

## **DRAFT CONDITIONS OF APPROVAL**

**MEETING DATE:** October 8, 2019

**TITLE:** Request for a one-year Extension of Time for Conditional Use Permit No. 16-17 for the DHS Development Cabot Road, LLC project located at the northeast corner of Cabot Road and Gorgonio Lane.

**CASE NO:** CUP 16-17 Time Extension

**Prepared by:** Patricia M. Villagomez, Planning Technician

**Reviewed by:** Rebecca Deming, Community Development Director

### **Administrative Conditions:**

1. The time extension approvals for Conditional Use Permit No. 16-17 are subject to a one-year expiration according to the provisions of the City's Zoning Ordinance, as provided in Section 17.76.070 and will expire on October 8, 2020.
2. The applicant may request an extension of time for Conditional Use Permit 16-17 per the City's Zoning Ordinance Sections 17.76.090. Upon filing a time extension(s) at least thirty (30) days prior to expiration of the project the Planning Commission may grant said time extension for good cause not to exceed twelve (12) 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 (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.

6. The development of the project on the project site shall be in substantial compliance with the exhibits contained in the project file for Conditional Use Permit 16-17.
7. Applicant/developer shall comply with all original conditions of approval from the original Conditional Use Permit entitlement (CUP 16-17).
8. Any substantial changes to the building or site layout shall require the applicant to file an application for an amendment to the existing Conditional Use Permit.

**Engineering Department:**

9. 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 a certificate of occupancy.
10. 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.
11. Applicant/developer shall pay the Five Thousand Dollars (\$5,000.00) cost for the City's consultant to annex to PTAX2 and the City fee for processing the request, prior to the issuance of an occupancy permit.
12. 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.
13. 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. Street Improvement Plans
  - d. Street Signage and Striping Plans
  - e. Street Lighting Plans
  - f. Composite Utility Plans  
(Sewer and Water Plans – submit to Mission Springs Water District)
14. If the applicant/developer requests a Temporary Certificate of Occupancy before all the improvements are completed the applicant/developer shall submit the following items for approval with the submittal of the Improvement Agreement for the project:
  - a. Soils Report
  - b. Title Report
  - c. Preliminary Grading Plan
  - d. Hydrology Report

- e. Preliminary traffic impact report
  - f. Utility master plan
  - g. Street Plans
  - h. Engineer's Estimate of the incomplete improvements
15. Dedicate by separate instrument an additional 5 feet of street right-of-way for Two Bunch Palms Trail.
  16. 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.
  17. A soil compaction report shall be prepared and submitted to the City Building Department for approval prior to issuance of any building permits.
  18. 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.
  19. 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.
  20. 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)

21. 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)

22. 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.
23. 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.
24. Applicant/developer is required to construct all transition and missing links between existing and proposed improvements.
25. 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.
26. Applicant/developer shall construct street improvements on the following streets:
  - a. Two Bunch Palms Trail, street improvements south side from centerline to ultimate right-of-way, 55 feet of 110 foot right-of-way.
  - b. Street improvements across the frontage of the property shall include construction of asphalt concrete pavement, curb/gutter, sidewalk, streetlights, catch basins, storm drains, and fully landscaped and irrigated along the property frontage.
  - c. Improvements shall include removal and construction of existing street improvements that are severely damaged and/or not in compliance with City Standards along the property frontage on Cabot Road.
  - d. All sidewalks, ramps, and landings shall be compliant with the Americans with Disability Act.
27. All street improvements including the energizing of street lights and installation of irrigation and landscaping along:

- i. Two Bunch Palm Trail shall be constructed and accepted by the City Public Works Department prior to the issuance of occupancy unless an Improvement Agreement is in place.
- 28. The minimum grade on all proposed streets shall be 0.50% unless approved in advance, in writing, by the City Engineer.
- 29. All project streets shall be maintained as private streets until such a time as they are fully improved to City Standards and accepted by the City Council.
- 30. 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.
- 31. No nuisance water shall escape the site onto public streets.
- 32. 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.
  - j. 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.
  - k. All retention basins/systems shall be located on site; off-site retention basins/systems are specifically prohibited.
  - l. 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.
- 33. 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.
- 34. 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.

