

PLANNING COMMISSION REGULAR MEETING

Green Sheet Item Nos. 2, 3, 4, and 5 - Information updated after posting the Agenda.



Meeting Agenda

Thursday, January 26, 2023

6:30 PM

**City Council Chambers
9700 Seventh Ave., Hesperia CA, 92345
Planning Department: (760)947-1224**

Planning Commission Members

**Roger Abreo, Chair
Sophie Steeno, Vice Chair
Don Bartz, Commissioner
Dale Burke, Commissioner
Vacant, Commissioner**

**Ryan Leonard, Senior Planner
Brian Wright-Bushman, Assistant City Attorney**

THE FOLLOWING CONDITION OF APPROVAL FOR ITEM NOS. 2, 3, 4 AND 5 CONCERNING INDEMNIFICATION IS AMENDED AS FOLLOWS:

~~**Indemnification.** As a further condition of approval, the Applicant agrees to and shall indemnify, defend, and hold the City and its officials, officers, employees, agents, servants, and contractors harmless from and against any claim, action or proceeding (whether legal or administrative), arbitration, mediation, or alternative dispute resolution process), order, or judgment and from and against any liability, loss, damage, or costs and expenses (including, but not limited to, attorney's fees, expert fees, and court costs), which arise out of, or are in any way related to, the approval issued by the City (whether by the City Council, the Planning Commission, or other City reviewing authority), and/or any acts and omissions of the Applicant or its employees, agents, and contractors, in utilizing the approval or otherwise carrying out and performing work on Applicant's project. This provision shall not apply to the sole negligence, active negligence, or willful misconduct of the City, or its officials, officers, employees, agents, and contractors. The Applicant shall defend the City with counsel reasonably acceptable to the City. The City's election to defend itself, whether at the cost of the Applicant or at the City's own cost, shall not relieve or release the Applicant from any of its obligations under this Condition. (P)~~

INDEMNIFICATION. To the furthest extent allowed by law, Applicant shall indemnify, hold harmless and defend City and each of its officers, officials, employees, consultants, agents and volunteers from any and all loss, liability, fines, penalties, forfeitures, damages and costs (including attorney's fees, litigation expenses and administrative record preparation costs) arising from, resulting from, or in connection with any Third Party Action (as hereinafter defined). The term "Third Party Action" collectively means any legal action or other proceeding instituted by (i) a third party or parties, or (ii) a governmental body, agency or official other than the City, that: (a) challenges or contests any or all of these Conditions of Approval or any approval associated with entitlements associated with the project to which these conditions of approval apply (collectively "Approvals"); or (b) claims or alleges a violation of CEQA or another law in connection with the Approvals by the City, or the grant, issuance or approval by the City of any or all Approvals. Applicant's obligations under this paragraph shall apply regardless of whether City or any of its officers, officials, employees, consultants, agents or volunteers are actively or passively negligent, but shall not apply to any loss, liability, fines, penalties forfeitures, costs or damages caused solely by the active negligence or willful misconduct of the City or any of its officers, officials, employees, agents or volunteers. The provisions of this section shall survive any termination, revocation, overturn, or expiration of an approval.

Nothing in this condition shall obligate the City to defend any claim and the City shall not be required to pay or perform any settlement arising from any such claim unless the City approves the settlement in writing. Additionally, the City shall not be prohibited from independently defending any claim, and whether or not the City does decide to independently defend a claim, the applicant shall be responsible for City's attorneys' fees, expenses of litigation, and costs for that independent defense, including the costs of preparing any required administrative record. Unless the City independently chooses to defend any Third Party Action on its behalf, Applicant shall control the conduct of the defense of any claim or action provided that: (1) the City shall have the right, prior to filing, to review and approve any and all pleadings or related documents filed with the court in connection with such defense and Applicant shall reimburse the City for review time for each draft brief or pleading to be filed on behalf of the City; and (2) the City shall review and reasonably approve any proposed settlement. The Applicant acknowledges that the City is not obligated to approve a proposed settlement requiring the City to pay or incur any

monetary amount, take a future legislative action, render a future quasi-judicial decision, or otherwise take a future discretionary government action.

The City may, at any time, require the applicant to reimburse the City for costs that have been, or which the City reasonably anticipates will be, incurred by the City during the course of processing or defending any Third Party Actions. The City shall provide Applicant with an invoice detailing all reasonable costs incurred. Applicant shall tender to the City payment-in-full of all reasonable and necessary costs within thirty (30) days from the date upon the invoice. Applicant further acknowledges and agrees that failure to timely tender payment-in-full to the City shall be considered a breach and non-compliance with the conditions of approval for the project. Applicant shall also be required, upon request of the City, to deposit two month's estimated costs anticipated by the City to be incurred, which may be used by the City as a draw down account to maintain a positive balance pending tender of payment by Applicant as noted herein.

City of Hesperia STAFF REPORT



DATE: January 26, 2023

TO: Planning Commission

FROM: Rachel Molina, Assistant City Manager

BY: Ryan Leonard, Senior Planner
Edgar Gonzalez, Associate Planner

SUBJECT: Conditional Use Permit CUP22-00003 and Tentative Parcel Map TPM22-00003;
Applicant: SRD Design Studio, Inc.; APNs: 3064-551-01, -02, -03, -04, -06, -07
and -08

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2023-04, making an environmental determination pursuant to the California Environmental Quality Act (CEQA) by certifying the Final Environmental Impact Report (FEIR) and adopt Resolution Nos. PC-2023-05 and PC-2023-06, approving CUP22-00003 and TPM22-00003.

BACKGROUND

Proposal: Conditional Use Permit CUP22-00003 has been filed to construct a 750,000 square foot industrial warehouse on approximately 43 acres of vacant land in conjunction with Tentative Parcel Map TPM22-00003 to merge and subdivide 7 existing parcels of land into 3 new parcels.

Location: The proposed project is located at the northwest corner of Poplar Street and Highway 395 (Attachment 1).

Current General, Plan, Zoning and Land Uses: The portion of the site that will be developed is within the Commercial Industrial Business Park (CIBP) zone of the Main Street and Freeway Corridor Specific Plan. A portion of the site that will remain vacant located at the bottom of the Oro Grande Wash and is within the Rural Estate Residential (RER) zone. The properties to the south are within the Commercial Industrial Business Park (CIBP) zone and the Rural Estate Residential (RER) zone of the Specific Plan. The properties to the west are within the Rural Estate Residential (RER) zone of the Specific Plan. The properties to the north are within Low Density Residential (LDR) zone and the Regional Commercial (RC) zone of the Specific Plan. The properties to the east are within the Commercial Industrial Business Park (CIBP) zone of the Specific Plan. The subject site is vacant but was previously used as the Competitive Edge racetrack. The properties to the north and south are vacant. The properties to the west consist of vacant land and single-family homes approximately 1,500 feet away from the developed site. The property to the east is currently vacant but has an active entitlement application for a proposed 742,000 square foot warehouse building that is pending City Council approval (Attachment 2).

ISSUES/ANALYSIS

The proposed project consists of constructing a 750,000 square foot building on approximately 43 gross acres of land. The proposed building will contain 740,000 square feet of warehouse

space and 10,000 square feet of office space. The building will be setback approximately 200 feet from Highway 395 and approximately 27 feet from Poplar Court. The northeast façade of the building contains 40 truck loading docks facing Highway 395 and the west façade of the building contains 58 truck loading docks that are orientated towards the rear of the site. Approximately 56 parking spaces for truck/trailers would be located northeast of the building and approximately 87 parking spaces for trucks/trailers would be located to the west of the building. The northeast truck/trailer parking spaces would be setback approximately 90 feet from Highway 395, however the majority of the truck/trailer spaces would be located to the rear of the building. As currently proposed, a 25 to 75 foot-wide landscape buffer would be provided immediately adjacent to Highway 395. The project contains two proposed basins, one in the northeast corner of the site and the second on the southwest corner of the site with an outdoor employee seating area just to the north. The site will also include a 10-foot-wide trail along the north and west outer boundary of the proposed development (Attachment 3 & 4).

Parking: There are several vehicle parking areas proposed on site. Approximately 116 vehicle parking spaces are proposed on the southeast corner of the site adjacent to Highway 395. The site also has 206 vehicle parking spaces proposed near the southwest corner. The last two parking areas are located adjacent to the west side of the building with 16 parking spaces on the north corner and 14 parking spaces on the south corner. The parking regulations require a minimum of 346 parking spaces, based upon the requirements listed in Table 1. As proposed the project satisfies the minimum parking requirements.

TABLE 1-PARKING REQUIREMENTS

BUILDING 1	Proposed Building Square Footage	Parking Formula	Spaces Required	Spaces Provided
<i>Warehouse</i>	740,000	20 spaces for the first 10,000 sq. ft. + 0.40/1,000 sq. ft. of building over 10,000 sq. ft	312	
<i>Office</i>	10,000 SF	3.33 spaces per 1,000 sq. ft. gross floor area	34	
TOTAL	750,000 SF		346	352

Fencing: An 8-foot-high tilt-up screen wall with pilasters is proposed within the front landscape area and around the truck court adjacent to Highway 395. The pilasters will be 8 feet 8 inches in height and will be incorporated every 50 feet. The wall will screen the proposed dock doors and truck/trailer spaces fronting Highway 395 and will match the paint colors of the proposed building. An 8-foot-high wrought iron fence is proposed within the front landscape area on the north and south sides along Highway 395 and will also surround other parts of the development. Both basins will be surrounded by a 4-foot-high wrought iron fence with a 2-foot-high split-face block at the base (Attachment 6).

Access/Roadway Improvements: Primary access to the site will be provided from Poplar Court, which will be constructed as a 70-foot wide Industrial Collector ("Poplar Street" will transition into "Poplar Court" west of Highway 395 due to the planned cul-de-sac). The project will be required

to construct half width improvements on Poplar Court across the project frontage. In addition, two 50-foot-wide driveways are proposed off of Poplar Court that will provide access to the warehouse, vehicle parking spaces and the truck court. There are no other driveways proposed for the site. Internal drive aisles are proposed around the east, west and north sides of the building that will provide 360-degree access around the site and will provide adequate access for trucks to maneuver around the site.

The overall project will be responsible for the construction of curb, gutter, and sidewalk along the project frontages on Highway 395 and Poplar Court. Implementation of the project will also require the construction of certain off-site improvements including the construction of Poplar Court west of Highway 395 which will terminate at a cul-de-sac. In addition, the project will be responsible for the construction of a traffic signal at the intersection of Highway 395 and Poplar Street.

Architecture: The architecture of the proposed warehouse building complies with the architectural requirements of the Specific Plan. The concrete tilt-up building exhibits a clean, corporate look with several exterior building colors and multiple expansion joints. The building has been designed to incorporate prominent glass features at the proposed offices, enhanced corners, and center panels of the building. In addition, the sides of the building which are adjacent to the right-of-way feature prominent tower elements, concrete accent walls and decorative windows. The building also features metal awnings, painted patterns, reveals, and decorative panels on all four sides of the building. Building height will be approximately 54 feet (Attachment 5).

