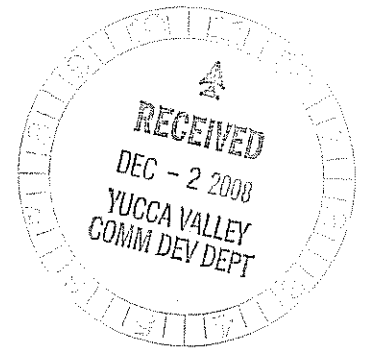


**FINAL
CONDITIONS OF APPROVAL
YUCCA PLAZA
SITE PLAN REVIEW SPR 02-08(11-18-08)**



I. GENERAL CONDITIONS

1. This Site Plan Review SPR 02-08 is a proposal to construct a multi-tenant commercial shopping center development totaling 23,056 square feet, with parking and landscaping on approximately 1.82 acres. The property is located on the northwest corner of 29 Palms Outer Highway and Hanford Ave and is identified as assessor's parcel number 601-411-03.
2. The Applicant/owner shall agree to defend at his sole expense any action brought against the Town, its agents, officers, or employees, because of the issuance of such approval, or in the alternative, to relinquish such approval, in compliance with the Town of Yucca Valley Development Code. The Applicant shall reimburse the Town, its agents, officers, or employees for any court costs, and attorney's fees which the Town, its agents, officers or employees may be required by a court to pay as a result of such action. The Town may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve Applicant of his obligations under this condition.
3. This approval shall become null and void if the occupancy or use of the land has not taken place within two (2) years of the Town of Yucca Valley date of approval. Extensions of time may be granted *as authorized by state or local authority, and approved by the Town*. The Applicant is responsible for the initiation of an extension request.

Approval Date: November 18, 2008

Expiration Date: November 18, 2010

4. Any occupancy which requires additional parking that has not been provided for through this Site Plan Review shall not be approved until a revision is submitted for review and approval showing the additional parking.
5. The Applicant/owner shall ascertain and comply with requirements of all State, Federal County, Town and, local agencies as are applicable to the project.
6. All conditions of this Site Plan Review are continuing conditions. Failure of the Applicant and/or operator to comply with any or all of said conditions at any time shall result in the revocation of the permit granted to use the property.
7. All exterior lighting shall comply with the Town's Outdoor Lighting Ordinance. Compliance with all amended, supplemented or superseded lighting ordinance(s) shall be attained within a period not to exceed one (1) year of the effective date of the amended, supplemented, or superseded ordinance.

8. The Applicant shall pay all fees charged by the Town as required for application processing, plan checking, construction and/or electrical inspection. The fee amounts shall be those which are applicable and in effect at the time work is undertaken and accomplished. Fees for entitlement prior to construction permits are based on estimated costs for similar projects. Additional fees may be incurred, depending upon the specific project. If additional fees for services are incurred, they must be paid prior to any further processing, consideration, or approval(s).
9. All improvements shall be inspected by the Town's Building and Safety Division, as appropriate. Any work completed without proper inspection may be subject to removal and replacement under proper inspection.
10. Parking and on-site circulation requirements shall be provided and maintained as identified on the approved site plan. Areas reserved for access drive and/or fire lanes shall be clearly designated.
 - a) Any occupancy, which requires additional parking that has not been provided for through this Site Plan Review, shall not be approved until a revision is submitted for review and approval showing the additional parking.
 - b) All marking to include parking spaces, directional designation, no parking designation and fire lane designations shall be clearly defined and said marking shall be maintained in good condition at all times. The Town Traffic Engineer shall approve all signage and markings for the circulation related signage.
 - c) All parking stalls shall be clearly striped and permanently maintained with double or hairpin lines with the two lines being located an equal 9 inches on either side of the stall sidelines. All regular parking stalls be a minimum 9' x 19'.
 - d) A minimum of 92 parking spaces shall be provided.
11. Any and all graffiti shall be removed within twenty-four (24) hours of discovery or notification by the Town.
12. All refuse shall be removed from the premises in conformance with Yucca Valley Town Code 33.083.
13. Handicapped site access improvements shall be in conformance with the requirement of Title 24 of the California Building Code.
14. Utility under-grounding shall be required to comply with Ordinance #169 relating to utility under-grounding for all new Service and Distribution lines that provide direct service to the property being developed; existing Service and Distribution lines that provide direct service to the property being developed; existing Service and Distribution lines between the street frontage property line and the centerline of the adjacent streets of the property being developed; existing Service and Distribution lines located along or within 10 feet of the lot lines of the property

