

## **RESOLUTION NO. PC**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DESERT HOT SPRINGS, CALIFORNIA, FORWARDING A RECOMMENDATION TO THE CITY COUNCIL TO APPROVE ADDENDUM TO FINAL ENVIRONMENTAL IMPACT REPORT FOR THE RANCHO ROYALE SPECIFIC PLAN # 1-92 (SCH # 92042024) AND TENTATIVE TRACT MAP NO. 35448 TO SUBDIVIDE 481 ACRE SITE WITH 73 RESIDENTIAL AND COMMERCIAL LOTS, 35 LETTERED LOTS FOR STREET CONNECTIONS, MAIN SPINE ROAD SYSTEM AND OPEN SPACE AREAS FOR FINANCIAL AND CONVEYANCE PURPOSES IN CONJUNCTION WITH TENTATIVE TRACT MAP NO. 35009 TO FURTHER SUBDIVIDE THE 481 ACRE PROJECT SITE WITH 1,126 SINGLE FAMILY LOTS, 8 MULTIPLE FAMILY RESIDENTIAL/RECREATIONAL COMMERCIAL LOTS (923 RESIDENTIAL UNITS), AND 32 ACRES DIVIDED INTO 3 LOTS FOR COMMERCIAL AND RESIDENTIAL (171 RESIDENTIAL UNITS) USES LOCATED WEST OF STATE ROUTE 62 WITHIN THE RANCHO ROYALE SPECIFIC PLAN.**

**WHEREAS**, SunCal Companies, the Applicant, has filed an application with the City of Desert Hot Springs for Tentative Tract Maps Nos. 35009 and 35448 to subdivide approximately 481 acres project site with 1,126 single family lots, 8 multiple family residential/recreational commercial lots (923 residential units), and 32 acres divided into 3 lots for commercial and residential (171 residential units) uses with private and public streets located approximately west of State Route 62 within the Rancho Royale Specific Plan (APNs 667-040-001 and 667-050-001) within the City of Desert Hot Springs, California; and

**WHEREAS**, notice of a public hearing of the Planning Commission of the City of Desert Hot Springs to consider Applicant's applications was given in accordance with applicable law; and

**WHEREAS**, on July 10, 2007, a public hearing on the requested application was held by the Planning Commission; and

**WHEREAS**, the Planning Commission considered the staff report and all of the information, testimony, and evidence presented during the Planning Commission hearing and adopt Resolution No. 23-07 recommending that the City Council approve the Applicant's applications; and

**WHEREAS**, after careful consideration of the staff report and all of the information, evidence, and testimony presented at its public hearing, the Planning Commission finds as follows:

### **Tentative Tract Map Findings:**

1. That the proposed map is consistent with applicable General and Specific Plans in that, the proposed Tentative Tract Maps are consistent with the Rancho Royale Specific Plan. The proposed single-family and multiple-family residential densities of 4.4 du/ac and 12.47 du/ac are below the maximum density 8 and 14 du/ac respectively as allowed by Specific Plan residential land use designations. The proposed project is consistent with the Desert Hot Springs General Plan goal stating that "a variety of all housing types and densities that will accommodate existing and future residents of the community."
2. That the design or improvement of the proposed subdivision is consistent with applicable General and Specific Plans in that proposed residential and commercial subdivision is consistent with the Rancho Royale Specific Plan and General Plan policies. The proposed subdivision curvilinear street patten, lot sizes, street landscapes, circulation patterns, open space and residential densities are consistent with the standards and requirements of the Specific Plan.
3. That the site is physically suitable for the type of development in that, cut and fill grading will

be required to establish the proposed roads and pad grades. The overall project grading includes a maximum 2:1 steepness of cut and fill slopes. Other areas of the subdivision include 3:1 and 4:1 steepness of cut and fill slopes at the rear of residential lots. The overall site project site includes a pad elevation of 1.858 feet above sea level at the top northwest corner to an elevation of 1619 at the southeast corner of the site. The horizontal distance is about 5,250 feet for this elevation change which is less than a 5% slope overall slope percentage. There are adequate roads and infrastructure to provide services to the area.

