

PLANNING COMMISSION AGENDA

REGULAR MEETING

Date: April 14, 2016

Time: 6:30 P.M.

COMMISSION MEMBERS

Tom Murphy, Chair

William A. Muller, Vice Chair

Jim Heywood, Commissioner

Joline Bell- Hahn, Commissioner

Cody Leis, Commissioner

* - * - * - * - * - * - * - *

Dave Reno, Principal Planner

Jeff M. Malawy, Assistant City Attorney



CITY OF HESPERIA
9700 Seventh Avenue
Council Chambers
Hesperia, CA 92345
City Offices: (760) 947-1000

The Planning Commission, in its deliberation, may recommend actions other than those described in this agenda.

Any person affected by, or concerned regarding these proposals may submit written comments to the Planning Division before the Planning Commission hearing, or appear and be heard in support of, or in opposition to, these proposals at the time of the hearing. Any person interested in the proposal may contact the Planning Division at 9700 Seventh Avenue (City Hall), Hesperia, California, during normal business hours (7:30 a.m. to 5:30 p.m., Monday through Thursday, and 7:30 a.m. to 4:30 p.m. on Fridays) or call (760) 947-1200. The pertinent documents will be available for public inspection at the above address.

If you challenge these proposals, the related Negative Declaration and/or Resolution in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to the public hearing.

In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact Dave Reno, Principal Planner (760) 947-1200. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.10235.104 ADA Title 11]

Documents produced by the City and distributed less than 72 hours prior to the meeting regarding any item on the Agenda will be made available in the Planning Division, located at 9700 Seventh Avenue during normal business hours or on the City's website.

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APRIL 14, 2016

**AGENDA
HESPERIA PLANNING COMMISSION**

Prior to action of the Planning Commission, any member of the audience will have the opportunity to address the legislative body on any item listed on the agenda, including those on the Consent Calendar. PLEASE SUBMIT A COMMENT CARD TO THE COMMISSION SECRETARY WITH THE AGENDA ITEM NUMBER NOTED.

CALL TO ORDER

6:30 p.m.

- A. Pledge of Allegiance to the Flag
- B. Invocation
- C. Roll Call:
 - Chair Tom Murphy
 - Vice Chair William Muller
 - Commissioner James Heywood
 - Commissioner Joline Bell-Hahn
 - Commissioner Cody Leis

JOINT PUBLIC COMMENTS

Please complete a "Comment Card" and give it to the Commission Secretary. Comments are limited to three (3) minutes per individual. State your name and address for the record before making your presentation. This request is optional, but very helpful for the follow-up process.

Under the provisions of the Brown Act, the Commission is prohibited from taking action on oral requests. However, Members may respond briefly or refer the communication to staff. The Commission may also request the Commission Secretary to calendar an item related to your communication at a future meeting.

CONSENT CALENDAR

- D. Approval of Minutes: March 24, 2016, Planning Commission Meeting Draft Minutes.

-1-

PUBLIC HEARINGS

1. Consideration of Site Plan Review SPR16-00003 to construct a 96 unit senior apartment complex and Development Agreement DA16-00001 to provide a density bonus of 25 units on the west 4.7 gross acres of a 10 gross acre property, Site Plan Review SPR16-00004 to construct a 96 unit senior apartment complex and Development Agreement DA16-00002 to provide a density bonus of 16 units on the east 5.3 gross acres of a 10 gross acre property, and Tentative Parcel Map TPM16-00002 (TPM-19710) to create two parcels from an existing 10 gross acre parcel within the Medium Density Residential (MDR) zone of the Main Street and Freeway Corridor Specific Plan located on the north side of Avenal Street, approximately 900 feet east of Mariposa Road (Applicant: Eagle Hesperia 55, LLC; APN: 0405-072-42)

1-1

- 2. Consideration of Conditional Use Permit CUP16-00002, to construct a 3,645 square foot mini-mart with 12 fuel dispensers and an automated 968 square foot carwash or a drive-thru restaurant including the sale of alcoholic beverages (beer, wine and liquor) and two 2,546 square foot drive-thru restaurants and Tentative Parcel Map TPMN16-00001 (PM-19723), to create three parcels on approximately 3.8 gross acres located on the southeast corner of Interstate 15 and Rancho Road. (Applicant: Michael Gallagher; APN: 0357-561-65 & 66) 2-1

PRINCIPAL PLANNER'S REPORT

The Principal Planner or staff may make announcements or reports concerning items of interest to the Commission and the public.

- E. Capital Improvement Program Report. 3-1
- F. DRC Comments
- G. Major Project Update

PLANNING COMMISSION BUSINESS OR REPORTS

The Commission Members may make comments of general interest or report on their activities as a representative of the Planning Commission.

ADJOURNMENT

The Chair will close the meeting after all business is conducted.

I, Denise Bossard, Planning Commission Secretary for City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Thursday, April 7, 2016 at 5:30 p.m. pursuant to California Government Code §54954.2.

Denise Bossard
Planning Commission Secretary

**HESPERIA PLANNING COMMISSION MEETING
REGULAR MEETING
March 24, 2016
MINUTES**

The Regular Meeting of the Planning Commission was called to order at 6:30 p.m. by Chair Murphy in the Council Chambers, 9700 Seventh Avenue, Hesperia, California.

CALL TO ORDER 6:30 p.m.

Pledge of Allegiance to the Flag

Invocation

Roll Call:

Present: Chair Tom Murphy
Vice Chair William Muller
Commissioner James Heywood
Commissioner Joline Bell-Hahn
Commissioner Cody Leis

Reorganization of the Planning Commission

1. **Election of Chair**

Motion by Joline Bell-Hahn to approve Tom Murphy as Planning Commission Chair, Seconded by William Muller, passed with the following roll call vote:

AYES: Tom Murphy, William Muller, James Heywood, Joline Bell-Hahn, and Cody Leis
NOES: None

2. **Election of Vice Chair**

Motion by Joline Bell-Hahn to approve Tom Murphy as Planning Commission Chair, Seconded by James Heywood, passed with the following roll call vote:

AYES: Tom Murphy, William Muller, James Heywood, Joline Bell-Hahn, and Cody Leis
NOES: None

JOINT PUBLIC COMMENTS

Chair Murphy opened Public Comments at 6:43 pm.

Chair Murphy closed Public Comments at 6:44 pm.

CONSENT CALENDAR

Approval of Minutes: January 14, 2016, Planning Commission Meeting Draft Minutes.

Motion by Joline Bell-Hahn to approve January 14, 2016, Planning Commission Meeting Draft Minutes, Seconded by William Muller, passed with the following roll call vote:

AYES: Tom Murphy, William Muller, James Heywood, and Joline Bell-Hahn, and Cody Leis
NOES: None

**HESPERIA PLANNING COMMISSION MEETING
REGULAR MEETING
March 24, 2016
MINUTES**

PUBLIC HEARING

1. Consideration of General Plan Amendment GPA15-00002, to amend the land use designation from Rural Residential with a minimum lot size of 2 1/2 acres (RR-2 1/2) to Rural Residential with a minimum lot size of one-acre (RR-1) in conjunction with Tentative Parcel Map TPM15-00006 (PM-19703), to create four parcels and a remainder on 5.0 gross acres. General Plan Amendment GPA15-00002 is expanded to include an additional parcel of 17.6 gross acres to the north.

Senior Planner Stan Liudahl presented Item 1, Consideration of General Plan Amendment, GPA15-00002.

The Commission asked questions of staff with staff answering and discussions ensuing.

The Public Hearing opened at 6:53 pm.

Resident Marcus Walls spoke.

Mark Rowling of Toberet, LLC spoke.

The Commission asked questions of Mr. Rowling with Mr. Rowling responding and discussions ensuing between the Commission, staff, and Mr. Rowling.

Harry Mayo of Cubit Engineering spoke.

The Public Hearing closed at 7:08 pm.

Discussions ensued between the Commission, staff, and City Attorney, Jeff Malawy.

Motion by Cody Leis to adopt Resolution Nos. PC-2016-04, approving General Plan Amendment, GPA15-00002 and Tentative Parcel Map, TPM15-00006, Seconded by Tom Murphy, passed with the following roll call vote:

AYES: Tom Murphy, William Muller, James Heywood, Joline Bell-Hahn, and Cody Leis
NOES: None

PRINCIPAL PLANNER'S REPORT

Annual Report on Status and Implementation of the General Plan

Principal Planner Dave Reno reported on the "Annual Report on Status and Implementation of the General Plan." Questions from the Commission were asked with Mr. Reno responding and discussions ensuing.

Principal Planner Dave Reno reported on the City Council's Development Impact Fee (DIF) vote. Questions from the Commission were asked with Mr. Reno responding and discussions ensuing.

Motion by Chair Murphy to send the report to the State of California, Seconded by Bill Muller, passed with the following verbal vote:

AYES: Tom Murphy, William Muller, James Heywood, Joline Bell-Hahn, and Cody Leis
NOES: None

**HESPERIA PLANNING COMMISSION MEETING
REGULAR MEETING
March 24, 2016
MINUTES**

DRC Comments

No comments provided.

Major Project Update

Principal Planner Dave Reno reported that there will be a Planning Commission Meeting April 14th and staff will be bringing forward a Conditional Use Permit for the Gallagher project as well as a Site Plan Review for the Eagle project.

Principal Planner Dave Reno reported that there will be a Planning Commission Meeting on May 12th and staff will be bringing forward code amendments.

PLANNING COMMISSION BUSINESS OR REPORTS

No business or reports provided.

ADJOURNMENT

Meeting adjourned at 7:42 pm until April 14, 2016.

Tom Murphy,
Chair

By: Denise Bossard
Commission Secretary

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City of Hesperia
STAFF REPORT



DATE: April 14, 2016
TO: Planning Commission
FROM: Dave Reno, AICP, Principal Planner
BY: Daniel S. Alcayaga, AICP, Senior Planner
SUBJECT: Site Plan Review SPR16-00003 & Development Agreement DA16-00001; Site Plan Review SPR16-00004 & Development Agreement DA16-00002; and Tentative Parcel Map TPM16-00002 (TPM-19710); Applicant: Eagle Hesperia 55, LLC; APN: 0405-072-42

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2016-06 approving SPR16-00003 and recommending that the City Council approve DA16-00001, Resolution No. PC-2016-07 approving SPR16-00004 and recommending that the City Council approve DA16-00002, and Resolution No. PC-2016-08 approving TPM16-00002.

BACKGROUND

Proposal: Site Plan Review SPR16-00003 to construct a 96 unit affordable senior apartment complex and Development Agreement DA16-00001 to provide a density bonus of 25 units on the west 4.7 gross acres (Parcel 1) of a 10 gross acre property, Site Plan Review SPR16-00004 to construct a 96 unit affordable senior apartment complex and Development Agreement DA16-00002 to provide a density bonus of 16 units on the east 5.3 gross acres (Parcel 2) of a 10 gross acre property, and Tentative Parcel Map TPM16-00002 (TPM-19710) to create two parcels from an existing 10 gross acre parcel (Attachments 1, 2 and 3). The Development Agreements designate 20 units for very low income (up to 50 percent of the Area Median Income), and 75 units for low income (51 to 80 percent of the Area Median Income). One unit is set aside for a manager's unit.

Location: On the north side of Avenal Street, approximately 900 feet east of Mariposa Road.

Current General Plan, Zoning and Land Uses: The site is within the Medium Density Residential (MDR) Zone of the Main Street and Freeway Corridor Specific Plan (Specific Plan). The surrounding land is zoned as noted on Attachment 4. A single-family residential neighborhood with homes on lot sizes of 20,000 square feet or more exists to the south. A single-family residence on nine acres exists to the west. The project is bounded by a Southern California Edison transmission lines corridor to the east. The land to the north is vacant (Attachment 5).

ISSUES/ANALYSIS

Housing Goals

The City's General Plan Housing Element addresses the current and future housing needs of Hesperia residents consistent with the State's Planning and Zoning Law. The Regional Housing Needs Assessment (RHNA) provides the number of units required to meet future housing

needs. According to the Southern California Association of Governments which prepares the RHNA, Hesperia needs to plan for 986 units of housing affordable by very low, low and moderate income families, and 729 units of housing affordable to families above moderate incomes over the next five years. The City's RHNA for the 2014-2021 planning period also calls for construction of 398 units for persons within the very low and 274 for persons within the low income level. 189 very low income and 232 low income units were constructed within the 2008-2014 planning period. To date, there haven't been any affordable housing units constructed within the current planning period. While the recession has slowed the projected growth rate under which the RHNA was based, the City is still required to make strides in creation of affordable housing, consistent with the goals of the General Plan.

Land Use

The MDR Zone allows residential densities between 8 and 15 dwelling units per gross acre. The proposed 96-unit apartment complex on the west 4.7 acres (Parcel 1) will yield a density of 20.4 dwelling units per gross acre. A development agreement has been filed in conjunction with the site plan review application to allow the density bonus, which affords 5.4 dwelling units (DUs) beyond the 15 DU per acre limitation or 25 units.

The proposed 96-unit apartment complex on the east 5.3 acres (Parcel 2) will yield a density of 18.1 dwelling units per gross acre. A development agreement has been filed in conjunction with the site plan review application to allow the density bonus, which affords 3.1 dwelling units (DUs) beyond the 15 DU per acre limitation or 16 units. The two projects combined on 10 gross acres yield a density of 19.2 dwelling units per acre.

Table 1 –Numbers associated with Density Bonus (DB)

| | Gross Acres | Proposed Units | Max. Allowable Units | No. of Units granted by DB | % of Units granted by DB | Dwelling Units per Acre |
|------------------------|-------------|----------------|----------------------|----------------------------|--------------------------|-------------------------|
| SPR16-00003 (Parcel 1) | 4.7 | 96 | 71 | 25 | 35% | 20.4 |
| SPR16-00004 (Parcel 2) | 5.3 | 96 | 80 | 16 | 20% | 18.1 |
| Parcels 1 & 2 Combined | 10.0 | 192 | 151 | 41 | 27% | 19.2 |

The apartment developments contain four apartment buildings and one club house for a total of five buildings on each parcel. Every apartment building includes 16 one-bedroom and 8 two-bedroom units for a total of 24 units in each apartment building. The one-bedroom units will be 598 square feet in size and the two-bedroom units will be 809 square feet in size (Attachment 6). The project contains a number of amenities, including a club house (Attachment 7), a pool and spa, a dog walk, and a putting green. The apartment buildings, amenities, and club houses are identical in both projects.

The apartment buildings and club houses comply with the architectural guidelines of the Main Street and Freeway Corridor Specific Plan. The architectural style that best represents the design is Mediterranean Revival. Features include stucco walls, red tiled roof, openings and windows in the shape of arches, wrought iron balconies, and iron scroll work. The buildings include wall plane variation, as well as roof line variation accented with corbels and cornices

along roof eaves. All windows have grids, and balconies are designed with arches, columns and ornamental rail (Attachments 8 and 9). The developer will construct a six-foot high ornamental steel fence separated by stucco pilasters every 20 feet along the project perimeter. Covered trellis patios are provided throughout the development along walkways further enhancing the quality of the design.

Density Bonus and Incentive Agreement and Covenant Restricting Use

The development does not comply with three development standards within the MDR Zone District of the Specific Plan. As part of the Density Bonus Program, the City is offering them as design concessions for providing affordable senior units:

Private Usable Open Space: The Specific Plan requires each unit to have a minimum private usable open space of 100 square feet, accessible directly from the living area of the unit, and no dimension shall be less than eight feet on any side. The one-bedroom unit will have a balcony with an area of 51 square feet and a dimension on one side of 5 feet. The two-bedroom has a 117 square foot balcony and complies with this standard.

Off-street Parking: On Parcel 1, a total of 152 parking spaces are required, 96 of which are required to be covered. The proposal includes 113 parking spaces with 31 shared parking spaces. The shared parking spaces are on Parcel 2, but are designed to serve the development on Parcel 1. Parcel 1 is assigned a total of 144 parking spaces, and is therefore deficient by 8 parking spaces. The development on Parcel 2 does not require a parking concession as 152 parking spaces are required and a total of 164 parking spaces are provided (not including the 31 shared parking spaces). The required carports are provided on both Parcels.

Minimum Living Area: The City's required minimum living area for apartment units is currently 875 square feet for a one-bedroom unit and 1,075 square feet for a two-bedroom unit. The proposal provides 598 square feet for a one-bedroom unit and 809 square feet for a two-bedroom unit. The one-bedroom is deficient by 177 square feet and the two-bedroom is deficient by 266 square feet.

As mentioned above, the project exceeds the allowable density of the MDR zone. The City's Density Bonus Program provides a tool to encourage development of affordable housing, consistent with state law and the adopted Housing Element. A density bonus allowing 25 and 16 units beyond the density restriction of the MDR zone is proposed. In exchange for the density bonus, all units will be reserved for very low and low income senior households, which will count towards the City's RHNA for the 2014-2021 planning period and will contribute towards meeting the City's affordable housing goals. In exchange for the density bonus, this Program requires that the City offer design concessions. Therefore, staff is recommending that this project not be required to meet the minimum balcony size/depth, parking, and floor area regulations. The proposed density bonus requires that the very low and low income units for seniors be deed-restricted for a period of 55 years.

Subdivision: A tentative parcel map was submitted to create two parcels intended for the proposed developments. This will enable the projects to be constructed at different times and to keep the projects separate. The proposed map complies with the Subdivision Map Act.

Drainage: A drainage system will be situated on the northeast side beneath the parking lot of both developments and will be designed to handle the increase in storm water runoff as a result of construction of this project.

Water and Sewer: The developer shall pay appropriate fees and connect to the existing eight-inch water main and eight-inch sewer main in Avenal Street.

Traffic/Street Improvements: Based on the Institute of Traffic Engineers' Trip Generation Manual, apartments generate approximately 6.7 daily vehicle trips per dwelling unit. Consequently, each proposed project would generate about 640 daily vehicle trips. Each development includes 96 units, and combined would generate 1,280 daily vehicle trips. The General Plan Update Environmental Impact Report (GPUEIR) analyzed the impact of 71 and 80 dwelling units; therefore, this project will create 167 and 107 additional daily vehicle trips beyond that accounted for by the GPUEIR. The two projects together will create 273 additional daily vehicle trips beyond that accounted for by the GPUEIR. This is equivalent to a twenty-seven percent increase.

Avenal Street is partially improved. Both Avenal and Box Streets will be paved and complete half-width street improvements consisting of curb, gutter, and sidewalk will be constructed across the project frontage in accordance with the General Plan. The City has established a Traffic Impact Mitigation Fee Program to fund the construction of traffic improvements to maintain adequate levels of service standards. The developer is required to pay all applicable City development impact fees towards these improvements.

Schools and Parks: Hesperia Community Park is located approximately 500 feet to the east on the opposite side of the transmission towers. The project is located about a mile from Topaz Elementary and Hesperia High School.

Environmental: This project is exempt from the California Environmental Quality Act (CEQA), per Public Resources Code Section 21159.23, Exception for Affordable Low-income Housing.

Conclusion: The project conforms to the policies of the City's General Plan, specifically affordable housing goals. The City's Density Bonus Program allows the project to vary from development standards. Therefore, the site plan reviews, development agreements, and the tentative parcel map are consistent with the General Plan and meet all applicable development standards with a density bonus.

FISCAL IMPACT

Development will be subject to payment of all development impact fees adopted by the City.

ALTERNATIVE(S)

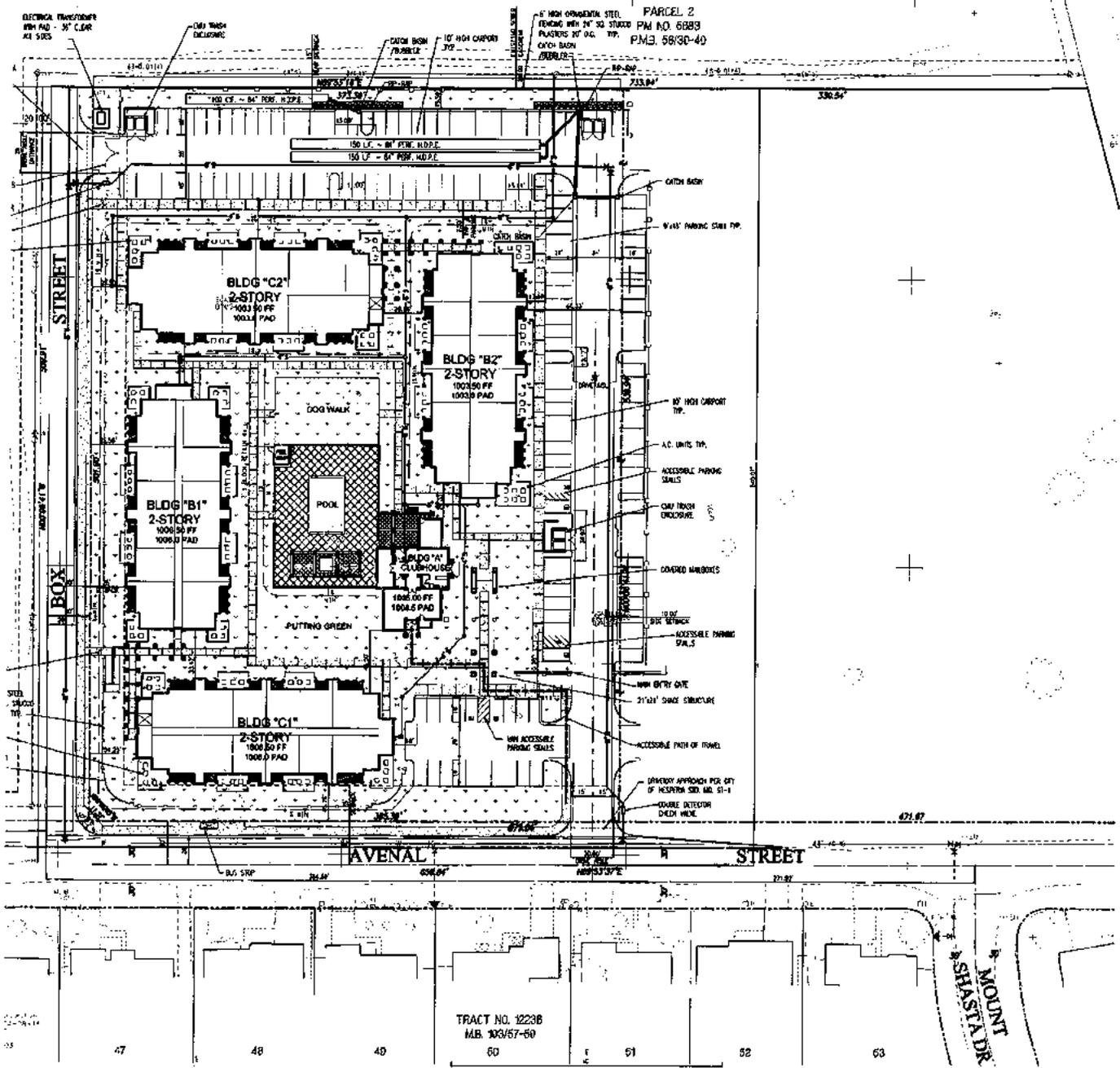
1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Site Plan for Parcel 1 (SPR16-00003)
2. Site Plan for Parcel 2 (SPR16-00004)
3. Tentative Parcel Map (TPM16-00002)

4. General Plan Land Use Map
5. Aerial photo
6. Floor plan for one- and two-bedroom units
7. Club house floor plan
8. Apartment building elevations
9. Club house building perspective
10. Resolution No. PC-2016-06 (SPR16-00003), with list of conditions
11. Resolution No. PC-2016-07 (SPR16-00004), with list of conditions
12. Resolution No. PC-2016-08 (TPM16-00002), with list of conditions
13. Draft Density Bonus and Incentive Agreement

ATTACHMENT 1



APPLICANT(S):
EAGLE HESPERIA 55, LLC

FILE NO(S): DA16-00001 & SPR16-00003

LOCATION:
ON THE NORTH SIDE OF AVENAL STREET, 900 FEET EAST OF MARIPOSA ROAD

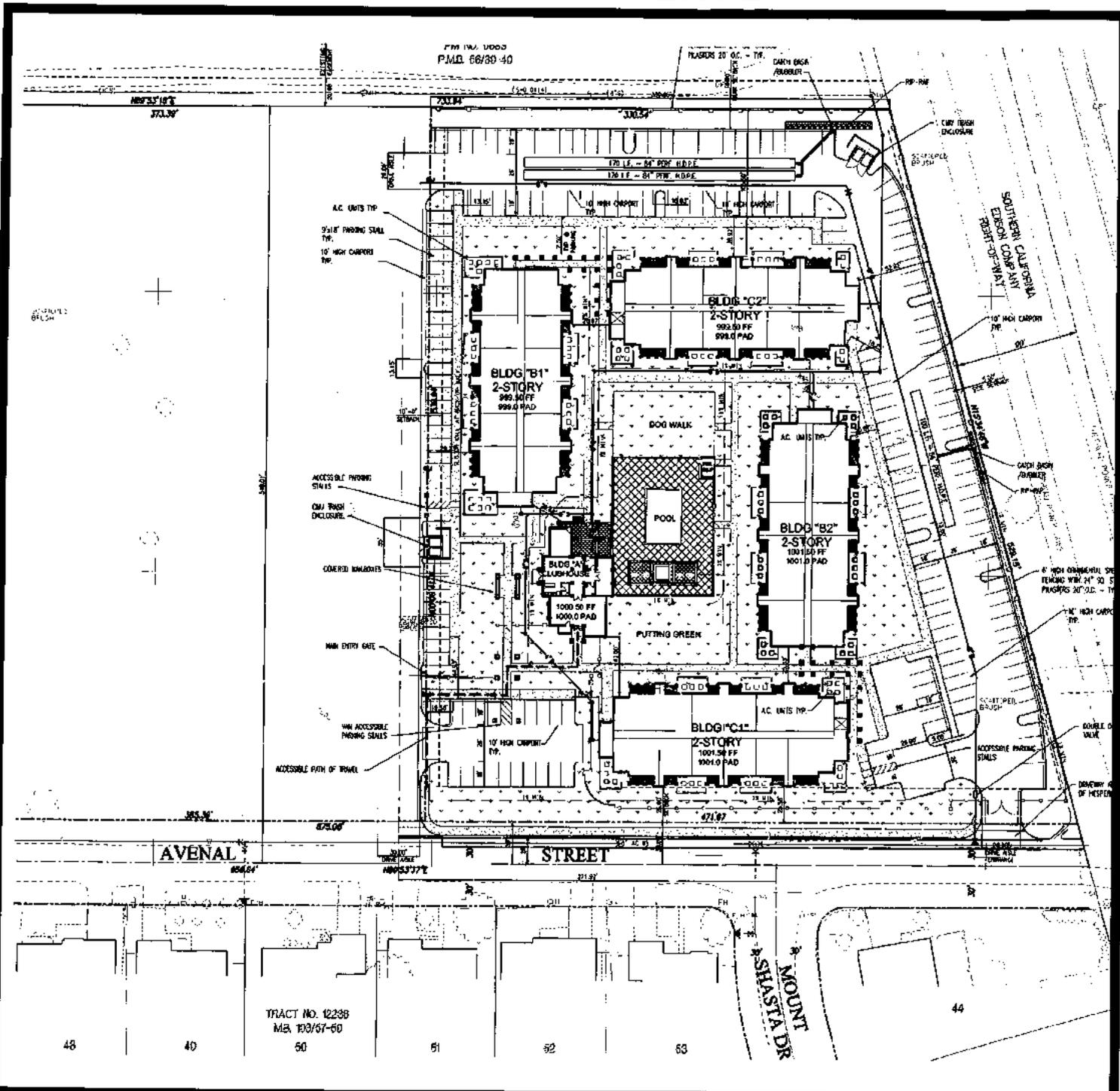
APN(S):
0405-072-42

PROPOSAL:
CONSIDERATION OF SITE PLAN REVIEW SPR16-00003 TO CONSTRUCT A 96 UNIT SENIOR APARTMENT COMPLEX AND DEVELOPMENT AGREEMENT DA16-00001 TO PROVIDE A DENSITY BONUS OF 25 UNITS ON THE WEST 4.7 GROSS ACRES OF A 10 GROSS ACRE PROPERTY WITHIN THE MDR ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN



SITE PLAN FOR PARCEL 1 (SPR16-00003)

ATTACHMENT 2

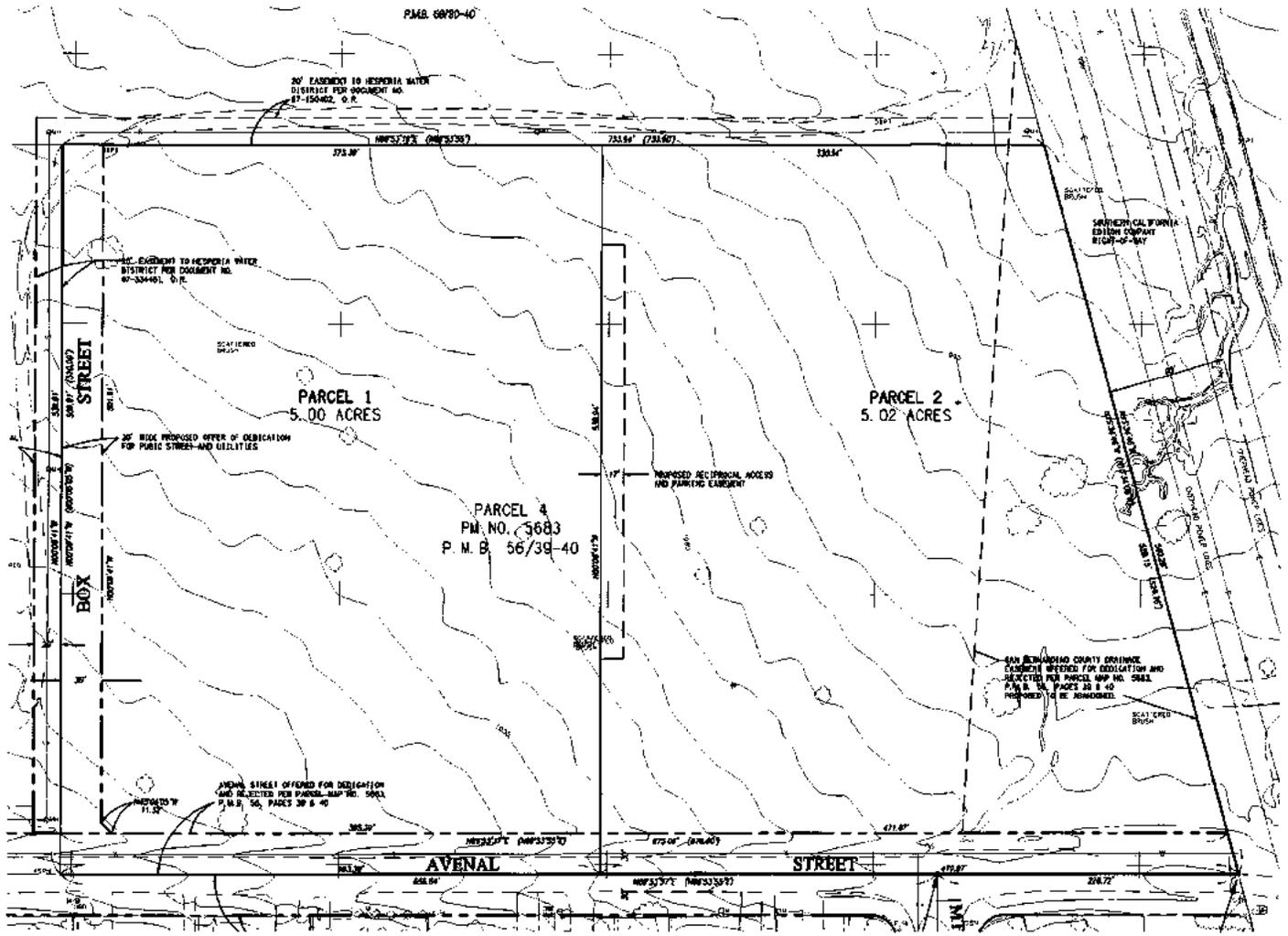


| | |
|---|---|
| APPLICANT(S):
EAGLE HESPERIA 55, LLC | FILE NO(S): DA16-00002 & SPR16-00004 |
| LOCATION:
ON THE NORTH SIDE OF AVENAL STREET, 900 FEET EAST OF MARIPOSA ROAD | APN(S):
0405-072-42 |
| PROPOSAL:
CONSIDERATION OF SITE PLAN REVIEW SPR16-00004 TO CONSTRUCT A 96 UNIT SENIOR APARTMENT COMPLEX AND DEVELOPMENT AGREEMENT DA16-00002 TO PROVIDE A DENSITY BONUS OF 16 UNITS ON THE EAST 5.3 GROSS ACRES OF A 10 GROSS ACRE PROPERTY WITHIN THE MDR ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN | |



SITE PLAN FOR PARCEL 2 (SPR16-00004)

ATTACHMENT 3

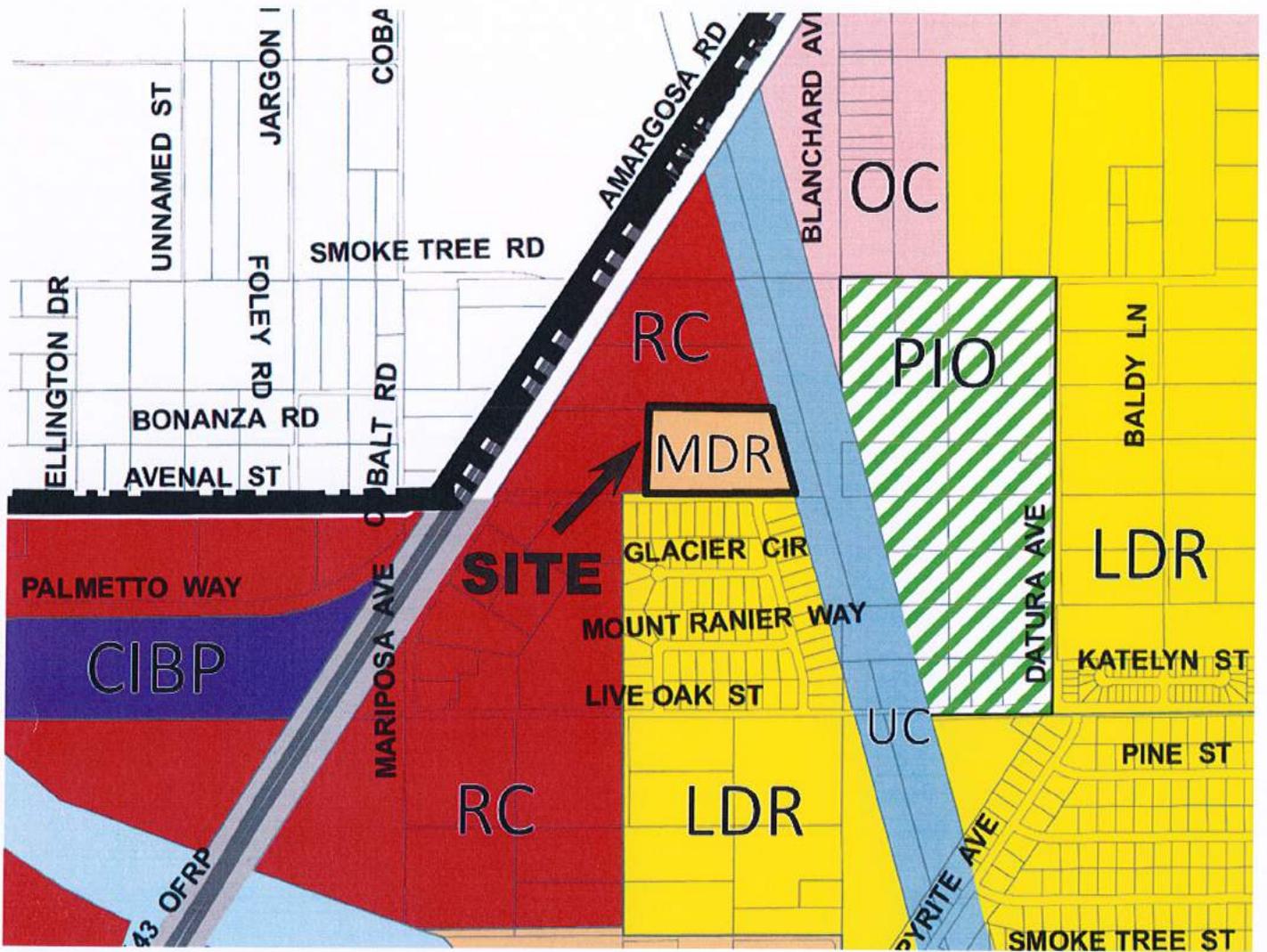


| | |
|---|--|
| APPLICANT(S):
EAGLE HESPERIA 55, LLC | FILE NO(S): TPM16-00002 (TPM-19710) |
| LOCATION:
ON THE NORTH SIDE OF AVENAL STREET, 900 FEET EAST OF MARIPOSA ROAD | APN(S):
0405-072-42 |
| PROPOSAL:
CONSIDERATION OF TENTATIVE PARCEL MAP TPM16-00002 (TPM-19710) TO CREATE TWO PARCELS FROM AN EXISTING 10 GROSS ACRE PARCEL WITHIN THE MDR ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN | |



TENTATIVE PARCEL MAP

ATTACHMENT 4



APPLICANT(S):
EAGLE HESPERIA 55, LLC

FILE NO(S): DA16-00001 & SPR16-00003,
DA16-00002 & SPR16-00004, and TPM16-
00002

LOCATION:
ON THE NORTH SIDE OF AVENAL STREET, 900 FEET EAST OF MARIPOSA
ROAD

APN(S):
0405-072-42

PROPOSAL:
SITE PLAN REVIEW SPR16-00003 TO CONSTRUCT A 96 UNIT AFFORDABLE SENIOR
APARTMENT COMPLEX AND DEVELOPMENT AGREEMENT DA16-00001 TO PROVIDE A
DENSITY BONUS OF 25 UNITS ON THE WEST 4.7 GROSS ACRES (PARCEL 1) OF A 10
GROSS ACRE PROPERTY, SITE PLAN REVIEW SPR16-00004 TO CONSTRUCT A 96
UNIT AFFORDABLE SENIOR APARTMENT COMPLEX AND DEVELOPMENT
AGREEMENT DA16-00002 TO PROVIDE A DENSITY BONUS OF 16 UNITS ON THE EAST
5.3 GROSS ACRES (PARCEL 2) OF A 10 GROSS ACRE PROPERTY, AND TENTATIVE
PARCEL MAP TPM16-00002 (TPM-19710) TO CREATE TWO PARCELS FROM AN
EXISTING 10 GROSS ACRE PARCEL



GENERAL PLAN LAND USE MAP

ATTACHMENT 5



SITE

APPLICANT(S):
EAGLE HESPERIA 55, LLC

FILE NO(S): DA16-00001 & SPR16-00003,
DA16-00002 & SPR16-00004, and TPM16-
00002

LOCATION:
ON THE NORTH SIDE OF AVENAL STREET, 900 FEET EAST OF MARIPOSA
ROAD

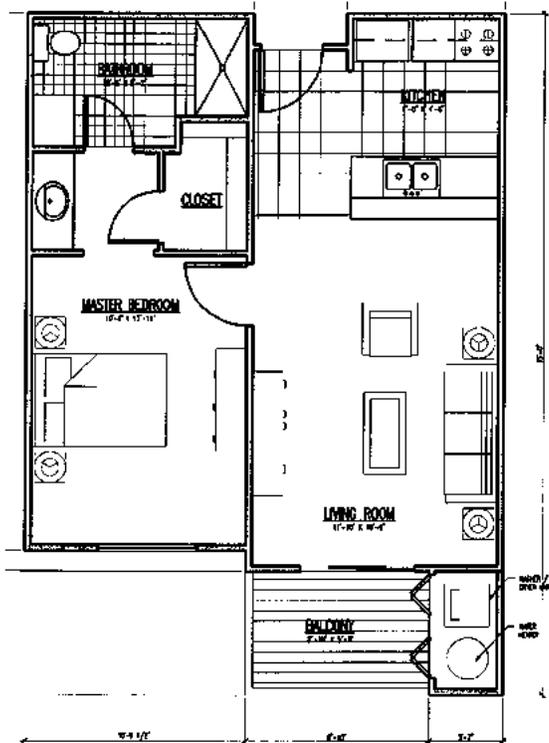
APN(S):
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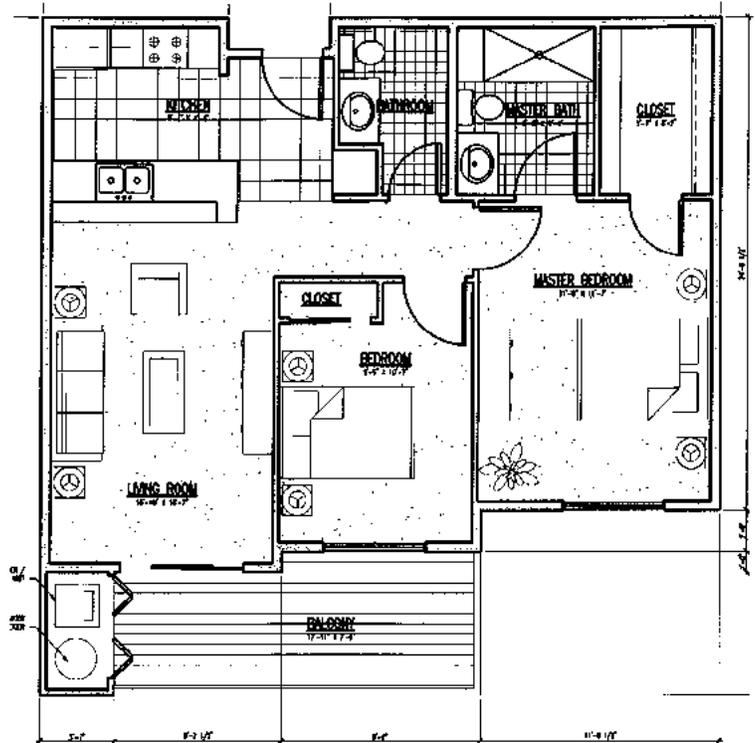


AERIAL PHOTO

ATTACHMENT 6



UNIT FLOOR PLAN - ONE BEDROOM - 598 S.F. LIVING SPACE / 51 S.F. PATIO
SCALE 1/8" = 1'-0"



UNIT FLOOR PLAN - TWO BEDROOM - 809 S.F. LIVING SPACE / 117 S.F. PATIO
SCALE 1/8" = 1'-0"

ONE-BEDROOM UNIT

TWO-BEDROOM UNIT

APPLICANT(S):
EAGLE HESPERIA 55, LLC

FILE NO(S): DA16-00001 & SPR16-00003,
DA16-00002 & SPR16-00004, and TPM16-
00002

LOCATION:
ON THE NORTH SIDE OF AVENAL STREET, 900 FEET EAST OF MARIPOSA
ROAD

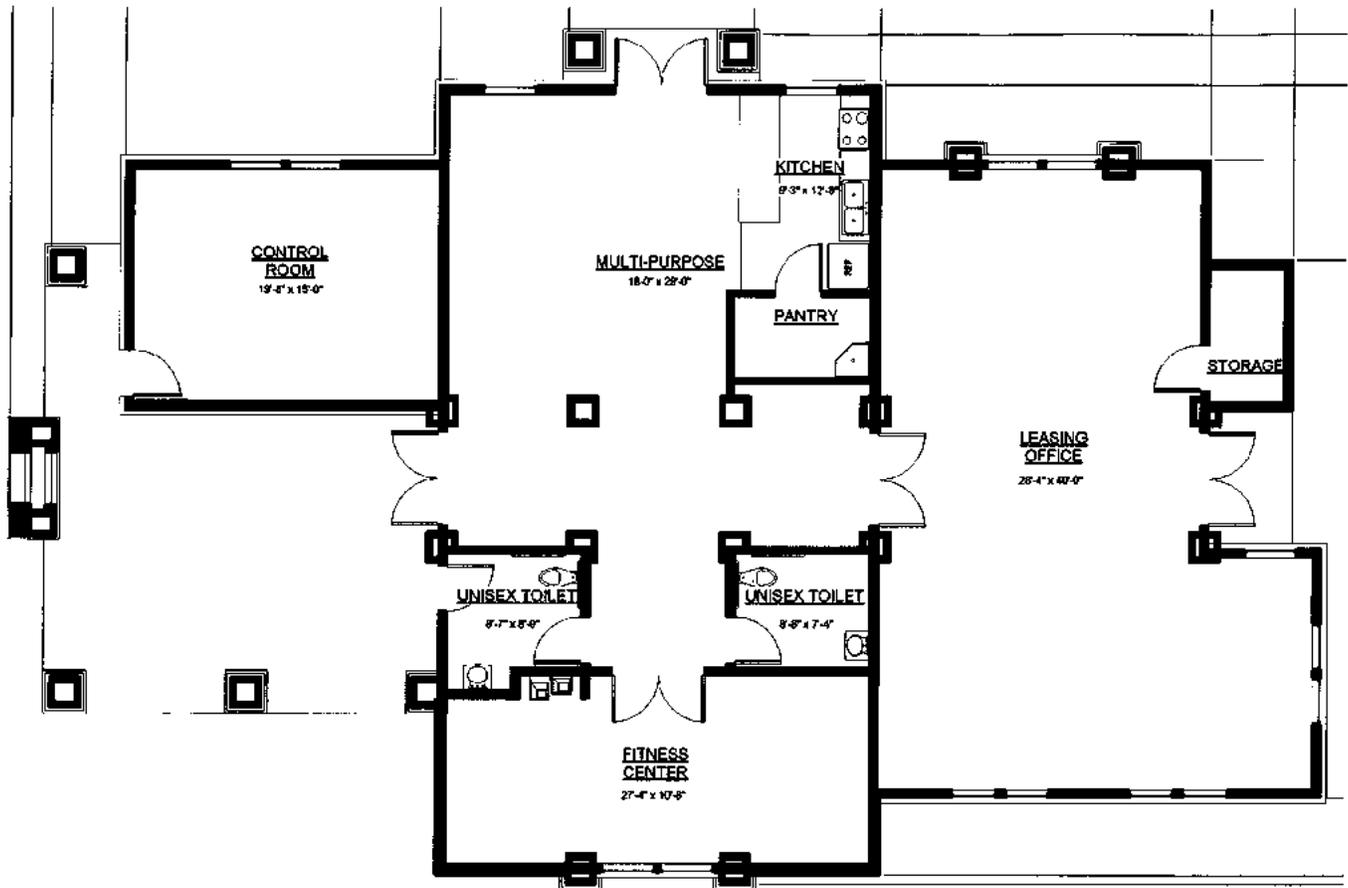
APN(S):
0405-072-42

PROPOSAL:
SITE PLAN REVIEW SPR16-00003 TO CONSTRUCT A 96 UNIT AFFORDABLE SENIOR APARTMENT COMPLEX AND DEVELOPMENT AGREEMENT DA16-00001 TO PROVIDE A DENSITY BONUS OF 25 UNITS ON THE WEST 4.7 GROSS ACRES (PARCEL 1) OF A 10 GROSS ACRE PROPERTY, SITE PLAN REVIEW SPR16-00004 TO CONSTRUCT A 96 UNIT AFFORDABLE SENIOR APARTMENT COMPLEX AND DEVELOPMENT AGREEMENT DA16-00002 TO PROVIDE A DENSITY BONUS OF 16 UNITS ON THE EAST 5.3 GROSS ACRES (PARCEL 2) OF A 10 GROSS ACRE PROPERTY, AND TENTATIVE PARCEL MAP TPM16-00002 (TPM-19710) TO CREATE TWO PARCELS FROM AN EXISTING 10 GROSS ACRE PARCEL



