

ATTACHMENT "A"
List of Conditions for TT23-00005

Approval Date:
Effective Date:
Expiration Date:

This list of conditions applies to Consideration of Tentative Tract Map No. 20674 (TT23-00005) to create 20 single-family residential lots and 1 lettered lot on 5.0 gross acres within the Single Family Residential (R1-4500) zone located at the northwest corner of Hollister Street and Afton Avenue in conjunction in conjunction with adoption of a mitigated negative declaration pursuant to the provisions of CEQA (Applicant: Trio Grande LLC; APN: 3057-051-09).

The use shall not be established until all conditions of this land use approval application have been met. This approved land use shall become null and void if all conditions have not been by the expiration date noted above. Extensions of time may be granted upon submittal of the required application and fee prior to the expiration date.

(Note: the "COMPLETED" and "COMPLIED BY" spaces are for internal City use only).

CONDITIONS REQUIRED AS PART OF SUBMITTAL OF PUBLIC IMPROVEMENT PLANS

<u>COMPLETED</u>	<u>COMPLIED BY</u>	DUST CONTROL. Dust control shall be maintained before, during, and after all grading operations. (B)
NOT IN COMPLIANCE		

<u>COMPLETED</u>	<u>COMPLIED BY</u>	STREET NAME APPROVAL. The developer shall submit a request for street names for all of the interior streets for review and approval by the Building Division.
NOT IN COMPLIANCE		

<u>COMPLETED</u>	<u>COMPLIED BY</u>	PLANS. All required plans shall be prepared by a registered Civil Engineer per City standards and to the satisfaction of the City Engineer. Five sets of improvement plans shall be submitted to the Development Services Department and Engineering Department for plan review along with required checking fees. The Final Map CDP Improvement Plans requested studies and CFD annexation must be submitted as a package. (E)
NOT IN COMPLIANCE		

<u>COMPLETED</u>	<u>COMPLIED BY</u>	FINAL MAP: A Final Map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor based upon a survey and shall conform to all provisions as outlined in Article 2, Section 66433 of the Subdivision Map Act as well as the San Bernardino County Surveyors Office Final Map Standards. (E)
NOT IN COMPLIANCE		

<u>COMPLETED</u>	<u>COMPLIED BY</u>	GEOTECHNICAL REPORT. The Developer shall provide two copies of the soils report to substantiate all grading building and public improvement plans. Include R value testing and pavement recommendations for public streets. (E B)
NOT IN COMPLIANCE		

<u>COMPLETED</u>	<u>COMPLIED BY</u>	TITLE REPORT. The Developer shall provide a complete

NOT IN COMPLIANCE

title report 90-days or newer from the date of submittal.
(E)

COMPLETED

COMPLIED BY

NOT IN COMPLIANCE

PLAN CHECK FEES. Plan checking fees must be paid in conjunction with the improvement plan submittal. All required plans, maps, requested studies, CFD annexations, etc. must be submitted as a package. The Developer shall coordinate with the City's Engineering Analyst, Dena Alcayaga at (760) 947-1438 or dalcayaga@cityofhesperia.us, to obtain the fee calculation form which shall be completed and submitted, along with fee payment, at time of plan submittal. Any outstanding fees must be paid before final inspection and the release of bonds.

COMPLETED

COMPLIED BY

NOT IN COMPLIANCE

DRYWELLS. The Project may be permitted to install drywells to ensure the required drawdown time will be achieved.

A. Drywells shall have a City-approved pretreatment component equivalent to a 2-phase system with debris shield and filter element.

B. Drywells shall be constructed by a contractor qualified in the construction of drywells.

C. Drywells in retention basins shall include a secured grate to prevent unauthorized removal.

D. The excavation for the drywell shall penetrate a minimum of 10 continuous feet into a suitable permeable layer or when a depth of 60 feet has been reached, unless otherwise approved by the City Engineer.

E. Drywells that cease to drain a basin or underground system within 48 hours of the end of a storm event shall be replaced or refurbished by the owner. This requirement shall be written in the CC&Rs for all subdivisions where drywells are installed.

