

# ATTACHMENT A

Resolution No. P-25-010

RESOLUTION NO. P-25-010

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VICTORVILLE GRANTING TENTATIVE TRACT MAP CASE NO. PLN16-00006; A TENTATIVE TRACT MAP WITH A PROPOSED MITIGATED NEGATIVE DECLARATION TO ALLOW FOR THE CREATION OF A 320 LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION FROM ONE EXISTING APPROXIMATELY 80 ACRE UNDEVELOPED LOT WITHIN THE VISTA VERDE SPECIFIC PLAN LOCATED AT THE SOUTHEAST CORNER OF BELLFLOWER STREET AND DOS PALMAS ROAD

WHEREAS, an application has been received from LA-DF INVESTMENT FUND 68 LLC, regarding property in the City of Victorville, County of San Bernardino, State of California, particularly described as follows:

THE NORTH ½ OF THE NORTHWEST ¼ OF SECTION 28, TOWNSHIP 5 NORTH, RANGE 5 WEST SAN BERNARDINO MERIDIAN, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA; and

WHEREAS, a public hearing was opened on the 13<sup>th</sup> day of April 2022, and closed on the 14<sup>th</sup> day of May 2025, 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, the Vista Verde Specific Plan 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 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 the Vista Verde Specific Plan and 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 20262, Case No. PLN16-00006, a Tentative Tract Map with a proposed Mitigated Negative Declaration to allow for the creation of a 320 lot single-family residential subdivision from one existing approximately 80 acre undeveloped lot within the Vista Verde Specific Plan 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 the Vista Verde Specific Plan, 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 the Vista Verde Specific Plan, 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 "A", "B", "F", "G", "I", "J" & "K" and the public right-of-way of Bellflower Street, Mesa View Drive and Dos Palmas Road when abutting lettered lots or not otherwise improved with pavement, curbs, gutters, or sidewalks shall be landscaped. Additionally, all areas labeled a "LMAD" shall be designated on the final map as lettered lots, as required by the City Engineer. 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 "C", "E" & "H" 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 formed Community Facilities District (CFD) No. 2024-01 of the City of Victorville (Municipal Services) to fund the ongoing costs of City services, including public safety, street/sidewalk maintenance, flood and storm protection, and other eligible service impacts. Prior to the recording of the final map or issuance of a building permit for the proposed development, the Developer shall annex the subject site into CFD No. 2024-01, or

shall establish a funding mechanism to provide an ongoing source of funds for the additional services comparable to the uniform standardized rates established for CFD No. 2024-01.

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 “C”, “E” & “H”) and their required buffers as well as all landscape areas (Lots “A”, “B”, “F”, “G”, “I”, “J” & “K” and those areas abutting the public right-of-way of Bellflower Street, Mesa View Drive and Dos Palmas Road) 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. Vista Verde Specific Plan development standards for lot development and permitting shall be applied as follows, unless otherwise superseded by these Conditions of Approval or Title 16 of the Victorville Municipal Code:
  - Tentative Tract Map Phases 5 & 6: Very Low Residential
  - Tentative Tract Map Phase 4 & lots fronting Euclid Street: Low Residential
  - Tentative Tract Map Phases 1-3, excepting for lots fronting Euclid Street: Medium-Low Residential
10. 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.
11. 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.
12. Pursuant to the Vista Verde Specific Plan – Table 4, the width of side yards shall be five feet. The width of the side yard along the street lot line of a corner lot shall be ten feet.
13. 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.
14. 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.
15. 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.

16. 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.
17. 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.
18. The applicant/developer shall be responsible for obtaining all necessary permits from any affected regulatory agencies.
19. 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.
20. 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.
21. 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.
22. 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.
23. 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.
24. (BIO-1) Pre-construction surveys for Burrowing Owls and other sensitive wildlife species (i.e. Desert Tortoise, Desert Kit Fox, American Badger, and nesting birds), and sensitive plants shall be conducted on the project site and in the surrounding area in accordance with

California Department of Fish and Wildlife approved protocols described below in BIO-7 (nesting birds), BIO-2 (burrowing owl), and BIO-14 (sensitive plants). If ground disturbing activities are delayed for more than 30-days (including the restarting of activities after project/ground disturbing delays of 30-days or more), additional surveys shall be required.