FLOOR PLAN FOR ONE- AND TWO-BEDROOM UNITS

ATTACHMENT 7



APPLICANT(S):
EAGLE HESPERIA 55, LLC

FILE NO(S): DA16-00001 & SPR16-00003,
DA16-00002 & SPR16-00004, and TPM16-
00002

LOCATION:
ON THE NORTH SIDE OF AVENAL STREET, 900 FEET EAST OF MARIPOSA
ROAD

APN(S):
0405-072-42

PROPOSAL:
SITE PLAN REVIEW SPR16-00003 TO CONSTRUCT A 96 UNIT AFFORDABLE SENIOR APARTMENT COMPLEX AND DEVELOPMENT AGREEMENT DA16-00001 TO PROVIDE A DENSITY BONUS OF 25 UNITS ON THE WEST 4.7 GROSS ACRES (PARCEL 1) OF A 10 GROSS ACRE PROPERTY, SITE PLAN REVIEW SPR16-00004 TO CONSTRUCT A 96 UNIT AFFORDABLE SENIOR APARTMENT COMPLEX AND DEVELOPMENT AGREEMENT DA16-00002 TO PROVIDE A DENSITY BONUS OF 16 UNITS ON THE EAST 5.3 GROSS ACRES (PARCEL 2) OF A 10 GROSS ACRE PROPERTY, AND TENTATIVE PARCEL MAP TPM16-00002 (TPM-19710) TO CREATE TWO PARCELS FROM AN EXISTING 10 GROSS ACRE PARCEL



CLUBHOUSE FLOOR PLAN

ATTACHMENT 8



FRONT ELEVATION



ARCHITECTURAL PERSPECTIVE

APPLICANT(S):
EAGLE HESPERIA 55, LLC

FILE NO(S): DA16-00001 & SPR16-00003,
DA16-00002 & SPR16-00004, and TPM16-
00002

LOCATION:
ON THE NORTH SIDE OF AVENAL STREET, 900 FEET EAST OF MARIPOSA
ROAD

APN(S):
0405-072-42

PROPOSAL:
SITE PLAN REVIEW SPR16-00003 TO CONSTRUCT A 96 UNIT AFFORDABLE SENIOR APARTMENT COMPLEX AND DEVELOPMENT AGREEMENT DA16-00001 TO PROVIDE A DENSITY BONUS OF 25 UNITS ON THE WEST 4.7 GROSS ACRES (PARCEL 1) OF A 10 GROSS ACRE PROPERTY, SITE PLAN REVIEW SPR16-00004 TO CONSTRUCT A 96 UNIT AFFORDABLE SENIOR APARTMENT COMPLEX AND DEVELOPMENT AGREEMENT DA16-00002 TO PROVIDE A DENSITY BONUS OF 16 UNITS ON THE EAST 5.3 GROSS ACRES (PARCEL 2) OF A 10 GROSS ACRE PROPERTY, AND TENTATIVE PARCEL MAP TPM16-00002 (TPM-19710) TO CREATE TWO PARCELS FROM AN EXISTING 10 GROSS ACRE PARCEL



APARTMENT BUILDING ELEVATIONS

ATTACHMENT 9



BIRDS EYE VIEW



CLUB HOUSE PERSPECTIVE

APPLICANT(S):
EAGLE HESPERIA 55, LLC

FILE NO(S): DA16-00001 & SPR16-00003,
DA16-00002 & SPR16-00004, and TPM16-
00002

LOCATION:
ON THE NORTH SIDE OF AVENAL STREET, 900 FEET EAST OF MARIPOSA
ROAD

APN(S):
0405-072-42

PROPOSAL:
SITE PLAN REVIEW SPR16-00003 TO CONSTRUCT A 96 UNIT AFFORDABLE SENIOR APARTMENT COMPLEX AND DEVELOPMENT AGREEMENT DA16-00001 TO PROVIDE A DENSITY BONUS OF 25 UNITS ON THE WEST 4.7 GROSS ACRES (PARCEL 1) OF A 10 GROSS ACRE PROPERTY, SITE PLAN REVIEW SPR16-00004 TO CONSTRUCT A 96 UNIT AFFORDABLE SENIOR APARTMENT COMPLEX AND DEVELOPMENT AGREEMENT DA16-00002 TO PROVIDE A DENSITY BONUS OF 16 UNITS ON THE EAST 5.3 GROSS ACRES (PARCEL 2) OF A 10 GROSS ACRE PROPERTY, AND TENTATIVE PARCEL MAP TPM16-00002 (TPM-19710) TO CREATE TWO PARCELS FROM AN EXISTING 10 GROSS ACRE PARCEL



CLUB HOUSE BUILDING PERSPECTIVES

ATTACHMENT 10

RESOLUTION NO. PC-2016-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A SITE PLAN REVIEW TO CONSTRUCT A 96 UNIT SENIOR APARTMENT COMPLEX AND RECOMMENDING THAT THE CITY COUNCIL APPROVE A DEVELOPMENT AGREEMENT TO PROVIDE A DENSITY BONUS OF 25 UNITS ON THE WEST 4.7 GROSS ACRES OF A 10 GROSS ACRE PROPERTY WITHIN THE MEDIUM DENSITY RESIDENTIAL (MDR) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN LOCATED ON THE NORTH SIDE OF AVENAL STREET, APPROXIMATELY 900 FEET EAST OF MARIPOSA ROAD (SPR16-00003 & DA16-00001)

WHEREAS, Eagle Hesperia 55, LLC has filed an application requesting consideration of Site Plan Review SPR16-00003 & Development Agreement DA16-00001, described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to the west 4.7 acres of a 10 gross acre property within the Medium Density Residential (MDR) Zone of the Main Street and Freeway Corridor Specific Plan (Specific Plan), located on the north side of Avenal Street, approximately 900 feet east of Mariposa Road and consists of Assessor's Parcel Numbers 0405-072-42; and

WHEREAS, the Application, as contemplated, proposes to construct a 96-unit senior apartment complex, including a 35 percent density bonus; and

WHEREAS, State Housing Law requires the City to consider such design concessions to encourage affordable housing; and

WHEREAS, the property is currently vacant. A single-family residential neighborhood exists to the south. A single-family residence exists to the west. The project is bounded by transmission towers to the east. The land to the north is vacant; and

WHEREAS, the subject property is currently within the MDR Zone District of the Specific Plan. The land to the north and west is within the Regional Commercial (RC) Zone. The land to the south is within the Low Density Residential (LDR) Zone. The transmission towers to the east are zoned Utility Corridor (UC); and

WHEREAS, this project is exempt from the California Environmental Quality Act (CEQA), per Public Resources Code Section 21159.23, Exception for Affordable Low-income Housing; and

WHEREAS, on April 14, 2016, 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 April 14, 2016 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The proposed development agreement will allow a 35 percent density bonus and deviation from specified development standards in exchange for creation of 25 units that will be reserved for very low and low income households. These affordable housing units will contribute towards meeting the City's affordable housing goals as mandated by the State of California and supported by the City's General Plan Housing Element.
- (b) The proposed use will not have a substantial adverse effect on abutting property, or the permitted use thereof.
- (c) The site for the proposed use is adequate in size and shape to accommodate the proposed use, because the site can accommodate all proposed improvements, with the exception of three development standards pertaining to balconies, parking and living area. The Specific Plan requires a minimum private usable open space of 100 square feet and its minimum dimension of not less than eight feet on any side. The one-bedroom unit will have a balcony with an area of 51 square feet and a dimension on one side of 5 feet. The project is deficient by 8 parking spaces. A total of 152 parking spaces are required and a total of 144 parking spaces are provided. The City's minimum living area for apartment units is currently 875 square feet for a one-bedroom unit and 1,075 square feet for a two-bedroom unit. The proposal provides 598 square feet for a one-bedroom unit and 809 square feet for a two-bedroom unit. The one-bedroom is deficient by 177 square feet and the two-bedroom is deficient by 266 square feet. The Density Bonus Program allows such deviations from standards consistent with state law.
- (d) The proposed use will not have a substantial adverse effect on abutting property or the permitted use thereof, and will not generate excessive noise, vibration, traffic, or other disturbances, nuisances or hazards.
- (e) The proposed project is consistent with the goals, policies, standards and maps of the adopted Zoning, Development Code and all applicable codes and ordinances adopted by the City of Hesperia. Further, the project is consistent with the regulations authorizing residential densities exceeding that allowed under the General Plan through the density bonus program.
- (f) The site for the proposed use will have adequate access based upon the site's current access to Box Street and Avenal Street, which the developer must pave.
- (g) The granting of the density bonus will not be detrimental to the public health, safety, or welfare.

(h) The proposed development agreement is consistent with and promotes the goals and policies of the General Plan, specifically Land Use Policy LU-2.3 and Housing Policy 1.2.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Site Plan Review SPR16-00003 and recommends that the City Council approve Development Agreement DA16-00001.

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

ADOPTED AND APPROVED this 14th day of April 2016

Tom Murphy, Chair, Planning Commission

ATTEST:

Denise Bossard, Secretary, Planning Commission

ATTACHMENT "A"
List of Conditions for SPR16-00003

Approval Date: April 14, 2016
Effective Date: April 26, 2016
Expiration Date: April 26, 2019

This list of conditions applies to: Consideration of Site Plan Review SPR16-00003 to construct a 96 unit senior apartment complex and Development Agreement DA16-00001 to provide a density bonus of 25 units on the west 4.7 gross acres of a 10 gross acre property within the Medium Density Residential (MDR) zone of the Main Street and Freeway Corridor Specific Plan located on the north side of Avenal Street, approximately 900 feet east of Mariposa Road. (Applicant Eagle Hesperia 55 LLC; APN: 0405-072-42)

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

| | | |
|---------------------------------------|--------------------|--|
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | 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) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | DRAINAGE STUDY. The Developer shall submit a Final Hydrology Hydraulic study identifying the method of collection and conveyance of any tributary flows from off-site as well as the method of control for increased run-off generated on-site. (E) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | 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) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | TITLE REPORT. The Developer shall provide a complete title report 90 days or newer from the date of submittal. (E) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | EROSION CONTROL. The Developer shall provide an erosion control plan with the improvement plans submittal per City Standards. (E) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | N.P.D.E.S. The Developer shall apply for the required NPDES (National Pollutant Discharge Elimination System) permit with the Regional Water Quality Control Board and pay applicable fees. (E) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | STORM WATER POLLUTION PREVENTION PLAN. The Developer shall provide a Storm Water Pollution Prevention Plan (SWPPP), which addresses the method of storm water run-off control during construction. (E) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | 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) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | PLAN CHECK FEES. Along with improvement plan submittal, the Developer shall pay applicable plan-checking fees. Improvement Plans and requested studies shall be submitted as a package. (E) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | IRREVOCABLE OFFERS OF DEDICATION. The Developer shall submit an Offer of Dedication to the Citys Engineering Department for review and approval. At time of |

submittal the developer shall complete the Citys application for document review and pay all applicable fees. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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 produce a current flow test report from your water purveyor demonstrating that the fire flow demand is satisfied. This requirement shall be completed prior to combination inspection by Building and Safety. [F 5b]

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

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 Applicants 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 Citys election to defend itself, whether at the cost of the Applicant or at the Citys own cost, shall not relieve or release the Applicant from any of its obligations under this Condition. (P)

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY

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 Citys 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 Box Street. The right of way full width for Box Street shall be sixty (60') 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, including interior roadways. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

GRANT OF EASEMENT FOR DOUBLE DETECTOR CHECK VALVE. The Developer shall grant to the City an easement for any part of a required double detector check valve that encroaches onto private property. (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. 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 Developer's responsibility. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

N.P.D.E.S. The Developer shall provide a copy of the approved original NPDES (National Pollutant Discharge Elimination System) permit from the Regional Water Quality Control Board and provide a copy of fees paid. The copies shall be provided to the City's Engineering Department. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

STORM WATER POLLUTION PREVENTION PLAN. All of the requirements of the Storm Water Pollution Prevention Plan shall be incorporated and be in place prior to issuance of a grading permit. (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 Citys Engineering Department for plan check approval. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

DRAINAGE ACCEPTANCE LETTERS. It is the Developers responsibility to obtain signed Drainage Acceptance Letters from any adjacent property owners who are affected by concentrated off site storm water discharge from any on site retention basins and storm water runoff. The Acceptance letter, along with the latest grant deed, must be submitted to the Citys Engineering Department for plan check approval. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

ON SITE RETENTION. The Developer shall design / construct on site retention facilities, which incorporates Low Impact Development (LID) requirements and has a minimum impact to ground water quality. This shall include maximizing the use of horizontal retention systems and minimizing the application of dry wells / injection wells. All dry wells / injection wells shall be 2 phase systems with debris shields and filter elements. All dry wells / injection wells shall have a minimum depth of 30 with a max depth to be determined by soils engineer at time of boring test. Per Resolution 89 16 the Developer shall provide on site retention at a rate of 13.5 Cu. Ft per every 100 Sq. Ft. of impervious materials. Any proposed facilities, other than a City approved facility that is designed for underground storage for on site retention will need to be reviewed by the City Engineer. The proposed design shall meet City Standards and design criteria established by the City Engineer. A soils percolation test will be required for alternate underground storage retention systems. (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

AVENAL AVENUE. Construct half-width improvements on Avenal Avenue across the project frontage, based on City's 60-foot Local Roadway Standard. The curb face is to be located at 20' 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 8 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 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.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

BOX STREET. Construct full half-width improvements on Box Street (26' minimum pavement) across the project frontage, based on City's 60-foot Local Roadway Standard. The curb face is to be located at 20' 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. Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index of 8 and per the soils report.
- H. Traffic control signs and devices as required by the traffic study and/or the City Engineer.
- I. Provide a signage and striping plan per City standards.
- J. 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.
- K. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.

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 the existing 8" AC water line in Avenal Avenue and the proposed 8" PVC in Box Street per City Standards.

C. It is the Developers responsibility to connect to sewer and pay the appropriate fees. The Developer will be required to connect to the existing size 8" PVC sewer main in Box Street per City standards.

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

WATER IMPR. PLAN. The Developer shall design and construct an 8 minimum PVC water main in Box Street from Avenal Avenue across project frontage. Design shall consist of plan and profile per City standards. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

WATER SYSTEM. Prior to any land disturbance, the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using California Fire Code. The Fire Flow for this project shall be: 4,000 GPM for a 4 hour duration at 20 psi residual operating pressure. Fire Flow is based on a 22,218 sq.ft. structure. [F 5]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

CFD ANNEXATION. Applicant shall annex the site into Community Facilities District CFD 94-01 and insure the reapportionment of all existing obligations affecting the property .

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| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | 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) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | SURVEY. The Developer shall provide a legal survey of the property. All property corners shall be staked and the property address posted. (B) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | DRIVEWAY/PARKING EASEMENT. An access easement shall be recorded which allows for the perpetual use of the driveway and/or off-street parking spaces for the benefit of the adjacent property. The easement and the required application and fees shall be submitted to the Planning Division prior to review and approval by the City for recordation. (P) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | 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) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | SOLID MASONRY WALL/FENCING. The Developer shall submit four sets of masonry wall/wrought iron fencing plans to the Building Division with the required application fees for all proposed walls. (P) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | DESIGN FOR REQUIRED IMPROVEMENTS. Improvement plans for off-site and on-site improvements shall be consistent with the plans approved as part of this site plan review application. (E, P) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | 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) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | 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) |

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE

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| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | FIRE ACCESS-POINTS OF VEH. ACCESS. The development shall have a minimum of 2 points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | FIRE ACCESS-SINGLE STORY ROAD ACCESS. Single Story Road Access Width. All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Other recognized standards may be more restrictive by requiring wider access provisions. |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | FIRE SPRINKLER NFPA#13. An automatic fire sprinkler system complying with NFPA Pamphlet #13 and the Fire Department standards is required. The applicant shall hire a Fire Department approved fire sprinkler contractor. The fire sprinkler contractor shall submit three (3) sets of (minimum 1/8 scale) shall include hydraulic calculations and manufacturers specification sheets. The contractor shall submit plans showing type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal. [F 59 |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | WATER SYSTEM COMMERCIAL. A water system approved by the Fire Department is required. The system shall be operational prior to any combustibles being stored on the |

site. 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. [F 54]

| | | |
|--|---------------------------|---|
| <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> | LIGHT AND LANDSCAPE DISTRICT ANNEXATION. Developer shall annex property into the lighting and landscape district administered by the Hesperia Recreation and Parks District. The required forms are available from the Building Division and once completed, shall be submitted to the Building Division. (RPD) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | DEVELOPMENT AGREEMENT. The applicant shall execute a development agreement placing restrictions on the tenants/owners of the development with all incentives approved by the City in accordance with state law. The agreement shall be subject to review and approval by the City prior to its execution. (P) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | LANDSCAPING/IRRIGATION. The Developer shall install the landscaping and irrigation as required by the Planning Division. (P) |

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY

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| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | AS BUILT PLANS. The Developer shall provide as built plans. (E) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | 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) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | ELECTRONIC COPIES. The Developer shall provide electronic copies of the approved project in AutoCAD format Version 2007 to the City's Engineering Department. (E) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | FIRE ALARM-AUTO OR MANUAL. A manual, automatic or manual and automatic fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required. The applicant shall hire a Fire Department approved fire alarm contractor. The fire alarm contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. [F 62a] |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | FIRE EXTINGUISHERS. Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department. [F88] |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | GATE OVERRIDE SWITCH. Where an automatic electric security gate is used, an approved Fire Department override switch (Knox) is required. [F86] |
| <u>COMPLETED</u> | <u>COMPLIED BY</u> | HYDRANT MARKING. Blue reflective pavement markers indicating fire hydrant locations |

NOT IN COMPLIANCE

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

COMPLETED

COMPLIED BY

KNOX BOX. An approved Fire Department key box is required. [F85]

NOT IN COMPLIANCE

COMPLETED

COMPLIED BY

DEVELOPMENT FEES. The Developer shall pay required development fees as follows:

NOT IN COMPLIANCE

- A. Development Impact Fees (B)
- B. Park Fees (B)
- C. Utility Fees (E)

COMPLETED

COMPLIED BY

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)

NOT IN COMPLIANCE

COMPLETED

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 materials board and color exterior building elevations identified as Exhibit A. Any exceptions shall be approved by the Director of Development Services. (P)

NOT IN COMPLIANCE

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 11

RESOLUTION NO. PC-2016-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A SITE PLAN REVIEW TO CONSTRUCT A 96 UNIT SENIOR APARTMENT COMPLEX AND RECOMMENDING THAT THE CITY COUNCIL APPROVE A DEVELOPMENT AGREEMENT TO PROVIDE A DENSITY BONUS OF 16 UNITS ON THE EAST 5.3 GROSS ACRES OF A 10 GROSS ACRE PROPERTY WITHIN THE MEDIUM DENSITY RESIDENTIAL (MDR) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN LOCATED ON THE NORTH SIDE OF AVENAL STREET, APPROXIMATELY 900 FEET EAST OF MARIPOSA ROAD (SPR16-00004 & DA16-00002)

WHEREAS, Eagle Hesperia 55, LLC has filed an application requesting consideration of Site Plan Review SPR16-00004 & Density Bonus Agreement DA16-00004, described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to the east 5.3 acres of a 10 gross acre property within the Medium Density Residential (MDR) Zone of the Main Street and Freeway Corridor Specific Plan (Specific Plan), located on the north side of Avenal Street, approximately 900 feet east of Mariposa Road and consists of Assessor's Parcel Numbers 0405-072-42; and

WHEREAS, the Application, as contemplated, proposes to construct a 96-unit senior apartment complex, including a 20 percent density bonus; and

WHEREAS, State Housing Law requires the City to consider such design concessions to encourage affordable housing; and

WHEREAS, the property is currently vacant. A single-family residential neighborhood exists to the south. A single-family residence exists to the west. The project is bounded by transmission towers to the east. The land to the north is vacant; and

WHEREAS, the subject property is currently within the MDR Zone District of the Specific Plan. The land to the north and west is within the Regional Commercial (RC) Zone. The land to the south is within the Low Density Residential (LDR) Zone. The transmission towers to the east are zoned Utility Corridor (UC); and

WHEREAS, this project is exempt from the California Environmental Quality Act (CEQA), per Public Resources Code Section 21159.23, Exception for Affordable Low-income Housing; and

WHEREAS, on April 14, 2016, 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 April 14, 2016 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The proposed development agreement will allow a 20 percent density bonus and deviation from specified development standards in exchange for creation of 16 units that will be reserved for very low and low income households. These affordable housing units will contribute towards meeting the City's affordable housing goals as mandated by the State of California and supported by the City's General Plan Housing Element.
- (b) The proposed use will not have a substantial adverse effect on abutting property, or the permitted use thereof.
- (c) The site for the proposed use is adequate in size and shape to accommodate the proposed use, because the site can accommodate all proposed improvements, with the exception of three development standards pertaining to balconies, parking and living area. The Specific Plan requires a minimum private usable open space of 100 square feet and its minimum dimension of not less than eight feet on any side. The one-bedroom unit will have a balcony with an area of 51 square feet and a dimension on one side of 5 feet. The project is deficient by 8 parking spaces. A total of 152 parking spaces are required and a total of 144 parking spaces are provided. The City's minimum living area for apartment units is currently 875 square feet for a one-bedroom unit and 1,075 square feet for a two-bedroom unit. The proposal provides 598 square feet for a one-bedroom unit and 809 square feet for a two-bedroom unit. The one-bedroom is deficient by 177 square feet and the two-bedroom is deficient by 266 square feet. The Density Bonus Program allows such deviations from standards consistent with state law.
- (d) The proposed use will not have a substantial adverse effect on abutting property or the permitted use thereof, and will not generate excessive noise, vibration, traffic, or other disturbances, nuisances or hazards.
- (e) The proposed project is consistent with the goals, policies, standards and maps of the adopted Zoning, Development Code and all applicable codes and ordinances adopted by the City of Hesperia. Further, the project is consistent with the regulations authorizing residential densities exceeding that allowed under the General Plan through the density bonus program.
- (f) The site for the proposed use will have adequate access based upon the site's current access to Box Street and Avenal Street, which the developer must pave.
- (g) The granting of the density bonus will not be detrimental to the public health, safety, or welfare.

- (h) The proposed development agreement is consistent with and promotes the goals and policies of the General Plan, specifically Land Use Policy LU-2.3 and Housing Policy 1.2.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Site Plan Review SPR16-00004 and recommends that the City Council approve Development Agreement DA16-00002.

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

ADOPTED AND APPROVED this 14th day of April 2016

Tom Murphy, Chair, Planning Commission

ATTEST:

Denise Bossard, Secretary, Planning Commission

ATTACHMENT "A"
List of Conditions for SPR16-00004

Approval Date: April 14, 2016
Effective Date: April 26, 2016
Expiration Date: April 26, 2019

This list of conditions applies to: Consideration of Site Plan Review SPR16-00004 to construct a 96 unit senior apartment complex and Development Agreement DA16-00002 to provide a density bonus of 16 units on the east 5.3 gross acres of a 10 gross acre property within the Medium Density Residential (MDR) zone of the Main Street and Freeway Corridor Specific Plan located on the north side of Avenal Street, approximately 900 feet east of Mariposa Road (Applicant Eagle Hesperia 55 LLC; APN: 0405-072-42)

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

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|---------------------------------------|--------------------|--|
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | 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 66434 of the Subdivision Map Act as well as the San Bernardino County Surveyor's Office Final Map Standards. (E) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | DRAINAGE STUDY. The Developer shall submit a Final Hydrology Hydraulic study identifying the method of collection and conveyance of any tributary flows from off-site as well as the method of control for increased run-off generated on-site. (E) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | 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) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | TITLE REPORT. The Developer shall provide a complete title report 90 days or newer from the date of submittal. (E) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | EROSION CONTROL. The Developer shall provide an erosion control plan with the improvement plans submittal per City Standards. (E) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | N.P.D.E.S. The Developer shall apply for the required NPDES (National Pollutant Discharge Elimination System) permit with the Regional Water Quality Control Board and pay applicable fees. (E) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | STORM WATER POLLUTION PREVENTION PLAN. The Developer shall provide a Storm Water Pollution Prevention Plan (SWPPP), which addresses the method of storm water run-off control during construction. (E) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | 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) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | PLAN CHECK FEES. Plan checking fees must be paid in conjunction with the improvement plan submittal. The Final Map CDP improvement plans requested studies and CFD annexation must be submitted as a package. The developer shall coordinate with the Citys Engineering Department for any additional fees. Any outstanding fees must be paid before final inspection and the release of bonds. (E) |

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| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | 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 produce a current flow test report from your water purveyor demonstrating that the fire flow demand is satisfied. This requirement shall be completed prior to combination inspection by Building and Safety. [F 5b] |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | 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) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | 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 Applicants 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) |

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY

| | | |
|---------------------------------------|--------------------|---|
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | 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) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | GRANT OF EASEMENT FOR DOUBLE DETECTOR CHECK VALVE. The Developer shall grant to the City an easement for any part of a required double detector check valve that encroaches onto private property. (E) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | 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. 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 Developer's responsibility. (E) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | N.P.D.E.S. The Developer shall provide a copy of the approved original NPDES (National Pollutant Discharge Elimination System) permit from the Regional Water Quality Control Board and provide a copy of fees paid. The copies shall be provided to the City's Engineering Department. (E) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | STORM WATER POLLUTION PREVENTION PLAN. All of the requirements of the Storm Water Pollution Prevention Plan shall be incorporated and be in place prior to issuance of a grading permit. (E) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | 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 Citys Engineering Department for plan check approval. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

DRAINAGE ACCEPTANCE LETTERS. It is the Developers responsibility to obtain signed Drainage Acceptance Letters from any adjacent property owners who are affected by concentrated off site storm water discharge from any on site retention basins and storm water runoff. The Acceptance letter, along with the latest grant deed, must be submitted to the Citys Engineering Department for plan check approval. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

ON SITE RETENTION. The Developer shall design / construct on site retention facilities, that satisfies Low Impact Development (LID) requirements and which has minimum impact to ground water quality. This shall include maximizing the use of horizontal retention systems and minimizing the application of dry wells / injection wells. All dry wells / injection wells shall be 2 phase systems with debris shields and filter elements. All dry wells / injection wells shall have a minimum depth of 30 with a max depth to be determined by soils engineer at time of boring test. Per Resolution 89 16 the Developer shall provide on site retention at a rate of 13.5 Cu. Ft per every 100 Sq. Ft. of impervious materials. Any proposed facilities, other than a City approved facility that is designed for underground storage for on site retention will need to be reviewed by the City Engineer. The proposed design shall meet City Standards and design criteria established by the City Engineer. A soils percolation test will be required for alternate underground storage retention systems. (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

Avenal Avenue. Construct half-width improvements saw-cut (2-foot min.) and match-up asphalt pavement on Avenal Avenue across the project frontage, based on City's 60-foot Local Roadway Standard. The curb face is to be located at 20' 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. Commercial driveway approaches 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 8 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 plan per City standards.
- K. It is the Developer's responsibility to obtain any off-site dedications for transition tapers including acceleration / deceleration tapers per City standards.
- L. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.

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 the existing

8" AC water line in Avenal Avenue per City Standards

C. It is the Developers responsibility to connect to sewer and pay the appropriate fees. The Developer will be required to connect to the existing 8" PVC sewer main in easement per City standards.

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 SYSTEM. Prior to any land disturbance, the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using California Fire Code. The Fire Flow for this project shall be: 4,000 GPM for a 4 hour duration at 20 psi residual operating pressure. Fire Flow is based on a 22,218 sq.ft. structure. [F 5]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

CFD ANNEXATION. Applicant shall annex the site into Community Facilities District CFD 94-01 and insure the reapportionment of all existing obligations affecting the property. (F)

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

DRIVEWAY/PARKING EASEMENT. An access easement shall be recorded which allows for the perpetual use of the driveway and/or off-street parking spaces for the benefit of the adjacent property. The easement and the required application and fees shall be submitted to the Planning Division prior to review and approval by the City for recordation. (P)

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

SOLID MASONRY WALL/FENCING. The Developer shall submit four sets of masonry wall/wrought iron fencing plans to the Building Division with the required application fees for all proposed walls. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

DESIGN FOR REQUIRED IMPROVEMENTS. Improvement plans for off-site and on-site improvements shall be consistent with the plans approved as part of this site plan review application. (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)

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)

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FIRE ACCESS-POINTS OF VEH. ACCESS. The development shall have a minimum of 2 points of vehicular access. These are for fire/emergency equipment access and for

evacuation routes.

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| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | FIRE ACCESS-SINGLE STORY ROAD ACCESS. Single Story Road Access Width. All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Other recognized standards may be more restrictive by requiring wider access provisions. |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | FIRE SPRINKLER NFPA#13. An automatic fire sprinkler system complying with NFPA Pamphlet #13 and the Fire Department standards is required. The applicant shall hire a Fire Department approved fire sprinkler contractor. The fire sprinkler contractor shall submit three (3) sets of (minimum 1/8 scale) shall include hydraulic calculations and manufacturers specification sheets. The contractor shall submit plans showing type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal. [F 59] |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | WATER SYSTEM COMMERCIAL. A water system approved by the Fire Department is required. The system shall be operational prior to any combustibles being stored on the site. 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. [F 54] |
| <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> | DEVELOPMENT AGREEMENT. The applicant shall execute a development agreement placing restrictions on the tenants/owners of the development with all incentives approved by the City in accordance with state law. The agreement shall be subject to review and approval by the City prior to its execution. (P) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | LANDSCAPE PLANS. The Developer shall install the landscaping and irrigation as required by the Planning Division. (P) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | LIGHT AND LANDSCAPE DISTRICT ANNEXATION. Developer shall annex property into the lighting and landscape district administered by the Hesperia Recreation and Parks District. The required forms are available from the Building Division and once completed, shall be submitted to the Building Division. (RPD) |

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY

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| <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>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | 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) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | ELECTRONIC COPIES. The Developer shall provide electronic copies of the approved project in AutoCAD format Version 2007 to the City's Engineering Department. (E) |

| | | |
|--|---------------------------|--|
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | FIRE ALARM-AUTO OR MANUAL. A manual, automatic or manual and automatic fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required. The applicant shall hire a Fire Department approved fire alarm contractor. The fire alarm contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. [F 62a] |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | FIRE EXTINGUISHERS. Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department. [F88] |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | GATE OVERRIDE SWITCH. Where an automatic electric security gate is used, an approved Fire Department override switch (Knox) is required. [F86] |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | HYDRANT MARKING. Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. In areas where snow removal occurs or non paved roads exist, the blue reflective hydrant marker shall be posted on an approved post along the side of the road, no more than three (3) feet from the hydrant and at least six (6) feet high above the adjacent road. [F80] |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | KNOX BOX. An approved Fire Department key box is required. [F85] |
| <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. Park Fees (B)
C. Utility Fees (E) |
| <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> | 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 materials board and color exterior building elevations identified as Exhibit A. Any exceptions shall be approved by the Director of Development Services. (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 12

RESOLUTION NO. 2016-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A TENTATIVE PARCEL MAP (PM-19710), TO CREATE TWO PARCELS FROM AN EXISTING 10 GROSS ACRE PARCEL LOCATED ON THE NORTH SIDE OF AVENAL STREET, APPROXIMATELY 900 FEET EAST OF MARIPOSA ROAD. (TPM16-00002)

WHEREAS, Eagle Hesperia 55, LLC have filed an application requesting approval of TPM16-00002 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to the west 4.7 acres of a 10 gross acre property within the Medium Density Residential (MDR) Zone of the Main Street and Freeway Corridor Specific Plan (Specific Plan), located on the north side of Avenal Street, approximately 900 feet east of Mariposa Road and consists of Assessor's Parcel Numbers 0405-072-42; and

WHEREAS, the Application, as contemplated, proposes to create two parcels on approximately 10.0 gross acres; and

WHEREAS, the property is currently vacant. A single-family residential neighborhood exists to the south. A single-family residence exists to the west. The project is bounded by transmission towers to the east. The land to the north is vacant; and

WHEREAS, the subject property is currently within the MDR Zone District of the Specific Plan. The land to the north and west is within the Regional Commercial (RC) Zone. The land to the south is within the Low Density Residential (LDR) Zone. The transmission towers to the east are zoned Utility Corridor (UC); and

WHEREAS, this project is exempt from the California Environmental Quality Act (CEQA), per Public Resources Code Section 21159.23, Exception for Affordable Low-income Housing; and

WHEREAS, on April 14, 2016, 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 HESERIA 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 April 14, 2016 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The proposed map is consistent with the City's General Plan of the City of Hesperia.

- (b) 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.
- (c) The site is physically suitable for the type of development because there are no known physical constraints to residential development and the site has adequate area to accommodate the proposed parcels.
- (d) The site is physically suitable for the proposed density of residential development because the parcels are adequate in size and shape and all regulations applicable to the development can be met.
- (e) 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.
- (f) 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, the Planning Commission hereby approves Tentative Parcel Map TPM16-00002 (TPM-19710) subject to the conditions of approval as shown in Attachment "A".

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

ADOPTED AND APPROVED this 14th day of April 2016

Tom Murphy, Chair, Planning Commission

ATTEST:

Denise Bossard, Secretary, Planning Commission

ATTACHMENT "A"
List of Conditions for TPM16-00002

Approval Date: April 14, 2016

Effective Date: April 26, 2016

Expiration Date: April 26, 2019

This list of conditions applies to Consideration of Tentative Parcel Map TPM16-00002 (PM-19710) to create two parcels from an existing 10 gross acre parcel within the Medium Density Residential (MDR) zone of the Main Street and Freeway Corridor Specific Plan located on the north side of Avenal Street, approximately 900 feet east of Mariposa Road (Applicant Eagle Hesperia 55 LLC; APN: 0405-072-42)

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

| | | |
|---------------------------------------|--------------------|--|
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | PARCEL MAP. A 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 Surveyor's Office Map Standards. (E) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | TITLE REPORT. The Developer shall provide a complete title report 90 days or newer from the date of submittal. (E) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | PLAN CHECK FEES. A customer request form from Engineering shall be completed and submitted to the Engineering Department. Upon receipt of form, plan-checking fees will be provided to the developer. Fees must be paid along with submittal. Map, CDP (If Required), Improvement Plans (If Required), requested studies, and CFD annexation must be submitted as a package. (E) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | ALL EASEMENTS OF RECORD. It shall be the responsibility of the Developer to provide all Easements of Record per recent title report. (E) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | 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) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | 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. Dedication for Box Street, 30' half -width / 60' full-width.
B. Easement for Double Detector Check valves if DDC encroaches onto privat property. |

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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 Applicants 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 Citys election to defend itself, whether at the cost of the Applicant or at the Citys own cost, shall not relieve or release the Applicant from any of its obligations under this Condition. (P)

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

DEVELOPMENT FEES. The Developer shall pay required development fees as follows:

A. School Fees (B)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

UTILITY PLANS. Each parcel shall be served by a separate water meter, service line, and sewer lateral connection where available. A "Fire Fly" 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

DRAINAGE STUDY. The Developer shall submit a Final Hydrology / Hydraulic study identifying the method of collection and conveyance of any tributary flows from off site as well as the method of control for increased run off generated on site. The Developer shall design street improvements, as identified in the Hydrology study or per the Citys Engineering and Building and Safety Department requirements upon review of the grading plan. Street design shall be in accordance with City standards (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

CONSTRUCTION WASTE. The developer or builder shall contract with the Citys 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)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

DUST CONTROL. Dust control shall be maintained before, during, and after all grading operations. (B)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

PERCOLATION TEST. The applicant shall submit a percolation test, performed by a California licensed civil or soils engineer, and approved by the San Bernardino County Department of Environmental Health Services for the required private sewage disposal systems. Should the applicant agree in writing to use the most restrictive percolation test for a site in close proximity to the subject property in designing the sewage disposal systems, then a percolation test shall not be required to be performed on-site. The applicability of any percolation test for use in designing the sewage disposal systems shall be subject to review and approval by the Building and Safety Division. In the event a tract map or parcel map has previously been recorded on the project site, the City of Hesperia has a percolation test on file, and no unusual conditions apply, this requirement may be waived by the Building and Safety Division. (B)

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)

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 Agaveacea 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)

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

CDP CONFORMANCE. All Special Requirements as outlined on the approved CDP (Composite Development Plan) shall be completed, inspected and approved through the appropriate department. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

AS BUILT PLANS. The Developer shall provide as built plans. (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

ELECTRONIC COPIES. The Developer shall provide electronic copies of the approved project in AutoCAD format Version 2007 to the City's Engineering Department. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

DEVELOPMENT FEES. The Developer shall pay required development fees as follows:

- A. Development Impact Fees (B)
- B. Park Fees (B)
- C. Utility Fees (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 |

ATTACHMENT "13"

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL DOCUMENT TO:

NAME

CITY CLERK

STREET
ADDRESS

CITY OF HESPERIA
9700 SEVENTH AVENUE

CITY, STATE &
ZIP CODE

HESPERIA, CA 92345

SPACE ABOVE FOR RECORDER'S USE ONLY

**DENSITY BONUS AND INCENTIVE AGREEMENT
AND
COVENANT RESTRICTING USE
(HESPERIA SENIOR COMPLEX - DA16-00001)**

Title of Document



**THIS AREA FOR
RECORDER'S
USE ONLY**

**THIS COVER SHEET ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION
(\$3.00 Additional Recording Fee Applies)**

**DENSITY BONUS AND INCENTIVE AGREEMENT AND
COVENANT RESTRICTING USE
(Eagle Apartments – DA16-00001)**

THIS DENSITY BONUS AND INCENTIVE AGREEMENT AND COVENANT RESTRICTING USE (this “Agreement”) entered into as of _____, by and among Eagle Hesperia 55, LLC a California limited liability company (“Owner”), and the CITY OF HESPERIA, a municipal corporation (“City” or “Authority”), is made with reference to the following:

Recitals

Owner is the owner in fee of that certain real property (the “Site”) described on Exhibit A attached hereto and incorporated herein by reference, which is located within the City, at Avenal Street, Hesperia, CA 92345 approximately 900 feet east of Mariposa Road, APN#’s 0405-072-42.

A. Developer has submitted Site Plan Review SPR16-00003 & Density Bonus Agreement DA16-00001 (together, the (“Application”) for approval of, and intends to construct, an apartment rental residential development (the “Project”) on the Site containing 96 senior rental units (the “Units”). The units will be 1 and 2 bedroom units, ninety-six (96) of which will be restricted to occupancy by Qualified Households (inclusive of a manager’s unit that is not required to be affordable or age restricted).

B. Under the existing land use designation, the maximum allowable number of residential units on the property is 71 units.

C. City desires to, and, under the City of Hesperia Municipal Code (“Municipal Code”) Section 16.20.190, et seq., (the “City’s Density Bonus Program”) and California Government Code Section 65915 is required to grant Owner a density bonus and up to three additional incentives in consideration for their commitment to restrict occupancy of the Units as herein described.

D. Owner agrees to enter into this Agreement and hereby consent to be regulated and restricted by the City as provided herein.

NOW, THEREFORE, Owner and City mutually agree as follows:

1. Term. The Term (“Term”) of this Agreement shall commence on the date of its execution by all parties and shall continue in full force and effect until the date that is the 55th anniversary of the date on which the final certificate of occupancy for the Project is received from the City.
2. Owner’s Covenants. Owner hereby covenant by and for themselves, and for their representatives, successors and assigns and every successor in interest to the Site or any part thereof to comply with the covenants, reservations and restrictions set forth in this Agreement. Owner further covenant that during the Term, Owner shall devote the Site to be used for the Project only, and in conformance with this Agreement. Each and every contract, deed or other instrument hereafter executed covering the conveying of the Site or any portion

thereof shall conclusively be held to have been executed, delivered and accepted subject to such covenants, reservations and restrictions, regardless of whether such covenants, reservations and restrictions are set forth in such contract, deed or other instruments.

2.1. Owner agrees that the Project shall be constructed in accordance with the plans, drawings and specifications approved by the City.

2.2. Affordability. Owner covenants that the following described Dwelling Units shall be occupied or Available for occupancy by a Qualifying Household at an Affordable Rent on a continuous basis throughout the Term, in accordance with the following tenant income level mix:

2.2.1. Twenty (20) of the One Bedroom Units shall be occupied or Available for occupancy by Qualifying Households that are 50% Households; and

2.2.2. Forty-Four (44) of the One Bedroom Units shall be occupied or Available for occupancy by Qualifying Households that are 80% Households; and

2.2.3. Thirty-One (31) of the Two Bedroom Units shall be occupied or Available for occupancy by Qualifying Households that are 80% Households. One of the Two Bedroom Units may be used as a manager's unit, which is not subject to any tenant age restriction and may be leased at a rent that is not an Affordable Rent.

2.2.4. The manager's unit may be occupied by maintenance or management personnel employed by the property management company.

3. City's Covenants.

3.1. Density Bonus. Pursuant to Municipal Code Section 16.20.205, the City hereby agrees to grant Owner a Density Bonus as follows:

3.1.1. The City grants the Owner a density bonus of 25 units above the 71 presently allowable number of units.

3.1.2. The Owner agrees that the Owner is not entitled to any further density bonus or the financial equivalent thereof beyond those set forth in this Section 3.2.

3.2. Incentives. Pursuant to Municipal Code Section 16.20.230 and California Government Code Section 65915, the City hereby agrees to grant to the Owner the following incentives to encourage the supply of affordable housing:

3.2.1. The City accepts balconies of one-bedroom units to have a minimum area of 51 square feet instead of 100 square feet and a minimum dimension of 5 feet instead of the 8 feet required by the Main Street and Freeway Corridor Specific Plan.

3.2.2. The City accepts 1-bedroom units to contain a minimum livable floor area of 598 square feet instead of the 875 square foot minimum required by the

Specific Plan. Likewise, the City accepts 2-bedroom units at a minimum livable area of 809 square feet instead of 1,075 square feet.

3.2.3. The City accepts 144 parking spaces instead of 152 parking spaces required by the Development Code. The City understands that 31 parking spaces of the 144 parking space will be provided as part of a reciprocal parking easement.

3.3. Definitions. As used in this Agreement, the following capitalized and close quoted terms shall have the following meanings:

3.3.1. “Affordable Rent” as defined in California Health and Safety Code Section 50053(b) and accompanying regulations of the California Department of Housing and Community Development, including Utilities Allowance, which rent shall not exceed the product of: (a) for 50% Households, a gross monthly rent, that is not more than 1/12th of the product of 30% times the maximum income for 50% Households, including Utilities Allowance, adjusted for family size appropriate for the Dwelling Unit; (b) for 80% Households, a gross monthly rent, including Utilities Allowance, that is not more than 1/12th of the product of 30% times the maximum income for 80% Households, adjusted for family size appropriate for the Dwelling Unit. Notwithstanding the foregoing provisions or any other provision of this Regulatory Agreement, “Affordable Rent” for 50% Households or 80% Households shall not exceed a gross monthly rent, including Utilities Allowance of 1/12th of the product of 30% times 80% of Area Median income, adjusted for family size appropriate for the Dwelling Unit. For purposes of the calculation of Affordable Rent “family size appropriate to the unit” shall mean a household of two (2) Persons for a One Bedroom Unit or a household of three (3) Persons for a Two Bedroom Unit.

