



LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

HEARING DATE: December 03, 2015

AGENDA ITEM # 3

Project Description

Vicinity Map

APN: 0537-161-22
 Applicant: Alex Ringle
 Community: Yermo
 Location: 1st Supervisorial District
 Project No: P201500369
 Staff: Lisette Sanchez-Mendoza, Contract Planner
 Rep: Paul Berger
 Proposal: Revision to an approved Conditional Use Permit to construct a 25,060 square foot gas station with 32 fuel dispensing pumps/convenience store and food establishment on 5 acres, to include a 120,000 gallon water tank camouflages as an ice cream sundae and a variance to encroach into the front and side street setbacks



21 Hearing Notices Sent On: November 20, 2015

Report Prepared By: Lisette Sanchez-Mendoza

SITE INFORMATION

Parcel Size: 1.9 acres
Terrain: Unimproved
Vegetation: Partially Disturbed

SURROUNDING LAND DESCRIPTION:

AREA	EXISTING LAND USE	LAND USE ZONING DISTRICT
Site	Vacant	Highway Commercial (CH)
North	Vacant	Rural Living-5 (RL-5)
South	Single Family Residences	Single Family Residential-10M (RS-10M)
East	Vacant	Rural Living (RL)
West	Vacant	Highway Commercial (CH)

	<u>AGENCY</u>	<u>COMMENT</u>
City Sphere of Influence:	None	N/A
Water Service:	Yermo CSD	Already Served
Sewer Service:	EHS	Onsite System

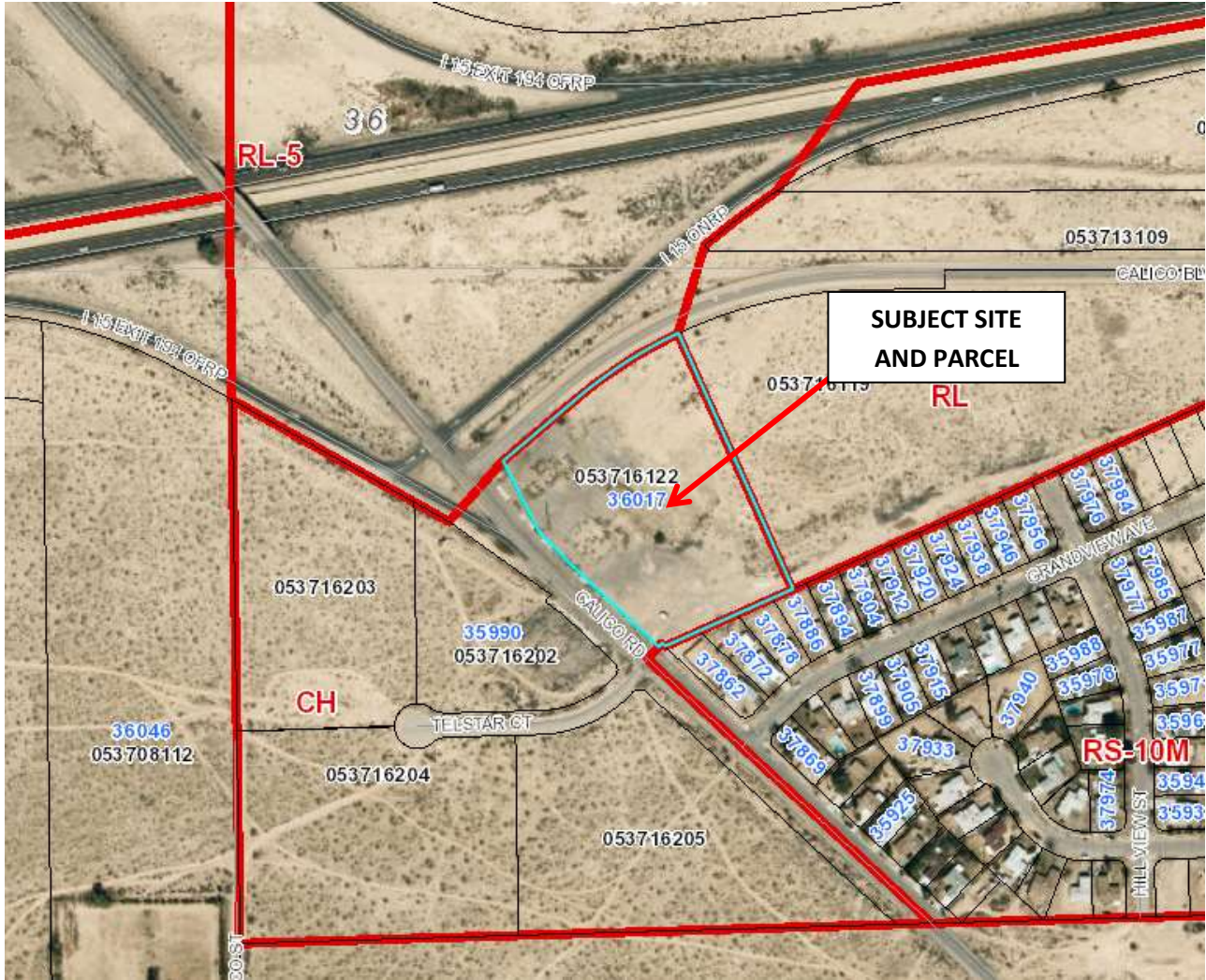
STAFF RECOMMENDATION: That the Planning Commission **ADOPT** the proposed Findings, **APPROVE** Revised Conditional Use Permit and Major Variance subject to the attached Conditions of Approval and **FILE** A Notice of Determination.

