

CONDITIONS OF APPROVAL
Conditional Use Permit
MUNEM MAIDA

GENERAL REQUIREMENTS
Conditions of Operation and Procedures

LAND USE SERVICES – Planning (909) 387-8311

1. Project Approval Description. This Conditional Use Permit is approved subject to these Conditions of Approval to establish a 6,793 square foot convenience store, gas station, and a care-taker residence on 0.90 acre at the east/southeast corner of State highway 38 and State Lane, within the community of Erwin lake in the Third Supervisorial District; Assessor Parcel Number: 0315-231-17; Project Number: P201300086.
2. Developer Defined. The term developer (Developer) as used in these conditions of approval for this project and for any development of this project site shall mean all of the following: the applicant, the property owner and any lessee, tenant or sub-tenant, operator and/or any other agent or other interested party of the subject project and/or project site and/or any heir or any other successor in interest in the project site or project land use by sale or by lease of all or of a portion of the project site or project land uses and/or any other right given to conduct any land use in any or all of the project structures or any area on the project site.
3. Development Standards. The Developer shall identify and meet all applicable development standards. This project is located in the General Commercial (CG) Zoning District and is subject to all development standards such as building setbacks, maximum building height, minimum required landscaping, and all other applicable requirements.
4. Revisions. Any alteration or expansion of these facilities, a proposed change of use, any change to proposed parking allocation, allowable number of employees or increase in the developed area of the site from that shown on the approved site plan shall require additional land use review and relevant application(s) at the time such revision is being considered.
5. Continuous Effect. All of the conditions of this Conditional Use Permit are continuously in effect throughout the operative life of the project for the use approved. Failure of the Developer to comply with any or all of the conditions at any time may result in a public hearing and revocation of the MUP, provided adequate notice, time and opportunity is provided to the property owner or other party to correct the non-complying situation.
6. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.

Conditional Use Permit; P201300086

Munem Maida

Planning Commission Hearing Date: April 17, 2014

7. 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.

8. Expiration. This Conditional Use Permit approval shall become null and void if it is not exercised within three years of the effective date of this approval, unless an extension of time is approved. The permit is deemed exercised when either:
- The permittee has commenced actual construction or alteration under a validly issued building permit or
 - \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)

Occupancy of completed structures and operation of the approved 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 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 the expiration date. The developer is responsible for initiation of any Extension of Time application.

9. Extension of Time/CUP. 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 30 days before the expiration date. Extensions of time may be granted base 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 actual-cost project number for this project is P201300086. The Developer shall maintain a positive account balance at all times during pre- and post-approval stages of this land use review application including, Condition Compliance activities, file closure and any other required follow-on work (e.g. landscape performance review). All fees required for processing shall be paid in full prior to final inspection and authorization of occupancy and operation.
11. Condition Compliance. In order to obtain grading, building and occupancy permits, the Developer shall process a Condition Compliance Review with all affected County agencies and coordinate with County Planning in accordance with the directions stated in the Approval letter. A minimum balance of \$1,000.00 must be in the project account P201300086 at the time the Condition Compliance Review is initiated. Sufficient funds shall be made available by the Developer during all stages of this land use review.
12. Enforcement. If any County enforcement activities are required to enforce compliance with the conditions of approval, the Developer shall be charged for such enforcement activities in accordance with the San Bernardino County Code Schedule of Fees.
13. Sign Lighting. All signs proposed by this project may only be lit by steady, stationary, shielded light directed at the sign, by light inside the sign, by direct stationary neon lighting or by an alternating lighting system that changes no more than once per hour. The glare from the luminous source shall not exceed one-half (0.5) foot-candle.
14. Follow-on Permits. The applicant shall ascertain and comply with the requirements of all Federal, State, County and Local agencies as are applicable to the proposed use and the project area. These include, but are not limited to: a) FEDERAL: None; b) STATE: Regional Water Quality Control, and Southern Coast Air Quality Management District, c) COUNTY: Departments of Public Health; Environmental Health Services, Land Use Services (Planning, Building and Safety, Code Enforcement, etc.), Public Works; and 4) LOCAL: Big Bear City Fire Department.
15. Continuous Maintenance. The project Developer shall enforce architectural controls to ensure on-going compatibility of colors, materials and theme. The property will be maintained so that it is visually attractive and not dangerous to the health and welfare of its own occupants & the surrounding properties. The Owner shall ensure that all facets of the development are regularly maintained and inspected so that they are kept in continual good repair. The following shall be met:
 - a. All structures, fencing, walks, parking lots, driveways, signs, water features, outside furniture and fixtures shall be kept in good repair and condition.
 - b. All trash, storage and loading areas shall be kept neatly and in orderly manner.
 - c. All graffiti and debris shall be removed daily.
 - d. There shall be no metal storage containers allowed unless specifically approved by this or subsequent land use approvals, as detailed in Project Description herein.
 - e. Landscaping shall be kept in thriving condition. Drought-resistant, fire retardant vegetation shall be used where applicable for any replacement landscaping and erosion control to reduce water consumption and promote slope stability.
 - f. All landscaped areas shall be irrigated in a manner designed to conserve water.