3.3.2. “Annual Report” is a report in substantial conformance with Attachment “B” attached to this Regulatory Agreement or in such other form as subsequently reasonably required by Authority, together with a current rent roll for the Project and all Income Certification Forms completed and signed by Qualifying Households regarding each Dwelling Unit.

3.3.3. “Area Median Income” means the then current area median income for the County of San Bernardino, California, Metropolitan Statistical Area, as determined by and published by the California Department of Housing and Community Development (“HCD”) in the California Code of Regulations or if no longer determined by HCD, then as established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937.

3.3.4. “Income Certification Form” means a certification in substantial conformance with Attachment “C” attached to this Regulatory Agreement or in such other form subsequently reasonably required by Authority.

- 3.3.5. "Qualified Household" is defined a Senior Citizen Household that: (1) is either a 50% Household or an 80% Household; and (2) whose income does not exceed the maximum income allowable for the subject Dwelling Unit.
 - 3.3.6. "Senior" is defined as a person described in California Civil Code Section 51.3(b).
 - 3.3.7. 50% Household. An individual or household with a household income equal to or less than fifty percent (50%) of the then current Area Median Income adjusted for family size.
 - 3.3.8. 80% Household. An individual or household with a household income equal to or less than eighty percent (80%) of the then current Area Median Income adjusted for family size.
4. Affordable Rent. The monthly rent charged to a Qualifying Household for the occupancy of a Dwelling Unit may never exceed an Affordable Rent for such Dwelling Unit in accordance with Section 2.2.
 - 4.1. Occupancy By Qualified Household. A Unit occupied by a Qualified Household shall be treated as occupied by a Qualified Household until a recertification of such Household's income in accordance with this Section 4 demonstrates that such Household no longer qualifies as a Qualified Household.
 - 4.2. Determination of Household Income. Determination of Qualifying Household income shall be made by Owner at the time of initial application by an individual or family for occupancy of a Dwelling Unit. At the time of initial application, Owner shall require an applicant to complete the Income Certification Form and certify the accuracy of the information provided on such form. Also, at least once every twelve (12) months during the Term and within sixty (60) days following the expiration of the Term, Owner shall require each Qualifying Household occupying a Dwelling Unit to recertify the Qualifying Household's income on the Income Certification Form. Additionally, on the renewal of a lease for a Dwelling Unit, Owner shall require the Qualifying Household occupying the Dwelling Unit to recertify the Qualifying Household's income on the Income Certification Form. Owner shall make a good faith effort to verify the accuracy of income information provided in any Income Certification Form by an applicant for occupancy of a Dwelling Unit or by a recertifying Qualifying Household occupying a Dwelling Unit, by conducting a credit reporting agency or similar search and taking at least one of the following steps, as reasonably required or indicated: (1) obtain an income tax return and copy of each W2 Wage and Earnings Statement for the most recently concluded income tax year; (2) obtain an income verification form from the applicant's or the Qualifying Household's current employer(s); (3) obtain an income verification form from the United States Social Security Administration or the California Department of Social Services, if the applicant or the Qualifying Household receives assistance from either of such agencies; or (4) if the applicant or an adult member of a Qualifying Household is unemployed and has no such income tax return, obtain another form of independent verification. For purposes of this Section 4, Owner may

conclusively rely upon the evidence of the age of a Person as presented in a valid California Driver's License or other form of identification issued by the State of California or the United States Government that includes a date of birth and a photograph of the subject Person. All such verification information shall only be obtained by Owner after obtaining the applicant's or the Qualifying Household's written consent for the release of such information to Owner. Failure to consent in writing to the release of such income verification information to Owner may disqualify an applicant for occupancy of a Dwelling Unit or be grounds for termination of a Qualifying Household's occupancy of a Dwelling Unit.

- 4.3. Rental Priority. During the term of this Agreement, and to the extent allowed under applicable laws, Owner shall use its best efforts to lease vacant Units reserved for Qualified Households to residents of the City of Hesperia. Owner shall and City may maintain a list (the "Housing List") of persons who have filed a complete application with Owner to rent a Unit in the Project and who have incomes which would qualify them as a Qualified Household, and Owner shall offer to rent Units on the above-referenced priority basis. Should multiple tenants be equally eligible and qualified to rent a Unit, Owner shall rent available Units to Qualified Households on a first-come, first-served basis.
- 4.4. Inspections. Owner and each Qualifying Household occupying a Dwelling Unit shall permit Authority to conduct inspections of the Property, the Project and each Dwelling Unit, from time-to-time, for purposes of verifying compliance with this Regulatory Agreement, upon fifteen (15) days advance Notice to Owner.
- 4.5. Annual Reporting. Owner shall submit its first Annual Report to Authority on or before the April 30 immediately following the Occupancy Date. Thereafter, on or before each April 30 during the Term and within sixty (60) days following the expiration of the Term, Owner shall submit an Annual Report to Authority. Owner shall also submit the information required by the Authority's online reporting database for affordable housing rental activity through such online system on or before each February 1 and August 1 following the Occupancy Date. The required reporting dates may be changed at the sole discretion of the Authority, with six (6) months prior Notice to Owner; provided, however, Authority shall never require such reporting more often than twice in any twelve (12) calendar month time period. Authority shall maintain the confidentiality of all information specifically relating to any particular Qualifying Household occupying a Dwelling Unit, to the extent allowed by Law, as determined by Authority's legal counsel.

5. Project Management.

- 5.1. Management. Owner and Management Agent shall operate the Project in a manner that will provide decent, safe and sanitary residential facilities to the occupants of the Project, will comply with all the provisions of this Regulatory Agreement, and any other applicable contract or agreement between Authority and Owner, and all applicable Law. Owner shall be responsible for management of the Project, including, without limitation, the selection of Qualifying Households, certification and recertification of household size and income for Qualifying Households occupying Dwelling Units, evictions, collection of rents and deposits, maintenance, landscaping, routine and extraordinary repairs, replacement of capital items and security. Authority shall have no responsibility for the management or operation of the Project or the Property. The Project shall at all times be managed by an experienced Management Agent reasonably acceptable to Authority, with demonstrated ability to operate residential rental facilities similar to the Project in a manner that will provide decent, safe, and sanitary housing in a self-sufficient manner. For the purposes of this Regulatory Agreement, if Owner directly performs the functions of the Management Agent with Owner's employees or by means of a service contract with an Affiliate of Owner, Owner's role as the Management Agent shall be deemed approved by Authority. If the Management Agent is a Person other than Owner or an Affiliate of Owner, Owner shall submit for Authority's approval the identity of any proposed Management Agent, together with additional information relevant to the background, experience and financial condition of any proposed Management Agent, as reasonably requested by Authority. If the proposed Management Agent is reasonably satisfactory to Authority and consistent with the requirements of this Regulatory Agreement, Authority shall approve or disapprove the proposed Management Agent by Notice to Owner within thirty (30) days following Authority's receipt of all requested information regarding such Management Agent, as provided for in the immediately preceding sentence. Unless the proposed Management Agent is approved by Authority within such thirty (30) day period, the Management Agent shall be deemed disapproved by Authority.
- 5.2. Performance Review. Upon Notice from Authority, Owner shall, with the participation of Authority, periodically review the management practices of the Project and the Management Agent. Authority shall not request such periodic review more frequently than once each calendar year. The purpose of each periodic review will be to enable Authority to determine whether or not the Project is being operated, maintained and managed in accordance with the requirements and standards of this Regulatory Agreement and all applicable Law.
- 5.3. Replacement of Management Agent. Any contract for the operation or management of the Project entered into by Owner with a Management Agent shall provide that the contract shall have a term of no more than twelve (12) months and that the contract is subject to the provisions of this Regulatory Agreement. If the Project is not being operated and managed in accordance with the requirements and standards of this Regulatory Agreement and all applicable Law, Owner shall remove the Management Agent and replace the Management Agent with a different Management Agent approved by Authority, pursuant to Section 5.1. Owner's failure to remove and replace the

Management Agent in any such circumstance shall constitute a Default by Owner under this Regulatory Agreement.

5.4. In addition to the Project Manager, one Resident Manager shall be designated as necessary by Owner or Project Manager, with written notice to City of the Resident Manager's name, address and telephone number.

5.5. Monitoring. The Project will be monitored at least annually by the Authority. The monitoring will include a review of select tenant files which will be conducted either on site or through a paper review offsite or a combination of both.

6. Authority Affordability Violation Remedies.

6.1. Authority Remedy for Rental Above Affordable Rent. It shall constitute a Default for Owner to charge or accept for a Dwelling Unit rent amounts in excess of the amount provided for in Section 2.2 of this Regulatory Agreement. In the event that Owner charges or receives such higher rental amounts Owner shall be required to refund to the overcharged tenant(s) the entire amount of rent received in excess of the amount permitted pursuant to this Regulatory Agreement. In the event such tenants cannot be located, the Owner shall deposit such funds in a separate account for use in providing programming, activities, or amenities to the residents of the Project. No less than annually Owner shall provide to Authority an accounting of funds deposited into this account, if any, and what programs, activities, amenities were provided.

6.2. Authority Remedy for Rental to Non-Qualifying Household. It shall constitute a Default for Owner to rent any Dwelling Unit to a tenant who is not a Qualifying Household for the particular Dwelling Unit pursuant to the rental rate requirements set forth in Section 2.2 of this Regulatory Agreement. In the event Owner rents a Dwelling Unit to an ineligible tenant, Owner, for each separate violation, shall be required to pay to Authority an amount equal to the total rent Owner received from such ineligible tenant, plus any relocation expenses incurred by Authority as a result of Owner having rented to such ineligible person (if any).

6.3. Authority Remedy for Cumulative Defaults. Authority's remedies for the Defaults described in this Section 6 shall be solely as described in this Section 6, provided that if three (3) such Defaults occur in a six (6) month period, Authority may declare an Event of Default and pursue the applicable remedies described in Section 8.

7. Maintenance. Owner covenants to and for the benefit of Authority and agrees with Authority that:

7.1. Maintenance Standard. Owner shall operate and maintain the Property and the Project in a commercially reasonable manner and condition, including maintenance, repair, reconstruction and replacement of any and all asphalt, concrete, landscaping, utility systems, irrigation systems, drainage facilities or systems, grading, subsidence, retaining walls or similar support structures, foundations, signage, ornamentation and all other improvements on or to the Property, now existing or made in the future, as necessary to maintain the appearance and character of the Property as improved with the Project,

including all of the following, all at Owner's sole cost and expense: (a) maintaining surfaces in a level, smooth and evenly covered condition with the type of surfacing material originally installed or such substitute as shall in all respects be equal in quality, use and durability; (b) removing all papers, mud, sand, debris, filth and refuse and thoroughly sweeping areas to the extent reasonably necessary to keep areas in a clean and orderly condition; (c) removing or covering graffiti with the type of surface covering originally used on the affected area, (d) placing, keeping in repair and replacing any necessary and appropriate directional signs, markers and lines; (e) installing, operating, keeping in repair and replacing where necessary, such artificial lighting facilities as shall be reasonably required; (f) maintaining, mowing, weeding, trimming and watering all landscaped areas and making such replacements of plants and other landscaping material as necessary to maintain the appearance and character of the landscaping; (g) properly maintaining windows, structural elements and painted exterior surface areas of structures in a clean and presentable manner; (h) keeping the common areas of the Project and the Property free of accumulated debris, appliances, inoperable motor vehicles or motor vehicle parts, or free of storage of lumber, building materials or equipment not regularly in use on the Property; (i) parking of any commercial motor vehicle in excess of 10,000 pounds gross weight anywhere on the Property on other than a temporary basis; and (j) the use of garage areas on the Property for purposes other than the parking of motor vehicles and the storage of personal possessions and mechanical equipment of Owner or persons residing in Dwelling Units on the Property; and (k) arranging and paying for all fuel, gas, light, power, water, sewage, garbage disposal, telephone and other utility charges, and the expenses of installation, maintenance, use and service in connection with all of the foregoing (collectively, "Maintenance Standard"). Notwithstanding the foregoing, to the extent that the Maintenance Standard applies to physical conditions of the Property, the Maintenance Standard shall not apply during any period after a fire or other casualty loss, as long as Owner is diligently taking reasonable steps to obtain available insurance proceeds and repair, Restore or remove any improvements or conditions that violate the Maintenance Standard. Notwithstanding any provision of this Regulatory Agreement to the contrary, Authority shall have absolutely no responsibility for any cost or performance associated with any matter that is the responsibility of Owner pursuant to the Maintenance Standard.

- 7.2. Maintenance Deficiency. If there is an occurrence of an adverse condition within the Property in contravention of the Maintenance Standard (each such occurrence being a "Maintenance Deficiency"), then Authority may Notify Owner of the Maintenance Deficiency. If a Maintenance Deficiency is not cured within thirty (30) calendar days following Notice to Owner of such Maintenance Deficiency, Authority shall have the right, but not the obligation, to perform all acts necessary to cure the Maintenance Deficiency or take any other action at law or in equity that may then be available to Authority to accomplish the abatement of the Maintenance Deficiency. Any amount expended by Authority for the cure or abatement of a Maintenance Deficiency pursuant to this Section 7.2 (including Legal Costs) shall be reimbursed to Authority by Owner within thirty (30) calendar days after Notice to Owner of the amount expended. If any amount becoming due to Authority under this Section 7.2 is not reimbursed to Authority by Owner within thirty (30) calendar days after Notice to Owner of the amount owed, the amount shall accrue Default Interest from date of delivery of the Notice of the

amount owed until the entire amount and all accrued Default Interest are paid in full. Nothing in this Section 7.2 is intended to limit or otherwise restrict any right or authority of Authority outside of this Regulatory Agreement to abate a condition that is or may be a Maintenance Deficiency.

7.3. Project Records Retention., Audit and Examination Rights.

7.3.1. Retention of Project Records. Owner shall prepare and maintain and shall cause Owner's Affiliates and Management Agent to prepare and maintain complete and accurate Project Records for all periods during the Term. Owner shall, at all times during the Term and for a period of six (6) years following the end of the Term, maintain and cause Owner's Affiliates and Management Agent to maintain, safe and intact, all of the Project Records. From time to time, upon request from Authority, Owner shall make all Project Records, whether in the custody or control of Owner, Owner's Affiliates or Management Agent, available to Authority or Authority's auditor, representative or agent for examination and copying at any reasonable time, on five (5) calendar days advance Notice. Owner shall also provide Authority any additional information concerning the Dwelling Units, the Project or the Property reasonably requested by Authority.

7.3.2. Audit Procedures.

7.3.2.1. Authority may cause an audit of any and all Project Records by an independent auditor of Authority's selection and at Authority's expense. Authority shall preserve the confidentiality of information contained in the Project Records, to the extent permitted by Law, as determined by Authority's legal counsel.

7.3.2.2. If Owner fails to submit all of the information to Authority as and when required under Section 4.6, Owner shall be in Default under this Regulatory Agreement. Notwithstanding any provision of this Regulatory Agreement to the contrary, if Owner fails to submit all of the information to Authority as and when required under Section 4.6, within ten (10) calendar days after Notice specifying such Default, Authority shall have the right, in addition to any other rights or remedies Authority may have under this Regulatory Agreement regarding such Default, to conduct an audit of any and all Project Records to attempt to identify the information that should have been provided by Owner to Authority. Owner shall reimburse Authority for the cost of any audit conducted pursuant to this Section 7.3.2.2, on Notice of such cost from Authority. Owner shall pay Default Interest to Authority on the amount of any audit cost becoming due to Authority from Owner pursuant to this Section 7.3.2.2, that is not paid within fifteen (15) calendar days following Notice requesting such payment, from the date of such Notice until paid in full.

7.3.3. Compliance. Owner shall, at all times during the Term and at Owner's sole cost and expense, in all material respects: (a) comply with all Laws; and (b) procure and comply with all Approvals required by Law.

8. Remedies. If an Event of Default occurs, then Authority shall, at Authority's option, in Authority's sole and absolute discretion, have any or all of the following described remedies,

all cumulative (so exercise of one remedy shall not preclude exercise of another remedy), in addition to such other remedies as may be available at law or in equity or under any other terms of this Regulatory Agreement:

- 8.1.1. Suits Before End of Term. Authority may sue Owner for damages or other relief, from time to time, without terminating this Regulatory Agreement, including action in mandamus, specific performance, or other suit, action or proceeding at law or in equity, to require Owner to perform the covenants or agreements or observe the conditions or restrictions of this Regulatory Agreement, or enjoin any acts or things that may be unlawful or in violation of the rights of Authority under this Regulatory Agreement, or by other action at law or in equity, as necessary or convenient to enforce the covenants, agreements, conditions or restrictions of this Regulatory Agreement. Nothing herein shall be construed to prohibit Authority from suing Owner following the Term, subject to any applicable laws.
- 8.1.2. Receipt of Money. No receipt of money by Authority from Owner after any Notice of Default shall affect any Notice previously given to Owner, or waive Authority's right to enforce payment or deposit of any amount payable or later falling due, or Authority's right to enter the Property or the Project. Authority and Owner agree that after service of Notice of Default or the commencement of suit or proceedings, or after final order or judgment, Authority may demand, receive and collect any money due or thereafter falling due, without in any manner affecting such Notice, proceeding, order, suit or judgment, all such money collected being deemed payments on account of Owner's liability to Authority.
- 8.1.3. No Implied Waiver. No failure by Authority to insist upon strict performance of any condition, covenant, agreement, restriction or reservation of this Regulatory Agreement or to exercise any right or remedy upon a Default, and no acceptance of full or partial payment of any amount of money due or becoming due to Authority during the continuance of any such Default, shall waive any such Default or such condition, covenant, agreement, restriction or reservation. No obligation of Owner under this Regulatory Agreement, and no Default, shall be modified, except by a written instrument signed by Authority. No waiver of any Default shall modify this Regulatory Agreement. Each and every covenant, agreement, condition, restriction and reservation of this Regulatory Agreement shall continue in full force and effect with respect to any other then-existing or subsequent Default of such condition, covenant, agreement, restriction or reservation of this Regulatory Agreement.
- 8.1.4. Damages. Authority may recover from Owner all damages Authority incurs by reason of Owner's Default and reimbursement of Authority's reasonable out of pocket costs, including Legal Costs and bank fees for dishonored checks. Authority may recover such damages at any time after Owner's Default, including after the expiration of the Term. Notwithstanding any Law to the contrary, Authority need not commence separate actions to enforce Owner's obligations for each amount or payment not paid or each month's accrual of damages or costs for Owner's Default, but may bring and prosecute a single combined action for all such damages and costs.
- 8.1.5. Injunction of Breaches. Whether or not an Event of Default has occurred, Authority may obtain a court order enjoining Owner from continuing any Default

or from committing any threatened Default. Owner specifically and expressly acknowledges that damages would not constitute an adequate remedy to Authority for any Non-Monetary Default.

- 8.2. Specific Enforcement. Owner agrees that specific enforcement of Owner's non-monetary obligations under this Regulatory Agreement is one of the reasons that Authority entered into the Loan Agreement and that, if Owner breaches any such obligation, potential monetary damages to Authority, as well as to prospective Qualifying Households, would be difficult, if not impossible, to evaluate or quantify. Therefore, in addition to any other relief to which Authority may be entitled as a consequence of Owner's Default under this Regulatory Agreement, Owner agrees to the imposition of the remedy of specific performance against Owner under this Regulatory Agreement.
- 8.3. Enforcement. Authority, or any successor to all rights, powers and obligations of Authority, shall have the power to enforce this Regulatory Agreement and no other Person shall have any right or power to enforce any provision of this Regulatory Agreement on behalf of Authority or to compel Authority to enforce any provision of this Regulatory Agreement against Owner, the Project, the Property or any Dwelling Unit. Further, pursuant to Health and Safety Code Section 33334.3(f)(7), this Regulatory Agreement shall be enforceable by the Authority, any resident of a Dwelling Unit, any resident association with members who reside in Dwelling Units, former residents of Dwelling Units who last resided in any such Dwelling Unit, applicants for occupancy of Dwelling Units or Persons on an affordable housing waiting list, subject to the specific requirements of such law.
9. Covenants Run with the Land. Owner and Authority hereby declare their mutual specific intent that the covenants, conditions, restrictions, reservations and agreements set forth in this Regulatory Agreement are part of a plan for the promotion and preservation of affordable Senior Citizen rental housing within the territorial jurisdiction of Authority and that each shall be deemed covenants running with the land of the Property, binding upon each successor-in-interest of Owner in the Project or the Property for the duration of the Term. Regardless of classification or characterization, each of the covenants, conditions, restrictions and agreements contained in this Regulatory Agreement touch and concern the land of the Property and each of them is expressly declared to be for the benefit and in favor of Authority for the duration of the Term, regardless of whether Authority is or remains an Owner of any land or interest in land to which such covenants, conditions, restrictions or agreements relate. Authority, in the event of any Default under this Regulatory Agreement, has the right to exercise all of the rights and remedies and to maintain any actions at law or suits in equity or other proper proceedings, to enforce the curing of such Default, as provided in this Regulatory Agreement. Owner hereby expressly assumes the duty and obligation to perform each of the agreements and covenants and to honor each of the reservations and restrictions set forth in this Regulatory Agreement. Each and every contract, deed or other instrument hereafter executed covering or conveying all or any portion of the Property or the Project or any interest in the Property or the Project or any Dwelling Unit shall incorporate all of the provisions of this Regulatory Agreement, either expressly or by reference. Each and every contract, deed or other instrument transferring any estate or interest in the Property or

the Project shall conclusively be deemed to have been executed, delivered and accepted subject to the agreements, covenants, conditions, reservations and restrictions of this Regulatory Agreement, regardless of whether such agreements, covenants, conditions, reservations and restrictions are set forth in or referenced in such contract, deed or other instrument.

10. Benefit of Covenants, Reservations and Restrictions. The City and the Owner hereby declare their understanding and intent that the covenant, reservations and restrictions set forth herein directly benefit the land by enhancing and increasing the enjoyment of use of the Site by certain low income residents of the City of Hesperia. The City and its successors and assigns are deemed the beneficiary of the covenants, reservations and restrictions contained herein, regardless of the technical classification and designation. The covenants, reservations and restrictions shall benefit and run with the land in favor of the City, its successors and assigns. They shall be enforceable by same without regard to whether same has been remains or is an owner of any land or interest therein.

11. General Provisions

11.1. No Subordination. Owner acknowledges and agrees that this Regulatory Agreement shall, at all times and under all circumstances, be prior, paramount, and senior to any other non-statutory lien, encumbrance, interest or estate (whether recorded or not) relating to all or any part of the Project or the Property, except any such matter affecting the Property when the Developer acquired the Property, as identified in Schedule B of the Owner's Policy of Title Insurance from the First American Title Company, dated October 27, 2015, issued to Owner ("Exceptions"). Authority shall be under no obligation, under any circumstance or for any reason, to subordinate all or any part of this Regulatory Agreement to any lien, encumbrance, interest, estate or other obligation of Owner relating to all or any part of the Project or the Property, except the Exceptions.

11.2. Non-liability of Authority Officials or Employees. No Authority Party shall be personally liable to Owner or any successor in interest to Owner, in the event of any Default by Authority under this Regulatory Agreement.

11.3. Governing Law. This Regulatory Agreement shall be governed by the procedural and substantive laws of the State, without application of conflicts of laws principles or statutes.

11.4. Amendment. This Regulatory Agreement may be amended only by a written instrument signed by both Owner and Authority.

11.5. Principles of Interpretation. No inference in favor of or against any Party shall be drawn from the fact that such Party has drafted any part of this Regulatory Agreement. The Parties have both participated substantially in the negotiation, drafting and revision of this Regulatory Agreement, with advice from legal counsel and other advisers of their own selection. A term defined in the singular in this Regulatory Agreement may be used in the plural and vice versa, all in accordance with ordinary principles of English grammar, which govern all language in this Regulatory Agreement. The words "include"

and “including” in this Regulatory Agreement shall be construed to be followed by the words: “without limitation.” Each collective noun in this Regulatory Agreement shall be interpreted as if followed by the words “(or any part of it),” except where the context clearly requires otherwise. Every reference to any document, including this Regulatory Agreement, refers to such document as modified from time to time (except, at Authority’s option, any modification that violates this Regulatory Agreement), and includes all exhibits, attachments, schedules and riders to such document. The word “or” in this Regulatory Agreement includes the word “and.” Every reference to a law, statute, regulation, order, form or similar governmental requirement refers to each such requirement as amended, modified, renumbered, superseded or succeeded, from time to time.

11.6. Attorney’s Fees. In the event that a Party brings an action to enforce this Regulatory Agreement or otherwise arising out of this Regulatory Agreement, the prevailing Party in such action shall be entitled to recover Legal Costs to be fixed by the court in which a judgment is entered, as well as the costs of such suit, from the other Party. For the purposes of this Regulatory Agreement, in the case of Authority, Legal Costs include the salaries, costs and overhead of the lawyers employed in the office of the Authority legal counsel who are legal counsel to Authority in such an action.

11.7. Severability. If any term or provision of this Regulatory Agreement or its application to any Person or circumstance shall to any extent be invalid or unenforceable, then the remainder of this Regulatory Agreement, or the application of such term or provision to Persons or circumstances, other than those as to which the term or provision is invalid or unenforceable, shall not be affected by such invalidity. All remaining terms and provisions of this Regulatory Agreement shall be valid and be enforced to the fullest extent Law allows.

11.8. Time is of the Essence. Time is of the essence with respect to the performance of each term, provision, covenant, condition, restriction, reservation or agreement contained in this Regulatory Agreement.

11.9. Unavoidable Delay: Extension of Time of Performance.

11.9.1. Notice. Subject to any specific provisions of this Regulatory Agreement stating that they are not subject to Unavoidable Delay or otherwise limiting or restricting the effects of an Unavoidable Delay, performance by either Party under this Regulatory Agreement shall not be deemed or considered to be in Default, where any such Default is due to the occurrence of an Unavoidable Delay. Any Party claiming an Unavoidable Delay shall Notify the other Party: (a) within twenty (20) days after such Party knows of any such Unavoidable Delay; and (b) within twenty (20) days after such Unavoidable Delay ceases to exist. To be effective, any Notice of an Unavoidable Delay must describe the Unavoidable Delay in reasonable detail. The Party claiming an extension of time to perform due to an Unavoidable Delay shall exercise commercially reasonable efforts to cure the condition causing the Unavoidable Delay, within a reasonable time.

- 11.9.2. Assumption of Economic Risks. EACH PARTY EXPRESSLY AGREES THAT ADVERSE CHANGES IN ECONOMIC CONDITIONS OF EITHER PARTY SPECIFICALLY OR THE ECONOMY GENERALLY OR CHANGES IN MARKET CONDITIONS OR DEMAND OR CHANGES IN THE ECONOMIC ASSUMPTIONS OF EITHER PARTY THAT MAY HAVE PROVIDED A BASIS FOR ENTERING INTO THIS REGULATORY AGREEMENT SHALL NOT OPERATE TO EXCUSE OR DELAY THE PERFORMANCE OF EACH AND EVERY ONE OF EACH PARTY'S OBLIGATIONS AND COVENANTS ARISING UNDER THIS REGULATORY AGREEMENT. ANYTHING IN THIS REGULATORY AGREEMENT TO THE CONTRARY NOTWITHSTANDING, THE PARTIES EXPRESSLY ASSUME THE RISK OF UNFORESEEABLE CHANGES IN ECONOMIC CIRCUMSTANCES OR MARKET DEMAND OR CONDITIONS AND WAIVE, TO THE GREATEST EXTENT ALLOWED BY LAW, ANY DEFENSE, CLAIM OR CAUSE OF ACTION BASED IN WHOLE OR IN PART ON ECONOMIC NECESSITY, IMPRACTICABILITY, CHANGED ECONOMIC CIRCUMSTANCES, FRUSTRATION OF PURPOSE OR SIMILAR THEORIES. THE PARTIES AGREE THAT ADVERSE CHANGES IN ECONOMIC CONDITIONS, EITHER OF THE PARTY SPECIFICALLY OR THE ECONOMY GENERALLY, OR CHANGES IN MARKET CONDITIONS OR DEMANDS, SHALL NOT OPERATE TO EXCUSE OR DELAY THE STRICT OBSERVANCE OF EACH AND EVERY ONE OF THE OBLIGATIONS, COVENANTS, CONDITIONS AND REQUIREMENTS OF THIS REGULATORY AGREEMENT. THE PARTIES EXPRESSLY ASSUME THE RISK OF SUCH ADVERSE ECONOMIC OR MARKET CHANGES, WHETHER OR NOT FORESEEABLE AS OF THE RECORDING DATE.
- 11.10. Titles and Headings for Reference Only. The titles and headings of the articles, paragraphs or sections of this Regulatory Agreement are for convenience of reference only and are not to be considered a part of this Regulatory Agreement and shall not in any way interpret, modify or restrict the meaning of any term, provision, covenant, condition, restriction, reservation or agreement contained in this Regulatory Agreement.
- 11.11. Notices.
- 11.11.1. Delivery. Any and all Notices sent by either Party to the other Party pursuant to or as required by this Regulatory Agreement shall be proper, if in writing and transmitted to the address of Authority or Owner, as applicable, as designated in Section 11.11, by one or more of the following methods: (a) messenger for immediate personal delivery, (b) a nationally recognized overnight (one business day) delivery service (i.e., Federal Express, United Parcel Service, etc.) or (c) registered or certified United States mail, postage prepaid, return receipt requested. Notices may be sent in the same manner to such other addresses as either Party may from time to time designate by Notice, in accordance with this Section 11.11. A Notice shall be deemed to be received by the addressee, regardless of whether or when any return receipt is received by the sender or the date set forth on such return receipt, on the day the Notice is delivered by personal delivery, on the date the Notice is delivered (or the date of the second attempted

delivery, as set forth in a written statement of the delivery service) by a nationally recognized overnight delivery service or three (3) calendar days after the Notice is placed in the United States mail, as provided in this Section 11.11. Rejection, other refusal to accept or the inability to deliver a Notice because of a changed address of which no Notice was given, shall be deemed receipt of the Notice. Any attorney representing a Party may give any Notice on behalf of such Party.

11.12. **Addresses.** The following are the authorized addresses for the submission of Notices to the Parties, as of the date of this Regulatory Agreement:

If to Authority:

City of Hesperia
9700 Seventh Avenue
Hesperia, CA 92345
Attention: City Manager

With a courtesy copy to:

Aleshire & Wynder, LLP
3880 Lemon Street, Suite 520
Riverside, CA 92501
Attention: Eric L. Dunn

If to Owner:

Eagle Hesperia 55, L.P.
c/o Eagle Real Estate Group, LLC
1500 Quail Street, Suite 120
Newport Beach, California 92660
Attention: Randall J. Friend, Manager

11.13. **Entire Agreement.**

11.13.1. This Regulatory Agreement may be signed in multiple counterpart originals, each of which shall be deemed to be an original, and all of which together shall constitute one and the same instrument. This Regulatory Agreement includes seventeen (17) pages and three (3) attachments.

11.13.2. This Regulatory Agreement constitute the entire understanding and integrate all of the terms, conditions, covenants, restrictions, reservations, terms, provisions and agreements of Authority and Owner regarding the Property and the Project, and supersede all negotiations or previous agreements between Authority and Owner with respect to all or any part of the Property or the Project.

11.13.3. None of the terms, conditions, covenants, restrictions, reservations, terms, provisions or agreements set forth in this Regulatory Agreement shall be deemed to be merged with any deed conveying title to any estate or interest in the Property or the Project.

11.13.4. Signatures delivered by facsimile or electronic transmission shall be binding as originals upon the Party so signing and delivering; provided, however, that original signature(s) shall be required for documents to be recorded.

**SIGNATURE PAGE
TO
REGULATORY AGREEMENT AND DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS RESTRICTING USE OF
PROPERTY FOR AFFORDABLE SENIOR CITIZEN HOUSING
(HESPERIA SENIOR COMPLEX)**

IN WITNESS WHEREOF, Owner and Authority have signed and entered into this Regulatory Agreement by and through the signatures of their respective authorized representative(s), as set forth below:

AUTHORITY:

City of Hesperia,
a public body, corporate and politic

By: _____
Nils Bentsen, Executive Director

ATTEST:

By: _____
Melinda Sayre
Authority Secretary

APPROVED AS TO FORM:

ALESHIRE & WYNDER, LLP

By: _____
Eric L. Dunn
Authority Counsel

DEVELOPER:

Eagle Hesperia 55, L.P.,
a California limited partnership

By: "Co-General Partner"

Eagle Hesperia 55 LLC, a Delaware limited liability company

By: Real Estate Investment Group LLC,
a Delaware limited liability company
Its: Sole Member

By: Eagle Real Estate Investment
Manager LLC, a Delaware limited
liability company
Its: Manager

By: _____
Randall J. Friend
Its: Manager

By: "Managing Partner"

Eagle Hesperia 55 MGP, LLC
a California limited liability company

By: Affordable Housing Access, Inc.,
a California nonprofit benefit
corporation
Its: Sole Member

By: _____
William W. Hirsch
Its: Chief Executive Officer

Exhibit A

Legal Description of Subject Property
[NOTE: Subject to Verification]

Exhibit B
ANNUAL REPORT (HESPERIA SENIOR COMPLEX)

The undersigned, _____, as the authorized representative of EAGLE HESPERIA 55, L.P., a California limited partnership (“Owner”), has read and is thoroughly familiar with the provisions of the various documents associated with the financial assistance provided by the Hesperia Housing Authority (“Authority”), as established in numerous documents, including that certain Regulatory Agreement and Declaration of Covenants, Conditions, and Restrictions Restricting Use of Property for Affordable Senior Citizen Housing (Hesperia Senior Complex), dated as of _____, 20____ (“Regulatory Agreement”), between Owner and Authority. All terms indicated to be defined terms by initial capitalization in this report that are not specifically defined in this report shall have the meanings given to the same terms, respectively, in the Regulatory Agreement.

As of the date of this Annual Report, the following percentage of completed Dwelling Units in the Project are (i) occupied by Qualifying Households or (ii) are currently vacant and are Available for such occupancy and have been held continuously Available for such occupancy since the later of: (y) the date a Certificate of Occupancy was issued for the Dwelling Unit or (z) a Qualifying Household vacated such Dwelling Unit, as indicated:

Number of Dwelling Units occupied by 50% Households: _____

Number of Dwelling Units occupied by 80% Households: _____

Number of Vacant Dwelling Units: _____

Number of Qualifying Households who commenced occupancy of Dwelling Units during the preceding reporting period: _____

Attached is a separate sheet (“Occupancy Summary”) listing, among other items, the identities of all occupants of each Dwelling Unit, the rent paid for each Dwelling Unit and the income level of the household occupying each Dwelling Unit. The information contained in the Occupancy Summary is true and accurate based on information submitted to Owner and is certified in writing as true and accurate under penalty of perjury under the laws of the United States of America and the laws of the State of California by each tenant.

The undersigned hereby certifies that (1) a review of the activities of Owner during such reporting period and of Owner’s performance under the Regulatory Agreement has been made under the supervision of the undersigned; and (2) to the best knowledge of the undersigned, based on the review described in clause (1), Owner is not in default under any of the terms or provisions of the Regulatory Agreement.

**Signature Page
To
Annual Report
(Hesperia Senior Complex)**

OCCUPANCY SUMMARY

Total Number of Dwelling Units in the Project: _____

Total Number of Dwelling Units occupied by Qualifying Households: _____

Total Number of Dwelling Units Available for rent to
Qualifying Households: _____

ATTACHED IS THE FOLLOWING INFORMATION:

- A. Resident and rental information for each occupied Dwelling Unit in the Project.
- B. An Income Certification Form for all new Qualifying Households who have moved into a Dwelling Unit in the Project since the filing of the last Occupancy Summary.

Exhibit C

INCOME CERTIFICATION (HESPERIA SENIOR COMPLEX)

NOTE TO APARTMENT OWNER: This form is designed to assist you in computing "Adjusted Income" in accordance with the method set forth in the United States Department of Housing and Urban Development ("HUD") Regulations at United States Code of Federal Regulations, Title 24, Part 5, Section 5.611. You should make certain that this form is at all times up-to-date with the HUD Regulations.

Re: [Address of Dwelling Unit]

1. Members of Household. I/We, the undersigned state that I/we have read and answered fully, frankly and personally each of the following questions for all persons who are to occupy the unit being applied for in the above apartment project. Listed below are the names of all persons who intend to reside in the unit:

| Names of Members of Household | Relationship to Head of Household | Age | Social Security Number | Place of Employment |
|--------------------------------------|--|------------|-------------------------------|----------------------------|
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |

2. Adjusted Income Computation. The total anticipated annual income, calculated in accordance with the provisions of this Section 2, of all persons over the age of 18 years listed in Section 1 for the 12-month period beginning the date that (i) I/we plan to move into a unit or (ii) the date of this Certification, whichever is later, is \$_____.

(a) Annual income means all amounts, monetary or not, that:

(1) Are paid to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member; or

(2) Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and

(3) Are not specifically excluded in paragraph (c) of this Section 2.

(4) Are derived (during the 12-month period) from assets to which any member of the family has access.

(b) Annual income includes, but is not limited to:

(1) The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;

(2) The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family;

(3) Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation is permitted only as authorized in paragraph (b)(2) of this Section 2. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD;

(4) The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount (except as provided in paragraph (c)(14) of this Section 2);

(5) Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay (except as provided in paragraph (c)(3) of this Section 2);

(6) Welfare assistance payments.

(i) Welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) program are included in annual income only to the extent such payments:

(A) Qualify as assistance under the TANF program definition at 45 C.F.R. 260.31; and

(B) Are not otherwise excluded under paragraph (c) of this Section 2.

(ii) If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income shall consist of:

(A) The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus

(B) The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph shall be the amount resulting from one application of the percentage.

(7) Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling;

(8) All regular pay, special pay and allowances of a member of the Armed Forces (except as provided in paragraph (c)(7) of this Section 2).

(c) Annual income does not include the following:

(1) Income from employment of children (including foster children) under the age of 18 years;

(2) Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);

(3) Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses (except as provided in paragraph (b)(5) of this Section 2);

(4) Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;

(5) Income of a live-in aide, as defined in 24 C.F.R. 5.403;

(6) The full amount of student financial assistance paid directly to the student or to the educational institution;

(7) The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;

(8)

(i) Amounts received under training programs funded by HUD;

(ii) Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);

(iii) Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;

(iv) Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for Owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance and resident initiatives coordination. No resident may receive more than one such stipend during the same period of time;

(v) Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program;

(9) Temporary, nonrecurring or sporadic income (including gifts);

(10) Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;

(11) Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);

(12) Adoption assistance payments in excess of \$480 per adopted child;

(13) Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts.

(14) Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;

(15) Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; or

(16) Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in 24 C.F.R. 5.609(c) apply.

3. Capital Asset and Savings Information. Do the persons whose income or contributions are included in Section 2 above:

(a) have savings, stocks, bonds, equity in real property or other form of capital investment (excluding the values of necessary items of personal property such as furniture and automobiles and interests in Indian trust land)? Yes ___ No ___; or

(b) have they disposed of any assets (other than at a foreclosure or bankruptcy sale) during the last two years at less than fair market value? Yes ___ No ___

(c) If the answer to (a) or (b) above is yes, does the combined total value of all such assets owned or disposed of by all such persons total more than \$5,000? Yes ___ No ___

(d) If the answer to (c) is yes, state:

(1) the amount of income expected to be derived from such assets in the 12-month period beginning on the date of initial occupancy in the unit that you propose to rent: \$____; and

(2) the amount of such income, if any, that was included in Section 2 above:
\$ _____

4. Full-Time Student Information.

(a) Are all of the individuals who propose to reside in the unit full-time students*?
___ Yes ___ No

*A full-time student is an individual enrolled as a full-time student during each of five calendar months during the calendar year in which occupancy of the unit begins at an educational organization which normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of students in attendance and is not an individual pursuing a full-time course of institutional or farm training under the supervision of an accredited agent of such an educational organization or of a state or political subdivision thereof.

(b) If the answer to 8(a) is yes, is at least one of the proposed occupants of the unit a husband and wife entitled to file a joint federal income tax return? ___ Yes ___ No

5. No Relationship with Owner. Neither myself nor any other occupant of the unit I/we propose to rent is the owner of the rental housing project in which the unit is located (in this Agreement after the "Owner"), has any family relationship to Owner or owns, directly or indirectly, any interest in the ownership. For purposes of this Section 5, indirect ownership by an individual shall mean ownership by a family member, ownership by a corporation, partnership, estate or trust in proportion to the ownership or beneficial interest in such corporation, partnership, estate or trust held by the individual or a family member, and ownership, direct or indirect, by a partner of the individual.

6. Certification of Accuracy of Information. This Certificate is made with the knowledge that it will be relied upon by Owner to determine maximum income for eligibility to occupy the

unit; and I/we declare that all information set forth in this Certificate is true, correct and complete and, based upon information I/we deem reliable and that the statement of total anticipated income contained in Section 2 is reasonable and based upon such investigation as the undersigned deemed necessary. I/we acknowledge that I/we have been advised that the making of any misrepresentation or misstatement in this declaration will constitute a material breach of my/our agreement with Owner to lease the unit and will entitle Owner to prevent or terminate my/our occupancy of the unit by institution of an action for eviction or other appropriate action or proceedings. I/we will assist Owner in obtaining any information or documents required to verify the statements made in this Certificate, including either an income verification from my/our present employer(s) or copies of federal tax returns for the immediately preceding calendar year.

7. Housing Issuer Statistical Information (Optional--will be used for reporting purposes only):

Marital Status: _____

Race (Head of Household)

White _____ Asian _____ Hispanic _____

African-American _____ Native American _____ Other _____

Physical Disability: Yes _____ No _____

I/we declare under penalty of perjury under the laws of the United States of America and the laws of the State of California that the foregoing is true and correct.

Executed this _____ day of _____, _____ in the County of San Bernardino,
California.

Applicant

Applicant

[Signature of all persons over the age of 18 years listed in Section 1 above required]

FOR COMPLETION BY OWNER ONLY:

8. Calculation of eligible income:

(a) Enter amount entered for entire household in Section 2: \$ _____.

(b)

(1) If answer to Section 3(c) is "yes," enter the total amount entered in paragraph 3(d)(1), subtract from that figure the amount entered in 3(d)(2) and enter the remaining balance (\$ _____);

(2) Multiply the amount entered in Section 8(b)(1) times the current passbook savings rate to determine what the total annual earnings on the amount in Section 8(b)(1) would be if invested in passbook savings (\$ _____), subtract from that figure the amount entered in Section 8(b)(1) and enter the remaining balance;

(3) Enter at right the greater of the amount calculated under 8(b)(1) or 8(b)(2) above \$ _____;

(c) TOTAL ELIGIBLE INCOME
(Line 8(a) plus line 8(b)(3)): \$ _____

9. The amount entered in Line 8(c):

_____ Qualifies the applicant(s) as a [insert income category of Qualifying Household.]

_____ Does not qualify the applicant(s) as a Qualifying Household.

10. Number of unit assigned: _____

Bedroom Size: _____ Rent: \$ _____ monthly/annually

11. The unit specified in Section 10 above [was/was not] last occupied for a period of, at least, 31 consecutive days by persons whose aggregate anticipated annual income, as certified in the above manner upon their initial occupancy of the unit, qualified them as a Qualifying Household that was a _____ Household (Extremely Low Income/Very Low Income/Low Income/Moderate Income).

12. Method used to verify applicant(s) income:

____ Employer income verification.
____ Copies of tax returns.
____ Other (_____)

Management Agent

The undersigned employee has applied for a rental unit located in a project restricted by the Hesperia Housing Authority for persons of low income. Every income statement of a prospective tenant must be stringently verified. Please indicate below the employee's current annual income from wages, overtime, bonuses, commissions or any other form of compensation received on a regular basis.

Annual wages _____ Overtime _____ Bonuses _____

Commissions _____

Total current income _____

I hereby certify under penalty of perjury under the laws of the United States of America and the laws of the State of California that the statements above are true and complete to the best of my knowledge.

Signature

Date

Title

I hereby grant you permission to disclose my income to [_____] in order that they may determine my income eligibility for rental of an apartment at [_____].

Signature

Date

Please send to:

I hereby attach copies of my individual federal and state income tax returns for the immediately preceding calendar year and certify under penalty of perjury under the laws of the United States of America and the laws of the State of California that the information shown in such income tax returns is true and complete to the best of my knowledge.

Signature

Date



DATE: April 14, 2016
TO: Planning Commission
FROM:  Dave Reno, Principal Planner
BY:  Stan Liudahl, AICP, Senior Planner
SUBJECT: Conditional Use Permit CUP16-00002 & Tentative Parcel Map TPMN16-00001;
Applicant: Michael Gallagher; APN: 0357-561-72

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution Nos. PC-2016-09 and PC-2016-10, approving CUP16-00002 and TPMN16-00001.

