

## **DRAFT CONDITIONS OF APPROVAL**

**DATE:** January 08, 2019

**TITLE:** Elyon Development

**CASE NO:** Development Permit No. 09-18

**PREPARED BY:** Patricia Villagomez, Planning Technician

**REVIEWED BY:** Rebecca Deming, Community Development Director

### **Administrative Conditions:**

1. 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.
2. 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.
3. No Certificate of Occupancy (C of O) 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.
4. The final grading plan shall be in substantial conformance with the designs set forth in the hydrology report and site drainage design.
5. Within fifteen (15) days of final approval, the applicant/developer 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 shall be deemed to have elapsed if compliance with this condition has not been undertaken within the specified time limits.

6. A scanned copy of the signed Conditions of Approval shall be included in the building construction plans submitted for plan check.
7. 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.

#### **Planning Conditions:**

8. 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.
9. If paleontological resources are encountered during grading, ground disturbance activities shall cease immediately, so 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.
10. If during the course of grading or construction, 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.

11. In the event that 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.
12. The use of rolled concrete on any exterior walls or trash enclosures is specifically prohibited.
13. All new residential development shall comply with Mission Springs Water District's Water Efficient Landscaping Guidelines (guidelines are available at). This policy requires outdoor water conservation practices within MSWD's service area, specifically: (1) the creation of landscape plans featuring the use of California native desert friendly plants; and (2) the preparation of irrigation plans detailing water efficient irrigation technology systems (e.g., drip irrigation, evapotranspiration irrigation controllers, etc.) appropriate to an arid desert climate.

**Landscaping Conditions:**

14. The applicant shall prepare a Final Landscape Construction and Irrigation Plan that is prepared by a licensed landscape architect subject to the following:
  - a. Approval from the Planning Department
  - b. Approval from Mission Springs Water District
  - c. A plant landscape legend, including a specific symbol for each plant species used, size (i.e., caliper, gallon, box, or brown trunk height, and/or quantity) and whether it is deciduous or evergreen.
  - d. Provide the total percentage of evergreen trees of all trees not including palm trees as evergreen.
  - e. Clear indication where landscaping will be used to screen mechanical, electrical, and irrigation equipment.
  - f. A detail showing planter design adjacent to walkways and driveways that is designed to prevent soil and/or decomposed granite from flowing onto walkways and driveways. There shall be a minimum two-inch vertical separation between the pavement and the soil.
  - g. Plant and tree installation and staking details.
  - h. Details on how vines will be attached to the structural elements.
15. Site landscaping shall comply with the City Guidelines and Water Conservation policies regardless of whether the items are illustrated on the Construction Landscape Plans:
  - a. Plants and trees shall be primarily of drought tolerant species compatible with the desert environment.
  - b. Projects shall minimize the use of turf.

- c. All single trunk trees shall be double staked and multi-trunk trees shall be staked appropriate to the species of tree.
- d. Arbor guards shall be installed around trees in turf areas.
- e. Projects located along major arterials and/or streets shall comply with the street tree requirements of the Design Guidelines.
- f. Where mowing is required, all adjacent planting areas shall be surrounded by a concrete mow strip or other hard surface.
- g. All ground-mounted equipment, such as mechanical, electrical, and irrigation equipment (backflow preventers), shall be located within a landscape planter.
- h. Any drain that terminates in a planter shall have a splash guard.
- i. All palm trees shall have a brown trunk height of twenty (20) feet.
- j. All trees twenty-four (24) inch box or greater shall be verified as to size by the project planner who shall ensure that each tree has diameter of three (3) inches five (5) inches from the ground level. It is the responsibility of the contractor and/or applicant to make an appointment with the project planner to conduct this verification.

16. All redwood headers are specifically prohibited from use on the project site.

17. All irrigation lines shall be located below ground with no surface exposure.

**Graffiti:**

18. The applicant/developer shall keep the project site, clear of graffiti vandalism at all times. The applicant/developer shall contact the City's Graffiti Hot Line at 888-562-3822 within 48 hours of discovering the graffiti vandalism.

19. 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.

