

# ATTACHMENT A

Resolution No. P-24-041

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A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VICTORVILLE GRANTING TENTATIVE TRACT MAP CASE NO. PLAN21-00033; A TENTATIVE TRACT MAP (TTM 20454) WITH AN INITIAL STUDY AND A PROPOSED MITIGATED NEGATIVE DECLARATION TO ALLOW FOR THE CREATION OF 107 SINGLE-FAMILY RESIDENTIAL LOTS FROM THREE EXISTING UNDEVELOPED PARCELS ZONED R-1 (SINGLE FAMILY RESIDENTIAL) LOCATED AT THE SOUTHWEST CORNER OF NYACK ROAD AND MESA VIEW DRIVE

WHEREAS, an application has been received from Bedford Opportunity Fund II LLC, regarding property in the City of Victorville, County of San Bernardino, State of California, particularly described as follows:

PARCELS 1 THROUGH 3, INCLUSIVE OF PARCEL MAP 2188, IN THE CITY OF VICTORVILLE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 19 OF PARCEL MAPS, PAGE 2, OF RECORDS IN THE OFFICE OF THE SAN BERNARDINO COUNTY RECORDER; and

WHEREAS, a public hearing was opened on the 14<sup>th</sup> day of August 2024, and closed on the 11<sup>th</sup> day of September 2024, pursuant to Title 7, Division 2, Chapter 3, of the Government Code, State of California, to hear arguments for and against the issue; and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), and the CEQA Guidelines, the City of Victorville Planning Department undertook and completed an Initial Study for the project, the result of which was the preparation and circulation of a Mitigated Negative Declaration; and

WHEREAS, the Planning Commission finds that the Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis; and

WHEREAS, the Initial Study, supporting documents, and a Mitigated Negative Declaration for the proposed Tentative Tract Map have been presented to the Planning Commission, and after review and consideration of the environmental information the Planning

Commission found that the proposal will not have a significant effect on the environment and therefore adopted the Mitigated Negative Declaration; and

WHEREAS, the Planning Commission finds that all materials that constitute the record of proceedings upon which its decision is based, shall be located with the City of Victorville Clerk, located at 14343 Civic Drive, Victorville, CA; and

WHEREAS, the Planning Commission finds that the proposal will ensure a functional and safe neighborhood is developed due to the inclusion of street designs, lot designs, landscaped entry features and overall enhanced tract design as required by the Single-family Design Guidelines, which will create a pedestrian friendly interactive environment; and

WHEREAS, the Planning Commission finds that the overall tentative tract and drainage designs are in accordance with the Single-family Design Guidelines and Title 16, as there are no straight thoroughfares created due to off-set roadway entries, varying lot widths throughout provide numerous opportunities for home designs and placement, and landscaping and LMAD areas create an enhanced entry feature and enhanced pedestrian access to recreational amenities; and

WHEREAS, the Planning Commission finds that the proposed project will have no adverse effect upon abutting properties due to: development standards included in Title 16 that ensure this proposal and any future development is in accordance with minimum standards designed to protect the health, safety and welfare of the community; because the subject proposal is a single-family residential development that is in accordance with the underlying General Plan and Zone District; and because the project will complement existing and planned single-family residential development in the vicinity; and

WHEREAS, the Planning Commission finds that this land division is consistent with the City's adopted General Plan and Zoning Ordinance since the site meets the required density, lot size, access requirements, is in general conformance with the purpose of the Single-

family Design Guidelines, and the proposal will not divide an established land use designation; and

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission, pursuant to Articles 16-4.01 & 16-4.02 of the Victorville Municipal Code that Tentative Tract Map 20454, Case No. PLAN21-00033, Tentative Tract Map with an Initial Study and a proposed Mitigated Negative Declaration to allow for the creation of 107 single-family residential lots from three existing undeveloped parcels zoned R-1 (Single Family Residential) at the above described property, be granted subject to the following conditions of approval:

**Planning Conditions:**

1. The proposed subdivision shall comply with all applicable development standards of Title 16 and Title 17 of the City of Victorville Municipal Code, as well as the Subdivision Map Act of the State of California.
2. The final map shall be in substantial conformance with the tentative map submitted as part of this application, unless modification is required to comply with Title 16 of the City of Victorville Municipal Code and/or conditions of approval.
3. The applicant shall provide the Zoning Administrator or his designee with a lot closure list for all lots within the subdivision at the time of submission of maps for final approval.
4. The final map shall be subject to review and approval by the Zoning Administrator or his designee prior to recordation.
5. All areas within Lots "B", "D", "E", "G" & "H" and the public right-of-way of Nyack Road, Mesa View Drive, Don Felipe Street, Howell Street, Don Fernando Street and Olivia Street when abutting lettered lots or not otherwise improved with pavement, curbs, gutters, or sidewalks shall be landscaped. The developer shall provide a means to ensure their permanent maintenance as approved by the Zoning Administrator and the Director of Public Works or their designee.
6. All drainage basins/facilities that abut the public right-of-way not otherwise utilized as a recreational amenity shall provide a minimum 10-foot wide landscape buffer (exclusive of right-of-way area) between the drainage basin/facility and the public right-of-way. Specifically, any non-recreational areas of Lots "A", "C" & "F" shall provide said buffer in addition to required landscaping, which shall be designed to accommodate landscaping within required front yard areas. The developer shall provide a means to ensure their permanent maintenance as approved by the Zoning Administrator and the Director of Public Works or their designee.
7. The proposed development is required to mitigate its ongoing economic impacts that require the provision of additional municipal services. To mitigate ongoing economic impacts created by new development, the City is preparing to form a Community Facilities District (CFD) to fund the ongoing costs of City services permitted by the CFD, including such services as public safety, street/sidewalk maintenance, and other eligible service impacts. Once formed,