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

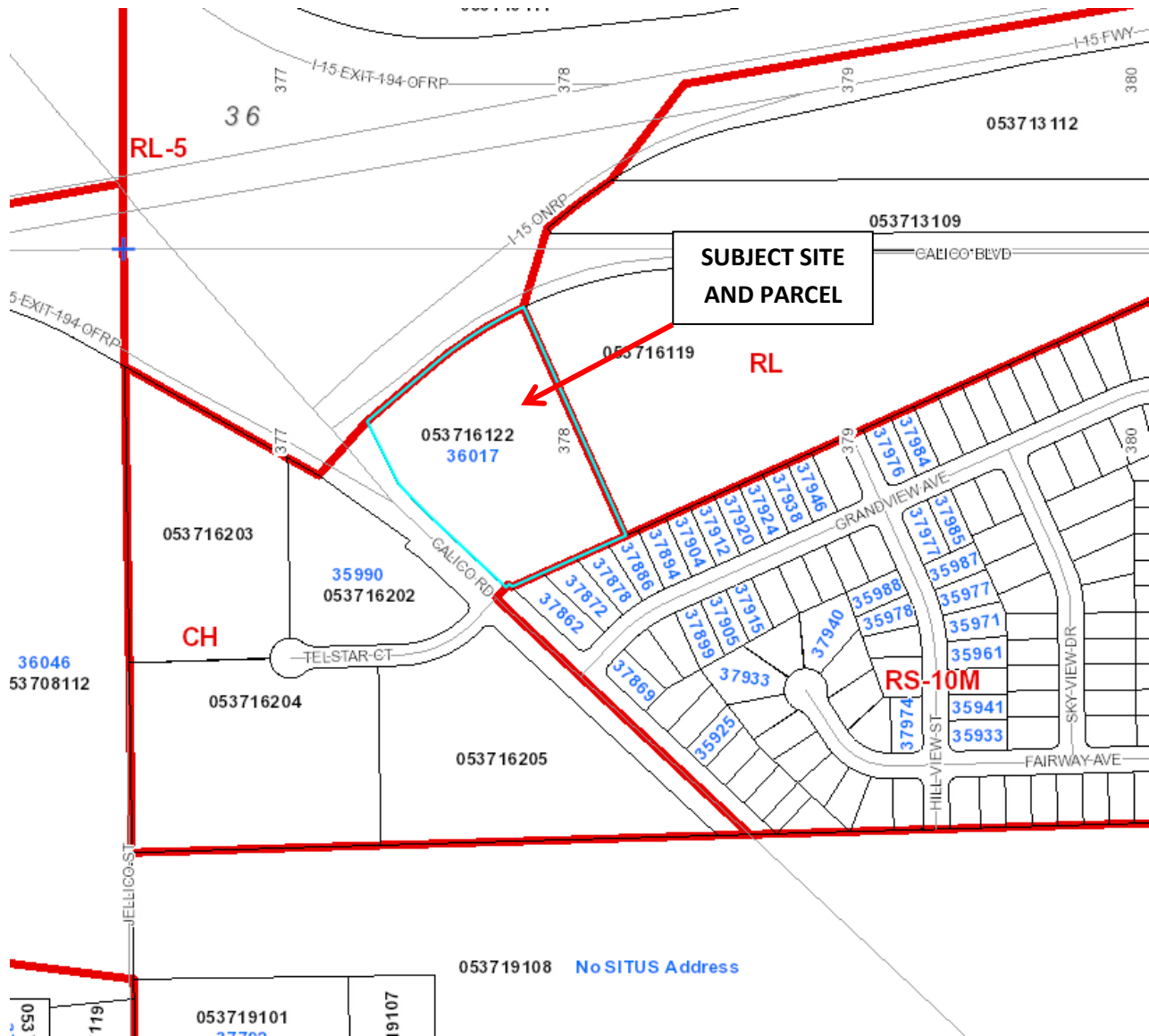
Project Name: Alex Ringle
Project Number/APN: P201500369, APN 0537-161-22
Planning Commission Staff Report
Date of Hearing: December 3, 2015

