

## **DRAFT CONDITIONS OF APPROVAL**

**MEETING DATE:** October 10, 2017

**TITLE:** Request for a three-year extension of time for  
the Silver Oaks Sunset Ridge Tentative Tract Map

**CASE NO:** TTM 33746 (Time Extension)

**PREPARED BY:** Scott Taschner, Senior Planner

**REVIEWED BY:** Daniel Porras, Community Development Director

### **Standard Administrative Conditions**

1. The approval of the extension of time for TTM 33746 is subject to the (3) year expiration provisions of the City's Zoning Ordinance, as provided in Section 16.24.160 of the DHSMC and will expire on June 6, 2020.
2. The applicant may request an extension of time for TTM 33746 per the City's Municipal Code Section 16.24.170. 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 twelve (36) months.
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 TTM 33746 as shown in all Exhibits attached hereto and incorporated herein by this reference.
7. 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.
8. 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.

#### **Standard Environmental/Tribal Mitigation Conditions**

9. The applicant/developer shall implement all mitigation measures and monitoring program requirements outlined in the Environmental Documents.
10. If the project involves any ground disturbance 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.
11. The applicant/developer shall provide the consulting tribes the following;
  - a. Cultural resources inventory of the project area (by a qualified archaeologist) prior to any development activities in the area.
  - b. Copy of the records search with associated survey reports and site records from the information center.
  - c. Copies of any cultural resource documentation (report and site records) generation in connection with this project.
12. The applicant/developer shall have an approved Cultural Resource / Tribal Monitor on site during any ground disturbing activities (including archeological surveys). Should buried cultural resource be encountered, the Monitor may request that desiccative

construction halt and the Monitor shall notify a Qualified Archeologist to investigate and, if necessary, prepare a mitigation plan for submission to the State Historic Preservation Officer and each of the consulting Tribal Preservation Office's.

13. In the event that human remains (or remains that may be human) are discovered at the project site during grading or earthmoving, the construction contractors, project archaeologist, and/or designated Native American Monitor shall immediately stop all activities within 100 feet of the find. The project proponent shall then inform the Riverside County Coroner and the City of Desert Hot Springs immediately, and the coroner shall be permitted to examine the remains as required by California Health and Safety Code Section 7050.5(b). Section 7050.5 requires that excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If human remains are determined as those of Native American origin, the applicant shall comply with the state relating to the disposition of Native American burials that fall within the jurisdiction of the NAHC (PRC Section 5097). The coroner shall contact the NAHC to determine the most likely descendant(s). The MLD shall complete his or her inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. The Disposition of the remains shall be overseen by the most likely descendant(s) to determine the most appropriate means of treating the human remains and any associated grave artifacts. The specific locations of Native American burials and reburials will be proprietary and not disclosed to the general public. The County Coroner will notify the Native American Heritage Commission in accordance with California Public Resources Code 5097.98. According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052) determined in consultation between the project proponent and the MLD. In the event that the project proponent and the MLD are in disagreement regarding the disposition of the remains, State law will apply and the median and decision process will occur with the NAHC (see Public Resources Code Section 5097.98(e) and 5097.94(k)).
14. **MM 1 - Prior to grading permit issuance:** If there are any changes to project site design and/or proposed grades, the Applicant shall contact the consulting tribes to provide an electronic copy of the revised plans for review. Additional consultation shall occur between the City of Desert Hot Springs, Applicant and interested tribes to discuss the proposed changes and to review any new impacts and/or potential avoidance/preservation of the cultural resources on the Project. The Applicant will make all attempts to avoid and/or preserve in place as many as possible of the cultural resources located on the project site if the site design and/or proposed grades should be revised in consult with the City of Desert Hot Springs. In specific circumstances where existing and/or new resources are determined to be unavoidable and/or unable to be preserved in place despite all feasible alternatives, the developer shall make every effort to relocate the resource to a nearby open space or designated location on the property that is not subject any future development, erosion or flooding.
15. **MM 2 - Archaeological Monitoring:** At least 30-days prior to application for a grading permit and before any grading, excavation and/or ground disturbing activities on the site take place, the Project Applicant shall retain a Secretary of Interior Standards qualified archaeological monitor to monitor all ground-disturbing activities in an effort to identify any unknown archaeological resources.

