maintain erosion control measures to reduce water runoff, siltation, and promote slope stability.
  - External Storage: The developer shall maintain external storage, loading, recycling and trash storage areas in a neat and orderly manner, and fully screened from public view. Outside storage shall not exceed the height of the screening walls.
  - Metal Storage Containers: The developer shall NOT place metal storage containers in loading areas or other areas unless specifically approved by this or subsequent land use approvals.
  - Screening: The developer shall maintain screening that is visually attractive. All trash areas, loading areas, mechanical equipment (including roof top) shall be screened from public view.
  - Signage: The developer shall maintain all on-site signs, including posted area signs (e.g. “No Trespassing”) in a clean readable condition at all times. The developer shall remove all graffiti and repair vandalism on a regular basis. Signs on the site shall be of the size and general location as shown on the approved site plan or subsequently a County-approved sign plan.
  - Lighting: The developer shall maintain any lighting so that they operate properly for safety purposes and do not project onto adjoining properties or roadways. Lighting shall adhere to applicable glare and night light rules.
  - Parking and on-site circulation: The developer shall maintain all parking and on-site circulation requirements, including surfaces, all markings and traffic/directional signs in an un-faded condition as identified on the approved site plan. Any modification to parking and access layout requires the Planning Division review and approval. The markings and signs shall be clearly defined, un-faded and legible; these include parking spaces, disabled space and access path of travel, directional designations and signs, stop signs, pedestrian crossing, speed humps and “No Parking”, “Carpool”, and “Fire Lane” designations.
  - Fire Lanes: The developer shall clearly define and maintain in good condition at all times all markings required by the Fire Department, including “No Parking” designations and “Fire Lane” designations.

13. 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.
14. Lighting. Lighting shall comply with Table 83-7 "Shielding Requirements for Outdoor Lighting in the Desert Region" of the County's Development Code (i.e. "Dark Sky" requirements). 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. 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, an alternating message no more than once every five seconds.
15. Clear Sight Triangle. Adequate visibility for vehicular and pedestrian traffic shall be provided at clear sight triangles at all 90 degree angle intersections of public rights-of-way and private driveways. All signs, structures and landscaping located within any clear sight triangle shall comply with the height and location requirements specified by County Development Code (SBCC§ 83.02.030) or as otherwise required by County Traffic.
16. Cultural Resources. During grading or excavation operations, should any potential paleontological or archaeological artifacts be unearthed or otherwise discovered, the San Bernardino County Museum shall be notified and the uncovered items shall be preserved and curated, as required. For information, contact the County Museum, Community and Cultural Section, telephone (909) 798-8570.
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.
20. GHG – Operational Standards. The developer shall implement the following as greenhouse gas (GHG) mitigation during the operation of the approved project:
  - a. Waste Stream Reduction. The "developer" shall provide to all tenants and project employees County-approved informational materials about methods and need to reduce the solid waste stream and listing available recycling services.
  - b. Vehicle Trip Reduction. The "developer" shall provide to all tenants and project employees County-approved informational materials about the need to reduce vehicle trips and the program elements this project is implementing. Such elements may include: participation in established ride-sharing programs, creating a new ride-share employee vanpool, designating preferred parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading for ride sharing vehicles with benches in waiting areas, and/or providing a web site or message board for coordinating rides.

- c. Provide Educational Materials. The developer shall provide to all tenants and staff education materials and other publicity about reducing waste and available recycling services. The education and publicity materials/program shall be submitted to County Planning for review and approval. .
- d. Landscape Equipment. The developer shall require in the landscape maintenance contract and/or in onsite procedures that a minimum of 20% of the landscape maintenance equipment shall be electric-powered.

**LAND USE SERVICES DEPARTMENT– Code Enforcement Division (909) 387-8311**

- 21. Enforcement. If any County enforcement activities are required to enforce compliance with the conditions of approval, the property owner and “developer” shall be charged for such enforcement activities in accordance with the County Code Schedule of Fees. Failure to comply with these conditions of approval or the approved site plan design required for this project approval shall be enforceable against the property owner and “developer” (by both criminal and civil procedures) as provided by the San Bernardino County Code, Title 8 – Development Code; Division 6 – Administration, Chapter 86.09 – Enforcement.
- 22. Weed Abatement. The applicant shall comply with San Bernardino County weed abatement regulations 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 Section (909) 387-8311**

- 23. Tributary Drainage. Adequate provisions should 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.
- 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.