the City CFD will have established a uniform, standardized City-wide rate structure that will apply to new developments. If the City forms said CFD prior to the recordation of a final map or issuance of a building permit for the proposed development, the Developer shall annex the subject site into the CFD or shall establish a funding mechanism to provide an ongoing source of funds for the additional services comparable to the uniform standardized City-wide rate established in the CFD Resolution and associated Financial Impact Analysis report.

8. Site Plan approval by the Zoning Administrator is required prior to recordation of the final map in order to review the final design of drainage basins (Lots "A", "C" & "F") and required buffers (Lots "B", "D", "E", "G" & "H") and ensure Municipal Code compliance and adequate maintenance access, unless otherwise deemed unnecessary by the Zoning Administrator, City Engineer and Director of Public Works or their designees. All other individual components not otherwise reviewed and approved by the Planning Commission, including but not limited to stock plans, tract entry features/signage, wall plans, easement/lettered lot final designs, and installation schedules shall be approved via Site Plan application prior to associated permit issuance and may occur after recordation of the final map.
9. Pursuant to Section 16-3.08.030 of the Municipal Code, rear and side masonry walls are required for each lot with the concurrent construction of two or more units by the same developer. Project perimeter walls shall be of decorative block with anti-graffiti coating and include architectural features and colors to match the project.
10. Pursuant to Section 16-3.08.020 – Table 8-2 of the Municipal Code, all lots shall have a pad area equal to minimum required lot width and depth, which is exclusive of slopes, open drainage and unusable easements. All required yard areas shall also be free from these obstructions.
11. Pursuant to Section 16-3.08.020 – Table 8-2 of the Municipal Code, the width of side yards shall be five and ten feet. The width of the side yard along the street lot line of a corner lot shall be ten feet.
12. The Applicant and/or Developer shall incorporate drought tolerant landscaping in accordance with Chapter 13.60 and Section 16-3.24.030 of the Victorville Municipal Code.
13. In accordance with Section 13.60.110 of the Victorville Municipal Code, all new residential tract development shall provide for the installation of reclaimed water pipelines, to the extent required by the responsible water purveyor. Such pipelines shall be connected to the water purveyor's reclaimed water system. The foregoing requirements are not applicable to individual residential lots.
14. The City of Victorville's name shall not be used in any Conditions, Covenants, and Restrictions (CC&Rs) associated with this development to which it is not a party.
15. The applicant/owner/developer shall select names from the City's Master Street Name List for any names not previously reserved for the subject tract prior to the recordation of the final map. Specifically, "Olivia Street" shall be replaced with a name from the Master Steet Name List.
16. The Applicant/Owner shall agree to defend, indemnify and hold harmless, the City of Victorville, its agents, officers and employees from any claim, action or proceeding against the City of Victorville or its agents, officers or employees to attack, set aside, void or annul this

approval. The City of Victorville shall promptly notify the applicant of any such claim, action or proceeding, and the City of Victorville shall cooperate fully in the defense.

17. The applicant/developer shall be responsible for obtaining all necessary permits from any affected regulatory agencies.
18. The handling and disposal of construction and demolition waste for the project shall comply with 6.36.040 of the Victorville Municipal Code. In summary, only the City of Victorville's employees working in their official capacity and the City's waste handling contractor, Victorville Disposal (Burrtec Waste), are authorized to provide solid waste handling services from any and all premises in the City; and no person other than those above specified shall provide solid waste handling services, convey or transport any solid waste material in, along or over any public street, alley or highway in the City, with the exception of solid waste removed from any premises by the waste generator, and which is transported personally by such waste generator (or his/her employees) to a processing or disposal facility in a manner consistent with all applicable laws and regulations, utilizing equipment owned and/or leased by the waste generator.
19. The project shall comply with all Federal, State and local laws and policies, including: the California Government Code (including the Planning, Zoning and Development Laws), Environmental Quality Act (CEQA), Subdivision Map Act, International Building Code, Green Code, Fire Code; and, Victorville General Plan and Municipal Code; unless permitted to deviate through provisions of such, or through adopted mitigation measures, conditions of approval, or the plans themselves.
20. The applicant shall file a Notice of Determination and pay the necessary filing fee to the County of San Bernardino pursuant to Public Resources Code Section 21089(b). The project is not effective until such time as this condition has been satisfied. The applicant shall submit evidence to the Development Director or his designee indicating that this condition has been satisfied. Any delay in the applicant's payment of the required fee shall not toll the lapse of approval date nor appeal period of this project.
21. The applicant shall indemnify, protect, and hold harmless the City from any lawsuit filed due to the applicant's failure to pay the fee imposed by Fish and Game Code Section 711.4.
22. Prior to issuance of a grading permit the applicant shall obtain coverage, if required, under the statewide general NPDES permit for control of construction and post-construction related storm water. In addition, if coverage is required, the applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP) as required in the NPDES permit and shall identify site-specific best management practices that will be implemented.
23. (AQ-1) Fugitive Dust Control. The following measures shall be incorporated into Project plans and specifications for implementation:
  - Apply soil stabilizers or moisten inactive areas.
  - Water exposed surfaces to avoid visible dust leaving the construction site (at least 2-3 times/day).
  - Cover all stock piles with tarps at the end of each day and as needed during the construction day.
  - Provide water spray during loading and unloading of earthen materials.