- a. The Project Archaeologist, in consultation with the consulting tribes, the Developer and the City of Desert Hot Springs , shall develop an Archaeological Monitoring Plan to address the details, timing and responsibility of all archaeological and cultural activities that will occur on the project site. Details in the Plan shall include;
  - i. Project grading and development scheduling;
  - ii. The development of a rotating or simultaneous schedule in coordination with the applicant and the Project Archeologist for designated Native American Tribal Monitors from the consulting tribes during grading, excavation and ground disturbing activities on the site: including the scheduling, safety requirements, duties, scope of work, and Native American Tribal Monitors' authority to stop and redirect grading activities in coordination with all Project archaeologists;
  - iii. The protocols and stipulations that the Developer, City of Desert Hot Springs , the consulting tribes and Project archaeologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits that shall be subject to a cultural resources evaluation;
  - iv. Archaeological Monitoring Plan shall take into account the potential impacts to undiscovered buried archaeological and cultural resources and procedures to protect in place and/or mitigate such impacts;

**16. MM 3 - Treatment and Disposition of Cultural Resources:** In the event that Native American cultural resources are inadvertently discovered during the course of grading for this Project. The following procedures will be carried out for treatment and disposition of the discoveries:

- a. **Temporary Curation and Storage:** During the course of construction, all discovered resources shall be temporarily curated in a secure location onsite or at the offices of the project archaeologist. The removal of any artifacts from the project site will need to be thoroughly inventoried with tribal monitor oversight of the process; and
- b. **Treatment and Final Disposition:** The landowner(s) shall relinquish ownership of all cultural resources, including sacred items, burial goods, and all archaeological artifacts and non-human remains as part of the required mitigation for impacts to cultural resources. The applicant shall relinquish the artifacts through one or more of the following methods and provide the City of Desert Hot Springs with evidence of same:
  - i. Accommodate the process for onsite reburial of the discovered items with the consulting Native American tribes or bands. This shall include measures and provisions to protect the future reburial area from any future impacts. Reburial shall not occur until all cataloguing and basic recordation have been completed;
  - ii. A curation agreement with an appropriate qualified repository within Riverside County that meets federal standards per 36 CFR Part 79 and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within Riverside County, to be accompanied by payment of the fees necessary for permanent curation;
  - iii. For purposes of conflict resolution, if more than one Native American tribe or band is involved with the project and cannot come to an agreement as to the disposition of cultural materials, they shall be curated at the Western Science Center or Agua Caliente Cultural Museum.
  - iv. At the completion of grading, excavation and ground disturbing activities on the site a Phase IV Monitoring Report shall be submitted to the City of Desert Hot Springs

documenting monitoring activities conducted by the project Archaeologist and Native Tribal Monitors within 60 days of completion of grading. This report shall document the impacts to the known resources on the property; describe how each mitigation measure was fulfilled; document the type of cultural resources recovered and the disposition of such resources; provide evidence of the required cultural sensitivity training for the construction staff held during the required pre-grade meeting; and, in a confidential appendix, include the daily/weekly monitoring notes from the archaeologist. All reports produced will be submitted to the consulting tribes and Eastern Information Center and interested tribes:

### **Planning Conditions**

17. The applicant/developer shall comply with all conditions of approval from the original project approvals (General Plan Amendment 03-05, Zone Map Amendment 06-06, Environmental Assessment No 05-05, Specific Plan No. 01-15 Tentative Tract Map No 33746, & Tentative Parcel Map No 33754).
18. The Applicant / Developer shall maintain the Project Site 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.

### **Standard Graffiti Conditions**

19. The Applicant / Developer and/or successor(s) in interest shall be responsible for the removal of any graffiti vandalism from the project site (exterior building surfaces and/or exterior walls/fences) within 48-hour after discovering the graffiti vandalism or receipt of notice from the City of the same. The Applicant/Developer shall contact the City's Graffiti Hot Line at 888-562-3822 within 48 hours of discovering the graffiti vandalism.
20. The Applicant / Developer and/or successor(s) shall apply (and maintain) a protective coating or graffiti resistant materials acceptable to the City's Public Works and/or Community Development Department, to provide for the effective and expeditious removal of graffiti on all exterior building elevations and/or project walls and/or replacement of defaced screening panels.
21. The Applicant / Developer and/or successor(s) in interest hereby agrees to allow the City and/or its agents to enter the property for the purpose of removing or painting over graffiti vandalism, if the Applicant/Developer and/or successor(s) in interest fail to remove the reported graffiti vandalism within the 48 hours of discovering the graffiti or receipt of notice from the City.
22. The Applicant / Developer and/or successor(s) in interest shall, to the extent feasible,

have designed a building structure visible from any public or quasi-public place in such a manner to consider prevention of graffiti, including, but not limited to the following:

- a. Use of additional lighting;
- b. Use of non-solid fencing;
- c. Use of landscaping designed to cover large expansive walls such as ivy or similar clinging vegetation; or
- d. Use of architectural design to break up long, continuous wall or solid areas.