BACKGROUND

Proposal: A Conditional Use Permit (CUP) has been filed to construct a 3,645 square foot mini-mart with 12 fuel dispensers and an automated 968 square foot carwash or a drive-thru restaurant and two 2,546 square foot drive-thru restaurants on the 3.8 gross acre parcel (Attachment 1). The CUP also includes the sale of beer, wine, and liquor for off-site consumption from the mini-mart. A Tentative Parcel Map has also been filed, which will create six parcels on the site (Attachment 2). An easement will be recorded as part of the parcel map to provide reciprocal access and parking across all parcels within this project.

Location: On the southeast corner of Interstate 15 and Ranchero Road.

Current General Plan, Zoning and Land Uses: The site is within the Neighborhood Commercial (NC) Zone of the Main Street and Freeway Corridor Specific Plan (Specific Plan). The surrounding land is designated as noted on Attachment 3. The 3.8-acre site and the properties to the north and west are vacant. Single-family residences exist to the south and east (Attachment 4).

ISSUES/ANALYSIS

The 3.8 gross acre parcel is within the Neighborhood Commercial (NC), which allows the mini-mart and drive-thru restaurants as permitted uses, but requires approval of a CUP for the proposed carwash and the sale of alcoholic beverages. The proposed Conditional Use Permit (CUP) consists of development of a 3,645 square foot mini-mart with 12 fuel dispensers and two 2,546 square foot drive-thru restaurants (Attachment 5). Either an automated 968 square foot carwash or a third drive-thru restaurant will be developed with the mini-mart. The CUP also includes the sale of beer, wine, and liquor for off-site consumption from the mini-mart.

The proposed development complies with all site development regulations, including the minimum building requirements, landscaping, and number of parking spaces. The project requires a minimum of 67 parking spaces, based upon Table 1. The site design will provide 75 spaces, affording eight surplus spaces.

Table 1: Parking Spaces Required

| Use | Parking Formula | Spaces Required |
|--------------|---|-----------------|
| Mini-mart | 4.0 spaces per 1,000 square feet gross floor area | 15 |
| Carwash | 2 spaces | 2 |
| Restaurants | 10 spaces per 1,000 square feet gross floor area | 50 |
| Total | | 67 |

The carwash contains an architectural wing wall approximately five feet from Rancho Road. The variable setback Ordinance allows the proposed building to encroach five feet within the minimum 15-foot street setback requirement, based upon providing a minimum 10 percent landscaping area and pedestrian-oriented features. Over 30 percent of the site is proposed to be landscaped and handicapped accessible sidewalks connect the buildings of the entire development with the proposed public sidewalks. Although the decorative wing wall is approximately five feet from Rancho Road instead of 10 feet, it is over 10 feet below the street elevation within Rancho Road and over 200 feet from the intersection of Rancho Road and Mariposa Road. Therefore, it does not pose a sight-distance hazard. This wing wall forms a consistent architectural feature which ties the carwash with the mini-mart.

The architecture of the mini-mart, carwash and restaurants are consistent with "Spanish" architecture, which exceeds the architectural requirements of the Specific Plan and will set a standard for all new development on the Rancho Road interchange (Attachments 6 and 7). The buildings incorporate changes in wall and roof planes, and contain tile roofs. Walls are enhanced using decorative concrete and tile veneer at their base, windows with wrought-iron bars and shutters, trellises, decorative columns, sconces, and other enhancements.

The applicant will file an application for a Type 21 (Off-Sale beer, wine, and liquor) license with the State Department of Alcoholic Beverage Control (ABC). The Specific Plan requires approval of a CUP for the sale of alcoholic beverages. Table 2 identifies eight existing off-sale alcoholic beverage licenses within Census Tract 100.17 (Attachment 8). ABC authorizes this census tract to have 10 off-sale licenses. Consequently, this area is not over concentrated and the City is not required to make a finding of public convenience and necessity.

Table 2: Existing On-Sale Licenses in Census Tract 100.17

| Status | Business Name | Business Address | Type of License |
|--------|---------------------|------------------------|---------------------------|
| Active | Pilot | 8701 U. S. Highway 395 | 20-Beer and Wine |
| Active | Mobil | 13302 Rancho Rd. | 21-Beer, Wine, and Liquor |
| Active | Target | 12795 Main St. | 21-Beer, Wine, and Liquor |
| Active | Chevron | 6000 Mariposa Rd. | 21-Beer, Wine, and Liquor |
| Active | Walmart | 13401 Main St. | 21-Beer, Wine, and Liquor |
| Active | Valero | 13187 Main St., Unit B | 21-Beer, Wine, and Liquor |
| Active | Marriott Springhill | 9625 Mariposa Rd. | 20-Beer and Wine |
| Active | Arco | 12078 Three Flags Ct. | 20-Beer and Wine |

Tentative Parcel Map

The parcel map will create three parcels, allowing each building to be owned separately. A separate easement will be recorded to provide reciprocal access and parking across all three proposed parcels. The tentative parcel map is consistent with the site design and is in accordance with the Specific Plan and the Subdivision Map Act.

Drainage: On-site drainage sized to retain stormwater from a 100-year storm will be retained in underground retention systems. A major wash exists east of this site. Further, drainage from Interstate 15 is conveyed around the site in an existing concrete channel. Therefore, the site is not impacted by drainage.

Water and Sewer: The development will be connected to an approved eight-inch water line in Fashion Way, which will be connected to the City's existing water system in Mariposa Road. Although sewer lines exist within the project site, these eight-inch lines have not been connected to a functioning sewer line. The development will be able to be served by individual private septic systems on each parcel, except for the carwash, which will require connection to sewer. The proposed floor plans were evaluated by the Building Division, which determined that the number of fixtures would not exceed Lahontan Guidelines for use of septic systems. Prior to issuance of a building permit, the Building Division shall evaluate the number of fixtures shown on the construction documents to determine whether the building meets the Lahontan Guidelines. If the calculations exceed these limitations, either the floor plan shall be amended to reduce the number of fixtures, or connection to sewer will be required.

Environmental: This development is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332, Infill Development Projects. A biological assessment and a protected plant plan were submitted as part of Tentative Parcel Map TPM15-00003 (PM-19723). The biological assessment shows that the site does not contain habitat for the desert tortoise nor any other threatened or endangered species. However, a pre-construction survey for the burrowing owl will be conducted not more than 30 days prior to issuance of a grading permit. A protected plant plan was also submitted, which ensures that the two transplantable plants protected by the City's Protected Plant Ordinance will be handled in accordance with the Ordinance. The Cultural Resources Sensitivity Map indicates that the site has a high sensitivity potential for containing cultural resources. Consequently, a cultural resource survey shall be required prior to development of the site.

Conclusion: The project conforms to the policies of the Specific Plan, specifically land use with approval of the conditional use permit and is consistent with the General Plan. Further, approval of the sale of beer, wine, and liquor is appropriate, particularly since it is in an area which is not over-concentrated.

FISCAL IMPACT

Development will be subject to payment of all development impact fees adopted by the City.

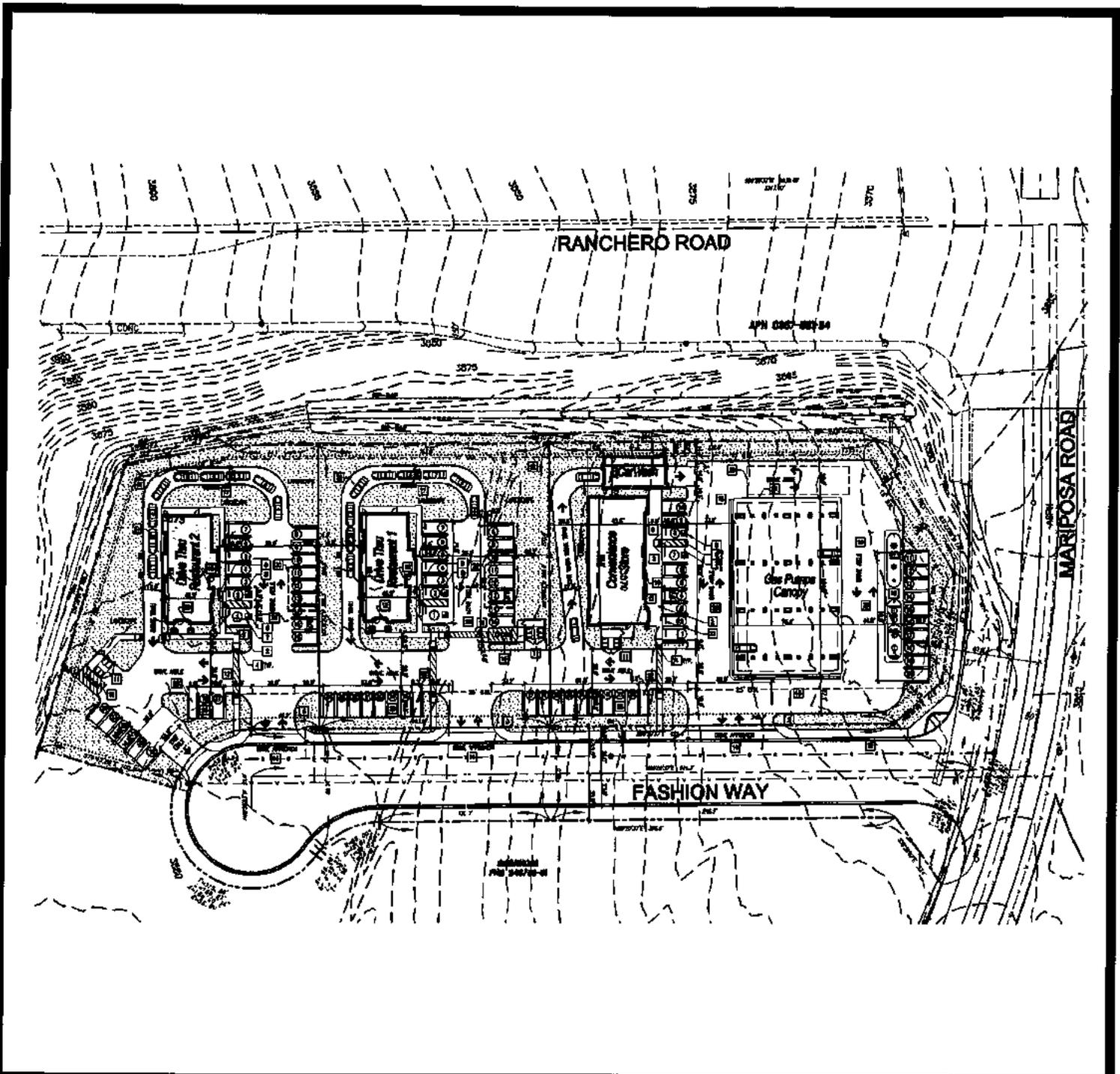
ALTERNATIVE(S)

1. The Planning Commission may approve the project without allowing the wing wall to encroach to within five feet of Rancho Road. This will detract from the architectural design of the building. As such, staff does not recommend this alternative.
2. Provide alternative direction to staff.

ATTACHMENT(S)

1. Site Plan
2. Tentative Parcel Map
3. General Plan
4. Aerial photo
5. Floor plans
6. Color elevations
7. Rendering
8. Census Tract Map
9. Resolution No. PC-2016-09, with list of conditions (CUP16-00002)
10. Resolution No. PC-2016-10, with list of conditions (TPMN16-00001)

ATTACHMENT 1



APPLICANT(S): MICHAEL GALLAGHER

FILE NO(S): CUP16-00002 & TPMN16-00001

LOCATION: SOUTHEAST CORNER OF INTERSTATE 15 AND RANCHERO ROAD

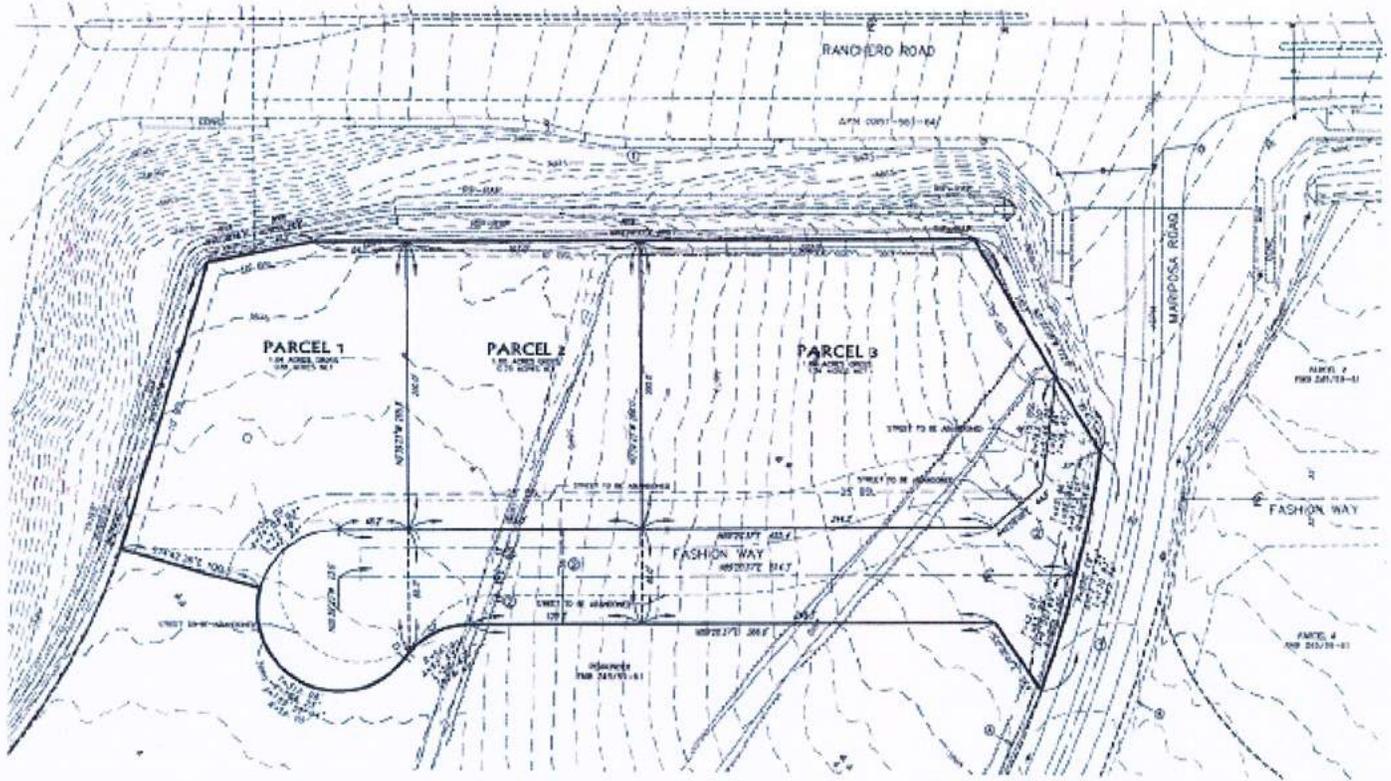
APN(S):
0357-561-72

PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT A 3,645 SQUARE FOOT MINI-MART WITH 12 FUEL DISPENSERS AND AN AUTOMATED 968 SQUARE FOOT CARWASH OR A DRIVE-THRU RESTAURANT AND TWO 2,546 SQUARE FOOT DRIVE-THRU RESTAURANTS AND A TENTATIVE PARCEL MAP TO CREATE THREE PARCELS ON APPROXIMATELY 3.8 GROSS ACRES WITHIN THE NEIGHBORHOOD COMMERCIAL (NC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN



SITE PLAN

ATTACHMENT 2



APPLICANT(S): MICHAEL GALLAGHER

FILE NO(S): CUP16-00002 & TPMN16-00001

LOCATION: SOUTHEAST CORNER OF INTERSTATE 15 AND RANCHERO ROAD

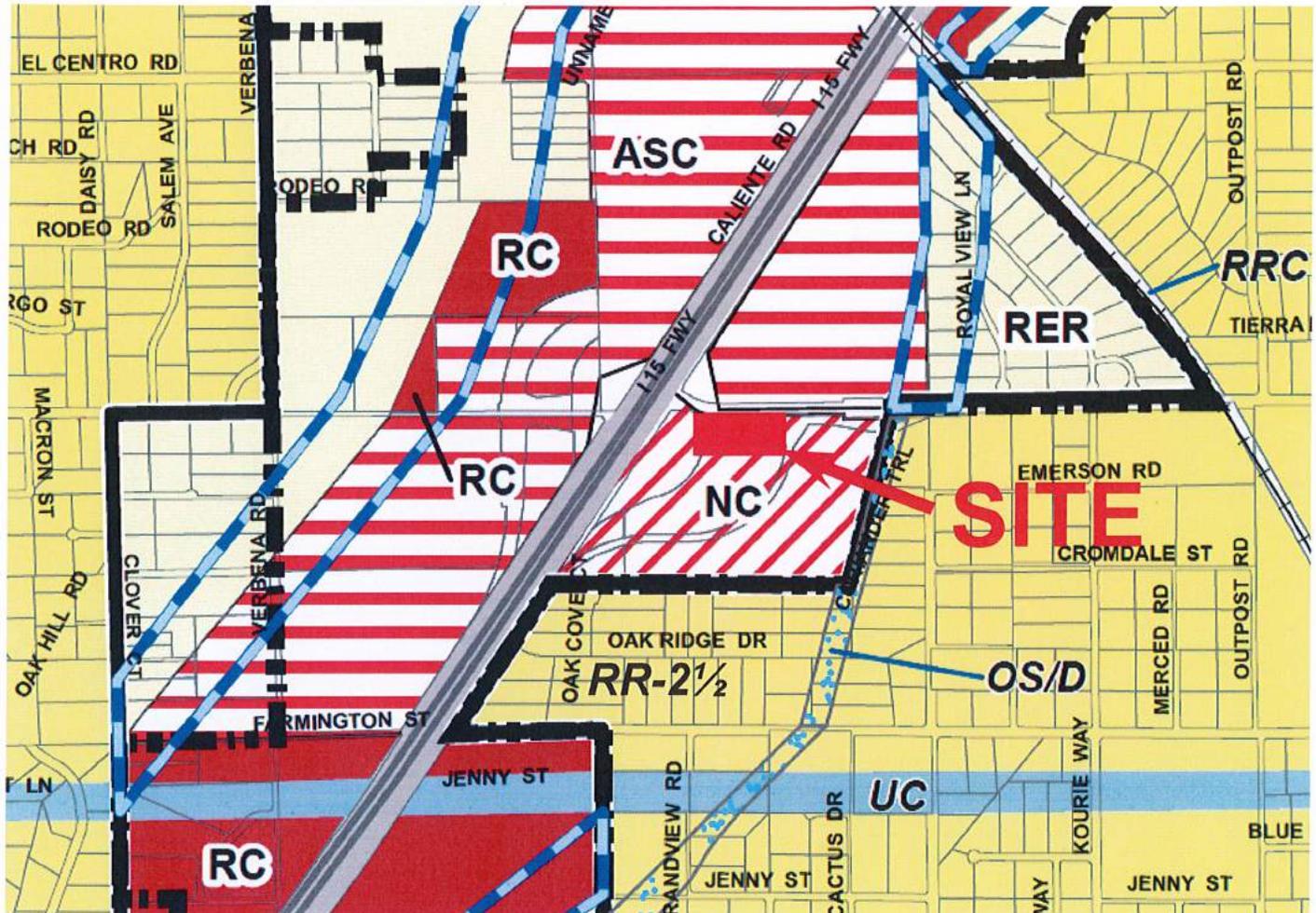
APN(S):
0357-561-72

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PARCEL MAP

ATTACHMENT 3



APPLICANT(S): MICHAEL GALLAGHER

FILE NO(S): CUP16-00002 & TPMN16-00001

LOCATION: SOUTHEAST CORNER OF INTERSTATE 15 AND RANCHERO ROAD

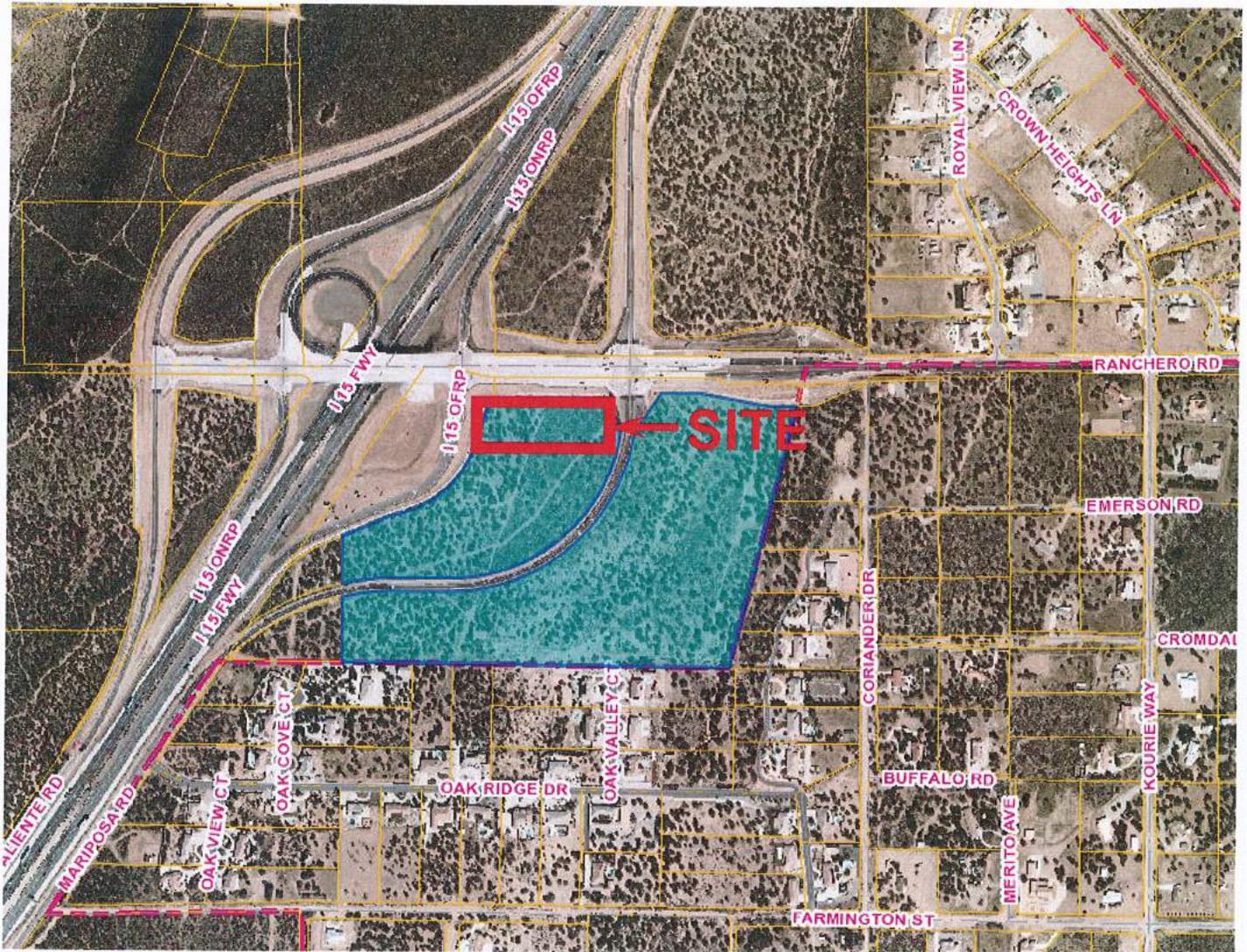
APN(S):
0357-561-72

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GENERAL PLAN MAP

ATTACHMENT 4



APPLICANT(S): MICHAEL GALLAGHER

FILE NO(S): CUP16-00002 & TPMN16-00001

LOCATION: SOUTHEAST CORNER OF INTERSTATE 15 AND RANCHERO ROAD

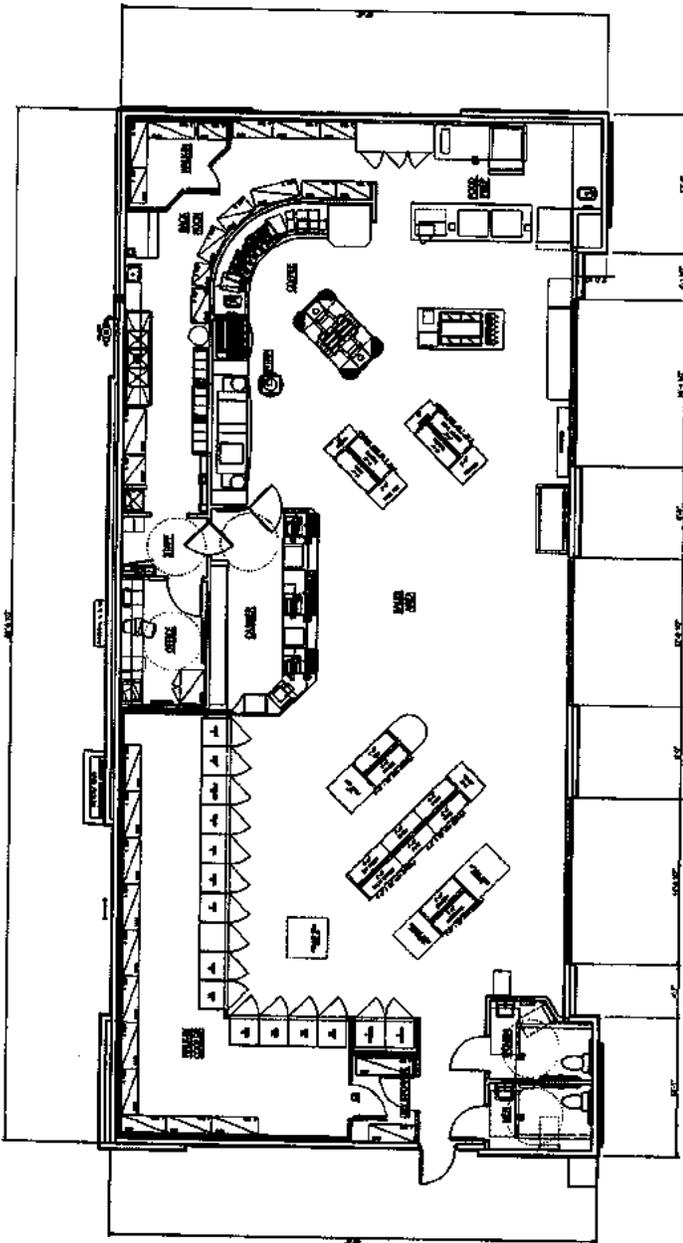
APN(S):
0357-561-72

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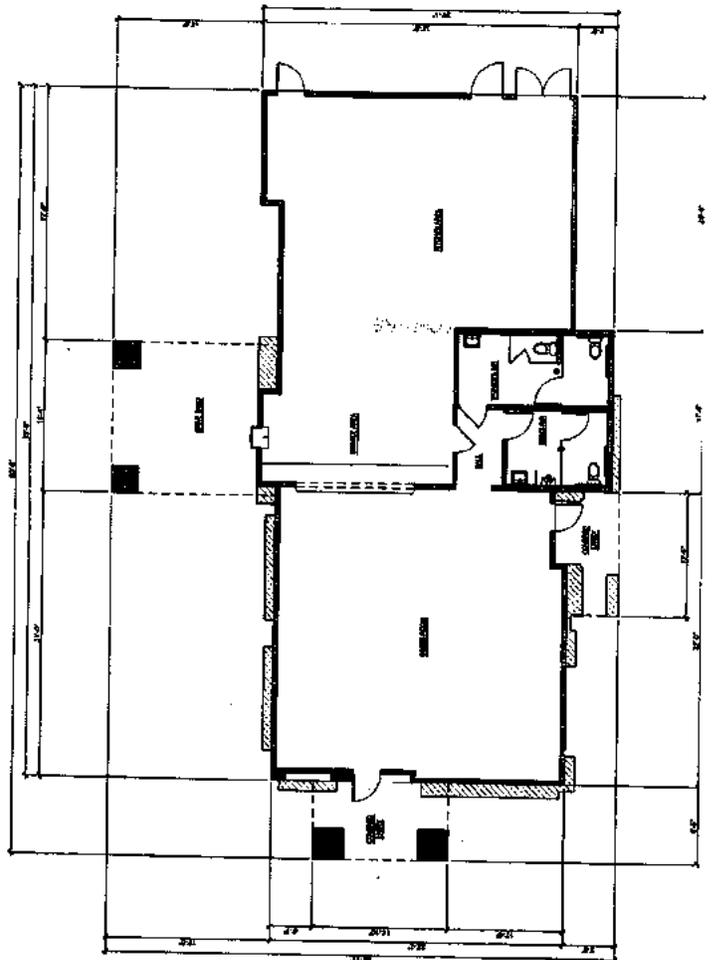


AERIAL PHOTO

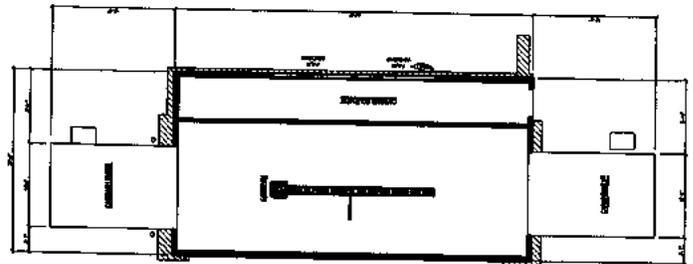
ATTACHMENT 5



MINI-MART



DRIVE-THRU RESTAURANTS



CARWASH

APPLICANT(S): MICHAEL GALLAGHER

FILE NO(S): CUP16-00002 & TPMN16-00001

LOCATION: SOUTHEAST CORNER OF INTERSTATE 15 AND RANCHERO ROAD

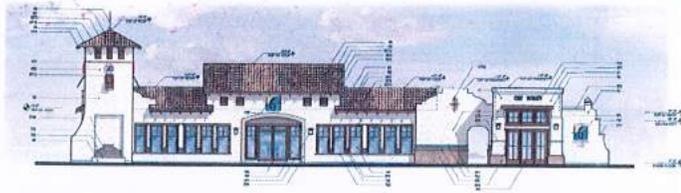
APN(S):
0357-561-72

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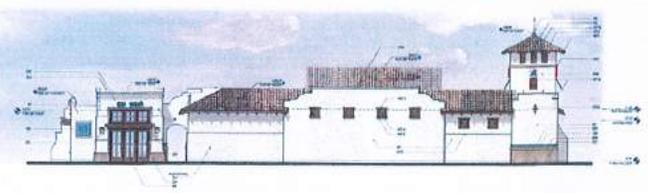


FLOOR PLANS

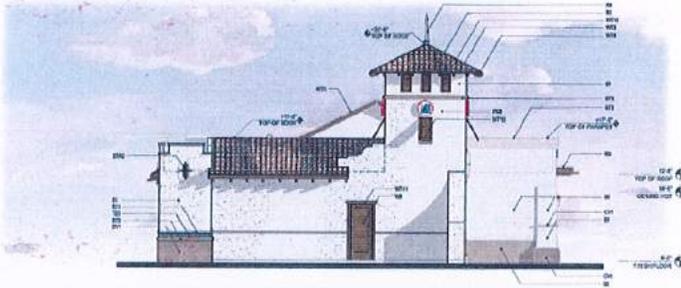
ATTACHMENT 6



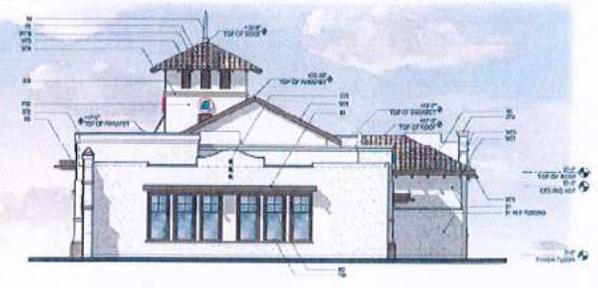
MINI-MART & CARWASH FRONT ELEVATION



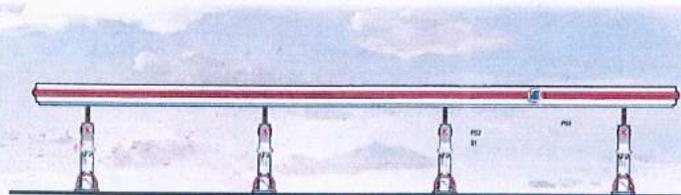
MINI-MART & CARWASH REAR ELEVATION



MINI-MART LEFT ELEVATION



MINI-MART RIGHT ELEVATION



CANOPY FRONT ELEVATION



CANOPY SIDE ELEVATION



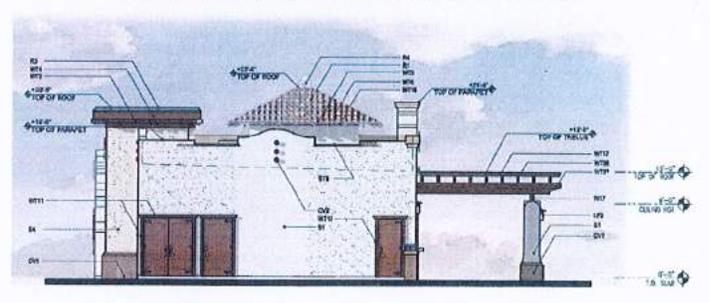
RESTAURANT FRONT ELEVATION



RESTAURANT REAR ELEVATION



RESTAURANT LEFT ELEVATION



RESTAURANT RIGHT ELEVATION

APPLICANT(S): MICHAEL GALLAGHER

FILE NO(S): CUP16-00002 & TPMN16-00001

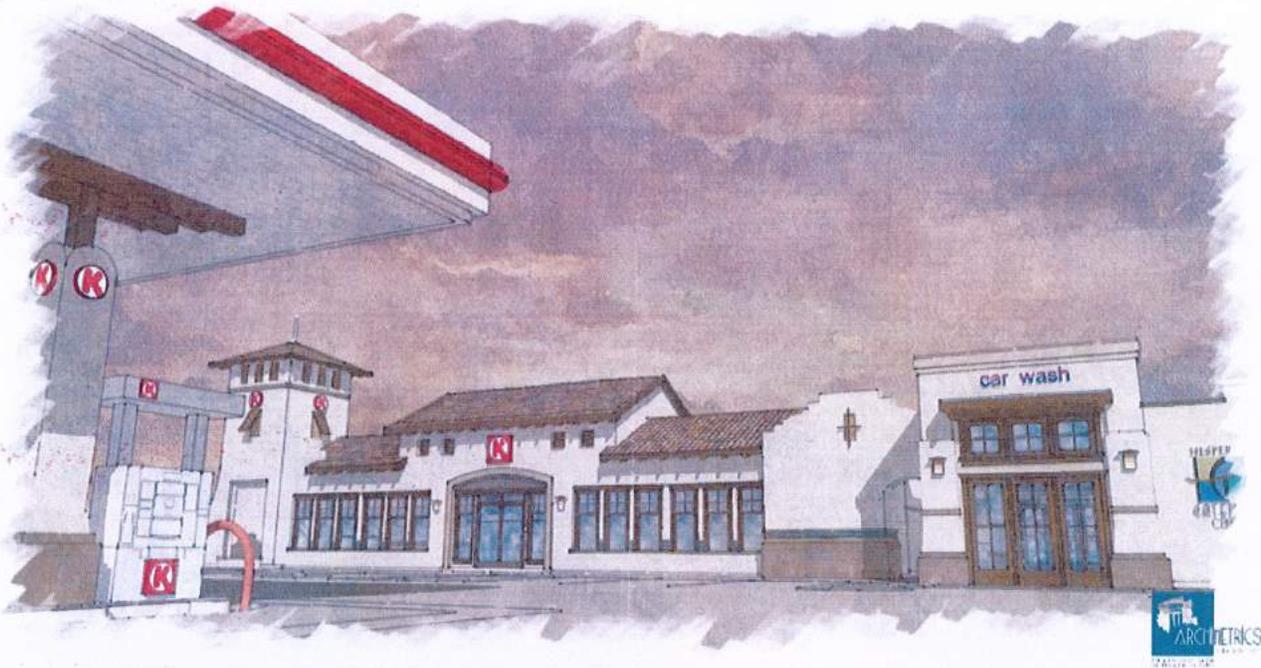
LOCATION: SOUTHEAST CORNER OF INTERSTATE 15 AND RANCHERO ROAD

APN(S):
0357-561-72

PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT A 3,645 SQUARE FOOT MINI-MART WITH 12 FUEL DISPENSERS AND AN AUTOMATED 968 SQUARE FOOT CARWASH OR A DRIVE-THRU RESTAURANT AND TWO 2,546 SQUARE FOOT DRIVE-THRU RESTAURANTS AND A TENTATIVE PARCEL MAP TO CREATE THREE PARCELS ON APPROXIMATELY 3.8 GROSS ACRES WITHIN THE NEIGHBORHOOD COMMERCIAL (NC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN

COLOR ELEVATIONS

ATTACHMENT 7



MINI-MART & CARWASH RENDERING



REASTAURANT RENDERING

APPLICANT(S): MICHAEL GALLAGHER

FILE NO(S): CUP16-00002 & TPMN16-00001

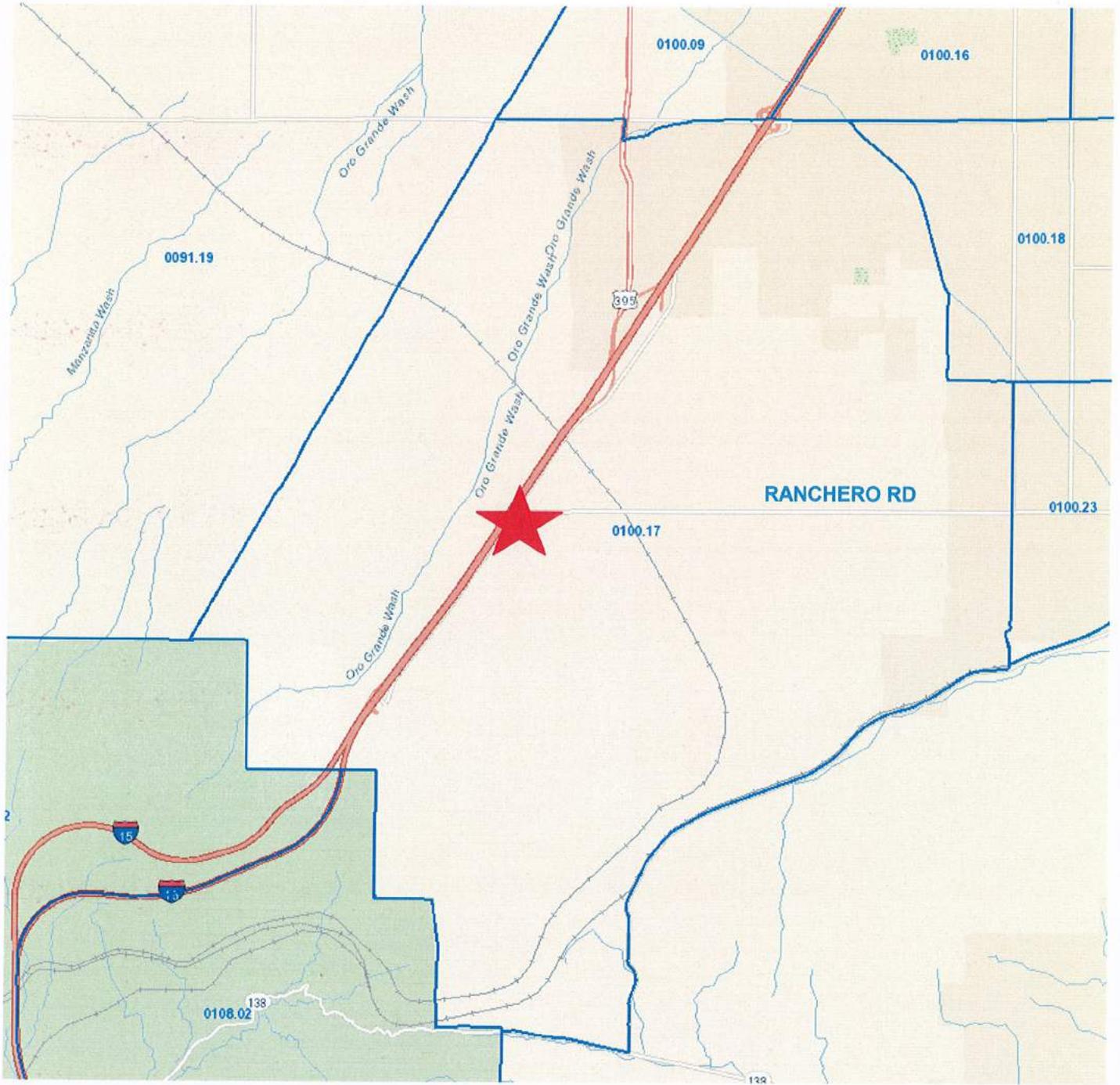
LOCATION: SOUTHEAST CORNER OF INTERSTATE 15 AND RANCHERO ROAD

APN(S):
0357-561-72

PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT A 3,645 SQUARE FOOT MINI-MART WITH 12 FUEL DISPENSERS AND AN AUTOMATED 968 SQUARE FOOT CARWASH OR A DRIVE-THRU RESTAURANT AND TWO 2,546 SQUARE FOOT DRIVE-THRU RESTAURANTS AND A TENTATIVE PARCEL MAP TO CREATE THREE PARCELS ON APPROXIMATELY 3.8 GROSS ACRES WITHIN THE NEIGHBORHOOD COMMERCIAL (NC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN

RENDERINGS

ATTACHMENT 8



APPLICANT(S): MICHAEL GALLAGHER

FILE NO(S): CUP16-00002 & TPMN16-00001

LOCATION: SOUTHEAST CORNER OF INTERSTATE 15 AND RANCHERO ROAD

APN(S):
0357-561-72

PROPOSAL: CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT A 3,645 SQUARE FOOT MINI-MART WITH 12 FUEL DISPENSERS AND AN AUTOMATED 968 SQUARE FOOT CARWASH OR A DRIVE-THRU RESTAURANT AND TWO 2,546 SQUARE FOOT DRIVE-THRU RESTAURANTS AND A TENTATIVE PARCEL MAP TO CREATE THREE PARCELS ON APPROXIMATELY 3.8 GROSS ACRES WITHIN THE NEIGHBORHOOD COMMERCIAL (NC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN



CENSUS TRACT MAP

ATTACHMENT 9

RESOLUTION NO. PC-2016-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO CONSTRUCT A 3,645 SQUARE FOOT MINI-MART WITH 12 FUEL DISPENSERS AND AN AUTOMATED 968 SQUARE FOOT CARWASH OR A DRIVE-THRU RESTAURANT INCLUDING THE SALE OF ALCOHOLIC BEVERAGES (BEER, WINE AND LIQUOR) AND TWO 2,546 SQUARE FOOT DRIVE-THRU RESTAURANTS ON APPROXIMATELY 3.8 GROSS ACRES WITHIN THE NEIGHBORHOOD COMMERCIAL (NC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN LOCATED ON THE SOUTHEAST CORNER OF INTERSTATE 15 AND RANCHERO ROAD (CUP16-00002)

WHEREAS, Michael Gallagher has filed an application requesting approval of CUP16-00002 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to approximately 3.8 gross acres located within the Neighborhood Commercial (NC) Zone District of the Main Street and Freeway Corridor Specific Plan (Specific Plan) located on the southeast corner of Interstate 15 and Rancho Road and consists of Assessor's Parcel Number 0357-561-72; and

WHEREAS, the Application, as contemplated, proposes to construct a 3,645 square foot mini-mart with 12 fuel dispensers and an automated 968 square foot carwash or a drive-thru restaurant including the sale of alcoholic beverages (beer, wine and liquor) and two 2,546 square foot drive-thru restaurants; and

WHEREAS, Michael Gallagher has also filed an application requesting approval of TPMN16-00001, to create three parcels on approximately 3.8 gross acres; and

WHEREAS, the 3.8-acre site and the properties to the north and west are vacant. Single-family residences exist to the south and east; and

WHEREAS, the site is within the Neighborhood Commercial (NC) Zone of the Main Street and Freeway Corridor Specific Plan (Specific Plan). The properties to the north are within the Auto Sales Commercial (ASC) Zone, the properties to the south and east are also within the NC Zone, and the properties to the west are within the Regional Commercial (RC) Zone of the Specific Plan; and

WHEREAS, this project is exempt from the California Environmental Quality Act (CEQA), per Public Resources Code Section 15332, Infill Development Projects; and

WHEREAS, on April 14, 2016, 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 the Planning Commission during the above-referenced April 14, 2016 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The site for the proposed use is adequate in size and shape to accommodate the proposed use because the site can accommodate all proposed improvements in conformance with the Development Code.
- (b) The proposed sale of beer, wine, and liquor for off-site consumption is consistent with the objectives, policies, general land uses and programs of the General Plan, Specific Plan and Development Code. The sale of alcoholic beverages is consistent with the allowable uses within the Neighborhood Commercial (NC) District with approval of a conditional use permit.
- (c) The proposed use will not have a substantial adverse effect on abutting properties or the permitted use thereof because the proposed project is consistent with the Neighborhood Commercial (NC) Zone of the Main Street and Freeway Corridor Specific Plan, with approval of this conditional use permit. The proposed use would not create significant noise or traffic or cause other conditions or situations that may be objectionable or detrimental to other uses allowed in the vicinity or be adverse to the public convenience, health, safety or general welfare. Further, the sale of alcoholic beverages (beer, wine, and liquor) as part of the mini-mart will not have a detrimental impact on adjacent properties.
- (d) The proposed project is consistent with the goals, policies, standards and maps of the adopted Zoning, Specific Plan, Development Code and all applicable codes and ordinances adopted by the City of Hesperia because the project is consistent with the regulations allowing nonresidential uses within the NC Zone of the Main Street and Freeway Corridor Specific Plan. The development complies with the standards for landscaping, driveway aisles, parking stall dimensions, building heights, trash enclosure, loading areas, and all other applicable development standards, except for the setback of a wing wall of the carwash. Inasmuch as the wing wall solely encroaches beyond the allowable setback and does not pose a sight-distance hazard, it can be allowed. The project also complies with the Americans with Disabilities Act (ADA), as the required accessible parking spaces and paths of travel meet the standards within the ADA as well as state and federal handicapped accessible regulations. The development will be constructed pursuant to the California Building and Fire Codes and adopted amendments as well.
- (e) The site for the proposed use will have adequate access based upon its frontage on Fashion Way. There are also adequate provisions for sanitation, water and public utilities and general services to ensure the public convenience, health, safety and general welfare. Additionally, the building will have adequate infrastructure to operate without a major extension of infrastructure.