- Require the contractor to minimize in-out traffic from construction zone to the extent feasible, and enforce a speed limit of 15 MPH on site to avoid dust migration from the site.
  - Cover all trucks hauling dirt, sand, or loose material and require all trucks to maintain at least two feet of freeboard.
  - Sweep streets daily if visible soil material is carried out from the construction site.
24. (AQ-2) Exhaust Emission Control. The following measures shall be incorporated into Project plans and specifications for implementation:
- Utilize off-road construction equipment that has met or exceeded the maker's recommendations for vehicle/equipment maintenance schedule.
  - Contactors shall utilize Tier 4 or better heavy equipment.
  - Enforce 5-minute idling limits for both on-road trucks and off-road equipment.
25. (AQ-3) Dust Mitigation Measures. In accordance with Mojave Desert Air Quality Management District (MDAQMD) requirements and prior to commencement of earth moving activities, the Project Proponent shall: obtain MDAQMD permits for any miscellaneous process equipment that may not be exempt under District Rule 219 including, but not limited to internal combustion engines with a manufacturer's maximum continuous rating greater than 50 brake horsepower; and prepare and submit to the MDAQMD a dust control plan that describes all applicable dust control measures that will be implemented at the project. Additionally, the Project Proponent shall implement the following measures:
- Signage compliant with Rule 403 Attachment B shall be erected at each project entrance not later than the commencement of construction.
  - Use a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes to minimize visible fugitive dust emissions. For projects with exposed sand or fines deposits (and for projects that expose such soils through earthmoving), chemical stabilization or covering with a stabilizing layer of gravel will be required to eliminate visible dust/sand from sand/fines deposits.
  - All perimeter fencing shall be wind fencing or the equivalent, to a minimum of four feet in height or the top of all perimeter fencing. The owner/operator shall maintain the wind fencing as needed to keep it intact and remove windblown dropout. This wind fencing requirement may be superseded by local ordinance, rule or project-specific biological mitigation prohibiting wind fencing.
  - All maintenance and access vehicular roads and parking areas shall be stabilized with chemical, gravel, or asphaltic pavement sufficient to eliminate visible fugitive dust from vehicular travel and wind erosion. Take actions to prevent project-related trackout onto paved surfaces, and clean any project related trackout within 24-hours. All other earthen surfaces within the project area shall be stabilized by natural or irrigated vegetation, compaction, chemical or other means sufficient to prohibit visible fugitive dust from wind erosion.
26. (BIO-1) Worker Awareness Program. A qualified biologist shall develop a Worker Education Awareness Program (WEAP) that would include information on general and special status species within the project area, identification of these species and their habitats, techniques being implemented during construction to avoid impacts to species, consequences of killing or injuring an individual of a listed species, and reporting procedures when encountering listed or sensitive species. All construction crews, foremen, and other project personnel potentially working on site should attend this education program prior to the first day of work.

27. (BIO-2) Burrowing Owl Pre-Construction Surveys. Burrowing Owl would be included as one of the species covered in the WEAP that all construction crews, foremen, and other project personnel potentially working on site should attend prior to the first day of work.

Preconstruction presence/absence surveys for burrowing owl shall be conducted no less than 14 days prior to any onsite ground disturbing activity by a qualified biologist, including prior to each phase of new ground disturbance. The burrowing owl surveys shall be conducted pursuant to the recommendations and guidelines established by the California Department of Fish and Wildlife in the "California Department of Fish and Wildlife 2012 Staff Report on Burrowing Owl Mitigation." In the event this species is not identified within the project limits, no further mitigation is required, and a letter shall be prepared by the qualified biologist documenting the results of the survey. The letter shall be submitted to CDFW prior to commencement of project activities. If during the preconstruction survey, the burrowing owl is found to occupy the site, Mitigation Measure BIO-3 shall be required.

28. (BIO-3) Burrowing Owl Protocols If Identified During Survey Period. If burrowing owls are identified during the survey period, the Developer shall take the following actions to offset impacts prior to ground disturbance:

The Developer, in conjunction with the City shall notify CDFW within three business days of determining that a burrowing owl is occupying the site to discuss the observed location, activities and behavior of the burrowing owl(s) and appropriate avoidance and minimization measures.