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

- 25. Refuse Storage/Removal. All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that environmental public health nuisances are minimized. All refuse not containing garbage shall be removed from the premises at least 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 2 times per week, or as often if necessary to minimize public health nuisances, by a permitted hauler to an approved solid waste facility in conformance with San Bernardino County Code Chapter 8, Section 33.0830 et. seq. For information, please call DEHS/LEA at: (800) 442-2283.
- 26. Septic System Maintenance. The septic system shall be properly maintained, so as to not create a public nuisance, and be serviced by a DEHS permitted sewage pumper. For information, please call DEHS/Wastewater Section at: 1-800-442-2283.
- 27. Noise. Noise level(s) shall be maintained at or below County Standards, Development Code §83.01.080. For information please call DEHS at 1-800-442-2283.

## **COUNTY FIRE DEPARTMENT–Community Safety Division (760)995-8190/LOCAL FIRE JURISDICTION**

28. **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 may be made in writing PRIOR TO the expiration date justifying the reason that the Fire Condition Letter should be extended.
29. **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.
30. **Additional Requirements.** In addition to the Fire Requirements stated herein, other on-site and offsite 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.
31. **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 to 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.

## **DEPARTMENT OF PUBLIC WORKS – Solid Waste Management – (909) 386-8701**

32. **Franchise hauler Service Area** – This project falls within a County Franchise Area. If subscribing for the collection and removal of construction and demolition waste from the project site, all developers, contractors, and subcontractors shall be required to receive services through the grantee holding a franchise agreement in the corresponding County Franchise Area (Helendale CSD).
33. **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).
34. **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.
35. **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.

### *Mitigation Measures in Italics*

36. Mandatory Commercial Organics Recycling. As of January 1, 2017, AB (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.

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

37. Survey Monumentation. 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 (Section 8771(b) Business and Professions Code).
38. Record of Survey. Pursuant to Sections 8762 (b) and/or 8773 of the Business and Profession 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 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.

**PRIOR TO ISSUANCE OF GRADING PERMITS  
OR LAND DISTURBING ACTIVITIES**

The Following Shall Be Completed

**LAND USE SERVICES DEPARTMENT– Planning Division (909) 387-8311**

**39. GHG – Construction Standards.** The developer shall submit for review and obtain approval from County Planning of a signed letter agreeing to include as a condition of all construction contracts/subcontracts requirements to reduce GHG emissions and submitting documentation of compliance. The developer/construction contractors shall do the following:

- a) Implement the approved Coating Restriction Plans.
- b) Select construction equipment based on low GHG emissions factors and high-energy efficiency. All diesel/gasoline-powered construction equipment shall be replaced, where possible, with equivalent electric or CNG equipment.
- c) Grading plans shall include the following statements:
  - “All construction equipment engines shall be properly tuned and maintained in accordance with the manufacturers specifications prior to arriving on site and throughout construction duration.”
  - “All construction equipment (including electric generators) shall be shut off by work crews when not in use and shall not idle for more than 5 minutes.”
- d) Schedule construction traffic ingress/egress to not interfere with peak-hour traffic and to minimize traffic obstructions. Queuing of trucks on and off site shall be firmly discouraged and not scheduled. A flag person shall be retained to maintain efficient traffic flow and safety adjacent to existing roadways.
- e) Recycle and reuse construction and demolition waste (e.g. soil, vegetation, concrete, lumber, metal, and cardboard) per County Solid Waste procedures.
- f) The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew and educate all construction workers about the required waste reduction and the availability of recycling services.

**40. Air Quality.** Although the Project does not exceed the Mojave Desert Air Quality Management District (MDAQMD) thresholds, the Project proponent is required to comply with all applicable rules and regulations as the (MDAQMD) Basin is in a non-attainment status for ozone and suspended particulates [PM<sub>10</sub> and PM<sub>2.5</sub> (State)]. To limit dust production, the Project proponent must comply with Rules 402 nuisance and 403 fugitive dust, which require the implementation of Best Available Control Measures for each fugitive dust source and MDAQMD Rule 461 concerning mobile fueling provisos. This would include, but not be limited to, the following Best Available Control Measures. Compliance with Rules 402 and 403 are mandatory requirements and thus not considered mitigation measures:

- a. The Project proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities.
  1. The Project proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading. Portions of the site that are actively being graded shall be watered to ensure that a crust is formed on the ground surface, and shall be watered at the end of each workday.
  2. The Project proponent shall ensure that all disturbed areas are treated to prevent erosion.
  3. The Project proponent shall ensure that all grading activities are suspended when winds exceed 25 miles per hour.
- b. Exhaust emissions from vehicles and equipment and fugitive dust generated by equipment traveling over exposed surfaces, will increase NO<sub>x</sub> and PM<sub>10</sub> levels in the area. Although the Project will not exceed

(MDAQMD) thresholds during operations, the Project proponent will be required to implement the following requirements:

1. All equipment used for grading and construction must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel.
2. The operator shall maintain and effectively utilize and schedule on-site equipment and on-site and off-site haul trucks in order to minimize exhaust emissions from truck idling.

41. Diesel Regulations. The operator shall comply with all existing and future California Air Resources Board and (MDAQMD) regulations related to diesel-fueled trucks, which among others may include: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment. Mojave Desert Air Quality Management District rules for diesel emissions from equipment and trucks are embedded in the compliance for all diesel fueled engines, trucks, and equipment with the statewide California Air Resources Board Diesel Reduction Plan. These measures will be implemented by the California Air Resources Board in phases with new rules imposed on existing and new diesel-fueled engines.

42. Construction Noise. *Prior to grading permit issuance, the County shall verify that the following mitigation measures are included on the Grading and Building plans:*

*"Note 1: Construction Equipment Controls. During all project site excavation and grading on-site, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site."*

*"Note-2: Noise Ordinance. To minimize potential impacts to adjacent sensitive receptors, project construction shall only be performed during the hours construction activities are exempt from the County adopted noise standards: Temporary construction, maintenance or demolition activities shall only be conducted between the hours of 7:00 a.m. and 7:00 p.m. However, this exemption does not apply on Sundays and national holidays."*

*"Note-3: Sound Attenuation. A noise blanket or other appropriate device shall be erected eight feet high along that portion of the westerly property line near the existing residence to reduce potential noise levels. The blanket or other device is to be capable of a 15 decimal decrease in noise levels."*

*"Note-4: Equipment Staging. The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise sensitive receptors nearest the project site during all project construction."*

43. Tortoise Fencing. *Impacts to desert tortoises can be avoided if tortoise fencing is installed around the property and maintained throughout the construction period and clearance surveys are completed prior to grading or grubbing the site.*

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

44. 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.

45. 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.
46. 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)
47. 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.
48. Erosion Control Installation. Erosion control devices must be installed at all perimeter openings and slopes. No sediment is to leave the job site.
49. 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.

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

50. 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 safety 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 fee schedule.
51. FEMA Flood Zone. The Project is located within Flood Zone X (Unshaded) according to FEMA Panel Number 06071C5150J dated 09/02/2016. No elevation requirements.
52. Topo Map. A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.
53. Grading Plans. Grading plans shall be submitted for review and approval obtained prior to construction. All Drainage and WQMP improvements shall be shown on the Grading plans according to the approved Drainage study and WQMP reports. Fees for grading plans will be collected upon submittal to the Land Development Division and are determined based on the amounts of cubic yards of cut and fill. Fee amounts are subject to change in accordance.

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

54. The project area has a high probability of containing vectors. DEHS Vector Control Section will determine the need for vector survey and any required control programs. A vector clearance letter shall be submitted to DEHS/Land Use. For information, contact Vector Control at (800) 442-2283.

#### **COUNTY FIRE DEPARTMENT – Community Safety Division (760) 995-8190/LOCAL FIRE JURISDICTION**

55. Water System. Prior to any land disturbance, the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using Appendix IIIA of the Uniform Fire Code.