- (f) The proposed project is consistent with the adopted General Plan of the City of Hesperia. The project site is within the NC Zone of the Main Street and Freeway Corridor Specific Plan. A carwash and the sale of alcoholic beverages are allowable uses with approval of a Conditional Use Permit.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit CUP16-00002, subject to the conditions of approval as shown in Attachment "A".

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

ADOPTED AND APPROVED on this 14th day of April 2016.

Tom Murphy, Chair, Planning Commission

ATTEST:

Denise Bossard, Secretary, Planning Commission

ATTACHMENT "A"
List of Conditions for CUP16-00002

Approval Date: April 14, 2016
Effective Date: April 26, 2016
Expiration Date: April 26, 2019

This list of conditions applies to: Conditional Use Permit CUP16-00002, to construct a 3,645 square foot mini-mart with 12 fuel dispensers and an automated 968 square foot carwash or a drive-thru restaurant including the sale of alcoholic beverages and two 2,546 square foot drive-thru restaurants on approximately 3.8 gross acres within the Neighborhood Commercial (NC) Zone of the Main Street and Freeway Corridor Specific Plan located on the southeast corner of Interstate 15 and Rancho Road (APN: 0357-561-72)

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 **COMPLIED BY** **SPECIALTY PLANS.** The following additional plans/reports shall be required for **NOT IN COMPLIANCE** businesses with special environmental concerns: (B)

A. Restaurants and food handling facilities shall submit plans to the San Bernardino County Department of Environmental Health Services. One set of the approved plans shall be submitted to the Building Division with the required application fees.

B. Three sets of plans for underground fuel storage tanks shall be submitted to the Building Division with required application fees.

COMPLETED **COMPLIED BY** **CONSTRUCTION PLANS.** Five complete sets of construction plans prepared and wet **NOT IN COMPLIANCE** 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 **COMPLIED BY** **PERCOLATION TEST.** The applicant shall submit a percolation test, performed by a **NOT IN COMPLIANCE** California licensed civil or soils engineer, and approved by the San Bernardino County Department of Environmental Health Services for the required private sewage disposal systems. Prior to development of the carwash, the project shall be connected to a live sewer line. Additionally, one or more of the restaurants may also need to be connected to an operative sewer line if the fixture counts do not allow use of a septic system in accordance with Lahontan Guidelines. The site plan and parcel map were designed based upon rough calculations on the preliminary floor plans of the uses. Should the actual floor plan(s) exceed the Lahontan Guidelines for use of septic systems, then connection to a live sewer line will be required. Should the applicant agree in writing to use the most restrictive percolation test for a site in close proximity to the subject property in designing the sewage disposal systems, then a percolation test shall not be required to be performed on-site. The applicability of any percolation test for use in designing the sewage disposal systems shall be subject to review and approval by the Building and Safety Division. In the event a tract map or parcel map has previously been recorded on the project site, the City of Hesperia has a percolation test on file, and no unusual conditions apply, this requirement may be waived by the Building and Safety Division. (B)

COMPLETED **COMPLIED BY** **SURVEY.** The Developer shall provide a legal survey of the property. All property corners **NOT IN COMPLIANCE** shall be staked and the property address posted. (B)

COMPLETED **COMPLIED BY** **FINAL MAP:** A Final Map shall be prepared by or under the direction of a registered civil **NOT IN COMPLIANCE** 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 DRAINAGE STUDY. The Developer shall submit a Final Hydrology Hydraulic study identifying the method of collection and conveyance of any tributary flows from off-site as well as the method of control for increased run-off generated on-site. (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 N.P.D.E.S. The Developer shall apply for the required NPDES (National Pollutant Discharge Elimination System) permit with the Regional Water Quality Control Board and pay applicable fees. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY STORM WATER POLLUTION PREVENTION PLAN. The Developer shall provide a Storm Water Pollution Prevention Plan (SWPPP), which addresses the method of storm water run-off control during construction. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY PLAN CHECK FEES. Plan checking fees must be paid in conjunction with the improvement plan submittal. The Final Map CDP improvement plans requested studies and CFD annexation must be submitted as a package. The developer shall coordinate with the Citys Engineering Department for any additional fees. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY VACATION. The Developer shall submit a Request for Vacation to the Citys Engineering Department for acceptance. At time of submittal the developer shall complete the Citys application for document review and pay all applicable fees. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY IRREVOCABLE OFFERS OF DEDICATION. The Developer shall submit an Offer of Dedication to the Citys Engineering Department for review and approval. At time of submittal the developer shall complete the Citys application for document review and pay all applicable fees. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY 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 Applicants 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 Citys election to defend itself, whether at the cost of the Applicant or at the Citys own cost, shall not relieve or release the Applicant from any of its obligations under this Condition. (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 APPROVAL OF IMPROVEMENT PLANS. All required improvement plans shall be prepared by a registered Civil Engineer per City standards and per the Citys 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)

| | | |
|--|---------------------------|--|
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | DEDICATION(S). The Developer shall grant to the City an Irrevocable Offer of Dedication for Fashion Way. The right of way full width for Fashion Way shall be sixty-six (66") 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) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | GRANT OF EASEMENT FOR DOUBLE DETECTOR CHECK VALVE. The Developer shall grant to the City an easement for any part of a required double detector check valve that encroaches onto private property. (E) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | N.P.D.E.S. The Developer shall provide a copy of the approved original NPDES (National Pollutant Discharge Elimination System) permit from the Regional Water Quality Control Board and provide a copy of fees paid. The copies shall be provided to the City's Engineering Department. (E) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | STORM WATER POLLUTION PREVENTION PLAN. All of the requirements of the Storm Water Pollution Prevention Plan shall be incorporated and be in place prior to issuance of a grading permit. (E) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | 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) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | ON SITE RETENTION. The Developer shall design / construct on-site retention facilities, which satisfies L.I.D. (Low Impact Development) requirements and has minimum impact to ground water quality. This shall include maximizing the use of horizontal retention systems and minimizing the application of dry wells / injection wells. All dry wells / injection wells shall be 2-phase systems with debris shields and filter elements. All dry wells / injection wells shall have a minimum depth of 30' with a max depth to be determined by soils engineer at time of boring test. Per Resolution 89-16 the Developer shall provide on-site retention at a rate of 13.5 Cu. Ft per every 100 Sq. Ft. of impervious materials. Any proposed facilities, other than a City approved facility that is designed for underground storage for on-site retention will need to be reviewed by the City Engineer. The proposed design shall meet City Standards and design criteria established by the City Engineer. A soils percolation test will be required for alternate underground storage retention systems. (E) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | ON SITE RETENTION (FUELING STATIONS). The Developer shall design / construct on site retention facilities, which satisfies L.I.D. (Low Impact Development) requirements and which has a minimum impact to ground water quality. This shall include maximizing the use of horizontal retention systems and minimizing the application of dry wells / injection wells. All dry wells / injection wells shall be 2 phase systems with debris shields and filter elements. All dry wells / injection wells shall have a minimum depth of 30 with a max depth to be determined by soils engineer at time of boring test. Per Resolution 89 16 the Developer shall provide on site retention at a rate of 13.5 Cu. Ft per every 100 Sq. Ft. of impervious materials. It is the Developers responsibility to remove existing on site storm drain facilities per the City Inspector. Any proposed facilities, other than a City approved facility that is designed for underground storage for on site retention will need to be reviewed by the City Engineer. The proposed design shall meet City Standards and design criteria established by the City Engineer. A soils percolation test will be required for alternate underground storage retention systems. The Developer shall provide an E.P.A. approved oil and gasoline stop valve for the proposed on site retention system. The documentation shall be provided to the City for their review. (E) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | STREET IMPROVEMENTS. The Developer shall design street improvements in accordance with City standards and these conditions. (E) |

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

FASHION WAY. Construct half-width improvements (26' minimum paved access) on Fashion Way across the project frontage, based on City's modified 66' Commercial/Industrial Roadway Standard. The curb face is to be located at 23' from the approved centerline. 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. Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index of 10 and per the soils report.
- H. Traffic control signs and devices as required by the traffic study and/or the City Engineer.
- I. Provide a signage and striping plan per City standards.
- J. 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.
- K. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

MARIPOSA ROAD. Saw-cut (2-foot min.) and match-up asphalt pavement on Mariposa Road across the project frontage and tie into existing curb, gutter and sidewalk. The curb face is to be located at 58' 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. 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 plan per City standards.
- K. 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.
- L. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.

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 the proposed 8" PVC water line in Fashion Way per City Standards.
- C. The Developer is not required to install sewer lines unless the proposed septic system cannot meet the La Honton Regional Water Quality Boards requirements or the City of Hesperias EDU requirements.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

WATER IMPR. PLAN. The Developer shall design and construct an 8 minimum PVC water main in Fashion Way and tie into existing in Mariposa Road . Design shall consist

or plan and profile per City standards. (E)

COMPLETED **COMPLIED BY** WATER/SEWER IMPR. PLAN. The Developer shall design water and sewer improvements in accordance with City standards, and as indicated below. (E)
NOT IN COMPLIANCE

COMPLETED **COMPLIED BY** 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 produce a current flow test report from your water purveyor demonstrating that the fire flow demand is satisfied. This requirement shall be completed prior to combination inspection by Building and Safety. [F 5b]
NOT IN COMPLIANCE

COMPLETED **COMPLIED BY** WATER SYSTEM. Prior to any land disturbance, the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using California Fire Code. The Fire Flow for this project shall be: 1,500 GPM for a 2hour duration at 20 psi residual operating pressure. Fire Flow is based on a 3,645 sq.ft. structure. [F 5]
NOT IN COMPLIANCE

COMPLETED **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)
NOT IN COMPLIANCE

COMPLETED **COMPLIED BY** CULTURAL RESOURCES. Prior to issuance of a grading permit, a historical archaeological/paleontological study shall be prepared by the South Central Coastal Information Center or a qualified paleontologist/archaeologist to determine if monitoring shall occur during grading. 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)
NOT IN COMPLIANCE

COMPLETED **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)
NOT IN COMPLIANCE

COMPLETED **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)
NOT IN COMPLIANCE

COMPLETED **COMPLIED BY** CONSISTENCY WITH APPROVED GRAPHICS. Improvement plans for off site and on site improvements shall be consistent with the graphics approved as part of this conditional use permit application and shall also comply with all applicable Title 16, Main Street and Freeway Corridor Specific Plan, and Engineering Division requirements with the following revisions made to the improvement plans: (E, P)
NOT IN COMPLIANCE

A. The site plan may provide either the carwash or a drive-thru restaurant as part of the mini-mart.

B. A minimum four-foot wide landscaped area and a one-foot sidewalk in addition to the six-inch concrete curb shall be installed at the end of all parking space rows as approved by Planning staff.

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE

COMPLETED **COMPLIED BY** 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
NOT IN COMPLIANCE

Advance Disposal and receipts for solid waste disposal shall be provided prior to final approval of any permit. (B)

| | | |
|---------------------------------------|--------------------|---|
| COMPLETED
NOT IN COMPLIANCE | COMPLIED BY | DEVELOPMENT FEES. The Developer shall pay required development fees as follows:
A. Development Impact Fees (B)
B. Utility Fees (E) |
| COMPLETED
NOT IN COMPLIANCE | COMPLIED BY | FIRE ACCESS-POINTS OF VEH. ACCESS. The development shall have a minimum of 3 points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. |
| COMPLETED
NOT IN COMPLIANCE | COMPLIED BY | FIRE ACCESS-SINGLE STORY ROAD ACCESS. Single Story Road Access Width. All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Other recognized standards may be more restrictive by requiring wider access provisions. |
| COMPLETED
NOT IN COMPLIANCE | COMPLIED BY | WATER SYSTEM COMMERCIAL. A water system approved by the Fire Department is required. The system shall be operational prior to any combustibles being stored on the site. 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. [F 54] |
| COMPLETED
NOT IN COMPLIANCE | COMPLIED BY | FIRE SURFACE-MINIMUM 80K POUNDS. All roads shall be designed to 85 compaction and/or paving and hold the weight of Fire Apparatus at a minimum of 80K pounds. [F 42] |
| COMPLETED
NOT IN COMPLIANCE | COMPLIED BY | (RPD) LANDSCAPE AND IRRIGATION PLANS. The Developer shall submit three 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 RPD) |
| COMPLETED
NOT IN COMPLIANCE | COMPLIED BY | SOLID MASONRY WALLS AND FENCES. The Developer shall submit four sets of masonry wall/wrought iron fencing plans to the Building Division with the required application fees for all proposed walls. A combination solid three foot high split face masonry wall or other approved decorative wall with a three foot high wrought iron fence shall be provided along the property lines where headlight glare from vehicles on site would negatively affect adjacent residentially designated properties. An approved six foot high wall with decorative cap may be substituted for the combination wall/fence provided its height is in accordance with the Development Code. (P) |

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY

| | | |
|---------------------------------------|--------------------|---|
| COMPLETED
NOT IN COMPLIANCE | COMPLIED BY | DEVELOPMENT FEES. The Developer shall pay required development fees as follows:
A. School fees (B) |
| COMPLETED
NOT IN COMPLIANCE | COMPLIED BY | 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) |
| COMPLETED
NOT IN COMPLIANCE | COMPLIED BY | AQMD APPROVAL. The Developer shall provide evidence of acceptance by the Mojave Desert Air Quality Management District. (B) |
| COMPLETED
NOT IN COMPLIANCE | COMPLIED BY | AS BUILT PLANS. The Developer shall provide as built plans. (E) |
| COMPLETED | COMPLIED BY | PUBLIC IMPROVEMENTS. All public improvements shall be completed by the |

NOT IN COMPLIANCE

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 ELECTRONIC COPIES. The Developer shall provide electronic copies of the approved project in AutoCAD format Version 2007 to the City's Engineering Department. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY FIRE ALARM-AUTO OR MANUAL. A manual, automatic or manual and automatic fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required. The applicant shall hire a Fire Department approved fire alarm contractor. The fire alarm contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. [F 62a]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY FIRE EXTINGUISHERS. Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department. [F88]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY HOOD AND DUCT SUPPRESSION. An automatic hood and duct fire extinguishing system is required. A Fire Department approved designer/installer shall submit three (3) sets of detailed plans (minimum 1/8 scale) with manufactures specification sheets to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. [F 65]

COMPLETED
NOT IN COMPLIANCE

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY KNOX BOX. An approved Fire Department key box is required. [F85]

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY LIGHT AND LANDSCAPE DISTRICT ANNEXATION. Developer shall annex property into the lighting and landscape district administered by the Hesperia Recreation and Parks District. The required forms are available from the Building Division and once completed, shall be submitted to the Building Division. (RPD)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY MASONRY WALLS AND FENCING. The required masonry walls and wrought iron fencing shall be completed in accordance with City standards. (P)

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 and Main Street and Freeway Corridor Specific Plan requirements. All buildings shall be designed consistent with the design shown upon the approved materials board and color exterior building elevations and renderings identified as Exhibit A. Any exceptions shall be approved by the Director of Development Services. (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. 2016-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING A TENTATIVE PARCEL MAP TO CREATE THREE PARCELS ON APPROXIMATELY 3.8 GROSS ACRES WITHIN THE NEIGHBORHOOD COMMERCIAL (NC) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN LOCATED ON THE SOUTHEAST CORNER OF INTERSTATE 15 AND RANCHERO ROAD (TPMN16-00001; PM-19723)

WHEREAS, Michael Gallagher has filed an application requesting approval of TPMN16-00001 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to approximately 3.8 gross acres located within the Neighborhood Commercial (NC) Zone District of the Main Street and Freeway Corridor Specific Plan (Specific Plan) located on the southeast corner of Interstate 15 and Rancho Road and consists of Assessor's Parcel Number 0357-561-72; and

WHEREAS, the Application, as contemplated, proposes to create three parcels on approximately 3.8 gross acres; and

WHEREAS, Michael Gallagher has also filed an application requesting approval of CUP16-00002, to construct a 3,645 square foot mini-mart with 12 fuel dispensers and an automated 968 square foot carwash or a drive-thru restaurant including the sale of alcoholic beverages (beer, wine and liquor) and two 2,546 square foot drive-thru restaurants; and

WHEREAS, the 3.8-acre site and the properties to the north and west are vacant. Single-family residences exist to the south and east; and

WHEREAS, the site is within the Neighborhood Commercial (NC) Zone of the Main Street and Freeway Corridor Specific Plan (Specific Plan). The properties to the north are within the Auto Sales Commercial (ASC) Zone, the properties to the south and east are also within the NC Zone, and the properties to the west are within the Regional Commercial (RC) Zone of the Specific Plan; and

WHEREAS, this project is exempt from the California Environmental Quality Act (CEQA), per Public Resources Code Section 15332, Infill Development Projects; and

WHEREAS, on April 14, 2016, 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 HESERIA 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 April 14, 2016 hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

- (a) The proposed map is consistent with the City's General Plan of the City of Hesperia.
- (b) 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.
- (c) The site is physically suitable for the type of development because there are no known physical constraints to nonresidential development and the proposed parcels have adequate area to accommodate the uses proposed under CUP16-00002.
- (d) The site is physically suitable for the proposed intensity of nonresidential development because the parcels are adequate in size and shape and all regulations applicable to the development can be met.
- (e) 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.
- (f) 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, the Planning Commission hereby approves Tentative Parcel Map TPMN16-00001 (PM-19723) subject to the conditions of approval as shown in Attachment "A," which is attached to the staff report for this item.

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

ADOPTED AND APPROVED this 14th day of April 2016.

Tom Murphy, Chair, Planning Commission

ATTEST:

Denise Bossard, Secretary, Planning Commission

ATTACHMENT "A"
List of Conditions for TPMN16-00001

Approval Date: April 14, 2016
Effective Date: April 26, 2016
Expiration Date: April 26, 2019

This list of conditions applies to Tentative Parcel Map TPMN16-00001 (PM-19723), to create three parcels on 3.8 gross acres within the Neighborhood Commercial (NC) Zone of the Main Street and Freeway Corridor Specific Plan in conjunction with development of a 3,645 square foot mini-mart with 12 fuel dispensers and a 968 square foot carwash or drive-thru restaurant and two 2,546 square foot drive-thru restaurants on approximately 3.8 gross acres located on the southeast corner of Interstate 15 and Rancho Road (PM-19723; APN: 0357-561-72)

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

| | | |
|---------------------------------------|--------------------|--|
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | SURVEY. The Developer shall provide a legal survey of the property. All property corners shall be staked and the property address posted. (B) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | 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) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | TITLE REPORT. The Developer shall provide a complete title report 90 days or newer from the date of submittal. (E) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | PLAN CHECK FEES. A customer request form from Engineering shall be completed and submitted to the Engineering Department. Upon receipt of form, plan-checking fees will be provided to the developer. Fees must be paid along with submittal. Map, CDP (If Required), Improvement Plans (If Required), requested studies, and CFD annexation must be submitted as a package. (E) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | ALL EASEMENTS OF RECORD. It shall be the responsibility of the Developer to provide all Easements of Record per recent title report. (E) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | 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) |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | 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. 66 foot dedication for Fashion Way, cul-de-sac, and corner cut-off.
B. Easement for double detector check valve. |
| <u>COMPLETED</u>
NOT IN COMPLIANCE | <u>COMPLIED BY</u> | CFD ANNEXATION. The applicant shall annex the property into Community Facilities District CFD 94 01 concurrent with recordation of the final map. (F) |

COMPLETED COMPLIED BY
NOT IN COMPLIANCE

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 Applicants 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 Citys election to defend itself, whether at the cost of the Applicant or at the Citys own cost, shall not relieve or release the Applicant from any of its obligations under this Condition. (P)

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

COMPLETED COMPLIED BY
NOT IN COMPLIANCE

PERCOLATION TEST. The applicant shall submit a percolation test, performed by a California licensed civil or soils engineer, and approved by the San Bernardino County Department of Environmental Health Services for the required private sewage disposal systems. Should the applicant agree in writing to use the most restrictive percolation test for a site in close proximity to the subject property in designing the sewage disposal systems, then a percolation test shall not be required to be performed on-site. The applicability of any percolation test for use in designing the sewage disposal systems shall be subject to review and approval by the Building and Safety Division. In the event a tract map or parcel map has previously been recorded on the project site, the City of Hesperia has a percolation test on file, and no unusual conditions apply, this requirement may be waived by the Building and Safety Division. (B)

COMPLETED COMPLIED BY
NOT IN COMPLIANCE

ACCESS EASEMENTS. The Developer shall grant an Access Easement to provide reciprocal access and parking to and from parcels. Said easements may be indicated on the Map or recorded as a separate instrument. (E)

COMPLETED COMPLIED BY
NOT IN COMPLIANCE

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

COMPLETED COMPLIED BY
NOT IN COMPLIANCE

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

COMPLETED COMPLIED BY
NOT IN COMPLIANCE

DRAINAGE STUDY. The Developer shall submit a Final Hydrology / Hydraulic study identifying the method of collection and conveyance of any tributary flows from off site as well as the method of control for increased run off generated on site. The Developer shall design street improvements, as identified in the Hydrology study or per the Citys Engineering and Building and Safety Department requirements upon review of the grading plan. Street design shall be in accordance with City standards (E)

COMPLETED COMPLIED BY
NOT IN COMPLIANCE

PUBLIC IMPROVEMENTS. All public improvements as indicated and approved on site plan for CUP16-00002 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)

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY

COMPLETED COMPLIED BY
NOT IN COMPLIANCE

DUST CONTROL. Dust control shall be maintained before, during, and after all grading operations. (B)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

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)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

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 **COMPLIED BY**
NOT IN COMPLIANCE

CULTURAL RESOURCES. Prior to issuance of a grading permit, a historical archaeological/paleontological study shall be prepared by the South Central Coastal Information Center or a qualified paleontologist/archaeologist to determine if monitoring shall occur during grading. 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 **COMPLIED BY**
NOT IN COMPLIANCE

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)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

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)

CONDITIONS REQUIRED PRIOR TO OCCUPANCY OF ANY UNIT

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

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)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

ELECTRONIC COPIES. The Developer shall provide electronic copies of the approved project in AutoCAD format Version 2007 to the City's Engineering Department. (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 |

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DATE: April 14, 2016
TO: Planning Commission
FROM:  Dave Reno, AICP, Principal Planner
SUBJECT Determinaton of Conformity – 2016-17 Capital Improvement Program

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2016-11, finding that the proposed 2016-17 Capital Improvement Program as shown on Exhibit "A" is in conformance with the Hesperia General Plan, and direct that this finding be reported to the City Council, Hesperia Water and Fire Protection districts.

BACKGROUND

Every year, a Capital Improvement Program (CIP) is annually adopted jointly by the City of Hesperia and Hesperia Water and Fire Protection districts. This CIP outlines the significant expenditures to be made for developing new or improving existing infrastructure in areas of transportation, storm drain and water facilities as well as public facilities such as fire stations, and other buildings and uses. The CIP implements the City-adopted master plans or policy documents, among those being the General Plan Circulation Element, the Water and Sewer Master Plans and the Public Safety Needs Report.

California Government Code Section 65103(c), part of the Planning and Zoning law, establishes the local "Planning Agency" (in Hesperia's case the Planning Commission) as the body responsible to review the CIP and determine if it conforms and is consistent with the City's General Plan prior to its adoption.

ISSUES/ANALYSIS

Staff has prepared the attached CIP, which contains projects broken down into five categories: Streets, Drainage, Other (for public facilities), Water and Sewer. As with past CIP lists, many of the projects listed are continuations from the prior year. This is not uncommon for such large projects that are developed over several years, as the multiple steps of design, property acquisition, bidding and ultimate construction can't be completed in one year's time. The CIP includes many more projects than are provided funding to allow decision makers to see the projected time-line for all multi-year projects; however, staff is only requesting review and recommended funding for next fiscal year.

The 15 projects recommended for funding are broken down into following categories: Streets (12), Drainage (1), Water and Sewer (1) and Other (1). All of the projects are annual "phased" projects that began in previous years. These include the reclaimed water distribution system, the Park and Ride Facility expansion on Highway 395, the HO-1 drainage facility near Third and Fourth Avenues and the traffic signal at Ranchero/Maple. The draft 4-year CIP Index is attached. Staff will present the proposed CIP during the meeting, and respond to any questions the Commission may have.

For comparison, staff has also included the adopted 2015-16 CIP for information. This was reviewed by the Commission on April 9, 2015.

In review of the project list, staff believes they are consistent with the numerous goals and policies contained in the City's adopted General Plan, including the following specific elements:

1. Land Use Element - Facilities to be designed and/or constructed are to be located on property with a proper Land Use and zoning designation for such use;
2. Safety Element - Projects are proposed which address drainage and flooding;
3. Circulation Element - Facilities to be designed and/or constructed are part of the City's planned network of roadways necessary to serve the City.

Because of the size and scope of the proposed CIP, it has not been given prior policy review by the City Council, which in the past occurred as part of the Mid-Year Budget Workshop held in February. Given that the proposed CIP continues with prior year projects that have been approved by the Council, there is no shift in direction from last year's approval so the review was deemed unnecessary. The City Council is scheduled to conduct a preliminary workshop on the proposed budget on May 3, 2016. A final determination of the CIP's acceptance will be made when the City Council considers its final adoption as part of the budget process in June.

Environmental: This conformity finding is not a project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3). Therefore, no further action is necessary at this time. Subsequent CEQA review of the individual projects contained within the CIP will occur prior to the time physical construction begins.

The current estimated cost of the 2016-17 CIP projects is \$22.65 million, more than this year's \$6.34 million CIP budget. The reason for the substantial increase from last year is the \$14.7 million for the construction of the reclaimed water distribution system. This is in conjunction with Victor Valley Wastewater Reclamation Authority's reclaimed water treatment plant. Construction on this plant commenced last year at the northwest corner of Mojave Street and Tamarisk Avenue.

The loss of Redevelopment funding for future projects also continues to hinder the number of projects desired. The entire CIP budget will be paid from numerous funding sources, including City General Fund, Development Impact Fees, Water District funds, State and Federal grants, and County reimbursements. Adequate funds are available to carry out the CIP as proposed, however full funding will be demonstrated before they are carried out by the respective agency.

ALTERNATIVE(S)

1. None

ATTACHMENT(S)

1. Resolution No. PC-2016-11, with Exhibit "A" (proposed 2016-17 Capital Improvement Program Index)
2. Adopted 2015-16 Capital Improvement Program

ATTACHMENT 1

RESOLUTION NO. PC 2016-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, MAKING A DETERMINATION OF CONFORMITY OF THE PROPOSED 2016-17 CITY OF HESPERIA, AND HESPERIA WATER AND FIRE PROTECTION DISTRICTS' CAPITAL IMPROVEMENT PROGRAM WITH THE HESPERIA GENERAL PLAN.

WHEREAS, a Capital Improvement Program (CIP) is annually adopted jointly by the City of Hesperia, and Hesperia Water and Fire Protection districts; and

WHEREAS, said CIP outlines the significant expenditures to be made for transportation, storm drain and water facilities as well as public facilities; and

WHEREAS, Pursuant to Government Code Section 65103(c), the Planning Commission is responsible to review said Capital Improvement Program for consistency with the City's General Plan prior to its adoption; and

WHEREAS, the proposed CIP for Fiscal Year 2016-17 has been prepared in connection with the annual Budget process; and

WHEREAS, the Planning Commission has determined that the projects listed further the goals of the City; and

WHEREAS, this conformity finding is not a project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3); and

WHEREAS, on April 14, 2016, the Planning Commission of the City of Hesperia conducted a hearing pertaining to the proposed conformity determination, 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 April 14, 2016 hearing, including public testimony and written and oral staff reports, this Commission specifically finds that the proposed 2016-17 Capital Improvement Program is consistent with the goals and policies contained in the adopted General Plan of the City of Hesperia, including the following specific elements:

1. Land Use Element – Public Facilities to be designed and/or constructed are to be located on property properly designated for such use;
2. Safety Element - Projects are proposed which address drainage and flooding, as well as additional fire facilities to provide adequate response time to development;
3. Circulation Element - Facilities to be designed and/or constructed are consistent with, or part of the City's planned network of roadways necessary to serve the City.

Section 3. The Planning Commission hereby concurs that the action under this Resolution is not a project under the California Environmental Quality Act because it does not have the potential to have a direct or indirect effect on the environment.

Section 4. Based on the findings and conclusions set forth in this Resolution, this Commission hereby finds that the proposed 2016-17 Capital Improvement Program as shown on Exhibit "A" is in conformance with the Hesperia General Plan, and directs that this finding be reported to the City Council, and Hesperia Water and Fire Protection district boards.

Section 5. That the Secretary shall certify to the adoption of this Resolution.

ADOPTED AND APPROVED on this 14th day of April 2016.

Tom Murphy, Chair, Planning Commission

ATTEST:

Denise Bossard, Secretary, Planning Commission

DRAFT

4/1/2016

| CO# | Project Name | Revised/Actual
FY 15-16 | Proposed FY
16-17 | FY 17-18 | FY 18-19 | |
|------------------------------|--|----------------------------|----------------------|----------|-----------|--|
| STREETS CIP PROJECTS | | | | | | |
| 7046 | Ranchero Road Under Crossing:
Misc. Mitigation, Misc.
Construction / mitigation | 2,000 | Year 5
200,000 | Year 4 | Year 3 | |
| 7086 | Ranchero Road I-15 Interchange:
ROW Acquisition
Bridge Construction
Mitigation
Construction Mgmt | 75,000 | 130,000 | Yr 3 Mit | Yr 2 Mit. | |
| 7094 | Ranchero Rd Improvements-7 th Ave to Mariposa,
Phase 1- Design & ROW Identification (w/ County)
- Aqueduct widening design
- ROW Acquisition | 22,500
392,000 | -
589,000 | ROW | Const | |
| 7096 | Aqueduct Crossing Improvements-Widen Bridge
at Main Street – Phase 1
- Design and ROW Identification
- ROW Acquisition
- Construction | 247,000 | 400,000 | ROW Acq. | | |
| 7105 | Main Street Corridor-Design (395 to 11 th Ave) All
Phases
- Phase 1 ROW Acquisition (I-15 to Maple)
- Phase 1 Construction
- Phase 2 ROW Acquisition (Maple to 11 th)
- Phase 2 Construction
- Phase 3 ROW Acquisition (395 to I-15)
- Phase 3 Construction
- Phase 4 Reconstruct 11th to I | ON HOLD | ON HOLD | | | |
| 7108 | Industrial Park Lead Track - mitigation
-Construction Ph 2 | | | | | |
| 7123 | Willow Street Paseo | 81,620 | 825,751 | | | |
| 7129 | FY 2014-15 Street Improvement Project | 2,490,000 | Completed | | | |
| 7134 | Paving Dirt Roads (Fir and Rodeo) | 380,000 | 50,000 | | | |
| 7400 | ADA Improvements - Year 1 (FY 2014-15) | 4,000 | 95,000 | Yr 3 | Yr 4 | |
| 7401 | ADA Improvements - Year 2 (FY 2015-16) | | 630,000 | | | |
| 7130 | FY 2015-16 Street Improvement Project | 1,000,000 | 350,000 | | | |
| xxxx | FY 2016-17 Street Improvement Project | | 2,000,000 | | | |
| 7131 | Traffic Signal @ Ranchero/Maple
- Design/ROW
- ROW/Construction | | 500,000 | 500,000 | | |
| xxxx | Bear Valley Road Reconstruction Cottonwood
- Amargosa (w/ Victorville) | | 250,000 | | | |
| | TOTAL OF STREETS CIP PROJECTS | \$ 4,694,120 | \$ 6,019,751 | | | |
| DRAINAGE CIP PROJECTS | | | | | | |
| 7091 | H-01 Drainage Facility – Section 3 (Third-Fourth
Aves) FEMA Project

- Environmental/Construction | | 1,185,537 | | | |
| XXXX | A-04 Drainage Facility – Section 1 (Main to Live Oak)

- Design (crossing only)
- ROW Acquisition
-Construction (crossing only) | 30,000 | SFD | | | |
| | TOTAL OF DRAINAGE CIP PROJECTS | \$ 1,215,537 | \$ 1,185,537 | | | |
| OTHER CITY PROJECTS | | | | | | |

2014/2015 - 2017/2018 CAPITAL IMPROVEMENT PROGRAM

| CO# | Project Name | Revised/Actual
FY 15-16 | Proposed FY
16-17 | FY 17-18 | FY 18-19 | |
|---|---|----------------------------|-----------------------|----------|----------|------------|
| | - Phase 1 Design
- Phase 2 Property Acquisition
- Phase 3 Construction | | | | | Design Ph1 |
| 6515 | Civic Plaza Park
-Design (Completed 2007)
-Construction - Ph 1 (completed 2008)
-Construction - Phase 2 (Bathrooms/concession) | | | | | |
| 6517 | Fire Station 301 Construction/Property
- Property Acquisition (Completed 2007)
- Design - revision (2014-2015)
- Construction (Ph 1) Grade/Sewer/Walls | ON HOLD | | | | |
| 6519 | Fire Station 302 (Lemon)
-Property Acquisition
-Design
-Construction | | | Prop Acq | Design | |
| 6521 | Fire Station 304 Interim Expansion (Eucalyptus)
- Design revision (new Code)
- Construction | | | | | |
| 6524 | Animal Control Facility sewer project
- VVWRA fees
- Site Remediation/Paving | 47,900
339,092 | Completed
- | | | |
| 6523 | Park and Ride Facility | | 722,346 | | | |
| | TOTAL OTHER CITY CIP PROJECTS | \$ 386,992 | \$ 722,346 | | | |
| WATER CIP PROJECTS | | | | | | |
| 6506 | Mojave Corportai on Yard Expansion | | | | | |
| 8077 | Interstate 15 Corridor – New Water and Wastewater System
-Design
-Construction | | TBD | | | |
| 8078 | Property Acquisition for (Reservoir Expansion at Sites 19A and 21), new Reservoir to Serve Freeway Corridor (5 acres) | | | | | |
| 8086 | Interstate 15/Ranchero Road Frontage Road Improvements
-Design
- Construction | Completed | | | | |
| 8087 | Reclaimed Water Distribution System
Design
Construction | 70,000 | 220,000
14,500,000 | | | |
| | TOTAL OF WATER PROJECTS | \$ 70,000 | \$ 14,720,000 | | | |
| SEWER CAPITAL CIP PROJECTS | | | | | | |
| 9007 | Sub-regional Wastewater Reclamation Plant (WRF-1)
- Phase I Property Acquisition (Completed)
-Phase 2 Design and Construction Phase 3 Construction | VVWRA | VVWRA | VVWRA | | |
| | TOTAL OF SEWER CAPITAL CIP PROJECTS | \$ - | \$ - | | | |
| Total for Water and Sewer Projects | | \$ 70,000 | \$ 14,720,000 | | | |
| Totals for ALL CIP Projects | | \$ 6,366,649 | \$ 22,647,634 | | | |

CAPITAL IMPROVEMENT PROGRAM (C I P)

- *Overview and Summary*
- *C I P Expenditures by Project*
- *C I P Expenditures By Fund and Project*
- *C I P Project Listing*
- *C I P Project Descriptions*

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CAPITAL IMPROVEMENT PROGRAM (CIP)

OVERVIEW

The Capital Improvement Program (CIP) Summary includes new and continued capital projects funded in the Fiscal Year (FY) 2015-16 Budget. Information on capital projects completed in FY 2014-15 and projects temporarily suspended are also included to identify funds spent on recently completed projects as well as those that may resume in future years. Fiscal Year 2012-13 and Fiscal Year 2013-14 CIP projects are also included for historical purposes on the expenditure summaries. Frequently, CIP projects extend beyond one fiscal year.

The City's construction projects and major capital acquisitions that have an extended life are included in the Capital Improvement Program. In some circumstances, studies undertaken related to anticipated future capital projects are also included. Generally, the CIP will include capital replacement projects that repair, replace, or enhance existing facilities, equipment, or infrastructure, and capital facility projects that significantly expand or add capacity to the City's existing fixed assets.

SUMMARY

The CIP projects are summarized as follows:

| <u>CIP Major Categories</u> | <u>Projects Completed in
FY 2014-15</u> | <u>Projects Continued in
2015-16 Budget</u> | <u>New Projects Included in
2015-16 Budget</u> | <u>New & Continued Projects Included in
2015-16 Budget</u> |
|-----------------------------|---|---|--|--|
| Streets CIP Projects | \$1,953,000 | \$4,947,338 | \$3,287,000 | \$ 8,234,338 |
| Storm Drainage | 0 | 1,185,537 | 0 | 1,185,537 |
| Facilities | 0 | 871,846 | 0 | 871,846 |
| Water | 0 | 0 | 0 | 0 |
| Sewer | 0 | 0 | 0 | 0 |
| Total CIP Projects | <u>\$1,953,000</u> | <u>\$7,004,721</u> | <u>\$3,287,000</u> | <u>\$10,291,721</u> |

Streets CIP Projects - \$8,234,338 (2015-16 Budget)

- 2015-16 Street Improvement Project – \$2,277,000 has been included in the FY 2015-16 Budget. The program history is as follows:

| | <u>Expenditures</u> | <u>Miles Paved</u> | <u>Slurry Seal Miles</u> |
|--|----------------------------|--------------------|--------------------------|
| 2000-01 Street Improvement Project | \$ 2,226,573 | 18.0 | 0 |
| 2001-02 Street Improvement Project | \$ 2,148,349 | 19.4 | 0 |
| 2002-03 Street Improvement Project | \$ 1,993,142 | 16.5 | 0 |
| 2003-04 Street Improvement Project | \$ 2,033,719 | 17.1 | 0 |
| 2004-05 Street Improvement Project | \$ 3,166,412 | 18.2 | 12.4 |
| 2005-06 Street Improvement Project | \$ 6,221,264 | 51.1 | 14.2 |
| 2006-07 Street Improvement Project | \$10,994,391 | 57.0 | 11.0 |
| 2007-08 Street Improvement Project | \$19,134,056 | 57.0 | 4.0 |
| 2008-09 Street Improvement Project | \$ 9,193,091 | 28.0 | 0 |
| 2009-10 Street Improvement Project | \$ 5,726,868 | 13.9 | 0 |
| 2010-11 Street Improvement Project | \$ 0 | 0 | 0 |
| 2011-12 Street Improvement Project | \$ 2,446,984 | 2.5 | 7.5 |
| 2012-13 Street Improvement Project | \$ 1,705,349 | 1.0 | 6.6 |
| 2013-14 Street Improvement Project | \$ 1,995,597 | 2.5 | 9.3 |
| <u>2014-15 Street Improvement Project</u> | <u>\$ 2,500,000</u> | <u>2.2</u> | <u>10.9</u> |
| Fourteen Year Total | \$71,485,795 | 304.4 | 75.9 |
|
 | | | |
| <u>2015-16 Street Improvement Project</u> | <u>\$ 2,277,000</u> | <u>2.5</u> | <u>7.8</u> |
| Fifteen Year Total | \$73,762,795 | 306.9 | 83.7 |

CAPITAL IMPROVEMENT PROGRAM (CIP)

- **Three Other New Street Projects – 3 Projects \$1,010,000** – Funding in the amount of \$1,010,000 has been included in the FY 2015-16 Budget for the following three new street projects:

| | |
|--|----------------|
| • Traffic Signal @ Rancho Road/Maple Avenue | \$ 500,000 |
| • 2015-16 Americans with Disabilities Act (ADA) Transition Plan (Implementation) | 260,000 |
| • Bear Valley Road Reconstruction Cottonwood – Amargosa | <u>250,000</u> |
| | \$1,010,000 |

- **Rancho Road Related Projects – 3 Projects \$1,150,000** – Included in the FY 2015-16 Budget are projects related to the Rancho Road Corridor, with the largest overall project being the Rancho Road Interchange Project. The three projects are as follows:

| | |
|---|----------------|
| • Rancho Road Undercrossing | \$ 200,000 |
| • Rancho Road I-15 Interchange | 250,000 |
| • Rancho Road Improvement – Seventh Avenue to Mariposa Road | <u>700,000</u> |
| | \$1,150,000 |

- **Four Other Streets Projects – 4 Projects \$3,797,338** – Included in the FY 2015-16 Budget are four other continuing street projects. These projects include a carryover of a Street Improvement Project:

| | |
|--|--------------|
| • 2014-15 Street Improvement Project | \$2,490,000 |
| • Willow Street Paseo | 905,338 |
| • Aqueduct Crossing Improvements – Widen Bridge at Main Street Design and Right-Of-Way Acquisition | 400,000 |
| • 2014-15 ADA Transition Plan | <u>2,000</u> |
| | \$3,797,338 |

Storm Drainage C I P Project - 1 Project \$1,185,537 – Included in the FY 2015-16 Budget is the continuation of one drainage project as shown below:

| | |
|---|--------------------|
| • H-01 Drainage Facility – (Section 3A) Third Avenue to Fourth Avenue | <u>\$1,185,537</u> |
| | \$1,185,537 |

Facilities C I P Projects – 2 Projects \$871,846 – The following 2 projects, totaling \$871,846, will be continued in Fiscal Year 2015-16 as follows:

| | |
|--------------------------------|----------------|
| • Park and Ride Facility | \$696,346 |
| • Animal Control Sewer Project | <u>175,500</u> |
| | \$871,846 |

C I P EXPENDITURES BY PROJECT

| Project | | 2012-13 | 2013-14 | 2014-15 | 2014-15 | 2015-16 |
|--|---|----------------------|---------------------|---------------------|---------------------|---------------------|
| Number | Project Title | Actual | Actual | Budget | Revised | Budget |
| <u>New Streets Projects in FY 2015-16</u> | | | | | | |
| 7130 | 2015-16 Street Improvement Project** | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 2,277,000 |
| 7131 | Traffic Signal @ Rancho Road/Maple Avenue (Design & ROW) | 0 | 0 | 0 | 0 | 500,000 |
| 7132 | Bear Valley Road Reconstruction Cottonwood-Amargosa** | 0 | 0 | 0 | 0 | 250,000 |
| 7401 | 2015-16 ADA Transition Plan** | 0 | 0 | 0 | 0 | 260,000 |
| Sub-Total New 2015-16 Streets C I P Projects | | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 3,287,000 |
| <u>Streets CIP Projects Continued in FY 2015-16</u> | | | | | | |
| 7046 | Rancho Road Undercrossing -Design, ROW, Construction (Mitigation) | \$ 10,918,738 | \$ 941,186 | \$ 240,000 | \$ 45,000 | \$ 200,000 |
| 7086 | Rancho Road I-15 Interchange Project Approval and Environmental Document-Design, ROW, Construction (Mitigation) | 3,650,579 | 969,004 | 902,000 | 480,000 | 250,000 |
| 7094 | Rancho Road Improvements - 7 th Avenue to Mariposa Road, Phase 1 - Engineering & Right-of-Way Identification | 273,285 | 130,616 | 462,000 | 120,000 | 700,000 |
| 7096 | Aqueduct Crossing Improvements - Widen Bridge at Main Street (Design and ROW Acquisition) | 0 | 0 | 300,000 | 140,000 | 400,000 |
| 7123 | Willow Street Paseo** | 0 | 10,717 | 905,338 | 2,033 | 905,338 |
| 7129 | 2014-15 Street Improvement Project** | 0 | 0 | 2,500,000 | 10,000 | 2,490,000 |
| 7400 | 2014-15 ADA Transition Plan** | 0 | 0 | 101,000 | 99,000 | 2,000 |
| Sub-Total CIP Projects Continued in FY 2015-16 | | \$ 14,842,602 | \$ 2,051,523 | \$ 5,410,338 | \$ 896,033 | \$ 4,947,338 |
| <u>Streets CIP Projects Completed in FY 2014-15 and Temporarily Suspended Projects that may Resume in Future Years</u> | | | | | | |
| 7098 | Muscatef Street Overpass, Phase 1 - Project Study Report/Project Development Study (PSR/PDS) | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| 7104 | Railroad Crossing Feasibility Study | 0 | 0 | 0 | 0 | 0 |
| 7105 | Main Street Corridor Design (395 to 11th Avenue) | 0 | 0 | 0 | 0 | 0 |
| 7128 | 2013-14 Street Improvement Project | 0 | 42,597 | 1,953,000 | 1,953,000 | 0 |
| Sub-Total Streets CIP Projects Completed in FY 2014-15 and Temporarily Suspended Projects that may Resume in Future Years | | \$ 0 | \$ 42,597 | \$ 1,953,000 | \$ 1,953,000 | \$ 0 |
| <u>Streets CIP Projects Completed in FY 2013-14</u> | | | | | | |
| 7121 | 2011-12 Street Improvement Project | \$ 1,962,111 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| 7122 | Choiceana/Talisman Realignment | 0 | 205,374 | 0 | 0 | 0 |
| 7124 | Sequoia Bike Routes | 17,217 | 555,847 | 0 | 0 | 0 |
| 7125 | 2012-13 Street Improvement Project | 675 | 1,704,674 | 0 | 0 | 0 |
| 7127 | Main Street Overhead Railroad Bridge Rehab | 0 | 118,000 | 0 | 0 | 0 |
| Sub-Total Streets CIP Projects Completed in FY 2013-14 | | \$ 1,980,003 | \$ 2,583,895 | \$ 0 | \$ 0 | \$ 0 |

**Construction

C I P EXPENDITURES BY PROJECT

| Project Number | Project Title | 2012-13 Actual | 2013-14 Actual | 2014-15 Budget | 2014-15 Revised | 2015-16 Budget |
|--|---|----------------------|---------------------|----------------------|---------------------|----------------------|
| <u>Streets CIP Projects Completed in FY 2012-13</u> | | | | | | |
| 7126 | Cinema West Site | \$ 1,497,870 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| | Sub-Total Streets CIP Projects Completed in FY 2012-13 | \$ 1,497,870 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Total Summary Streets C I P Projects | | \$ 18,320,475 | \$ 4,678,015 | \$ 7,363,338 | \$ 2,849,033 | \$ 8,234,338 |
| <u>Storm Drainage C I P Projects</u> | | | | | | |
| 7090 | H-01 Drainage Facility – Section 1 (Maple Avenue to Main Street) – Design and Right-of-Way (Identification) | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| 7091 | H-01 Drainage Facility - Section 3A (Third Avenue to Fourth Avenue) ** | 12,504 | 13,173 | 1,185,537 | 0 | 1,185,537 |
| Total Storm Drainage C I P Projects | | \$ 12,504 | \$ 13,173 | \$ 1,185,537 | \$ 0 | \$ 1,185,537 |
| <u>Facilities Projects</u> | | | | | | |
| 6517 | Fire Station 301 Construction/Property | 60,854 | 613 | 885,615 | 60,000 | 0 |
| 6520 | High Desert County Government Center | 7,711,226 | 0 | 0 | 0 | 0 |
| 6521 | Fire Station 304 Expansion Project | 0 | 0 | 0 | 0 | 0 |
| 6523 | Park and Ride Facility** | 4,935 | 13,948 | 722,346 | 3,847 | 696,346 |
| 6524 | Animal Control Sewer Project** | 0 | 0 | 233,200 | 57,700 | 175,500 |
| Total Facilities Projects | | \$ 7,777,015 | \$ 14,561 | \$ 1,841,161 | \$ 121,547 | \$ 871,846 |
| <u>Water Projects Continued in FY 2015-16</u> | | | | | | |
| 8087 | Reclaimed Water Distribution System | \$ 0 | \$ 2,313 | \$ 40,000 | \$ 16,200 | \$ 0 |
| Total Water Projects Continued in FY 2015-16 | | \$ 0 | \$ 2,313 | \$ 40,000 | \$ 16,200 | \$ 0 |
| <u>Water C I P Projects Completed in FY 2013-14 and Temporarily Suspended Projects that will Resume in Future Years</u> | | | | | | |
| 8077 | Interstate 15 Corridor – New Water System Design | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| 8078 | Property Acquisition for Reservoir Expansion @ Sites 19A & 21, New Reservoir to Serve Freeway Corridor | 0 | 0 | 0 | 0 | 0 |
| 8086 | Interstate 15 & Rancho Road: Frontage Road Water Improvements | 773,222 | 648,146 | 0 | 0 | 0 |
| Total Water C I P Projects Completed in FY 2013-14 and Temporarily Suspended Projects that will Resume in Future Years | | \$ 773,222 | \$ 648,146 | \$ 0 | \$ 0 | \$ 0 |
| Total Water C I P Projects | | \$ 773,222 | \$ 650,459 | \$ 40,000 | \$ 16,200 | \$ 0 |
| <u>Total Summary</u> | | | | | | |
| Total Summary Streets C I P Projects | | \$ 18,320,475 | \$ 4,678,015 | \$ 7,363,338 | \$ 2,849,033 | \$ 8,234,338 |
| Total Storm Drainage C I P Projects | | 12,504 | 13,173 | 1,185,537 | 0 | 1,185,537 |
| Total Facilities Projects | | 7,777,015 | 14,561 | 1,841,161 | 121,547 | 871,846 |
| Total Water C I P Projects | | 773,222 | 650,459 | 40,000 | 16,200 | 0 |
| Grand Total | | \$ 26,883,216 | \$ 5,356,208 | \$ 10,430,036 | \$ 2,986,780 | \$ 10,291,721 |

Note #1 - Sewer funds have been used to partially fund a streets project and a facilities project and the sewer funding is shown with those specific projects.

