

## **FINAL CONDITIONS OF APPROVAL**

**MEETING DATE:** January 10, 2017

**TITLE:** We Care DHS, Condo Map

**CASE NO:** Tentative Parcel Map No 37233 (TPM 37233)

**Prepared by:** Scott Taschner, Associate Planner

**Approved by:** Charles Rangel, Interim Community Development Director

### **General / Administrative Conditions:**

1. The approval for *TPM 37233* is subject to the two (2) year expiration provisions of the City's Zoning Ordinance, as provided in Section 16.24.160 of the Desert Hot Springs Municipal Code and will expire on *January 10, 2019*
2. The applicant may request an extension of time for TPM 37233 per the City's Municipal Code Sections 16.24.160, & 16.24.170 and per the State's Subdivision Map Act. Upon filing a time extension(s) at least 30 (thirty) days prior to expiration of the project the Planning Commission may grant said time extension for good cause not to exceed three (3) years.
3. Applicant/Developer shall indemnify, protect, hold harmless and defend, with counsel selected by the City, the City and any agency or instrumentality thereof, an/or any of its officers, employees and agents from any and all claims, actions, or proceedings against the City to attack, set aside, void, annul, seek monetary damages resulting from an 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. City shall promptly notify both the Applicant/Developer 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 Project Site shall be in compliance with all applicable provisions of the City's Municipal Code as well as all applicable provisions of the adopted Building and Fire Codes. All new construction shall obtain a building permit and comply with the requirements of the Planning, Building, and Fire Departments.

5. No Certificate of Occupancy (CofO) shall be granted until all Conditions of Approval have been completed and approved by the Planning, Engineering, Building, and Fire Departments unless otherwise identified herein. A Temporary Certificate of Occupancy (TCO) may be issued for a specific time period if a significant amount of issues have been resolved and there remains only minor issues that do not pose a threat to health & safety.
6. The development of the Project on the Project Site shall be in substantial compliance with the exhibits contained in the project file for *We Care DHS's Conditional Use Permit (CUP 11-16) and Tentative Parcel Map (TPM 37233)*.
7. The final grading plan if required shall be in substantial conformance with the designs set forth in the hydrology report and site drainage design.
8. Within fifteen (15) days of final approval (expiration of the appeal period) by the Planning Commission, the Applicant/Developer shall submit in writing, a statement indicating that he/she has read and agrees to the conditions imposed herein. This approval shall become void, and any privilege, permit, or other authorization granted under these entitlements if compliance with this condition has not been undertaken within the specified time limits.
9. A scanned copy of the signed Conditions of Approval shall be included in the Building Construction Plans submitted for plan check.
10. The Applicant/Developer shall pay all established service, permit, impact, public art, and other applicable fees required by the City.

Note: The Transportation Unified Mitigation Fee is collected by the City of Desert Hot Springs on behalf of the Coachella Valley Association of Governments. Questions on the calculation of this fee should be addressed to them at (760) 346-1127. The School District Fees are imposed by the Palm Springs Unified School District and questions should be addressed to them at (760) 416-6159.

11. The Applicant / Developer shall deliver within 5 (five) working days after the appeal period (15 days) to the Community Development Department a cashier's check, money order, or other acceptable form of payment made payable to "Riverside County" in the amount of \$50 enable the City to file a Notice of Exemption required pursuant to California Code of Regulations Section 15075. Any additional fees that may be attributed to the required filing of environmental documents shall be paid by the Applicant/Developer. If Applicant/Developer has not delivered to the Community Development Department the check as required above, the approval for the project granted shall be void by reason of failure of condition (Fish and Game Code Section 711.4(c)).