Water and Sewer: Existing water lines are located at the northeast and southeast corners of the site on the opposite side of Highway 395. Specifically, there is an existing 12-inch water line located along Poplar Street as well as Sultana Street on the opposite side of Highway 395. These lines would be extended westerly under Highway 395 to and within the project site and will form a looped system around the perimeter.

A 10-inch sewer line exists opposite the northeast corner of the site across from Highway 395. The sewer line would be extended westerly under Highway 395 to serve the project.

Drainage: An engineered stormwater drainage system would be constructed to collect and treat on-site stormwater. Two at-grade stormwater detention basins would be located at the northeast corner (0.6 acre) and southwest corner (2 acres) of the project site. The proposed basins would ensure that post-development storm water discharge rates would not exceed pre-development conditions. The Project would implement required stormwater quality control measures, minimizing potential affects of any discharged constituents. The project's retention/infiltration systems would retain flows during storm events.

TPM22-00003 (Parcel Map No. 20567): A tentative parcel map has also been filed for the project to merge and subdivide 7 existing parcels into 3 new parcels. Parcel 1 will be approximately 7.88 acres and will be located east of Los Banos Avenue and will remain vacant. Parcel 2 will be approximately 43.26 acres and will be located at the northwest corner of Poplar and Highway 395 within the proposed development. Parcel 3 will be approximately 20.12 acres and will be located east of Los Banos Avenue and will remain vacant. The tentative parcel map is consistent with the site design and is in accordance with the Development Code and the Subdivision Map Act (Attachment 7).

ENVIRONMENTAL ANALYSIS

Given the size and regional importance of this project, CEQA requires that the environmental impact of the project be analyzed. An initial study was prepared, which determined that the project may have a significant impact on the environment. As a result, an Environmental Impact Report (EIR) was required. A Notice of Preparation (NOP) was distributed for public review for a period of 30 days from April 5, 2022 thru May 5, 2022 and the Draft EIR was distributed for a 45-day public period from July 26, 2022 thru September 9, 2022. The environmental document was circulated to local, state and federal agencies and organizations as well as surrounding property owners. Five comment letters were received during the Initial Study/NOP comment period and 6 comment letters were received during the Draft EIR comment period. The letters, as well as the responses to them are included in the Final EIR. The Draft and Final EIR are available for review on the City website and have been provided to the Commission under separate cover.

The Draft EIR analyzed the potential impacts generated by the proposed project in relation to Air Quality, Biological Resources, Cultural Resources, Tribal Cultural Resources, Energy, Greenhouse Gas Emissions, Noise, Transportation/Traffic and Utilities and Service Systems. The areas resulting in potentially significant impacts by the proposed project identified mitigation measures to address potential impacts of the project. Mitigation measures presented in the Draft EIR have been incorporated in the Mitigation Monitoring Reporting Program, included within Final EIR and incorporated by reference in the conditions of approval (Attachments 11 & 12).

A biological assessment was prepared for the project. The biological assessment shows that the site does not contain habitat for the Desert tortoise, Burrowing owls or the Mohave ground squirrel. Mitigation measures were incorporated for a qualified biologist to conduct a survey prior to any ground disturbing activities to ensure no direct or indirect impact to any special-status species and nesting birds. During the on-site field investigation, 65 Joshua trees were identified within the project's boundary and approximately 33 Joshua trees will be directly impacted by the development. The California Department of Fish and Wildlife will need to approve an Incidental Take Permit for Joshua Trees on site to reduce impacts to Biological Resources to less than significant.

The environmental analysis also concluded that the proposed project would not result in any impacts to known archaeological resources or tribal cultural resources. However, there is a potential for project-related construction to impact unknown or previously unrecorded archaeological resources. For this reason, mitigation measures are proposed in the event that cultural resources are inadvertently encountered during excavation activities. If cultural resources are found during grading, then grading activities shall cease and the applicant shall contract with a City approved archaeologist or paleontologist to monitor grading prior to resuming grading. All cultural resources discovered shall be handled in accordance with state and federal law.

The mitigation measures for the project will reduce potentially significant impacts to Biological Resources, Cultural Resources and Tribal Cultural Resources. The project's impacts to the other analyzed areas were determined to be less than significant.

Traffic: A Vehicle Miles Traveled (VMT) analysis was performed for the project. The VMT analysis determined that project generated vehicle miles traveled per employee would not exceed the City's thresholds. The Project is consistent with the City's General Plan underlying land use assumptions and the Project was found to have a less than significant impacts related to VMT.

A project specific traffic analysis was also prepared for the project. The traffic analysis includes several recommendations to reduce potential intersection deficiencies. The intersection of Highway 395 and Poplar Street is anticipated to operate at an acceptable LOS under existing plus project traffic conditions with implementation of the project design features and site access recommendations. The recommendations include the construction a new traffic signal at the intersection of Highway 395 and Poplar Street, necessary ingress and egress lanes at proposed intersection and driveways, installation of stop signs on proposed driveways and off-site street improvements. The improvements to the area circulation system are required by the project conditions of approval.

Conclusion: The proposed project is consistent with the City's General Plan and Specific Plan. As analyzed in the EIR the project's impacts to the environment will be less than significant with proposed mitigation measures. Prior to acting on the project, the Planning Commission must make the environmental determination, certifying that the Final EIR is complete; that it has been prepared in compliance with CEQA; that it reflects the City's independent judgment; and that all impacts from carrying out the project have been identified and disclosed to the public. Resolution PC-2023-04 has been prepared to document this determination. Once that has occurred, the Planning Commission can consider the conditional use permit and the tentative parcel map. If approved, the mitigation monitoring and reporting program will be administered with the project approval.

FISCAL IMPACT

None. The development will be subject to payment of development impact fees and will be required to annex into the City Industrial CFD to pay for the ongoing maintenance of public infrastructure and services.

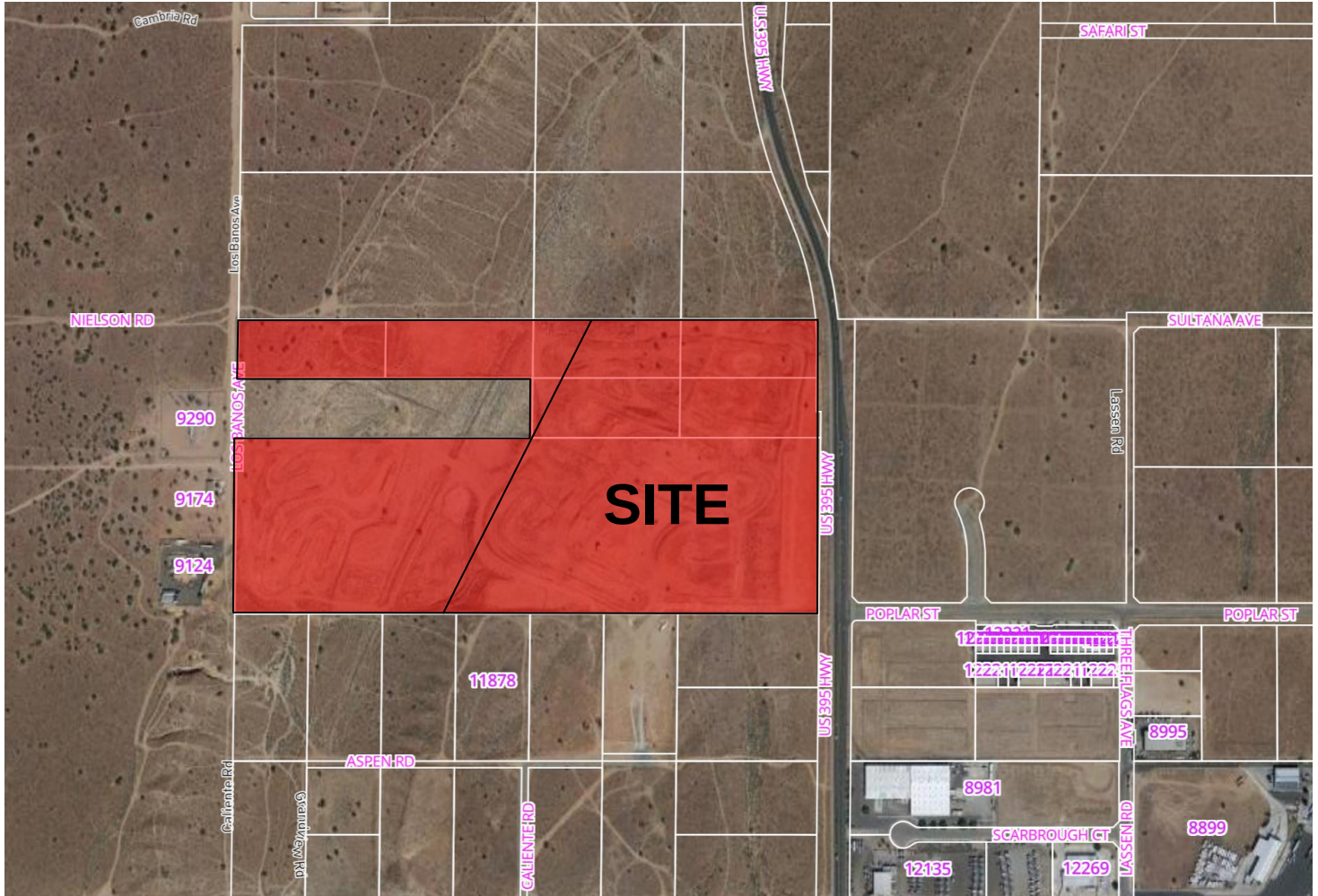
ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Attachment 1 - Aerial photo
2. Attachment 2 - General Plan / Zoning Map
3. Attachment 3 - Site Plan
4. Attachment 4 - Floor Plan
5. Attachment 5 - Color Elevations
6. Attachment 6 – Screen Wall
7. Attachment 7 - Tentative Parcel Map
8. Attachment 8 - Resolution No. PC-2023-04 (EIR)
9. Attachment 9 - Resolution No. PC-2023-05, with list of conditions (CUP22-00003)
10. Attachment 10 - Resolution No. PC-2023-06, with list of conditions (TPM22-00003/PM-20567)
11. Attachment 11 - Draft EIR (Provided under separate cover and available on the City's website)
12. Attachment 12 - Final EIR (Provided under separate cover and available on the City's website)

ATTACHMENT 1



APPLICANT(S): SRD DESIGN STUDIO, INC.