- g. Annual maintenance shall be conducted for proper structural, electrical and mechanical safety, and properly operating irrigation system.
 - h. Annual maintenance shall include repainting faded or stained surfaces and re-glazing windows.
 - i. Mechanical equipment and roof top mechanical equipment shall be screened from public view. Such screens shall be maintained to be visually attractive and in good repair.
 - j. The Developer shall ensure that all traffic circulation surfaces and markings shall be clearly defined, regularly repainted and maintained in good operating conditions at all times. These markings include but are not limited to painted parking spaces, curb painting directional designations, "No Parking" designations and "Fire Lane" designations. In cases where non-asphaltic surfaces are allowed, free-standing signs (subject to Planning review and approval) to accomplish here-stated circulation markings and guidance shall be required.
16. Weed Abatement. The applicant shall comply with San Bernardino County weed abatement regulations and periodically clear the site of all non-complying vegetation. This includes removal of all Russian Thistle (tumbleweeds).
17. Performance Standards. The approved land uses shall operate in compliance with the general performance standards listed in the SBCC 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. In addition to these, none of the following shall be perceptible without instruments at any point outside the project boundaries at adjoining property lines:
- Odors: No offensive or objectionable odor.
 - Smoke: No smoke of a greater density than that described in No. 2 on the Ringelman Chart, as published currently by the United State Bureau of Mines, shall be emitted from any project source.
 - Radiation: No dangerous amount of radioactive emissions.
 - Toxic Gasses: No emission of toxic, noxious or corrosive fumes or gases.
 - Glare: No intense glare that is not effectively screened from view at any point outside the project boundary.
18. The Developer shall ensure that the development operates in conformity with the following performance standards:
- a. No use shall involve vibration perceptible without instruments at project site's property lines.
 - b. Project noise levels shall not exceed County Noise Standards of 55 dB(A) where the project abuts single family residences from 7am-10pm, as measured at the project site's property lines.
 - c. Project noise levels after 10pm shall not exceed 45 dB(A) where the project site abuts single family residences, as measured at the project site's property lines. Compliance with San Bernardino County Noise Standard(s) and Development Code is mandatory and is subject to Department of Environmental Health Services review and approval (DEHS).
 - d. No use shall emit offensive or objectionable odor perceptible at project site's property lines.
 - e. No use shall create smoke from any source shall emit a greater density described in No. 2 on the Ringelmann Chart as published by the United States Bureau of Mines.
 - f. No use shall emit toxic, noxious or corrosive fumes of gases.
 - g. No use shall emit/cause dirt, dust, fly ash, and other forms of particulate matter.
 - h. No use shall involve dangerous amount of radioactive emissions.
 - i. Every operation producing intense glare or heat shall be conducted in a manner as to effectively screen the glare from view at any point on the lot line of the lot in which the use is located and to dissipate the heat so that it is not perceptible without instruments.
 - j. All uses shall conform to the provisions of the San Bernardino County Hazardous Waste Management Plan.

19. Air Quality – Operations. The Developer shall submit for review and obtain approval from County Planning of a signed letter agreeing to include as a condition of all construction contracts/subcontracts requirements to reduce vehicle and equipment emissions and other impacts to air quality by implementation of State Regulations such as AB1493 (Pavley I and II) that will reduce emissions from the employees' automobiles and light duty trucks, anticipated to come into effect prior to 2020, Executive Order S-1-07 (Low Carbon Fuel Standard) and submitting documentation of compliance. The Developer shall further state that the proposed project shall comply with all applicable regulations promulgated to meet the State's AB-32 goals and regulations adopted by the California Air Resources Board (i.e. the tire pressure program, low rolling resistance tire, low friction engine oils, goods movement efficiency measures, heavy duty vehicle aerodynamic efficiency, and medium and heavy duty vehicle hybridization). Operation of all off-road and on-road diesel vehicles/equipment shall comply with the County Diesel Exhaust Control Measures [SBCC §83.01.040 (c)] including but not limited to:
- Equipment/vehicles shall not be left idling in excess of five minutes.
 - Engines shall be maintained in good working order to reduce emission.
 - On-site electrical power connections shall be made available where feasible.
 - Ultra low-sulfur diesel fuel shall be utilized.
 - Electric and gasoline powered equipment shall be substituted for diesel powered equipment where feasible.
 - Signs shall be posted requiring all vehicle drivers and equipment operators to turn off engines when not in use.
 - All on-road diesel trucks shall not idle more than five minutes per truck trip or per day on the project site.
20. Air Quality – HRA Revisions. If there is any future change in land use that includes sensitive receptors as defined by SCAQMD, then a Health Risk Assessment (HRA) shall be prepared, submitted for review and approval obtained from County Planning to demonstrate that a significant health risk will not be posed at the time revisions are being considered.