**Planning Conditions:**

12. If the project involves any ground disturbance and any human remains are discovered, the Applicant shall cease all work and contact the Desert Hot Springs Police Department and the Riverside County Coroner's Office. Work shall not resume until such time that the site has been cleared by County Coroner and/or the Desert Hot Springs Police Department.
13. If the project involves any ground disturbance and during the course of such work any artifacts or other cultural resources are discovered, all grading on the site shall be halted and the Applicant shall immediately notify the Planning Department. A qualified archaeologist shall be called to the site by, and at the cost of, the Applicant to identify the resource and recommend mitigation if the resource is culturally significant. The archeologist will be required to provide copies of any studies or reports to the City and the Eastern Information Center for the State of California located at the University of California Riverside.
14. If the project involves any ground disturbance and paleontological resources are encountered and a qualified paleontological monitor can evaluate any paleontological resources exposed during the grading activity. Applicant / Developer shall hire a paleontological monitor and shall be responsible for payment of all related expenses. If paleontological resources are encountered, adequate funding shall be provided to collect, curate and report on these resources to ensure the values inherent in the resources are adequately characterized and preserved.
15. In the event that any human remains are discovered, during construction of the proposed project, the project contractor would be subject to either the State law regarding the discovery and disturbance of human remains or the burial protocol of the Indian tribe. In either circumstance, all destructive activity in the immediate vicinity shall halt and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5. If the remains are determined to be of Native American origin, the Native American Heritage Commission (NAHC) shall be contacted. The NAHC will make a determination of the Most Likely Descendent (MLD). The City and applicant will work with the designated MLD to determine the final disposition of the remains.
16. The Applicant / Developer shall maintain the Project Site 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 five (5) days notice by certified mail, the Applicant/Developer does not comply with the before mentioned criterion, the City may either cancel building or grading permits and/or enter the Project Site with City staff and remove all subject violations, bill the Applicant/Developer and/or put a lien on the Project Site.

17. The applicant shall be required to complete a o. Permit prior to Occupancy of any Building.
18. The applicant / developer shall comply and be in conformance with all previous conditions of approval from the related Conditional Use Permit (CUP 11-16).

**Engineering Conditions:**

19. The Map shall be for designated For Condominium Purposes.
20. Provide a copy of the recorded Parcel Merger 03-16 which combines the 4 parcels of Record of Survey RS 27/6
21. The property is located in a Federal Emergency Management Agency, Federal Insurance Rate Map designation as AO Depth 1 foot and 3 foot. An Environmental Constraint Sheet shall be filed with the filing of the Final Parcel Map.
22. Applicant/Developer shall submit the following items for approval with the submittal of the Tentative Parcel Map;
  - a. Soils Report
  - b. Title Report
  - c. Preliminary Grading Plan
  - d. Hydrology Report
  - e. Utility master plan
  - f. Environmental Studies that may have mitigation measures which shall be included on the plans or documents to be submitted prior to the issuance of any City permits.
23. Applicant/Developer shall submit the following items for approval with the submittal of the Final Parcel Map;
  - a. Final parcel map
  - b. Title Report (updated within at least 6 months) a subdivision guarantee indicting those persons/entities who may sign the map will be required immediately prior to the City's signing of the map.
  - c. Final Map Closures
  - d. Street Names
  - e. Grading Plans Storm Drain / Drainage Plans
  - f. Street Improvement Plans
  - g. Street Signage and Striping Plans
  - h. Street Lighting Plans
  - i. Composite Utility Plans  
(Sewer and Water Plans – submit to Mission Springs Water District)
  - j. Improvement Agreements with Security
24. Any street or dedications of easements shall be shown on the subdivision map.