### **Standard Building & Safety Conditions**

23.. Project shall comply with the 2016 California Building Standards Code (Title 24, California Code of Regulations) and other adopted City Ordinances which include the following:

- a. CA Building Code
- b. CA Plumbing Code
- c. CA Mechanical Code
- d. CA Electrical Code
- e. CA Fire Code
- f. CA Green Building Standards Code
- g. CA Energy Code

23. The requirements of the Department of Environmental Health Services and the Air Quality Management District shall be satisfied prior to the issuance of any permit if hazardous materials are stored and/or used.

24. Any temporary building, trailer, commercial coach, etc. installed and/or used in connection with a construction project shall obtain a Temporary Use Permit and comply with the City of Desert Hot Springs requirements.

25. All perimeter/boundary walls shall be designed and constructed so that the outer/exterior face of the wall is as close as possible to the property line. In any case, the outer/exterior face of the wall shall be within two (2) inches of the property line. Distances greater than two (2) inches may be approved prior to construction by the Building Official on a case-by-case basis for extenuating circumstances.

26. All property lines, easement lines, etc. shall be located and/or relocated in such a manner as to not cause any existing structure to become non-conforming with the requirements of the latest adopted edition of the Building Code, or any other applicable law, ordinance, or code.

27. If hazardous substances are used and/or stored, a technical opinion and report, identifying and developing methods of protection from the hazards presented by the hazardous materials may be required. This report shall be prepared by a qualified

person, firm, or corporation and submitted to the Building Department. This report shall also explain the proposed facility's intended methods of operation and list all of the proposed materials, their quantities, classifications, and the effects of any chemical (material) inter-mixing in the event of an accident or spill.

#### **Standard Construction/Demolition Activity Fire Safety Conditions**

28. Smoking shall be prohibited except in approved areas. Signs shall be posted in accordance with Section 310. In approved areas where smoking is permitted, approved ashtrays shall be provided in accordance with Section 310.
29. Operations involving the use of cutting and welding shall be done in accordance with Chapter 35.
30. An approved water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible material arrives on the site.
31. Structures under construction, alteration or demolition shall be provided with not less than one approved portable fire extinguisher in accordance with section 906 and sized for not less than ordinary hazard as follows:
  - a. At each stairway on all floor levels where combustible materials have accumulated.
  - b. In every storage and construction shed.
  - c. Additional portable fire extinguishers shall be provided where special hazards exist including hazards exist including, but not limited to, the storage and use of flammable and combustible liquids.

#### **Engineering Department Conditions**

32. The applicant / developer shall comply with all rules, laws, ordinances, guidelines, and regulations of the Mission Springs Water District/Coachella Valley Water District for water and for wastewater disposal services. Prior to issuance of any certificate of occupancy, the applicant / developer shall provide evidence to the satisfaction of the City Engineer that all permits and approvals for water service and wastewater disposal have been obtained. (STANDARD CONDITION ONLY IF NO CONDITIONS ARE RECEIVED)

#### **For Tentative Tract Map No. 33764 and Tentative Parcel Map No. 33754 General**

33. The final plat of any phase shall be in substantial compliance with the approved Tentative Tract Map dated January 5, 2006 and Tentative Parcel Map dated June 10, 2005 and shown in Exhibit F, and shall comply with all conditions of approval as provided herein.
34. This entitlement shall expire two (2) years from the date of approval, unless extended, pursuant to the City of Desert Hot Springs Subdivision regulations and the State Subdivision Map Act.

35. 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 \$1,314.00 to enable the City of file a Notice of Determination with a Mitigated 36. Negative Declaration required pursuant to Public Resources Code Section 21108(b) and California Code of Regulations Section 5075. Any additional fees that may be attributed to the required filing of environmental documents shall be paid by the Applicant/developer. If within said 48- hour period Applicant/developer has not delivered to the Development Services 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)).
36. Applicant/developer shall indemnify, protect, hold harmless and defend 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 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.
38. Within fifteen (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. TPM No. 32435) shall be deemed to have elapsed if compliance with this condition has not been undertaken within the specified time limits.
37. 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 five (5) days' notice by certified mail, the Applicant/developer does not comply with the before mentioned
38. All lots within Tract 33754 shall be designed so as to be in substantial compliance with the Pad Elevations (PE) as indicated on the approved the tentative tract map, as show in Exhibit E, unless otherwise approved by the City Engineer.
39. The Applicant/developer shall comply with all mitigation measures contained in the Mitigation Monitoring Program, as shown in Exhibit E.
40. 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 as approved by the City Engineer.
41. Prior to the final plat approval 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.