F. Drywell usage shall comply with all prevailing City, State, and Federal requirements, including the Underground Injection Control Regulations for Class V Injection Wells.

G. A Drywell Maintenance Plan shall be submitted to the City for review and approval prior to the approval of a drywell installation at a project site.

H. The Drywell Maintenance Plan shall include the following:

1. Drywell(s) location, depth, type, installing contractor, date of installation, owner, maintenance contractor, and emergency contact.

2. Settling chambers and interceptors to be inspected annually;

3. Removal of sediment and debris when:
 - a. Sediment/debris level fills = 25% of the capacity;

- b. Drywell ownership or maintenance responsibility changes;

- c. Material not resulting from stormwater/urban runoff enters the settling chamber or

interceptor

I. Submit inspection/maintenance reports to the City (Building and Safety within 10 days of inspection/maintenance.

COMPLETED

NOT IN COMPLIANCE

COMPLIED BY

The Project shall be designed to prevent adverse impacts to downstream properties and/or drainage facilities caused or exacerbated by the project. The project shall demonstrate that runoff from the completed project site will not exceed 90% of the pre-project runoff discharge rates for the 24-hour design storm for the 100-year return frequency rainfall events.

A. Drawdown Time. All drainage facilities which are designed to percolate/infiltrate surface runoff (including basins, drywells, or infiltration-based low impact development features) shall not accumulate standing water for more than 48 hours. All drainage facilities designed to provide detention storage shall recover 100 percent of their design detention volume within 48 hours.

B. Groundwater Protection. The Project shall ensure any retention/infiltration or detention facilities will not adversely impact groundwater.

C. Underground Retention/Detention Systems. The Project shall demonstrate a minimum functional life span of 50 years for materials (e.g., polymer, metal, mineral-based, or other) used in underground retention/detention systems.

CONDITIONS REQUIRED PRIOR TO RECORDATION OF ANY PHASE OF THE FINAL MAP

COMPLETED

NOT IN COMPLIANCE

COMPLIED BY

LETTERED LOTS. Lettered lots shall be dedicated to the City of Hesperia for drainage storm drain retention basin slope maintenance and open space purposes. (E)

COMPLETED

NOT IN COMPLIANCE

COMPLIED BY

The Developer shall execute Improvement and Grading Agreements and post surety for all public improvements. The amounts to be approved by the City Engineer. (E)

COMPLETED

NOT IN COMPLIANCE

COMPLIED BY

NON-VEHICULAR ACCESS. Vehicular access rights across the project frontage on said Avenue and said Street shall be dedicated to the City of Hesperia and labeled as N.V.A. on the Final map. (E)

COMPLETED

NOT IN COMPLIANCE

COMPLIED BY

OFF-SITE OFFER OF DED. AND EASEMENT: Should off-site offers of dedication or easements be required for off-site improvements it shall be the responsibility of the Developer to obtain such dedications or easements at no cost to the City pursuant to section 66462.5 of the Subdivision Map Act. (E)

COMPLETED

COMPLIED BY

DEDICATIONS. The Developer shall grant to the City of

NOT IN COMPLIANCE

Hesperia an Irrevocable Offer of Dedication for roadways and Grant of Easement(s) for storm drain and utility purposes as shown on the approved tentative map and as described below (E)

COMPLETED

COMPLIED BY

NOT IN COMPLIANCE

INTERIOR STREETS-IOD. The Developer shall grant to the City an Irrevocable Offer of Dedication for the interior streets. Streets shall be sixty (60') feet wide per City standards for a Local Roadway. Corner cut-off right of way dedication per City standards is required at all intersections including interior roadways except at knuckles. (E)

COMPLETED

COMPLIED BY

NOT IN COMPLIANCE

PERIMETER STREETS. The Developer shall grant to the City an Irrevocable Offer of Dedication for perimeter streets. The dedication shall be 30 foot half-width per the City standards for a Local Roadway. It is the Developers responsibility to obtain any additional Right-of-Way dedication needed to satisfy the 26 minimum paving requirement at no cost to the City. Corner cut-off right of way dedication per City standards is required at all intersections. (E)