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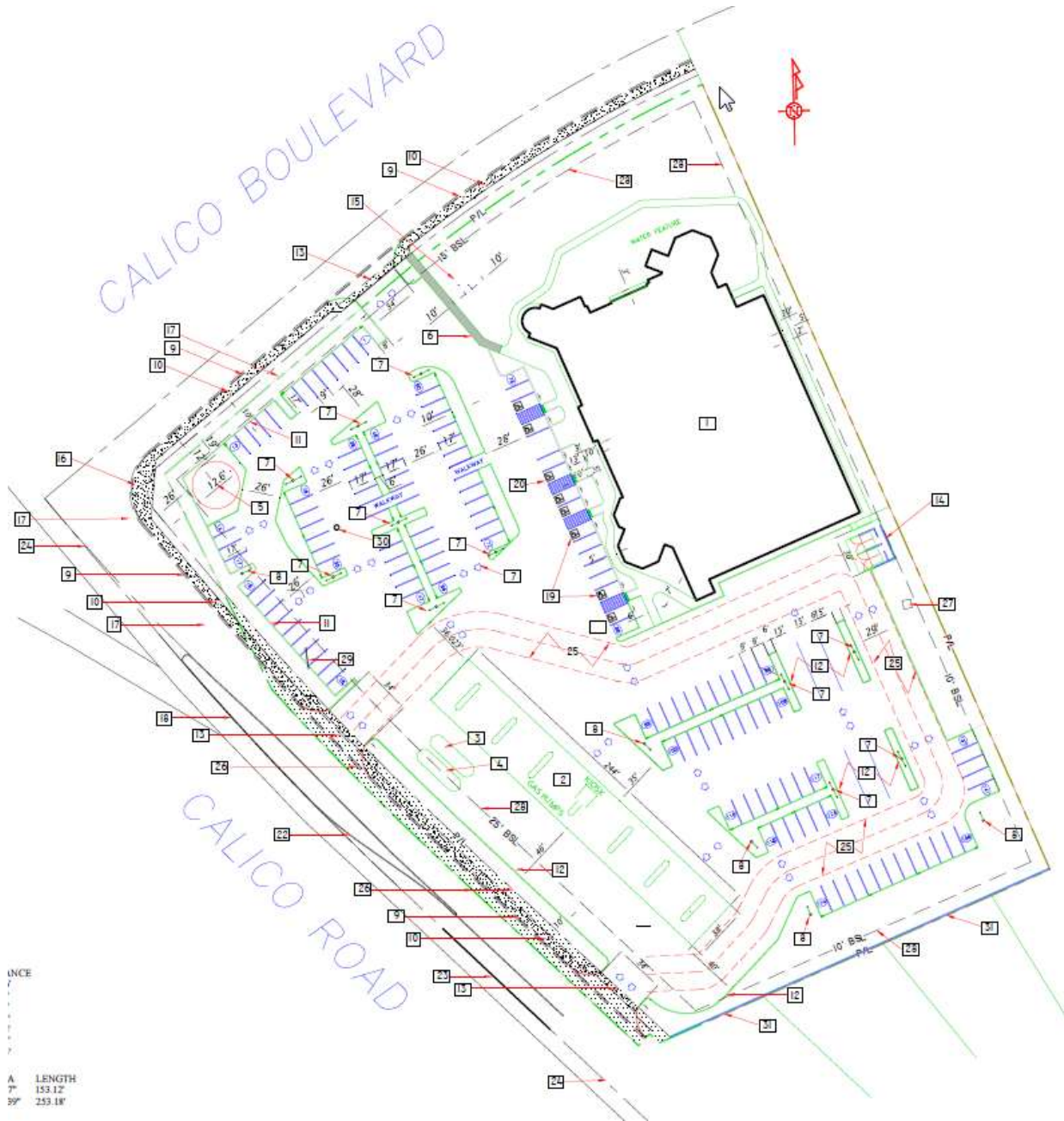
VICINITY MAP



OFFICIAL LAND USE DISTRICT MAP



PLOT PLAN



Tank/sign Design



SITE PHOTOS



Day and night view of the water tank/sign



BACKGROUND:

Project: In 2014, the Applicant received approval of a Conditional Use Permit for construction of a 25,060 square-foot gas station with 32 fuel dispensing pumps, restaurant, and retail building to be used as a regional travel plaza (Project) on 5 acres. As part of the development, the project was conditioned to provide a 120,000 gallon water tank to meet the requirements of San Bernardino County Fire (County Fire). This Revision proposes camouflaging the tank as an ice cream sundae (also functioning as a sign for this business) and the granting of a Variance to permit the encroachment of the tank/sign into the front and street side yard setbacks.

Location and Access: The Project site is located on the southeast corner of Calico Road and Calico Boulevard on a 5 acre parcel, APN 0537-161-22. Access to the property is from both Calico Road and Calico Boulevard.

ANALYSIS: REVISION TO A CONDITIONAL USE PERMIT AND VARIANCE

Consistency with General Plan and Zoning Regulations: The General Plan Land Use District is CH (Highway Commercial). This designation allows development of a gas station and retail/restaurant building including accessory structures such as a water tank and sign.

Development Code Compliance

Based on the proposed location of the water tanks/sign, the Revision to the Project requires a variance for the setback encroachment. The required setback along Calico Road and Calico Boulevard is 25 feet. The Revision proposes that the water tank/sign will encroach 12.5 feet into the front setback along Calico Road and 13-feet into the Street Side Yard setback along Calico Boulevard. The right-of-way along Calico Boulevard increased considerably due to the new road alignment that was conditioned as part of the original Project, leaving ample room between the edge of curb and the property line. The distance between the edge of curb and the proposed tank/sign is 29 feet along Calico Boulevard. The right-of-way for Calico Road will be widened at the intersection with Calico Boulevard, such that setting the sign/tank back further from Calico Boulevard in compliance with the setbacks, could actually place the sign/tank closer to the curb line on Calico Road.

Included in the Revision is the elimination of 4 parking stalls to allow for the expansion of the landscape area where the tank/sign will be place. This reduction does not create a parking deficiency as the Project continues to have a surplus in parking. The tank/sign will project to a height of 60 feet. This is consistent with the maximum height allowance for the zone of 60 feet, and is below the maximum allowed for these types of uses pursuant to Section 83.02.040 -Height Measurement and Height Limit Exceptions of the Development Code.

Visual Impact

The water tank is required for fire safety. The camouflage will mitigate the visual impacts it would otherwise create without creative modifications. The developer proposes to stealth the tank to create a landmark for the site, as the design of the tank/sign reflects the theme of the retail business proposed on the site.

Photo simulations have been provided to illustrate the views of the facility from surrounding properties and the public right-of-way. In addition, a day and night view of the tank/sign has been included to show the potential impact to the desert night sky. The preliminary photometric analysis has been submitted by the applicant showing compliance with the maximum allowance of 0.5 foot candle at property line. The Revision has been conditioned to provide a final photometric prior to the issuance of building permits for the tank/sign. The final study must address dark sign protection.