FILE NO(S): CUP22-00003

LOCATION: NORTHWEST CORNER OF POPLAR STREET AND HIGHWAY 395

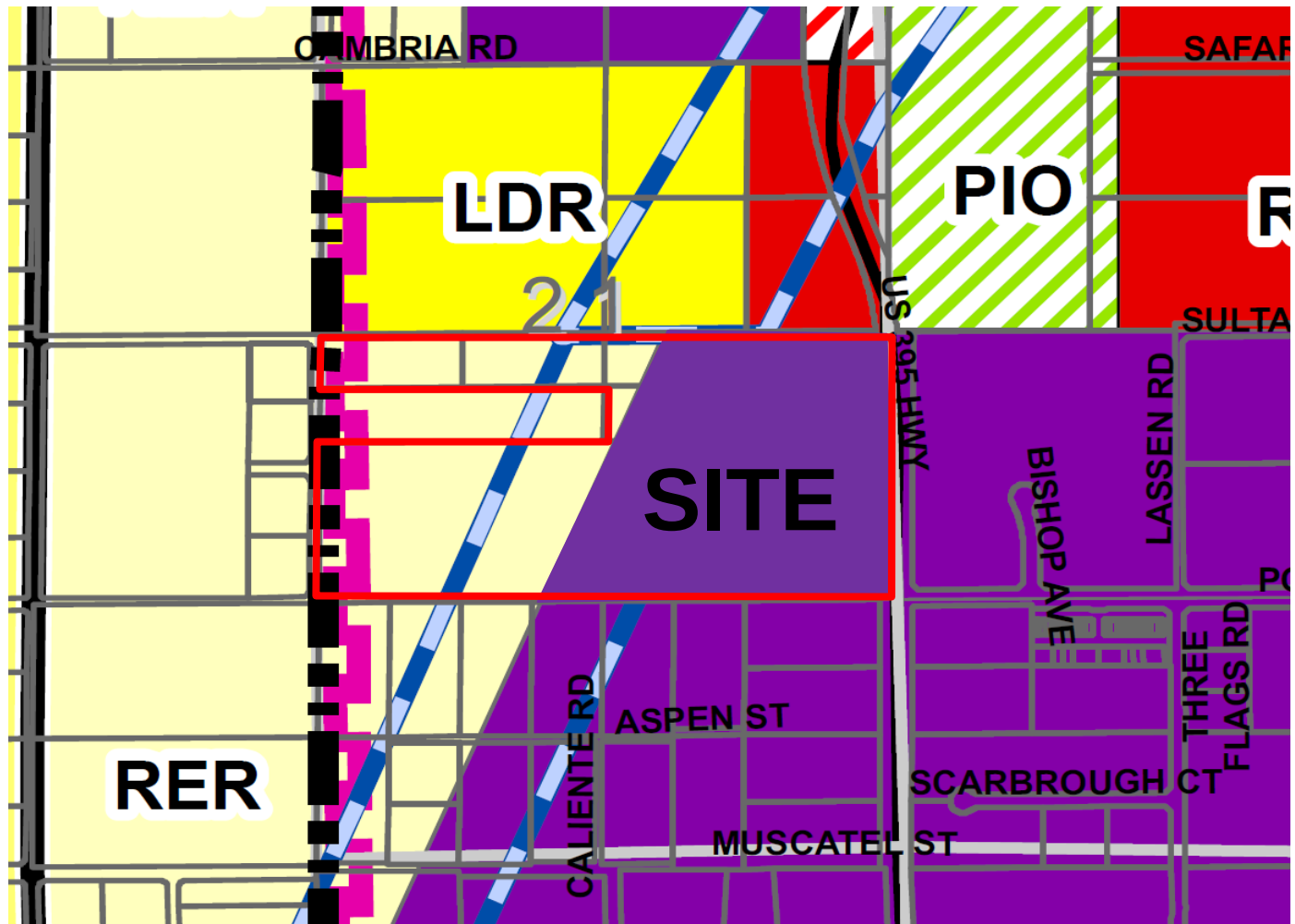
APN(S): 3064-551-01, -02, -03, -04, -06, -07 & -08

PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT (CUP22-00003) TO CONSTRUCT A 750,000 SQUARE FOOT INDUSTRIAL WAREHOUSE BUILDING ON APPROXIMATELY 43 GROSS ACRES WITHIN THE COMMERCIAL INDUSTRIAL BUSINESS PARK (CIBP) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN.



AERIAL PHOTO

ATTACHMENT 2



APPLICANT(S): SRD DESIGN STUDIO, INC.

FILE NO(S): CUP22-00003

LOCATION: NORTHWEST CORNER OF POPLAR STREET AND HIGHWAY 395

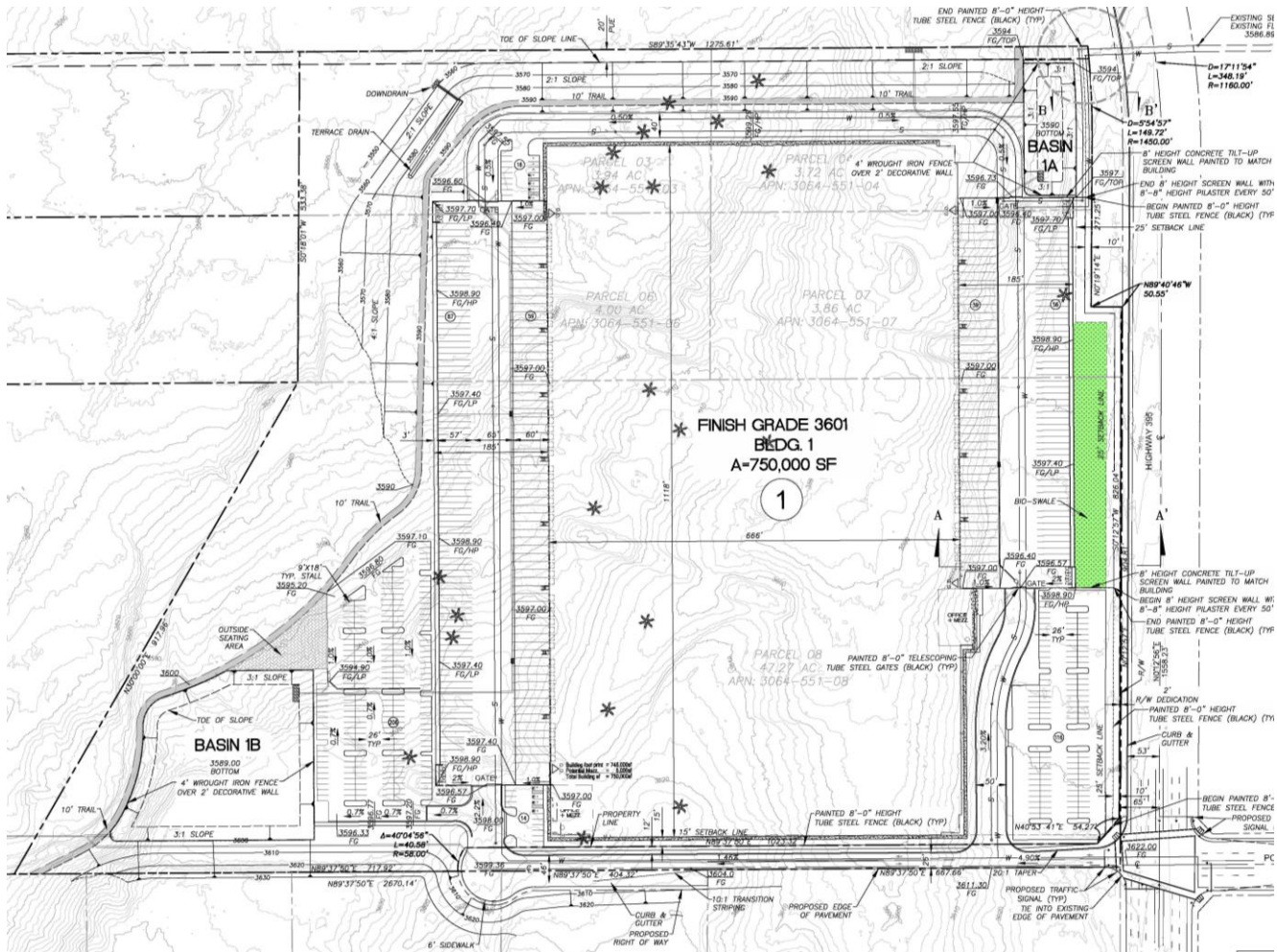
APN(S): 3064-551-01, -02, -03, -04, -06, -07 & -08

PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT (CUP22-00003) TO CONSTRUCT A 750,000 SQUARE FOOT INDUSTRIAL WAREHOUSE BUILDING ON APPROXIMATELY 43 GROSS ACRES WITHIN THE COMMERCIAL INDUSTRIAL BUSINESS PARK (CIBP) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN.



GENERAL PLAN MAP

ATTACHMENT 3



APPLICANT(S): SRD DESIGN STUDIO, INC.

FILE NO(S): CUP22-00003

LOCATION: NORTHWEST CORNER OF POPLAR STREET AND HIGHWAY 395

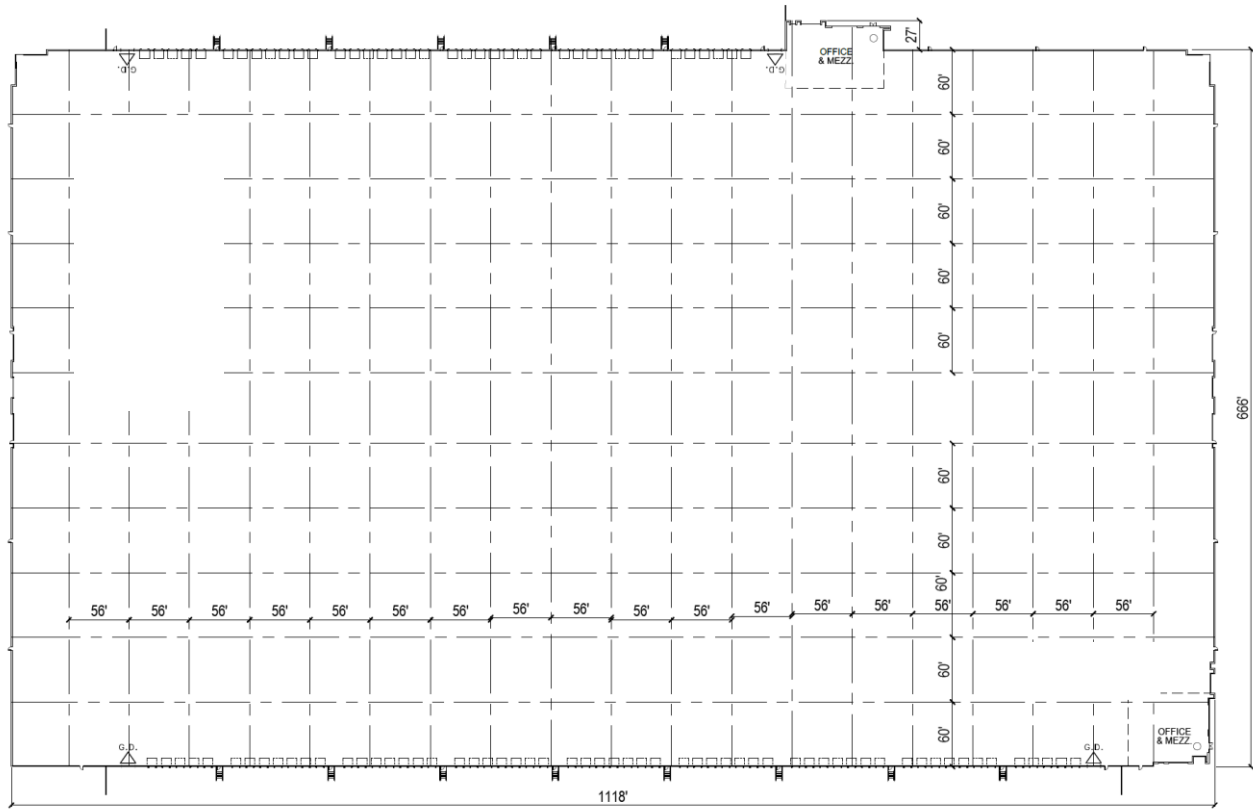
APN(S): 3064-551-01, -02, -03, -04, -06, -07 & -08

PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT (CUP22-00003) TO CONSTRUCT A 750,000 SQUARE FOOT INDUSTRIAL WAREHOUSE BUILDING ON APPROXIMATELY 43 GROSS ACRES WITHIN THE COMMERCIAL INDUSTRIAL BUSINESS PARK (CIBP) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN.