4. That the site is physically suitable for the proposed density of development, in that the proposed density for the lots within the Medium High (5-8 du/ac) and Very High (8-14 du/acr) Residential land use designations are below the maximum permitted densities. The proposed Tentative Tract Map No. 35009 shows the proposed densities to be 4.4 du/ac for lots within the Medium High residential areas and 12.47 du/ac for lots within the Very High residential areas;
5. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat in that, the proposed project includes an approved Final Environmental Impact Report (FEIR) and Addendum #3 addressing issues addressed in the FEIR showing minor impacts and compliance with Mitigation Measures of the adopted FEIR.;
6. That the design of the subdivision or type of improvements is not likely to cause serious public health problems in that, the proposed residential and commercial land use designation are consistent with the adopted General Plan and development pattern for the area. Adequate circulation, infrastructure, fire, utility and building review of the project will be conducted prior to final occupancy;
7. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of , property within the proposed subdivision in that all subdivision map requirements will be met and no conflicts of easements acquired by the public at large exists for the proposed project.

**Environmental Findings:**

The City has undertaken and completed an Mitigated Negative Declaration Addendum to the Certified Environmental Impact Report for the Rancho Royale Specific Plan (SCH # 92042024) in accordance with the California Environmental Quality Act (CEQA). The purpose of the addendum was to ascertain whether or not the proposed changes are minor and do not rise to the level of preparing a subsequent EIR. A more detailed explanation of not to prepare a subsequent EIR pursuant to Section 15162 of the CEQA Guidelines has been prepared as Addendum #3 of the Final EIR as shown in Exhibit "F" hereto and by this reference incorporated herein.

**NOW, THEREFORE,** the Planning Commission of the City of Desert Hot Springs resolves as follows:

1. That the aforementioned findings are hereby approved; and
2. That the Planning Commission has independently reviewed and considered Addendum #3 of the Final Environmental Impact Report (EIR), which reflects the independent judgment of the City and determines that the Addendum adequately addresses the impacts of the Project. Addendum #3 provides substantial evidence the project will not rise to the level of preparing a subsequent EIR; and
3. That the Planning Commission recommends that the City Council approve Addendum #3 with recommended Mitigated Measures for Tentative Tract Map Nos. 35009 and 35448, as shown in Exhibit "E", which is on file with the City of Desert Hot Springs Planning Division and is incorporated herein by reference; and

4. That the Planning Commission recommends that the City Council approve Tentative Tract Map No. 35448 to subdivide 481 acre site with 73 residential and commercial lots, 35 lettered lots for street connections, main spine road system and open space areas for financial and conveyance purposes in conjunction with Tentative Tract Map No. 35009 to subdivide the 481 acre project site with 1,126 single family lots, 8 multiple family residential/recreational commercial lots (923 residential units), and 32 acres divided into 3 lots for commercial and residential (171 residential units) uses with private and public streets, located on the west side of SR-62 within the Rancho Royale Specific Plan within the City of Desert Hot Springs, California (APNs 667-040-001 and 667-050-001), subject to conditions of approval, as shown in Exhibit "A", "B", "C", "D" and "E", hereto and by this reference incorporated herein; and
5. That the Development Director shall transmit this resolution to the City Council for consideration.