Public Notifications: Notices of the Project Revision were mailed and circulated on September 2, 2015, after acceptance of the Revision application. Public hearing notices were mailed out November 20, 2015. No comments have been received to date.

SUMMARY

The Project Revision has been evaluated and no significant impacts were identified. The Revision is consistent with the findings from the original Project and the requirements of the County Development Code subject to a variance for the setback encroachment.

ENVIRONMENTAL REVIEW:

Under the California Environmental Quality Act (CEQA) Guidelines Section 15164, an addendum to an adopted Negative Declaration (ND) shall be prepared if only minor technical changes or additions are necessary, or if none of the conditions described in Section 15162 (changes to a project or its circumstances, or new information becomes available) calling for the preparation of a supplemental or subsequent ND or Environmental Impact Report (EIR) have occurred. Under Section 15162, the lead agency shall prepare a supplemental or subsequent ND or, if the impacts cannot be adequately mitigated, an EIR if there are any new significant environmental effects associated with the refined project. With respect to this proposal, the revisions are only minor changes that do not result in any new significant environmental effect(s). In addition, there are no changed circumstances or new information; therefore, the Project Revision does not require a supplemental or subsequent ND or an EIR. This finding has been documented in an addendum to the Negative Declaration. No further action by the Planning Commission is required for the ND.

RECOMENDATION:

- A. **ADOPT** the Addendum to the Negative Declaration and find that the Initial Study remains in compliance with CEQA, that it has been reviewed and considered prior to approving the Project and that the Addendum to the Negative Declaration reflects the independent judgment of San Bernardino County;
- B. **APPROVE** the Revision to an approved Conditional Use Permit (a 25,060 square-foot gas station with 32 fuel dispensing pumps/convenience store and food establishment) to include a 120,000 gallon water tank camouflaged as an ice cream sundae with a variance to encroach into the front and side street setbacks, based on the Findings contained in the Staff Report and subject to the Conditions of Approval.
- C. **FILE** a Notice of Determination.

ATTACHMENTS:

- Exhibit A: Findings
 - Exhibit B: Conditions of Approval
 - Exhibit C: Negative Declaration and Addendum
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EXHIBIT A

FINDINGS: VARIANCE

This Variance relates to a proposed water tank, camouflaged as an ice cream sundae (also functioning as a sign for this business), and permits encroachment into the 25-foot front and side yard setbacks.

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 systems. The 12.5-foot and 13-foot encroachment into the street side yard will not affect any open space or building separation around an existing or proposed structure, preventing any detrimental effect to neighboring properties. The approval of the Variance will not interfere with the future ability to use solar energy systems on the subject property or neighboring properties because the encroachment is into the front and street side yard.
 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 as the width of the property reduces as it approaches the intersection along Calico Road and Calico Boulevard by approximately 14 feet. The proposed water tank is necessary for the development to comply with San Bernardino County Fire requirements. A variance will allow the placement of the tank/sign at this location with minimal impact to the site design of the previously approved Project. Furthermore, the right of way along Calico Boulevard has increased considerably due to the new road alignment conditioned as part of the original Project, leaving ample room between the edge of curb and the property line. The distance between the edge of curb and the proposed tank/sign is shown at 29 feet along Calico Boulevard. Although the existing right of way along Calico Road is substantial, the proposed realignment of Calico Road reduced it. However, if the tank/sign were to be proposed further south along Calico Road and outside the 25-foot setback, the tank/sign could potentially be closer to the right of way as the distance between the proposed tank/sign and the edge of curb would be 38 feet instead of the 39 feet shown at its current location.
 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. The effect of enforcing the strict 25-foot setback along the unusually narrow corner of the subject property along Calico Road and Calico Boulevard would deprive the property of having a similar accessory building place in this location. As such, the tank/sign could be proposed further south along Calico Road and outside the 25-foot setback and without the need of a variance, however the tank/sign would be closer to the right of way as the distance between the proposed tank/sign and the edge of curb would be 38 feet instead of the 39 feet shown at its current location.
 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
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specific plan. The project remains consistent with policy CI 16.3 in that it encourages the development to have adequate infrastructure for the provision of fire service. The granting of the Variance remains compatible with policy LU 5.2 to provide sufficient incentives to encourage development of areas designated for commercial and industrial uses.

EXHIBIT B

Conditions of Approval

CONDITIONS OF APPROVAL

Alex Ringle: P201500369
Revision to an Approved Action

GENERAL REQUIREMENTS Ongoing and Operational Conditions

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

1. Project Approval Description. This Revision to an Approved Action to an existing Conditional Use Permit (CUP) is conditionally approved to include a 120,000 gallon water tank designed as an ice cream sundae an a variance to encroach in to the front and street side yard setback on 5 acres in the Community of Yermo; APN: 0537-161-22Project No. P201500369.

The project shall be constructed and operated in compliance with the San Bernardino County Code (SBCC), California Building Codes (CBC) San Bernardino County Fire Code, and the following conditions of approval, the approved site plan and all other required and approved reports and/or displays (e.g. elevations). The developer shall provide a copy of the approved conditions and the site plan to every current and future project tenant, lessee, and property owner to facilitate compliance with these conditions of approval and continuous use requirements for the project site.

2. Project Location. The project site is located on the southeast corner of Calico Road and Calico Boulevard in the unincorporated Community of Yermo.
3. CUP Conditions. All conditions of approval from the original Conditional Use Permit remain in effect and must be met.
4. 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)
5. 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.