SITE PLAN

ATTACHMENT 4



APPLICANT(S): SRD DESIGN STUDIO, INC.

FILE NO(S): CUP22-00003

LOCATION: NORTHWEST CORNER OF POPLAR STREET AND HIGHWAY 395

APN(S): 3064-551-01, -02, -03, -04, -06, -07 & -08

PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT (CUP22-00003) TO CONSTRUCT A 750,000 SQUARE FOOT INDUSTRIAL WAREHOUSE BUILDING ON APPROXIMATELY 43 GROSS ACRES WITHIN THE COMMERCIAL INDUSTRIAL BUSINESS PARK (CIBP) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN.



FLOOR PLAN

ATTACHMENT 5



EAST (HIGHWAY 395) ELEVATION



SOUTH (POPLAR ST.) ELEVATION



NORTH ELEVATION



WEST ELEVATION

APPLICANT(S): SRD DESIGN STUDIO, INC.

FILE NO(S): CUP22-00003

LOCATION: NORTHWEST CORNER OF POPLAR STREET AND HIGHWAY 395

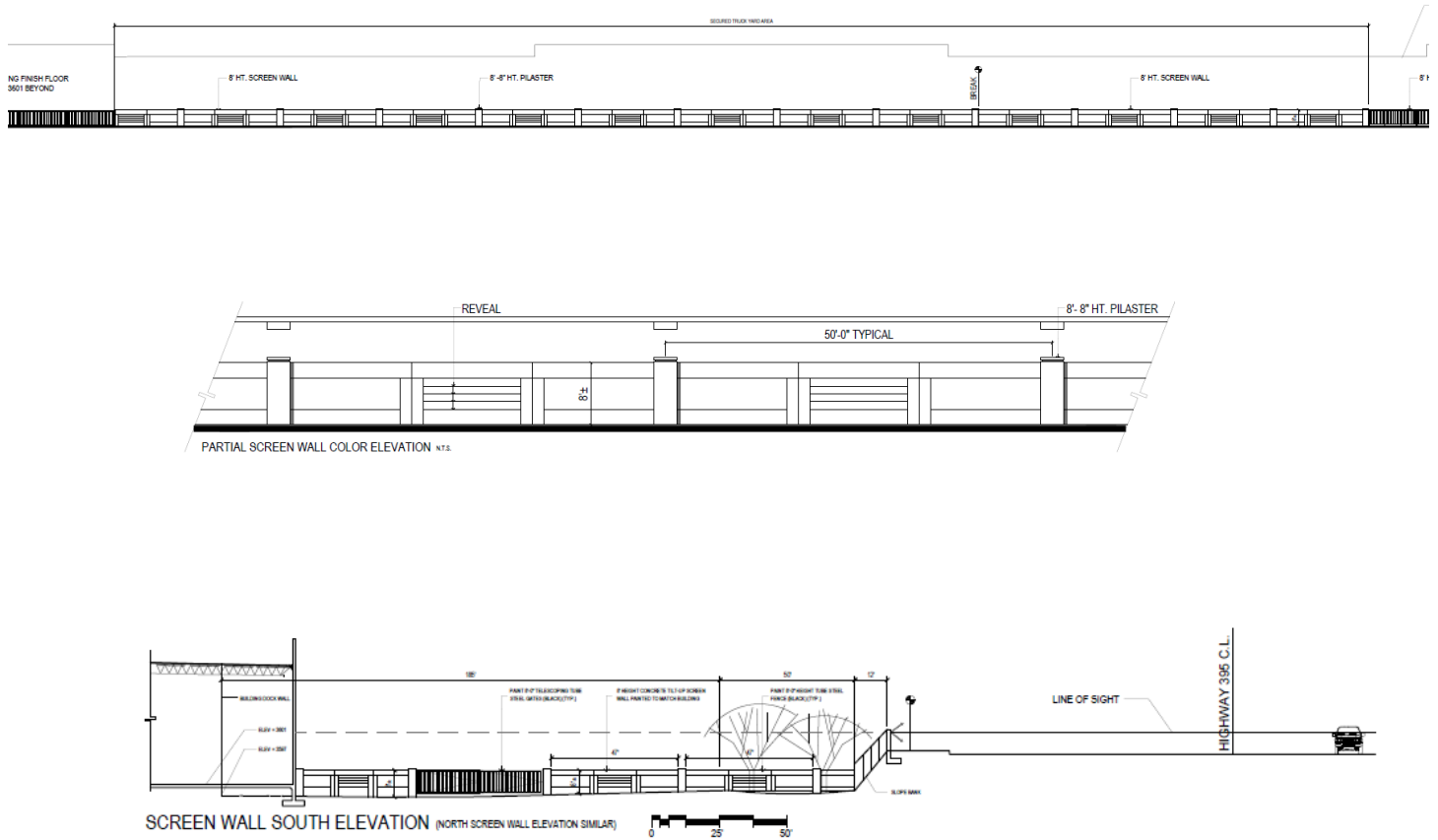
APN(S): 3064-551-01, -02, -03, -04, -06, -07 & -08

PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT (CUP22-00003) TO CONSTRUCT A 750,000 SQUARE FOOT INDUSTRIAL WAREHOUSE BUILDING ON APPROXIMATELY 43 GROSS ACRES WITHIN THE COMMERCIAL INDUSTRIAL BUSINESS PARK (CIBP) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN.



ELEVATIONS

ATTACHMENT 6

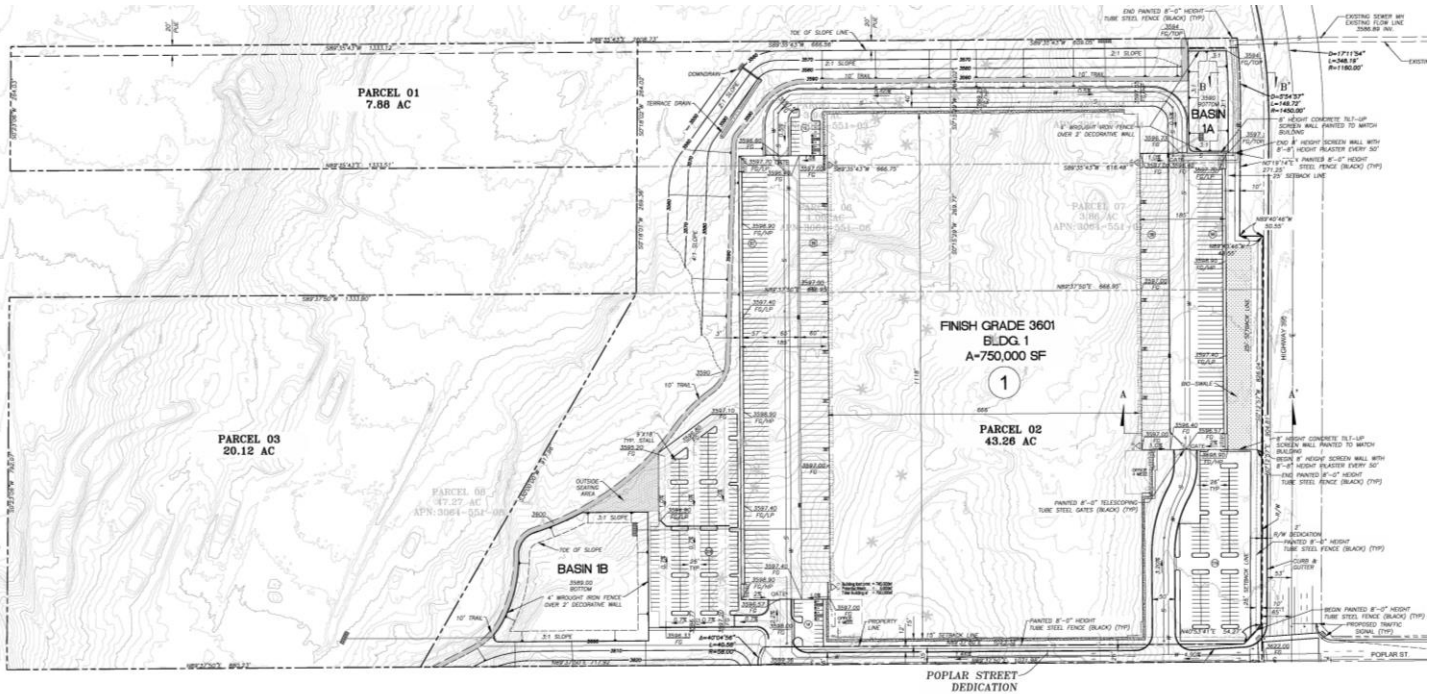


APPLICANT(S): SRD DESIGN STUDIO, INC.	FILE NO(S): CUP22-00003
LOCATION: NORTHWEST CORNER OF POPLAR STREET AND HIGHWAY 395	APNs: 3064-551-01, -02, -03, -04, -06, -07 & -08
PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT (CUP22-00003) TO CONSTRUCT A 750,000 SQUARE FOOT INDUSTRIAL WAREHOUSE BUILDING ON APPROXIMATELY 43 GROSS ACRES WITHIN THE COMMERCIAL INDUSTRIAL BUSINESS PARK (CIBP) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN.	



SCREEN WALL

ATTACHMENT 7



APPLICANT(S): SRD DESIGN STUDIO, INC.

FILE NO(S): CUP22-00003

LOCATION: NORTHWEST CORNER OF POPLAR STREET AND HIGHWAY 395

APNs: 3064-551-01, -02, -03, -04, -06, -07 & -08

PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT (CUP22-00003) TO CONSTRUCT A 750,000 SQUARE FOOT INDUSTRIAL WAREHOUSE BUILDING ON APPROXIMATELY 43 GROSS ACRES WITHIN THE COMMERCIAL INDUSTRIAL BUSINESS PARK (CIBP) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN.