**Construction

C I P EXPENDITURES BY FUND AND PROJECT

| Project Number | Project Title | 2012-13 Actual | 2013-14 Actual | 2014-15 Budget | 2014-15 Revised | 2015-16 Budget |
|--|--|---------------------|---------------------|---------------------|---------------------|---------------------|
| 100 General Fund | | | | | | |
| 6524 | Animal Control Sewer Project** | \$ 0 | \$ 0 | \$ 233,200 | \$ 57,700 | \$ 175,500 |
| 7129 | 2014-15 Street Improvement Project** | 0 | 0 | 500,000 | 10,000 | 490,000 |
| | Total General Fund 100 | \$ 0 | \$ 0 | \$ 733,200 | \$ 67,700 | \$ 665,500 |
| 160 Obligation Retirement Fund PIA #1 | | | | | | |
| 7126 | Cinema West Site | \$ 1,497,870 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| | Total Obligation Retirement Fund PIA #1 | \$ 1,497,870 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| 201 Measure I – Arterial Fund | | | | | | |
| 7121 | 2011-12 Street Improvement Project | \$ 141,665 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| | Total Measure I – Arterial Fund 201 | \$ 141,665 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| 204 Measure I Renewal | | | | | | |
| 6523 | Park and Ride Facility** | \$ 4,935 | \$ 13,948 | \$ 30,000 | \$ 3,847 | \$ 4,000 |
| 7094 | Ranchero Road Improvements – 7th Avenue to Mariposa Road, Phase 1 – Engineering & Right-of-Way Identification | 0 | 0 | 0 | 0 | 0 |
| 7121 | 2011-12 Street Improvement Project | 298,998 | 0 | 0 | 0 | 0 |
| 7122 | Choiceana/Talsman Realignment | 0 | 205,374 | 0 | 0 | 0 |
| 7123 | Willow Street Paseo** | 0 | 10,717 | 70,438 | 2,033 | 0 |
| 7124 | Sequoia Bike Routes & Bus Stop | 17,217 | 11,291 | 0 | 0 | 0 |
| 7125 | 2012-13 Street Improvement Project | 675 | 1,523,168 | 0 | 0 | 0 |
| 7127 | Main Street Overhead Railroad Bridge Rehab | 0 | 118,000 | 0 | 0 | 0 |
| 7128 | 2013-14 Annual Street Improvement | 0 | 42,597 | 1,953,000 | 1,953,000 | 0 |
| 7129 | 2014-15 Street Improvement Project** | 0 | 0 | 2,000,000 | 0 | 2,000,000 |
| 7130 | 2015-16 Street Improvement** | 0 | 0 | 0 | 0 | 2,277,000 |
| 7400 | 2014-15 ADA Transition Plan** | 0 | 0 | 50,250 | 48,250 | 2,000 |
| | Total Measure I Renewal Fund 204 | \$ 321,825 | \$ 1,925,095 | \$ 4,103,688 | \$ 2,007,130 | \$ 4,283,000 |
| 205 Gas Tax Fund | | | | | | |
| 7123 | Willow Street Paseo** | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 70,438 |
| 7131 | Traffic Signal @ Ranchero Rd/Maple Ave (Design & ROW) | 0 | 0 | 0 | 0 | 200,000 |
| 7132 | Bear Valley Road Reconstruction Cottonwood-Amargosa** | 0 | 0 | 0 | 0 | 250,000 |
| | Total Gas Tax Fund 205 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 520,438 |
| 207 Local Transportation Fund Article 8 (LTF) | | | | | | |
| 7046 | Ranchero Road Undercrossing | \$ 0 | \$ 539,000 | \$ 0 | \$ 0 | \$ 0 |
| 7094 | Ranchero Road Improvements – 7th Avenue to Mariposa Road, Phase 1 (Aqueduct, Engineering & ROW Identification) | 0 | 55,308 | 462,000 | 120,000 | 677,500 |
| 7096 | Aqueduct Crossing Improvements - Widen Bridge at Main Street (Design and ROW Acquisition) | 0 | 0 | 300,000 | 140,000 | 400,000 |
| | Total Local Transportation Fund 207 | \$ 0 | \$ 594,308 | \$ 762,000 | \$ 260,000 | \$ 1,077,500 |
| 251 Community Development Block Grant (CDBG) | | | | | | |
| 7400 | 2014-15 ADA Transition Plan | \$ 0 | \$ 0 | \$ 50,750 | \$ 50,750 | \$ 0 |
| 7401 | 2015-16 ADA Transition Plan** | 0 | 0 | 0 | 0 | 260,000 |
| | Total CDBG Fund 251 | \$ 0 | \$ 0 | \$ 50,750 | \$ 50,750 | \$ 260,000 |

**Construction

C I P EXPENDITURES BY FUND AND PROJECT

| Project Number | Project Title | 2012-13 Actual | 2013-14 Actual | 2014-15 Budget | 2014-15 Revised | 2015-16 Budget |
|--|--|---------------------|---------------------|---------------------|-------------------|---------------------|
| 300 Development Impact Fee (DIF)-Streets Fund | | | | | | |
| 7046 | Ranchero Undercrossing (Mitigation) | \$ 4,201,783 | \$ 374,410 | \$ 240,000 | \$ 45,000 | \$ 200,000 |
| 7086 | Ranchero Road I-15 Interchange Project Approval and Environmental Document (Mitigation) | 3,650,579 | 969,004 | 902,000 | 480,000 | 250,000 |
| 7094 | Ranchero Road Improvements - 7th Avenue to Mariposa Road - Phase 1 | (86,143) | 20,000 | 0 | 0 | 0 |
| 7131 | Traffic Signal @ Ranchero Rd/Maple Ave (Design & ROW) | 0 | 0 | 0 | 0 | 300,000 |
| Total DIF Fund—Streets 300 | | \$ 7,766,219 | \$ 1,363,414 | \$ 1,142,000 | \$ 525,000 | \$ 750,000 |
| 301 Development Impact Fee (DIF)-Storm Drainage | | | | | | |
| 7091 | H-01 Drainage Facility - Section 3A (Third Avenue to Fourth Avenue) | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Total DIF-Storm Drainage Fund 301 | | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| 302 Development Impact Fee (DIF) - Fire | | | | | | |
| 6517 | Fire Station 301 Construction/Property | \$ 60,854 | \$ 613 | \$ 0 | \$ 0 | \$ 0 |
| 6521 | Fire Station 304 Expansion | 0 | 0 | 0 | 0 | 0 |
| Total DIF-Fire Fund 302 | | \$ 60,854 | \$ 613 | \$ 0 | \$ 0 | \$ 0 |
| 502 Fire Capital Fund | | | | | | |
| 6517 | Fire Station 301 Construction | \$ 0 | \$ 0 | \$ 535,615 | \$ 60,000 | \$ 0 |
| Total Fire Capital Fund 502 | | \$ 0 | \$ 0 | \$ 535,615 | \$ 60,000 | \$ 0 |
| 503 County - High Desert Government Center | | | | | | |
| 6520 | High Desert County Government Center | \$ 7,711,226 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Total County Govt. Center Fund 503 | | \$ 7,711,226 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| 504 City Wide Projects | | | | | | |
| 6523 | Park and Ride Facility** | \$ 0 | \$ 0 | \$ 692,346 | \$ 0 | \$ 692,346 |
| 7091 | H-01 Drainage Facility - Section 3A (Third Avenue to Fourth Avenue) ** | 12,504 | 13,173 | 1,185,537 | 0 | 1,185,537 |
| 7094 | Ranchero Road Improvements – 7th Avenue to Mariposa Road, Phase 1 (Aqueduct, Engineering & ROW Identification) | 359,428 | 55,308 | 0 | 0 | 22,500 |
| 7121 | 2011-12 Street Improvement Project | 1,521,448 | 0 | 0 | 0 | 0 |
| 7123 | Willow Street Paseo** | 0 | 0 | 834,900 | 0 | 834,900 |
| 7124 | Sequoia Bike Routes & Bus Stop Improvements | 0 | 544,556 | 0 | 0 | 0 |
| 7125 | 2012-13 Street Improvement Project | 0 | 181,506 | 0 | 0 | 0 |
| Total City Wide Projects Fund 504 | | \$ 1,893,380 | \$ 794,543 | \$ 2,712,783 | \$ 0 | \$ 2,735,283 |
| 600 Ranchero Road Undercrossing Fund | | | | | | |
| 7046 | Ranchero Road Undercrossing | \$ 6,716,955 | \$ 27,776 | \$ 0 | \$ 0 | \$ 0 |
| Total Ranchero Road Undercrossing Fund 600 | | \$ 6,716,955 | \$ 27,776 | \$ 0 | \$ 0 | \$ 0 |
| 602 Ranchero/I-15 Interchange Fund | | | | | | |
| 7086 | Ranchero Road/I-15 Interchange | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Total Ranchero/I-15 Interchange Fund 602 | | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| 701 Water Capital Fund | | | | | | |
| 701 | Water C I P Projects
(See Water C I P for Project Detail) | \$ 773,222 | \$ 650,459 | \$ 40,000 | \$ 16,200 | \$ 0 |
| Total Water Capital Fund 701* | | \$ 773,222 | \$ 650,459 | \$ 40,000 | \$ 16,200 | \$ 0 |

*Note: Differences may exist between the total Water CIP and Sewer CIP expenditures shown in section D of this document. These differences are due to capital expenditures of the respective funds that are not attributable to a specific CIP project.

Note: With the use of grants and other types of reimbursements, there may be instances of timing differences between the time when the expenditures were incurred and when the reimbursement is received. These instances have been notated on the applicable individual C.O. sheets.

**Construction

C I P EXPENDITURES BY FUND AND PROJECT

| Project Number | Project Title | 2012-13 Actual | 2013-14 Actual | 2014-15 Budget | 2014-15 Revised | 2015-16 Budget |
|---|---|----------------------|---------------------|----------------------|---------------------|----------------------|
| 711 Sewer Capital Fund | | | | | | |
| 6517 | Fire Station 301 | \$ 0 | \$ 0 | \$ 350,000 | \$ 0 | \$ 0 |
| 7094 | Ranchero Road Improvements – 7th Avenue to Mariposa Road, Phase 1 – Engineering & Right-of-Way Identification | 0 | 0 | 0 | 0 | 0 |
| Total Sewer Capital Fund 711* | | \$ 0 | \$ 0 | \$ 350,000 | \$ 0 | \$ 0 |
| TOTAL ALL C I P FUNDS | | \$ 26,883,216 | \$ 5,356,208 | \$ 10,430,036 | \$ 2,986,780 | \$ 10,291,721 |
| Streets and Storm Drain Related | | | | | | |
| 100 | General Fund | \$ 0 | \$ 0 | \$ 500,000 | \$ 10,000 | \$ 490,000 |
| 160 | Obligation Retirement Fund P/A #1 | 1,497,870 | 0 | 0 | 0 | 0 |
| 201 | Measure I – Arterial Fund | 141,665 | 0 | 0 | 0 | 0 |
| 204 | Measure I - Renewal Fund | 316,890 | 1,911,147 | 4,073,688 | 2,003,283 | 4,279,000 |
| 205 | Gas Tax Fund | 0 | 0 | 0 | 0 | 520,438 |
| 207 | Local Transportation Fund Article 8 (LTF) | 0 | 594,308 | 762,000 | 260,000 | 1,077,500 |
| 251 | Community Development Block Grant Fund | 0 | 0 | 50,750 | 50,750 | 260,000 |
| 300 | Development Impact Fee-Streets Fund | 7,766,219 | 1,363,414 | 1,142,000 | 525,000 | 750,000 |
| 301 | Development Impact Fee-Sbrm Drainage | 0 | 0 | 0 | 0 | 0 |
| 504 | City-wide Projects | 1,893,380 | 794,543 | 2,020,437 | 0 | 2,042,937 |
| 600 | Ranchero Road Undercrossing Fund | 6,716,955 | 27,776 | 0 | 0 | 0 |
| 602 | Ranchero/I-15 Interchange Fund | 0 | 0 | 0 | 0 | 0 |
| 711 | Sewer Capital | 0 | 0 | 0 | 0 | 0 |
| Total Streets and Storm Drain Related | | \$ 18,332,979 | \$ 4,691,188 | \$ 8,548,875 | \$ 2,849,033 | \$ 9,419,875 |
| Facilities Related | | | | | | |
| 100 | General Fund | \$ 0 | \$ 0 | \$ 233,200 | \$ 57,700 | \$ 175,500 |
| 204 | Measure I - Renewal Fund | 4,935 | 13,948 | 30,000 | 3,847 | 4,000 |
| 302 | Development Impact Fee - Fire | 60,854 | 613 | 0 | 0 | 0 |
| 502 | Fire Capital Fund | 0 | 0 | 535,615 | 60,000 | 0 |
| 503 | County - High Desert Government Center | 7,711,226 | 0 | 0 | 0 | 0 |
| 504 | Park and Ride Facility | 0 | 0 | 692,346 | 0 | 692,346 |
| 711 | Sewer Capital Fund | 0 | 0 | 350,000 | 0 | 0 |
| Total City Facilities Related | | \$ 7,777,015 | \$ 14,561 | \$ 1,841,161 | \$ 121,547 | \$ 871,846 |
| Water and Sewer Related | | | | | | |
| 701 | Water Capital Fund | \$ 773,222 | \$ 650,459 | \$ 40,000 | \$ 16,200 | \$ 0 |
| 711 | Sewer Capital Fund | 0 | 0 | 0 | 0 | 0 |
| Total Water and Sewer Related | | \$ 773,222 | \$ 650,459 | \$ 40,000 | \$ 16,200 | \$ 0 |
| Total City Capital Improvement Program (C I P) | | \$ 26,883,216 | \$ 5,356,208 | \$ 10,430,036 | \$ 2,986,780 | \$ 10,291,721 |

*Note: Differences may exist between the total Water CIP and Sewer CIP expenditures shown in section D of this document. These differences are due to capital expenditures of the respective funds that are not attributable to a specific CIP project.

Note: With the use of grants and other types of reimbursements, there may be instances of timing differences between the time when the expenditures were incurred and when the reimbursement is received. These instances have been noted on the applicable individual C.O. sheets.

CAPITAL IMPROVEMENT PROGRAM (CIP)

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CAPITAL IMPROVEMENT PROGRAM (CIP)

Project Title: Rancho Road Undercrossing
Project Number: 7046 – Phase I and II
Department/Program: Development Services – Streets CIP

Project Description and Location:

This project involves the installation of a new underpass beneath the BNSF railway's right-of-way at Rancho Road. The project also includes a new alignment through the Antelope Valley Wash between Santa Fe East and Danbury, with the project limits between Seventh Avenue and Danbury. The BNSF Railroad bisects the City of Hesperia from north to south, with the only street that crosses the railroad being Main Street. This east-west corridor serves the entire City and is under capacity to meet existing traffic needs. The current traffic volume across the Main Street Bridge is 39,000 vehicles per day, and the projected volume in 2015, based on the Victor Valley Comprehensive Transportation Plan, is 69,000 vehicles per day. Most motorists experience gridlock in the early morning and late evening peak hours in the area of Main Street crossing the BNSF Railway. Accidents on either side of, or on the Main Street Bridge, have resulted in total closure of Main Street between Third Street and C Avenue, which not only affects the motoring public, but also severely restrict fire and police response times throughout the City.

Existing Situation and Work Completed Through Fiscal Year 2014-2015:

David Evans and Associates were retained to finalize plans and specifications to meet the BNSF Railway and City standards and Lilburn Corporation was engaged to prepare the environmental clearances. The California Environmental Quality Act (CEQA) document was completed and adopted in September 2006. The Federal National Environmental Policy Act (NEPA) document was finalized to Caltrans' satisfaction in February 2008, and was cleared by the Federal Highway Administration (FHWA) for public review in March. The NEPA document was completed in August 2008, allowing right-of-way acquisition to begin. Due to the inability of the San Bernardino County Real Estate Division to commit to the project, David Evans and Associates was engaged to subcontract property acquisition with CPSI. Authorization to proceed with right-of-way acquisitions was granted by Caltrans in May 2009, and the purchase of all required right-of-way was completed in December 2010 and certified by Caltrans in January 2011. The application to the Public Utilities Commission was submitted and approved in June 2009. Regulatory permits from the Army Corps of Engineers, Regional Water Quality Control Board - Lahontan, California Department of Fish and Game, and the San Bernardino County Flood Control District were applied for and were approved. The easements and construction agreement for permission to work within the BNSF right-of-way were granted and fully executed by January 2011. The Request for Authorization to Proceed with Construction was submitted to Caltrans for review and approval in January 2011, and Authorization to proceed with construction was subsequently approved by Caltrans in June 2011. The Project was advertised for bids in July 2011 and a contract awarded by the City Council in August 2011. Construction commenced in early September 2011 and was substantially complete by the end of June 2013. The project was accepted as complete by the Council at its August 20, 2013 council meeting. Submittal of the project close-out documentation was prepared and initially submitted to Caltrans in October 2013. The final grant reimbursements were received by the City and all close-out documents were approved by Caltrans in March 2014. Final reporting to the California Transportation Commission was completed in summer 2014. The environmental mitigation work commenced in October 2013 and will be ongoing for a period of 5 years, as required by the conditions of the environmental permits issued by the U.S. Army Corps of Engineers and the Regional Water Quality Control Board.

Project Schedule for 2015-16 Budget:

The environmental permits issued by the U.S. Army Corps of Engineers and the Regional Water Quality Control Board included a condition that the City repair and restore natural habitat and vegetation in areas disturbed during construction and at a separate parcel of land some distance from the construction site as mitigation for loss of habitat that resulted from construction of the project. The restoration requirements are outlined in a Habitat Mitigation and Monitoring Plan (HMMP) that was reviewed and approved by the two agencies. The HMMP calls for the seeding and planting of various natural elements (grasses, plants, trees, rocks, etc.) in the disturbed areas and for annual monitoring and reporting related to the success of such efforts. These monitoring and reporting efforts are stipulated to continue for a period of 5 years after completion of construction (i.e., from 2013 to 2018). Some off-site restoration work was completed in Fiscal Year 2013-14, as well as monitoring and reporting efforts; however, work was delayed on-site during FY 2014-15 due to conflicts with the San Bernardino County Flood Control District's flood control channel. The HMMP had to be modified and submitted for approval by the two regulatory agencies. Mitigation work was delayed while this revision was being reviewed and processed and will commence again in spring of 2015.

CAPITAL IMPROVEMENT PROGRAM (CIP)

Project Title: Ranchero Road Undercrossing (Continued)

Project Costs and Funding:

| | 2012-13 | 2013-14 | 2014-15 | 2014-15 | 2015-16 |
|---------------------------------------|----------------------|-------------------|-------------------|------------------|-------------------|
| <u>Expenditure Phases</u> | <u>Actual</u> | <u>Actual</u> | <u>Budget</u> | <u>Revised</u> | <u>Budget</u> |
| 207-700-7046 Contractual | \$ 0 | \$ 539,000 | \$ 0 | \$ 0 | \$ 0 |
| 300-700-7046 Contractual | 4,201,783 | 374,410 | 240,000 | 45,000 | 200,000 |
| 600-700-7046 Contractual | 0 | 27,776 | 0 | 0 | 0 |
| 600-700-7046 Right-of-Way Acquisition | 0 | 0 | 0 | 0 | 0 |
| 600-700-7046 Construction | 6,716,955 | 0 | 0 | 0 | 0 |
| Total Expenditures | <u>\$ 10,918,738</u> | <u>\$ 941,186</u> | <u>\$ 240,000</u> | <u>\$ 45,000</u> | <u>\$ 200,000</u> |
| <u>Source of Funds</u> | | | | | |
| 207 Local Transportation Article 8 | \$ 0 | \$ 539,000 | \$ 0 | \$ 0 | \$ 0 |
| 300 DIF Streets* | 4,201,783 | 374,410 | 240,000 | 45,000 | 200,000 |
| 600 NCPDP Grant (4835)* | 440,169 | 0 | 0 | 0 | 0 |
| 600 SAFETEA-LU (4833)* | 1,646,240 | 27,776 | 0 | 0 | 0 |
| 600 SANBAG-STP (4834)* | 2,218,134 | 0 | 0 | 0 | 0 |
| 600 FHWA-STP (4700)* | 1,804,892 | 0 | 0 | 0 | 0 |
| 600 California Prop. 1B-SLPP (4843)* | 607,520 | 0 | 0 | 0 | 0 |
| Total Source of Funds | <u>\$ 10,918,738</u> | <u>\$ 941,186</u> | <u>\$ 240,000</u> | <u>\$ 45,000</u> | <u>\$ 200,000</u> |

**Note - Due to the timing of when grant reimbursements are received, \$677,944 in expenditures were over-allocated to Fund 300 during project construction. Now that final grant reimbursements have been received in FY 2013-14, the \$677,944 has been reimbursed to Fund 300 for the previous over-allocations.

CAPITAL IMPROVEMENT PROGRAM (CIP)

Project Title: Ranchero Road Undercrossing (Continued)

Project Funding Narrative:

The total project expenditures are estimated to be \$30.6 million and have been funded from Streets Development Impact Fees, the Redevelopment Agency, Measure I, Local Transportation (Article 8) Funds and Federal and State grant funds. The City has completed all environmental work, design work, secured all required regulatory permits, and completed all necessary right-of-way acquisition at a cost of approximately \$3.3 million. The City utilized National Corridor Planning and Development Program (NCPDP) Federal grant funds of \$391,153 towards acquisition of right-of-way. Construction and construction-related costs are estimated to be a total of \$27.3 million. The construction costs were split between the Streets Development impact Fee Fund, Local Transportation Fund, and the Redevelopment Agency, which are estimated to fund a combined \$14.67 million or 54% of the total construction-related costs and various Federal and State grant appropriations identified below, which funded \$12.57 million, or 46% of the total construction related costs:

| | |
|---|--------------|
| ▪ Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Project No. 1558, P.L. 109-59 – Federal Grant (2005) Original Appropriation - \$4,000,000/Due to funding Rescissions and Obligation Limitations net available to City \$3,599,600..... | \$3,599,600 |
| ▪ Federal Highway Administration – Surface Transportation Program (FHWA-STP) – Federal Grant P.L. 109-115, Conference Report 109 Original Appropriation - \$3,000,000/due to funding Rescissions and Obligation Limitations net available to City \$2,970,000..... | \$2,970,000 |
| ▪ San Bernardino Associated Governments – Surface Transportation Program (SANBAG –STP), Allocation to City of Hesperia - \$3,400,000 plus additional \$250,000 of funding exchanged with SANBAG in 2006..... | \$3,650,000 |
| ▪ National Corridor Planning and Development Program (NCPDP) – Federal Grant 2002-03: Original Appropriation Amount of \$1,500,000. A total of \$391,153 of these funds was utilized for engineering and right-of-way acquisition, and \$964,235 was utilized for construction related costs. The balance of \$144,612 was ineligible for reimbursement due to early completion of the project..... | \$1,355,388 |
| ▪ Propositions 1B – State-Local Partnership Program (Prop 1B – SLPP) California Transportation Commission Original Appropriation - \$1.0 million..... | \$1,000,000 |
| Total Available Federal and State Project Funding..... | \$12,574,988 |

Notes:

- National Corridor Planning and Development Program (NCPDP) – Federal Grant 2003-04: \$500,000 Original Appropriation – Funding authority lapsed in 2008 and funding was de-obligated without any expenditure.

CAPITAL IMPROVEMENT PROGRAM (CIP)

Project Title: Ranchero Road / I-15 Interchange
Phase I – Project Study Report/Project Development Support (PSR/PDS) – Completed 2006
Phase II – Project Approval and Environmental Document (Completed 2010)
Phase III – Preliminary "At-Risk" Design (PS&E) (Completed 2012)
Phase IV and V – Right-of-Way Acquisition (ROW) (Completed 2012)
Phase V – Construction

Project Number: 7086

Department/Program: Development Services – Streets CIP

Project Description and Location:

This project is one of the three components of the Ranchero Road Corridor Project, which consists of improvements to Ranchero Road including the Ranchero Road Underpass, widening of Ranchero Road from Danbury Road to I-15, and a new interchange at I-15. This project includes the design and construction of a full service freeway interchange where Ranchero Road intersects with the I-15 freeway.

Existing Situation and Work Completed Through Fiscal Year 2014-2015:

In Fiscal Year 2004-05 the City, in anticipation of the time required to obtain State and Federal approvals for new interchanges, commenced the Project Development Phase of the project, which requires initial studies of the project and the preparation of a document called the Project Study Report/Project Development Support (PSR/PDS). The City's Consultant (Tetra Tech) commenced preparation of the PSR/PDS in September 2004 and received approval of the Final PSR/PDS through Caltrans in August 2006 (Project 7081).

The Preliminary Engineering Phase of the project commenced in August 2006 after execution of a Cooperative Agreement with Caltrans. This phase of work required preparation of a Project Report, which further analyzed the alternative, preliminary designs identified in the PSR/PDS and ascertained the preferred design layout of the proposed interchange, and the preparation of the Project Approval and Environmental Document (ED), which involved an environmental review of the alternative designs identified in the PSR/PDS, traffic modeling, geotechnical studies, various environmental technical studies, and completion of a final ED demonstrating that the preferred layout of the proposed interchange complies with all Federal and State environmental laws. The Environmental Assessment (EA) – Finding of No Significant Impact was identified as the appropriate ED for this project. The Project Report and EA – Finding of No Significant Impact were both approved by Caltrans (as the Federal delegate) in March 2010. The next two phases of the project, Right-of-Way (ROW) Acquisition Phase and the Final Design (PS&E) Phase, commenced concurrently in March 2010.

The City Council awarded a Professional Services Agreement (PSA) to Parsons in 2006 to prepare the Project Approval and ED. This Phase of the project commenced in August 2006 and included monthly Project Development Team (PDT) meetings with Caltrans staff. The required Value Analysis process was concluded in April 2007. In addition, the City Council awarded a contract to Parsons in December 2007 to proceed "at-risk" with preliminary engineering design so that work on the ED and project plans could proceed concurrently, which shortened the overall project schedule approximately nine months. The Traffic Study received final approval from Caltrans in March 2008. In November 2008, the Geometrical Approval Drawings and bridge type selection were approved by Caltrans. The Federal Highway Administration (FHWA) issued a Finding of Acceptability for the New Connection Report (in July 2009), a preliminary approval.

Parsons continued to work on the various individual environmental studies required within the ED and work on the Project Approval and ED continued and was completed in March 2010 with receipt of a Caltrans and Federally-approved ED and Caltrans approval of the Project Report. In March 2010, work on the final Plans, Specifications, and Engineer's Estimate (PS&E Phase) began after approval of the ED. Submittal to the California Transportation Commission for obligation of the SANBAG 2006 STIP funds occurred in May 2010 in order to prevent the loss of funding. Final approval for the New Connection Report was given by the FHWA in July 2010. A Request for Authorization to Proceed with ROW acquisition was submitted to Caltrans in July 2010. The City received approvals from Caltrans and the FHWA to proceed with ROW acquisition in December 2010 and commenced the acquisition process. Parsons sub-contracted this work to CPSI at a cost of \$170,000 for professional consulting services. Portions of twelve (12) properties from eight (8) owners were needed for ROW on this project. Eleven (11) properties were obtained through Purchase and Sale Agreements, while the last final remaining purchase was subject to eminent domain action.

CAPITAL IMPROVEMENT PROGRAM (CIP)

Project Title: Ranchero Road/I-15 Interchange (Continued)

Existing Situation and Work Completed Through Fiscal Year 2014-2015 (Continued):

A court order for Prejudgment Possession of the last portion of right-of-way (ROW) was issued in July 2012. The ROW Acquisition phase of the project concluded in August 2012 upon receipt of a fully signed Right-Of-Way Certification, which was signed by the City, Caltrans, and the FHWA.

Preliminary "at-risk" design transformed into Final Design (PS&E Phase) upon approval of the ED in March 2010. Final design work continued through FY 2010-11 and FY 2011-12. The PS&E phase of the project concluded in May 2012 upon receipt of a Ready to List memo from Caltrans. The Ready to List memo provided State and Federal authorization to proceed with advertising and award of a construction contract for the project. Construction on the project, however, was delayed because the two primary funding sources were all but eliminated due to the state-wide dissolution of redevelopment agencies in February 2012 and the negative effects of the 2009-2013 recession on revenues (DIF Fees).

In late January 2012, however, the San Bernardino Associated Governments (SANBAG) approached the City and proposed a cooperative effort to allow the project to progress to construction in a streamlined timeline. With assistance by Caltrans, SANBAG agreed to take over the construction phase of the project, and if needed, would front 100% of the funding shortfall. The City and SANBAG entered into a Cooperative Funding Agreement in April 2012, paving the way for construction on the project to move forward in FY 2012-13, while concurrently applying for Corridor Mobility Improvement Account (CMIA) funds from the California Transportation Commission (CTC) to offset the funding need. In May 2012, the CTC awarded \$24.4 million to the project, and 100% funding for construction of the project was in place.

All regulatory permits were obtained, right-of-way acquisition concluded, and PS&E were approved by Caltrans. SANBAG took over as lead agency for construction of the project and was responsible for Advertising, Award, and Administration of the project's construction phase. The project was advertised for bids in September 2012; bids were opened in October 2012; the SANBAG Board awarded the bid to Security Paving Company, Inc. in November 2012; and construction commenced in January 2013. Although SANBAG is providing project management for the project, the City continues to provide engineering support directly through Parsons, the original design engineer and Engineer of Record for the project and to pay the costs of any fees or permits. The vast majority of all roadway work and all other miscellaneous work within the City's right-of-way was completed by June 2014; only construction of the bridge remained. Based on the progress of the project through early 2014, it was expected that the project would be 75% complete by the end of Fiscal Year 2013-14. However, a catastrophic fire to the interchange bridge falsework on May 5, 2014 resulted in complete demolition of the structure. This resulted in a significant delay of the project (approximately 6 months), from the anticipated completion of November 2014. Some minor off-site environmental mitigation work commenced in October 2013 and will be ongoing for a period of 5 years, as required by the conditions of the environmental permits issued by the U.S. Army Corps of Engineers and the Regional Water Quality Control Board.

Project Schedule for 2015-16 Budget:

Construction continued in FY 2014-15 with completion of most construction in March 2015. The new interchange opened to the public on February 20, 2015, twenty five months after start of construction. Minor items of work remain with punch list work to be done and the project close-out phase through Caltrans is all expected to be completed in the summer of 2015. Based on the delays caused by the fire and the lengthened construction schedule, some additional construction engineering and management costs were added to the project's costs. These additional costs will be determined during the reconciliation process with SANBAG.

The environmental permits for this project that were issued by the U.S. Army Corps of Engineers and the Regional Water Quality Control Board included a condition that the City repair and restore natural habitat and vegetation in areas disturbed during construction and at a separate parcel of land some distance from the construction site as mitigation for loss of habitat that resulted from construction of the project. The restoration requirements are outlined in a Habitat Mitigation & Monitoring Plan (HMMP) that was reviewed and approved by the two agencies. The HMMP calls for the seeding and planting of various natural elements (grasses, plants, trees, rocks, etc.) in the disturbed areas and for annual monitoring and reporting related to the success of such efforts. These monitoring and reporting efforts are stipulated to continue for a period of 5 years after completion of construction (i.e., from 2014 to 2019). Some minor restoration work was completed, as well as monitoring and reporting efforts, in FY 2013-14 and FY 2014-15, and will escalate and continue during FY 2015-16.

CAPITAL IMPROVEMENT PROGRAM (CIP)

Project Title: Ranchero Road/I-15 Interchange (Continued)

Project Schedule for 2015-16 Budget (Continued):

Upon project completion and final close-out, total project costs will be reconciled with SANBAG and the City will be responsible for 57.5% of the Total Project Cost (estimated at \$64,404,000). Approximately 6.8% of the City's share will be assigned to the County of San Bernardino (5.9%) and the Town of Apple Valley (0.9%) through subsequent agreements.

Project Costs and Funding:

| <u>Expenditure Phases</u> | 2012-13
<u>*Actual</u> | 2013-14
<u>Actual</u> | 2014-15
<u>Budget</u> | 2014-15
<u>Revised</u> | 2015-16
<u>Budget</u> |
|--|---------------------------|--------------------------|--------------------------|---------------------------|--------------------------|
| 300-700-7086 Contractual | \$ 3,650,579 | \$ 469,634 | \$ 902,000 | \$ 480,000 | \$ 250,000 |
| 300-700-7086 Project Management Transfer Out | 0 | 0 | 0 | 0 | 0 |
| 300-700-7086 Land Acquisition | 0 | **499,370 | 0 | | 0 |
| 602-700-7086 Contractual | 0 | 0 | 0 | 0 | 0 |
| 602-700-7086 STIP/RIP Land | 0 | 0 | 0 | 0 | 0 |
| Total Expenditures | \$ 3,650,579 | \$ 969,004 | \$ 902,000 | \$ 480,000 | \$ 250,000 |
| <u>Source of Funds</u> | | | | | |
| 300 DIF Streets | \$ 3,650,579 | \$ 969,004 | \$ 902,000 | \$ 480,000 | \$ 250,000 |
| 602 Ranchero/I-15 Interchange (SANBAG STIP) | 0 | 0 | 0 | 0 | 0 |
| Total Source of Funds | \$ 3,650,579 | \$ 969,004 | \$ 902,000 | \$ 480,000 | \$ 250,000 |

*FY 2012-13 Actual includes a \$3,000,000 deposit with SANBAG for the Interchange Project, as well as the establishment of a trust account in the amount of \$350,000, as required by the Army Corps of Engineers.

**For final acquisition costs related to condemnation of needed right-of-way.

CAPITAL IMPROVEMENT PROGRAM (CIP)

Project Title: Ranchero Road/I-15 Interchange (Continued)

Project Funding Narrative:

Funded from Streets Development Impact Fee as it is considered an expansion to the City's Arterial Highway System.

The project expenditures are proposed to be funded from Streets Development Impact fees and Federal/State grants. The City is responsible for 57.5% of the project's cost, which Federal funds can be used for this share. Upon completion, the City will have three years to repay the SANBAG loan; otherwise, the City's Measure I Renewal funds will be used to repay the loan. The following funds for planning, design, right-of-way, and construction have been earmarked to date:

| | |
|--|---------------------|
| ▪ Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Interstate Maintenance Discretionary (IMD) Program P.L. 109-59, Project No. 158 – Federal Grant (Appropriated 2008)..... | \$1,356,810 |
| Note: This grant funding was transferred to SANBAG for use in construction of the project | |
| ▪ SANBAG/State Transportation Improvement Program (STIP) Regional Improvement Program (RIP) – (Appropriated 2008)..... | 7,034,000 |
| Note: The original grant amount was \$7,979,000—Caltrans transferred \$945,000 for Advertising, Award, and Administration fees, remaining balance of \$7,034,000 (received in FY 2011-12) was utilized by the City for acquisition of right-of-way | |
| ▪ Measure I (2010-2040) Victor Valley Major Local Highway Program (MLHP)..... | 4,549,000 |
| Note: This grant funding was transferred to SANBAG for use in construction of the project | |
| ▪ SAFETEA-LU IMD Program, HR1105 Omnibus Appropriation Act for 2009..... | 650,750 |
| Note: This grant funding was transferred to SANBAG for use in construction of the project | |
| ▪ SAFETEA-LU IMD Program, Continuing Appropriation Resolution 2010, P.L. 111-68..... | 1,000,000 |
| Note: This grant funding was transferred to SANBAG for use in construction of the project | |
| ▪ Development Impact Fee (Fund 300 – DIF) Streets Fund..... | 12,200,000 |
| Note: \$3,000,000 of DIF Funding was transferred to SANBAG for use in construction of the project | |
| ▪ CTC –Resolution No. SLPP-P-1112-09 (SLPP Bond Funding) | 4,550,000 |
| Note: This grant funding was transferred to SANBAG for use in construction of the project | |
| ▪ CTC – Resolution No. CMIA-PA-1112-017 & CMIA-P-1112-018B (CMIA Funding) | <u>21,135,000</u> |
| Note: This grant funding was transferred to SANBAG for use in construction of the project | |
| Total Federal/State/Local Project Funding Commitments | \$52,475,560 |

Project Impact on Operating Budget:

None at this time.

CAPITAL IMPROVEMENT PROGRAM (CIP)

Project Title: Ranchero Road Improvements – Seventh Avenue to Mariposa Road
Phase 1 – Preliminary Engineering and Right-of-Way Identification
Phase 2 – Design and Right-of-Way Acquisition

Project Number: 7094

Department/Program: Development Services – Streets CIP

Project Description and Location:

The Ranchero Road Corridor Project consists of various improvements to Ranchero Road including the Ranchero Road Underpass (C.O. 7046), a new interchange at I-15 (C.O. 7086), and widening of Ranchero between the two. This is the City's highest transportation priority. With the completion of the underpass and interchange, traffic on Ranchero Road has increased dramatically. This project will perform the engineering to select the ultimate alignment for Ranchero Road between the western terminus of the Ranchero Road Underpass Project, Seventh Avenue, and Mariposa Road. Identification of the required right-of-way will be determined and cost estimates will be prepared for the entire stretch of roadway. Approximately 50% of Ranchero Road within this 5-mile stretch is located outside the City limits within the unincorporated area of San Bernardino County. A Cooperative Agreement with the County has been executed to establish funding responsibilities.

Existing Situation and Work Completed Through Fiscal Year 2014-2015:

In November 2007 the preliminary improvement plans were begun by Desert Engineering under the first phase. These were used as the basis for design plans being prepared by Parsons and was subsequently awarded in October 2008. Detail design plan work continued through 2009, with focus on the aqueduct. Meetings with the Department of Water Resources (DWR) occurred in order to begin the coordination required for permits. Cessation of all design work occurred until execution of a Memorandum of Understanding (MOU) with the County in June 2011, allowing design work to resume. As a result of the MOU, the focus has been the environmental clearance work and design of the roadway. The environmental document was completed in June 2013 and roadway design plans, right-of-way identification and cost estimates were completed at the end of last fiscal year. Design coordination with DWR for the aqueduct crossing resumed in February 2015. Right-of-way acquisition and design of the Union Pacific Railroad at grade crossing has been suspended and will resume upon funding availability.

Project Schedule for 2015-16 Budget:

Aqueduct crossing design and coordination with DWR will continue through the fiscal year. Complete aqueduct crossing design is estimated for fall 2016.

CAPITAL IMPROVEMENT PROGRAM (CIP)

Project Title: Ranchero Road Improvements – Seventh Avenue to Mariposa Road (Continued)

Project Costs and Funding:

| <u>Expenditure Phases</u> | 2012-13 | 2013-14 | 2014-15 | 2014-15 | 2015-16 |
|---|-------------------|-------------------|-------------------|-------------------|-------------------|
| | <u>Actual</u> | <u>Actual</u> | <u>Budget</u> | <u>Revised</u> | <u>Budget</u> |
| 204-700-7094 Contractual | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| 207-700-7094 Contractual | 0 | 55,308 | 462,000 | 120,000 ** | 677,500 ** |
| 300-700-7094 Contractual | (86,143) *** | 20,000 | 0 | 0 | 0 |
| 504-700-7094 Contractual | 359,428 *** | 55,308 | 0 | 0 | 22,500 ** |
| 711-700-7094 Contractual | 0 | 0 | 0 | 0 | 0 |
| Total Expenditures | \$ 273,285 | \$ 130,616 | \$ 462,000 | \$ 120,000 | \$ 700,000 |
| <u>Source of Funds</u> | | | | | |
| 204 Measure I Renewal | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| 207 Local Transportation Article 8 | 0 | 55,308 | 462,000 | 120,000 | 677,500 * |
| 300 DIF Streets | 0 | 20,000 | 0 | 0 | 0 |
| 504 Citywide Projects
(County Reimbursement) | 136,606 * | 55,308 * | 0 | 0 | 22,500 * |
| 711 Sewer Capital | 0 | 0 | 0 | 0 | 0 |
| Total Source of Funds | \$ 136,606 | \$ 130,616 | \$ 462,000 | \$ 120,000 | \$ 700,000 |

*50% Reimbursement from San Bernardino County. There may be timing differences between when expenditures were made and when reimbursement is received.

**Funds expended from 207 Local Transportation Funds may need to be reallocated to 504 Citywide Projects due to timing of County Reimbursement.