20. In the event there is a change in the name, address or telephone number of the responsible person(s), firm or company, the Applicant/developer or successor shall notify the City within 48 hours, in writing, of the change and provide the City with the current contact information of responsible person(s), firm or company.

21. 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.

22. 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.
23. In the event that applicant/developer and/or successor(s) in interest, fail to remove the graffiti vandalism within 48 hours, requiring the City and/or its agents to enter the project site for the purpose of removing or painting over graffiti vandalism the Applicant/developer and/or successor(s) in interest shall release the City and/or its agents from any liability for property damage or personal injury. And shall reimburse to the City all costs associated with the removal of the graffiti vandalism.
24. The applicant/developer and/or successor(s) in interest shall include the aforementioned authorizations to enter the project site for the purpose of removing or painting over graffiti vandalism as part of authorization agreement to the satisfaction of the Community Development Department and the approval of the City Attorney, as to form.
25. 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.

**Building & Safety:**

26. 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
27. As applicable, automatic fire sprinkler systems shall be installed in all new construction as per Chapter 9 of the California Building code and per City Ordinance. Design and type of system shall be based upon the requirements of the California Building Code, the California Fire Code and the requirements of the Fire Department.
28. 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.
29. 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.
30. 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.

### **Code requirements for fire safety during construction and demolition**

31. **3312.1 Where required.** An approved water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible material arrives on the site.
32. **3315.1 Where required.** 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.

**Grading:**

- 33. The grading permit shall be issued prior to, or concurrently with, the building permit.

**Fire Department Conditions:**

Access

- 34. Fire Department emergency vehicle apparatus road locations and design shall be in accordance with the California Fire Code, Desert Hot Springs Ordinance 596, Riverside County 787, and Riverside County Fire Department Standards. Plans must be submitted to the Fire Department for review and approval prior to building permit issuance.

WATER

- 35. Fire Department water system(s) for fire protection shall be in accordance with the California Fire Code, Desert Hot Springs Ordinance 596, Riverside County Ordinance 787 and Riverside County Fire Department Standards. Plans must be submitted to the Fire Department for review and approval prior to building permit issuance.

FIRE SPRINKLER SYSTEM REQUIRED

- 36. Deferred submittal of plans shall be provided to the appropriate Office of the Fire Marshal representative to be reviewed and approved prior to installation. Phased inspections will be required to be completed in association with the rough pipping and final acceptance. (Currently: Riverside County Fire Department – Office of the Fire Marshal, 77933 Las Montanas Rd. #201, Palm Desert, CA 92211, (760) 863-8886)

**Engineering Department:**

- 37. Applicant/developer shall annex to Community Facilities District No. 2010-1 for the maintenance of:
  - a. Landscape/Hardscape
  - b. Streetlights
  - c. Drainage Basins/Storm Drain FacilitiesPrior to the issuance of any permits for construction.
- 38. Applicant/developer shall pay the Five Thousand Dollars (\$5,000.00) cost

for the City's consultant to annex to Community Facilities District No. 2010-1 prior to the issuance of any permits for construction.

39. The Applicant/Developer shall annex the property into PTAX2 and pay the Five Thousand Dollars (\$5,000) cost for the City's consultant to annex the property prior to the issuance of any permits for construction.
40. If imported or exported soil material is necessary to balance the grading on the site, a separate grading plan and haul permit approval is necessary before transport of the material.
41. Applicant/Developer shall submit the following items for approval from the Engineering Department:
  - a. Grading Plans with the street address for each lot and/or building foot prints
  - b. Storm Drain/Drainage Plans
  - c. Composite Utility Plans(Sewer and Water Plans – submit to Mission Springs Water District)
42. The current/submitted fault line investigation pursuant to the Alquist-Priolo Special Studies Zone Act shall be shown on the grading plan.
43. 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.
44. A soil compaction report shall be prepared and submitted to the City Building Department for approval prior to issuance of any building permits.
45. 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.
46. 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.
47. 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. Any site that is greater than 10 acres shall concurrently process a PM10 Dust Control Implementation Plan with the SCAQMD. For further information contact the SCAQMD at:

South Coast Air Quality Management District (SCAQMD)  
21865 Copley Drive  
Diamond Bar, CA 91765  
(800) CUT-SMOG (288-7664)  
[www.aqmd.gov](http://www.aqmd.gov)

48. 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 Storm water Pollution Prevention Plan (SWPPP) to comply with the California General Permit for Storm water 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 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)

49. 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.
50. 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.
51. The applicant/developer is required to construct all transition and missing links between existing and proposed improvements.