Active nests within the areas scheduled for disturbance or degradation shall be avoided until fledging has occurred, as confirmed by a qualified biologist. Following fledging, owls may be passively relocated by a qualified biologist, as described below.

If impacts on occupied burrows are unavoidable, onsite passive relocation techniques may be used if approved by the CDFW to encourage owls to move to alternative burrows provided by the Developer outside of the impact area.

If relocation of the owls is approved for the site by CDFW, CDFW shall require the City to hire a qualified biologist to prepare a plan for relocating the owls to a suitable site and conduct an impact assessment. A qualified biologist shall prepare and submit a passive relocation program in accordance with Appendix E (i.e., Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans) of the 2012 Staff Report on Burrowing Owl Mitigation (CDFG 2012) to the CDFW for review/approval prior to the commencement of disturbance activities onsite.

The relocation plan must include all of the following and as indicated in Appendix E of the Initial Study:

- The location of the nest and owls proposed for relocation.
- The location of the proposed relocation site.
- The number of owls involved and the time of year when the relocation is proposed to take place.
- The name and credentials of the biologist who will be retained to supervise the relocation.
- The proposed method of capture and transport for the owls to the new site.
- A description of site preparation at the relocation site (e.g., enhancement of existing burrows, creation of artificial burrows, one-time or long-term vegetation control).

The Developer shall conduct an impact assessment, in accordance with the Staff Report on Burrowing Owl Mitigation prior to commencing project activities to determine appropriate mitigation, including the acquisition and conservation of occupied replacement habitat at no less than a 2:1 ratio.

Prior to passive relocation, suitable replacement burrows site(s) shall be provided at a ratio of 2:1 and permanent conservation and management of burrowing owl habitat such that the habitat acreage, number of burrows and burrowing owl impacts are replaced consistent with the Staff Report on Burrowing Owl Mitigation including its Appendix A within designated adjacent conserved lands identified through coordination with CDFW and the City. A qualified biologist shall confirm the natural or artificial burrows on the conservation lands are suitable for use by the owls. Monitoring and management of the replacement burrow site(s) shall be conducted, and a reporting plan shall be prepared. The objective shall be to manage the replacement burrow sites for the benefit of burrowing owls (e.g., minimizing weed cover), with the specific goal of maintaining the functionality of the burrows for a minimum of 2 years.

A final letter report shall be prepared by the qualified biologist documenting the results of the passive relocation. The letter shall be submitted to CDFW.

29. (BIO-4) Desert Tortoise Pre-Construction Survey. Although no desert tortoises were detected during the site surveys, habitat within the project footprint is considered marginally suitable for this species. Therefore, a qualified biologist shall conduct a pre-construction clearance survey no more than 14 days prior to initiating construction in accordance with U.S. Fish and Wildlife Service's (2019) survey protocol; if the biologist detects a desert tortoise, the biologist or applicant will contact the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife immediately. Regardless of the survey results, a biological monitor should be present at the site during all clearing and grubbing activities above grade. The biologist/monitor should remain on-call during construction activities to respond to a circumstance where a desert tortoise wanders into the construction area.
30. (BIO-5) Western Joshua Tree Conservation Act Compliance. Prior to construction a preconstruction survey shall be conducted by a qualified biologist to verify the location of any Joshua Trees in the site. The biologist shall prepare a report that shall be submitted to the County and the California Department of Fish and Wildlife (CDFW). This report shall determine whether the sole Joshua Tree on the property can be avoided, relocated onsite or mitigated under the WJTCA. The report shall include the findings and/or avoidance/mitigation recommendations in conformance with the WJTCA after consultation with the CDFW. The site developer shall fund the WJTCA mitigation recommendations to fully mitigate loss of the sole Joshua Tree located on the property.
31. (BIO-6) Jurisdictional Boundaries. The development shall not disturb any streambed jurisdictional area during construction. The streambed boundary shall be identified in the field prior to construction and the construction contract shall include prohibitions on any construction activities being carried out in the streambed channel. City field inspectors shall verify this measure is being implemented during site construction.
32. (BIO-7) Streambed Alteration Agreement. Prior to construction and issuance of any grading permit within the channel, the applicant/developer shall obtain written correspondence from the California Department of Fish and Wildlife (CDFW) stating that notification under section 1602 of the Fish and Game Code is not required for the Project, or the applicant/developer

shall obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.