LAND USE SERVICES – BUILDING AND SAFETY (909) 387-8311

21. Building Occupancy. Any building without specified tenants and uses may receive final inspection for construction purposes only. A Tenant Improvement or a Tenant Review that identifies the tenant and proposed uses shall be submitted and approved prior to occupancy being granted.
22. Provide disabled parking in each parking area to serve each accessible building or area.

COUNTY FIRE (760) 995-8190

23. 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 applicant 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.

24. 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.

COUNTY FIRE – Hazardous Material (909) 386-8401

25. Business Emergency Plan. Prior to occupancy, operator shall submit disclosure information using the California Environmental Reporting System (CERS) for emergency release or threatened release of hazardous materials and wastes or apply for exemption from hazardous materials laws and regulations. Contact Office of the Fire Marshal, Hazardous Materials Division at (909) 386-8401.
26. Hazardous Material Permits. Prior to occupancy, applicant shall be required to apply for one or more of the following: a Hazardous Materials Handler Permit, a Hazardous Waste Generator Permit, an Aboveground Storage Tank Permit, and/or an Underground Storage Tank Permit. For information, Office of the Fire Marshal, Hazardous Materials Division at (909) 386-8463.

PUBLIC HEALTH – Environmental Health Services (909) 387-4666

27. Noise. Noise level shall be maintained at or below County Standards, Development Code Section 83.01.080. For information, please call DEHS at (800) 442-2283.
28. Refuse. All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that environmental public health nuisances are minimized. All refuse not containing garbage shall be removed from the premises at least **1** time per week, or as often as necessary to minimize public health nuisances. Refuse containing garbage shall be removed from the premises at least **2** times per week, or as often if necessary to minimize public health nuisances, by a permitted hauler to an approved solid waste facility in conformance with San Bernardino County Code Chapter 8, Section 33.0830 et. seq. For information, please call DEHS/LEA at: (800) 442-2283.

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

29. 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 AB 2176.
30. 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 solid 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 business recycling and will require the business to provide recycling information. This requirement is to assist the County in compliance with the recycling requirements of AB 341.

PUBLIC WORKS – Traffic (909) 387-8186

31. Caltrans Review. Caltrans Review and approval of the project is required. The Traffic Study prepared and revised (on September 19, 2013) by Hall and Foreman, Inc. has been reviewed and approved by Caltrans to address project's traffic issues at the intersection of Highway 38 and State Lane.
32. Vehicle Back Out. The project vehicles shall not back out into the public roadway.
33. Right-turn In Only. The northwesterly project driveway along State Lane shall be restricted to right-turn in only.

LAND USE SERVICES- Land Development – Roads (909) 387-8311

34. Road Standards. All required street improvements shall comply with latest San Bernardino County Road Planning and Design Standards and the San Bernardino County Standard Plans.

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

35. FEMA Flood Zone. The project is located within Flood Zone D according to FEMA Panel Number 8035H dated 08/28/2008. Flood hazards are undetermined in this area, but possible.
36. Tributary Drainage. Adequate provisions should be made to intercept and conduct the tributary off site - on site drainage flows around and through the site in a manner, which will not adversely affect adjacent or downstream properties at the time the site is developed.
37. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.
38. Additional Drainage Requirements. In addition to drainage requirements stated herein, other "on-site" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.
39. Continuous BMP Maintenance. The property owner/Developer is required to provide periodic and continuous maintenance of all Best Management Practices (BMP) devices/facilities listed in the County approved Water Quality Management Plan (WQMP) for the project. This includes but is not limited to, filter material replacement and sediment removal, as required to assure peak performance of all BMPs. Furthermore, such maintenance activity will require compliance with all Local, State, or Federal laws and regulations, including those pertaining to confined space and waste disposal methods in effect at the time such maintenance occurs.
40. BMP Enforcement. In the event the property owner or the Developer (including any successors or assigns) fails to accomplish the necessary BMP maintenance within five (5) days of being given written notice by County LAND USE SERVICES, then the County shall cause any required maintenance to be done. The entire cost and expense of the required maintenance shall be charged to the property owner and/or the Developer, including administrative costs, attorney's fees and interest thereon at the rate authorized by the County Code from the date of the original notice to the date the expense is paid in full.