25. Applicant/Developer shall annex the property to Community Facilities District No. 2010-1 to pay for the cost of maintenance of public improvements and pay the Five Thousand Dollars (\$5,000.00) cost for the City's consultant to and the City fee for processing the request, prior to parcel map approval.
26. The Applicant/Developer shall annex the property to Public Safety Special Tax2 to provide essential funding for public safety purposes and pay the Five Thousand Dollars (\$5,000) cost for the City's consultant to annex to PTAX2 and the City fee for processing the request, prior to parcel map approval. .
27. Prior to the installation of any improvements in the public right-of-way (ROW), an encroachment permit shall be obtained from the City Public Works Department.
28. A soil compaction report shall be prepared and submitted to the City Building Department for approval prior to issuance of any building permits.
29. Applicant/Developer shall provide and install adequate water supply, sanitary sewer, natural gas, electric, telephone and cable television lines to serve each separate lot.
30. There shall be no encroachment into public rights of way for construction trailers, equipment, trash bins, portable toilets, or materials; all of which shall be kept on-site. Construction access to the site shall be by an approved driveway, entry, or curb cut; no asphalt ramps or curb jumping is permitted.
31. At no time shall any adjacent streets for the project be allowed to be used for construction staging, storage or other such construction related activities. Access by heavy equipment shall be limited to the minimum number of trips essential to completing the construction. Any damage to the existing public roadways, sidewalks or other infrastructure shall be repaired or replaced by the Applicant's contractor at his own expense, as directed by the Public Works Director.
32. Applicant/Developer shall submit an owner-and contractor-signed PM10 Dust Control Implementation Plan in accordance with the standards and codes of the City and the South Coast Air Quality Management District (SCAQMD). Plans shall be submitted for review and approval by the Public Works Department prior to the issuance of any grading and/or applicable building permits.
33. Applicant/Developer shall comply with the National Pollution Discharge Elimination System (NPDES) requirements per the California Regional Water Quality Control Board (RWQCB) regulations. The Applicant/Developer shall submit a Project Specific Stormwater Pollution Prevention Plan (SWPPP) to comply with the California General Permit for Stormwater Discharges Associated with the Construction Activity, prior to the issuance of a grading permit. For projects larger than 1 acre, the Applicant/Developer shall obtain all required permits from the California Regional Water Quality Control Board (RWQCB) and submit a copy of the Notice of Intent (NOI) and the Waste Discharge Identification Number (WDID#) to the City's Public Works Department prior to the issuance of the any grading permit. For further information contact the RWQCB at:

California Regional Water Quality Control Board (RWQCB),  
Colorado River Basin Region,  
73-720 Fred Waring Drive #100  
Palm Desert, CA 92260  
(760) 346-7491  
[www.waterboards.ca.gov/colorariver](http://www.waterboards.ca.gov/colorariver)

34. The on-site driveways and parking areas shall be improved with asphalt or concrete paving, permeable pavers, curbs, gutters, and appurtenances as shown generally on the approved site plan. The thickness of pavement shall be determined by the Applicant's engineer based upon "R" value tests taken of the soils and appropriate traffic indices to be determined by the engineer, all subject to approval by the City Engineer.
35. All on-site paving, curbs and gutters, sidewalks, ramps and other site work shall be constructed to City standards, subject to the improvement plans approved by the City Engineer.
36. The Applicant/Developer is required to construct all transition and missing links between existing and proposed improvements.
37. The Applicant/Developer/Contractor shall comply with section 8.08 Recycling and Diversion of Waste from Construction and Demolition of the Municipal Code and file a Plan with the City's Building Department prior to the start of any construction.
38. The Applicant/Developer shall construct street improvements on Two Bunch Palms Trail from centerline to southerly right of way line-55 foot half street.
39. The street improvements shall include construction of asphalt concrete pavement, curb/gutter, sidewalk, streetlights, catch basins, storm drains, and fully landscaped and irrigated along the property frontage except as noted.
40. Improvements shall include removal and construction of existing street improvements that are severely damaged and/or not in compliance with City Standards, to be determined at the time plans are submitted.
41. All sidewalks, ramps, and landings shall be compliant with the Americans with Disability Act.
42. All street improvements including the energizing of street lights and installation of irrigation and landscaping to be constructed and accepted by the City Public Works Department prior to the issuance of occupancy.
43. Applicant/Developer shall pay to the City in one (1) lump sum prior to the recordation of the map, the cost of electrical energy for the street lighting system installed for a period of 48 months from the date of acceptance by the City Engineer.
44. The minimum grade on all proposed streets shall be 0.50% unless approved in advance, in writing, by the City Engineer.