TENTATIVE PARCEL MAP

ATTACHMENT 8

RESOLUTION NO. PC-2023-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, TO ADOPT ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT AND ADOPT A MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, the proposed project consists of the construction of 750,000 square feet of industrial warehouse space on approximately 43 acres of vacant land. Conditional Use Permit CUP22-00003 in conjunction with Tentative Parcel Map TPM22-00003 was filed for the project; and

WHEREAS, the project would be accessible to US Highway 395 and would promote the City's economic development by creating jobs for the citizens of Hesperia and surrounding communities, would increase the City's tax base, would fulfill the growing demand for distribution and light industrial uses in the region, and would develop the land to the highest and best allowable use that is compatible with the City's General Plan, and Main Street and Freeway Corridor Specific Plan; and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA") (Public Resources Code § 21000 et. seq.) and the State CEQA Guidelines (14 CCR § 15000 et. seq.), the City of Hesperia is the lead agency for the Project as the public agency with general governmental powers; and

WHEREAS, the City of Hesperia, as lead agency, prepared an initial study, from which it was determined that an Environmental Impact Report ("EIR") should be prepared pursuant to CEQA in order to analyze all adverse environmental impacts of the Project; and

WHEREAS, a Notice of Preparation (NOP") and the Initial Study identifying the scope of environmental issues were distributed to numerous state, federal, and local agencies and organizations from April 5, 2022 thru May 5, 2022, for a period of 30 days, pursuant to State CEQA Guidelines sections 15082(a), 15103, and 15375. Five comment letters were received during the Initial Study/NOP comment period and were incorporated into the Draft EIR ("DEIR"); and

WHEREAS, a public scoping meeting for the EIR was held at Hesperia City Hall on April 28, 2022; and

WHEREAS, the City completed the DEIR and circulated it with the Notice of Availability ("NOA") to affected public agencies and interested members of the public for a 45-day public period from July 26, 2022 thru September 9, 2022; and

WHEREAS, on January 26, 2023, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing, at which time all interested parties were provided the opportunity to give testimony for or against the issue; and

WHEREAS, as contained herein, the City has endeavored in good faith to set forth the basis for its decision on the project; and

WHEREAS, the EIR for the project reflects the City's independent judgment. The City has exercised independent judgment in accordance with Public Resources Code Section 21082.1(c)(3) in directing the consultant in the preparation of the EIR. The City has independently reviewed and analyzed the EIR and accompanying studies and finds that the report reflects the independent judgment of the City for the purposes of making decisions on the merits of the project; and

WHEREAS, all the requirements of CEQA, the State CEQA Guidelines, and the City's Local CEQA Guidelines have been satisfied in the EIR, which is sufficiently detailed so that all of the significant environmental effects of the project have been adequately evaluated; and

WHEREAS, the EIR prepared in connection with the project sufficiently analyzes both the feasible mitigation measures necessary to avoid or substantially lessen the project's environmental impacts and a range of feasible alternatives capable of eliminating or reducing these effects in accordance with CEQA, the State CEQA Guidelines, and the City's Local CEQA Guidelines.

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF HESPERIA PLANNING COMMISSION AS FOLLOWS:

Section 1. The Planning Commission hereby specifically finds that all of the facts set forth in this Resolution are true and correct.

Section 2. Based upon substantial evidence presented to the Planning Commission during the above-referenced January 26, 2023, hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- a) The Planning Commission has independently reviewed, analyzed and considered the Final EIR and all written documentation and public comments prior to making recommendations on the proposed project; and
- b) The Final EIR was prepared and completed in compliance with the provisions of CEQA, the State CEQA Guidelines, and the City's Local CEQA Guidelines; and
- c) The information and analysis contained in the Final EIR reflects the City's independent judgment as to the environmental consequences of the proposed Project; and
- d) The documents and other materials, including without limitation, staff reports, memoranda, maps, letters, and minutes of all relevant meetings, which constitute the administrative record of proceedings upon which the Planning Commission's decision is based are located at the City of Hesperia, Planning Division, 9700 Seventh Avenue, Hesperia, CA 92345. The custodian of the records is the Planning Division.

Section 3. That on the basis of the evidence contained in the administrative record of the Final EIR, the Planning Commission finds based on the information submitted, following the

conclusion of the public comment period on the Draft EIR, and following the consultant's responses thereto, there is no significant new information concerning the project's environmental effects, feasible mitigation measures, or feasible project alternatives; therefore there is no need or requirement to recirculate the EIR for additional public comment

Section 4. That the Planning Commission of the City of Hesperia hereby certifies the Final EIR.

Section 5. Pursuant to Public Resources Code Section 21081.6, the Planning Commission hereby approves the Mitigation Monitoring and Reporting Program included within the Final Environmental Impact Report. The Planning Commission finds that these mitigation measures are fully enforceable on the Project and shall be binding upon the City and affected parties.

Section 6. The Secretary shall certify to the adoption of this Resolution.

ADOPTED AND APPROVED this 26th day of January 2023.

Roger Abreo, Chair, Planning Commission

ATTEST:

Maricruz Montes, Secretary, Planning Commission

ATTACHMENT 9

RESOLUTION NO. PC-2023-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE CONSTRUCTION OF A 750,000 SQUARE FOOT INDUSTRIAL WAREHOUSE BUILDING ON APPROXIMATELY 43 GROSS ACRES WITHIN THE COMMERCIAL INDUSTRIAL BUSINESS PARK (CIBP) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN LOCATED AT THE NORTHWEST CORNER OF POPLAR STREET AND HIGHWAY 395 (CUP22-00003)

WHEREAS, SRD Design Studio, Inc. (Applicant) has filed an application requesting approval of Conditional Use Permit CUP22-00003 described herein (hereinafter referred to as "Application"); and

WHEREAS, the proposed project consists of the construction of 750,000 square feet of industrial warehouse space on approximately 43 acres of vacant land. Conditional Use Permit CUP22-00003 in conjunction with Tentative Parcel Map TPM22-00003 was filed for the project; and

WHEREAS, the proposed project consists of Assessor's Parcel Numbers 3064-551-01, -02, -03, -04, -06, -07 and -08; and

WHEREAS, the Application, as contemplated, proposes to construct 750,000 square feet of industrial warehouse space on approximately 43 gross acres. The approval of a CUP is required to approve a distribution warehouse in excess of 200,000 square feet; and

WHEREAS, tentative Parcel Map No. 20567 (TPM22-00003) has also been filed for the project to merge and subdivide 7 existing parcels into 3 new parcels; and

WHEREAS, the project site is within the Commercial Industrial Business Park (CIBP) zone of the Main Street and Freeway Corridor Specific Plan. A remaining portion of the existing parcels on the rear are within the Rural Estate Residential (RER) zone. The properties to the south are within the Commercial Industrial Business Park (CIBP) zone and the Rural Estate Residential (RER) zone of the Specific Plan. The properties to the west are within the Rural Estate Residential (RER) zone of the Specific Plan. The properties to the north are within Low Density Residential (LDR) zone and the Regional Commercial (RC) zone of the Specific Plan. The properties to the east are within the Commercial Industrial Business Park (CIBP) zone of the Specific Plan; and

WHEREAS, the subject site is currently vacant, but was previously used for the Competitive Edge racetrack. The properties to the north and south are vacant. The properties to the west consist of vacant land and single-family homes approximately 1,500 feet away from the developed site. The property to the east is currently vacant but has an active entitlement application for a proposed 742,000 square foot warehouse building that is pending City Council approval; and

WHEREAS, on January 26, 2023, the Planning Commission of the City of Hesperia adopted Resolution No. PC-2023-04, adopting the environmental findings pursuant to California

Environmental Quality Act (CEQA), certifying the Final Environmental Impact Report with a Mitigation Monitoring and Reporting Plan; and

WHEREAS, on January 26, 2023, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF HESPERIA PLANNING COMMISSION AS FOLLOWS:

Section 1. The Planning Commission hereby specifically finds that all of the facts set forth in this Resolution are true and correct.

Section 2. Based upon substantial evidence presented to this Commission during the above-referenced January 26, 2023, hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) Based on adoption of Resolution No. PC-2023-04, the Environmental Findings, Mitigation Monitoring and Reporting have been adopted and the Final Environmental Impact Report has been certified pursuant to the California Environmental Quality Act (CEQA) for this project.
- (b) The site for the proposed use is adequate in size and shape to accommodate the proposed use, including the construction of a 750,000 square foot industrial warehouse building on approximately 43 gross acres. On-site improvements required by the Development Code can be constructed on the property including the 352 conventional parking spaces and 143 truck/trailer spaces. The site can accommodate 26-foot-wide drive aisles, landscaping, trash enclosures, building setbacks, and maximum floor area ratio. The development also meets all of the San Bernardino County Fire Department standards including fire lanes, two-points of access, fire truck turn-around and fire hydrant requirements. The project is also designed with on-site retention facilities to retain the additional stormwater created by the development.
- (c) The proposed development will not have a substantial adverse effect on abutting properties, or the permitted use thereof because the proposed project is consistent with the City's General Plan and the Main Street and Freeway Corridor Specific Plan. In addition, the use under the proposed project is conditionally permitted in the Commercial Industrial Business Park (CIBP) Zone of the Specific Plan, in which the applicant has a CUP as part of the project. A Traffic Impact Analysis (TIA) was submitted as part of the land use application, which identifies improvements needed to mitigate the additional traffic from this project. Further, the developer shall participate in the City wide industrial community facilities district

(CFD) to pay for the ongoing maintenance of public infrastructure and services. The developer is also required to pay City Development Impact Fees.

- (d) The proposed project is consistent with the goals, policies, standards and maps of the adopted Zoning, Development Code, Main Street and Freeway Corridor Specific Plan and all applicable codes and ordinances adopted by the City of Hesperia because each of the uses envisioned under the proposed project is permitted within the CIBP Zone. The development shall be constructed pursuant to the California Building and Fire Codes as well as adopted amendments. Further, the project shall comply with the conditions of approval for both off-site and on-site improvements. The conditions of approval shall be met based upon specific milestones. Some conditions shall be met prior to grading, some prior to building construction and prior to issuance of a Certificate of Occupancy.
- (d) The site has adequate access based upon the site's proposed access from Poplar Street west of Highway 395. Primary access to the site will be provided from Poplar Street west of Highway 395. Two 50-foot-wide driveways are proposed north of Poplar Street providing access to the warehouse, vehicle parking spaces and truck court. A 40-foot-wide access road is proposed north of the site, allowing trucks to drive around the site. Implementation of the project will also require the construction of certain off-site improvements including the construction of Poplar Street west of Highway 395. In addition, the project will be responsible for the construction of a traffic signal at the intersection of Highway 395 and Poplar Street.
- (e) The proposed project is consistent with the adopted General Plan of the City of Hesperia because an objective in the City's General Plan seeks to "...Promote industrial development within the City which will expand its tax base and provide a range of employment activities, while not adversely impacting the community or environment." The proposed project will expand employment opportunities for City residents.
- (f) The development will be required to provide off-site improvements to the full length of the project frontage and the construction of a decorative screen wall along Highway 395. In addition, the developer will be required to provide a monetary contribution towards the construction of a regional detention basin that will be located at the end of the Ore Grande Wash.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit CUP22-00003 subject to the Conditions of Approval as set forth in ATTACHMENT "A."

Section 4. That the Secretary shall certify to the adoption of this Resolution.

ADOPTED AND APPROVED this 26th day of January 2023.