- being developed; or existing Service and Distribution lines being relocated as a result of a project.
15. During construction, the Contractor shall be responsible to sweep public paved roads adjacent to the project as necessary and as requested by the Town staff to eliminate any site related dirt and debris within the roadways. During his business activities, the Applicant shall keep the public right-of-way adjacent to his property in a clean and sanitary condition.
 16. No staging of construction equipment or parking of worker's vehicles shall be allowed within the public right-of-way.
 17. Any grading or drainage onto private off-site or adjacent property shall require a written permission to grade and/or a permission to drain letter from the affected property owner.
 18. No signs are approved with this Permit. Sign application(s) shall be made separately for all signage on the property, and all signage, shall comply with Ordinance No. 156.
 19. All existing street and property monuments within or abutting this project site shall be preserved consistent with AB 1414. If during construction of onsite or offsite improvements monuments are damaged or destroyed, the Applicant/Applicant shall retain a qualified licensed land surveyor or civil Engineer to reset those monuments per Town Standards and file the necessary information with the County Recorder's office as required by law (AB 1414).
 20. Prior to the delivery of combustible materials, the following items shall be accepted as complete:
 - a) The water system is functional from the source of water past the lots on which permits are being requested (i.e. All services are installed, valves are functional and accessible, etc.); and
 - b) Fire hydrants are accepted by the Fire Marshal and the Department of Public Works.
 21. ***Construction traffic shall be prohibited from using Diadem Drive.***

PRIOR TO ISSUANCE OF GRADING PERMIT

22. Prior to the issuance of any permits the applicant/owner shall provide three (3) copies of a landscape and irrigation plan showing the size, type and location of all plant and irrigation systems. Said irrigation system shall incorporate a permanent automatic irrigation system, and all landscaping and irrigation systems shall be maintained in good condition at all times. All ground within proposed landscape planter areas shall be provided with approved ground cover. This shall include but not be limited to drought-tolerant plant materials or colored desert rock. The Landscape Plan shall be approved by the Planning Department and the Hi-Desert

Water District prior to issuance of any permits. The Landscape and Irrigation review requires a separate application and a current fee of \$685.

23. A plan identifying all protected plants under the California Food and Agriculture Code as well as a Joshua Tree Relocation Plan with any area proposed to be disturbed in accordance with the Town's Native Plant Protection Ordinance shall be submitted for approval prior to issuance of grading permits for the project. *The applicant shall make every effort to relocate the native plants back onsite. Should the site be unable to accommodate the native plants in the landscape planters then a minimum 60 day adoption period shall be required.*
24. *The applicant shall submit, in conjunction with the rough grading plan submittal an erosion and sediment control plan for review and approval by the Town.*
25. Dedicate, or show there exists, sufficient right of way for a local road on Diadem Drive and Hanford Avenue.
26. Prior to the issuance of a Grading Permit for the on-site paved areas, a Grading Plan prepared by a recognized professional Civil Engineer shall be submitted, and the corresponding fees shall be paid to the Town prior to any grading activity. The final Grading Plan shall be reviewed and approved by the Engineering Division prior to issuance of grading permits. The Applicant/owner is responsible for all fees incurred by the Town. Prior to Certificate of Occupancy, the Engineer-of-Record shall survey and certify that the site grading was completed in substantial conformance with the approved Grading Plans.
27. Prior to the issuance of Permits, the Applicant shall comply with the recommendations of a site-specific Geotechnical and Soils Report which shall be reviewed and subject to Town approval. The report shall include recommendations for any onsite and offsite grading, foundations, compaction, structures, drainage, and existence of fault zones. It shall include recommendations for retention basins, slope stability and erosion control.
28. All recommended approved measures identified in the Soils Report shall be incorporated into the project design.
29. Applicant shall comply with NPDES requirements as applicable. The Applicant shall install devices on his property to keep erodible material, rocks, and gravel on the site. To eliminate any site related dirt and debris within the roadways, the Applicant shall be responsible to sweep public paved roads adjacent to the project as necessary and as requested by the Town Staff.
30. The development of the property shall be in conformance with FEMA and the Town's Floodplain Management Ordinance requirements. Adequate provision shall be made to intercept and conduct the existing tributary drainage flows around or through the site in a manner that will not adversely affect adjacent or downstream properties at the time the site is developed.
31. A drainage report, prepared by a registered Civil Engineer, shall be prepared to determine the flows exiting the site under current undeveloped conditions compared to the incrementally larger flows due to the development of the site.