25. (BIO-2) No less than 14 days prior to the initiation of any Project activities within suitable habitat, a qualified biologist shall conduct take avoidance surveys in accordance with the Staff Report on Burrowing Owl Mitigation (Department of Fish and Game, March 2012). If no burrowing owl(s) are observed on site during the take avoidance survey, a letter shall be prepared by the qualified biologist documenting the results of the survey. The letter shall be submitted to CDFW.

If burrowing owl(s) are observed on site during the take avoidance survey, areas occupied by burrowing owls shall be avoided. If burrowing owls cannot be avoided by the Project, then the 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 CDFW for review and approval prior to the commencement of any disturbance activities onsite and proposed mitigation for permanent loss of occupied burrow(s) and habitat consistent with the 2012 Staff Report on Burrowing Owl Mitigation. Survey results shall be submitted to CDFW within 30 days of completion of surveys following the guidelines provided in Appendix D of the Staff Report on Burrowing Owl Mitigation (Department of Fish and Game, March 2012).

If burrowing owl are present on-site the following steps shall be necessary. These steps may change upon consultation with CDFW during the impact assessment and CDFW's review and approval of the passive relocation program:

- a. Occupied burrows shall not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by the California Department of Fish and Game verifies through non-invasive methods that either: (1) the birds have not begun egg-laying and incubation; or (2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.
- b. If the Project cannot avoid burrowing owl, qualified biologists shall exclude all owls from active burrows using one-way doors during non-breeding season (September 1 – January 31) or during breeding season (February 1 – August 31), only after a qualified biologist has determined there are no nesting owls and/or juvenile owls are no longer dependent on the burrows. Concurrently, all inactive burrows and other sources of secondary refuge for burrowing owls shall be collapsed and removed from the site.
- c. Following 48-hour observation period and 48-hours after installation of one-way doors, all vacated burrows shall be collapsed.
- d. A qualified biologist shall conduct a post-exclusion survey confirming the absence of borrowing owls on the site. When a qualified biologist determines that burrowing owls are no longer occupying the Project site and passive relocation is complete, construction activities may begin. A final letter report shall be prepared by the qualified biologist documenting the results of the passive relocation and provided to CDFW. Should newly occupied burrows be discovered on the site the exclusion shall be repeated as outlined in the CDFW-approved passive relocation program.

- e. A final clearance survey confirming the absence of active burrowing owls burrows shall be conducted 2-hours prior to initiating project activities.
  - f. Compensatory burrowing owl-occupied mitigation lands and the acquisition and conservation thereof to mitigate for permanent impacts to nesting, occupied, and satellite burrows and burrowing owl habitat shall be provided by the applicant/developer in accordance with CDFW requirements outlined in the Staff Report on Burrowing Owl Mitigation (Department of Fish and Game, March 2012) at no less than a 2:1 (replacement-to-impact) ratio.
26. (BIO-3) If sensitive wildlife species such as the Desert Tortoise, Desert Kit Fox, American Badger, or nesting birds are detected on the project site during future surveys or assessments, all work on-site shall stop immediately, and mitigation measures shall be required to reduce impact to a level of less than significant. Mitigation measures shall include avoidance, minimization, and implementation methods to be utilized, which shall be implemented prior to the start and/or restart of project activities on-site. Any proposed mitigation measures shall be determined by a qualified biologist and be approved by the City Planner and the California Department of Fish and Wildlife as applicable in accordance with typical best practices.
27. (BIO-4) Pre-Construction Desert Tortoise Surveys. No more than 30 calendar days prior to start of Project Activities a qualified biologist shall conduct pre-construction surveys for desert tortoise. Pre-construction surveys shall be completed using perpendicular survey routes within the Project Area and 50-foot buffer zone. Pre-construction surveys cannot be combined with other surveys conducted for other species while using the same personnel. Project Activities cannot start until 2 negative results from consecutive surveys using perpendicular survey routes for desert tortoise are documented. Should desert tortoise presence be confirmed during the survey, per Mitigation Measure BIO-8, the Project Proponent shall obtain an Incidental Take Permit for desert tortoise prior to the start of Project activities.
28. (BIO-5) Pre-Construction Desert Kit Fox and American Badger Surveys. No more than 30 days prior to the beginning of ground disturbance and/or construction activities, a qualified biologist shall conduct a survey to determine if potential desert kit fox or American badger burrows are present in the Project Area. If potential burrows are located, they shall be monitored by the qualified biologist. If the burrow is determined to be active, the qualified biologist shall verify there are suitable burrows outside of the Project Area prior to undertaking passive relocation actions. If no suitable burrows are located, artificial burrows shall be created at least 14 days prior to passive relocation. The qualified biologist shall block the entrance of the active burrow with soil, sticks, and debris for 3-5 days to discourage the use of the burrow prior to Project activities. The entrance shall be blocked to an incrementally greater degree over the 3-5 day period. After the qualified biologist has determined there are no active burrows the burrows shall be hand-excavated to prevent re-use. No disturbance of active dens shall take place when juvenile desert kit fox and juvenile American badgers may be present and dependent on parental care. A qualified biologist shall determine appropriate buffers and maintain connectivity to adjacent habitat should natal burrows be present.
29. (BIO-6) A qualified biologist shall conduct an education program for all persons employed or otherwise working on the Project site prior to performing any work on-site. The program shall consist of a presentation that includes a discussion of the biology of the habitats and species that may be present at the site. The qualified biologist shall also include as part of the education program information about the distribution and habitat needs of any special status species that may be present, legal protections for those species, penalties for violations, and