Roger Abreo, Chair, Planning Commission

ATTEST:

Maricruz Montes, Secretary, Planning Commission

DRAFT

ATTACHMENT "A" List of Conditions for CUP22-00003

Approval Date: January 26, 2023

Effective Date: February 07, 2023

Expiration Date: February 07, 2026

This list of conditions applies to: Consideration of Conditional Use Permit CUP22-00003 in conjunction with Tentative Parcel Map 20567 (TPM22-00003) to construct a 750,000 square foot warehouse distribution building on approximately 43 acres within the Commercial Industrial Business Park (CIBP) of the Main Street and Freeway Corridor Specific Plan located at the northwest corner of Poplar Street and Highway 395, in conjunction with the adoption of an Environmental Impact Report pursuant to the provisions of CEQA (Applicant: SRD Design Studio; APNs: 3064-551-01, -02, -03, -04, -06, -07, & -08)

The use shall not be established until all conditions of this land use approval application have been met. This approved land use shall become null and void if all conditions have not been completed by the expiration date noted above. Extensions of time may be granted upon submittal of the required application and fee prior to the expiration date.

(Note: the "COMPLETED" and "COMPLIED BY" spaces are for internal City use only).

CONDITIONS REQUIRED AS PART OF SUBMITTAL OF PUBLIC IMPROVEMENT PLANS

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

CONSTRUCTION PLANS. Five complete sets of construction plans prepared and wet stamped by a California licensed Civil or Structural Engineer or Architect shall be submitted to the Building Division with the required application fees for review. (B)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FINAL MAP: A Final Map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor based upon a survey and shall conform to all provisions as outlined in article 66433 of the Subdivision Map Act as well as the San Bernardino County Surveyors Office Final Map Standards. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

TRAFFIC STUDY. Applicant shall finalize the Level of Service traffic impact analysis (TIA) consistent with other area recent TIA's. The TIA shall include street geometrics including intersection geometrics. The TIA shall be completed to the satisfaction of the City Engineer.. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

CENTERLINE STUDY. A detailed Centerline Study shall be performed to address the re-alignment and reconstruction of the existing centerline and improvements for Highway 395. The engineer shall make recommendations for the reconstruction of the intersection based upon the findings of his report. The study shall be submitted to the City's Engineering Department for review. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

GEOTECHNICAL REPORT. The Developer shall provide two copies of the soils report to substantiate all grading building and public improvement plans. Include R value testing and pavement recommendations for public streets. (E B)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

TITLE REPORT. The Developer shall provide a complete title report 90-days or newer from the date of submittal. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

UTILITY NON INTERFERE/QUITCLAIM DOCS. The Developer shall provide non interference and or quitclaim letter(s) from any applicable utility agencies for any utility easements that affect the proposed project. All documents shall be subject to review and approval by the Engineering Department and the affected utility agencies. The improvement plans will not be accepted without the required documents and approval from the affected agencies. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

PLAN CHECK FEES. Plan checking fees must be paid in conjunction with the improvement plan submittal. All required plans, maps, requested studies, CFD annexations, etc. must be submitted as a package. The Developer shall coordinate with the City's Engineering Analyst, Bethany Hudson at (760) 947-1438 or budson@cityofhesperia.us, to obtain the fee calculation form which shall be completed and submitted, along with fee payment, at time of plan submittal. Any outstanding fees must be paid before final inspection and the release of bonds. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

IRREVOCABLE OFFERS OF DEDICATION. The Developer shall submit an Offer of Dedication for Highway 395 and Poplar Court to the City's Engineering Department for review and approval. At time of submittal the developer shall complete the City's application for document review and pay all applicable fees. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

WATER/SEWER/STORM DRAIN EASEMENT. The Developer shall submit a "Grant of Easement" as required, including but not limited to, the waterline easement located along the north boundary and drainage easement located along south boundary to the City's Engineering Department for review and approval. A time of submittal the developer shall complete the City's "application for document review" and pay all applicable fees. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

DRYWELLS. The Project may be permitted to install drywells to ensure the required drawdown time will be achieved.
A. Drywells shall have a City-approved pretreatment component equivalent to a 2-phase system with debris shield and filter element.
B. Drywells shall be constructed by a contractor qualified in the construction of drywells.

- C. Drywells in retention basins shall include a secured grate to prevent unauthorized removal.
- D. The excavation for the drywell shall penetrate a minimum of 10 continuous feet into a suitable permeable layer or when a depth of 60 feet has been reached, unless otherwise approved by the City Engineer.
- E. Drywells that cease to drain a basin or underground system within 48 hours of the end of a storm event shall be replaced or refurbished by the owner. This requirement shall be written in the CC&Rs for all subdivisions where drywells are installed.
- F. Drywell usage shall comply with all prevailing City, State, and Federal requirements, including the Underground Injection Control Regulations for Class V Injection Wells.
- G. A Drywell Maintenance Plan shall be submitted to the City for review and approval prior to the approval of a drywell installation at a project site.
- H. The Drywell Maintenance Plan shall include the following:
1. Drywell(s) location, depth, type, installing contractor, date of installation, owner, maintenance contractor, and emergency contact.
 2. Settling chambers and interceptors to be inspected annually;
 3. Removal of sediment and debris when:
 - a. Sediment/debris level fills = 25% of the capacity;
 - b. Drywell ownership or maintenance responsibility changes;
 - c. Material not resulting from stormwater/urban runoff enters the settling chamber or interceptor
- I. Submit inspection/maintenance reports to the City (Building and Safety within 10 days of inspection/maintenance).

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

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

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

B. Groundwater Protection. The Project shall ensure any retention/infiltration or detention facilities will not adversely impact groundwater.

C. Underground Retention/Detention Systems. The Project shall demonstrate a minimum functional life span of 50 years for materials (e.g., polymer, metal, mineral-based, or other) used in underground retention/detention systems.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

STORM WATER POLLUTION PREVENTION PLAN. The Project shall submit to the City for approval two (2) copies of a Storm Water Pollution Prevention Plan (SWPPP) as specified in the prevailing National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities issued by the California State Water Resources Control Board. Prepare the SWPPP using or following the format of the most recent SWPPP Template in the Construction BMP Handbook prepared by the California Stormwater Quality Association (requires subscription); see:
<https://www.casqa.org/resources/bmp-handbooks>

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

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

NPDES-PERMIT TERMINATION: Upon completion of construction, the Project shall ensure that all disturbed areas are stabilized and all construction waste, equipment, and unnecessary temporary BMPs are removed from the site. In addition, the Project shall file a Notice of Termination (NOT) with the Lahontan Regional Water Board as required by the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, and provide

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

INDEMNIFICATION. The City may, at any time, require the applicant to reimburse the City for costs that have been, or which the City reasonably anticipates will be, incurred by the City during the course of processing or defending any Third Party Actions. The term "Third Party Action" collectively

means any legal action or other proceeding instituted by (i) a third party or parties, or (ii) a governmental body, agency or official other than the City, that: (a) challenges or contests any or all of these conditions of approval or any approval associated with entitlements associated with the project to which these conditions of approval apply (collectively "Approvals"); or (b) claims or alleges a violation of CEQA or another law in connection with the Approvals by the City, or the grant, issuance or approval by the City of any or all Approvals. The City shall provide Applicant with an invoice detailing all reasonable costs incurred. Applicant shall tender to the City payment-in-full of all reasonable and necessary costs within thirty (30) days from the date upon the invoice. Applicant further acknowledges and agrees that failure to timely tender payment-in-full to the City shall be considered a breach and non-compliance with the conditions of approval for the project. Applicant shall also be required, upon request of the City, to deposit two month's estimated costs anticipated by the City to be incurred, which may be used by the City as a draw down account to maintain a positive balance pending tender of payment by Applicant as noted herein. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FISH AND GAME FEE. The applicant shall submit a check to the City in the amount of \$3,889.25 payable to the Clerk of the Board of Supervisors of San Bernardino County to enable the filing of a Notice of Determination. (P)

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

SURVEY. The Developer shall provide a legal survey of the property. All property corners shall be staked and the property address posted. (B)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

APPROVAL OF IMPROVEMENT PLANS. All required improvement plans shall be prepared by a registered Civil Engineer per City standards and per the City's improvement plan checklist to the satisfaction of the City Engineer. Five sets of improvement plans shall be submitted to the Development Services Department and Engineering Department for plan review with the required plan checking fees. All Public Works plans shall be submitted as a complete set. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

DEDICATION(S). The Developer shall grant to the City an Irrevocable Offer of Dedication for Highway 395 based on an approved centerline study. The right of way full width for Highway 395 shall be one-hundred-thirty (130') feet. The Developer shall grant to the City an Irrevocable Offer of Dedication for Poplar Court. The right of way full width for Poplar Court shall be seventy (70') feet. The Developer shall

also grant to the City an Irrevocable Offer of Dedication for any part of the Path of Travel located behind any commercial drive approaches that encroach onto private property. It is the Developers responsibility to obtain any additional Right of Way dedication needed to satisfy the 26' minimum paving requirement at no cost to the City. Corner cut off right of way dedication per City standards is required at all intersections. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

OFF-SITE GRADING LETTER(S). It is the Developers responsibility to obtain signed Off-Site Grading Letters from any adjacent property owner(s) who are affected by any Off-Site Grading that is needed to make site work. The Off-Site Grading letter(s) along with the latest grant deed(s) must be submitted and appropriate fees paid to the City's Engineering Department for plan check approval. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

TRAFFIC SIGNAL(S). Developer shall design a traffic signal at the intersection of US Hwy 395/Poplar Street with north- and southbound lane configurations as approved by the City and Caltrans. At a minimum, one westbound left-turn lane and two westbound right-turn lanes shall be installed on Poplar Street. Cycle lengths and phase splits are optimized for each plus Project scenario. Should the intersection be signalized and improved by others, the applicant shall pay a fair-share towards ultimate improvements at the intersection as determined by the City of Hesperia based on the fair-share percentage established in the approved Project Traffic Impact Analysis. Traffic signal improvements shall exclude project driveways which shall be constructed by the proposed project. These payments shall be made to the City of Hesperia based on the latest cost estimates to be calculated by the applicant and as approved by the City Engineer immediately prior to payment. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

STREET IMPROVEMENTS. The Developer shall design street improvements in accordance with City standards and these conditions. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

HIGHWAY 395. San Bernardino County Transportation Authority (SBCTA) is planning a Highway 395 roadway widening project. Developer shall coordinate with SBCTA, Caltrans and the City of Hesperia for the design and construction of Highway 395 based on SBCTA project progress and on the approved centerline study. Plans will need to be submitted, reviewed and approved by SBCTA, Caltrans and the City of Hesperia. Approved Caltrans plans shall be required as part of the City's approval of civil plans. Highway 395 shall be based on City's 130-foot Special Street Sections Roadway Standard for Highway 395. The curb face is to be located at 53' from the approved centerline. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of:

- A. 8" Curb and Gutter per City standards.
- B. Curb adjacent sidewalk (width = 6 feet) per City standards.
- C. Roadway drainage device(s) including cross gutter with spandrels.
- D. Streetlights per City standard.
- E. Intersection improvements including handicapped ramps per City standards.
- F. Pavement transitions per City Standards.
- G. Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index of 12 and per the soils report.
- H. Cross sections every 50-feet per City standards.
- I. Traffic control signs and devices as required by the traffic study and/or the City Engineer.
- J. Provide a signage and striping (Thermoplastic) plan per City standards.
- K. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.