COMPLETED

COMPLIED BY

NOT IN COMPLIANCE

COST ESTIMATE/MATERIALS LIST. The Developer shall submit a cost estimate and materials list to the City's Engineering Department for all on site and off site public improvements per City standards. (E)

COMPLETED

COMPLIED BY

NOT IN COMPLIANCE

GRADING PLAN. The Developer shall submit a Grading Plan with existing contours tied to an acceptable City of Hesperia benchmark. The grading plan shall indicate building footprints and proposed development of the retention basin(s) as a minimum. Site grading and building pad preparation shall include recommendations provided per the Preliminary Soils Investigation. All proposed walls shall be indicated on the grading plans showing top of wall (tw) and top of footing (tf) elevations along with finish grade (fg) elevations. Wall height from finish grade (fg) to top of wall (tw) shall not exceed 6.0 feet in height. Grading Plans are subject to a full review by the City of Hesperia and the City Engineer upon submittal of the Improvement Plans. (E)

COMPLETED

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NOT IN COMPLIANCE

OFF-SITE GRADING LETTER(S). It is the Developers responsibility to obtain signed Off-Site Grading Letters from any adjacent property owner(s) who are affected by any Off-Site Grading that is needed to make site work. The Off-Site Grading letter(s) along with the latest grant deed(s) must be submitted and appropriate fees paid to the City's Engineering Department for plan check approval. (E)

COMPLETED

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NOT IN COMPLIANCE

STREET IMPROVEMENTS. The Developer shall design street improvements in accordance with City standards and these conditions. (E)

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COMPLIED BY

INTERIOR STREET IMPROVEMENTS: Shall be designed to the City standard for a 60-foot wide Local Roadway, as indicated below. Curb face is to be at 20' from centerline: (E)

- A. 6 Curb and Gutter per City standards.
- B. Sidewalk (width = 4 feet) per City standards.
- C. Handicapped ramps at all intersections, excluding knuckles, per City standards.
- D. Concrete residential driveway per City standards.
- E. Full paved roadway section (minimum section 3 A.C. over 4 aggregate base)
- F. Roadway drainage device(s).
- G. Streetlights per City standards.
- H. Traffic control signs and devices as required by the traffic study and/or the City Engineer.

COMPLETED
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COMPLIED BY

PERIMETER STREET IMPROVEMENTS: Developer shall design to construct a minimum of 26' of paving across the project frontage, based on City's 60-foot Local Roadway Standard. The curb face is to be at 20' from the approved centerline. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of: (E)

- A. 8" Curb and Gutter per City standards.
- B. Sidewalk (width = 6 feet) per City standards.
- C. Roadway drainage device(s).
- D. Streetlights per City standards.
- E. Intersection improvements including handicapped ramps per City standards.
- F. Pavement transitions per City Standards.
- G. Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index of 8 and per the soils report.
- H. Cross sections every 50-feet per City standards.
- I. Traffic control signs and devices as required by the traffic study and / or the City Engineer.
- J. Provide a signage and striping plan per City standards.
- K. It is the Developer's responsibility to obtain any off-site dedications for transition tapers including acceleration / deceleration tapers and to satisfy the 26' minimum paving requirement per City standards.
- L. Relocate existing overhead utilities to underground. The Developer shall coordinate with affected utility companies.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

UTILITY PLAN: The Developer shall design a Utility Plan for service connections, hydrant locations and sewer connections. The Developer shall adjust any existing fire hydrants to grade that are affected by the construction of the proposed project improvements. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

UTILITIES. Utility plans shall be in accordance with City standards as described below (E)

A. During construction the entire tract shall have a Master Water Meter per City standards. The Master Meter shall remain in place until all lots are occupied at which time the individual meters shall be set and activated per City standards.