**PRIOR TO ISSUANCE OF BUILDING PERMITS**

The Following Shall Be Completed:

**LAND USE SERVICES DEPARTMENT – Planning (909) 387-8311**

56. Architecture. Architectural elevations are considered conceptual. Final details with colors and material samples shall be submitted to the Planning Division for approval prior to building plan check submittal.
57. Refuse Containers. *The refuse storage area shall be architecturally compatible in color and design and shall be enclosed by a six-foot high masonry wall, roofed and sides sealed with a chain link mesh or similar material to mitigate the entry of birds and gated with steel gates. A concrete apron equal to the width of the gate and outward from the enclosure a minimum of six (6) feet shall be provided.*
58. Cultural Resources. *The applicant shall retain a San Bernardino County qualified paleontologist who meets County's requirements for paleontologists.*
- *The qualified paleontologist shall be on-site at the pre-construction meeting to discuss monitoring protocols.*
  - *A paleontological monitor, working under the direct supervision of the qualified paleontologist, shall be on-site to observe ground disturbing activities below six feet in depth from the surface. If no paleontological resources are observed after 50 percent of ground disturbance is complete, paleontological monitoring may be reduced to part-time or spot-checks.*
  - *The paleontological monitor shall be empowered to temporarily halt or redirect excavation efforts if paleontological resources are discovered.*
  - *In the event of a paleontological discovery the monitor shall flag the area and notify the construction crew immediately. No further disturbance in the flagged area shall occur until the qualified paleontologist has cleared the area.*
  - *The qualified paleontologist shall quickly assess the nature and significance of the find. If the specimen is not significant it shall be quickly removed and the area shall be cleared.*
  - *If the discovery is significant the qualified paleontological shall notify the applicant and the County immediately.*
  - *In consultation with the applicant and the County the paleontologist shall develop a plan of mitigation which likely include salvage excavation and removal of the find, removal of sediment from around the specimen (in the laboratory), research to identify and categorize the find, curation of the find in the local qualified repository, and preparation of a report summarizing the find.*
59. Lighting Plans. The developer shall submit for review and approval to County Planning a photometric study demonstrating that the project light does not spill onto the adjacent properties, or public streets. Lighting fixtures shall be oriented and focused to the onsite location intended for illumination (e.g. walkways). Lighting shall be shielded away from adjacent sensitive uses, including the adjacent residential development, to minimize light spillover. The glare from any luminous source, including on-site lighting, shall not exceed 0.5 foot-candle at the property line. This shall be done to the satisfaction of County Planning, in coordination with County Building and Safety.
60. Landscape and Irrigation Plan. Landscape and Irrigation Plans shall be prepared in conformance with Chapter 83.10, Landscaping Standards, of the County Development Code. The developer shall submit four copies of a landscape and irrigation plan to County Planning.
61. GHG – Design Standards. The developer shall submit for review and obtain approval from County Planning evidence that the following measures have been incorporated into the design of the project. These are intended to reduce potential project greenhouse gas (GHGs) emissions. Proper installation of the approved

design features and equipment shall be confirmed by County Building and Safety prior to final inspection of each structure.

- a. Meet Title 24 Energy Efficiency requirements. The Developer shall document that the design of the proposed structures meets the current Title 24 energy-efficiency requirements. County Planning shall coordinate this review with the County Building and Safety. Any combination of the following design features may be used to fulfill this requirement, provided that the total increase in efficiency meets or exceeds the cumulative goal (100%+ of Title 24) for the entire project (Title 24, Part 6 of the California Code of Regulations; Energy Efficiency Standards for Residential and Non Residential Buildings, as amended:
  - Incorporate dual paned or other energy efficient windows,
  - Incorporate energy efficient space heating and cooling equipment,
  - Incorporate energy efficient light fixtures, photocells, and motion detectors,
  - Incorporate energy efficient appliances,
  - Incorporate energy efficient domestic hot water systems,
  - Incorporate solar panels into the electrical system,
  - Incorporate cool roofs/light colored roofing,
  - Incorporate other measures that will increase energy efficiency.
  - Increase insulation to reduce heat transfer and thermal bridging.
  - Limit air leakage throughout the structure and within the heating and cooling distribution system to minimize energy consumption.
- b. Plumbing. All plumbing shall incorporate the following:
  - All showerheads, lavatory faucets, and sink faucets shall comply with the California Energy Conservation flow rate standards.
  - Low flush toilets shall be installed where applicable as specified in California State Health and Safety Code Section 17921.3.
  - All hot water piping and storage tanks shall be insulated. Energy efficient boilers shall be used.
- c. Lighting. Lighting design for building interiors shall support the use of:
  - Compact fluorescent light bulbs or equivalently efficient lighting.
  - Natural day lighting through site orientation and the use of reflected light.
  - Skylight/roof window systems.
  - Light colored building materials and finishes shall be used to reflect natural and artificial light with greater efficiency and less glare.
  - A multi-zone programmable dimming system shall be used to control lighting to maximize the energy efficiency of lighting requirements at various times of the day.
  - Provide a minimum of 2.5 percent of the project's electricity needs by on-site solar panels.
- d. Building Design. Building design and construction shall incorporate the following elements:
  - Orient building locations to best utilize natural cooling/heating with respect to the sun and prevailing winds/natural convection to take advantage of shade, day lighting and natural cooling opportunities.
  - Utilize natural, low maintenance building materials that do not require finishes and regular maintenance.
  - Roofing materials shall have a solar reflectance index of 78 or greater.
  - All supply duct work shall be sealed and leak-tested. Oval or round ducts shall be used for at least 75 percent of the supply duct work, excluding risers.
  - Energy Star or equivalent appliances shall be installed.
  - A building automation system including outdoor temperature/humidity sensors will control public area heating, vent, and air conditioning units
- e. Landscaping. The developer shall submit for review and obtain approval from County Planning of landscape and irrigation plans that are designed to include drought tolerant and smog tolerant trees, shrubs, and groundcover to ensure the long-term viability and to conserve water and energy. The landscape plans shall include shade trees around main buildings, particularly along southern and western elevations, where practical.