All work shall comply with City standards and to the satisfaction of the City Engineer.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

POPLAR COURT. Developer shall design half-width (26' min.) improvements on Poplar Court across the project frontage, based on City's 70-foot Industrial Collector Roadway Standard. The curb face is to be located at 23' from the approved centerline. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of:

- A. 8" Curb and Gutter per City standards.
- B. Sidewalk (width = 6 feet) per City standards.
- C. Roadway drainage device(s).
- D. Streetlights per City standards.
- E. Intersection improvements including handicapped ramps

per City standards.

F. Commercial driveway approaches per City standards.

G. Pavement transitions per City Standards.

H. Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index of 10 and per the soils report.

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

J. Traffic control signs and devices as required by the traffic study and/or the City Engineer.

K. Provide a signage and striping (Thermoplastic) plan per City standards.

L. It is the Developer's responsibility to obtain any off-site dedications for transition tapers including acceleration / deceleration tapers per City standards. It is also the Developer's responsibility to obtain any additional Right-of-Way dedication needed to satisfy the 26' minimum paving requirement at no cost to the City.

M. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.

All work shall comply to City standards and to the satisfaction of the City Engineer.

COMPLETED

NOT IN COMPLIANCE

COMPLIED BY

UTILITY PLAN. The Developer shall design a Utility Plan for service connections and / or private hydrant and sewer connections. Any existing water, sewer, or storm drain infrastructures that are affected by the proposed development shall be removed / replaced or relocated and shall be constructed per City standards at the Developers expense. (E)

A. A remote read automatic meter reader shall be added on all meter connections as approved by the City Engineer.

B. The Developer shall design a Utility Plan for service connections and / or private water and sewer connections. Domestic and fire connections shall be made from any existing, proposed, or required waterlines that will meet County Fire's minimum fire flow.

C. It is the Developers responsibility to connect to sewer and pay the appropriate fees. The Developer will be required to connect to the proposed 8" min. PVC sewer main extension.

D. Complete V.V.W.R.A.s Wastewater Questionnaire for Commercial / Industrial Establishments and submit to the Engineering Department. Complete the Certification Statement for Photographic and X ray Processing Facilities as required.

COMPLETED

NOT IN COMPLIANCE

COMPLIED BY

WATER/SEWER IMPR. PLAN. The Developer shall design water and sewer improvements in accordance with City standards, and as indicated herein. (E)

COMPLETED

NOT IN COMPLIANCE

COMPLIED BY

WATER IMPR. PLAN. The Developer shall design and construct a 16" PVC water main extension at the northeast corner of the project from the east side of Highway 395 to project site. Once on site, the developer shall design and construct tee with stub out heading west for future connection. All design and construction in Highway 395 shall be coordinated through Caltrans as well as the City of Hesperia. All Caltrans approved plans shall be included with civil plans. The Developer shall also design and construct a 12"

PVC water main extension in Poplar Court from the existing 8" ACP in Highway 395 to the end of Poplar Court. Design shall consist of plan and profile per City standards. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

SEWER IMPROVEMENT PLAN: The Developer shall design and construct an 8" minimum PVC SDR 35 sewer main extension from existing 8" stub out located at the northeast corner of the project site on the east side of Highway 395 and extend west to project site. The Developer shall design and construct an 8" minimum PVC SDR 35 sewer main extension from existing 8" PVC in Poplar Street on the east side of Highway 395 to the end of Poplar Court. All design and construction in Highway 395 shall be coordinated through Caltrans as well as the City of Hesperia. All Caltrans approved plans shall be included with civil plans. Design shall consist of plan and profile per City standards. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

STORM WATER IMPROVEMENT PLAN. The Developer shall design storm drain improvements in accordance with City standards as indicated below. (E)

Developer shall design and construct storm drain system to safely convey off-site, tributary drainage through or around project site picking up drainage where it has historically entered the site and delivering drainage safely to the wash located to the west of the project site. Design shall consist of plan and profile and shall include all hydraulic calculations to show design will accommodate the "Q" for the 100-year storm to the satisfaction of the City Engineer.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

PERCOLATION TEST. The applicant shall provide percolation test data which are adequate to substantiate the hydrologic performance of all proposed basins, underground retention systems, drywells, or other features requiring percolation of surface water:

- A. Projects shall provide site-specific percolation test data to substantiate the performance and effective drawdown time of all proposed surface retention basins.
- B. Projects shall provide site-specific, depth-appropriate percolation test data for the proposed subsurface infiltration/retention system; and/or for any proposed drywells.
- C. Percolations tests shall be performed in accordance with the procedures in Appendix A of the Riverside County Design Handbook for Low Impact Development Best Management Practices; available online at:

<http://www.floodcontrol.co.riverside.ca.us/NPDES/LIDBMP.aspx>

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

STORM WATER IMPROVEMENT PLAN. The Developer shall design storm drain improvements in accordance with City

standards as indicated herein. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

REAPPORTIONMENT. The project lies within the AD 94-1 CFD. The developer shall be required to fill out the City's application for reapportionment and pay associated fees. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

CULTURAL RESOURCES. If cultural resources are found during grading then grading activities shall cease and the applicant shall contract with a City approved archaeologist or paleontologist to monitor grading prior to resuming grading. All cultural resources discovered shall be handled in accordance with state and federal law. A report of all resources discovered as well as the actions taken shall be provided to the City prior to issuance of a Certificate of Occupancy. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

MASONRY WALLS AND FENCING. The truck parking areas and dock doors adjacent to Highway 395 shall be fully screened by a minimum 8-foot high decorative tilt-up wall with pilasters.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

PROTECTED PLANTS. Three copies of a protected plant plan shall be submitted to the Building Division showing the present location and proposed treatment of all smoke tree, species in the Agavacea family, mesquite, large creosote bushes, Joshua Trees, and other plants protected by the State Desert Native Plant Act. The grading plan shall be consistent with the approved protected plant plan. No clearing or grading shall commence until the protected plant plan is approved and the site is inspected and approved for clearing. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

CFD ANNEXATION. The applicant shall annex the property into Community Facilities District CFD 94-01 concurrent with recordation of the final map. (F)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

COMMUNITY FACILITIES DISTRICT. The applicant shall annex the site into the Community Facilities District CFD-2022-1 (Non Residential Maintenance and Services).

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

MITIGATION MEASURES. All applicable mitigation measures identified within the Environmental Impact Report for the Dara Industrial Warehouse project shall be met prior to issuance of a grading permit. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

OFFICE AREAS. As shown on the approved site plan, the office space within the building shall not exceed 10,000 square feet. Approval of a Revised Conditional Use Permit shall be required if the office area exceeds 10,000 square feet to ensure sufficient parking.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

RETENTION BASIN FENCING. A combination four foot high wrought iron fence and two foot high split face masonry wall shall be constructed on private property along the boundary of the retention basin in accordance with City standards. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

PRE-CONSTRUCTION SURVEY. A pre-construction survey for the burrowing owl shall be conducted by a City approved and licensed biologist, no more than 30 days prior to ground disturbance. (P)

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE

<u>COMPLETED</u> NOT IN COMPLIANCE	<u>COMPLIED BY</u>	AQMD APPROVAL. The Developer shall provide evidence of acceptance by the Mojave Desert Air Quality Management District. (B)
<u>COMPLETED</u> NOT IN COMPLIANCE	<u>COMPLIED BY</u>	CONSTRUCTION WASTE. The developer or builder shall contract with the City's franchised solid waste hauler to provide bins and haul waste from the proposed development. At any time during construction, should services be discontinued, the franchise will notify the City and all building permits will be suspended until service is reestablished. The construction site shall be maintained and all trash and debris contained in a method consistent with the requirements specified in Hesperia Municipal Code Chapter 15.12. All construction debris, including green waste, shall be recycled at Advance Disposal and receipts for solid waste disposal shall be provided prior to final approval of any permit. (B)
<u>COMPLETED</u> NOT IN COMPLIANCE	<u>COMPLIED BY</u>	DEVELOPMENT FEES. The Developer shall pay required development fees as follows: A. School Fees (B)
<u>COMPLETED</u> NOT IN COMPLIANCE	<u>COMPLIED BY</u>	LANDSCAPE AND IRRIGATION PLANS. The Developer shall submit two sets of landscape and irrigation plans including water budget calculations required application fees and completed landscape packet to the Building Division with the required application fees. Plans shall utilize xeriscape landscaping techniques in conformance with the Landscaping Ordinance. The number size type and configuration of plants approved by the City shall be maintained in accordance with the Development Code. (P)

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY

<u>COMPLETED</u> NOT IN COMPLIANCE	<u>COMPLIED BY</u>	UTILITY CLEARANCE AND C OF O. The Building Division will provide utility clearances on individual buildings after required permits and inspections and after the issuance of a Certificate of Occupancy on each building. Utility meters shall be permanently labeled. Uses in existing buildings currently served by utilities shall require issuance of a Certificate of Occupancy prior to establishment of the use. (B)
<u>COMPLETED</u> NOT IN COMPLIANCE	<u>COMPLIED BY</u>	DEVELOPMENT FEES. The Developer shall pay required development fees as follows: A. Development Impact Fees (B) B. Utility Fees (E)
<u>COMPLETED</u> NOT IN COMPLIANCE	<u>COMPLIED BY</u>	AS BUILT PLANS. The Developer shall provide as built plans, Notice of Completion, and One Year Maintenance Bonds to the Engineering / Water Sewer Departments. (E)
<u>COMPLETED</u>	<u>COMPLIED BY</u>	ELECTRONIC COPIES. The Developer shall provide

NOT IN COMPLIANCE

electronic copies of the approved project in AutoCAD format Version 2020 to the City's Engineering Department. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

PUBLIC IMPROVEMENTS. All public improvements shall be completed by the Developer and approved by the Engineering Department. Existing public improvements determined to be unsuitable by the City Engineer shall be removed and replaced. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

EXECUTED AND RECORDED WQMP MAINTENANCE AGREEMENT. The WQMP Maintenance Agreement: Covenant and Agreement Regarding Water Quality Management Plan and Stormwater Best Management Practices Transfer, Access, and Maintenance, must be (1) prepared using the WQMP Maintenance Agreement Template provided as Attachment A to the City of Hesperia WQMP Templates, and (2) the complete WQMP Maintenance Agreement, with the Property Owners notarized signature(s) and suitable for recordation by the City, must be received before the City will authorize the final inspection or issue a Certificate of Occupancy.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

WQMP PERMIT. The Property Owner shall apply for a City WQMP Permit with the Building and Safety Department and pay the applicable permit fees. The WQMP Permit shall be renewed annually. To comply with the WQMP Permit, the Property Owner shall certify on an annual basis that all of the post-construction best management practices (BMPs) described in the approved project WQMP have been inspected and maintained as specified and required by the BMP Inspection and Maintenance Form and Operation and Maintenance Plan. The Property Owner shall provide proof of the WQMP Permit before the City will issue a Certificate of Occupancy.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FAIR SHARE. Applicant shall pay a fair-share towards planned improvements based on the percentages presented in the approved TIA. Improvements shall exclude project driveways which shall be constructed by the proposed project. Improvement estimates shall be based on the latest cost estimates to be calculated by the applicant and as approved by the City Engineer immediately prior to payment.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