45. All project streets shall be maintained as private streets until such a time as they are fully improved to City Standards and accepted, except the Private Streets, by the City Council.
46. Applicant/Developer shall submit a project specific Hydrology Report, using Riverside County Flood Control and Water Conservation District's Hydrology Manual for City review and approval.
47. No nuisance water shall escape the site onto public streets.
48. The Applicant/Developer shall provide on-site storm water retention basin(s) or system(s) designed to the satisfaction of the City Engineer. Each retention basin shall include a sufficient number of underground vertical drywells designed to eliminate standing water in the basin. The retention basin shall be sized to retain all post-development storm water runoff within the limits of the project based on a 100-year storm event of 24-hour duration and shall completely drain/percolate any storm event within 72 hours. All upstream runoff from adjacent properties that has historically been directed onto the proposed project may be considered to pass through the project with the exception of historical retention that occurred on-site. The retention basin shall be designed with a maximum depth of 5 feet and maximum side slopes of 3:1 and shall not be used for purposes other than for the collection of storm water, nuisance water and well blow-off water.
  - a. Any other facilities required in the drainage/hydrology study shall be designed and installed as detailed in Section 15.68, Flood Plain Management, and Section 15.72 Floodplain Construction of the Desert Hot Springs Municipal Code.
  - b. All retention basins/systems shall be located on site; off-site retention basins/systems are specifically prohibited.
  - c. Retention Basin Vehicular Access - Vehicular access shall be provided for maintenance of the retention basins to the satisfaction of the City Engineer. The City Engineer shall determine the need and/or design of such access. The grading of a "road" to the bottom shall comply with health and safety standards and shall meet the requisite design requirements including geometries and capacity of the basin(s). Maintenance of retention basins and drainage system shall be the responsibility of the Applicant / property owner / operator
49. The design of the on-site grading, street improvements and the storm drainage improvements shall be coordinated with all adjacent projects to the satisfaction of the City Engineer.
50. Applicant/Developer shall prepare and submit a Project Specific Preliminary and Final Water Quality Management Plans pursuant to the Whitewater River Region Water Quality Management Plan for Urban Runoff.
51. Proposed street striping shall be per City standards.
52. The proposed driveways shall be a radius driveway per City of Desert Hot Springs Standard No. 210.

53. All overhead utilities less than 92kv, located within the project boundaries, bordering the project and/or fronting the project shall be undergrounded.
54. Applicant/Developer shall enter into a water service agreement with the Mission Springs Water District for domestic water service.
55. Applicant/Developer shall file an improvement agreement with security to guarantee completion of public improvements as follows:
- a. A faithful performance security in an amount deemed sufficient by the City Engineer to cover up to 100% of the total estimated cost of all required improvements, including bonding requirements for grading as outlined in the Municipal Code.
  - b. A labor and material security to cover up to 50% of the total estimated cost of all required improvements.
  - c. A monumentation security in an amount stipulated by the City Engineer to cover the cost of placing lot corners and other related monuments.
  - d. Notwithstanding the above, the Applicant/Developer may satisfy the requirement for security of certain improvements by providing proof that same has been posted with another public agency subject to the approval of the City Engineer.
56. Security may be one of the following types subject to the approval of the City Engineer and City Attorney as to form:
- a. Bonds - All bonds shall be executed by a surety company authorized to transact business as a surety, and have an agent for service in California, together with an acceptable policy holder's rating. The bond(s) shall contain the nearest street address of the institution providing the bond(s).
  - b. Cash Deposits - In lieu of the faithful performance and labor and material bonds, the developer may submit cash deposits or negotiable bonds of a kind approved for securing deposits of public monies under the conditions hereinafter described.
57. All improvement agreements shall be approved by the City Attorney and City Council. Security for the agreement shall be approved by the City Attorney and Finance Director.