B. Automatic meter readers to be added on all meter connections.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

WATER IMPROVEMENTS. The Developer shall design water improvements in accordance with City standards and as indicated below. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

INTERIOR STREETS WATER IMPROVEMENTS. Interior water service shall be a looped system of 8 P.V.C. (min.) water lines with hydrants at 330 foot intervals. It is the Developers responsibility to obtain any dedication(s) or easement(s) needed to construct water line. The Developer shall provide plan and profile per City standards. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

PERIMETER STREETS WATER IMPROVEMENTS. Developer shall design to construct an 8 (min.) P.V.C. water main in the perimeter streets across project frontage per City standards and City approval. Hydrants are to be at 330 foot intervals. It is the Developers responsibility to obtain any dedication(s) or easement(s) needed to construct water line. The Developer shall provide plan and profile for connections to existing water mains per City standards. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

OFF SITE WATER IMPROVEMENTS. Developer shall design to construct an 8 (min.) P.V.C. water main in Hollister Street from Afton Avenue and tie into existing at Well Road, in Afton Avenue from Oak Valley Street and tie into existing in Sultana Street per City standards and City approval. Hydrants are to be at 330 foot intervals. It is the Developers responsibility to obtain any dedication(s) or easement(s) needed to construct water line. The Developer shall provide plan and profile for connections to existing water mains per City standards. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

STORM DRAIN IMPROVEMENTS. The Developer shall design storm drain improvements in accordance with City standards as indicated below. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

INTERIOR STREETS STORM DRAIN IMPROVEMENTS. As Required

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

CFD ANNEXATION. The applicant shall annex the property into Community Facilities District CFD 94-01 concurrent with recordation of the final map. (F)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

COMPOSITE DEVELOPMENT PLAN (CDP). Four copies of a CDP shall be submitted in accordance with Chapter 17.20 of the Municipal Code. CDP notes to be delineated are referenced in Section 17.20.020(C). In addition, the following notes shall be included: i) Each single-family residence within this subdivision shall contain a minimum livable area (excluding required garages) of not less than 1,400 square feet; and ii) A minimum of three different floor plans shall be provided, each with a minimum of three different elevations. At least one single story plan shall be provided.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

PRE-CONSTRUCTION MEETING. Pre-construction meetings shall be held between the City the Developer grading contractors and special inspectors to discuss permit requirements monitoring and other applicable environmental mitigation measures required prior to ground disturbance and prior to development of improvements within the public right-of-way. (B)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

SURVEY. The Developer shall provide a legal survey of the property. All property corners shall be staked and the property address posted. (B)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

APPROVAL OF IMPROVEMENT PLANS. All required improvement plans shall be prepared by a registered Civil Engineer per City standards and per the City's improvement plan checklist to the satisfaction of the City Engineer. Five sets of improvement plans shall be submitted to the Development Services Department and Engineering Department for plan review with the required plan checking fees. All Public Works plans shall be submitted as a complete set. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

RECORDATION OF FINAL MAP. Final Map shall be approved by City Council and Recorded with the County of San Bernardino

COMPLETED

COMPLIED BY

FINAL WQMP SUBMITTAL. Submit a final WQMP,

NOT IN COMPLIANCE

prepared using the applicable Mojave River Watershed Group Regulated WQMP Template, which includes all required or proposed revisions, addresses any comments provided on the draft WQMP, provides final designs for best management practices (BMPs), and includes calculations for BMP sizing.

COMPLETED

COMPLIED BY

NOT IN COMPLIANCE

PERCOLATION TEST. The applicant shall provide percolation test data which are adequate to substantiate the hydrologic performance of all proposed basins, underground retention systems, drywells, or other features requiring percolation of surface water:

A. Projects shall provide site-specific percolation test data to

substantiate the performance and effective drawdown

time of all proposed surface retention basins.

B. Projects shall provide site-specific, depth-appropriate percolation test data for the proposed subsurface infiltration/retention system; and/or for any proposed drywells.