mitigation measures. Education should include but not be limited to desert tortoise, burrowing owl, desert kit fox, American badger, nesting birds, and special-status plants. Interpretation shall be provided for non-English speaking workers, and the same instruction shall be provided for any new workers prior to their performing work on-site.

30. (BIO-7) All Project activities on-site shall be conducted outside of nesting bird season (the bird nesting season is typically from January 1 – September 15) to the maximum extent feasible. If Project activities begin during the non-nesting season (September 16 – December 31), a pre-construction nesting bird survey shall be performed to verify the absence of nesting birds. A qualified biologist shall conduct the pre-activity nesting bird survey within the Project areas (including access routes) and a 300-foot buffer surrounding the Project areas, within 2 hours prior to initiating Project activities.

If project activities begin during the nesting bird season (generally, raptor nesting season is January 1 – September 15; and passerine bird nesting season is February 1 – September 1), a qualified biologist shall conduct pre-project nesting bird surveys, implement nest avoidance buffers, and conduct monitoring at all active nests within the work area and surrounding 300-foot buffer. Nesting bird surveys shall be conducted by a qualified biologist within 300 feet of all work areas, no more than 3 days prior to commencement of project activities. If active nests containing eggs or young are found, a qualified biologist shall establish an appropriate nest buffer. Nest buffers are species-specific and range from 100 feet for passerines and 300 feet for raptors, depending on the planned activity's level of disturbance, site conditions, and the observed bird behavior. A smaller buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species. Established buffers shall remain until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests shall be monitored until the qualified biologist has determined the young have fledged or the project is finished. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.

31. (BIO-8) If any construction or project related activity on-site results in the take of a California Endangered Species Act (CESA) listed species, the project proponent shall gain appropriate authorization prior to the commencement of any project related activities on-site (e.g. clearing, grading, trenching, construction, etc.). This may include an incidental take permit or a consistency determination in certain circumstances as determined by the California Department of Fish and Wildlife.
32. (BIO-9) Unless determined to be unnecessary by the project biologist, the applicant/developer shall provide a qualified biologist on-site prior to and during all ground and habitat disturbing activities to move out of harm's way wildlife that would otherwise be injured or killed from related project activities. Movement of wildlife out of harm's way should be limited to only those individuals that would otherwise be injured or killed, and individuals should only be moved as far as necessary to ensure their safety. Measures to prevent wildlife from re-entering the site should also be taken. Only qualified biologists with authorization by CDFW may move CESA-listed species.
33. (BIO-10) Joshua trees shall be protected to comply with the Victorville City Development Code through transplantation, stockpiling and implementation of protective measures as recommended in the Protected Plant Preservation Plan, November 2021. Additionally, prior to the implementation of the recommended measures outlined in the Protected Plant Preservation Plan and prior to "take" of any western Joshua tree (a Candidate for listing as threatened under the California Endangered Species Act (CESA)), a CESA Incidental Take Permit (CESA ITP) or Western Joshua Tree Conservation Act (WJTCA) Incidental Take

