

	<p style="text-align: center;">CITY OF CATHEDRAL CITY PLANNING COMMISSION</p> <p style="text-align: center;">CONDITIONS OF APPROVAL DESIGN REVIEW 15-004</p> <p style="text-align: center;">CLUB SAXONY HOTEL AND RESORT NARENDRA PATEL/PATEL ARCHITECTURE</p> <p style="text-align: center;">PROJECT LOCATION: SOUTH SIDE OF EAST PALM CANYON DRIVE BETWEEN VAN FLEET AVENUE ON THE WEST AND DATE PALM DRIVE ON THE EAST AND NORTH OF D STREET</p> <p style="text-align: center;">DATE APPROVED: OCTOBER 19, 2016</p>
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SECTION 1 ADMINISTRATIVE CONDITIONS

- 1.1** Prior to issuance of a building permit the Applicant shall sign the approved Conditions of Approval which shall certify that the Applicant agrees to implement all Conditions of Approval.
- 1.2** A copy of all pages of these conditions shall be printed onto the first page of the construction drawings.
- 1.3** The plans approved by the Planning Commission will be referenced as "Exhibit A". The construction drawings shall conform substantially to "Exhibit A" as approved by the Planning Commission, with the exception of any detail specifically modified by any of the conditions of approval contained herein. Any deviation from "Exhibit A" shall be submitted in writing and approved by the Planning Manager and/or the City Engineer prior to approval of the construction drawings.
- 1.4** Approval of the reference plan is preliminary only. All final working drawings shall be submitted to and approved by the Planning, Engineering and Building Departments prior to issuance of building permits. The development of the property shall conform substantially to that as approved in Exhibit A, dated October 19, 2016, except as specifically modified by any of the conditions of approval. Any deviation from the approved set of improvement plans shall be approved in writing by the Planning Manager prior to the installation, construction or deletion of the requested plan modification.
- 1.5** This approval shall be valid for two years to October 19, 2018 unless a complete building permit application has been submitted or a one-year extension has been granted pursuant to 9.78.120 of the Cathedral City Municipal Code.

- 1.6 No Certificate of Occupancy shall be granted until all Conditions of Approval have been completed and approved by the City Planner, City Engineer, Chief Official Building, and Fire Chief unless otherwise identified herein.
- 1.7 The development of the site shall conform to all ordinances, codes, regulations, policies and development design controls pursuant to the Cathedral City Municipal Code in effect prior to issuance of any building permits.
- 1.8 All approved structures, landscaping, and on- and off-site public improvements shall be maintained in a condition that substantially complies with this approval.
- 1.9 No building permit shall be issuance until “will serve” letters have been obtained from all affected agencies, including the jurisdictional water purveyor, Southern California Edison, Time Warner Cable, Verizon Telephone and Burrtec.
- 1.10 All improvements approved for construction are required to be maintained as to comply substantially with the plans approved for construction, unless modifications are approved by the City Planner and City Engineer. The improvements to be maintained include, but are not limited to, site improvements: parking and walking surfaces, private drainage control facilities, fences/walls, signs, and lights; building and accessory structure improvements; paint colors and other finish materials, roofing materials, mechanical equipment, windows, trellises, canopies, all architectural features, landscaping and landscape irrigation.

SECTION 2 FEES

- 2.1 The Applicant shall pay all applicable City of Cathedral City fees, charges and other costs as prescribed by City ordinance, including development impact fees. Be advised that the fees may change until such time they become due and payable, as permitted by applicable law.

NOTICE TO APPLICANT: Pursuant to Government Code Section 66020(d)(1), the 90-day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this approval and any such protest must be in a manner that complies with Section 66020(a), and failure to timely follow this procedure will bar any subsequent legal action to attack, review, set aside, void or annul imposition.