- f. Irrigation. The developer shall submit irrigation plans that are designed, so that all common area irrigation areas shall be capable of being operated by a computerized irrigation system, which includes either an on-site weather station, ET gauge or ET-based controller capable of reading current weather data and making automatic adjustments to independent run times for each irrigation valve based on changes in temperature, solar radiation, relative humidity, rain and wind. In addition, the computerized irrigation system shall be equipped with flow sensing capabilities, thus automatically shutting down the irrigation system in the event of a mainline break or broken head. These features will assist in conserving water, eliminating the potential of slope failure due to mainline breaks and eliminating over-watering and flooding due to pipe and/or head breaks.
- g. Recycling. Exterior storage areas for recyclables and green waste shall be provided. Where recycling pickup is available, adequate recycling containers shall be located in public areas. Construction and operation waste shall be collected for reuse and recycling.
- h. Transportation Demand Management (TDM) Program. The project shall include adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience. Preferred carpool/vanpool spaces shall be provided and, if available, mass transit facilities shall be provided (e.g. bus stop bench/shelter). The developer shall demonstrate that the TDM program has been instituted for the project or that the buildings will join an existing program located within a quarter mile radius from the project site that provides a cumulative 20% reduction in unmitigated employee commute trips. The TDM Program shall publish ride-sharing information for ride-sharing vehicles and provide a website or message board for coordinating rides. The Program shall ensure that appropriate bus route information is placed in each building.

62. Signs. All proposed on-site signs shall be shown on a separate plan, including location, scaled and dimensioned elevations of all signs with lettering type, size, and copy. Scaled and dimensioned elevations of buildings that propose signage shall also be shown. The applicant shall submit sign plans to County Planning for all existing and proposed signs on this site. The applicant shall submit for approval any additions or modifications to the previously approved signs. All signs shall comply with SBCC Chapter 83.13, Sign Regulations, SBCC §83.07.040, Glare and Outdoor Lighting Mountain and Desert Regions, and SBCC Chapter 82.19, Open Space Overlay as it relates to Scenic Highways (§82.19.040), in addition to the following minimum standards:

- a. All signs shall be lit only by steady, stationary shielded light; exposed neon is acceptable.
- b. All sign lighting shall not exceed 0.5 foot-candle.
- c. No sign or stationary light source shall interfere with a driver's or pedestrian's view of public right-of-way or in any other manner impair public safety.
- d. Monument signs shall not exceed four feet above ground elevation and shall be limited to one sign per street frontage.

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

63. 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.

64. Temporary Use Permit. A Temporary Use permit (T.U.P.) for the office trailer will be required or it must be placed on a permanent foundation per State H.C.D. guidelines. A T.U.P is only valid for a maximum of five (5) years.

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

65. Road Dedication/Improvements. The developer shall submit for review and obtain approval from the Land Use Services Department the following dedications and plans for the listed required improvements, designed by a Registered Civil Engineer (RCE), licensed in the State of California.