33. (BIO-8) Nesting Bird Surveys. Nesting bird surveys shall be conducted by a qualified avian biologist no more than three (3) days prior to vegetation clearing or ground disturbance activities. Preconstruction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the preconstruction nesting bird surveys, a Nesting Bird Plan (NBP) shall be prepared and implemented by the qualified avian biologist. At a minimum, the NBP shall include guidelines for addressing active nests, establishing buffers, ongoing monitoring, establishment of avoidance and minimization measures, and reporting. The size and location of all buffer zones, if required, shall be based on the nesting species, individual/pair's behavior, nesting stage, nest location, its sensitivity to disturbance, and intensity and duration of the disturbance activity. To avoid impacts to nesting birds, any grubbing or vegetation removal should occur outside peak breeding season (typically February 1 through September 1).
34. (CUL-1) Inadvertent Discovery. Should any cultural resources be encountered during construction of these facilities, earthmoving or grading activities in the immediate area of the finds shall be halted and an onsite inspection shall be performed immediately by a qualified archaeologist. Responsibility for making this determination shall be with the City's onsite inspector. The archaeological professional shall assess the find, determine its significance, and make recommendations for appropriate mitigation measures within the guidelines of the California Environmental Quality Act.
35. (CUL-2) Inadvertent Discovery Tribal Consultation. In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed within TCR-1, regarding any pre-contact and/or historic-era finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.
36. (CUL-3) Monitoring and Treatment Plan. If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to SMBMI for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.
37. (GEO-1) Backfill Material. Stored backfill material shall be covered with water resistant material during periods of heavy precipitation to reduce the potential for rainfall erosion of stored backfill material. Where covering is not possible, measures such as the use of straw bales or sand bags shall be used to capture and hold eroded material on the project site for future cleanup such that erosion does not occur.
38. (GEO-2) Excavated Areas. Excavated areas shall be backfilled and compacted such that erosion does not occur. Paved areas disturbed by this project shall be repaved in such a manner that roadways and other disturbed areas are returned to the pre-project conditions or better.

39. (GEO-3) Exposed Dirt. All exposed, disturbed soil (trenches, stored backfill, etc.) will be sprayed with water or soil binders twice a day or more frequently if fugitive dust is observed migrating from disturbed areas.
40. (GEO-4) Open Trenching. The length of trench which can be left open at any given time will be limited to that needed to reasonably perform construction activities. This will serve to reduce the amount of backfill stored onsite at any given time.
41. (GEO-5) Paleontological Resources. Should any paleontological resources be encountered during construction of these facilities, earthmoving or grading activities in the immediate area of the finds shall be halted and an onsite inspection should be performed immediately by a qualified paleontologist. Responsibility for making this determination shall be the project's qualified paleontologist as approved by the City Zoning Administrator. The paleontological professional shall assess the find, determine its significance, and determine appropriate mitigation measures within the guidelines of the California Environmental Quality Act that shall be implemented to minimize any impacts to a paleontological resource.
42. (GHG-1) Updated Screening Table. Prior to the recordation of the final map, the applicant/developer shall complete a revised Greenhouse Gas Emissions Screening Table in accordance with the City's adopted version of the San Bernardino County Regional Greenhouse Gas Reduction Plan 2021, while achieving the minimum number of points necessary to comply with the City of Victorville Greenhouse Gas reductions goals.
43. (GHG-2) Compliance Verification. To the extent feasible, the City of Victorville Planning Department shall verify incorporation of the identified Screening Table Measures within the Project building plans/site designs and/or verify compliance with an updated version of the City's Greenhouse Gas Screening Table prior to the issuance of building permit(s).
44. (HAZ-1) Accidental Spills. All accidental spills or discharge of hazardous material during construction activities shall be reported to the Certified Unified Program Agency and shall be remediated in compliance with applicable state and local regulations regarding cleanup and disposal of the contaminant released. The contaminated waste will be collected and disposed of at an appropriately a licensed disposal or treatment facility. This measure shall be incorporated into the SWPPP prepared for the proposed project. Prior to accepting the site as remediated, the area contaminated shall be tested to verify that any residual concentrations meet the standard for future residential or public use of the site.
45. (NOI-1) Construction Equipment. The City will require that all construction equipment be operated with mandated noise control equipment (mufflers or silencers). Enforcement will be accomplished by random field inspections by applicant personnel during construction activities.
46. (NOI-2) Hourly Noise Levels. Noise minimizing measures shall be implemented to reduce noise levels to the greatest extent feasible at the nearest receptors, defined as at or below 55 dBA permitted between the hours of 10:00 PM and 7:00 AM; and at or below 65 dBA permitted between the hours of 7:00 AM and 10:00 PM. Measures shall include portable noise barriers and scheduling specific construction activities to avoid conflict with adjacent sensitive receptors.
47. (NOI-3) Equipment Shut Off. Equipment not in use for five minutes shall be shut off.