The right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in connection with this project. It further does not apply to any fees, dedication, reservations, or exactions for which the Applicant has been given a notice similar to this, nor does it revive challenges to any fees for which the Statute of Limitations has previously expired. Current fees for this entitlement may include the following and will be calculated at the time of permit issuance:

DESCRIPTION
<i>Police, Fire, Facilities & Signalization</i>
<i>Coachella Valley Multi-Species Habitat Conservation Fee/Agua Caliente Habitat Conservation Fee as applicable</i>
<i>Master Underground Plan</i>
<i>Transportation Uniform Mitigation Fee</i>
<i>Transit Development Fee</i>
<i>Quimby Fee</i>

2.2 This project is subject to the City's Art in Public Places Ordinance pursuant to Chapter 11.45 of the Cathedral City Municipal Code.

2.3 Developer shall agree to not oppose formation of any future assessment districts for facilities, infrastructure, improvements and/or services.

NOTICE TO APPLICANT: Pursuant to Government Code Section 66020(d)(1), the 90-day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this approval and any such protest must be in a manner that complies with Section 66020(a), and failure to timely follow this procedure will bar any subsequent legal action to attack, review, set aside, void or annul imposition.

The right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in connection with this project. It further does not apply to any fees, dedication, reservations, or exactions for which the Applicant has been given a notice similar to this, nor does it revive challenges to any fees for which the Statute of Limitations has previously expired:

SECTION 3 PLANNING

3.1 Before issuance of any building or grading permits for the project, a Final Site Plan shall be submitted to the Planning Division for review and approval consistent with the following:

- a. Plans shall be draw in a minimum scale of 1" = 30'.
- b. Show locations of all property lines.
- c. Show location of all mechanical and electrical equipment on exterior of building or ground-mounted equipment. All exterior and ground-mounted equipment is required to be screened.
- d. Show locations of all fire hydrants, catch basins, and gutters.

- e. Minimum six-inch concrete wheelstops or curbs shall be installed within the parking garage to serve as protection of buildings, walls and fences. (Section 9.58.120 B)
 - f. Relocation of loading zones previously located within the cul-de-sac area along D Street to an area approved by Planning Manager.
 - g. Fire Department access road as approved by the City Fire Department.
- 3.2** Architectural details shall be provided to show transitions between different surface materials on the exterior elevations.
- 3.3** The Applicant shall comply with all requirements of the Architectural Review Subcommittee meeting of August 31, 2016.
- 3.4** Before issuance of any building or grading permits for the project, a Final Landscape Plan shall be submitted to the Planning Division for review and approval with the following revisions:
- a. Show locations of perimeter and internal property lines.
 - b. Show locations of all ground-mounted equipment and include landscaping to be used for screening.
 - c. The landscaping shall be designed to withstand high winds and the potential accumulation of blowsand.
- 3.5** A Final Landscape Construction Plan, prepared by a licensed landscape architect and approved by the Planning Manager, shall be signed by the local water agency prior to the issuance of a building permit. The Final Landscape Construction Plan shall contain the following required information:
- a. A title block with sheet number, site address and APNs, date of preparation, and name, address, and phone number of Applicant on all sheets.
 - b. 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.
 - c. Show use of concrete mow strip between turf and other surfaces.
 - d. Clear indication where landscaping will be used to screen mechanical, electrical, and irrigation equipment.
 - e. 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.

- f. Show all location of mechanical, electrical, and irrigation equipment and landscaping that will screen from public view.
- g. 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.
- h. Plant and tree installation and staking details. Plant and tree installation and staking details that require single trunk trees to be double staked and multi-trunk trees to be staked appropriate to the species of tree.
- i. Details, specifications, and location of all pavers and decorative surface materials used on the site. Samples of crushed rock material or decomposed granite materials shall be submitted to the Planning Department for approval.
- j. All decorative surface materials shall be approved by the Planning Manager before issuance of any permits.
- k. Landscaping and irrigation shall be provided along the project frontage of East Palm Canyon Drive, Van Fleet Avenue, and D Street.
- l. Landscape plans shall meet the requirements of the City of Cathedral City's Water Efficient Landscape Ordinance.
- m. All plant materials used on the project site shall be those listed in the most recent version of Coachella Valley Water District's "Lush & Efficient Landscape Gardening in the Coachella Valley".
- n. An Irrigation Plan with equipment details.