6. 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.

7. Enforcement. If any County enforcement activities are required to enforce compliance with the conditions of approval, the property owner or developer shall be charged for such enforcement activities in accordance with the County Code Schedule of Fees.
8. 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.
9. 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)
10. Project Account. The Job Costing System (JCS) account number is P201500369. 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.

11. Condition Compliance. In order to obtain construction permits for grading, building, final inspection and tenant occupancy for each approved building, the developer shall process Condition Compliance Release Form(s) (CCRF) for this wireless facility through County Planning in accordance with the directions stated in the Approval letter. County Planning shall release its holds on each phase of development by providing to County Building and Safety the following:
 - a. Grading Permits: A copy of the signed CCRF for grading/land disturbance and two "red" stamped and signed approved copies of the grading plans.
 - b. Building Permits: A copy of the signed CCRF for building permits and three "red" stamped and signed approved copies of the final approved site plan.
 - c. Final Inspection: A copy of the signed CCRF for final inspection, after an on-site compliance inspection by County Planning.

12. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.

13. Additional Permits. The developer shall ascertain compliance with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies that may apply for the development and operation of the approved land use. These may include but not limited to:
 - a. FEDERAL: N/A
 - b. STATE: Lahontan RWQCB
 - c. COUNTY: Land Use Services – Building and Safety/Code Enforcement/Land Development, County Fire/HazMat; Public Health – Environmental Health Services, Public Works – Solid Waste Management
 - d. LOCAL: N/A

14. Continuous Maintenance. The project developer shall continually maintain the property so that it is visually attractive and not dangerous to the health, safety and general welfare of both on- and off-site users (e.g. wireless company employees and visiting public to this tourism destination) and surrounding properties and residences. The developer shall ensure that all facets of the development are regularly inspected, maintained and repaired in a timely fashion. Elements to be maintained are but are not limited to:
 - a. Annual maintenance and repair inspections shall be conducted for all structures, fencing/walls, walks, parking area, driveways, and signs to assure proper structural, electrical and mechanical safety and a properly operating irrigation system.
 - b. Graffiti and debris shall be removed within 24 hours of notification.
 - c. Erosion control measures shall be maintained to reduce water runoff, siltation, and promote slope stability.
 - d. Architectural controls shall be enforced by the property owner to maintain compatibility of theme, materials, unfaded colors, building mass, size and height.
 - e. External Storage, loading, recycling and trash storage are NOT allowed.
 - f. Metal Storage Containers are NOT allowed as part of this approval.
 - g. Signage. All on-site signs, including posted area signs (e.g. "No Trespassing") shall be maintained in a clean readable condition at all times and all graffiti and vandalism shall be removed and repaired on a regular weekly basis. Signs on the site shall be of the size and general location as shown on the approved site plan or an approved sign plan.

- h. Parking and on-site circulation requirements, including surfaces, all markings and traffic/directional signs shall be maintained in an unfaded condition as identified on the approved site plan. Any modification to parking and access layout requires County review and approval. The markings and signs shall be clearly defined and legible. These include parking spaces, disabled space and access path of travel, directional designations and signs, stop signs, pedestrian crossing, speed humps "No Parking" "carpool" and "Fire Lane" designations.
15. 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.
16. Lighting. The glare from any luminous source, including on-site lighting shall not exceed one-half (0.5) foot-candle at property line. All lighting shall be limited to that necessary for maintenance activities and security purposes. This is to allow minimum obstruction of night sky remote area views. No light shall project onto adjacent roadways in a manner that interferes with on-coming traffic or into adjacent native vegetated areas that may disturb nocturnal wildlife. All signs proposed by this project shall only be lit by steady, stationary, shielded light directed at the sign, by light inside the sign, by direct stationary neon lighting or in the case of an approved electronic message center sign alternating no more than once every five seconds.
17. Grading and Excavation. During grading and excavation operations, should any potential paleontological or archaeological artifacts be unearthed or otherwise discovered, the South Central Coastal Information Center at California State University, Fullerton shall be notified and the uncovered items shall be preserved and curated, as required. For information, contact the Information Center at (657) 278-5395.
18. 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.
19. 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.
20. 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.

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

21. 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.
22. 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
23. Mandatory Organics Recycling – As of April 2016, the State of California through AB 1826 (Enacted October 2014), requires businesses that generate eight (8) cubic yards of organics per week to recycle. A business generating organic waste shall arrange for the recycling services in a manner that is consistent with state and local laws and requirements, including a local ordinance or local jurisdiction's franchise agreement, applicable to the collection, handling, or recycling of solid and organic waste or arrange for separate organic waste collection and recycling services, until the local ordinance or local jurisdiction's franchise agreement includes organic waste recycling services. A business that is a property owner may require a lessee or tenant of that property to source separate their organic waste to aid in compliance. **Additionally, all businesses that contract for gardening or landscaping services must stipulate that the contractor recycle the resulting gardening or landscaping waste.** Residential multifamily dwellings of five (5) or more units are required to recycle organics though not required to arrange for recycling services specifically for food waste. Applicant will be required to report to the County on efforts to recycle organics materials once operational.

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

24. Water Purveyor. Water purveyor shall be Yermo CSD or EHS approved. Applicant shall procure a verification letter from the water agency with jurisdiction. This letter shall state whether or not water connection and service shall be made available to the project by the water agency. This letter shall reference the Assessor's Parcel Number. For projects with current active water connections, a copy of water bill with project address may suffice. For information, contact the Water Section at 1-800-442-2283.