***Due to the timing difference between the initial expenditures of the project and the receipt of County reimbursements, a reconciliation was performed to allocate the expenditures by funding source, which resulted in a shift in expenditures from DIF to the Citywide Projects (reimbursement fund).

Project Funding Narrative:

The total cost of Phase 1 and Design work of Phase 2 is \$2,167,208. Funding which is being reimbursed by the County of San Bernardino (\$542,772 through FY 2012-13 expenditures) for work advanced by the City has been utilized in FY 2011-12, FY 2012-13 and FY 2013-14. The balance of the reimbursement (\$87,800 for FY 2013-14 through FY 2015-16 year-end) will be used for the aqueduct crossing design work, with the remainder funded by Local Transportation Funds.

Project Impact on Operating Budget:

This project will have no impact on the operating budget at this time.

CAPITAL IMPROVEMENT PROGRAM (CIP)

Project Title: Aqueduct Crossing Improvements – Widen Bridge at Main Street
Phase 1 Design and Right-of-Way Identification
Phase 2 Right-of-Way Acquisition and Construction

Project Number: 7096

Department/Program: Development Services – Streets CIP

Project Description and Location:

The bridge along Main Street which crosses the California Aqueduct currently has capacity for only four lanes, two in each direction. The City's Master Plan of arterial highways identifies Main Street as a major arterial roadway, which has a total of six lanes, three in each direction from Interstate 15 to Eleventh Avenue. In addition, the completion of Walmart has impacted Main Street with additional traffic and new retail developments within the Walmart Shopping Center will have further impact. As a result, the bridge will have to be widened to accommodate the ultimate configuration of Main Street. The widening project has many potential issues; the chief issue being interaction with the Department of Water Resources (DWR). Other issues involve a potential retro-fit of the existing bridge structure to meet the new State seismic requirements, potential environmental issues, and involvement of Caltrans given its proximity to Interstate 15.

The first phase of the project will include preliminary design and the issues associated with that design, including right-of-way, environmental clearance, and outside agency coordination. Cost estimates will also result from this project phase. Phase 2 will involve acquisition of the necessary right-of-way, and construction.

Existing Situation and Work Completed Through Fiscal Year 2014-2015:

The consultant firm to carry out Phase 1 (design and right-of-way identification and project management) was engaged in February 2008. Commencement of the work began in May 2008 (along with C.O. 7105). Coordination with DWR began with two meetings that occurred in summer 2008. Preliminary design was completed and design work was started in January 2009. The Bridge Type Selection report was completed in March 2010 and submitted to DWR for approval. Coordination with DWR continued through April 2010. This new bridge is intended to serve westbound traffic, while the existing bridge will be seismically retrofitted by the state, and serve solely eastbound traffic. Right-of-way identification, design, and environmental work was suspended in June 2010, due to changes in the economy and slowed development. Design coordination with DWR, right-of-way identification, and environmental clearance work resumed in February of 2015.

Project Schedule for Fiscal Year 2015-16 Budget:

Design work, right-of-way identification, and environmental clearance work will continue through the fiscal year. Design completion is anticipated for fall 2016. Right-of-way acquisition will begin upon funding availability.

Project Costs and Funding:

| <u>Expenditure Phases</u> | 2012-13 | 2013-14 | 2014-15 | 2014-15 | 2015-16 |
|---------------------------|---------------|---------------|-------------------|-------------------|-------------------|
| | <u>Actual</u> | <u>Actual</u> | <u>Budget</u> | <u>Revised</u> | <u>Budget</u> |
| 204-700-7096 Contractual | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| 207-700-7096 Contractual | 0 | 0 | 300,000 | 140,000 | 400,000 |
| Total Expenditures | \$ 0 | \$ 0 | \$ 300,000 | \$ 140,000 | \$ 400,000 |

Source of Funds

| | | | | | |
|------------------------------------|-------------|-------------|-------------------|-------------------|-------------------|
| 204 Measure I Renewal | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| 207 Local Transportation Article 8 | 0 | 0 | 300,000 | 140,000 | 400,000 |
| Total Source of Funds | \$ 0 | \$ 0 | \$ 300,000 | \$ 140,000 | \$ 400,000 |

CAPITAL IMPROVEMENT PROGRAM (CIP)

Project Title: Aqueduct Crossing Improvements – Widen Bridge at Main Street (Continued)

Project Funding Narrative:

Phase 1 is estimated to cost \$880,000, and the right-of-way acquisition portion of Phase 2 is estimated at \$420,000. The construction portion of Phase 2 would begin when funds become available. This project is to be funded by a combination of Local Transportation Fund Article 8 (LTF) and other funding as available.

Project Impact on Operating Budget:

This project will have no effect on the operating budget at this time.

CAPITAL IMPROVEMENT PROGRAM (CIP)

Project Title: Muscatel Street/I-15 Interchange and Joshua Street Overpass
 Phase I – Project Study Report (PSR) (Completed FY 2010-11)
 Phase II – Project Approval and Environmental Document (PA & ED)

Project Number: 7098

Department/Program: Development Services – Streets CIP

Project Description and Location:

The City's Master Plan of Arterial Highways indicates a crossing of I-15 in the vicinity of Muscatel Street on the east side of the freeway to a connection with Mesa Linda Avenue on the west side of the freeway. This was originally envisioned as a bridge crossing only, with no connections to the freeway; however, because of projected traffic on adjacent freeway connections, an additional access to I-15 is warranted. This proposed interchange would connect the proposed large scale commercial areas on each side of the freeway; enable easy access to both sides of the freeway, and provide better circulation within the City without having to utilize the Main Street interchange. In addition, the City proposed to concurrently evaluate modifications to the Joshua Street off-ramps to provide a northbound off-ramp (under Project 7099); however, due to the current spacing between Main Street, Muscatel Street, Joshua Street, and the U.S. 395/I-15 Junctions, all connections together will not meet Caltrans, nor the Federal Highway Administration (FHWA), standards. Consequently, the City has decided to consolidate the Muscatel and Joshua projects into one project in order to evaluate one freeway interchange that will be acceptable to both agencies. Preliminary discussions with both agencies indicate that the Muscatel Street alignment would be preferred over the Joshua Street alignment. Phase 1 of this project involved the preparation of a Project Study Report (PSR) portion of the project for submittal to Caltrans.

Existing Situation and Work Completed Through Fiscal Year 2014-2015:

The City Council awarded a contract to Parsons in January 2007 to perform this phase of the work. Work commenced in May 2007 with a kick-off meeting at Caltrans. After work was approximately 20% to 30% complete, Caltrans requested that this phase of the work be upgraded from a Project Study Report/Project Development Study (PSR/PDS) to a full Project Study Report (PSR), which requires a higher level of analysis than initially required. The project was delayed by cessation of Caltrans oversight on all "K-phase" (planning) projects due to lack of funding for a period of 2-3 months. Parsons continued to work on the preliminary studies and traffic analysis with the PSR work to progress to a draft PSR by April 2009 which was reviewed by Caltrans beginning in May 2009. The Preliminary Environmental Analysis Report (PEAR) was approved in January 2010. The PSR was signed by Caltrans in May 2010, closing out Phase 1 of the project. A New Connection Report (NCR) acceptability determination was issued by FHWA in January 2011.

Project Schedule for 2015-16 Budget:

No funding is proposed during this fiscal year. Staff will evaluate options for funding Phase II, which is the Project Approval & Environmental Document (PA&ED) Phase. Approval of the PA&ED will allow the City to gain acceptability of a new connection report from FHWA, begin procuring required right-of-way and begin the Plans, Specifications, and Estimates (PS&E) engineering design work for the project.

Project Costs and Funding:

| Expenditure Phases | 2012-13 | 2013-14 | 2014-15 | 2014-15 | 2015-16 |
|--------------------------|---------|---------|---------|---------|---------|
| | Actual | Actual | Budget | Revised | Budget |
| 300-700-7098 Contractual | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Total Expenditures | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |

Source of Funds

| | | | | | |
|-----------------------|------|------|------|------|------|
| 300 DIF Streets | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Total Source of Funds | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |

CAPITAL IMPROVEMENT PROGRAM (CIP)

Project Title: Muscatel Street/I-15 Interchange and Joshua Street Overpass (Continued)

Project Funding Narrative:

This project is funded with Streets Development Impact Fees (DIF) funds. The FY 2007-08 CIP Budget combined this project with the Joshua Street Overcrossing Project and was managed as a combined, single project with a contract amount of \$249,892. Additional funding of \$310,000 was needed to continue this phase of work in FY 2008-09 due to the Caltrans' requirement to upgrade the document to a PSR. For FY 2009-10, \$160,000 was programmed to complete the PSR. Commencement of the PA & ED phase will be evaluated once funds become available.

Project Impact on Operating Budget:

This project will have no effect on the operating budget at this time.

CAPITAL IMPROVEMENT PROGRAM (CIP)

Project Title: Railroad Crossing Feasibility Study (Eucalyptus/Lemon/Mojave)

Project Number: 7104 (Completed FY 2008-09)

Department/Program: Development Services – Streets CIP

Project Description and Location:

This project involved the preparation of an engineering feasibility study to determine the better east-west crossing of the BNSF Railway tracks between Bear Valley Road and Main Street. Currently, Bear Valley Road, Main Street and Ranchero Road are the only crossings of the railroad tracks that serve the City. In order to provide one additional crossing in the three-mile distance between Bear Valley Road and Main Street, two potential alignments have been identified; (1) Eucalyptus Street, approximately one mile south of Bear Valley Road, and (2) Lemon Street/Mauna Loa Street/Mojave Street, approximately 1-3/4 to 2 miles south of Bear Valley Road.

This feasibility study analyzed both alignments, including right-of-way needs, and projected traffic volumes (based on the General Plan) of each. Preliminary coordination with the BNSF and utility companies occurred to determine any constraints. From this analysis, the more feasible alignment was selected.

Existing Situation and Work Completed Through Fiscal Year 2014-2015:

The City Council awarded a contract to Parsons in November 2007 to perform the preliminary analysis and provide an Engineer's Report on the findings. Work commenced on the project in January 2008. The draft document was submitted in December 2008, and finalized in March 2009. The final report was submitted to the City Council in June 2009 to select the preferred alignment. In future years, design (Phase II) will commence under a new project and will take approximately one year to complete. Right-of-way acquisition will occur as properties become available.

Project Status:

The project is complete.

Project Costs and Funding:

| <u>Expenditure Phases</u> | 2012-13
<u>Actual</u> | 2013-14
<u>Actual</u> | 2014-15
<u>Budget</u> | 2014-15
<u>Revised</u> | 2015-16
<u>Budget</u> |
|----------------------------|--------------------------|--------------------------|--------------------------|---------------------------|--------------------------|
| 300-700-7104 Contractual | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Total Expenditures | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
|
<u>Source of Funds</u> | | | | | |
| 300 DIF Streets | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Total Source of Funds | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |

Project Funding Narrative:

This initial phase of the project was funded by Streets Development Impact Fees.

Project Impact on Operating Budget:

None at this time.

CAPITAL IMPROVEMENT PROGRAM (CIP)

Project Title: Main Street Corridor Eleventh Ave)
Phase 1 Right-of-Way Acquisition & Construction (Mariposa Road to Maple Avenue)

Project Number: 7105

Department/Program: Development Services – Streets CIP

Project Description and Location:

This project involves the engineering design and right-of-way needs identification of the City's primary east-west roadway. Rehabilitation of this corridor is one of the City's legislative priorities, and will create an identity linkage for travelers going from I-15 through the City's downtown. This project will assist in the implementation of the Main Street and Freeway Corridor Specific Plan, which has been in preparation since 2005 and was completed in the first half of Fiscal Year 2008-09. The infrastructure component is key to establishing a unifying theme. While the Specific Plan extends west of U.S. Highway 395 to "I" Avenue, this project design will cover over four miles of the seven-mile corridor that is adjacent to Interstate 15 and U.S. Highway 395. Landscaping within street medians will be included in the design. The project will be implemented in three phases: Phase 1 (Mariposa Road to Maple Avenue); Phase 2 (Maple Avenue to Eleventh Avenue), and Phase 3 (US 395 to Cataba Road).

Existing Situation and Work Completed Through Fiscal Year 2014-2015:

The consultant firm to carry out the design of all three phases and project management was engaged in February 2008 and a contract was subsequently awarded in October. Commencement of the work began in April 2008. Design work began, including coordination with the Department of Water Resources (DWR), for widening the bridge over the California Aqueduct (under C.O. 7096). Design should be at 60 percent by fiscal year-end. A portion of the design was planned to be extracted for use in repair/remediation of February 2010 storm damage at Pyrite (A-04 drain line). Right-of-Way identification and design has been suspended since Fiscal Year 2010-11 due to changes in the economy and slowed development.

Project Schedule for Fiscal Year 2015-16 Budget:

No funding is proposed at this time. Once design is recommenced and completed, right-of-way acquisition will begin. Pyrite drainage repair will commence when funding becomes available.

Project Costs and Funding:

| <u>Expenditure Phases</u> | <u>2012-13</u>
<u>Actual</u> | <u>2013-14</u>
<u>Actual</u> | <u>2014-15</u>
<u>Budget</u> | <u>2014-15</u>
<u>Revised</u> | <u>2015-16</u>
<u>Budget</u> |
|---------------------------|---------------------------------|---------------------------------|---------------------------------|----------------------------------|---------------------------------|
| 586-700-7105 Contractual | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Total Expenditures | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |

Source of Funds

| | | | | | |
|---------------------------|------|------|------|------|------|
| 586 Redevelopment Capital | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Total Source of Funds | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |

Project Funding Narrative:

For Phase 1, design is estimated at \$850,000 (excluding aqueduct work under C.O. 7096), right-of-way acquisition is estimated at \$750,000 and construction is estimated at \$3 million. Construction would occur once funds become available. This initial phase of the project was funded by Streets Development Impact Fees and subsequent phases by Redevelopment Project Area 1 tax increment and other funding sources as available.

Project Impact on Operating Budget:

There is no impact on the budget from design work. There will be a minor increase in maintenance costs upon project completion of the Pyrite repair work, and at project completion.

CAPITAL IMPROVEMENT PROGRAM (CIP)

Project Title: 2011-12 Street Improvement Project

Project Number: 7121 (Completed FY 2013-14)

Department - Program: Development Services – Streets CIP

Project Description and Location:

This project involves the corrective maintenance through reconstruction and preventative maintenance via slurry seal overlay, or reconstruction of select roads in the City. The roads to be improved are Lemon Avenue between Choiceana and Santa Fe Avenues, (using State grant funds Eighth Avenue paseo work between Smoke Tree, Willow Streets, and various residential streets, collector roads, and/or arterial roads which were previously reconstructed under the City's paving program. The City Council first reviewed the plan in February 2011, after which the scope of the project was reviewed by the City Council Advisory Committee in April 2011, as part of the entire Capital Improvement Program. This was recommended to the City Council subject to funding availability (no funding was available for a FY 2010-11 Street Improvement Project). The Planning Commission made a finding of conformity of the Capital Improvement Program with the General Plan in April 2011.

Existing Situation and Work Completed Through Fiscal Year 2014-2015:

This is a new project. Proposition 1B funds were received from the State in March 2011. For Lemon Avenue a Safe Routes to School Grant was received in October 2010 for construction along Eighth Avenue. The project was advertised for bids in March, 2012 and was awarded to Cooley Construction at the May 1, 2012 City Council meeting. Construction began in June and was substantially complete in December 2012. In November 2012, a change order was approved by the City Council to make additional street improvements at the Main Street/Escondido intersection. Before all work was complete, material defects were evident, necessitating repair on certain roads. The contractor provided an acceptable solution to the City after June 2013 and was accepted by the City Council on August 6, 2013.

Project Schedule for 2015-16 Budget:

The project is complete.

Project Costs and Funding:

| <u>Expenditure Phases</u> | 2012-13 | 2013-14 | 2014-15 | 2014-15 | 2015-16 |
|---------------------------|---------------------|---------------|---------------|----------------|---------------|
| | <u>Actual</u> | <u>Actual</u> | <u>Budget</u> | <u>Revised</u> | <u>Budget</u> |
| 201-700-7121 Contractual | \$ 141,665 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| 204-700-7121 Contractual | 298,998 | 0 | 0 | 0 | 0 |
| 504-700-7121 Contractual | 1,521,448 | 0 | 0 | 0 | 0 |
| Total Expenditures | <u>\$ 1,962,111</u> | <u>\$ 0</u> | <u>\$ 0</u> | <u>\$ 0</u> | <u>\$ 0</u> |

Source of Funds

| | | | | | |
|--------------------------------------|---------------------|------------------|-------------|-------------|-------------|
| 201 Measure I Arterial | \$ 141,665 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| 204 Measure I Renewal | 298,998 | 0 | 0 | 0 | 0 |
| 504 SRTS Grant | 310,211 | 14,794 * | 0 | 0 | 0 |
| 504 Citywide Prop 1B | 1,178,005 | 0 | 0 | 0 | 0 |
| 504 Citywide Projects (SANBAG Grant) | 18,439 | 0 | 0 | 0 | 0 |
| Total Source of Funds | <u>\$ 1,947,318</u> | <u>\$ 14,794</u> | <u>\$ 0</u> | <u>\$ 0</u> | <u>\$ 0</u> |

* Final reimbursement for SRTS Grant

Project Funding Narrative:

This project was funded by Proposition 1B transportation funds (\$1,276,662), Safe Routes to School Grant funds (\$325,004), as well as Measure I Renewal (\$468,587) and Arterial (\$141,665). In addition, the City petitioned SANBAG to utilize the remaining Local Stimulus funds (\$18,439) from C.O. 7100 and was successful. Finally, additional Measure I Renewal funds (\$121,854) and Measure I Arterial funds (\$94,772) were utilized to complete the Main Street/Catapa agreement. The total project cost was \$2,446,983.

Project Impact on Operating Budget:

This project resulted in a decrease to operation and maintenance expenses due to preventive maintenance of the City's roadways.

CAPITAL IMPROVEMENT PROGRAM (CIP)

Project Title: Choiceana/Talisman Realignment
Project Number: 7122 (Completed FY 2013-14)
Department - Program: Development Services – Streets CIP

Project Description and Location:

This project involves the realignment of two local streets that intersect one another in the northeast portion of the City. The "G-01" regional drainage facility designated on the City's Master Plan of Drainage conveys storm flows, causing seasonal damage to this intersection, posing a hazard to the public, and a significant allocation of staff resources to repair/remediate the damage. This project would eliminate the street intersections by connecting the "northerly legs" of Talisman Street and Choiceana Avenue together, and connect the "southerly legs" together. The G-01 unimproved channel would be better-defined between the two street segments, reducing storm flow damage.

Existing Situation and Work Completed Through Fiscal Year 2014-2015:

Property acquisitions of the necessary right-of-way were initiated in June 2009 and were completed in November 2010. The project area was surveyed in March, 2012, and the in-house design was completed in March, 2013. The project was made part of the FY 2012-13 Street Improvement Project, which was advertised for public bid in March and was awarded in May. The project cost exceeded the estimate, resulting in additional funds being added at the time of award, prior to construction. The project was completed on December 1, 2013, and accepted by the City Council on February 18, 2014.

Project Schedule for 2015-16 Budget:

The project is complete.

Project Costs and Funding:

| <u>Expenditure Phases</u> | <u>2012-13
Actual</u> | <u>2013-14
Actual</u> | <u>2014-15
Budget</u> | <u>2014-15
Revised</u> | <u>2015-16
Budget</u> |
|----------------------------|---------------------------|---------------------------|---------------------------|----------------------------|---------------------------|
| 204-700-7122 Contractual | \$ 0 | \$205,374 | \$ 0 | \$ 0 | \$ 0 |
| Total Expenditures | <u>\$ 0</u> | <u>\$205,374</u> | <u>\$ 0</u> | <u>\$ 0</u> | <u>\$ 0</u> |
|
<u>Source of Funds</u> | | | | | |
| 204 Measure I Renewal | \$ 0 | \$205,374 | \$ 0 | \$ 0 | \$ 0 |
| Total Source of Funds | <u>\$ 0</u> | <u>\$205,374</u> | <u>\$ 0</u> | <u>\$ 0</u> | <u>\$ 0</u> |

Project Funding Narrative:

This project was funded by Measure I Renewal Funds.

Project Impact on Operating Budget:

The project resulted in a long-term decrease on operation and maintenance expenses due to the ability to convey storm water flows past the roadways without affecting the streets, thus eliminating the need to remove tons of storm debris after every storm event.

CAPITAL IMPROVEMENT PROGRAM (CIP)

Project Title: Willow Street Paseo
Project Number: 7123
Department/Program: Development Services – Streets CIP

Project Description and Location:

This project involves the construction of a bicycle/pedestrian paseo along the north and south sides of Willow Street from Third Avenue to Eighth Avenue. This "Willow Street Paseo" will provide a safe path of travel from high density housing areas of the City to several schools which are located along Willow Street. In addition, it will provide another link to the Eighth Avenue Paseo, which will be constructed in FY 2012-13, providing additional bicycle/pedestrian friendly routes to the Civic Center Complex. This facility follows the "complete street" concept as identified in the City's General Plan Update and outlined in the Urban Design Framework Plan. The realization of this project is the result of City staff's diligence in securing a Federal Safe Routes to School Grant.

Existing Situation and Work Completed Through Fiscal Year 2014-2015:

City staff was notified in October, 2011 that the City was successful in obtaining the grant. Due to the various studies and documents which are required as part of a Federal project, staff has prepared the request to obligate the funding for the project. Tom Dodson & Associates was hired to prepare the NEPA Level Federal Environmental document which was approved in March 2015. Staff is in the process of obtaining Authorization to Proceed with Preliminary Engineering services through Caltrans and preparing the Request for Proposal (RFP) to design the project.

Project Schedule for Fiscal Year 2015-16 Budget:

The City will seek for an engineering consultant to prepare the required plans, and specifications for the project. The design package will be ready to advertise for construction in the fall of 2015. Construction is anticipated to begin in the early 2016.

Project Costs and Funding:

| <u>Expenditure Phases</u> | 2012-13 | 2013-14 | 2014-15 | 2014-15 | 2015-16 |
|---------------------------|---------------|------------------|------------------|-----------------|-------------------|
| | <u>Actual</u> | <u>Actual</u> | <u>Budget</u> | <u>Revised</u> | <u>Budget</u> |
| 204-700-7123 Contractual | \$ 0 | \$ 10,717 | \$ 70,438 | \$ 2,033 | \$ 0 |
| 205-700-7123 Contractual | 0 | 0 | 0 | 0 | 70,438 |
| 504-700-7123 Contractual | 0 | 0 | 834,900 | 0 | 834,900 |
| Total Expenditures | \$ 0 | \$ 10,717 | \$905,338 | \$ 2,033 | \$ 905,338 |

Source of Funds

| | | | | | |
|------------------------------|-------------|------------------|------------------|-----------------|-------------------|
| 204 Measure I Renewal | \$ 0 | \$ 10,717 | \$ 70,438 | \$ 2,033 | \$ 0 |
| 205 Gas Tax | 0 | 0 | 0 | 0 | 70,438 |
| 504 SRT S Grant (Fed.) | 0 | 0 | 834,900 | 0 | 834,900 |
| Total Source of Funds | \$ 0 | \$ 10,717 | \$905,338 | \$ 2,033 | \$ 905,338 |

Project Funding Narrative:

This project will be funded by Federal Safe Routes to School Grant funds (\$834,900), as well as Measure I Renewal and Gas Tax (\$83,188 combined) funds to make up the City's match.

CAPITAL IMPROVEMENT PROGRAM (CIP)

Project Title: Sequoia Bike Routes & Bus Stop Improvements

Project Number: 7124 (Completed FY 2013-14)

Department/Program: Development Services – Streets CIP

Project Description and Location:

This project involves the construction of a Class II bicycle facility along Sequoia Street from Cottonwood Avenue to Hesperia Road, along with improvements to three bus stops in the City. This bicycle facility is identified on the City's Non-motorized Transportation Plan and will provide cyclists with an alternative route to cycling on the traffic-congested Bear Valley Road. The Class II facility will be constructed by widening the pavement and striping bicycle lanes along the shoulders. Appropriate signage will also be installed. The most notable bus stop improvement will consist of shoulder widening and a path of travel to the stop sign on the south side of Bear Valley Road just east of Industrial Avenue. City staff was able to obtain grant funds for these projects from the Transportation Development Act Article 3 Bicycle and Pedestrian Fund through a competitive grant application with SANBAG. City staff was notified that they were successful in obtaining the grant in November 2011.

Existing Situation and Work Completed Through Fiscal Year 2014-2015:

Sequoia Avenue was surveyed in March 2012, and the in-house design for the Class II bicycle facility was completed in March, 2013. Altec Engineering was awarded the contract to design the Bear Valley Road bus stop and completed the task in March, 2013. Both projects were added to the FY 2012-13 Street Improvement Project, which was advertised for public bid in March 2013, awarded in May 2013 and began construction in July 2013. The project was completed on December 1, 2013, and was accepted by the City Council on February 18, 2014.

Project Schedule for Fiscal Year 2015-16 Budget:

The project is complete.

Project Costs and Funding:

| | 2012-13 | 2013-14 | 2014-15 | 2014-15 | 2015-16 |
|------------------------------|------------------|------------------|---------------|----------------|---------------|
| <u>Expenditure Phases</u> | <u>Actual</u> | <u>Actual</u> | <u>Budget</u> | <u>Revised</u> | <u>Budget</u> |
| 204-700-7124 Contractual | \$ 17,217 | \$ 11,291 | \$ 0 | \$ 0 | \$ 0 |
| 504-700-7124 Contractual | 0 | 544,556 | 0 | 0 | 0 |
| Total Expenditures | \$ 17,217 | \$555,847 | \$ 0 | \$ 0 | \$ 0 |
|
<u>Source of Funds</u> | | | | | |
| 204 Measure I Renewal | \$ 17,217 | \$ 11,291 | \$ 0 | \$ 0 | \$ 0 |
| 504 TDA Article 3 Grant | 0 | 544,556 | 0 | 0 | 0 |
| Total Source of Funds | \$ 17,217 | \$555,847 | \$ 0 | \$ 0 | \$ 0 |

Project Funding Narrative:

This project was funded by Transportation Development Act Grant funds (\$544,556), as well as Measure I Renewal (\$28,508) funds to make up the City's match.

CAPITAL IMPROVEMENT PROGRAM (CIP)

Project Title: 2012-13 Street Improvement Project

Project Number: 7125 (Completed FY 2013-14)

Department/Program: Development Services – Streets CIP

Project Description and Location:

This project involves the corrective maintenance through reconstruction and preventative maintenance via slurry-seal overlay of selective roads in the City. Corrective maintenance is planned for Main Street from Cataba Road to Interstate 15. In addition, the City will expand on the newly completed improvements along Santa Fe Avenue East and extend those improvements to I Avenue. The long neglected Mesa Avenue east of Santa Fe Avenue East will also be reconstructed for approximately one-half mile. Preventative maintenance will occur on streets that have had corrective maintenance done during the past 5-7 years to extend their usable life. This preventative maintenance will be performed on approximately 10 miles of roadways throughout the City.

Existing Situation and Work Completed Through Fiscal Year 2014-2015:

City staff prepared the bid package for the project in March, 2013. In order to receive more competitive bids on smaller projects, Project Numbers 7122 (Choiceana/Talisman Realignment) and 7124 (Sequoia Bike Route and Bus Stop Improvements) were added to the project. In addition, a joint project with the Victor Valley Transit Authority to pave Smoketree Street between E Avenue and I Avenue to assist bus movements was agreed to, and included in the project. The project was awarded during the May 7, 2013 Council meeting and construction began in July 2013. The project was completed on December 1, 2013 and accepted by the City Council on February 18, 2014.

Project Schedule for Fiscal Year 2015-16 Budget:

The project is complete.

Project Costs and Funding:

| | 2012-13 | 2013-14 | 2014-15 | 2014-15 | 2015-16 |
|----------------------------|---------------|---------------|---------------|----------------|---------------|
| <u>Expenditure Phases</u> | <u>Actual</u> | <u>Actual</u> | <u>Budget</u> | <u>Revised</u> | <u>Budget</u> |
| 204-700-7125 Contractual | \$ 675 | \$1,523,168 | \$ 0 | \$ 0 | \$ 0 |
| 504-700-7125 Contractual | 0 | 181,506 | 0 | 0 | 0 |
| Total Expenditures | \$ 675 | \$1,704,674 | \$ 0 | \$ 0 | \$ 0 |
|
<u>Source of Funds</u> | | | | | |
| 204 Measure I Renewal | \$ 675 | \$1,523,168 | \$ 0 | \$ 0 | \$ 0 |
| 504 VTA Reimbursement | 0 | 181,506 | 0 | 0 | 0 |
| Total Source of Funds | \$ 675 | \$1,704,674 | \$ 0 | \$ 0 | \$ 0 |

Project Funding Narrative:

This project was funded by Measure I Renewal funds (\$1,523,843), and funds from the Victor Valley Transit Authority (\$181,506).

CAPITAL IMPROVEMENT PROGRAM (CIP)

Project Title: Cinema West Site Improvements
Project Number: 7126 (Completed FY 2012-13)
Department/Program: Development Services – Facilities CIP

Project Description and Location:

The City's downtown plan identified development of the parcel west of Civic Plaza Park. Negotiations concluded successfully for development of a movie cinema project, which construction was assisted by the City. This project involved construction of a 314-space parking lot that will be utilized by the theater and park goers. Project components include grading, paving, and striping of the parking lot; landscaping around and within it; perimeter curb, gutter and sidewalks; lighting and a water retention system for the entire five acres utilized by the theater and parking lot.

Existing Situation and Work Completed Through Fiscal Year 2014-2015:

K&R Construction began construction of the theater building in March 2012. The City bid the project and in May 2012, which was awarded to Cooley Construction in June 2012. Construction was completed in December and accepted by the City Council on December 18, 2012.

Project Schedule for Fiscal Year 2015-16 Budget:

The project is complete.

Project Costs and Funding:

| | 2012-13 | 2013-14 | 2014-15 | 2014-15 | 2015-16 |
|---------------------------|---------------|---------------|---------------|----------------|---------------|
| <u>Expenditure Phases</u> | <u>Actual</u> | <u>Actual</u> | <u>Budget</u> | <u>Revised</u> | <u>Budget</u> |
| 160-700-7126 Contractual | \$1,497,870 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Total Expenditures | \$1,497,870 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |

Source of Funds

| | | | | | |
|---------------------------------------|-------------|------|------|------|------|
| 160 Obligation Retirement Fund P/A: * | \$1,497,870 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Total Source of Funds | \$1,497,870 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |

Note -*: Project paid for by the Successor Agency to the Former Redevelopment Agency. Expenditures related to the project were not included in the City Budget and were instead shown in the Successor Agency Budget.

Project Funding Narrative:

The project was funded from Obligation Retirement Fund P/A #1. Construction costs totaled \$1,504,101.

Project Impact on Operating Budget:

None at this time.

CAPITAL IMPROVEMENT PROGRAM (CIP)

Project Title: Main Street Overhead Railroad Bridge Rehab (New)

Project Number: 7127 (Completed FY 2013-14)

Department/Program: Development Services – Streets CIP

Project Description and Location:

The Main Street Bridge provides one of two current crossings of the BNSF Railway in the City (when completed, the Rancho Road Undercrossing will become the third). Consequently, the State Department of Transportation (Caltrans) performed an inspection of the 39-year old bridge, the results of which include three recommended actions to maintain its life: 1) clean the concrete deck, and seal/fill the "heavy cracking" surface with methacrylate; 2) backfill erosion at the northwest and southwest corners of the bridge, and; 3) re-patch the spall in the concrete diaphragm over bent cap #2. Once completed, the bridge will be restriped.

Existing Situation and Work Completed Through Fiscal Year 2014-2015:

Specifications were prepared by City staff, and all work was publicly bid. The bid opening occurred on April 17, 2014, and the City Council awarded the project on May 6, 2014. Work on this project was completed in June 2014.

Project Schedule for Fiscal Year 2015-16 Budget:

The project is complete.

Project Costs and Funding:

| | 2012-13 | 2013-14 | 2014-15 | 2014-15 | 2015-16 |
|----------------------------|---------------|---------------|---------------|----------------|---------------|
| <u>Expenditure Phases</u> | <u>Actual</u> | <u>Actual</u> | <u>Budget</u> | <u>Revised</u> | <u>Budget</u> |
| 204-700-7127 Contractual | \$ 0 | \$118,000 | \$ 0 | \$ 0 | \$ 0 |
| Total Expenditures | \$ 0 | \$118,000 | \$ 0 | \$ 0 | \$ 0 |
|
<u>Source of Funds</u> | | | | | |
| 204 Measure I Renewal | \$ 0 | \$118,000 | \$ 0 | \$ 0 | \$ 0 |
| Total Source of Funds | \$ 0 | \$118,000 | \$ 0 | \$ 0 | \$ 0 |

Project Funding Narrative:

This project was funded by Measure I Renewal Funds.

Project Impact on Operating Budget:

This project will extend the life of the bridge, and result in a minor decrease in annual operational/maintenance costs.

CAPITAL IMPROVEMENT PROGRAM (CIP)

Project Title: 2013-14 Street Improvement Project

Project Number: 7128

Department/Program: Development Services – Streets CIP

Project Description and Location:

This project involves the corrective maintenance through reconstruction and preventative maintenance via slurry-seal overlay of selective roads in the City. Full depth roadway reconstruction is planned for Main Street from Interstate 15 to Escondido Avenue. If funding is available, the City will reconstruct three roadways that are in the worst condition and require constant pothole repairs; these roads being sections of Mauna Loa Street, Fresno Street, and Cherry Street. All three streets were due for reconstruction under previous paving projects but had to be pulled due to funding shortfalls. Preventative maintenance in the form of crack seal and slurry will occur on streets that have had corrective maintenance done during the past 5-7 years to extend their usable life. This preventative maintenance will be performed on approximately 10 miles of roadways throughout the City.

Existing Situation and Work Completed Through Fiscal Year 2014-2015:

This project was advertised for construction on March 18, 2014. The bid opening was on April 17, 2014, and due to changes in scope of the project, bids were approximately ten percent over estimate. It was awarded by Council on May 6, 2014. Seal locations included sections of Willow Street, Fresno Street, Eucalyptus Street, Live Oak Street, Sequoia Street, Carob Street, Pitache Street, Capri Street, Donert Street, Manzanita Street, and Orchid Street. Remove and replace locations included sections of Mauna Loa Street, Fresno Street, Atlantic Street, and Main Street. Overlay locations included sections of Main Street and Eighth Avenue. Signal work was completed at the intersection of Main Street and Mountain Vista Avenue. The project was completed in February 2015, with the final retention expected to be released in May 2015.

Project Schedule for Fiscal Year 2015-16 Budget:

The project is complete.

Project Costs and Funding:

| | 2012-13 | 2013-14 | 2014-15 | 2014-15 | 2015-16 |
|----------------------------|---------------|---------------|---------------|----------------|---------------|
| <u>Expenditure Phases</u> | <u>Actual</u> | <u>Actual</u> | <u>Budget</u> | <u>Revised</u> | <u>Budget</u> |
| 204-700-7128 Contractual | \$ 0 | \$ 42,597 | \$1,953,000 | \$1,953,000 | \$ 0 |
| Total Expenditures | \$ 0 | \$ 42,597 | \$1,953,000 | \$1,953,000 | \$ 0 |
|
<u>Source of Funds</u> | | | | | |
| 204 Measure I Renewal | \$ 0 | \$ 42,597 | \$1,953,000 | \$1,953,000 | \$ 0 |
| Total Source of Funds | \$ 0 | \$ 42,597 | \$1,953,000 | \$1,953,000 | \$ 0 |

Project Funding Narrative:

This project was funded by Measure I Renewal funds.

CAPITAL IMPROVEMENT PROGRAM (CIP)

Project Title: 2014-15 Street Improvement Project

Project Number: 7129

Department/Program: Development Services – Streets CIP

Project Description and Location:

This project involves the corrective maintenance through reconstruction and preventative maintenance via slurry-seal overlay of selective roads in the City, signal system upgrades, and dirt-road paving. Full depth roadway re-construction will occur on Main Street east of Maple Avenue, as well as some of the worst condition roads. Preventative maintenance in the form of crack seal and slurry will occur on streets that have had corrective maintenance done during the past 5-7 years to extend their usable life. Based on the options selected by the City Council during the Budget process, this preventative maintenance will be performed on approximately 25 miles of roadways throughout the City. In addition, signal upgrade will occur at the Main Street and I Avenue existing signalized intersection, and two dirt roads (Fir Street and Rodeo Road, between 11th Avenue – 7th Avenue) will also be paved.

Existing Situation and Work Completed Through Fiscal Year 2014-2015:

Prior to preparation of plans and specifications, options for the types of street to be maintained, including potential dirt-road paving, were submitted to the City Council for approval. The dirt roads selected will be surveyed by a contractor and the center line profile will be designed in-house. Selected slurry seal locations include sections of E Avenue, Hesperia Road, I Avenue, Alston Avenue, Seaforth Avenue, Farmdale Street, Jenkins Street, and Fairburn Avenue. Remove and replace locations include sections of Main Street, Walnut Street, Pacific Street, and E Avenue. The dirt road paving will take place on sections of Fir Street and Rodeo Street. There will also be a traffic signal upgrade at the intersection of Main Street and I Avenue.

Project Schedule for Fiscal Year 2015-16 Budget:

The project will then be advertised for bid and construction will begin during the summer of the 2015 calendar year. The majority of the construction will occur in the 2015-16 Fiscal Year.

Project Costs and Funding:

| <u>Expenditure Phases</u> | 2012-13
<u>Actual</u> | 2013-14
<u>Actual</u> | 2014-15
<u>Budget</u> | 2014-15
<u>Revised</u> | 2015-16
<u>Budget</u> |
|----------------------------|--------------------------|--------------------------|--------------------------|---------------------------|--------------------------|
| 100-700-7129 Contractual | \$ 0 | \$ 0 | \$ 500,000 | \$ 10,000 | \$ 490,000 |
| 204-700-7129 Contractual | 0 | 0 | 2,000,000 | 0 | 2,000,000 |
| Total Expenditures | <u>\$ 0</u> | <u>\$ 0</u> | <u>\$2,500,000</u> | <u>\$ 10,000</u> | <u>\$ 2,490,000</u> |
|
<u>Source of Funds</u> | | | | | |
| 100 General Fund | \$ 0 | \$ 0 | \$ 500,000 | \$ 10,000 | \$ 490,000 |
| 204 Measure I Renewal | 0 | 0 | 2,000,000 | 0 | 2,000,000 |
| Total Source of Funds | <u>\$ 0</u> | <u>\$ 0</u> | <u>\$2,500,000</u> | <u>\$ 0</u> | <u>\$ 2,490,000</u> |

Project Funding Narrative:

This project will be funded by Measure I Renewal funds and the General Fund.

CAPITAL IMPROVEMENT PROGRAM (CIP)

Project Title: 2014-15 Street Improvement Project (Continued)

Project Number: 7129

Department/Program: Development Services – Streets CIP

Available funding all projects \$2,500,000

I. Staff recommended projects:

| | |
|---|--------------------|
| 1. Main Street rehabilitation (Oakwood Ave-Balsam Avenue) | \$ 980,000 |
| 2. Slurry Seal preventative maintenance (Various Streets – Approx. 10 miles) | 250,000 |
| 3. Residential street rehabilitation Walnut Street (Main Street-Peach Avenue) and Del Mar Street (Willow Street-Benecia Avenue) | 131,500 |
| 4. Traffic Signal Upgrade (I Avenue/Main Street), including ADA improvements | <u>140,000</u> |
| Total | \$1,501,500 |

Balance for Optional Projects \$498,500

II. Optional projects selected by Council:

| | |
|---|------------------|
| 1. Slurry Seal maintenance – approximately 15.7 additional miles | \$394,500 |
| 2. Dirt Road paving – Fir Street (Eleventh Avenue – Seventh Avenue) | 302,000 |
| 3. Dirt Road paving – Rodeo Road (Eleventh Avenue – Seventh Avenue) | <u>302,000</u> |
| Total all Optional Projects | \$998,500 |

CAPITAL IMPROVEMENT PROGRAM (CIP)

Project Title: 2015-16 Street Improvement Project (NEW)

Project Number: 7130

Department/Program: Development Services – Streets CIP

Project Description and Location:

This project involves the corrective maintenance through reconstruction and preventative maintenance via slurry-seal overlay of selective roads in the City, signal system upgrades, and dirt-road paving. Full depth roadway re-construction of Main Street from Tamarisk Avenue to Oakwood Avenue will occur. Preventative maintenance in the form of crack seal and slurry will also occur on streets that have had corrective maintenance done during the past 5-7 years to extend their usable life. Based on the options selected by the City Council during the budget process, this preventative maintenance will be performed on approximately 10 miles of roadways throughout the City.

Existing Situation and Work Completed Through Fiscal Year 2014-2015:

This is a new project.

Project Schedule for Fiscal Year 2015-16 Budget:

The project will be advertised for construction, once survey and plans and specifications are produced in-house. Construction will begin in winter/spring 2016 and completed prior to the end of the Fiscal Year.

Project Costs and Funding:

| | 2012-13 | 2013-14 | 2014-15 | 2014-15 | 2015-16 |
|----------------------------|---------------|---------------|---------------|----------------|---------------|
| <u>Expenditure Phases</u> | <u>Actual</u> | <u>Actual</u> | <u>Budget</u> | <u>Revised</u> | <u>Budget</u> |
| 204-700-7130 Contractual | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 2,277,000 |
| Total Expenditures | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 2,277,000 |
|
<u>Source of Funds</u> | | | | | |
| 204 Measure I Renewal | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 2,277,000 |
| Total Source of Funds | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 2,277,000 |

Project Funding Narrative:

This project will be funded by Measure I Renewal funds.

CAPITAL IMPROVEMENT PROGRAM (CIP)

Project Title: Traffic Signal @ Rancho Road/Maple Avenue (NEW)

Project Number: 7131

Department/Program: Development Services – Streets CIP

Project Description and Location:

This is a multi-year project involving the establishment of a signalized intersection along the Rancho Road Corridor. The completion of the Undercrossing at the BNSF Railway and the full-service interchange at Interstate 15 has caused an increase in traffic along this corridor. Several intersections are planned for signalization along this corridor at build-out. Delay at Maple Avenue, which is currently an all-way stop intersection, is significant. Development planned in the vicinity will exacerbate this delay, justifying the need for a traffic signal. The signal will be designed based on ultimate street widths of Maple Avenue and Rancho Road, necessitating acquisition of right-of-way to accommodate its installation. The entire project is anticipated to take 18-24 months to complete.

Existing Situation and Work Completed Through Fiscal Year 2014-2015:

This is a new project.

Project Schedule for Fiscal Year 2015-16 Budget:

A consultant will be engaged to design the signal. Once design is established, right-of-way needs will be identified and acquisition will commence. Construction is expected to occur in Fiscal Year 2016-17.

Project Costs and Funding:

| <u>Expenditure Phases</u> | <u>2012-13</u>
<u>Actual</u> | <u>2013-14</u>
<u>Actual</u> | <u>2014-15</u>
<u>Budget</u> | <u>2014-15</u>
<u>Revised</u> | <u>2015-16</u>
<u>Budget</u> |
|----------------------------------|---------------------------------|---------------------------------|---------------------------------|----------------------------------|---------------------------------|
| 205-700-7131 Contractual | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 200,000 |
| 300-700-7131 Contractual | 0 | 0 | 0 | 0 | 300,000 |
| Total Expenditures | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 500,000 |
|
<u>Source of Funds</u> | | | | | |
| 205 Gas Tax | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 200,000 |
| 300 Development Impact Fee (DIF) | 0 | 0 | 0 | 0 | 300,000 |
| Streets Fund | | | | | |
| Total Source of Funds | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 500,000 |

Project Funding Narrative:

This project will be funded by DIF and Gas Tax funds.

CAPITAL IMPROVEMENT PROGRAM (CIP)

Project Title: Bear Valley Road Reconstruction Cottonwood – Amargosa (NEW)

Project Number: 7132

Department/Program: Development Services – Streets CIP

Project Description and Location:

Bear Valley Road is a major roadway shared between Hesperia and the City of Victorville and provides for more than 60,000 vehicles per day. The City of Victorville initiated a rehabilitation project for a segment of this roadway near Interstate 15, which has deteriorated significantly since the last corrective maintenance project more than ten years ago. Full rehabilitation, including pavement and lane striping will occur within the street right-of-way.

Existing Situation and Work Completed Through Fiscal Year 2014-2015:

This is a new project.

Project Schedule for Fiscal Year 2015-16 Budget:

The City of Victorville will administer the project, with plans and specifications subject to Hesperia review. Once complete, reimbursement to Victorville will occur.

Project Costs and Funding:

| | 2012-13 | 2013-14 | 2014-15 | 2014-15 | 2015-16 |
|----------------------------|---------------|---------------|---------------|----------------|-------------------|
| <u>Expenditure Phases</u> | <u>Actual</u> | <u>Actual</u> | <u>Budget</u> | <u>Revised</u> | <u>Budget</u> |
| 205-700-7132 Contractual | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 250,000 |
| Total Expenditures | <u>\$ 0</u> | <u>\$ 0</u> | <u>\$ 0</u> | <u>\$ 0</u> | <u>\$ 250,000</u> |
|
<u>Source of Funds</u> | | | | | |
| 205 Gas Tax | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 250,000 |
| Total Source of Funds | <u>\$ 0</u> | <u>\$ 0</u> | <u>\$ 0</u> | <u>\$ 0</u> | <u>\$ 250,000</u> |

Project Funding Narrative:

The City's share of the project is expected not to exceed \$250,000, including contingency. This project will be funded with Gas Tax funds.