Permit (WJTCA ITP) shall be obtained from the California Department of Fish and Wildlife (CDFW). California Fish and Game Code section 86 defines “take” as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”. Take of any CESA-listed species is prohibited except as authorized by state law (Fish and Game Code, §§ 2080 & 2085). Permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA and the WJTCA to fully mitigate Project-related impacts of the taking of the western Joshua tree. CDFW recommends and the WJTCA requires permanent protection of WJT habitat through the acquisition of conservation lands, development of a long-term management plan, and establishment of sufficient funding to implement management plan tasks in perpetuity. These tasks should be completed before starting Project ground-disturbing activities or by providing financial security. In order to execute a CESA ITP or a WJTCA ITP, CDFW requires documentation of CEQA compliance. CDFW requires the CEQA document have a State Clearing House number, show proof of filing fees, and proof the document has been circulated.

34. (BIO-11) Should ground disturbing activities commence after October 28, 2022, a new biological survey shall be filed with the City of Victorville to determine the presence or absence of endangered species, threatened species, candidate species, Species of Special Concern, and fully protected species on the site and to ensure appropriate mitigation measures are maintained. Additionally, the new biological survey shall include a thorough, floristic-based assessment of special status plants and natural communities, following the California Department of Fish and Wildlife Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. Said survey shall be filed with the City Planner or his designee prior to issuance of a grading permit and shall verify the adequacy of the adopted mitigation measures. Any measures deemed inadequate will cause the applicant to confer with the California Department of Fish and Wildlife (CDFW) to determine appropriate mitigation measures prior to the issuance of any grading permit, including species specific avoidance, minimization, and implementation methods. The survey shall be valid for a period of one year.
35. (BIO-12) A jurisdictional delineation of waters of the State shall be performed and a Lake and Streambed Alteration (LSA) notification package shall be submitted to CDFW for review and possible approval prior to initiation of project activities. If through an LSA Notification, impacts to Fish and Game Code section 1602 resources are determined by CDFW to be included in the projects scope of work, an LSA Agreement pursuant to Section 1602 of the Fish and Game Code shall be prepared by CDFW, and shall include appropriate avoidance, minimization and mitigation measures, as determined by CDFW.
36. (BIO-13) Unless otherwise deemed unnecessary by applicable reviewing agencies (e.g. U.S. Army Corps of Engineers and Regional Water Quality Control Board), a Jurisdictional Delineation shall be prepared to determine if waterways are present within the project footprint. If these potential jurisdictional features are within the project footprint, a jurisdictional delineation and notification package shall be submitted to applicable agencies for review and approval prior to project development. If impacts to a jurisdictional drainage feature are determined to be included in the projects scope of work, the necessary permits pursuant to Sections 404 and 401 of the Clean Water Act shall be prepared and obtained accordingly.
37. (BIO-14) Prior to Project implementation, and during the appropriate season, the applicant shall conduct botanical field surveys following protocols set forth in the ‘Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities’ (CDFW 2018). The surveys shall be conducted by a CDFW-approved botanist(s) experienced in conducting floristic botanical field surveys, knowledgeable of plant

taxonomy and plant community ecology and classification, familiar with the plants of the area, including special-status and locally significant plants, and familiar with the appropriate state and federal statutes related to plants and plant collecting. The botanical field surveys shall be conducted at the appropriate time of year when plants will both be evident and identifiable (usually, during flowering or fruiting) and, in a manner, which maximizes the likelihood of locating special-status plants and sensitive natural communities that may be present. Botanical field surveys shall be conducted floristic in nature, meaning that every plant taxon that occurs in the Project area is identified to the taxonomic level necessary to determine rarity and listing status.

If any rare plants or sensitive vegetation communities are identified, the applicant shall either avoid the plant(s), by establishing an appropriate avoidance buffer, or mitigate the loss of the plant(s) through the purchase of mitigation credits from a CDFW-approved bank, or by land acquisition and conservation at a minimum 3:1 (replacement-to-impact) ratio. Note that a higher ratio may be warranted if the proposed mitigation lands are located far from the Project site (i.e., within a separate watershed).