3.6 Site landscaping shall comply with the City Design Guidelines and Water Conservation policies and rules 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. At least 50% of the trees shall be evergreen species.
- d. All trees in parking lots shall be centered between parking spaces to provide optimal shading.
- e. All single trunk trees shall be double staked and multi-trunk trees shall be staked appropriate to the species of tree.
- f. Arbor guards shall be installed around trees in turf areas.

- g. Projects located along major arterials and/or streets shall comply with the street tree requirements of the Design Guidelines.
 - h. Planter areas shall be surrounded by a concrete mow strip or other hard surface.
 - i. All ground-mounted equipment, such as mechanical, electrical, and irrigation equipment (backflow preventers), shall be located within a landscape planter. This equipment shall not be located within a turf area and shall not be visible from public view.
 - j. Any drain that terminates in a planter shall have a splash guard.
 - k. All palm trees shall have a brown truck height of at least 20 feet.
 - l. All 36-inch box trees or greater shall be verified as to size by the project planner prior to being planted. It is the responsibility of the contractor and/or Applicant to make an appointment with the project planner to conduct this verification.
 - m. All trees on site shall be non-fruit-bearing.
 - n. The trees on Van Fleet Avenue and D Street shall comply with the street tree requirements in the Cathedral City Design Guidelines.
 - o. All planter areas adjacent to pavement shall be 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 top of the surface soil and/or decomposed granite.
- 3.7** All landscaping shall be continuously maintained. Trees, shrubs, ground covers, et cetera, shall be watered and permanently maintained. All dead vegetation shall be removed and replaced in a timely manner.
- 3.8** Where landscaping is required for off-street parking areas, or in other vehicular parking areas, concrete curbing and/or bumper blocks shall be required to regulate vehicular traffic and to protect plant materials from vehicles. Such curbing height shall be at least six inches. Curbing of six inches or more shall be required where a public planter slopes toward a sidewalk and said curbing is needed to retain water. Overflow devices which drain under sidewalks may be required to assure that water does not overflow planters. In no event shall the finished grade of the irrigated planter be less than three inches below a public sidewalk and/or curb.
- 3.9** Redwood headers are specifically prohibited from use on the project site.
- 3.10** The Applicant shall record a maintenance covenant over the property that guarantees the removal of weeds, dust, blowsand, and debris, and ensures that

the property is maintained in a weed, dust, blowsand, and debris-free condition per the approved plans and conditions of approval.

- 3.11** The Applicant shall contact the Planning Department 90 days after issuance of a Certificate of Occupancy to arrange for a follow-up on-site inspection to ensure that all plant material is being maintained consistent with the approved Exhibit "A".
- 3.12** All lighting on site shall comply with Chapter 9.89 of the Municipal Code relative to outdoor lighting including fixtures that direct lighting downward.
- 3.13** The project shall be kept in a weed-, debris-, and dust-free condition throughout all periods of development and thereafter.
- 3.14** All walls and trash enclosures shall have a decorative surface and a decorative cap that are consistent with the overall architecture, and be approved by the City Planner prior to issuance of a Building Permit.
- 3.15** All lighting on site shall comply with Chapter 9.89 of the Municipal Code relative to outdoor lighting including fixtures that direct lighting downward.
- 3.16** The Applicant shall submit an exterior Lighting Plan in compliance with CCMC Section 9.89, including a photometric analysis, to the Planning Manager for review and approval prior to issuance of a building permit. The Lighting Plan shall also identify the following:
 - a. The type of fixtures, including height, material, and color.
 - b. That all concrete fixture bases will have a decorative finish. At a minimum, a trowel finish shall be provided.
 - c. That the bolts connecting the light fixture to the base will be covered.
 - d. Parking lot light poles shall be a maximum of 18' in height and a minimum of one foot candle shall be maintained across the entire parking lot.
- 3.17** All mechanical equipment, either roof- or ground-mounted, shall be screened from public view. All such equipment shall be fully screened by the roof structure, a parapet wall, appropriate ground mounted walls, berming, or landscaping. All walls shall architecturally match the building. If after construction, but prior to the issuance of a Certificate of Occupancy, it is determined by the Planning Manager that equipment can be viewed from the public right-of-way a plan for screening the equipment shall be submitted to the Planning Department for approval. Once approved, said screening shall be constructed prior to issuance of a Certificate of Occupancy.
- 3.18** Property addresses or building identification signs shall be placed on all new buildings so as to be plainly visible from the public street. Said signs shall be 12

inches in height on commercial buildings and six inches in height for residential buildings. Numbers shall be either internally or externally illuminated to be consistent with Municipal Code Section 9.02 and designed to illuminate automatically during periods of darkness.