35. Federal Emergency Management Act (FEMA) Elevation Certificate shall be provided to the Building Department prior to issuance of a grading permit and shall be resubmitted "as constructed" prior to final grading signoff.
36. Proposed street striping shall be per City standards.
37. The proposed driveways shall be a radius driveway per City of Desert Hot Springs Standard No. 210.
38. All overhead utilities less than 92kv, located within the project boundaries, bordering the project and/or fronting the project shall be undergrounded.
39. Applicant/developer shall enter into a water and sewer service agreement with the Mission Springs Water District for domestic water and sanitary sewer service.
40. If the applicant/developer requests a Temporary Certificate of Occupancy before all the improvements are completed the 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. If the required project improvements are financed and installed pursuant to special assessment proceedings, upon the furnishing by the contractor of the faithful performance and labor and material security required by the special assessment act being used, the City may reduce the improvement security of the applicant/developer by an amount corresponding to the amount of the security furnished by the contractor.
  - e. 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.
41. 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.

- 42. 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.

**Mission Springs Water District:**

- 43. 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. MSWD ordinance requires that water service, including irrigation and fire services, shall not cross parcel boundaries to serve a second property.
- 44. The point of connection for water service shall be the existing 12" water main located on the west side of Cabot Road at San Jacinto Lane.
- 45. The developer shall be required to design and construct approximately 350' of new 12" diameter ductile iron water main 15' west of the center line of Cabot Road to the south boundary of the parcel. This line shall terminate with a 6" fire hydrant and 12" gate valve to allow future extension without disruption of service. This main shall be the point of connections for new fire, domestic, or irrigation services. The developer shall be responsible for all design and construction costs.
- 46. The installation of backflow prevention devices is required for all non-residential domestic, fire, and irrigation service connections.
- 47. 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.
- 48. 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.

49. The developer shall comply with all District standards, specifications and conditions, final approval of all design plans shall be by the District Engineer or his/her designee, and the District's General Manager.
50. The developer shall provide plumbing plans with fixture units for District review of meter and service size.
51. MSWD requires having all of its facilities within the public right-of-way or recorded and dedicated easements.
52. 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.
53. The developer will be required to bond all infrastructures and be required to supply a warranty bond for the infrastructure. This warranty bond will be released 1 year from the District's acceptance of the infrastructure or any required warranty repair.

**Septic System:**

Sewer service is currently unavailable for the property. The following conditions apply to the installation of septic system(s) in order to assure protection of groundwater quality:

54. MSWD requires submittal of proposed plumbing plans showing all connections to the septic system(s) and the size and location of the proposed disposal system(s) for the project.
55. The septic system shall be designed to connect to a future sewer line flowing south in Cabot Road with a 6" diameter dry sewer lateral installed to the proposed right-of-line at a depth no greater than 4.5' below the proposed finish grade at the end of the lateral.
56. MSWD will require a Report of Waste Discharge for the project. The report shall be prepared by a qualified Licensed Professional Engineer in accordance with the requirements currently in use by the California State Water Resources Control Board (CSWRCB). The report shall be submitted to, and approved by, the Regional Water Quality Control Board and/or Riverside County Health Department as determined by CSWRCB to determine if enhanced treatment is required.
57. All onsite, temporary septic systems shall be designed to be easily abated and connected to the dry sewer system once the sewer is placed in service. The developer shall be responsible for all abatement and connection costs.

**Dry Sewer Service:**

Sewer service is currently unavailable in this area. Once sewer is established, the developer will be required to hook up to the sewer system and the following conditions of service shall apply:



58. Dry sewers will be required to be installed within the project site to serve all lots within the subdivision, conforming to Mission Springs Water District Standards.
59. The developer shall comply with all rules, laws, ordinances, guidelines, and regulations of the District at the time the sewer service application is submitted.
60. The developer shall be required to design and construct all public sewer infrastructures adjacent to the project required to facilitate said sewer service.
61. Gravity main size will be 8" minimum diameter and or as specified by MSWD. All design and construction shall be at developer's expense.
62. MSWD requires a 6" minimum diameter sewer lateral for all commercial projects, no lateral shall serve more than one parcel without prior written MSWD approval.
63. 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.
64. 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).
65. 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.
66. MSWD requires a Report of Waste Discharge for the project. MSWD will review the waste water quality and determine if any pretreatment process is required. The report shall be prepared by a qualified Licensed Professional Engineer in accordance with requirements currently in use by the California State Water Resources Control Board.
67. The developer will be required to bond all infrastructures and be required to supply a warranty bond for the infrastructure. This warranty bond will be released one year from the District's acceptance of the infrastructure.
68. Some of the infrastructure must be constructed in certain phases and in a manner to serve the project. The phasing and approval of these facilities and infrastructure will be at the discretion and approval of the District Engineer, and/or General Manager.

**Landscape:**

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.ms wd.org](http://www.ms wd.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.

**END.**