If the Project has the potential to impact a State-listed plant species, the applicant shall apply for a California Endangered Species Act Incidental Take Permit with the California Department of Fish and Wildlife.

38. (CR-1) The applicant shall provide for an on-site paleontological/archaeological inspector to monitor all grading operations, or a letter from said licensed professional indicating that monitoring a) is not necessary during grading, or b) that the monitoring schedule can be adjusted to scheduled intervals. Further, if disturbed resources are required to be collected and preserved, the applicant shall be required to participate financially up to the limits imposed by Public Resources Code Section 21083.2. The results of said monitoring shall be filed with the Planning Department prior to the final approval of the project.
39. (CR-2) 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) and the Cabazon Band, Morongo Band, and Twenty-nine Palms Band of Mission Indians shall be contacted, as detailed within TCR-1, regarding any pre-contact 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.
40. (CR-3) If significant pre-contact 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 the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) and the Cabazon Band, Morongo Band and Twenty-nine Palms Band of Mission Indians for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.
41. (CR-4) If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.

42. (CR-5) If the remains are determined to be prehistoric, the County Coroner will notify the Native American Heritage Commission (NAHC), which will determine a notify a Most Likely Descendant (MLD). With the permission of the landowner or their authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours from the time access to the site is granted by landowner or their authorized representative. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials
43. (GHG-1) 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.
44. (GHG-2) 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).
45. (WTR-1) A "Water Will Serve" letter shall be obtained by the applicant/developer from the Victorville Water District prior to the recordation of any final map included in this proposal.
46. (WTR-2) Prior to issuance of a grading permit the applicant shall obtain coverage under the statewide general NPDES permit for control of construction and post-construction related storm water in accordance with the requirements of the Small MS4 General Permit. In addition, the applicant shall:
- Prepare a project specific Storm Water Pollution Prevention Plan (SWPPP) as required in the NPDES permit and shall identify site-specific erosion and sediment control best management practices that will be implemented;
  - The SWPPP shall be applicable to all areas of the project site including construction areas, access roads to and through the site, and staging and stockpile areas;
  - Temporary best management practices for all components of the project must be implemented until such time as permanent post-construction best management practices are in place and functioning; and
  - All excess sediment excavated as part of the Project that is not used onsite should be stockpiled in a location such that it will not be transported by wind or water into a surface water. An adequate combination of sediment and erosion control BMPs must be implemented and maintained to temporarily stabilize all stockpiled sediment until such time that it is reused and/or permanently stabilized.
47. (WTR – 3) The applicant/developer shall prepare and implement a comprehensive Spill Prevention and Response Plan for the Project, subject to review and approval by the City Planner and City Engineer (or their designee) prior to the issuance of any associated building or grading permit. This plan should outline the site-specific monitoring requirements and list the best management practices necessary to prevent hazardous material spills or to contain and cleanup a hazardous material spill, should one occur.
48. (TRAN-1) The Applicant/Developer shall be responsible for implementing all required mitigation measures as outlined in the Traffic Impact Analysis prepared for the subject Tentative Tract Map on July 7, 2020, as approved by the City Traffic Engineer. Adherence to

the subject mitigation measures shall be included in associated street improvement plans and the final map as deemed necessary by the City Engineer.