- 3.19** Signage for the proposed project is limited to those shown in Exhibit A subject to the conditions of approval. and is not part of this approval. A separate sign permit or Master Sign Program, shall be approved prior to the issuance of a Certificate of Occupancy.
- 3.20** Approval of a Master Sign Program shall be required for the proposed project if the proposed signage meets any of the provisions in Section 9.62.030 E of the Zoning Code.
- 3.21** Roof signs are not permitted pursuant to Section 9.62.050 of the Zoning Code.
- 3.22** No loading or unloading shall occur within the public right-of-way, except those activities approved by the Planning Manager and City Engineer.
- 3.23** Trash enclosures shall have a decorative wall surface and a decorative cap that are consistent with the overall architecture of the project.
- 3.24** All exterior walls facing a public street or public area shall have a decorative surface and a decorative cap that is consistent with the overall architecture.
- 3.25** Building and landscaping shall be maintained in a condition that substantially complies with this approval.
- 3.26** Outdoor display of merchandise and/or storage is strictly prohibited.
- 3.27** All decorative pavers shall have a concrete border transition between the pavers and any other surface.
- 3.28** All breaker boxes, fire sprinkler risers, and utility conduits shall be interior to the building.
- 3.29** All roof drains and downspouts shall be on the interior of the building. Exposed drainpipes are specifically prohibited.
- 3.30** All drain terminations shall be from the Watts Drainage Product RD-940 or a product of equal value.
- 3.31** The Applicant shall submit a fence plan for the tennis courts to be reviewed and approved by the Planning Manager prior to installation.
- 3.32** Contractor must divert at least 75 percent of all demolition waste to a recycling facility. The reuse of materials is considered an acceptable recycling program but must be documented and approved by the Environmental Conservation Manager

- 3.33** Prior to the issuance of a Certificate of Occupancy, the Applicant shall submit all weight tickets associated with trash and recycling disposal to be approved by the Environmental Conservation Manager.
- 3.34** The project shall comply with the following Mitigation Measures as identified in the Initial Study for DR 15-004:
1. **AQ-1** During all phases of project construction, grading and earthmoving activities shall be limited to a maximum of five acres per day.
 2. **BIO-1.** Before issuance of any building permit for the project, a pre-construction survey shall be conducted for the burrowing owl and desert tortoise no more than 14 days before any ground disturbing activities begin using the proper protocols (USFWS and CDFW). The survey shall be conducted as close to the actual construction initiation date as possible. If evidence of the burrowing owl or desert tortoise is found on the site, then the developer shall follow the recommendations of a professional biologist, hired by the City at the developer's expense, on the find before restarting the ground-disturbing activities. Evidence of the completed surveys shall be submitted to the Planning Manager before grading permit issuance.
 3. **BIO-2.** If construction is to occur during the MBTA nesting cycle (February 1-September 30), a nesting bird survey shall be conducted by a qualified biologist, contracted by the Applicant or City and paid by the Applicant, not more than 14 days before start of ground-disturbing activities. Disturbance that cause nest abandonment and/or loss of reproductive effort (e.g. killing or abandonment of eggs or young) may be considered take and is potentially punishable by fines or imprisonment. Active bird nests shall be mapped utilizing a hand-held global positioning system (GPS) and a 300' buffer shall be flagged around the nest (500' buffer for raptor nests). Construction shall not be permitted within the buffer areas while the nest continues to be active (eggs, chicks, etc.). Results of the survey shall be submitted to the Planning Manager before issuance of building permits.
 4. **CR-1** If during the course of excavation, grading or construction, artifacts or other archaeological resources are discovered, all work in the immediate area of the find shall be halted and the Applicant shall immediately notify the Planning Manager. A qualified archaeologist shall be called to the site by, and at the expense of, the Applicant to identify the find and propose mitigation if the resource is culturally significant. Work shall resume after consultation with the City of Cathedral City and implementation of the recommendations of the archaeologist. If archaeological resources are discovered, the archaeologist will be required to provide copies of any studies or reports to the Eastern Information Center for the State of California located at the University of California Riverside and the Agua Caliente Tribal Historic Preservation Office (THPO) for permanent inclusion in the Agua Caliente Cultural Register.