**National Trails Highway (Major Divided Highway -120')**

- Road Dedication. A 20 foot grant of easement is required to provide a half-width right-of-way of 60 feet.
- Street Improvements. Design AC Dike with match up paving 47 feet from centerline.
- Curb Returns. An AC dike curb return with radius of 50 feet shall be designed per County Standard 110 at the intersection of National Trails Highway and Vista Road. Adequate easement shall be provided to ensure any future sidewalk improvements are within Public right-of-way.
- Driveway Approach. Design driveway approach per San Bernardino County Standard 129B, and located per San Bernardino County Standard 130.

**Vista Road (Secondary Highway -88')**

- Road Dedication. A 14-foot grant of easement is required to provide a half-width right-of-way of 44 feet.
- Street Improvements. Design AC Dike with match up paving 32 feet from centerline.
- Driveway Approach. Design driveway approach per San Bernardino County Standard 129B, and located per San Bernardino County Standard 130.

66. Roads 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.

67. 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. Street improvement plans shall not be approved until all necessary right-of-way is acquired.

68. Construction Permit. 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.

69. 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.

70. 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.
71. 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.

**COUNTY FIRE DEPARTMENT – Community Safety Division (760) 995-8190/(909) 386-8465/LOCAL FIRE JURISDICTION**

72. Building Plans. No less than three (3) complete sets of Building Plans shall be submitted to the Fire Department for review and approval. [F42]
73. Fire Flow. Your submittal did not include a flow test report to establish whether the public water supply is capable of meeting your project fire flow demand. You will be required to either produce a current flow test report from your water purveyor demonstrating that the fire flow demand is satisfied or you must install an approved fire sprinkler system. This requirement shall be completed prior to combination inspection by Building and Safety.
74. Water System Commercial. A water system approved and inspected by the Fire Department is required. The system shall be operational, prior to any combustibles being stored on the site. All fire hydrants shall be spaced no more than three hundred (300) feet apart (as measured along vehicular travel-ways) and no more than three hundred [300] feet from any portion of a structure. [F54]
75. Access. The development shall have a minimum of two (2) points of vehicular access. These are for fire/emergency equipment access and for evacuation routes.
76. Single Story Road Access Width. All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Other recognized standards may be more restrictive by requiring wider access provisions.
77. Multi-Story Road Access Width. Buildings 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.
78. Combustible Protection. Prior to combustibles, being placed on the project site an approved paved road with curb and gutter and fire hydrants with an acceptable fire flow shall be installed. The topcoat of asphalt does not have to be installed until final inspection and occupancy
79. Hood and Duct Suppression. An automatic hood and duct fire extinguishing system is required. A Fire Department approved designer/installer shall submit three (3) sets of detailed plans (Minimum 1/8" scale) with manufactures' specification sheets to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.
80. Fire Lanes. The applicant shall submit a fire lane plan to the Fire Department for review and approval. Fire lane curbs shall be painted red. The "No Parking, Fire Lane" signs shall be installed on public/private roads in accordance with the approved plan.
81. 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.

**DEPARTMENT OF PUBLIC WORKS – Solid Waste Management – (909) 386-8701**

82. 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 CDWMP 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 65% of total weight or volume. Forms can be found on our website at <http://cms.sbcounty.gov/dpw/solidwastemanagement.aspx>. An approved CDWMP Part 1 is required before a permit can be issued.

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

83. Water Purveyor. Water purveyor shall be DEHS approved.

84. Water System Permit. A water system permit may/will be required and concurrently approved by the State Water Resources Control Board – Division of Drinking Water. Applicant shall submit preliminary technical report at least 6 months before initiating construction of any water-related development. Source of water shall meet water quality and quantity standards. Test results, which show source meets water quality and quantity standards shall be submitted to the Division of Environmental Health Services (DEHS). For information, contact the Water Section at 1-800-442-2283 and SWRCB-DDW at 916-449-5577.

Technical report should include the following:

- a) The name of each public water system for which any service area boundary is within three miles, as measured through existing public rights-of-way, of any boundary of the applicant's proposed public water system's service area.
- b) A discussion of the feasibility of each of the adjacent public water systems identified pursuant to paragraph (1) annexing, connecting, or otherwise supplying domestic water to the applicant's proposed new public water system's service area. The applicant shall consult with each adjacent public water system in preparing the report and shall include in the report any information provided by each adjacent public water system regarding the feasibility of annexing, connecting, or otherwise supplying domestic water to that service area.
- c) A discussion of all actions taken by the applicant to secure a supply of domestic water from an existing public water system for the proposed new public water system's service area.
- d) All sources of domestic water supply for the proposed new public water system.
- e) The estimated cost to construct, operate, and maintain the proposed new public water system, including long-term operation and maintenance costs and a potential rate structure.
- f) A comparison of the costs associated with the construction, operation and maintenance, and long-term sustainability of the proposed new public water system to the costs associated with providing water to the proposed new public water system's service area through annexation by, consolidation with, or connection to an existing public water system.
- g) A discussion of all actions taken by the applicant to pursue a contract for managerial or operational oversight from an existing public water system.
- h) An analysis of whether a proposed new public water system's total projected water supplies available during normal, single dry, or multiple dry water years during a 20-year projection will meet the projected water demand for the service area.