**PRIOR TO ISSUANCE OF GRADING PERMITS
OR A LAND DISTURBING ACTIVITY
THE FOLLOWING SHALL BE COMPLETED**

LAND USE SERVICES – Planning (909) 387-8311

41. GHG – Construction Performance Standards. The Developer shall submit for County planning review and approval a signed letter agreeing to include as a requirement for all construction contracts/subcontracts to reduce potential GHG impacts. The Developer and contractors shall adhere to the following:
- a. Implement both the approved Dust Control and Coating Restriction Plans.
 - b. Selection of construction equipment will be based on low-emissions factors and high-energy efficiency. All diesel/gasoline-powered construction equipment shall be replaced, where possible, with equivalent electric or CNG equipment.
 - c. Use low-sulfur fuel for stationary equipment. (SCAQMD Rules 431.1 and 431.2)
 - d. Trucks/equipment shall not be left idling on site in excess of 5 minutes
 - e. Grading plans shall include the following statements verbatim:
 - “All construction equipment shall be tuned and maintained in accordance with the manufacturer’s specifications”.
 - “All construction equipment (including electric generators) shall be shut off by work crews when not in use and shall not idle for more than 5 minutes.”
 - f. Minimize vehicles and equipment operating at the same time.
 - g. Reduce daily equipment operation hours during smog season (May-October).
 - h. Schedule construction traffic ingress/egress to not interfere with peak-hour traffic and to minimize traffic obstructions. Queuing of trucks on and off site shall be prevented. A flag person shall be retained to maintain efficient traffic flow and safety adjacent to existing roadways.
 - i. Recycle and reuse construction and demolition waste (e.g. soil, vegetation, concrete, lumber, metal, and cardboard) per County Solid Waste procedures.
 - j. The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew and educate all construction workers about the required waste reduction and the availability of recycling services.
42. Tree and Plant Removal Plan. A Tree or Plant Removal Plan shall be presented to the County Planning for review and approval. A signed letter shall be submitted to Planning agreeing to the following:
- a. Any removal of regulated trees and/or plants shall be consistent with the County Development Code Section 88.01.050.
 - b. Adequate number of the existing trees six inches in diameter or wider shall remain on the project site. Fifty-seven Jeffrey Pines and three cypress trees are proposed and are hereby required to remain on the project site.
43. Air Quality – Dust Control Plan. *The developer shall submit to County Planning a Dust Control Plan (DCP) consistent with SCAQMD guidelines and a letter agreeing to include in any construction contracts and/or subcontracts a requirement that the contractors adhere to the requirements of the DCP. The DCP shall include these elements to reduce dust production:*
- a. *Exposed soil shall be kept continually moist through a minimum of twice daily waterings to reduce fugitive dust during all grading and construction activities.*
 - b. *Street sweeping shall be conducted when visible soil accumulations occur along site access roadways to remove dirt dropped by construction vehicles.*
 - c. *Site access driveways and adjacent streets shall be washed daily, if there are visible signs of any dirt track-out at the conclusion of any workday.*
 - d. *Tires of vehicles will be washed before the vehicles leave project site and enter a paved road.*
 - e. *Any truck hauling dirt away from the site shall be covered*

- f. *During high wind conditions (i.e., wind speeds exceeding 25 mph), areas with disturbed soil shall be watered hourly and activities on unpaved surfaces shall be terminated until wind speeds no longer exceed 25 mph.*
- g. *Storage piles that are to be left in place for more than three working days shall either be sprayed with a non-toxic soil binder, or covered with plastic or revegetated.*

[Mitigation Measure III-1]

44. *Air Quality – Construction Plan.* *Developer shall submit written verification that all construction contracts and sub-contracts for the project contain provisions that require adherence to the following standards to reduce impacts to air quality. During construction, each contractor and subcontractor shall implement the following, whenever feasible:*
- a. *Suspend use of all construction equipment operations during second stage smog alerts. For daily forecast, call (800) 367-4710 (San Bernardino and Riverside counties).*
 - b. *Trucks/equipment shall not be left idling on site for periods in excess of 10 minutes.*
 - c. *Provide temporary traffic control during all phases of construction.*
 - d. *Substitute diesel-powered equipment with electric and gasoline-powered equipment.*
 - e. *Onsite electrical power hook-ups shall be provided for electric construction tools to eliminate the need for diesel-powered electronic generators.*
 - f. *Install storm water control systems to prevent mud deposition onto paved areas during construction.*
 - g. *Contractors shall use low sulfur fuel for stationary construction equipment as required by AQMD Rules 431.1 and 431.2 to reduce the release of undesirable emissions.*

[Mitigation Measure III-2]

45. *Air Quality – Coating Restriction Plan.* *The developer shall submit a letter agreeing to these Coating Restrictions and to include in any construction contracts and/or subcontracts a requirement that the contractors adhere to these requirements. These shall include, but are not be limited to:*
- a. *Architectural coating volume shall not exceed the significance threshold for ROG, which is 75 lbs./day and the combined daily ROC volume of architectural coatings and asphalt paving shall not exceed the significance threshold for ROC of 75 lbs. per day*
 - b. *Architectural coatings with Reactive Organic Compounds (ROC) shall not have a content greater than 100 g/l.*
 - c. *High-Volume, Low Pressure (HVLP) spray guns will be used to apply coatings.*

[Mitigation Measure III-3]

46. *Cultural Resources.* *The Developer shall prepare, submit for review and obtain approval of a letter agreeing to adhere to the following requirements and to include in all construction contracts/subcontracts a requirement that project contractors adhere to the following requirements:*

If archaeological, paleontological and/or historical resources are uncovered during ground disturbing activities, all work in that area shall cease immediately until written clearance by County Planning is provided indicating that satisfactory mitigation has been implemented. A qualified expert (e.g. archaeologist or paleontologist), as determined by County Planning in consultation with the County Museum shall be hired to record the find and recommend any further mitigation. The Developer shall implement any such additional mitigation to the satisfaction of County Planning. If human remains are uncovered during ground disturbing activities, the San Bernardino County Coroner shall be contacted within 24 hours of the find. If the remains or cultural artifacts are determined to be of Native American origin, the local Native American representative shall also be notified.