C. Percolations tests shall be performed in accordance with

the procedures in Appendix A of the Riverside County

Design Handbook for Low Impact Development Best Management Practices; available online at:

<http://www.floodcontrol.co.riverside.ca.us/NPDES/LIDBM.P.aspx>

COMPLETED

COMPLIED BY

NOT IN COMPLIANCE

STORM WATER POLLUTION PREVENTION PLAN. The Project shall submit to the City for approval two (2) copies of a Storm Water Pollution Prevention Plan (SWPPP) as specified in the prevailing National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities issued by the California State Water Resources Control Board.

Prepare the SWPPP using or following the format of the most recent SWPPP Template in the Construction BMP Handbook prepared by the California Stormwater Quality Association (requires subscription); see:

<https://www.casqa.org/resources/bmp-handbooks>

NPDES: The Project shall enroll under the prevailing National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities issued by the California State Water Resources Control Board and pay applicable fees. The Project shall provide proof of such permit coverage including a copy of the Notice of Intent Receipt Letter and the project WDID No. to the City.

Alternatively, projects from 1 to 5 acres with an approved Rainfall Erosivity Waiver authorized by U.S. EPA Phase II

regulations certifying to the State Water Resources Control Board that construction activity will occur only when the Rainfall Erosivity Factor is less than 5 (R in the Revised Universal Soil Loss Equation), shall provide a copy of the project's Erosivity Waiver Certification and Waiver ID to the City.

NPDES-PERMIT TERMINATION: Upon completion of construction, the Project shall ensure that all disturbed areas are stabilized and all construction waste, equipment, and unnecessary temporary BMPs are removed from the site. In addition, the Project shall file a Notice of Termination (NOT) with the Lahontan Regional Water Board as required by the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities.

COMPLETED

NOT IN COMPLIANCE

COMPLIED BY

NATIVE AMERICAN RESOURCES. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity 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. In the event that Native American cultural resources are discovered during project activities, all work in the immediate vicinity of the find shall cease and a qualified archaeologist 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. If significant Native American historical resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, a qualified archaeologist shall be retained to develop a cultural resources Treatment Plan, as well as a Discovery and Monitoring Plan. The Lead Agency and/or applicant shall, in good faith, consult local Indian tribes on the disposition and treatment of any artifacts or other cultural materials encountered during the project. (P)

COMPLETED

NOT IN COMPLIANCE

COMPLIED BY

DESIGN FOR REQUIRED IMPROVEMENTS. Improvement plans for off-site and on-site improvements shall be consistent with the plans approved as part of this site plan review application with the following revisions made to the improvement plans: (E, P)

COMPLETED

NOT IN COMPLIANCE

COMPLIED BY

PRE-CONSTRUCTION SURVEY. A pre-construction survey for the burrowing owl shall be conducted by a City approved and licensed biologist, no more than 30 days prior to ground disturbance. (P)

COMPLETED

NOT IN COMPLIANCE

COMPLIED BY

PROTECTED PLANTS. Three copies of a protected plant plan shall be submitted to the Building Division showing the present location and proposed treatment of all smoke tree, species in the Agavacea family, mesquite, large creosote bushes, Joshua Trees, and other plants protected by the State Desert Native Plant Act. The grading plan shall be consistent with the approved

protected plant plan. No clearing or grading shall commence until the protected plant plan is approved and the site is inspected and approved for clearing. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

DESIGN REVIEW. The Developer shall submit a Finding of Substantial Conformance application to the Planning Division for the review of the architecture design, floor plans and lot layout. At a minimum, the plans should include three different floor plans with three different architectural elevations for each floor plan. (P)

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

AQMD APPROVAL. The Developer shall provide evidence of acceptance by the Mojave Desert Air Quality Management District. (B)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

CONSTRUCTION PLANS. Five complete sets of construction plans prepared and wet stamped by a California licensed Civil or Structural Engineer or Architect shall be submitted to the Building Division with the required application fees for review. (B)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

EXECUTED AND RECORDED WQMP MAINTENANCE AGREEMENT. The WQMP Maintenance Agreement: Covenant and Agreement Regarding Water Quality Management Plan and Stormwater Best Management Practices Transfer, Access, and Maintenance, must be (1) prepared using the WQMP Maintenance Agreement Template provided as Attachment A to the City of Hesperia WQMP Templates, and (2) the complete WQMP Maintenance Agreement, with the Property Owners notarized signature(s) and suitable for recordation by the City, must be received before the City will authorize the final inspection or issue a Certificate of Occupancy.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

LANDSCAPE PLANS. The Developer shall submit three sets of landscape and irrigation plans including water budget calculations, required application fees, and completed landscape packet to the Building Division.