48. (NOI-4) Equipment Maintenance. Equipment shall be maintained and operated such that loads are secured from rattling or banging.
49. (NOI-5) Electric Power Equipment. Where commercially available, electric-powered equipment shall be used rather than diesel equipment and hydraulic-powered equipment shall be used instead of pneumatic power.
50. (NOI-6) Employee Training. Construction employees shall be trained in the proper operation and use of equipment consistent with these mitigation measures, including no unnecessary revving of equipment.
51. (NOI-7) Radios/Sound Equipment. No radios or other sound equipment shall be used at this site unless required for emergency response by the contractor.
52. (NOI-8) Construction Staging. Construction staging areas shall be located as far from adjacent sensitive receptor locations as possible
53. (NOI-9) Temporary Signage. The developer shall post temporary signage to provide local residents with a phone number to contact if excessive noise is identified at the site. The notice shall identify the dates of construction and the name and phone number of a construction supervisor (contact person) in case of complaints. One contact person shall be assigned to the project. The posted notice shall encourage the adjacent residents to contact the phone number in the case of a complaint. The phone number contact shall be available 24/7 throughout construction, at a minimum by mobile phone. If a complaint is received, the contact person shall take all feasible steps to remove or attenuate the sound source causing the complaint.
54. (NOI-10) Contractor Implementation Measures. The City shall require the Applicant's construction contractor(s) to implement the following measures:
  - Ensure that the operation of construction equipment that generates high levels of vibration including, but not limited to, large bulldozers, loaded trucks, pile-drivers, vibratory compactors, and drilling rigs, is minimized to below 72 vibration decibels (VdB), within 45 feet of existing residential structures and 35 feet of institutional structures (e.g., schools) during construction. Use of small rubber-tired bulldozers shall be enforced within these areas during grading operations to reduce vibration effects.
  - The construction contractor shall provide signs along the roadway identifying a phone number for adjacent property owners to contact with any complaint. During future construction activities with heavy equipment within 300 feet of occupied residences, vibration field tests shall be conducted at the property line near the nearest occupied residences. If vibrations exceed 72 VdB, the construction activities shall be revised to reduce vibration below this threshold. These measures may include, but are not limited to the following: use different construction methods, slow down construction activity, or other mitigating measures to reduce vibration at the property from where the complaint was received.
55. (TRAN-1) Fair Share. The project fair share calculation is based on the proportion of project peak hour intersection turning movement volumes contributed to the improvement location relative to the total new peak hour intersection turning movement volume forecast for Fugue Year (2033) With Project conditions. The developer shall pay the project's fair share percentage of the identified impacted intersection costs (Mesa View Drive at Bear Valley

Road) estimated to be between 15.3% and 15.8% for the proposed project. Refer to Appendix 7a of the Initial Study for the detailed information on the cost estimate. This fee shall be paid prior to occupancy of the subdivision.

56. (TRAN-2) Traffic Control Plan. The City of Victorville shall mandate that the Applicant require their contractors prepare a construction traffic control plan. Elements of the plan should include, but are not necessarily limited to, the following:

- Develop circulation and detour plans, if necessary, to minimize impacts to local street circulation. Use haul routes minimizing truck traffic on local roadways to the extent possible.
- To the extent feasible, and as needed to avoid adverse impacts on traffic flow, schedule truck trips outside of peak morning and evening commute hours.
- Install traffic control devices as specified in Caltrans' Manual of Traffic Controls for Construction and Maintenance Work Zones where needed to maintain safe driving conditions. Use flaggers and/or signage to safely direct traffic through construction work zones.
- For roadways requiring lane closures that would result in a single open lane, maintain alternate one way traffic flow and utilize flagger-controls.
- Coordinate with facility owners or administrators of sensitive land uses such as police and fire stations, hospitals, and schools. Provide advance notification to the facility owner or operator of the timing, location, and duration of construction activities.

57. (TRAN-3) Standard Specifications. The City of Victorville shall require that all disturbances to public roadways be repaired in a manner that complies with the Standard Specifications for Public Improvements or other applicable City of Victorville standard design requirements.

58. (TCR-1) Discovery of Cultural Resources. The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) and any other tribe noticed in accordance with AB 52 requirements shall be contacted, as detailed in CUL-2, of any pre-contact and/or historic-era cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with SMBMI and any other tribe noticed in accordance with AB 52 requirements, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents SMBMI and any other tribe noticed in accordance with AB 52 requirements for the remainder of the project, should SMBMI and/or any other tribe noticed in accordance with AB 52 requirements elect to place a monitor on-site.

59. (TCR-2) Archaeological/Cultural Documents. Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to SMBMI and any other tribe noticed in accordance with AB 52 requirements. The Lead Agency and/or applicant shall, in good faith, consult with SMBMI and any other tribe noticed in accordance with AB 52 requirements throughout the life of the project.