CAPITAL IMPROVEMENT PROGRAM (CIP)

Project Title: 2014-15 ADA Transition Plan (Implementation)

Project Number: 7400

Department/Program: Development Services – Streets CIP

Project Description and Location:

In order to comply with the Americans with Disabilities Act (ADA), the City will need to make modifications to existing infrastructure, including public buildings. To determine the magnitude of the modification, a self-evaluation and transition plan is underway and expected to take more than one year to complete. In the interim, there are public street improvements that can be initiated to reduce the outstanding number of modifications to be done. The City Council began this effort by awarding Community Development Block Grant (CDBG) funds for the Federal 2014-15 fiscal year. Combined with other funding, staff will prioritize modifications to handicap ramps and similar existing facilities, focusing on the CDBG target area.

Existing Situation and Work Completed Through Fiscal Year 2014-2015:

Staff identified various locations for removal and reconstruction that could occur with available funding. Specifications were prepared by staff and the project was released for bids in April 2015. Construction was completed in June 2015.

Project Schedule for Fiscal Year 2015-16 Budget:

Final project close out process will be completed.

Project Costs and Funding:

| | 2012-13 | 2013-14 | 2014-15 | 2014-15 | 2015-16 |
|---------------------------|---------------|---------------|-------------------|------------------|-----------------|
| <u>Expenditure Phases</u> | <u>Actual</u> | <u>Actual</u> | <u>Budget</u> | <u>Revised</u> | <u>Budget</u> |
| 204-700-7400 Contractual | \$ 0 | \$ 0 | \$ 50,250 | \$ 48,250 | \$ 2,000 |
| 251-700-7400 Grant | 0 | 0 | 50,750 | 50,750 | 0 |
| Total Expenditures | <u>\$ 0</u> | <u>\$ 0</u> | <u>\$ 101,000</u> | <u>\$ 99,000</u> | <u>\$ 2,000</u> |

Source of Funds

| | | | | | |
|---------------------------------------|-------------|-------------|-------------------|------------------|-----------------|
| 204 Measure I Renewal | \$ 0 | \$ 0 | \$ 50,250 | \$ 48,250 | \$ 2,000 |
| 251 Community Development Block Grant | 0 | 0 | 50,750 | 50,750 | 0 |
| Total Source of Funds | <u>\$ 0</u> | <u>\$ 0</u> | <u>\$ 101,000</u> | <u>\$ 99,000</u> | <u>\$ 2,000</u> |

Project Funding Narrative:

This project will be funded by Measure I Renewal funds (\$50,250) and Community Development Block Grant (CDBG) funds (\$50,750).

CAPITAL IMPROVEMENT PROGRAM (CIP)

Project Title: 2015-16 ADA Transition Plan (Implementation)(NEW)

Project Number: 7401

Department/Program: Development Services – Streets CIP

Project Description and Location:

In order to comply with the Americans with Disabilities Act (ADA), the City will need to make modifications to existing infrastructure, including public buildings. To determine the magnitude of the modification, a self-evaluation and transition plan is underway and expected to take more than one year to complete. In the interim, there are public street improvements that can be initiated to reduce the outstanding number of modifications to be done. The City Council began this effort by awarding Community Development Block Grant (CDBG) funds for the Federal 2014-15 fiscal year. Combined with other funding, staff will prioritize modifications to handicap ramps and similar existing facilities, focusing on the CDBG target area.

Existing Situation and Work Completed Through Fiscal Year 2014-2015:

This is a new project.

Project Schedule for Fiscal Year 2015-16 Budget:

Staff will identify various locations for removal and replacement that can occur with available funding. Specifications were prepared by staff, similar to the FY 2014-15 project (CO #7400). The project will be released for bids in Fall 2015, and construction will be complete by Spring 2016.

Project Costs and Funding:

| | 2012-13 | 2013-14 | 2014-15 | 2014-15 | 2015-16 |
|---------------------------------------|---------------|---------------|---------------|----------------|---------------|
| <u>Expenditure Phases</u> | <u>Actual</u> | <u>Actual</u> | <u>Budget</u> | <u>Revised</u> | <u>Budget</u> |
| 251-700-7401 Grant | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 260,000 |
| Total Expenditures | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 260,000 |
|
<u>Source of Funds</u> | | | | | |
| 251 Community Development Block Grant | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 260,000 |
| Total Source of Funds | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 260,000 |

Project Funding Narrative:

This project will be funded principally by Community Development Block Grant (CDBG) funds.

CAPITAL IMPROVEMENT PROGRAM (CIP)

Project Title: H-01 Drainage Facility – Section 1 (Maple Avenue to Main Street)
Design and Right-of-Way Identification

Project Number: 7090

Department/Program: Development Services – Drainage CIP

Project Description and Location:

This project involves the design and alignment selection of a major drainage facility to convey storm flow through the H-01 Drain Line designated in the City's Master Plan of Drainage from Maple Avenue to Main Street. The project would include the identification of right-of-way and easements required for the alignment of the storm drain. It is not anticipated that any right-of-way would be purchased in this fiscal year, as environmental clearance would be required prior to right-of-way acquisition.

The H-01 line is a major natural drainage wash that conveys storm flow from a large tributary area on the west side of the City. This tributary area includes a portion of the high density residential area west of Maple Avenue. The City is currently constructing the portion of the H-01 storm drain line from Main Street north to Fourth Avenue. The design of the drain line south of Main Street would allow the channelization of the storm water run-off through residential neighborhoods and protect many existing homes from flooding.

Existing Situation and Work Completed Through Fiscal Year 2014-2015:

This project was awarded to Parsons Engineering in February 2008 as part of the CIP management contract and was subsequently amended in October. Parsons is tasked with completing the alignment study and conceptual design with right-of-way needs assessment; however, due to a downturn in the economy and re-prioritization of projects in the CIP, consultant work was frozen on this project in November 2008.

Project Schedule for 2015-16 Budget:

No work on this project is scheduled for this fiscal year; however, if right-of-way becomes available to obtain in advance of project, amendment(s) would be requested.

Project Costs and Funding:

| <u>Expenditure Phases</u> | 2012-13 | 2013-14 | 2014-15 | 2014-15 | 2015-16 |
|---------------------------|---------------|---------------|---------------|----------------|---------------|
| | <u>Actual</u> | <u>Actual</u> | <u>Budget</u> | <u>Revised</u> | <u>Budget</u> |
| 301-700-7090 Contractual | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Total Expenditures | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |

Source of Funds

| | | | | | |
|------------------------|------|------|------|------|------|
| 301 DIF Storm Drainage | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Total Source of Funds | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |

Project Funding Narrative:

The design of this drainage facility will be funded from Storm Drainage Development Impact Fee funds. Design is expected to cost \$250,000.

Project Impact on Operating Budget:

There will be no impact on the operating budget until this facility is constructed.

CAPITAL IMPROVEMENT PROGRAM (CIP)

Project Title: H-01 Drainage Facility – Section 3A (Fourth Avenue to Third Avenue)
Design, Right-of-Way Identification, and Construction

Project Number: 7091

Department/Program: Development Services – Drainage CIP

Project Description and Location:

This project involves the design and alignment selection of a major drainage facility to convey storm flow through the H-01 Drain Line designated in the City's Master Plan of Drainage from Fourth Avenue and Mojave Street to the BNSF Railroad along Hesperia Road. The project would include the identification of right-of-way and easements required for the alignment of the storm drain. It is anticipated that once the alignment study is complete, the right-of-way acquisition would be completed.

The H-01 line is a major natural drainage wash that conveys storm flow from a large tributary area on the west side of the City. This tributary area includes a portion of the high density residential area west of Maple Avenue. The City has constructed the portion of the H-01 storm drain line from Main Street north to Fourth Avenue. The design of the drain line south of Main Street would allow the channelization of the storm water run-off through residential neighborhoods and protect many existing homes from flooding.

Existing Situation and Work Completed Through Fiscal Year 2014-2015:

This project was awarded to Parsons Engineering in February 2008 as part of the CIP management contract and was subsequently awarded in October. Parsons is tasked with completing the alignment study and conceptual design with right-of-way needs assessment; however, due to a downturn in the economy and re-prioritization of projects in the CIP, work was suspended on this project to allow further evaluation in November 2008. The project was subsequently broken into two Sub-Phases after completion of Section 2 (C.O. 7087), to allow extension of the facility from Fourth Avenue to Third Avenue (Sub-Phase 3A), before the project needs to be extended to the railroad tracks (Sub-Phase 3B). No work was planned in FY 2009-10; however, damage sustained from February 2010 rain events caused focus to be placed again on Sub-Phase 3A. In-house design, survey and easements/right-of-way work did not occur before December 2010, when additional damage was sustained between Fourth and Third Avenues. Coordination with the Federal Emergency Management Agency (FEMA) resulted in a commitment for reimbursement of the flood damage. With the project "federalized", additional environmental clearance was required, and a consultant (Tom Dodson & Associates) was engaged in February 2011 to obtain the necessary National Environmental Policy Act (NEPA) clearance. The preliminary environmental study was completed and submitted to Caltrans for their review. Caltrans has since requested specialized studies such as archeology and historical property surveys. Tom Dodson & Associates continues to work through these requirements.

Project Schedule for 2015-16 Budget:

The City will be awaiting the findings of the reviews of the specialized studies. Of particular concern will be the findings and recommendations from the Army Corps of Engineers and any potential mitigation that they place on the project. Recent history with the Corps during the review process for the Rancho Interchange project has greatly increased the project cost, and if they follow suit with this project the viability of the project could be endangered.

CAPITAL IMPROVEMENT PROGRAM (CIP)

Project Title: H-01 Drainage Facility – Section 3A (Fourth Avenue to Third Avenue)
Design, Right-of-Way Identification, and Construction (Continued)

Project Costs and Funding:

| | 2012-13 | 2013-14 | 2014-15 | 2014-15 | 2015-16 |
|---------------------------|------------------|------------------|---------------------|----------------|---------------------|
| <u>Expenditure Phases</u> | <u>Actual</u> | <u>Actual</u> | <u>Budget</u> | <u>Revised</u> | <u>Budget</u> |
| 301-700-7091 Contractual | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| 504-700-7091 Contractual | 12,504 | 13,173 | 1,185,537 | 0 | 1,185,537 |
| Total Expenditures | \$ 12,504 | \$ 13,173 | \$ 1,185,537 | \$ 0 | \$ 1,185,537 |

Source of Funds

| | | | | | |
|----------------------------------|------------------|------------------|---------------------|-------------|---------------------|
| 301 DIF Storm Drainage Fund | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| 504 City Wide Projects Fund-FEMA | 12,504 * | 13,173 * | 1,185,537 | 0 * | 1,185,537 |
| Total Source of Funds | \$ 12,504 | \$ 13,173 | \$ 1,185,537 | \$ 0 | \$ 1,185,537 |

*Note: The grant documents require completion of the project prior to submitting for reimbursement, which will cause the fund to be negative until reimbursement is obtained.

Project Funding Narrative:

The project will be funded from DIF Storm Drain and FEMA funds. Preliminary design work was done by in-house staff for environmental work to commence. Final design is being performed by CCL Engineering and the contract is just under \$90,000. Environmental clearance documentation is estimated at \$40,000 and is being performed by Tom Dodson & Associates, with right-of-way acquisition estimated at \$100,000. Construction will spend the project balance.

Project Impact on Operating Budget:

This project has the potential to greatly reduce operations and maintenance expenses by removing the maintenance intensive outlet basin at Fourth Avenue.

CAPITAL IMPROVEMENT PROGRAM (CIP)

Project Title: Fire Station 301 Construction/Property Acquisition

Project Number: 6517

Department/Program: Development Services – Facilities CIP

Project Description and Location:

This project is the next phase of addressing the City's master-planned fire service needs that began in C.O. 6514. Existing Station 301, located on the west side of Eleventh Avenue, south of Main Street (9430 Eleventh Avenue) contains approximately 3,700 square feet of building space. In order to fulfill the City's Public Safety Needs Report requirements, the facility needs to be expanded/reconstructed to 12,000 square feet.

Existing Situation and Work Completed Through Fiscal Year 2014-2015:

In FY 2006-07, the City sent a Request for Qualifications to architectural firms to provide architectural and construction support services. Wolff/Lang/Christopher (WLC) Architects was selected as the firm most qualified to meeting the needs of the City. WLC Architects was engaged in November 2006 to prepare the necessary construction and architectural plans. By March 2007, the Public Safety Ad Hoc Committee had reached consensus on the floor plan and building elevations. City staff has completed the process of acquiring the necessary property south of the current facility. Architects prepared working drawings and completed design work in February 2009. The Planning Commission approved the facility design in April 2007. Bidding of the project was scheduled for March 2009, but was delayed due to Notice of Funding from the Federal American Recovery and Reinvestment Act (ARRA Economic Stimulus Plan) which was signed into law in February 2009. The City pursued funding from this law in order to reduce the financial cost to the DIF and RDA funds. An application submittal was made for this C.O. and C.O. 6521 in July 2009. The City was not successful in the first two funding award rounds in October 2009 and February 2010. The City did not receive a Notice of Award by July 2010; consequently, the project was suspended in 2010 until funding could be identified to construct the new station without grant funds. In FY 2011-12 funding was budgeted to have the plans updated to conform to the new 2010 California Building Code adopted by the City. WLC Architects, the original architect for the project, was tasked with updating the plans and has completed this work. The plans and specifications for the project are now "shovel ready" and the project is ready for construction. All previous preliminary design work was performed under C.O. 6514, but construction of the project shall be completed under this C.O. Number (C.O. 6514 was closed out in 2011).

With adequate local funding identified in the FY 2012-13 CIP Budget, the project was advertised for bids in September 2012 and bids were opened in October 2012. The submitted bids were substantially higher than expected, and in November 2012 the City Council rejected all bids and directed staff to "value" engineer the scope of work, reduce the cost of the project, and re-bid the project in calendar year 2013. WLC Architects was directed to perform the value engineering and provide the revised plans, complete and ready to bid after July 2013. Due to other financial commitments with two major projects (Ranchero Undercrossing and Ranchero/I-15 Interchange), the project was deferred in FY 2012-13. The City received a Federal Emergency Management Agency (FEMA) Staffing for Adequate Fire and Emergency Response (SAFER) grant in July 2013, warranting establishment of temporary housing on-site until a permanent facility is built.

Due to budget commitments on other CIP projects, staff determined to proceed with this project in phases and construct the improvements over several fiscal years. Phase I of the project consists of construction of miscellaneous on-site and off-site improvements (i.e., perimeter block wall, curb and gutter, sewer main installation, etc.). WLC Architects has completed plan revisions to accommodate Phase I of the project and this phase of the project is now shelf-ready for bidding.

Project Schedule for Fiscal Year 2015-16 Budget:

Due to budget restraints and a review of the Fire Department operations by staff, no further funding is proposed.

CAPITAL IMPROVEMENT PROGRAM (CIP)

Project Title: Fire Station 301 Construction/Property Acquisition (Continued)

Project Costs and Funding:

| | 2012-13 | 2013-14 | 2014-15 | 2014-15 | 2015-16 |
|---------------------------|------------------|---------------|-------------------|------------------|---------------|
| <u>Expenditure Phases</u> | <u>Actual</u> | <u>Actual</u> | <u>Budget</u> | <u>Revised</u> | <u>Budget</u> |
| 302-650-6517 Contractual | \$ 60,854 | \$ 613 | \$ 0 | \$ 0 | \$ 0 |
| 502-650-6517 Contractual | 0 | 0 | 535,615 | 60,000 | 0 |
| 711-650-6517 Contractual | 0 | 0 | 350,000 | 0 | 0 |
| Total Expenditures | \$ 60,854 | \$ 613 | \$ 885,615 | \$ 60,000 | \$ 0 |

Source of Funds

| | | | | | |
|------------------------------|------------------|---------------|-------------------|------------------|-------------|
| 302 DIF Fire | \$ 60,854 | \$ 613 | \$ 0 | \$ 0 | \$ 0 |
| 502 Fire Capital | 0 | 0 | 535,615 | 60,000 | 0 |
| 711 Sewer Capital | 0 | 0 | 350,000 | 0 | 0 |
| Total Source of Funds | \$ 60,854 | \$ 613 | \$ 885,615 | \$ 60,000 | \$ 0 |

Project Funding Narrative:

The estimated cost of construction (as of 2013) is \$4.8 million, with an additional \$900,000 in support costs and \$350,000 in utility relocation costs, which will be funded, in part, by Development Impact Fees (\$840,000), Fire Capital Fund (\$5 million), Sewer Capital (\$350,000), and other funding as available. Due to funding limitations, all improvements at this site will be put on hold pending future discussions and priorities.

Project Impact on Operating Budget:

Not applicable at this time.

CAPITAL IMPROVEMENT PROGRAM (CIP)

Project Title: High Desert County Government Center (HDGC) – Phase I and II, and High Desert Public Safety Operations Center (PSOC) – Phase III

Project Number: 6520 (Completed FY 2013-14)

Department/Program: Development Services – Facilities CIP

Project Description and Location:

This project involves oversight for pre-construction, design and program management services for the County of San Bernardino's High Desert Government Center (HDGC) to be constructed on City-owned property at the northwest corner of Smoke Tree Street and Seventh Avenue. The City was awarded the HDGC project on August 28, 2007, after competing with other high desert cities in a Request for Proposal process from September – November 2006. The HDGC will include the development of a 66,700 square foot office building on approximately 4.4 acres to house up to 11 general-funded County departments. The property will be sold by the City to the County, and the City will serve as a contractor to the County for the design of the project (as Phase 1) and construction (Phase II and III).

Project Status or Work Completed through Fiscal Year 2014-15:

The City engaged a consultant to assist with project and program management. An estimate was prepared for the contract with San Bernardino County for Phase I, and the contract between the County and City was executed on March 4, 2008. The consultant prepared a needs assessment, schematic design, and design development as part of Phase I. During this process, the County increased the building size to approximately 66,700 square feet. This resulted in a contract amendment with Griffin and the City, which was approved by the City Council on February 3, 2009. The Planning Commission approved the Public Facility Review on March 5, 2009. A Guaranteed Maximum Price (GMP) for construction (Phase II) was developed and proposed by the Griffin Structures, Inc./McCarthy Construction team in April 2009. The County accepted the GMP in June 2009, and construction documents were completed and subsequently approved for bid as part of Phase II in mid-June. Bids were opened on July 9, 2009 and subsequently awarded more than 25% below bid estimates. Construction began on August 10, 2009. Construction continued through FY 2010-11 and was substantially complete in October 2010. The County of San Bernardino is now functioning from the new facility.

Subsequent to occupation of the new building, the County approached the City of Hesperia with a request to provide additional project management services via change order, in partnership with Griffin Structures, Inc. and McCarthy Builders, to construct modifications to the interior of the building to accommodate a new, state-of-the-art communications center to serve the high desert communities. The High Desert Public Safety Operations Center (PSOC) Project will include Sheriff and Fire 911 Call and Dispatch Centers, an Emergency Operations Center (EOC), and related support amenities designed to Essential Facilities Standards. Preliminary design for the new PSOC began in August 2011 and was completed in December 2011. Final design was completed in March 2012. Construction commenced in April 2012 and continued through the fiscal year. A grand opening dedication ceremony was held by the County on May 10, 2013. Final acceptance occurred July 2013.

Project Status:

The project is complete.

Project Costs and Funding:

| <u>Expenditure Phases</u> | 2012-13 | 2013-14 | 2014-15 | 2014-15 | 2015-16 |
|---------------------------|---------------|---------------|---------------|----------------|---------------|
| | <u>Actual</u> | <u>Actual</u> | <u>Budget</u> | <u>Revised</u> | <u>Budget</u> |
| 503-650-6520 Contractual | \$ 7,711,226 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Total Expenditures | \$ 7,711,226 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |

Source of Funds

| | | | | | |
|------------------------------|--------------|------|------|------|------|
| 503 County Government Center | \$ 7,711,226 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Total Source of Funds | \$ 7,711,226 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |

CAPITAL IMPROVEMENT PROGRAM (CIP)

Project Title: High Desert County Government Center (HDGC) – Phase I and II, and
High Desert Public Safety Operations Center (PSOC) – Phase III (Continued)

Project Funding Narrative:

Funding for Phase I was originally estimated at \$1,487,500 and was paid by the County of San Bernardino, pursuant to Contract Number 08-109 between the City and the County. Due to the County's increase in building size and scope, the Phase 1 contract was increased to \$1,922,150 in February 2009. To accommodate construction, a subsequent agreement was established that includes an "impound" account that allows the City to pay construction-related costs utilizing County funds. The City was paid a \$25,000 administrative charge during phases I and II. The project was estimated at a revised amount of \$22.1 million (\$13.8 million in FY 2009-10; \$6.3 million in FY 2010-11). A reconciliation of the project was performed to determine the amount and funding of City inducements, as well as the amount to be refunded to the County.

Funding for Phase III was provided by the County in the same way as Phase I and II; an "impound" account was established that allowed the City to pay for construction-related costs utilizing County funds. The construction portion of the project was estimated to cost \$10.71 million. The City's administrative charge for phase III was \$200,000. After all construction was complete, the County installed an estimated \$7.0 million of communications equipment to operate the center.

The total project cost for all phases was \$33,289,500.

CAPITAL IMPROVEMENT PROGRAM (CIP)

Project Title: Fire Station 304 Expansion – Design and Construction

Project Number: 6521

Department/Program: Development Services –Facilities CIP

Project Description and Location:

This project involves the expansion of Fire Station 304 located at 15660 Eucalyptus Street. Station 304 was built in 1996 and contains 6,278 square feet. Due to the increased growth in the northwest area of the City, the station is inadequate in size to house all equipment and personnel. The Public Safety Needs Report identifies the need to add approximately 8,800 square feet by Fiscal Year 2017-18; however, the current situation necessitated an evaluation of adding a lesser amount sooner than 2017.

Existing Situation and Work Completed Through Fiscal Year 2014-2015:

A conceptual design was prepared by WLC Architects to add approximately 3,150 square feet and was reviewed for feasibility in April 2007. WLC Architects was selected to proceed with design services in September 2007 at a cost of \$133,000. The project may qualify for funding under the Federal American Recovery and Reinvestment Act of 2009 (ARRA). Application guidance was received in May 2009 and a submittal was made in July 2009. The City pursued funding from this law in order to reduce the financial cost to the RDA funds. The City was not successful in the first two funding award rounds in October 2009 and February 2010. Design continued through FY 2009-10 and was substantially complete by June 2010. The City did not receive a Notice of Award by July 2010; consequently, the project was suspended in 2010 until funding could be identified to construct the modifications to the existing station without grant funds. In FY 2011-12 funding was budgeted to have the plans updated to conform to the new 2010 California Building Codes adopted by the City. WLC Architects, the original architect for the project, was tasked with updating the plans, and the plans and specifications were in a "shovel ready" state. Construction funding was unavailable through FY 2013-14, and the 2013 California Building Code updates took effect in January 2014, with new Mechanical Codes changing in July 2014. This will require plan revisions yet again before the project can be bid for construction.

Project Schedule for Fiscal Year 2015-16 Budget:

Work on this project will remain suspended until construction funding is identified.

Project Costs and Funding:

| | 2012-13 | 2013-14 | 2014-15 | 2014-15 | 2015-16 |
|----------------------------|---------------|---------------|---------------|----------------|---------------|
| <u>Expenditure Phases</u> | <u>Actual</u> | <u>Actual</u> | <u>Budget</u> | <u>Revised</u> | <u>Budget</u> |
| 302-650-6521 Contractual | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Total Expenditures | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
|
<u>Source of Funds</u> | | | | | |
| 302 DIF Fire | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Total Source of Funds | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |

Project Funding Narrative:

The project was to be funded from Redevelopment Capital Project funds and Fire DIF, if ARRA funding was not obtained. Completion of design and update is estimated at \$65,650, and construction costs in FY 2010-11 were estimated at \$1,100,000, based on recent bids for another fire station (305).

Project Impact on Operating Budget:

None at this time.

CAPITAL IMPROVEMENT PROGRAM (CIP)

Project Title: Park and Ride Facility
Project Number: 6523
Department - Program: Development Services – Facilities CIP

Project Description and Location:

The City, in coordination with Caltrans, operates a Park and Ride facility on State-owned property along US Highway 395 and its intersection with Joshua Street. The facility is heavily used by commuters, and all 188 spaces are filled each weekday, with overflow vehicles parking on vacant property adjacent to the facility. The City submitted an application to the San Bernardino Associated Governments (SANBAG) in mid-2009 for Congestion Mitigation and Air Quality (CMAQ) grant funds for Federal FY 2009-2010. The City was awarded a \$508,000 grant on March 3, 2010 in order to expand the existing facility, or construct an adjacent facility north of Joshua Street. Both sites are State-owned.

Existing Situation and Work Completed Through Fiscal Year 2014-2015:

This project was added in FY 2010-2011. CMAQ grant-funded projects require Caltrans oversight. Consequently, coordination first began in Spring 2011. City staff was able to get an additional grant from the Mojave Desert Air Quality Management District (MDAQMD) in August, 2011 for construction gap funding. AB2766 funds of \$184,346 were awarded to the City by the MDAQMD Board on August 22, 2011. The project was surveyed by Cubit Engineering in March and a site plan was designed in-house. The project was approved through the City's Development Review Committee in October, 2012 and engineering staff began the improvement plans for the project. Tom Dodson and Associates was hired as the environmental consultant and have completed the preliminary environmental assessment. Caltrans has now requested specialized studies which are under development.

Project Schedule for 2015-16 Budget:

It is anticipated that there will be minimal environmental issues to address on the property and environmental clearance is expected early in this fiscal year. The full set of construction drawings and specifications should be completed at the same timeframe and construction is expected to begin in the fall of 2015. Long term (10 years) monitoring of the facility for its effect on air quality is required to meet the terms of the grant.

Project Costs and Funding:

| | 2012-13 | 2013-14 | 2014-15 | 2014-15 | 2015-16 |
|---------------------------|---------------|---------------|---------------|----------------|---------------|
| <u>Expenditure Phases</u> | <u>Actual</u> | <u>Actual</u> | <u>Budget</u> | <u>Revised</u> | <u>Budget</u> |
| 204-650-6523 Contractual | \$ 4,935 | \$ 13,948 | \$ 30,000 | \$ 3,847 | \$ 4,000 |
| 504-650-6523 Contractual | 0 | 0 | 692,346 | 0 | 692,346 |
| Total Expenditures | \$ 4,935 | \$ 13,948 | \$722,346 | \$ 3,847 | \$ 696,346 |

Source of Funds

| | | | | | |
|---------------------------------------|----------|-----------|-----------|----------|------------|
| 204 Measure I Renewal | \$ 4,935 | \$ 13,948 | \$ 30,000 | \$ 3,847 | \$ 4,000 |
| 504 City Wide Projects - CMAQ Grant | 0 | 0 | 508,000 | 0 | 508,000 |
| 504 City Wide Projects - MDAQMD Grant | 0 | 0 | 184,346 | 0 | 184,346 |
| Total Expenditures | \$ 4,935 | \$ 13,948 | \$722,346 | \$ 3,847 | \$ 696,346 |

Project Funding Narrative:

Design of this project will be paid by Measure I Renewal funds. The construction phase of the project will be paid by CMAQ grant (\$508,000) and MDAQMD grant (\$184,346) funding.

Project Impact on Operating Budget:

There will be a long-term increase to maintenance and operations costs associated with the maintenance of the landscaping and hardscape of the facility, along with the monitoring and reporting for grant compliances.

CAPITAL IMPROVEMENT PROGRAM (CIP)

Project Title: Animal Control Sewer Project

Project Number: 6524

Department/Program: Development Services – Facilities CIP

Project Description and Location:

The City owns and operates a building at 11011 Santa Fe Avenue East. Previously occupied by Public Works, the Code Compliance divisions of Code Enforcement and Animal Control, the site has been wholly occupied by Animal Control since 2011, as well as a contract veterinarian. The site contains holding tanks for wastewater which have to be pumped multiple times per year, due to the lack of sewer collection lines in the area. In late 2011/early 2012, the Victor Valley Wastewater Reclamation Authority (VWRA) installed a bypass interceptor line in Santa Fe Avenue East. Called the SAFARI project (Santa Fe Avenue Relief Interceptor), this facility provides an opportunity to eliminate the on-site system at Animal Control.

Existing Situation and Work Completed Through Fiscal Year 2014-2015:

On-site sewer piping was replaced by City staff, plans and specifications were prepared for removal and replacement of paving at the site. Construction will commence summer 2015.

Project Schedule for 2015-16 Budget:

Construction is estimated to be complete late summer 2015.

Project Costs and Funding:

| <u>Expenditure Phases</u> | 2012-13
<u>Actual</u> | 2013-14
<u>Actual</u> | 2014-15
<u>Budget</u> | 2014-15
<u>Revised</u> | 2015-16
<u>Budget</u> |
|----------------------------|--------------------------|--------------------------|--------------------------|---------------------------|--------------------------|
| 100-650-6524 Contractual | \$ 0 | \$ 0 | \$ 233,200 | \$ 57,700 | \$ 175,500 |
| Total Expenditures | <u>\$ 0</u> | <u>\$ 0</u> | <u>\$ 233,200</u> | <u>\$ 57,700</u> | <u>\$ 175,500</u> |
|
<u>Source of Funds</u> | | | | | |
| 100 General Fund | \$ 0 | \$ 0 | \$ 233,200 | \$ 57,700 | \$ 175,500 |
| Total Source of Funds | <u>\$ 0</u> | <u>\$ 0</u> | <u>\$ 233,200</u> | <u>\$ 57,700</u> | <u>\$ 175,500</u> |

Project Funding Narrative:

The cost estimate is \$233,200. The VWRA connection fee is estimated as \$45,700, and the balance is for significant site remediation (demolishing, paving, and backfill). This will be paid by General Fund reserve.

Project Impact on Operating Budget:

Once completed, on-site maintenance costs will be reduced, but will be off-set by bi-monthly sewer service charges (estimated at \$407).

CAPITAL IMPROVEMENT PROGRAM (CIP)

Project Title: Interstate 15 Corridor – New Water System Design

Project Number: 8077

Department/Program: Development Services – Water CIP

Project Description and Location:

On November 30, 2004, the City of Hesperia annexed the freeway corridor south from Highway 395 to the summit at Oak Hills. As part of this annexation, the City is required to construct the water and sewer infrastructure to serve this corridor. The agreement included a time requirement that all work was to be completed within three years. This work will include the preparation of plans and specifications for construction of new water and wastewater pipelines in Mariposa Road and Caliente Road from around the 395/I-15 Junction to the southern City limits, a new pump station at Plant 30, a new 5 MG water tank to service pressure zone 5 (a new pressure zone), and a new hydro-pneumatic booster station to serve pressure zone 6 (a new pressure zone).

Existing Situation and Work Completed Through Fiscal Year 2014-2015:

In 2006, the City engaged a consultant to prepare an update to the Water and Wastewater Master Plans. The infrastructure needs of the freeway corridor were analyzed as part of the Master Plan Updates. The draft final reports were prepared in March 2007 and adopted in June 2008. Based on these reports, the required pipeline and associated sizing was determined, as well as the water storage needs. In March, the City concurrently solicited engineering firms for the design of the corridor. Carollo Engineers was selected to perform the analysis and design work for installation of the backbone water and wastewater system within the I-15 Corridor and began work in March 2008. Plans are at 65% completed by April 2009, and property acquisition for the reservoir site for the system began in late 2008/early 2009 (under C.O. 8078), and continued through June 2010, at which time work was suspended due to changes in the economy and slowed development. A portion of the system design has been incorporated into the Ranchero Interchange (C.O. 7086) to allow installation within the limits of that project. The City Council considered establishment of a Special Financing District (SFD), authorizing a feasibility analysis in January 2015.

Project Schedule for 2015-16 Budget:

No funding is proposed this fiscal year. Once recommenced, property acquisition should be completed, which will allow plans to be finalized.

Project Costs and Funding:

| <u>Expenditure Phases</u> | 2012-13
<u>Actual</u> | 2013-14
<u>Actual</u> | 2014-15
<u>Budget</u> | 2014-15
<u>Revised</u> | 2015-16
<u>Budget</u> |
|----------------------------|--------------------------|--------------------------|--------------------------|---------------------------|--------------------------|
| 701-800-8077 Contractual | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Total Expenditures | <u>\$ 0</u> | <u>\$ 0</u> | <u>\$ 0</u> | <u>\$ 0</u> | <u>\$ 0</u> |
|
<u>Source of Funds</u> | | | | | |
| 701 Water Capital | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Total Source of Funds | <u>\$ 0</u> | <u>\$ 0</u> | <u>\$ 0</u> | <u>\$ 0</u> | <u>\$ 0</u> |

Project Funding Narrative:

This project is funded from the Water Capital fund revenue and fund reserves as needed. Total budgeted design costs are \$1,470,000 and construction costs are estimated at more than \$14 million. A portion of the design costs were funded in Fiscal Year 2009-10, and will be funded in future years as the economy improves.

Project Impact on Operating Budget:

This project will result in an increase to operation and maintenance expenses due to construction of new water and wastewater system facilities (tentatively scheduled to begin in Fiscal Year 2015-16 or later).

CAPITAL IMPROVEMENT PROGRAM (CIP)

Project Title: Property Acquisition for Reservoir Expansion at Sites 19A and 21
New Reservoir to Serve Freeway Corridor

Project Number: 8078

Department/Program: Development Services – Water CIP

Project Description and Location:

With the addition of two 5 MG water tanks at Plant Site 30 and one 5 MG water tank at Plant Site 19A, the City's total water storage will reach approximately 60 MG. The City's Water Master Plan identifies construction of new water storage facilities to meet existing and projected demands requirements. Water storage requirements constitute three components: (1) operational storage, (2) emergency storage, and (3) fire storage. The rise in population in recent years has increased the demand for water that is available for domestic use and fire protection.

Existing Situation and Work Completed Through Fiscal Year 2014-2015:

In 2006, a consultant was engaged to proceed with preliminary work in preparation for construction of additional water storage reservoirs to meet the continuing increase in demand at Plant 19A (under Project 8073). This phase of the project included investigation and analysis of available real property that is contiguous to existing Plant 19A.

Property work for Plant 19A expansion was concluded in Fiscal Year 2007 by acquisition of the northerly property for approximately \$376,000. Property acquisition for Plant 21 has not occurred and was evaluated in light of the Mojave Water Agency's (MWA) R-cubed project. A consultant was engaged in January 2008 to begin design of the Interstate 15 Corridor infrastructure, including reservoir siting (under C.O. 8077). The Interstate 15 Corridor consultant identified the recommended reservoir site by Fall 2008/Winter 2009, after which property acquisition began. Acquisition had not been concluded by June 2010.

Project Schedule for 2015-16 Budget:

The freeway corridor property acquisition will be evaluated in future years. A consultant will be selected (in conjunction with a new well site under C.O. 8084) to perform the investigation of available property for Plant 21 after FY 2013-14.

Project Costs and Funding:

| <u>Expenditure Phases</u> | 2012-13
<u>Actual</u> | 2013-14
<u>Actual</u> | 2014-15
<u>Budget</u> | 2014-15
<u>Revised</u> | 2015-16
<u>Budget</u> |
|------------------------------|--------------------------|--------------------------|--------------------------|---------------------------|--------------------------|
| 701-800-8078 Contract | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Total Expenditures | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
|
<u>Source of Funds</u> | | | | | |
| 701 Water Capital | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| Total Source of Funds | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 |

Project Funding Narrative:

This project is funded from Water Capital fund revenue and fund reserves as needed.

Project Impact on Operating Budget:

This project will have no impact on the operating budget.

CAPITAL IMPROVEMENT PROGRAM (CIP)

Project Title: Interstate 15 & Ranchero Road: Frontage Road Water Improvements

Project Number: 8086 (Completed FY 2013-14)

Department/Program: Development Services – Water

Project Description and Location:

This project involves the relocation of existing City and County water lines within the frontage roads within the Interstate 15 and Ranchero Road interchange project (C.O. 7086). The waterlines to be replaced are located within sections of road which front both the west and east side of Interstate 15 along Caliente Avenue to the west and Mariposa Road to the east.

Existing Situation and Work Completed Through Fiscal Year 2014-2015:

The frontage road improvements were originally planned to be a separate project from the interchange, and the waterline relocation work was to be performed by the City's in-house waterline crew; however, due to timing and constraints, it was determined to bid and award the work through the competitive bid process. The project was awarded to Christensen Brothers Engineering on March 5, 2013 and construction began shortly thereafter. The City's contractor had to work under the general contractor for the Ranchero Road and Interstate 15 interchange project, which is engaged through the San Bernardino Associated Governments (SANBAG). The utility improvements were expected to be completed by July 2013, but the project schedule has delayed completion. In August 2013, a significant change order was added to the project to meet Caltrans' new requirements to remove existing waterlines instead of the standard practice of abandoning in place. The work was completed in February 2014 and was accepted by the City Council as of March 4, 2014.

Project Schedule for 2015-16 Budget:

This project is complete.

Project Costs and Funding:

| <u>Expenditure Phases</u> | 2012-13
<u>Actual</u> | 2013-14
<u>Actual</u> | 2014-15
<u>Budget</u> | 2014-15
<u>Revised</u> | 2015-16
<u>Budget</u> |
|---|--------------------------|--------------------------|--------------------------|---------------------------|--------------------------|
| 701-800-8086 Contractual | \$773,222 | \$648,146 | \$ 0 | \$ 0 | \$ 0 |
| Total Expenditures | \$773,222 | \$648,146 | \$ 0 | \$ 0 | \$ 0 |
|
<u>Source of Funds</u> | | | | | |
| 701 Water Capital | \$773,222 | \$625,031 | \$ 0 | \$ 0 | \$ 0 |
| 701 Water Capital - Reimbursement
from San Bernardino County | 0 | 23,115 | 0 | 0 | 0 |
| Total Source of Funds | \$773,222 | \$648,146 | \$ 0 | \$ 0 | \$ 0 |

Project Funding Narrative:

The initial project was awarded at \$1,060,670 and two change orders increased the total to \$1,421,368. This project was funded by Water Capital funds. A small amount of costs to upgrade County lines was reimbursed to the Water District.

Project Impact on Operating Budget:

The project will have no impact on the operating budget at this time.

CAPITAL IMPROVEMENT PROGRAM (CIP)

Project Title: Reclaimed Water Distribution System

Project Number: 8087

Department/Program: Development Services – Water

Project Description and Location:

Victor Valley Wastewater Reclamation Authority (VWVRA) will begin construction on the Hesperia Water Reclamation Plant in March, 2015. This project will take 18 to 24 months to construct, and upon completion will be capable of supplying one million gallons per day of reclaimed water, which can be used for irrigation purposes. In order to utilize this resource, the City must build a distribution system to convey the reclaimed water to potential users. Using the City's Recycled Water Master Plan as a guide, staff has defined an alignment for the first phase of the distribution system. The primary user under this first phase will be the Hesperia Golf Course, but many other users can be served by the first phase of the distribution system, including Datura Park, Hesperia Civic Complex, and Hesperia High School. The first phase of the distribution system will include approximately 8 miles of "purple" pipe, a storage reservoir, and a boost station necessary to provide the required pressures to operate large irrigation systems.

Existing Situation and Work Completed Through Fiscal Year 2014-2015:

Staff has met with the State Department of Water Resources (DWR) to examine the viability of procuring a low interest State Revolving Fund (SRF) loan which is available for a short time as a result of the drought emergency in the State. Preliminary design concepts, initial environmental work, and the application process is underway and expected to be completed by April, 2015. Staff also worked with the Mojave Water Agency to secure a \$2 million grant through the Proposition 84 Drought Relief Program. The City is hoping to secure the remaining \$13 million required to fully fund the project by qualifying for the 1.0% interest SRF loan. Staff is designing the entire project in-house and will be ready to advertise for construction once the State approved the application for the SRF loan.

Project Schedule for 2015-16 Budget:

The majority of the project will be constructed in FY 2015-16. Once notification has been reviewed from the State regarding the low interest loan, a budget amendment will be requested at that time. The plan is to award the project as three separate contracts, one for the pipeline, one for the reservoir, and a final contract for the pump station. This should keep the costs of the project lower by avoiding the "mark-up" that a single contractor would apply to his sub-consultant's work. The construction of the Recycled Water System is expected to be complete in the Summer of 2016, well in advance of the opening of the Recycled Water Reclamation Plant.

Project Costs and Funding:

| <u>Expenditure Phases</u> | <u>2012-13
Actual</u> | <u>2013-14
Actual</u> | <u>2014-15
Budget</u> | <u>2014-15
Revised</u> | <u>2015-16
Budget</u> |
|---------------------------|---------------------------|---------------------------|---------------------------|----------------------------|---------------------------|
| 701-800-8087 Contractual | \$ 0 | \$ 2,313 | \$ 40,000 | \$ 16,200 | \$ 0 |
| Total Expenditures | \$ 0 | \$ 2,313 | \$ 40,000 | \$ 16,200 | \$ 0 |

Source of Funds

| | | | | | |
|------------------------------|-------------|-----------------|------------------|------------------|-------------|
| 701 Water Capital | \$ 0 | \$ 2,313 | \$ 40,000 | \$ 16,200 | \$ 0 |
| Total Source of Funds | \$ 0 | \$ 2,313 | \$ 40,000 | \$ 16,200 | \$ 0 |

Project Funding Narrative:

The initial phase of this project will be funded by Water Capital funds until anticipated revenue sources are fully secured.



**CITY OF HESPERIA
DEVELOPMENT REVIEW COMMITTEE**

**City Hall Joshua Room
9700 Seventh Avenue
Hesperia, CA 92345
BEGINNING AT 10:00 A.M.
WEDNESDAY, MARCH 23, 2016**

A. PROPOSALS:

1. ESTEBAN VARGAS; (SPRR16-00002)

Proposal: Consideration of a Revised Site Plan Review to establish a church.

Location: 9608 'I' Avenue, Suite D1-4 (APN: 0410-072-09)

Planner: Ryan Leonard

2. RICH DEVELOPMENT, LLC; (TPMN16-00002)

Proposal: Consideration of Tentative Parcel Map (TPM-19678) to create 5 parcels from 7.4 gross acres.

Location: Northeast corner of Main Street and Escondido Avenue (APNs: 0405-062-45 & 58)

Planner: Daniel Alcayaga

3. MR. AND MRS. ADRIAN SORBAN; (ME16-00002)

Proposal: Consideration of a Minor Exception to construct a 3,200 square foot metal accessory building which exceeds the 5% accessory building limitation.

Location: 15348 Palm Street (APN: 0412-011-20)

Planner: Daniel Alcayaga

4. LA-DF INVESTMENT FUND 9, LLC; (TTE16-00003)

Proposal: Consideration of a third extension for Tentative Tract TT-16385, to construct a 103-lot single-family residential subdivision in four phases on 55.2 gross acres.

Location: Northwest corner of Farmington Street and Crockett Avenue (APNs: 0357-171-12 & 14)

Planner: Stan Liudahl



**CITY OF HESPERIA
DEVELOPMENT REVIEW COMMITTEE**

**City Hall Joshua Room
9700 Seventh Avenue
Hesperia, CA 92345
BEGINNING AT 10:00 A.M.
WEDNESDAY, APRIL 6, 2016**

A. PROPOSALS:

1. EAGLE HESPERIA 55 LP; (SPR16-00003)

Proposal: Consideration of a Site Plan Review to construct a 96 unit senior apartment complex and Development Agreement DA16-00001, to provide a density bonus of 26 units on the west 4.7 gross acres of a 10 gross acre property.

Location: North side of Avenal Street, approximately 900 feet east of Mariposa Road. (APN: 0405-072-42)

Planner: Daniel Alcayaga

2. EAGLE HESPERIA 55 LLC; (SPR16-00004)

Proposal: Consideration of a Site Plan Review to construct a 96 unit senior apartment complex and Development Agreement DA16-00002, to provide a density bonus of 17 units on the east 5.3 gross acres of a 10 gross acre property.

Location: North side of Avenal Street, approximately 900 feet east of Mariposa Road (APN: 0405-072-42)

Planner: Daniel Alcayaga

3. EAGLE HESPERIA 55 LP; (TPM16-00002)

Proposal: Consideration of a Tentative Parcel Map to create two parcels from an existing 10 gross acre parcel.

Location: North side of Avenal Street, approximately 900 feet east of Mariposa Road (APN: 0405-072-42)

Planner: Daniel Alcayaga

4. **MANCINELLI-CHIRCO; (TPMN15-00003)**

Proposal: Consideration of a Tentative Parcel Map to create three parcels from 78.83 gross acres.

Location: Northwest corner of Main Street and Mesa Linda Avenue (APNs: 3064-441-01 thru 04)

Planner: Ryan Leonard

5. **NATIONAL SIGNS; (SSPR16-00001)**

Proposal: Consideration of a revision to a Site Sign Plan to construct four, six square foot directional signs.

Location: 12791 Main Street (High Desert Gateway Shopping Center) (APN: 3064-611-37)

Planner: Daniel Alcayaga

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