**PASSED AND ADOPTED** by the Planning Commission of the City of Desert Hot Springs at a regular meeting held on the 10<sup>th</sup> day of July 2007 by the following vote:

**AYES**, and in favor thereof, Commission members:

**NAYS**, Commission members:

**ABSENT**, Commission members:

**ABSTAINING**, Commission members:

ATTEST:

---

PLANNING COMMISSION CLERK

APPROVED:

---

CHAIRMAN

APPROVED AS TO FORM:

---

CITY ATTORNEY

---

COMMUNITY DEVELOPMENT DIRECTOR,

Draft

**Exhibit A**  
**Conditions of Approval**  
**Tentative Tract Map No. 35009 and Tentative Tract Map No. 35448**

**General**

- 1) The final plat of any phase shall be in substantial compliance with the approved Tentative Tract Map and shall comply with all conditions of approval as provided herein.
- 2) This entitlement shall expire two (3) years from the date of approval, unless extended, pursuant to the City of Desert Hot Springs Subdivision regulations and the State Subdivision Map Act.
- 3) The Applicant/Developer shall indemnify, protect, hold harmless and defend the City and any agency or instrumentally thereof, an/or any of its officers, employees and agents from any and all claims, actions or proceedings against the City to attack, set approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board or legislative body including actions approved by the voter of the City, concerning the entitlement application. The City shall promptly notify both the Applicant and landowner of any claim, action, or proceeding to which this condition is applicable and shall further cooperate fully in the defense of the action. The City reserves its right to take any and all action the /city deems to be in the best interest of the City and its citizens in regard to such defense.
- 4) All development on the properties shall be in compliance with all applicable provisions of the City's Municipal Code, including the Zoning Ordinance/Subdivision Ordinance, as well as all applicable provisions of the adopted Building Codes. All new construction shall obtain a building permit and comply with all requirements of the Building Department.
- 5) Adequate measure to control PM10, as a result of the development of the site shall be taken at all times during construction, in order to limit the dust and debris affecting any adjacent development. A PM10 Mitigation Plan must be filed with the Planning Department prior to issuance of any building permit.
- 6) That development within the project area, including all building elevations and floor plans, landscaping (common and private), street/project lighting, entry ways, walls, signage, and open space area improvements, shall be subject to Development and Design Review Permits approved by the Planning Commission prior to issuance of any permits.

**Final Map/Plat:**

- 7) Prior to final plat approval of any phase, all improvements must be either constructed or bonded for consistency with the requirements of the City and approved by the City Engineer.
- 8) Prior to the final plat approved for any phase, digital plans and specifications and one set of reproducible documents satisfactory to the City Engineer shall be provided to the City. The submittals shall include the property plans, grading plans, improvement plans and all utility plans.
- 9) Final proposed street names must be submitted to the City Engineer's office and the Fire Department for review and approval.
- 10) Developer shall provide all dedications and easements to the satisfaction of the City of Desert Hot Springs and the City Engineer.

**Acceptance of Conditions**

- 11) Within 15 days of final approval by the City Council, the Applicant shall submit in writing a statement indicating that he/she has read and agrees to the conditions imposed herein. This authorization shall become void, and any privilege, permit, or other authorization granted under these entitlements (i.e., TTM Nos. 35009 and 35448) shall be deemed to have elapsed if compliance with this condition has not been undertaken within the specified time limits.

**Site Maintenance**

- 12) The Applicant/Developer shall maintain the subject property after the start of construction and until the project is completed, free of weeds, debris, trash or any other offensive, unhealthful and dangerous material. If after 5-days' notice by certified mail, the Applicant/Developer does not comply with the aforementioned criterion, the City Council may either cancel building or grading permits and/or enter the subject property with City forces and remove all subject violations, bill the Applicant and/or put a lien on the subject property.
- 13) Within 30-days of approval the Applicant shall remove any discarded green waste, tires, household debris, and/or construction rubble from the project site. If after five (5) days' notice by certified mail, the Applicant/Developer does not comply with the before mentioned condition, the City Council may enter the subject property with City forces and remove all subject violations, bill the Applicant and/or put a lien on the subject property.
- 14) If after 5-days' notice by certified mail, the Applicant/Developer does not comply with the aforementioned criterion, the City Council may either cancel building or grading permits and/or enter the subject property with /city forces and remove all subject violations, bill the Applicant and/or put a lien on the subject property.