49. (TCR-1) The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) and the Cabazon Band, Morongo Band and Twenty-nine Palms Band of Mission Indians shall be contacted, as detailed in Cultural Resources Mitigation Measure CR-2, of any pre-contact 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 the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) and the Cabazon Band, Morongo Band and Twenty-nine Palms Band of Mission Indians, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor(s) to be present that represents SMBMI as well as the Cabazon Band, Morongo Band and Twenty-nine Palms Band of Mission Indians for the remainder of the project, should any of the tribes elect to place a monitor on-site.
50. (TCR-2) 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 the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) and the Cabazon Band, Morongo Band and Twenty-nine Palms Band of Mission Indians. The Lead Agency and/or applicant shall, in good faith, consult with SMBMI and the Cabazon Band, Morongo Band and Twenty-nine Palms Band of Mission Indians throughout the life of the project.
51. (TCR-3) The applicant shall provide for an on-site Native American Monitor approved by the Twenty-Nine Palms Band of Mission Indians to monitor all ground disturbing activities, or a letter from the Twenty-Nine Palms Band of Mission Indians indicating that monitoring a) is not necessary during all ground disturbing activities, or b) that the monitoring schedule can be adjusted to scheduled intervals. Further, if disturbed resources are required to be collected and preserved, the applicant shall be required to participate financially up to the limits imposed by Public Resources Code Section 21083.2. The results of said monitoring shall be filed with the Planning Department prior to the final approval of the project.
52. (TCR-4) If requested by a California Native American tribe affiliated with the area, soil disturbance activities on the project site shall be monitored by a qualified tribal monitor. If tribal resources are discovered during soil disturbance or construction activities, work shall cease in the area of the find until an appropriate Tribal Representative has evaluated the find. Construction personnel shall not collect or move any tribal resources. Construction activity may continue unimpeded on other portions of the project site. Any tribal resources shall be treated with appropriate dignity and protected and preserved as appropriate.

**Engineering Conditions:**

53. The subdivider shall prepare and file with the City, a final map in accordance with the requirements of the Subdivision Map Act, latest amendments, and all applicable provisions of Title 16 and Title 17 of the Victorville Municipal Code.
54. The final map shall be based upon a recent field survey made in conformity with the Land Surveyor's Act.
55. The subdivision map shall show all easements of record within the subdivision boundary and

annotate said easements as required by the City.

56. Any easements required for public utilities, City owned water, sewer, and/or drainage facilities shall be dedicated on the final map.
  - a) Drainage easements shall be dedicated to the City of Victorville on the final map.
57. 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.
58. 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.
59. The subdivision property owner shall request a vacation of excess right-of-way from the City and record the final map. The final map shall address the following:
  - a) Vacation of 18-feet public right-of-way from the existing southerly property line along the Maricopa Road frontage.
60. The subdivision property owner shall offer to dedicate public road easements for all streets shown within the boundary of the subdivision map. The map shall dedicate an easement for public right-of-way to the City of Victorville for the following in accordance with the Circulation Element:
  - a) An additional 2-foot dedication for a total of 34-feet along Dos Palmas Road
  - b) An additional 3-foot dedication for a total of 47-feet along Dos Palmas Road (total length of 360-feet west of Mesa View Drive) to accommodate a dedicated right-turn pocket.
  - c) A total of 34-feet along Mesa View Drive
  - d) A total of 51-feet along Bellflower Street
  - e) An additional 11-foot dedication for a total of 62-feet along Bellflower Street (total length of 360-feet South of Dos Palmas Road) to accommodate a dedicated right-turn pocket.
61. The subdivider shall contact San Bernardino County to submit plans and obtain permits to work near the existing SBCFCD Drainage easement(s) abutting the project parcel to the South.
62. Channel improvement plans prepared by a licensed Civil Engineer to capture, convey, discharge and dissipate storm water flows shall be submitted to Development Engineering for review and approval by the City Engineer. The plan shall include elements to protect and mitigate the improved channel from the potential effects of storm water erosion for a 100-year storm event. Mitigatory measures will include at a minimum: concrete-lined side slope protection with cut-off walls submerged a minimum of two (2) feet below the calculated scour

flow path depth and energy dissipation devices at the outfall of the channel to prohibit erosion and adverse conditions from forming downstream. Other elements may include check dams, spillways, endwalls, splash pads, rip rap or other improvements recommended and accepted by City Engineer in the final approved hydrology report. Channel improvements shall be accessible for maintenance purposes with 20-foot road access on each side of the channel, as well as, vehicular ramp(s) to reach the channel bottom(s).

a) Channel improvements shall be designed to flow under any road improvements.

63. Prior to the approval of first occupancy in phase 2 of the development, the proposed channel improvements traversing the tract shall be fully improved per the approved plans.