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

25. 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 within 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.

26. Jurisdiction. The above referenced project is under the jurisdiction of the San Bernardino County Fire Department herein ("Fire Department"). Prior to any construction occurring on any parcel, the developer shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current Uniform Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department.

PRIOR TO ISSUANCE OF GRADING PERMITS

OR LAND DISTURBING ACTIVITIES

The Following Shall Be Completed

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

27. 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.
28. 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.
29. Erosion Control Installation. Erosion control devices must be installed at all perimeter openings and slopes. No sediment is to leave the job site.
30. 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.
31. Demolition Permit: Obtain a demolition permit for any building/s or structures to be demolished. Underground structures must be broken in, back-filled and inspected before covering.
32. 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
33. Regional Board Permit Letter: CONSTRUCTION projects involving one or more acres must be accompanied by a copy of the Regional Board permit letter with the WDID #. Construction activity includes clearing, grading, or excavation that results in the disturbance of at least one (1) acre of land total.

PRIOR TO ISSUANCE OF BUILDING PERMITS

The Following Shall Be Completed:

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

34. Photometric Study. The developer shall submit a photometric study for review and approval to the Planning Division. The study shall show that the glare from any luminous source, including on-site lighting does not exceed one-half (0.5) foot-candle at property line.

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

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

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

36. Water Purveyor. Water purveyor shall be Yermo CSD or EHS approved. Applicant shall procure a verification letter from the water agency with jurisdiction. This letter shall state whether or not water connection and service shall be made available to the project by the water agency. This letter shall reference the Assessor's Parcel Number. For projects with current active water connections, a copy of water bill with project address may suffice. For information, contact the Water Section at 1-800-442-2283.

37. 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 909-387-4655.

38. Water system permit may be needed if the project cannot be served by a permitted water agency. Plans for water system shall be reviewed and approved by DEHS. Applicable documents related to water system permit may be needed. Documents include, but not limited to: Technical, Managerial, Financial report, Emergency response/notification plan, and bacteriological sample siting plan. For information, call DEHS at 1-800-442-2283.

39. Sewage Disposal. Method of sewage disposal shall be EHS approved. Applicant shall procure a verification letter from the sewer agency with jurisdiction. This letter shall state whether or not sewer connection and service shall be made available to the project by the sewer agency. The letter shall reference the Assessor's Parcel Number.

40. Sewer Connection. If sewer connection and/or service are unavailable, onsite wastewater treatment system(s) may then be allowed under the following conditions: A soil percolation report shall be submitted to DEHS for review and approval. If the percolation report cannot be approved, the PHONE: 800-442-2283 FAX : 909-387-4323 project may require an alternative OWTS. For information, please contact the Wastewater Section at 1-800-442-2283.

41. Septic System. Existing septic system can be used if applicant provides certification from a qualified professional (i.e., Professional Engineer (P.E.), Registered Environmental Health Specialist (REHS), C42 contractor, Certified Engineering Geologist (C.E.G.), etc.) that the system functions properly, meets code, and has the capacity required for the proposed project. Applicant shall provide documentation outlining methods used in determining function.

42. EHS Annexation. Submit verification of annexation to DEHS for any project that requires water or sewer connection outside a purveyor's jurisdiction. For information, contact LAFCO at: 909-383-9900.

43. LoHontan Clearance. Written clearance shall be obtained from the designated California Regional Water Quality Control Board (listed below) and a copy forwarded to the Division of Environmental Health Services.

LoHontan Region, 15428 Civic Drive, Suite 100, Victorville, CA 92392, 760-241-6583

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

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

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

45. Building Plans. No less than three (3) complete sets of Building Plans shall be submitted to the Fire Department for review and approval.
46. Fire Fee. The required fire fees shall be paid to the San Bernardino County Fire Department/Community Safety Division 909-386-8400.
47. Additional Requirement. In addition to the Fire requirements stated herein, other on-site and 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.
48. Access-150+ Feet. Roadways exceeding one hundred and fifty (150) feet in length shall be approved by the Fire Department. These shall be extended to within one hundred fifty (150) feet of and shall give reasonable access to all portion of the exterior walls of the first story of any building. Standard 902.2.1
49. Access. The development shall have a minimum of 2 points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. Standard 902.2.1

Single Story Road Access Width;

All building shall have access provided by approved roads, alleys and private drives with a minimum twenty six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Other recognized standards may be more restrictive by requiring wider access provisions.

Multi-Story Road Access Width:

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

50. 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.
51. Water System Commercial. A water system approved and inspected by the Fire Department is required. The system shall be operation, 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 ore than three hundred (300) feet from any portion of a structure.
52. 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.
53. Fire Alarm. A manual, automatic or manual and automatic fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required. The applicant shall hire a Fire Department approved fire alarm contractor. The fire alarm contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. Standard 1007.1.1FA.
54. Roof Certification. A letter from a licensed structural (or truss) engineer shall be submitted with an original wet stamp at time of fire sprinkler plan review, verifying the roof is capable of accepting the point loads imposed on the building by the fire sprinkler system design.
55. Sprinkler Installation Letter. The applicant shall submit a letter to the Fire Department agreeing an committing to installation of a fire protection system prior to the building inspection drywall and insulation.
56. Fire Sprinkler-NFPA#13. An automatic fire sprinkler system complying with MFPA pamphlet #13 and Fire Department standards is required. The applicant shall hire a Fire Department approved fire sprinkler contractor. The fire sprinkler contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The plans (minimum of 1/8' scale) shall include hydraulic calculations and manufacture's specification sheets. The contractor shall submit plans showing type of storage and use the applicable protection system The required fees shall be paid at the time of submittal. Standard 101.1.
57. 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 pad at the time of plan submittal.
58. Combustible Protection. Prior to the 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.