5. **CR-2** If human remains are uncovered during excavation or grading activities on the project site, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
 - A) The Riverside County Coroner has been contacted and determined that no investigation of the cause of death is required, and
 - B) If the coroner determines the remains to be Native American:

The coroner shall contact the Native American Heritage Commission (NAHC) or the Agua Caliente Tribal Historic Preservation Office (THPO) within 24 hours. The NAHC or THPO shall identify the person or persons it believes to be the Most Likely Descendent (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Sec. 5097.98. The City and developer shall work with the designated MLD to determine the final disposition of the remains.
6. **CR-3** A Native American monitor shall be present during all future ground-disturbing activities for the project. If cultural resources are uncovered, work in the vicinity of the find shall be stopped and the resource evaluated by a qualified archeologist. A tribal representative shall also be contacted and consulted regarding the find. If the resource is found to be significant, the archeologist in consultation with the appropriate tribal representative, and City representative shall confer with regard to mitigation.
7. **CR4** If any tribal cultural resources or archeological resources are uncovered during site disturbing activities, the resources shall be relinquished to appropriate tribe. Work shall not resume until the resource has been fully removed or otherwise mitigated.
8. **GEO-1** Before issuance of building permits, the project Applicant shall submit plans to the City Engineer for review and approval demonstrating project compliance with the most recent California Building Code seismic requirements and the recommendations of the 2008 *Geotechnical Report for the Proposed Hotel Project* and 2015 update. All soil engineering recommendations and structural foundations shall be designed by a licensed professional engineer. The approved plans shall be incorporated into the proposed project. All on-site engineering activities shall be conducted under the supervision of a licensed geotechnical engineer.
9. **GEO-2** Before start of construction, all remnants from the septic system from the previous residential occupancy, including septic tanks, cesspools, leach lines or seepage pits, and associated piping systems, shall be abandoned in accordance with the project geotechnical engineer, Phase I study recommendations, all City and Riverside County requirements and Riverside County Department of Environmental Health. Proof of

abandonment shall be submitted to the City before issuance of building permits for the project.

10. **N-1** Construction equipment and construction-related traffic shall enter and leave the site from either the East Palm Canyon Drive or Van Fleet Avenue entrances whenever possible.

11. **N-2** During construction of the project, the construction contractor shall limit all construction-related activities to the following hours, in accordance with the Construction Noise Standards set forth in Chapter 11.96 (Noise Control) of the City of Cathedral City Municipal Code:

October 1 through April 30:

- 7:00 a.m. to 5:30 p.m. on Monday through Friday
- 8:30 a.m. to 5:00 p.m. on Saturday

Construction prohibited at any time on Sunday or a state holiday.

May 1 through September 30:

- 6:00 a.m. to 7:00 p.m. on Monday through Friday
- 8:00 a.m. to 5:00 p.m. on Saturday

Construction prohibited at any time on Sunday or a State of California holiday.

12. **N-3** Construction equipment will use available noise suppression devices and properly maintained mufflers. Construction noise shall be reduced by using quiet or “new technology”, equipment, particularly the quieting of exhaust noises by use of improved mufflers where feasible. All internal combustion engines used at the project site will be equipped with the type of muffler recommended by the vehicle manufacturer. In addition, all equipment will be maintained in good mechanical condition so as to minimize noise created by faulty or poorly maintained engine, drive-train and other components.
13. **N-4** During all site preparation, grading and construction, contractors shall minimize the staging of construction equipment and unnecessary idling of equipment in the vicinity of residential land uses.
14. **N-5** The equipment staging area will be situated so as to provide the greatest distance separation between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
15. **N-6** Stationary noise sources shall be located as far from sensitive receptors as possible, and shall be muffled and enclosed within temporary sheds, or insulation barriers or other measures shall be incorporated to the extent feasible.
16. **N-7** Temporary walls/barriers/enclosures will be erected around stationary construction equipment when such equipment will be operated for an extended period of time and where there are noise sensitive receptors

substantially affected. Noise barriers and enclosures will consist of absorptive material in order to prevent impacts upon other land uses due to noise reflection. In addition, complete enclosure structures will close or secure any openings where pipes, hoses or cables penetrate the enclosure structure.