**Engineering Conditions:**

60. The subdivider shall prepare and file with the City, a final map in accordance with the requirements of Subdivision Map Act per its latest amendment and all applicable provisions of Title 16 and Title 17 of the Victorville Municipal Code.
61. The final map shall be based upon a recent field survey made in conformity with the Land Surveyor's Act.
62. The subdivider shall comply with all applicable requirements and provisions of Title 16 and Title 17 of the Victorville Municipal Code, and the Subdivision Map Act.
63. The subdivision property owner shall request vacation of excess right-of-way from the City and record the final map. The final map shall address the following:
  - (a) Vacation of 6-feet of public right-of-way from the property line along Mesa View Drive frontage.
  - (b) Vacation of Fremontia Road in its entirety.
64. The subdivision property owner shall offer to dedicate public road easements on the map over all streets shown within the boundary of the subdivision. The subdivision map shall show any easements of record within the subdivision boundary and annotate said easements as required by the City.
65. Any easements required for public utilities, city owned sewer, and/or drainage facilities shall be dedicated on the final map.
66. The regional storm drain facility, identified as Line A-01 abuts the proposed subdivision and shall require drainage improvement such as concrete-lined sides and energy dissipation methods per City Standards and the final approved hydrology study, as required by the City Engineer.
67. All public improvements along the frontages of the subject property(ies) shall be constructed as required by Sections 16-4.08.010, 16-4.08.020, 16-4.08.030, and 16-4.08.040, of the Victorville Municipal Code in accordance with the requirements of the Standard Specifications for Public Improvements of the City of Victorville and the City Engineer.
68. The developer shall install an additional 12-foot of pavement widening, an AC berm, and parkway grading on the opposite side of street centerline as required by the City Engineer, along streets bordering the subdivision where such pavement does not exist (Nyack Rd).
69. Mesa View Drive has been partially constructed. The developer may match existing street improvements on Mesa View Drive if the current AC section meets City Standard No. S-25 (3" AC over 8" CAB). A saw-cut joint shall be used to match the existing edge of pavement and the developer shall provide for the installation of a crack seal and slurry seal from curb to curb along the project frontage.
70. Street improvement plans for all required curb, gutter, sidewalks, pavement widening, driveway approaches, street lighting, storm drain, and other improvements within public right-of-way shall be submitted to the Development Department for review and approval by the City Engineer.
  - (a) The Developer shall construct the offset cul-de-sac at the end of Nyack Road to its ultimate designation per City Standard S-27.

71. Prior to the acceptance for recordation of the final map, the subdivider shall enter into a Subdivision Improvement Agreement as required by Section 16-4.08.060 of the Victorville Municipal Code and Section 66411.1 of the Subdivision Map Act for the completion of any improvements as set forth in Section 16-4.09.010 that have not been completed. Said agreement shall be secured by one of the forms specified by Section 17.64.060 of the Victorville Municipal Code.
72. The subdivider shall monument or reference at least one exterior boundary line of the land being subdivided before the map is recorded and shall furnish to the City a security guaranteeing the payment of the cost of setting monuments not in place at the time the map is recorded.
73. All requirements of Section 16-5.12.170 of the Victorville Municipal Code regarding the placing of utility lines underground shall be complied with.
74. Any public walkways fronting the subdivision shall be designed and constructed for accessibility in compliance with the guidelines of the Americans with Disabilities Act Standards for Accessible Design and the Standard Specifications for Public Improvements of the City of Victorville.
75. A permit issued from the City's Engineering Department is required prior to commencement of any work performed within public right-of-way and the City's inspection process followed for the connection to and construction of any facilities that are to be dedicated to, owned and maintained by the City.
76. A permit issued from the City's Engineering Department is required for the connection to the public sewer, water, and/or storm drain systems.
77. The subdivider shall be responsible for all costs (including application fees) incurred due to the relocation of existing utility facilities where such facilities conflict with the improvements associated with this development.
78. Street improvement plans for all required curb and gutter, sidewalks, pavement, driveway approaches, drainage structures, street lighting, traffic control signing & striping, and other roadway improvements within public right-of-way shall be submitted to the Development Department for review and approval by the City Engineer.
79. The design and construction of any access roads to the subdivision required by the fire department shall include improvements and requirements determined to be necessary by the City Engineer.
80. The subdivider shall be responsible for obtaining any street right-of-way dedications to the City where they do not exist for access roads required by the fire department.
81. The public water system to serve the subdivision shall be installed by the developer in accordance with the Standard Specifications for Public Improvements of the City of Victorville and requirements of the City Engineer. Public water system plans prepared by the subdivider's engineer shall be submitted to the Development Department for review and approval by the City Engineer. A water service feasibility study and current water service will serve letter from Victorville Water District is required with the plan submittal. Water service

shall be subject to the conditions within the will serve letter and the approved water feasibility study.