PRIOR TO FINAL INSPECTION OR OCCUPANCY

The Following Shall Be Completed

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

59. Installation of Improvements. All required on-site improvements shall be installed per approved plans.
60. 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 P201500369.
61. 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.

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

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

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

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

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

64. 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".
65. Fire Extinguishers. Hand portable fire extinguishers are required. The location, type and cabinet design shall be approved by the Fire Department.
66. Commercial Addressing. Commercial and industrial development of 100,000 sq.ft. or less shall have the street address installed on the building with numbers that are a minimum six (6) inches in height and with a three quarter (3/4) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated contrasting six (6) inch numbers shall be displayed at the property access entrances. Standard 901.4.4.
67. 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. Installations of the temporary sign shall be prior any combustible material being placed on the construction site. Prior to the final inspection and occupancy of the first structure, the permanent street sign shall be installed. Standard 901.4.3.
68. Key Box. An approved Fire Department key box is required. The key box shall be provided with a tamper switch and shall be monitored by a Fire Department approved central monitoring service. In commercial, industrial and multi-family complexes, all swing gates shall have an approved fire department Knox Lock. Standard 902.4.

69. 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 approved plan. Standard 901.4.
70. Material Identification Placards. The applicant shall install Fire Department approved material identification placards on the outside of all building and/or storage tanks that store or plan to store hazardous or flammable materials in all location 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. Standard 704.
71. Combustible Vegetation. Combustible vegetation shall be removed as follows:
- "Where the average slope of the site is less than 15% - Combustible vegetation shall be removed a minimum distance of thirty (30) feet from all structures or the property line, whichever is less".
 - "Where the average slope of the site is 15% or greater - Combustible vegetation shall be removed a minimum one hundred (100) feet from all structures or to the property line, whichever is less".
County Ordinance #3586

END OF CONDITIONS

EXHIBIT C

Negative Declaration and Addendum

SAN BERNARDINO COUNTY

ADDENDUM TO NEGATIVE DECLARATION

Alex Ringle
P201500369

PROJECT LABEL:

APN:	0537-161-22-0000
APPLICANT:	ALEX RINGLE
COMMUNITY:	YERMO/1 ST SUPERVISORIAL DISTRICT
LOCATION:	SOUTHEAST CORNER OF CALICO ROAD AND CALICO BOULEVARD
PROJECT NO:	P201300531
STAFF:	LISETTE SANCHEZ-MENDOZA
REP('S):	PAUL BERGER
PROPOSAL:	REVISION TO AN APPROVED CONDITIONAL USE PERMIT TO ESTABLISH A 25,060 SQUARE FOOT GAS STATION/CONVENIENCE STORE& FOOD ESTABLISHMENT ON 5 ACRES.

USGS Quad: YERMO
T, R, Section: T9N, R1W, SEC. 1 NW ¼
Thomas Bros.: N/A
Planning Area: Desert
LUZD: CH
Overlays: Biotics Resources Overlay

PROJECT CONTACT INFORMATION:

Lead agency: County of San Bernardino
Land Use Services Department – Planning Division
15900 Smoke Tree Street
Hesperia, CA 92345

Contact person: Lisette Sanchez-Mendoza, Contract Planner
Phone No: (760) 995-8169 **Fax No:** (909) 387-3249
E-mail: Lisette.Sanchez-Mendoza@lus.sbcounty.gov

Project Sponsor: Alex Ringle

Phone No: (818) 521-3855
E-mail:

Fax No:

APPROVED PROJECT and ENVIRONMENTAL DETERMINATION:

The proposed project is a Conditional Use Permit (CUP) to construct and operate a 25,060 square foot gas station with 32 fuel dispensing pumps/convenience store/restaurant establishment on 5 acres. The project site lies within the unincorporated portion of the County of San Bernardino, in the community of Yermo, and is located on the southeast corner of Calico Road and Calico Boulevard. Access to the project site comes directly from Calico Boulevard and Calico Road.

The proposed project was the subject of a previous Negative Declaration and entitlement approved by the County of San Bernardino in 2014. This document constitutes an Addendum to the November 2014 Initial Study/Negative Declaration originally prepared for the Yermo Travel Center . The original project identified less than significant impacts subject to construction and operations mitigation measures based upon the scope and scale of the proposed project implementation. This addendum confirms the modified project will have no additional or new impacts upon the environment.

MODIFIED PROJECT:

The Modified Project includes the addition of a 120,000 water tank which provides adequate fire flow to the site. The water tank is proposed to be designed as an ice cream sundae. A revision to the Conditional Use Permit as well as a variance has been applied for the addition of the tank and its encroachment into the front and street side yard setbacks. The applicant for the project remains the same.

ADDENDUM:

This addendum analyzes the proposed Project revisions as required under the CEQA Guidelines, Sections 15162 and 15164.

Under CEQA Guidelines Section 15164, an addendum to an adopted negative declaration shall be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent negative declaration or Environmental Impact Report (EIR) have occurred. Under Section 15162, the lead agency shall prepare an EIR if there are any new significant environmental effects associated with the refined project. With respect to the proposed Project, the revisions are only minor technical changes that do not result in any new significant environmental effect(s); therefore, the revised Project does not require an EIR.