17. **T-1** The project Applicant/developer shall provide revised site plans showing following on-site roadway improvements shall be implemented for the project and shall be consistent with Figure 5-A in the Traffic Impact Analysis prepared for the project dated 11/30/15:
 - a. Construct the appropriate half section improvements along East Palm Canyon Drive between Van Fleet Street and the easterly project boundary which includes curb/gutter, sidewalk, landscaping, etc.
 - b. Construct the appropriate half section improvements along Van Fleet Street between East Palm Canyon Drive and D Street which includes curb/gutter, sidewalk, landscaping, etc.
 - c. Construct the appropriate half section improvements along D Street between Van Fleet Street and the easterly project boundary which includes curb/gutter, sidewalk, landscaping, etc.
 - d. Provide stop sign control at the project driveways.
 - e. On-site traffic signing and striping should be implemented in conjunction with detailed construction plans for the project.
 - f. Verify that minimum sight distance is provided at the project access points.
 - g. Modify the traffic signal at Allen Avenue/ East Palm Canyon Drive to accommodate the southerly leg of the intersection.
 - h. The length of the current eastbound right turn pocket (200 feet) and westbound left turn pocket (130) along East Palm Canyon Drive at the project driveway are expected to sufficiently accommodate the proposed queues entering the site.

SECTION 4 ENGINEERING / PUBLIC WORKS

- 4.1 The Applicant agrees to defend, indemnify and hold harmless the City of Cathedral City ("City"), its agents, officers and employees from any claim, action or proceeding to attack, set aside, void, or annul the approval of this Design Review 15-004 (DR 15-004). The City shall have sole discretion in selecting its defense counsel. The City shall promptly notify the Applicant of any claim, action or proceeding and shall cooperate fully in the defense.
- 4.2 This DR 15-004 shall expire two years after the City Planning Commission approval date, unless recorded or granted a time extension pursuant to Cathedral City Ordinance 659; Section 3; Paragraph 8.4(A).

4.3 This DR 15-004, and any Map recorded there under, shall comply with the requirements and standards of Government Code §§ 66410 through 66499.58 ("the Subdivision Map Act"), and Cathedral City Ordinance No. 629 and 659.

4.4 DR 15-004 shall comply with all applicable terms, conditions and/or mitigation measures for the following approvals:

- A. Cathedral City Design Guidelines.
- B. Cathedral City Water Conservation Policies and Rules.
- C. Cathedral City Municipal Codes and Ordinances.

In the event of any conflict(s) between approval conditions and/or provisions of these approvals, the Community Development Director shall determine precedence.

4.5 All conditions herein shall be met prior to the Grading Permit issuance for the DR 15-004 or as specifically modified by item as linked to a Certificate of Occupancy (COO) issuance and/or time limit from the date of issuance of the Grading Permit.

4.6 Prior to issuance of any grading, construction, or building permit by the City, the Applicant shall obtain any necessary clearances and/or permits from the following agencies, if required:

- A. City of Cathedral City Fire Marshal
- B. Cathedral City Engineering Department for Grading Permits, Drainage and Hydrology Study, Soils Report, Traffic Study, Phase 1 Study and Water Quality Management Plan (WQMP).
- C. Cathedral City Planning and Building Departments for Building Permits.
- D. County of Riverside Transportation Department.
- E. Riverside County Environmental Health Department.
- F. Palm Springs Unified School District.
- G. Desert Water Agency (DWA).
- H. Riverside County Flood Control District (RCFCD).
- I. Southern California Edison (SCE).
- J. Verizon.
- K. Time Warner (TW).
- L. California Regional Water Quality Control Board (CRWQCB).
- M. State Water Resources Control Board.
- N. Sunline Transit Agency (SunLine).
- O. South Coast Air Quality Management District – Coachella Valley (SCAQMD).