42. Final proposed street names must be submitted to the City Engineer's office, Building Department, Planning Department and the Fire Department for review and approval.
43. Developer shall provide all dedications and easements to the satisfaction of the City of Desert Hot Springs and the City Engineer.
44. The Developer shall pay all established service, permit, impact and other applicable fees required by the City of Desert Hot Springs.
45. 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.
- 46.. 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.

47. If after five (5) days' notice by certified mail, the Applicant/developer does not comply with the before mentioned 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.
48. All lots shall meet the minimum lot dimensions prescribed by the Specific Plan.
49. Prior to the recordation of the Final Map, the Applicant shall submit Conditions, Covenants, and Restrictions (C.C. & R's) to the City Attorney for review and approval. Said document shall include provisions for ongoing maintenance of all lots, common areas, landscaped areas, walls, perimeter landscaped areas, recreation and community facilities, streets, bridges, storm drain facilities, and security patrol(s) of the project site; and mutual rights of egress and ingress on private streets for the benefit of any and all.
- a. That a time of one (1) year from completion of a residence (Building Final) be set for the owner and/or builder to install rear yard landscaping in those residential lots adjacent to open space areas visible from public view.
50. Master Developer will salvage naturally occurring desert plant materials and incorporate them into the project's landscape plans. Plans drawn up by a certified landscape designer/architect for the salvage of said plant materials will be reviewed and approved by the Planning Department prior to the issuance of any grading permits.
51. Any entry Guard House, if manned, shall be provided adequate employee parking.
52. The number of residential lots approved for the site shall not exceed 499.
53. RV parking shall not be a permitted use within the project.
54. The 31.9-acre natural open space area (Lot ZZ) located in the northeast corner of the site shall be conditioned as follows:
- a. Lot ZZ shall be labeled as Natural Open Space on the Final Map and be deed restricted as undevelopable to be left as a natural open space area.
- b. A Home Owners Association (HOA) shall be

responsible for the care and ongoing maintenance of the Retention Basin including any landscaped areas, walls/fences, perimeter (parkway) landscaped areas, recreation and community facilities, storm drain facilities, as required to be installed by the City or built upon Lot ZZ.

- c. Unless otherwise approved by the City Engineer a 6-foot high ornamental fence shall be constructed around the Retention Basin.
- d. No wall or fence shall be constructed along the boundary (perimeter) of Lot ZZ unless otherwise approved by the City Engineer and Planning Commission.
- e. A maintenance access roadway shall be constricted, to the satisfaction of the City Engineer, to the Retention Basin on Lot ZZ.
- f. If deemed necessary by the City Engineer and/or City Planner the berm of the Retention Basin including any area disturbed by grading operations for the construction of the Retention Basin shall be landscaped with native materials (including the installation of a temporary irrigation system) or provided with other naturalizing methods as deemed necessary to reduce the visual impact of the facility from public views.

55. Should the Coachella Valley Multi-Species Habitat Specific Conservation Plan (CVMHSCP) be adopted, the proposed project shall be subject to any requirements (e.g., development fees, etc.) required by the CVMSHCP.

#### **General Engineering Conditions. Streets, Storm, and Lighting**

56. Prior to the installation of any improvements in the public right-of-way (ROW), an encroachment permit must be obtained from the City Engineer.
57. Construction Sequencing and offsite improvements shall be submitted to the City Engineer for approval prior to construction beginning. All necessary offsite construction and improvements must be sequenced with the appropriate phases of the project.
58. . Any required water and sewer facilities must be constructed and paid for by the developer/subdivider per the

standards of the Mission Springs Water District (MSWD) and will require inspection by MSWD.

59. The developer/subdivider shall provide and install all required streets and related improvements, within and outside the subdivision, in compliance with the policies and procedures of the City Engineer, and the serving utility company. These improvement requirements shall be completed or bonded prior to recordation of the final map.
60. The developer will be required to recycle all construction materials possible during project construction. Developer will be required to deposit funds pertaining to the C & D Waste Recycling Program per City of Desert Hot Springs Ordinance 2005-14 Section 50.57. This deposit will be required upon permit issuance for the project site and will be refunded at the end of the project subject to the regulations of City Ordinance 2005-14, Section 50.58.
61. All grading plans and improvement plans shall be coordinated for consistency prior to the issuance of any permits.
62. Street improvements for the public streets shall conform to the typical sections as depicted on the Tentative Tract Map and to the satisfaction of the City Engineer. Improvement Plans shall be submitted for review and approval by the City Engineer.
63. All Private Streets must meet the minimum 36' requirement from curb face to curb face.
64. Any entry Guard House, if manned, shall be provided adequate employee parking.
65. The perimeter sidewalk shall be a minimum of 6-feet in width to accommodate pedestrians and bicyclists.

**END**