52. 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.
53. 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.
54. No nuisance water shall escape the site onto public streets.
55. The applicant/developer shall provide on-site storm water retention basin(s) or system(s) designed to the satisfaction of the City Engineer for each lot if and only if the lot doesn't drain into the existing retention basin. The retention basin shall be sized to retain all post-development storm water runoff within the limits of each lot 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.
56. 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.
57. Applicant/developer shall enter into a water service agreement with the Mission Springs Water District for domestic water service.
58. 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.
    - i. Disbursements from cash deposits shall be made in compliance with a separate agreement between the developer and the City. A bookkeeping fee of 1% of the total amount deposited with the City for each cash deposit shall be submitted with each security. Disbursements from a cash deposit in any instance shall not be permitted unless and until authorized in writing by the City Engineer.
59. 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.

### **Water Service**

Water service is currently available for the project subject to the following conditions of service:

- 60. The developer shall comply with all rules, laws, ordinances, guidelines, and regulations of the District at the time that any new water service application is submitted.
- 61. The point of connection for any new domestic, irrigation, or fire water service for the project shall be determined upon the receipt of engineering plans.
- 62. The project is served by an existing 3" domestic meter located on the existing 8" main on Two Bunch Palms Trail, the adequacy of the existing domestic meter supply shall be reviewed.
- 63. The installation of backflow prevention devices is required for all non-residential domestic, fire, and irrigation service connections.
- 64. Installation of private fire line services may be required per Riverside County Fire Department Standards. Double check detector assemblies (DCDA) per MSWD Standards will be a requirement at the time of installation.
- 65. The developer must submit hydraulic calculations to the District indicating the availability of the required fire flows as determined by the Riverside

County Fire Department. These calculations shall be based on a current fire hydrant flow test which can be ordered through the MSWD Engineering Department.

66. The developer shall comply with all the District standards, specifications and conditions, and have final approval of all design plans by the District Engineer or his/her designee, and the District's General Manager.
67. The developer shall provide plumbing plans for including fixture units for District review of meter and service size.
68. MSWD requires having all of its facilities within the public right-of-way or recorded and dedicated easements.
69. The developer is required to apply for water service and submit payment of District fees, charges, and deposits. The water meter and connection fees will be based on the actual meter sizes and quantities shown on the approved plans. All fees are subject to change based on the time of application for services from the District.

#### **Sewer Service**

Sewer service is available for the proposed project provided the following conditions of service are completed:

70. The developer shall comply with all rules, laws, ordinances, guidelines, and regulations of the District at the time the sewer service application is submitted.
71. MSWD normally requires a 6" minimum diameter sewer lateral for all commercial projects.
72. The developer shall comply with all the District standards, specifications and conditions, and have final approval of all design plans by the District Engineer or his/her designee, and the District General Manager.
73. The developer/property owner shall complete an application for sewer service with payment of all applicable fees, charges and deposits at the time of application (i.e., multi-family, residential, commercial sewer connection fees per current MSWD fee schedules).
74. MSWD requires submittal of proposed plumbing plans showing all connections to the public sewer system and the size and location of the proposed lateral for the project.

#### **Landscape**

**As applicable per City requirements:**

All new and rehabilitated residential and commercial development shall comply with the *Mission Springs Water District's Water Efficient Landscaping Guidelines* (guidelines are available at [www.mswd.org](http://www.mswd.org)). This policy requires outdoor water conservation practices within the MSWD service area, specifically: (1) the creation of landscape plans featuring the use of California native desert friendly plants; and (2) the preparation of irrigation plans detailing water efficient irrigation technology systems (e.g., drip irrigation, evapotranspiration irrigation controllers, etc.) appropriate to an arid desert climate. For additional details regarding plan check and inspection fees, please contact Theresa Murphy via email at [tmurphy@mswd.org](mailto:tmurphy@mswd.org) or (760) 329-6448 ext. 126.