**Fees:**

- 15) The Developer shall pay all established service, permit, impact and other applicable fees required by the City of Desert Hot Springs.
- 16) The owner of the property shall participate in the provision of funding to maintain police and fire protection services by voting to approve a special tax for the parcels created by this subdivision approval. The tax shall be the per parcel annual amount (with appropriate future cost of living adjustment) as established at the time of voting by the City Council. The election to provide for the tax shall be completed prior to filing the final map, but the tax shall not be imposed until the issuance of Certificates of Occupancy or final building inspection. If any new development, including new residential units, is completed prior to the tax being effective for the first fiscal year, the owner of the property, as shown on the latest assessment role, shall pay the tax for the remainder of such fiscal year on a pro-rated basis to the city, no later than the receipt of Certificate of Occupancy or final building permit inspection. The property owner shall be responsible for paying the cost of holding the election; payable at the time the election is requested by the owner.

**Site Development**

- 17) All lots within Tract 35009 shall be designed so as to be in substantial compliance with the Pad Elevations (PE) as indicated on the approved tentative tract map unless otherwise approved by the City Engineer.
- 18) All lot pads shall be graded to avoid the installation of retaining walls. Any future retaining walls between lots shall be reviewed with the project walls of the master plan during the Development and Design Review Permit process.
- 19) All construction activity shall conform to the City's established hours for said activities.

- 20) Applicant shall meet with the Applicant/Developer of Royale Heights subdivision for a provision of an emergency access easement area along the location of the westerly project boundary prior to final map approval. The construction of the emergency access shall be the responsibility of the developer from Royale Heights project, subject to review and approval by the City Engineer and Riverside County Fire Department. If the emergency access easement is determined not to be needed by the Riverside County Fire Department, then no further action is needed by the Applicant/Developer of Royale Oasis project.
- 21) All bridges proposed for the project shall submit appropriate plans for review and approval of Development and Design Review Permit (bridges should address safe passage of animal migration in the area).
- 22) Applicant/Developer shall ensure that grading activities within the sloped areas of all lots shall minimize the disturbance and maximize the conservation and preservation of native plant materials. Graded areas shall receive a naturalized treatment (if necessary) including the re-establishment of native vegetation where necessary to create a natural appearing terrain. Details shall be provided with the review of the single-family residential designs proposed with the Development and Design Review Permit.
- 23) Visible drainage channels, brow ditches, swales and similar structures shall receive a naturalized treatment including native rock, colored concrete, and landscaping so that the structures appears an integral part of the environment.
- 24) Applicant/Developer shall include language within the CC&R's requiring homeowners to obtain approval from the HOA and City of any future retaining walls or development into any rear yard sloped areas of the single-family lots. Appropriate site plans, wall elevations and engineering calculations shall be provided for review by the HOA and City of Desert Hot Springs.
- 25) All the pads shall be graded to avoid the installation of retaining walls. Any future retaining walls between lots shall be reviewed with the project walls of the master plan during the Development and Design Review Permit process.
- 26) Applicant/Developer shall submit plans for installation of the future water tank and surrounding landscaping/walls of the water tank site via Development and Design Review Permit.
- 27) The water tank shall be completely submerged or partially submerged as allowed by the Mission Springs Water District.
- 28) Landscape for the property shall utilize drought-tolerant landscaping or other planting reflective of the desert environment and employ water efficient irrigation systems subject to the requirements of the Mission Springs Water District (MSWD) Water Efficient Landscaping Ordinance.

**Mitigation Measures/Conditions of Approval**

- 29) The Applicant/Developer shall comply with all mitigation measures previously contained in Addendum #3 of the Final EIR
- 30) All mitigation measures of Final Certified Environmental Impact Report (SCH # 92042024) for Rancho Royale Specific Plan shall be met.
- 31) All conditions of approval of the Rancho Royale Specific Plan SP 1-92 shall be met.