64. 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.

a) Dos Palmas Road (Rainer Street) has been partially constructed. The developer may match existing street improvements along Dos Palmas Road if the current pavement structural section meets City Standard No. S-25 (Minimum Criteria: TI =8 and R-Value of 50 or 3.5" AC over 8" CAB). A clean 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, fill, and slurry seal from new curb to existing curb. The developer shall provide a dedicated right-turn pocket for EB traffic along Dos Palmas Road. The dedicated right-turn pocket shall be a minimum of 300-feet long with a 60-foot taper for a total length of 360-feet measured from the BCR.

b) Mesa View Drive has been partially constructed. The developer may match existing street improvements along Mesa View Drive if the current pavement structural section meets City Standard No. S-25 (Minimum Criteria: TI =8 and R-Value of 50 or 3.5" AC over 8" CAB). A clean 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, fill, and slurry seal from new curb to existing curb. Mesa View Drive shall include a street taper of 20:1 past the project frontage to align with the southerly connection of the street per City Standard Specifications and Standards.

c) Construction of Bellflower Street to ultimate half-width along the project frontage (inclusion of the dedicated right turn pocket) approaching Dos Palmas Road. The developer shall install an additional 12-feet of pavement widening, an AC berm, and parkway grading on the opposite side of the street centerline as required by the City Engineer. A raised center median shall be constructed to match the cross section of a major arterial designation within the City Circulation Element.

65. The City Engineer will recommend that the City Council enter into a DIF credit agreement for the required public improvements that are constructed by the Developer in accordance with City Policy No. CP-24-05.

66. Provide improved secondary access as required by the City's Fire Department, including all required off-site dedications. This may include:

a) Extension of Bellflower Street to connect either northerly to the limits of Palmdale Road which will trigger a traffic signal modification on Caltrans ROW or;

- b) Extension of Bellflower Street to southerly to Luna Road and easterly along Luna Road to the existing easterly pavement limits of Luna Road. Any extension past the project boundary limits shall have a minimum total pavement width of 26-feet with a 20:1 street taper per City Specifications and Standards.

The extension of Bellflower street shall not be required if one of the proposed improvements listed above has been constructed prior to project development.

- 67. Grading plans and Erosion control plans for the subdivision shall be prepared by a licensed Civil Engineer per City Standards and submitted to Development Engineering for review and mylar approval by the City Engineer.
- 68. Street improvement plans for all required curb and gutter, sidewalks, pavement widening, driveway approaches, and cross-gutters, with reference to drainage structures, street lighting, signing & striping, and other roadway improvements within public right-of-way, shall be prepared by a licensed Civil Engineer per City Standards and submitted to Development Engineering for review and mylar approval by the City Engineer.
- 69. Water improvement plans shall be prepared by a licensed Civil Engineer per City Standards and submitted to the Development Engineering for review and mylar approval by the City Engineer. 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 Development Engineering for review and approval by the City Engineer. A current 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 (updated) approved water feasibility study.
- 70. Sewer improvement plans shall be prepared by a licensed Civil Engineer per City Standards and submitted to the Development Engineering for review and mylar approval by the City Engineer. 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 Development Engineering for review and approval by the City Engineer.
- 71. Storm drain improvement plans shall be prepared by a license Civil Engineer per City Standards for all required storm drain pipes, catch basins, parkway drains, structures, culverts, and other improvements within the public right-of-way and/or easements shall be submitted to Development Engineering for review and approval by the City Engineer.
  - a) 18" Reinforced concrete pipe (RCP) is the minimum size allowed for all storm drain structures.
- 72. Signing and Striping improvement plans shall be prepared by a licensed Civil/Traffic Engineer per City Standards and submitted to the Development Engineering for review and mylar approval by the City Engineer.
- 73. Streetlight improvement plans shall be prepared by a licensed Civil Engineer per City Standards and submitted to the Development Engineering for review and mylar approval by the City Engineer.