[Mitigation Measure V1]

47. Construction Noise. *The “developer” shall submit for review and obtain approval of an agreement letter that stipulates that all construction contracts/subcontracts contain as a requirement that the following noise attenuation measures be implemented:*
- Exterior construction activities shall be limited between 7 a.m. and 7 p.m. There shall be no exterior construction activities on Sundays or National Holidays.*
 - Interior construction activities may occur on any day and any time provided they comply with the County noise standards. (SBCC 83.01.080).*
 - Construction equipment shall be muffled per manufacturer’s specifications.*
 - All stationary construction equipment shall be placed in a manner so that emitted noise is directed away from sensitive receptors nearest the project site.*
- [Mitigation Measure XI-1]*

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

48. A preconstruction inspection, tree removal plan and permit in compliance with the County's Plant Protection and Management Ordinance, shall be approved prior to any land disturbance and/or removal of any trees or plants.
49. An erosion and sediment control plan and permit shall be submitted to and approved by the Building Official prior to any land disturbance.
50. Prior to issuance of building permits, erosion control devices must be installed at all perimeter openings and slopes. No sediment is to leave the job site.
51. All runoff must be held to pre-development levels per Section 82.13.080 of the San Bernardino County Development Code.
52. If grading exceeds fifty (50) cubic yards, approved plans will be required. Grading plans shall be submitted to Building and Safety for review and approval prior to grading/land disturbance.

PUBLIC WORKS – Surveyor (909) 387-8149

53. A Site Plan shows bearings and distances which are not of record. A Record of Survey is required per Section 8762 of the Business & Professions Code.
54. If any activity on this project will disturb **any** land survey monumentation, including but not limited to vertical control points (benchmarks), said monumentation shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer authorized to practice land surveying **prior** to commencement of any activity with the potential to disturb said monumentation, and a corner record or record of survey of the references shall be filed with the County Surveyor (Section 8771(b) Business and Professions Code).

LAND USE SERVICES – Drainage (909) 387-8311

55. Drainage Facility Design. A Registered Civil Engineer shall investigate and design adequate drainage facilities to intercept and conduct the off-site and on-site drainage flows around and through the site in a manner, which will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. A \$520 deposit for drainage review will be collected upon submittal to the Land Development Division.

56. FEMA Flood Zone. The project is located within Flood Zone D according to FEMA Panel Number 8035H dated 08/28/2008. Flood hazards are undetermined in this area, but possible.
57. Topo Map. A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.
58. Grading Plans. Grading plans shall be submitted for review and approval obtained. A \$520 deposit for grading plan review will be collected upon submittal to the Land Development Division.
59. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.
60. Permit. A permit, or authorized clearance, shall be obtained from the Land Development Division prior to issuance of a grading permit by County Building and Safety.
61. WQMP. A completed Water Quality Management Plan (WQMP) shall be submitted for review and approval obtained. A \$2,500 deposit for WQMP review will be collected upon submittal to the Land Development Division. Copies of the WQMP guidance and template can be found at: (<http://www.sbcounty.gov/dpw/land/npdes.asp>)
62. WQMP Inspection Fee. The Developer shall deposit an inspection fee for WQMP in the amount of \$3,600 to Land Development Division.

PUBLIC HEALTH – Environmental Health Services (909) 387-4666

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

COUNTY FIRE (760) 995-8190

64. Fire Fee. The required fire fees are due at time of submittal; and paid to the San Bernardino County Fire Department/Community Safety Division. This fee is in addition to fire fees that are paid to other City or County offices. [F40]
65. Water System Commercial. A water system approved and inspected by the Fire Department is required. The system shall be operational, prior to any combustibles being stored on the site. All fire hydrants shall be spaced no more than three hundred (300) feet apart (as measured along vehicular travel-ways) and no more than three hundred [300] feet from any portion of a structure. [F54]
66. Primary Access Paved. Prior to building permits being issued to any new structure, the primary access road shall be paved or an all-weather surface and shall be installed as specified in the General Requirement conditions (Fire # F-9), including width, vertical clearance and turnouts, if required. [F89]
67. Building Plans. Not less than three (3) complete sets of Building Plans shall be submitted to the Fire Department for review and approval. [F42]