**Site Walls**

- 32) Site walls (between lots): any on-site property line wall or combination of fence, screen or retaining walls shall not be over six (6) feet in height located on the rear and side property

lines as measured from the lowest side of the wall where it is constructed, consistent with the requirements of the zoning ordinance.

- a. Fence/wall less than thirty (30) inches apart (measured between adjoining fences) shall be considered one structure and fence height shall be measured from the base of the lower fence to the top of the higher wall fence. Fences thirty inches or more apart shall be measured independently. Areas between such fences shall be provided with permanent landscaping and irrigation, including erosion control measures and shall be reviewed and approved by the Planning Division prior to installation and/or permit issuance.
- 33) Wall plans for the retention area(s) must be submitted and reviewed by the Planning and Engineering Divisions prior to issuance of permit. Unless otherwise approved by the City Engineer Retention areas shall be secured with iron fencing and masonry pilasters (consistent with materials and colors of project's perimeter wall).
- 34) Perimeter walls and decorative block pilasters shall be treated with graffiti resistant adhesive.
- 35) Site walls (perimeter): Unless otherwise approved by the Planning Commission a 6-foot solid masonry wall with masonry pilasters and a 6-inch concrete cap is required for the site's perimeter wall.
  - b. In lieu of the above listed perimeter wall materials, the Applicant/Developer shall be allowed to utilize the below listed materials:
    - i. 6-foot iron view fence with decorative block pilasters with a 6-inch concrete cap; or
    - ii. 6-foot combination retaining/screen wall with iron view fencing with decorative block pilasters with a 6-inch concrete cap.
    - iii. Pilaster spacing for the above requirements shall be reviewed and approved by the Planning Department.
  - c. Perimeter walls and decorative block pilasters shall be treated with a graffiti resistant coating.

#### **Lighting**

- 36) Exterior lighting shall be energy-efficient and shielded or recessed so that direct glare and reflections are contained within the boundaries of the parcel, and shall be directed downward and away from adjoining properties and public right-of-way.
- 37) A photometric plan shall be required for all commercial properties subject to review during the Development and Design Review process.

#### **RV Parking**

- 38) Recreational vehicle parking shall be prohibited anywhere on the project site.

#### **CC&R's**

- 39) The Applicant or successor in interest shall submit CC&R's in a form acceptable to the City Attorney, for the proposed subdivision. The CC&R's must include provisions for:
  - i. The creation of a property owner's association;
  - ii. Architectural, landscaping, lighting, and signage guidelines;
  - iii. That the installation of rear yard landscaping in each of the dwelling units within one year of the initial sale of a unit.
  - iv. That no RV parking will be allowed [anywhere] on the project site.
  - v. That each individual unit (residence) will be responsible for their own trash disposal and that common area trash disposal (i.e., enclosures) shall not be permitted.
  - vi. Maintenance of all common area improvements on the site, including private roadways, perimeter fencing, lighting, retention areas, landscaping and irrigation shall be provided for.

- 40) The Development Director prior to recordation of Tentative Tract Map No. 34588 shall submit CC&R's for review. The Applicant or successor in interest shall submit a deposit to cover legal costs incurred by the City in its review of CC&R's and related documents prior to their recordation.
- 41) Applicant/Developer shall annex to Community Facilities District No. 2010-1 for the maintenance of:
  - a. Street medians
  - b. Landscape/Hardscape
  - c. Streetlights
  - d. Drainage Basins / Storm Drain FacilitiesPrior to the issuance of a certificate of occupancy and/or recordation of a subdivision map whichever occurs first.
- 42) Applicant/Developer shall pay the Five Thousand Dollars (\$5,000.00) cost for the City's consultant to annex the Community Facilities District No. 2010-1 and the City fee for processing the request, prior to the issuance of an occupancy permit.