- i) Any information provided by the local agency formation commission. The applicant shall consult with the local agency formation commission if any adjacent public water system identified pursuant to paragraph (1) is a local agency as defined by Section 56054 of the Government Code.

85. Wells. 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). Evidence shall be submitted to DEHS for approval.

86. Sewage Disposal. Method of sewage disposal shall be EHS approved onsite wastewater treatment system (OWTS) and conform to the Local Agency Management Program May 2017.

87. Sewer Connection. If sewer connection and/or service are unavailable, onsite wastewater treatment system(s) may then be allowed under the following conditions:

- a. A soil 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 information, please contact the Wastewater Section at 800-442-2283.
- b. Alternative Treatment Permit. If applicable, shall be required. For information contact DEHS at: 1-800-442-2283

88. Acoustical Study. Submit Preliminary acoustical information demonstrating that the proposed project maintains noise levels at/or below San Bernardino County Noise Standard(s), San Bernardino Development Code (§ 83.01.080. 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 the DEHS for review and approval. For more information and request an acoustical checklist contact DEHS. (800) 442-2283

89. Food Establishment. Plans for food establishments shall be reviewed and approved by DEHS. For information, call DEHS/Plan Check at: 1-800-442-2283.

**COUNTY FIRE DEPARTMENT – Hazardous Materials Division – (909) 386-8401**

90. Underground Storage Tank. Underground storage tank (UST) systems storing hazardous substances in the County of San Bernardino shall conform to standards issued by the San Bernardino County Fire Protection District. Written approval shall be obtained from this Department prior to the installation of any new UST system(s) and/or modifications to existing UST systems. Prior to installation, plans for underground storage tank systems shall be reviewed and approved by Office of the Fire Marshal, Hazardous Materials Division. For additional information please contact (909) 386-8464.

**PRIOR TO FINAL INSPECTION OR OCCUPANCY**

The Following Shall Be Completed

**LAND USE SERVICES DEPARTMENT – Planning Division (909) 387-8311**

91. 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 P201600565

92. Shield Lights. Any lights used to illuminate the site shall include appropriate fixture lamp types as listed in SBCC Table 83-7 and be hooded and designed so as to reflect away from adjoining properties and public thoroughfares and in compliance with SBCC Chapter 83.07, "Glare and Outdoor Lighting" (i.e. "Dark Sky Ordinance).
93. CCRF/Occupancy. Prior to occupancy/use, all Condition Compliance Release Forms (CCRF) shall be completed to the satisfaction of County Planning with appropriate authorizing signatures from each reviewing agency.
94. Screen Rooftop. All roof top mechanical equipment is to be screened from ground vistas.
95. Landscaping/Irrigation. All landscaping, dust control measures, all fences, etc. as delineated on the approved Landscape Plan shall be installed. The developer shall submit the Landscape Certificate of Completion verification as required in SBCC Section 83.10.100. Supplemental verification should include photographs of the site and installed landscaping.
96. Installation of Improvements. All required on-site improvements shall be installed per approved plans.
97. GHG – Installation/Implementation Standards. The developer shall submit for review and obtain approval from County Planning of evidence that all applicable GHG performance standards have been installed, implemented properly and that specified performance objectives are being met.