82. The sanitary sewer facilities to serve this subdivision shall be installed by the developer in accordance with the Standard Specifications for Public Improvements of the City of Victorville and requirements of the City Engineer. Sewer improvement plans prepared by the subdivider's engineer shall be submitted to the Development Department for review and approval by the City Engineer.
83. A plan for the grading of the subdivision prepared by the subdivider's engineer shall be submitted to the Development Department for review and approval by the City Engineer. A final drainage study shall be submitted with the grading plan. The developer shall provide hydrology and hydraulic calculations to size any drainage structure included in the grading plan design.
84. The subdivider shall be responsible for obtaining any permissions or easements for grading or public improvements constructed on adjacent properties.
85. The subdivider's engineer shall prepare and submit a geotechnical report for the subdivision to the City.
86. Grading operations and construction shall be conducted in a manner and/or measures taken to prevent sand, dust, and debris to blow onto other properties. Temporary fencing shall be erected as required by City staff during construction to prevent windblown debris from leaving the project site and to ensure public safety. An adequate dust palliative shall be used at all times. After completion of grading the developer shall maintain the site such that sand, dust and debris do not blow onto other properties.
87. Prior to construction of any improvements or any land disturbance, the developer shall construct temporary drainage facilities and provide erosion control measures as necessary to minimize storm water run-off, erosion, and silt deposition. The developer shall provide an erosion control plan of the Best Management Practices to be implemented during construction. The National Pollutant Discharge Elimination System (NPDES) permit program requires operators of construction sites one acre or larger (including smaller sites that are part of a larger common plan of development) to obtain an NPDES permit and prepare a Storm Water Pollution Prevention Plan (SWPPP). A copy of the SWPPP (and erosion control plan) shall be submitted to the Development Department. All NPDES guidelines and requirements must be adhered to, and best management practices followed at all times during construction.
88. The site shall be designed and permanent drainage detention facilities installed such that post-development peak storm water runoff discharge rates shall not exceed the estimated pre-development rate where the increase peak storm water discharge rate will result in increased potential for downstream erosion, and to mitigate potential water quality impacts related to stormwater.
89. The subdivider shall pay any and all fees and charges that may become effective prior to the issuance of a building permit or utility connection and shall pay such fees as a condition of obtaining a building permit.
90. The owner of the subdivision shall agree, binding upon any successors and assigns of interest in the subdivision, to pay any and all fees and assessments applicable to the subdivision

from the date of recordation until such a time that building permits have been issued for each lot.

91. The subdivision shall be annexed into a Landscape Maintenance Assessment District (LMAD) for the proposed landscaping improvements and/or a Citywide CFD.
92. The subdivision shall be annexed into a Drainage Facilities Assessment District (DFAD) for the proposed drainage improvements and/or a Citywide CFD.
93. The subdivider shall be required to construct Landscape Maintenance Assessment District (LMAD) improvements on the Mesa View Drive frontage per City Standards. A plan for the landscaping and irrigation improvements required shall be prepared by the subdivider and shall be submitted to the Development Department for review and approval by the City Engineer.
94. The subdivider shall submit an initial and final digital AutoCAD copy of the map.
95. The subdivider shall provide the City with a copy of the recorded final map on reproducible polyester-based film (mylar).
96. An application for plan review and an engineer's construction cost estimate for civil improvements shall be required at the time of initial improvement plan submittal. Payment of plan and map check fees as per the City's Development Department Engineering Plan Check Fee Schedule based on the engineer's cost estimate shall be required with the plan submittal.
97. A signing and striping improvement plan for all street improvements shall be submitted to the Development Department for review and approval by the City Engineer.
98. The developer shall agree to a fair-share contribution of 15.8% towards future signal improvements at the intersection of Bear Valley Road and Mesa View Drive. A Final traffic study shall be provided to the City's Engineering Department for review. Currently, the City estimates the cost of the future signal to be \$900,000 but reserves the right to adjust the estimate at the time the tract is developed.

**Building Conditions:**

99. The project shall comply with all building codes in effect at the time of plan submittal.
100. California Residential Code section R313.2 requires automatic residential fire sprinkler systems in one- and two-family dwellings.
101. Plan check fees for this project will be due, and shall be paid in full, upon submittal of plans to the Building Division. The Building Division may be contacted at (760) 955-5100 for an estimation of these fees. Tools for estimating total permit fees are available on the City's website <https://www.victorvilleca.gov/government/city-departments/development/permit-center/fees-forms>. Actual amounts owed will be determined upon submittal of the plans via the City's online permit center.

**Fire Conditions:**

102. Shall comply with all 2022 California Building and Fire Code requirements based on occupancy classification; and all applicable City of Victorville Fire Prevention Standards.
103. Automatic Fire Sprinkler System(s) are required for the proposed dwellings. Plans shall be submitted and approved prior to construction and comply with City of Victorville Fire Prevention Standard F-2.
104. Paved access from 2 separate points is required and shall comply with City of Victorville Fire Prevention Standard A-2. In all cases, to be considered a separate point of fire access, such access shall be located at least one half (1/2) of the diagonal distance of the development area served, apart from another point of fire access. Plans shall be approved prior to the commencement of construction.
105. Interior/exterior Fire Department access roadways/fire lanes shall be required per City of Victorville Fire Prevention Standard A-1. Fire Department access roadways providing access to the buildings in this project shall be a minimum of 26 feet wide. If gates are installed shall comply with City of Victorville Fire Prevention Standard-4. Fire lanes shall be designated and marked adjacent to all multi-family residential, commercial, and industrial building access points and approaches.
106. An approved On-Site Private Underground Fire Service Line(s), in accordance with City of Victorville Fire Prevention Standard W-2 and City of Victorville Water Standard W-28, shall be in-service prior to any combustible materials being located on-site.
107. Required Fire Flow for this project is estimated to be 1,500gpm @20psi for a 2-hour duration at furthest remote hydrant. Contact City of Victorville Engineering Department to assure availability of required fire flow.
108. Projects with more than 100 homes shall have a water system that is feed from minimum of two (2) different distribution lines.