**PRIOR TO ISSUANCE OF BUILDING PERMITS,
THE FOLLOWING SHALL BE COMPLETED**

LAND USE SERVICES – Planning (909) 387-8311

68. Lighting Plan. All lighting shall be consistent with the County Development Code Chapter 83.07: Glare and Outdoor Lighting. The Developer shall submit a Lighting Plan for review and obtain approval from County Planning prior to the issuance of a building permit. The following shall apply:
- a. Project's artificial light sources shall not emit light into the night sky.
 - b. Project's artificial light sources shall not cause glare or spill beyond project site's boundaries.
 - c. All outdoor lighting shall be hooded and designed with sharp-cutoff luminaires to reflect away from adjoining properties and public thoroughfares.
 - d. All light fixtures are to be concealed except for pedestrian-oriented safety and accent lights.
 - e. Security lighting shall be shielded and not project beyond property boundaries
 - f. Security lighting shall not be considered as replacement for other required lighting.
 - g. Lighting shall be required on all new development for the purpose of providing illumination to ensure public safety and security. Lighting fixtures shall be functional, coordinated and visually attractive. Lighting shall be required at the following locations:
 - Pedestrian walkways, building entries, driveway entries and parking.
 - Hazardous locations such as changes of grade and stairways shall be well-lit with lower-level supplemental lighting or additional overhead units.
 - h. Low intensity lamps shall be used especially at the development edge.
 - i. All parking lot and driveway lighting shall provide uniform illumination at a minimum level of 0.5 foot candle.
 - j. Exterior wall-mounted floodlights are expressly prohibited except for security lighting.
 - k. All illuminated signs are to be internally illuminated.
 - l. Lighting of building faces is permitted so long as such lighting will not cause glare or spillage.
 - m. Lighting fixtures and their structural support shall be compatible with onsite structures in design and construction.
 - n. Parking lot and pedestrian lighting fixtures shall be reviewed and approved by County Planning.
 - o. Lighting shall be used to ensure public safety. Shatter-proof coverings are recommended on low-level fixtures.
69. Landscape and Irrigation Plan. Landscape and Irrigation Plans shall be prepared in conformance with Chapter 83.10, Landscaping Standards, of the County Development Code. The Developer shall submit four copies of a landscape and irrigation plan to County Planning.
70. Signs & Lighting. When future signs are proposed, a signage program shall be provided to County planning for review and approval and shall include building elevations (and sign elevations and plan in case of a monument sign as an example), and a plan showing onsite improvements along with proposed sign's location(s), dimensions, lettering type(s), overall size in sq. ft., and color(s). The program shall depict the mechanism, sources, and placement of lighting. The signage shall be uniform and shall comply with the County Development Code's Chapter 83.13: Sign Regulations.

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

71. Any building, sign, trash enclosure or structure to be constructed or located on site will require professionally prepared plans, subject to approval by the Building and Safety Division.
72. Submit plans and obtain separate building permits for any required walls, retaining walls or trash enclosures.

73. Submit plans and obtain permits for all fences greater than six feet (6') in height and any walls required by Planning.
74. All new buildings shall be designed to include the "Green Building Measures" as outlined in the California Green Building Standards Code.
75. Occupancy separation between the fuel dispensing station and the "M" occupancy group(s) shall comply with the Building Code.
76. Provide van accessible parking for the disabled. One in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 inches wide and shall be designated "Van Accessible". The words "NO PARKING" shall be painted on the ground within each eight-foot loading area as specified in the California Building Code.
77. Provide a path of travel from the disabled person accessible parking spaces to the primary entrances to the building.

LAND USE SERVICES – Code Enforcement (909) 387-4044

78. Sign Registration. Prior to installation of any freestanding, wall, roof, projecting or monument sign, an approved sign registration application is required subject to review and approval by County Code Enforcement.

COUNTY FIRE – Community Safety (760) 995-8190

79. Fire Flow Test. Your submittal did not include a flow test report to establish whether the public water supply is capable of meeting your project fire flow demand. You will be required to either produce a current flow test report from your water purveyor demonstrating that the fire flow demand is satisfied or you must install an approved fire sprinkler system. This requirement shall be completed prior to combination inspection by Building and Safety. [F05B]

PUBLIC HEALTH – Environmental Health Services (909) 387-4666

80. Water. Water purveyor shall be EHS approved.
81. Verification Letter – Water. 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 (800) 442-2283.
82. Sewage. Method of sewage disposal shall be EHS approved.
83. Verification Letter – Sewage. Applicant shall procure a verification letter from the sewerage agency with jurisdiction. This letter shall state whether or not sewer connection and service shall be made available to the project by the sewerage agency. The letter shall reference the Assessor's Parcel Number.

84. Noise Level. Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standard(s), San Bernardino Development Code Section 83.01.080. The purpose is to evaluate potential future on-site and/or adjacent off-site noise sources. If the preliminary information cannot demonstrate compliance to noise standards, a project specific acoustical analysis shall be required. Submit information/analysis to the DEHS for review and approval. For information and acoustical checklist, contact DEHS at (800) 442-2283.
85. Food Plans. Plans for food establishments shall be reviewed and approved by DEHS. For information, call DEHS/Plan Check at: 1-800-442-2283.