#### **DEPARTMENT OF PUBLIC WORKS – Traffic Division – (909) 387-8186**

98. Local Area Transportation Fee Plan. This project falls within the Helendale Local Area Transportation Facilities Fee Plan. This fee shall be paid by a cashier's check to the Department of Public Works Business Office. These fees are subject to change. Based on the ITE Trip Generation Manual (9th Edition) for "12 Gasoline Fueling Positions" and a 929 sq. ft. "Fast-Food Restaurant without Drive Through Window" building as established in the traffic study and shown on the site plan, this project generates approximately 2,357 total adjusted vehicle trips with 47% pass-by reduction totaling 1,249 primary trips. This fee is \$128.81 per trip multiplied by the number of vehicle trips (1,249) and multiplied by an induced trip adjustment factor of 30% as shown in the fee plan. Therefore, the total estimated Local Transportation Fees for this project is \$48,265.11. The current Helendale Local Area Transportation Facilities plan can be found at the following website:  
[http://www.sbcounty.gov/dpw/transportation/transportation\\_planning.asp](http://www.sbcounty.gov/dpw/transportation/transportation_planning.asp)

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

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

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

100. Drainage Improvements. All required drainage improvements if any 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**

101. LDD Requirements. All LDD requirements shall be completed by the applicant prior to occupancy.

102. Road Improvements. All required on-site and off-site improvements shall be completed by the applicant, inspected and approved by County Public Works. Completion of road and drainage improvements does not imply acceptance for maintenance by the County.
103. 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.
104. 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.
105. 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.
106. Phased projects. Projects within any phase of a phased project shall have all required on-site and off-site public road and drainage improvements required for such a phase sufficiently completed by the applicant, inspected and approved for construction of that phase, prior to final inspection or occupancy for any buildings or other structures in that phase.

The term "phase" as used here shall mean the following: "The block of building permits drawn on less than the whole project" or "A plan of building construction which indicates blocks of construction of less than the whole project."

In each phase, the installation of any on-site or off-site public road improvements shall be sufficiently completed so as to assure protection from storm or drainage run off, a safe and drivable access for fire and other emergency/safety vehicles, and the ordinary and intended use of the buildings or structures. The Building Official, with the concurrence of the Land Development Division may approve any plan or approve a change to an approved plan, which complies with the intent of this policy.

### **COUNTY FIRE DEPARTMENT – Community Safety Division (760) 995-8190/(909) 386-8465/LOCAL FIRE JURISDICTION**

107. Commercial Addressing. Commercial and industrial developments 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 [F82]
108. Street Sign. This project is required to have an approved street sign (temporary or permanent). The street sign shall be installed on the nearest street corner to the project. Installation of the temporary sign shall be prior any combustible material being placed on the construction site. Prior to final inspection and occupancy of the first structure, the permanent street sign shall be installed.

Hydrant Marking. Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. In areas where snow removal occurs or non-paved roads exist, the blue reflective hydrant marker shall be posted on an approved post along the side of the road, no more than three (3) feet from the hydrant and at least six (6) feet high above the adjacent road. Standard 901.4.3. [F80]

- 109. Fire Lanes. The applicant shall submit a fire lane plan to the Fire Department for review and approval. Fire lane curbs shall be painted red. The "No Parking, Fire Lane" signs shall be installed on public/private roads in accordance with the approved plan. Standard 901.4
- 110. Fire Extinguishers. Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department. [F88]
- 111. 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".
- 112. Material Identification Placards. The applicant shall install Fire Department approved material identification placards on the outsider of all buildings and/or storage tanks that store or plan to store hazardous or flammable materials in all locations deemed appropriate by the Fire Department. Additional placards shall be required inside the buildings when chemicals are segregated into separate areas. Any business with an N.F.P.A 704 rating of 2-3-3 or above shall be required to install an approved key box vault on the premises, which shall contain business access keys and a business plan.

**DEPARTMENT OF PUBLIC WORKS – Solid Waste Management – (909) 386-8701**

- 113. 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 65% of total weight or volume of all construction waste.

**COUNTY FIRE DEPARTMENT – Hazardous Materials Division – (909) 386-8401**

- 114. Hazardous Materials Permit. Prior to occupancy, the business operator shall be required to apply for one or more of the following permits, or apply for exemption from hazardous materials laws and regulations: a Hazardous Materials Permit, a Hazardous Waste Permit, Aboveground Storage Tank Permit or an Underground Storage Tank Permit. Application for one or more of these permits shall occur by submitting a hazardous materials business plan using the California Environmental Reporting System (CERS) <http://cers.calepa.ca.gov/>

**END OF CONDITIONS**

## EXHIBIT D

### **Initial Study/Mitigated Negative Declaration Please link below:**

<http://www.sbcounty.gov/Uploads/lus/Environmental/Initial%20Study%20P201600565%20docx%20CG%20District.pdf>