The Applicant is responsible for all the requirements of the permits and/or clearances from, and not limited to, the above listed agencies. When the requirements include approval of improvement plans, the Applicant shall furnish

proof of such approvals when submitting those improvement plans for City approval.

4. 7 The Applicant shall be responsible for removal and proper abandonment of any septic tanks or cesspools remaining on the site from past development. Before start of construction, all remnants from the septic system from the previous residential occupancy, including septic tanks, cesspools, leach lines or seepage pits, and associated piping systems, shall be abandoned in accordance with DR 15-004's geotechnical engineer, Phase I study recommendations, all City and Riverside County requirements and Riverside County Department of Environmental Health. Proof of abandonment shall be submitted to the City before issuance of building permits for the project.
4. 8 Coverage under the State of California Construction General Permit must be obtained by the Applicant, who then shall submit a copy of the Regional Water Quality Control Board's ("RWQCB") acknowledgement of the Applicant's Notice of Intent ("NOI") and Waste Discharge Identification ("WDID") number to the City prior to the issuance of a grading or building permit.
4. 9 Prior to construction, during construction and up to Project acceptance the Applicant shall comply with applicable provisions of the City's NPDES Stormwater Discharge Permit and Riverside County Ordinance No. 457; the California Regional Water Quality Control Board – Colorado River Basin Regional Board Order No. R7-2013-0011 and the State Water Resources Control Board's Order No. 2009-009-DWQ, Order No. 2010-0014-DWQ and Order No. 2012-0006-DWQ.
 - A. For construction activities including clearing, grading or excavation of land that disturbs one (1) acre or more of land, or that disturbs less than one (1) acre of land, but which is a part of a construction project that encompasses more than one (1) acre of land, the Applicant ("Permittee") shall be required to submit a Storm Water Pollution Protection Plan ("SWPPP") to the State Water Resources Control Board ("SWRCB").
 - B. The Applicant or design professional can obtain the California Stormwater Quality Association SWPPP template at www.cabmphandbooks.com for use in their SWPPP preparation.
 - C. Prior to the Applicant submitting the SWPPP to the SWRCB, the Applicant shall submit a copy of the SWPPP to the City Engineer for review.
 - D. The Applicant shall deliver a complete copy of the State Water Resources Control Board approved SWPPP to the City Engineer prior to issuance of the Grading Permit for City records.

- E. The Applicant shall ensure that the required SWPPP is available for inspection at the project site at all times through and including acceptance of all improvements by the City.
 - F. The Applicant's SWPPP shall include provisions for all of the following Best Management Practices ("BMPs"), but not limited to:
 - 1) Temporary Soil Stabilization (erosion control).
 - 2) Temporary Sediment Control.
 - 3) Wind Erosion Control.
 - 4) Tracking Control.
 - 5) Non-Storm Water Management.
 - 6) Waste Management and Materials Pollution Control.
 - 7) Retention and Infiltration Basins Management.
 - G. All erosion and sediment control BMPs proposed by the Applicant shall be approved by the City Engineer.
 - F. The SWPPP and BMPs shall remain in effect for the entire duration of project construction until all improvements are completed and accepted by the City Council.
- 4. 10** Approval of the DR 15-004 shall not be construed as approval for any horizontal dimensions implied by any site plans or exhibits unless specifically identified in the following conditions of approval.
- 4. 11** The Applicant shall reimburse the City, within thirty (30) days of presentment of the invoice, all costs and actual attorney's fees incurred by the City Attorney to prepare, review, negotiate and/or modify any documents or instruments required by these conditions and/or subsequent modification requests to these conditions. This obligation shall be paid in the time noted above without deduction or offset and Developer's failure to make such payment shall be material breach of the Conditions of Approval.
- 4. 12** The Applicant shall reimburse the City, within thirty (30) days of presentment of the invoice, all cost and actual consultant's fees incurred by the City for engineering, surveying and/or any other technical consultants to review and/or modify any documents or instruments required by these conditions and/or subsequent modification requests. This obligation shall be paid in the time noted above without deduction or offset and Applicant's failure to make such payment shall be material breach of the Conditions of Approval.
- 4. 13** The Applicant shall reimburse the City, within thirty (30) days of presentment of the invoice, all actual costs incurred by the City for Engineering, Planning and/or

Building Department reviews and/or modify any documents or instruments required by these conditions and/or subsequent modification requests. This obligation shall be paid in the time noted above without deduction or offset and Applicant's failure to make such payment shall be material breach of the Conditions of Approval.