The retention basin size will be determined, per County of San Bernardino Flood Control methodology such that the post development 100 year peak flow exiting the site shall be 10% less than the current 25 year peak flow from the site.

32. All grading activities shall minimize dust through compliance with AQMD Rule 403.
33. A Notice of Intent to Comply with Statewide General Construction Stormwater Permit (Water Quality Order 99-08-DWQ as modified December 2, 2002) is required for the proposed development via the California Regional Water Quality Control Board (Phone No. 760-346-7491). A copy of the executed letter issuing a Waste Discharge Identification number shall be provided to the Town prior to issuance of a grading permit.
34. Prior to issuance of a grading permit, a Fugitive Dust and Erosion Control Plan shall be submitted and approved by the Town.

PRIOR TO BUILDING PERMIT ISSUANCE

35. The Applicant shall pay Development Impact Fees in place at the time of issuance of Building Permits. The Applicant shall agree to the terms of and record a non-opposition agreement to the future formation of a public safety assessment district on the property.
36. No on-site or off-site work shall commence without obtaining the appropriate permits for the work involved from the Town. The approved permits shall be readily available on the job-site for inspection by the Town personnel.
37. Prior to any work being performed in the public right-of-way, fees shall be paid and an encroachment permit shall be obtained from the Town. The Applicant shall apply for an encroachment permit from the Town for utility trenching, utility connection, or any other encroachment onto public right-of-way. The Applicant shall be responsible for the associated costs and arrangements with each public utility.
38. All improvement plans, including but not limited to street and grading plans, shall be designed by a Registered Civil Engineer and shall be submitted to the Town for review and approval.
39. The Applicant shall submit written proof to the Building Official that the Applicant has complied with all conditions of approval or comments, as required, from the High Desert Water District, and Colorado Regional Water Quality Control Board. Applicant shall comply with applicable requirements of NPDES (Non-Point Pollution Discharge Elimination System).
40. The septic system shall be maintained so as not to create a public nuisance and shall be serviced by a DEHS permitted pumper. Soil testing for the subsurface disposal system shall meet the requirements of the Department of Environmental Health Services. Applicant shall submit a minimum of three (3) copies of percolation reports for the project site and an appropriate fee to DEHS for review and approval, a copy of the cover sheet with an approval stamp to Building and

Safety Division at the time of building permit application, and two (2) copies of the approved percolation report to the Building and Safety Division at the time of construction plan check.

41. All exterior lighting shall comply with the Outdoor Lighting Ordinance. A photometric plan and details of all exterior lighting fixtures shall be submitted with the building plans. These shall demonstrate that all exterior lighting complies with Ordinance 90.
42. All roof top mechanical equipment is to be screened from ground and street vistas. This information shall be submitted with plan materials for building permit plan check.
43. *The applicant shall provide additional landscape planters to break up the long row of parking on the west side of the building and provide a landscaped planter on the inside of the "L" of the building where the number "11" appears on the site plan.*
44. *The wall along Diadem Drive shall meander to provide adequate landscaping on both sides of the wall.*
45. *A curb, fencing or some other barrier shall be provided along the western property line to prevent vehicles from entering the adjacent property.*

PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

46. The Applicant shall restore any pavement cuts required for installation or extension of utilities for his project within the public right-of-way. In all cases where cuts are allowed, the Applicant is required to patch the cuts to Town standards and the approval of the Town Engineer. The patching shall include a grinding of the pavement to a width 4 feet beyond the edge of the trench on each side, or as determined by the Town Engineer, and replacement with a full-depth asphalt concrete recommended by the Soils Engineer.
47. A retention basin shall be constructed and functional prior to the issuance of certificate of occupancy for the project. The applicant shall provide on-site retention for the incrementally larger flows caused by development of the site. Two options are available.
 - a. A drainage report, prepared by a registered Civil Engineer, shall be prepared to determine the flows exiting the site under current undeveloped conditions compared to the incrementally larger flows due to the development of the site. The retention basin size will be determined, per County of San Bernardino Flood Control methodology such that the post development 100 year peak flow exiting the site shall be 10% less than the current 25 year peak flow from the site.
 - b. In lieu of an engineered drainage report the retention basin shall be sized to retain 550 cubic feet of storm water for each 1,000 square feet, and increments thereof, of impervious area proposed.