JUSTIFICATION:

As noted above, a Negative Declaration was adopted for the Original Project. No significant impacts were identified for the project at that time. As a standard requirement for development review within the County of San Bernardino and prior to the determination that an addendum would apply for the Modified Project, the Applicant provided new background documentation for the Modified Project related to the areas of Aesthetics. These studies were reviewed and did not identify any additional impacts resulting from the implementation of the Modified Project. A select number of environmental factors are discussed in the analysis below to further affirm the applicability of the Addendum. This analysis is in support of an Addendum pursuant to CEQA Guidelines Section 15162 (a) and 15164.

I. AESTHETICS.

- a) Have a substantial adverse effect on a scenic vista?

Less Than Significant. The Modified Project is not located within a designated Scenic Corridor and will not have a substantial adverse effect on a scenic vista, as there are none identified within the vicinity of the project site that would be affected by the proposed project. The project site lies within the unincorporated portion of the County of San Bernardino, in the Yermo community. The project is located on the southwest corner of Calico Road and Calico Boulevard. The project site is approximately 665 feet to the south of Interstate Highway 15. To ensure that the proposed development is an aesthetic enhancement to the area, the applicant shall submit exterior architectural elevations of the proposed development for review and approval by the Planning Division prior to issuance of building permits. Landscaping will also be required along Calico Road and Calico Boulevard.

- b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. The Modified Project will not substantially damage scenic resources, including, but not limited to rock outcroppings and historic buildings within a state scenic highway, because the site is not within a scenic corridor and there are no rock outcroppings or historic buildings on or adjacent to the project site. There is an existing single family residential development to the south of the project site. No protected plants or trees were identified on the project site when a biological survey was conducted.

- c) Substantially degraded the existing visual character or quality of the site and its surroundings?

Less Than Significant. The Modified Project will not substantially degrade the existing visual character or quality of the site and its surroundings because the proposed tank is camouflaged in order to mitigate the visual impacts it would otherwise create without any modifications. The developer proposes to stealth the tank which creates a landmark for the site, as the design of the tank reflects the theme of the retail business proposed on the site. To ensure that the proposed development is an aesthetic enhancement to the area, the applicant has been required to submit enhanced exterior architectural elevations of the proposed development for review and approval by the Planning Division prior to issuance of building permits. To further enhance the site, landscaping has been required along Calico Road and Calico Boulevard.

- d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

Less Than Significant. The Modified Project will not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area. The modified project is not expected to create a substantial new source of light or glare. The new light source flooding the exterior of the tank will be directed downward avoiding spillage to the adjacent properties. Additionally, the Project will comply with San Bernardino County Ordinance No. 84.29.040 which regulates glare, outdoor lighting, and night sky protection. All lighting associated with the proposed Project will be subject to County approval and compliance with San Bernardino County requirements. As such, the Project will have less than significant impacts in terms of lighting.

XVII. UTILITIES AND SERVICE SYSTEMS - Would the project:

- a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Less Than Significant Impact. The Modified Project will not exceed wastewater treatment requirements of the Regional Water Quality Control Board, *Lahontan* Region, as determined by County Public Health – Environmental Health Services. Additionally, Lahontan Regional Water

Quality Control Board was solicited for their input and had no concerns that the project would adversely impact or exceed wastewater treatment capacity.

- b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Less Than Significant Impact. The Modified Project will not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities. Yermo CSD, will provide water to project site, however the project proposes to provide onsite wastewater treatment facility. The proposed project was routed to Lahontan an established water and underground water quality regulation board. The waste water generated by the proposed project is subject to independent regulation by local and state agencies that ensure compliance with both water quality and waste discharge requirements.

- c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Less Than Significant Impact. The Modified Project will not require or result in the construction of new storm water drainage facilities or expansion of existing facilities that cause significant environmental effects. County Land Development Division has determined that there is sufficient capacity in the existing storm water system to absorb any additional stormwater drainage caused by the project.

- d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

Less Than Significant Impact. The Modified Project will have sufficient water supplies available to serve the project from existing entitlements and resources. The local water purveyor, Yermo CSD, has given assurance that it has adequate water service capacity to serve the projected demand for the project, in addition to the provider's existing commitments. Although the water purveyor has assured that the project has adequate water service capacity, the Project will be required to construct a 120, 000 gallon water tank to meet San Bernardino County Fire Department fire flow regulations.

- e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Less Than Significant Impact. The sewer services will be provided by an approved onsite wastewater facility. The project will be subject to compliance by local and state agencies that ensure compliance with both water quality and waste discharge requirements.

- f) Be served by a landfill(s) with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

Less Than Significant Impact. The Modified Project is served by the Barstow Sanitary Landfill, which has sufficient permitted capacity to accommodate the proposed project's future solid waste disposal needs.

g) Comply with federal, state, and local statutes and regulations related to solid waste?

Less Than Significant Impact. The Modified project is required to comply with federal, state, and local statutes and regulations related to solid waste.

CONCLUSION:

The changes proposed by the Modified Project have been evaluated against the analysis of environmental impacts in the Negative Declaration adopted for the Approved Project in 2014 to ensure the proposed changes did not create new significant impacts or substantially increase the severity of previously analyzed impacts as compared to those identified previously. The analyses in the preceding sections conclude that the changes proposed by the Modified Project would not create any new significant impacts, or impacts that are significantly different than those identified for the Project. Therefore, the preparation of an Addendum to the approved Negative Declaration is the appropriate CEQA document to support the County's consideration of the Modified Project, as outlined in the State CEQA Guidelines Section 15162 and 15164.