ON SITE IMPROVEMENTS. All on site improvements as recorded in these conditions, and as shown on the approved site plan shall be completed in accordance with all applicable Title 16 requirements. The building shall be designed consistent with the design shown upon the approved exterior building elevations. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

Landscaping/irrigation. The Developer shall install the landscaping and irrigation as required by the Planning Division. (P)

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

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

ATTACHMENT 10

RESOLUTION NO. PC-2023-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A TENTATIVE PARCEL MAP TO MERGE AND SUBDIVIDE 7 EXISTING PARCELS INTO 3 NEW PARCELS ON APPROXIMATELY 71.26 GROSS ACRES WITHIN THE COMMERCIAL INDUSTRIAL BUSINESS PARK (CIBP) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN LOCATED AT THE NORTHWEST CORNER OF POPLAR STREET AND HIGHWAY 395 (TPM22-00003)

WHEREAS, SRD Design Studio, Inc. (Applicant) has filed an application requesting approval of Tentative Parcel Map TPM22-00003 described herein (hereinafter referred to as "Application"); and

WHEREAS, the proposed project consists of the construction of 750,000 square feet of industrial warehouse space on approximately 43 acres of vacant land. Conditional Use Permit CUP22-00003 in conjunction with Tentative Parcel Map TPM22-00003 was filed for the project; and

WHEREAS, the proposed project consists of Assessor's Parcel Numbers 3064-551-01, -02, -03, -04, -06, -07 and -08; and

WHEREAS, the Application, as contemplated, proposes to merge and subdivide 7 existing parcels into 3 new parcels. Parcel 1 will be approximately 7.88 acres and will be located east of Los Banos Avenue and will remain vacant. Parcel 2 will be approximately 43.26 acres and will be located at the northwest corner of Poplar and Highway 395 within the proposed development. Parcel 3 will be approximately 20.12 acres and will be located east of Los Banos Avenue and will remain vacant; and

WHEREAS, the project site is within the Commercial Industrial Business Park (CIBP) zone of the Main Street and Freeway Corridor Specific Plan. A remaining portion of the existing parcels on the rear are within the Rural Estate Residential (RER) zone. The properties to the south are within the Commercial Industrial Business Park (CIBP) zone and the Rural Estate Residential (RER) zone of the Specific Plan. The properties to the west are within the Rural Estate Residential (RER) zone of the Specific Plan. The properties to the north are within Low Density Residential (LDR) zone and the Regional Commercial (RC) zone of the Specific Plan. The properties to the east are within the Commercial Industrial Business Park (CIBP) zone of the Specific Plan; and

WHEREAS, the subject site is currently vacant, but was previously used as the Competitive Edge racetrack. The properties to the north and south are vacant. The properties to the west consist of vacant land and single-family homes approximately 1,500 feet away from the developed site. The property to the east is currently vacant but has an active entitlement application for a proposed 742,000 square foot warehouse building that is pending City Council approval; and

WHEREAS, on January 26, 2023, the Planning Commission of the City of Hesperia adopted Resolution No. PC-2023-04, adopting the environmental findings pursuant to California Environmental Quality Act (CEQA), certifying the Final Environmental Impact Report with a Mitigation Monitoring and Reporting Plan; and

WHEREAS, on January 26, 2023, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF HESPERIA PLANNING COMMISSION AS FOLLOWS:

Section 1. The Planning Commission hereby specifically finds that all of the facts set forth in this Resolution are true and correct.

Section 2. Based upon substantial evidence presented to this Commission during the above-referenced January 26, 2023, hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) Based on adoption of Resolution No. PC-2023-04, the Environmental Findings, Mitigation Monitoring and Reporting have been adopted and the Final Environmental Impact Report has been certified pursuant to the California Environmental Quality Act (CEQA) for this project.
- (b) The proposed map is consistent with the City's General Plan of the City of Hesperia, because the subdivision is consistent with the intent of the adopted land use element.
- (c) The design or improvement of the proposed subdivision is consistent with the General Plan of Hesperia, as the project supports the existing land use and circulation pattern in the area.
- (d) The site is physically suitable for the type of development because there are no known physical constraints to nonresidential development and the site has adequate area to accommodate the proposed parcels.
- (e) The site is physically suitable for the proposed development intensity because the parcels are adequate in size and shape and all Development Code regulations for the permitted and conditional uses can be met, with approval of Conditional Use Permit CUP22-00003.
- (f) The design of the subdivision or type of improvements are not likely to cause serious public health problems because all construction will require necessary permits and will conform to the City's adopted building and fire codes.
- (g) That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Tentative Parcel Map No. 20567 (TPM22-00003), subject to the Conditions of Approval as set forth in ATTACHMENT "A."

Section 4. That the Secretary shall certify to the adoption of this Resolution.

ADOPTED AND APPROVED this 26th day of January 2023.

Roger Abreo, Chair, Planning Commission

ATTEST:

Maricruz Montes, Secretary, Planning Commission

DRAFT

ATTACHMENT "A" List of Conditions for TPM22-00003

Approval Date: January 26, 2023

Effective Date: February 07, 2023

Expiration Date: February 07, 2026

This list of conditions applies to Consideration of Conditional Use Permit CUP22-00003 in conjunction with Tentative Parcel Map 20567 (TPM22-00003) to construct a 750,000 square foot warehouse distribution building on approximately 43 acres within the Commercial Industrial Business Park (CIBP) of the Main Street and Freeway Corridor Specific Plan located at the northwest corner of Poplar Street and Highway 395, in conjunction with the adoption of an Environmental Impact Report pursuant to the provisions of CEQA (Applicant: SRD Design Studio; APNs: 3064-551-01, -02, -03, -04, -06, -07, & -08)

The use shall not be established until all conditions of this land use approval application have been met. This approved land use shall become null and void if all conditions have not been completed by the expiration date noted above. Extensions of time may be granted upon submittal of the required application and fee prior to the expiration date.

(Note: the "COMPLETED" and "COMPLIED BY" spaces are for internal City use only).

CONDITIONS REQUIRED PRIOR TO RECORDATION OF THE PARCEL MAP

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

PARCEL MAP. A Parcel Map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor, based upon a survey, and shall conform to all provisions as outlined in article 66433 of the Subdivision Map Act as well as the San Bernardino County Surveyors Office Map Standards. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

TITLE REPORT. The Developer shall provide a complete title report 90 days or newer from the date of submittal. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

PLAN CHECK FEES. Plan checking fees must be paid in conjunction with the improvement plan submittal. All required plans, maps, requested studies, CFD annexations, etc. must be submitted as a package. The Developer shall coordinate with the City's Engineering Analyst, Bethany Hudson at (760) 947-1438 or bhudson@cityofhesperia.us, to obtain the fee calculation form which shall be completed and submitted, along with fee payment, at time of plan submittal. Any outstanding fees must be paid before final inspection and the release of bonds. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

ALL EASEMENTS OF RECORD. It shall be the responsibility of the Developer to provide all Easements of Record per recent title report. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

OFF SITE OFFERS OF DEDICATION AND EASEMENT. Should off site offers of dedication or easements be required for off site improvements, it shall be the responsibility of the Developer to obtain such dedications or easements at no cost to the City, pursuant to section 66462.5 of the Subdivision Map Act. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

IRREVOCABLE OFFERS OF DED. AND EASEMENT. The Developer shall show all Offers of Dedication(s) and Easement(s) on the Map as outlined below: (E)

A. 130' Ultimate right of way on Highway 395 based on Special Street Section and approved centerline study.

B. 70' Ultimate right of way on Poplar Court per Industrial Collector Roadway Standard.

C. Corner cut off dedication for the intersection of Highway 395 and Poplar Court.

D. 20' Public Utility Easement across the north property line of Parcel 1 and Parcel 2 of Parcel Map 20567.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

CONDITIONAL USE PERMIT. These conditions are concurrent with CUP22-00003 becoming effective. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

INDEMNIFICATION. The City may, at any time, require the applicant to reimburse the City for costs that have been, or which the City reasonably anticipates will be, incurred by the City during the course of processing or defending any Third Party Actions. The term "Third Party Action" collectively means any legal action or other proceeding instituted by (i) a third party or parties, or (ii) a governmental body, agency or official other than the City, that: (a) challenges or contests any or all of these conditions of approval or any approval associated with entitlements associated with the project to which these conditions of approval apply (collectively "Approvals"); or (b) claims or alleges a violation of CEQA or another law in connection with the Approvals by the City, or the grant, issuance or approval by the City of any or all Approvals. The City shall provide Applicant with an invoice detailing all reasonable costs incurred. Applicant shall tender to the City payment-in-full of all reasonable and necessary costs within thirty (30) days from the date upon the invoice. Applicant further acknowledges and agrees that failure to timely tender payment-in-full to the City shall be considered a breach and non-compliance with the conditions of approval for the project. Applicant shall also be required, upon request of the City, to deposit two month's estimated costs anticipated by the City to be incurred, which may be used by the City as a draw down account to maintain a positive balance pending tender of payment by Applicant as noted herein. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FISH AND GAME FEE. The applicant shall submit a check to the City in the amount of \$3,889.25 payable to the Clerk of the Board of Supervisors of San Bernardino County to enable the filing of a Notice of Determination. (P)

CONDITIONS REQUIRED PRIOR TO DEVELOPMENT OF ANY PARCEL OF THE PARCEL MAP

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

RECORDATION OF MAP. Map shall be recorded with the San Bernardino County Records Office. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

UTILITIES. Each parcel shall be served by a separate water meter, service line, and sewer lateral connection where available. An automatic meter reader to be included on all meter connections. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

UTILITY RELOCATION/UNDERGROUND. If the developer is required to install water, sewer, or construct street improvements or when utilities shall be placed underground, it shall be the developer's responsibility to relocate / underground any existing utilities at their own expense. Relocation / undergrounding of utilities shall be identified upon submittal of construction plans. (P, E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

CFD ANNEXATION. The applicant shall annex the property into Community Facilities District CFD 94-01 concurrent with recordation of the final map. (F)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

COMMUNITY FACILITIES DISTRICT. The applicant shall annex the site into the Community Facilities District CFD-2022-1 (Non Residential Maintenance and Services).

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

APPROVAL OF IMPROVEMENT PLANS. All improvement plans shall be prepared by a registered Civil Engineer per City standards and shall be approved and signed by the City Engineer. (E)

CONDITIONS REQUIRED PRIOR TO OCCUPANCY OF ANY UNIT

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

ELECTRONIC COPIES. The Developer shall provide electronic copies of the approved project in AutoCAD format Version 2020 to the City's Engineering Department. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

PUBLIC IMPROVEMENTS. All public improvements shall be completed by the Developer and approved by the Engineering Department. Existing public improvements determined to be unsuitable by the City Engineer shall be removed and replaced. (E)

NOTICE TO DEVELOPER: THIS CONCLUDES THE REQUIREMENTS FOR RECORDATION OF THE PARCEL MAP. IF YOU NEED ADDITIONAL INFORMATION OR ASSISTANCE REGARDING THESE CONDITIONS, PLEASE CONTACT THE APPROPRIATE DIVISION LISTED BELOW:

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