SPECIAL DISTRICTS (909) 387-5940

86. Street Lighting Plans. This parcel lies within the boundaries of County Service Area SL-1, a street light district. Street lights are required. The Developer shall submit street lighting plans and plan check fees to County Special Districts Department for review and approval at 157 West 5th Street, 2nd Floor; San Bernardino, CA 92415-0450. For further information, contact Special Districts at: (909) 316-7307.

LAND USE SERVICES – Roads (909) 387-8311

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

State Lane (Mountain Secondary Highway – 60')

- Street Improvements. Design A.C. dike with match up paving 22 feet from centerline.
 - Driveway Approach. Design driveway approach per San Bernardino County Standard 129B, and located per Standard 130.
88. Road Design. Road sections shall be designed and constructed to Mountain Road Standards of San Bernardino County, and to the policies and requirements of the County Department of Public Works and in accordance with the Master Plan of Highways.
89. Street Improvement Plans. The developer shall submit for review and obtain approval of street improvement plans prior to construction.
90. Utilities. Final plans and profiles shall indicate the location of any existing utility facility or utility pole which would affect construction, and any such utility shall be relocated as necessary without cost to the County.
91. Encroachment Permits. Prior to installation of road and drainage improvements, a permit is required from County Public Works, Transportation Operations Division, Permit Section, (909) 387-8039, as well as other agencies prior to work within their jurisdiction.

92. Soils Testing. Any grading within the road right-of-way prior to the signing of the improvement plans shall be accomplished under the direction of a soils testing engineer. Compaction tests of embankment construction, trench back fill, and all sub-grades shall be performed at no cost to San Bernardino County and a written report shall be submitted to the Transportation Operations Division, Permits Section of County Public Works, prior to any placement of base materials and/or paving.
93. Open Roads/Cash Deposit. Existing County roads, which will require reconstruction, shall remain open for traffic at all times, with adequate detours, during actual construction. A cash deposit shall be made to cover the cost of grading and paving prior to issuance of road encroachment permit. Upon completion of the road and drainage improvement to the satisfaction of the Department of Public Works, the cash deposit may be refunded.
94. Transitional Improvements. Right-of-way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing, shall be required as necessary.
95. Street Gradients. Road profile grades shall not be less than 0.5% unless the engineer at the time of submittal of the improvement plans provides justification to the satisfaction of County Public Works confirming the adequacy of the grade.
96. Caltrans Approval. Obtain comments, approval and permits from Caltrans for access requirements and working within their right-of-way

PUBLIC WORKS – Traffic (909) 387-8186

97. Street Improvements (Replace Warning Signs). Based on the Traffic Study (revised) dated September 19, 2013 from Hall and Foreman, Inc., the applicant shall submit street improvement plans and obtain approval from the Department of Public Works for the replacement of the existing Reverse Turn (W1-3) signs on State Lane with a combination Horizontal Alignment/Intersection warning signs for eastbound and westbound traffic.
98. The C&D Plan – Part 1. The developer shall prepare, submit, and obtain approval from Solid Waste Management Division (SWMD) of a “Construction Waste Management Recycling Plan (C&D Plan), Part I” for each phase of the project. The C&D Plan shall list the types and volumes of solid waste materials expected to be generated from grading and construction. The Plan shall include options to divert from landfill disposal materials for reuse or recycling by a minimum of 50% of total volume. Forms can be found on our website at www.sbcounty.gov/dpw/solidwaste.

Upon completion of construction, the developer shall complete SWMD’s C&D Plan Part 2 and shall provide documentation of diversion of materials including but not limited to receipts or letters documenting material types and weights from diversion facilities or certification reuse of materials on site.