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

MASONRY WALLS AND FENCING. The development is required to construct a 6-foot high split-face tan block wall along all sides visible from the right-of-way including return walls. Internal sides not visible from the right-of-way may feature a 6-foot high precision block wall.

A combination four-foot high wrought iron fence and two-foot high split-face masonry wall shall be constructed on private property along the boundary of the retention basin in accordance with City standards.

The Developer shall submit four sets of masonry

wall/wrought iron fencing plans to the Building Division with the required application fees for all proposed walls in accordance with the Development Code. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

CFD ANNEXATION. The applicant shall annex the property into Community Facilities District CFD 2021-01 (Residential Maintenance and Services) before occupancy of the first unit. (P)

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

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

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

UTILITY CLEARANCE AND C OF O. The Building Division will provide utility clearances on individual buildings after required permits and inspections and after the issuance of a Certificate of Occupancy on each building. Utility meters shall be permanently labeled. Uses in existing buildings currently served by utilities shall require issuance of a Certificate of Occupancy prior to establishment of the use. (B)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

AS BUILT PLANS. The Developer shall provide as built plans, Notice of Completion, and One Year Maintenance Bonds to the Engineering / Water Sewer Departments. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

UTILITY RELOCATION/UNDERGROUND. The developer is required to install water, sewer or construct street improvements or when required utilities shall be placed underground, it shall be the responsibility of the developer to relocate/underground any existing utilities at his/hers own expense. Relocation/under grounding of utilities shall be identified upon submittal of the construction plans. (P, E, W/S)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

PUBLIC IMPROVEMENTS. All public improvements shall be completed by the Developer and approved by the Engineering Department. Existing public improvements determined to be unsuitable by the City Engineer shall be removed and replaced. (E)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

Landscaping/irrigation. The Developer shall install the landscaping and irrigation as required by the Planning Division. (P)

Others

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

CONSTRUCTION WASTE. The developer or builder shall contract with the City's franchised solid waste hauler to provide bins and haul waste from the proposed

development. At any time during construction, should services be discontinued, the franchise will notify the City and all building permits will be suspended until service is reestablished. The construction site shall be maintained and all trash and debris contained in a method consistent with the requirements specified in Hesperia Municipal Code Chapter 15.12. All construction debris, including green waste, shall be recycled at Advance Disposal and receipts for solid waste disposal shall be provided prior to final approval of any permit. (B)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

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

A. School Fees

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

INTERIOR STREETS SEWER IMPROVEMENTS. The Developer shall provide the appropriate on site and off site sewer lines necessary to serve the project per the City Engineer. The Developer is required to provide a minimum diameter of 8 S.D.R. 35 P.V.C. sewer lines within the tract. It is the Developers responsibility to obtain any dedication(s) or easement(s) needed to construct sewer line. The Developer shall provide plan and profile per City standards. (E)

ONGOING CONDITIONS

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

INDEMNIFICATION(1). To the furthest extent allowed by law, Applicant shall indemnify, hold harmless and defend City and each of its officers, officials, employees, consultants, agents and volunteers from any and all loss, liability, fines, penalties, forfeitures, damages and costs (including attorney's fees, litigation expenses and administrative record preparation costs) arising from, resulting from, or in connection with any Third-Party Action (as hereinafter defined). The term "Third Party Action" collectively means any legal action or other proceeding instituted by (i) a third party or parties, or (ii) a governmental body, agency or official other than the City, that: (a) challenges or contests any or all of these Conditions of Approval or any approval associated with entitlements associated with the project to which these conditions of approval apply (collectively "Approvals"); or (b) claims or alleges a violation of CEQA or another law in connection with the Approvals by the City, or the grant, issuance or approval by the City of any or all Approvals. Applicant's obligations under this paragraph shall apply regardless of whether City or any of its officers, officials, employees, consultants, agents or volunteers are actively or passively negligent, but shall not apply to any loss, liability, fines, penalties forfeitures, costs or damages caused solely by the active negligence or willful misconduct of the City or any of its officers, officials, employees, agents or volunteers. The provisions of this section shall survive any termination, revocation, overturn, or expiration of an approval. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