### **Street Design**

- 43) The entrance(s) will be required to be a minimum of 20' near the turnabout and median.
- 44) The Developer will be required to have a minimum of a three car stacking area in the gated entrance lane(s).
- 45) The proposed Arterial Highway (107' R.O.W.), Collector Highway (88' R.O.W.), Local Street (60' R.O.W.), and Minor Collect Road (74' R.O.W.) cross sections are approved as conditioned herein.
- 46) The Applicant/Developer shall provide one to two trees on each lot facing a local street measured five and one half (5.5) feet to eight (8) feet maximum from back of sidewalk with incorporation of a tree root deflector(s), subject to the following: a) The trees and tree root deflector details shall be shown within the landscaping plans, subject landscape plans review and approval of Development and Design Review Permit. b) Language shall be incorporated within the CC&R's for the maintenance of all trees within the first eight (8) feet from the back of sidewalk of a local street shall be kept and maintained by the HOA, subject to review and approval by the Community Development Director or his designee.
- 47) The Developer will be required to install the median and median landscape and lighting along Mission Creek Road adjacent to the property frontage to the satisfaction of the City Engineer. These improvements must be installed prior to the issuance of the first residential building final, as depicted on the Tentative Map, and subject to approval from the City Engineer.
- 48) Developer will be required to design Mission Creek Road to be compatible with planned circulation to the north, to the satisfaction of the City Engineer.
- 49) That prior to final map recordation, the Applicant/Developer, shall be responsible for obtaining the required two access points to a public right-of-way to the satisfaction of the City Engineer and Fire Department.
- 50) Applicant/Developer shall incorporate appropriate traffic calming measures (i.e., landscaped medians and other street landscaping) or other acceptable street design within long lineal streets in excess of 600 feet in length, subject to approval by the City of Desert Hot Springs City Engineer and Riverside County Fire Department.
- 51) Applicant/Developer shall complete final design of flag lots at prior to final map approval,



subject to Riverside County Fire Department approval.

- 52) Applicant/Developer shall review the all corner lots adjacent to collector streets pertaining to potential traffic conflicts/safety from the street intersections before final map approval, subject to the City of Desert Hot Springs City Engineer.

**School**

- 53) The Developer/builder shall be required to pay applicable school fees prior to issuance of any building permits.
- 54) Applicant/Developer to provide a 15-acre site for provision of a school and to work with the Palm Springs Unified School District as to the location of the future school to ensure full access. If the project is going to be changed to a full age-restricted project (subject to Specific Plan Amendment), the provision of a future school site on the project site should be reviewed by the PSUSD for possible removal of this requirement.

**Senior Housing**

- 55) Applicant to be is restricted to the provision of a maximum of 991 senior housing units. An increase in senior housing will require an amendment to the Specific Plan. With an amendment to change the project to an age-restricted project only, the provision of future school site within the project would also need to be reviewed with the Palm Springs Unified School District for reconsideration of a future school site.

**Utilities**

- 56) All Utilities (electricity, telephone, cable TV, and natural gas) shall be extended to all lots within the subdivision.
- 57) Prior to commencement of construction for any phase, the various utilities and the City Engineer shall review and approve development plans. Plans and specifications shall be submitted to the utility companies and the City Engineer. The Developer shall provide proof of such review and approval to the City Engineer and the Community Development Director or designee prior to any work being completed.
- 58) Prior to issuance of any Certificate of Occupancy, the utility companies shall approve installed facilities or the Developer shall bond for those utilities in an amount and form satisfactory to the applicable utility company. Verification of the utility company's approval shall be submitted to the City Engineer and the Community Development Director.

**Environmental**

- 59) The Applicant/Developer shall deliver to the Development Services Department a cashier's check, money order, or other acceptable form of payment made payable to the Riverside County Clerk in the amount of \$2260.25 to enable the City of file appropriate Environmental Documents for the Mitigated Negative Declaration.