74. The developer shall provide a fair-share contribution of 25% for the installation of a future traffic signal at the intersection of Bellflower Street and Dos Palmas Road. 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. A fair-share contribution shall not be required if the proposed signalized intersection is fully constructed at the time of project development.
75. A final hydrology and hydraulic study shall be prepared by a licensed Civil Engineer per City Standards and submitted to Development Engineering for review and approval by the City Engineer. The developer shall provide hydrology and hydraulic calculations to size any drainage structures and facilities included in all the improvement plans. The study shall identify both on and off-site flows including an analysis of all recommended drainage structures and facilities included within the channel and/or storm drains.
76. A final geotechnical report shall be prepared by a licensed Civil/Geotechnical Engineer per City Standards and submitted to Development Engineering for review and approval by the City Engineer.
77. A final Water Quality Management Plan (WQMP) for the subdivision for the on-site post-construction BMPs for treatment of storm water run-off, along with a WQMP exhibit, shall be prepared by a licensed Civil Engineer per City Standards and submitted to Development Engineering for review and approval by the City Engineer.
78. 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. A flood control water quality retention/detention improvement plan prepared by a licensed Civil Engineer detailing all proposed mitigatory measures/infrastructure shall be prepared and submitted to Development Engineering for review and approval by the City Engineer in accordance with the approved WQMP and final hydrology study.
79. 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 Engineering Plan Check Fee Schedule based on the engineer's cost estimate shall be required with the plan submittal.
80. A permit issued from the 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.
81. A permit issued from the Engineering Department is required for the connection to the public sewer, water, and/or storm drain system.
82. 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.
83. 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.

84. Pursuant to Section 17.76.010 of the Victorville Municipal Code, prior to the filing of any final map or parcel map, the subdivider shall pay or cause to be paid any fees (assessments) for defraying the actual or estimated costs of constructing planned drainage facilities for the removal of surface and storm waters from local or neighborhood drainage areas, or sanitary sewer facilities for local sanitary sewer areas established pursuant to Section 66483 of the Government Code.
85. 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.
86. 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.
87. The subdivider shall be responsible for obtaining any permissions or easements for land disturbing activities or public improvements constructed on adjacent properties prior to the approval of plans and issuance of permits.
88. The subdivider shall submit an initial and final digital AutoCAD (.dwg file) copy of the map.
89. The subdivider shall provide the City with a copy of the recorded final map on reproducible polyester-based film (mylar).
90. The subdivider shall provide the City with a copy of approved improvement plans on reproducible polyester-based film (mylar) for the City Engineer's signature of approval.
91. 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 formed Community Facilities District (CFD) No. 2024-01 of the City of Victorville (Municipal Services) to fund the ongoing costs of City services, including public safety, street/sidewalk maintenance, flood and storm protection, and other eligible service impacts. Prior to the recording of the final map or issuance of a building permit for the proposed development, the Developer shall annex the subject site into CFD No. 2024-01, or shall establish a funding mechanism to provide an ongoing source of funds for the additional services comparable to the uniform standardized rates established for CFD No. 2024-01.
92. The subdivider shall be required to construct landscape improvements along the Dos Palmas Road, Mesa View Drive, and Bellflower Street frontage per City Standards. A plan for the landscaping and irrigation improvements required shall be prepared by the subdivider and shall be submitted to Development Engineering for review and approval by the City Engineer.
93. 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.
94. All requirements of Section 16-5.12.170 of the Victorville Municipal Code regarding the placing of utility lines underground shall be complied with.
95. 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.

96. 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.
97. 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 Development Engineering. All NPDES guidelines and requirements must be adhered to, and best management practices followed at all times during construction.

**Building Conditions:**

98. The project shall comply with all building codes in effect at the time of plan submittal.
99. 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 at: <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:**

100. Shall comply with all 2022 California Building and Fire Code requirements based on occupancy classification; and all applicable City of Victorville Fire Prevention Standards.
101. Address and suite numbers shall be clearly identified on all new construction or tenant improvement plans submitted to the Fire Department for approval with City of Victorville Fire Prevention Standard B-1.
102. Automatic Fire Sprinkler System(s) are required for the proposed building(s). System shall be monitored. Plans shall be submitted and approved prior to construction and comply with City of Victorville Fire Prevention Standard F-1.
103. 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.
104. 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.

105. An approved On-Site 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.
106. 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.
107. Fire Department access roadways greater than 150 feet in length shall require approved turnarounds per City of Victorville Fire Prevention Standard A-1. Any street exceeding 600 feet; will require secondary access.
108. Projects with buildings exceeding 100,000 square feet or an underground water supply that serves five (5) or more sprinkler risers or fire hydrants shall be required to have a looped fire line system with a minimum of two (2) points of connection to the public and/or private water source. City of Victorville Fire Prevention Standard W-2.