INDEMNIFICATION(2). Nothing in this condition shall obligate the City to defend any claim and the City shall not be required to pay or perform any settlement arising from any such claim unless the City approves the settlement in writing. Additionally, the City shall not be prohibited from independently defending any claim, and whether or not the City does decide to independently defend a claim, the applicant shall be responsible for City's attorneys' fees, expenses of litigation, and costs for that independent defense, including the costs of preparing any required administrative record. Unless the City independently chooses to defend any Third Party Action on its behalf, Applicant shall control the conduct of the defense of any claim or action provided that: (1) the City shall have the right, prior to filing, to review and approve any and all pleadings or related documents filed with the court in connection with such defense and Applicant shall reimburse the City for review time for each draft brief or pleading to be filed on behalf of the City; and (2) the City shall review and reasonably approve any proposed settlement. The Applicant acknowledges that the City is not obligated to approve a proposed settlement requiring the City to pay or incur any monetary amount, take a future legislative action, render a future quasi judicial decision, or otherwise take a future discretionary government action. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

INDEMNIFICATION(3). The City may, at any time, require the applicant to reimburse the City for costs that have been, or which the City reasonably anticipates will be, incurred by the City during the course of processing or defending any Third-Party Actions. The City shall provide Applicant with an invoice detailing all reasonable costs incurred. Applicant shall tender to the City payment in full of all reasonable and necessary costs within thirty (30) days from the date upon the invoice. Applicant further acknowledges and agrees that failure to timely tender payment in full to the City shall be considered a breach and non compliance with the conditions of approval for the project. Applicant shall also be required, upon request of the City, to deposit two month's estimated costs anticipated by the City to be incurred, which may be used by the City as a draw down account to maintain a positive balance pending tender of payment by Applicant as noted herein. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

EXPIRATION OF ENTITLEMENT. Unless the applicant has obtained a grading permit and/or building permit and commenced construction, this approval shall expire two (2) years from the date of action of the reviewing authority. Pursuant to Measure N and Municipal Code Section 16.12.095, residential projects are not eligible for extensions of time. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

Fish & Game Fee. Within five days from approval of the entitlement, the applicant shall file a Notice of

Determination with the San Bernardino County Clerk of the Board and pay the filing fee of \$4,101.25 payable to the Clerk of the Board of Supervisors of San Bernardino County. A copy of the stamped NOD from the County shall be provided to the Planning Division when completed. Additionally, an electronic copy of the stamped NOD shall be filed with the Governor's Office of Planning and Research and posted on the CEQAnet Web Portal. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

UNOBSTRUCTED BUILDING SETBACKS. All building setbacks shall be unobstructed from any slopes to provide a clear and accessible space for each home. (P)

COMPLETED
NOT IN COMPLIANCE

COMPLIED BY

MODEL HOME COMPLEXES. Model homes and sales office/trailer require approval of a Temporary Occupancy Permit. Building permits for the garage conversion to an office; signage etc. shall be submitted and approved prior to their establishment. (P, B)

NOTICE TO DEVELOPER: THIS CONCLUDES THE REQUIREMENTS FOR RECORDATION OF THE TENTATIVE TRACT MAP. IF YOU NEED ADDITIONAL INFORMATION OR ASSISTANCE REGARDING THESE CONDITIONS, PLEASE CONTACT THE APPROPRIATE DIVISION LISTED BELOW:

(B) Building Division	947-1300
(E) Engineering Division	947-1476
(F) Fire Prevention Division	947-1603
(P) Planning Division	947-1200
(RPD) Hesperia Recreation and Park District	244-5488