**PRIOR TO FINAL INSPECTION OR OCCUPANCY
THE FOLLOWING SHALL BE COMPLETED**

LAND USE SERVICES – Planning (909) 387-8311

99. Parking and On-site Circulation. Parking and on-site circulation requirements shall be installed as follows:
- a. All vehicular access drives shall be surfaced with all-weather paving with a minimum two (2) inches of asphalt and six (6) inches of base or greater.
 - b. All primary vehicular access drives shall be twenty-six feet (26') wide or greater.
 - c. All parking lot vehicular aisle width shall be twenty-four feet (24') wide or greater.
 - d. All paved parking stalls shall be clearly striped and permanently maintained.
 - e. All paved access drives shall have all circulation markings clearly painted and permanently maintained including arrows painted to indicate direction of traffic flow.
 - f. All crosswalks will be delineated with a minimum 3" white or yellow painted line.
 - g. All internal parking lot stops shall be installed with a painted limit line and shall have either a breakaway pole sign and/or painted "STOP" lettering on the paving.
 - h. Other markings for bike & motorcycles stands, etc. shall be painted and permanently maintained.
 - i. No parking shall be allowed along the project entry drives, except in designated spaces.
100. Disabled Access. Disabled access parking spaces shall be provided and permanently set aside for use by the disabled per Section 83.11.060 of the County Development Code and all ADA Standards. These parking spaces shall be clearly marked and said markings shall be maintained in good condition at all times.
101. Wheel Stops. All back-in truck trailer parking spaces shall have a wheel stop or other physical barrier twelve feet from any wall, fence or building to prevent damage. All other vehicle spaces shall have wheel stops installed when adjacent to public roadways, fences, walls or buildings; and when facing structures, these shall be three feet (3') away from such structures.
102. Screen Rooftop. All roof top mechanical equipment is to be screened from ground vistas.
103. Screen Dumpsters. All trash receptacles shall be screened from public view.
104. Landscaping Installed. All landscaping shown on the approved landscaping plan and all walls/fencing (as delineated on the approved landscape plan) shall be completed.
105. Landscaping Survival Surety. Surety in a form and manner determined acceptable to County Counsel and the Land Use Services Director shall be required for all landscape planting and irrigation systems to ensure that the landscaping remains in a healthy thriving condition for a minimum of three (3) full years and that the irrigation system continues to function properly for a minimum of three (3) full years. As a minimum this surety shall be in an amount equal to 120% of the cost estimate by a licensed landscape architect and must include material and labor for each landscaped area. Failure to accomplish the screening and other landscape objectives listed in the landscaping conditions for this proposed use shall require additional/replacement plantings or other corrective measures as determined necessary by the County Code Enforcement.

LAND USE SERVICES – Code Enforcement (909) 387-4044

106. Special Use Permit (SUP) – Landscaping. The Developer shall submit an SUP application with the appropriate fees and obtain approval for the confirmation inspections and administration of the surety to guarantee the installation, proper maintenance, and thriving condition of the required landscaping.

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

107. Any building without specified tenants and uses may receive final inspection for construction purposes only. A Tenant Improvement or an Tenant Review that identifies the tenant and proposed uses shall be submitted and approved prior to occupancy being granted
108. Provide van accessible parking spaces for the disabled. One in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 inches wide and shall be designated Van Accessible. The words “NO PARKING” shall be painted on the ground within each eight-foot loading area as specified in the California Building Code.
109. Submit an outdoor lighting plan and obtain permits prior to installation of lighting standards.
110. Sign lighting shall comply with California Energy regulations.
111. Prior to occupancy all Planning Division requirements and sign offs shall be completed.

COUNTY FIRE (760) 386-8400

112. Commercial Addressing. Commercial and industrial developments of 100,000 sq. ft or less shall have the street address installed on the building with numbers that are a minimum six (6) inches in height and with a three quarter (3/4) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated contrasting six (6) inch numbers shall be displayed at the property access entrances.
113. Additional Requirements. 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.

COUNTY FIRE – Hazardous Material (909) 386-8401

114. Business Emergency Plan. Prior to occupancy, the operator shall submit either a Business Emergency/Contingency Plan for emergency release or threatened release of hazardous materials and wastes or a letter of exemption. Contact County Office of the Fire Marshall/Hazardous Materials Division/Emergency Response and Enforcement Section at: (909) 386-8401.
115. Hazardous Material Permits. Prior to occupancy, applicant shall be required to apply for one or more of the following: a Hazardous Materials Handler Permit, a Hazardous Waste Generator Permit, an Aboveground Storage Tank Permit and/or an Underground Storage Tank Permit.

LAND USE SERVICES – Road (909) 387-8311

116. Road Improvements. All required on-site and off-site improvements shall be completed by the applicant, inspected and approved by County Land Use Services.
117. Structural Section Testing. A thorough evaluation of the structural road section, to include parkway improvements, from a qualified materials engineer, shall be submitted to County Public Works.
118. Parkway Planting. Trees, irrigation systems, and landscaping required to be installed on public right-of-way shall be approved by County Land Use Services and Current Planning and shall be maintained by the adjacent property owner or other County-approved entity.

LAND USE SERVICES – Drainage (909) 387-8311

119. Drainage and WQMP Improvements. All required drainage and WQMP improvements shall be completed by the applicant, inspected and approved by County Land Use Services.
120. WQMP Final File. An electronic file of the final and approved WQMP shall be submitted to Land Development Division, Drainage Section.

PUBLIC WORKS – Traffic (909) 387-8186

121. Street Improvements Installed (Replace Warning Signs). The applicant shall replace the existing Reverse Turn (W1-3) signs on State Lane with a combination Horizontal Alignment/Intersection warning signs for eastbound and westbound traffic per the street improvement plans, which were submitted and approved prior to issuance of building permits.

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

122. The C&D Plan – Part 2. The developer shall complete SWMD's C&D Plan Part 2". This summary shall provide documentation of actual diversion of materials including but not limited to receipts or letters from diversion facilities or certification reuse of materials on site. The C&D Plan – Part 2 shall provide evidence to the satisfaction of County Solid Waste that demonstrates that the project has diverted from landfill disposal materials for reuse or recycling by a minimum of 50% of total volume of all construction waste.

END OF CONDITIONS