The "Preliminary Drainage Study" prepared by Petra Group Inc. for this site is inadequate and will require revision. This study appears to incorporate a retention storage volume that has not been approved by the Town, and does not

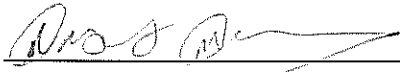
meet either the Town's or San Bernardino County Flood Control District's retention basin sizing criteria.

48. *Construct curb and gutter and sidewalk 20 feet from centerline on Diadem Drive and Hanford Avenue per Town of Yucca Valley Standard Drawing 101 and 220.*
49. *Dedicate sufficient right of way for a fifty-five (55) foot width on the outer highway when measured perpendicularly from the right of way of highway 62*
50. *Install street lights at the intersection of Diadem Drive and Hanford Avenue and the intersection of Hanford Avenue and the Twentynine Palms Outer Highway per Town of Yucca Valley Standard Drawing 302.*
51. The retention basin shall be constructed and functional prior to the issuance of certificate of occupancy for the project.
52. Prior to occupancy of the site the Applicant shall obtain Fire Dept. approval of the site plan. The Applicant shall comply with the conditions and requirements of the San Bernardino County Fire Dept. Prior to any construction occurring on any parcel, the Applicant shall contract the Fire Dept. for verification of current Fire Protection requirements.
53. The Applicant shall construct the replacement of any identified damaged curb and gutter, sidewalk, drive approach, asphalt concrete pavement, meter boxes, and other infrastructure that may be required by the Town Engineer or another Agency.
54. The Applicant shall install all water and sewer systems required to serve the project. The location of the proposed septic system(s) shall be shown on the project grading plan(s).
55. Prior to the issuance of a Certificate of Occupancy all improvements shall be constructed, final inspection performed, punch-list items completed, and all installations approved by the appropriate agency.
56. The Applicant shall observe the construction of this project to make certain that no damage or potential for damage occurs to adjacent roadway, existing improvements, adjacent property and other infrastructure. The Applicant shall be responsible for the repair of any damage occurring to offsite infrastructure and/or property damage as determined by the Town Engineer. The Applicant shall repair any such damage prior to certificate of occupancy. If the damage is such that it is not repairable within a reasonable amount of time as determined by the Town Engineer, the Applicant may petition the Town Engineer for additional conditions that may allow him the time, amount of surety and other requirements to repair the damage.
57. The Applicant shall be responsible for all improvements that he has constructed within the public right-of-way as required by the conditions of approval. The improvements shall be constructed to the standards and requirements as determined and approved by the Town Engineer. Any improvements not considered to be to the required standards shall be replaced by the Applicant. The

Applicant shall be required to maintain and repair those improvements prior to and after acceptance by the Town Council for the length of time required by the applicable conditions, standards and ordinances.

58. The Applicant shall cause to be formed or shall not protest the formation of a maintenance district(s) for landscape, lighting, streets, drainage facilities or other infrastructure as required by the Town.
59. The Applicant shall agree to the terms of and record a non-opposition agreement to the future formation of a public safety assessment district on the property.
60. The developer shall reimburse the Town for the Town's costs incurred in monitoring the developer's compliance with the conditions of approval including, but not limited to inspections and review of developers operations and activities for compliance with all applicable dust and noise operations. This condition of approval is supplemental and in addition to normal building permit and public improvement permits that may be required pursuant to the Yucca Valley Municipal Code.
61. *The hours of operation shall be limited to 10PM.*
62. *The sale of alcohol is limited to on-site consumption.*

I HEREBY CERTIFY THAT THE APPROVED CONDITIONS OF APPROVAL WILL BE SATISFIED PRIOR TO OR AT THE TIMEFRAMES SPECIFIED AS SHOWN ABOVE. I UNDERSTAND THAT FAILURE TO SATISFY ANY ONE OF THESE CONDITIONS WILL PROHIBIT THE ISSUANCE OF ANY PERMIT OR ANY FINAL MAP APPROVAL.

Applicant's Signature  Date 11/25/08