PROPERTY RIGHTS AND PRIVATE IMPROVEMENTS

- 4. 14** Prior to issuance of any permit(s), the Applicant shall acquire or confer easements and other property rights necessary for the construction or proper functioning of the proposed development. Conferred rights shall include irrevocable offers to dedicate or grant access easements to the City for emergency services and for maintenance, construction and reconstruction of essential improvements.
- 4. 15** Pursuant to the aforementioned condition, conferred rights shall include approvals from all necessary persons or entities over easements and other property rights necessary for construction and proper functioning of the proposed development not limited to access rights over proposed and/or existing private streets that access public streets and open space/drainage facilities of all phases of the development.
- 4. 16** Portions of "A" Street, "B" Street, and a public alley between these streets, were conditionally vacated by the City by Vacation Case No. 2015-02, as detailed in City Council Resolution No. 2015-60, adopted on November 16, 2015. The developer shall abandon, relocate, underground, or otherwise clear existing utilities in these streets to the satisfaction of their owners, and meet the other conditions of the street and alley vacations as outlined in that resolution, and a final Resolution of Vacation must be adopted and recorded prior to the issuance of building permits on any of the portions of streets or alley to be vacated.
- 4. 17** The vacated streets and existing lots and parcels comprising the hotel site shall be merged by the developer into a single parcel by the approval and recordation of a lot merger, which shall be recorded prior to the issuance of building permits on any of the property.
- 4. 18** The Applicant shall retain for private use on DR 15-004 all private street rights-of-way, parking lots, access ways, entry points, and rights-of-way in conformance with the City's General Plan, Municipal Code, DR 15-004 and/or as required by the City Engineer.
- 4. 19** The Applicant shall design the private parking lot pavement sections using Cal Trans's design procedure for 20-year life pavement, and the site-specific data for soils strength and anticipated traffic loading (including construction traffic). Minimum structural sections, with asphalt places in two lifts, shall be as follows:

- i. Parking Lot and Drive Aisles: 3.0" a.c./4.5" class II aggregate base.
 - ii. Side entry drives, interior circulation routes, corner cutbacks, dedicated turn lanes and other features shown on DR 15-004, may require additional street widths as may be determined by the City Engineer.
- 4. 20** Curve Radii for curbs at all street intersections shall not be less than 30 feet as part of these conditions of approval.
- 4. 21** All driveways shall be of the "commercial" type per County of Riverside Standard 207A.
- 4. 22** The Applicant shall install Type A-6 curbs per County of Riverside Standards, which will convey water without ponding, and provide lateral containment of dust and residue during street sweeping operations.
- 4. 23** The Applicant shall construct all private streets, parking lots, drive aisles, curbs and gutters to uniformly connect to existing adjacent public and/or private improvements within and adjacent the DR 15-004 to the satisfaction of the City Engineer.
- 4. 24** The Applicant shall construct all appurtenant roadway components such as, but not limited to: curb, gutter, sidewalk, ADA ramps, traffic control striping, legends, traffic control signs and street name signs to the satisfaction of the City Engineer.
- 4. 25** The Applicant shall coordinate and pay all cost necessary for the installation of the below detailed City and Southern California Edison (SCE) approved LED street lights with SCE and take over all related expenses, including the monthly electrical expense for each street light installed prior to the issuance of the first COO. The Applicant shall execute a Street Light Covenant and be reviewed by the Engineering Department prior to recordation.
- A. Install four (4) 9,500 lumen LED street lights along the east side of Van Fleet Street per Cathedral City/SCE Standards from East Palm Canyon Drive south to D Street, with final locations subject to approval by the City Engineer.
 - B. Install three (3) 5,800 lumen LED street lights along the north side of D Street per City and SCE Standards from Van Fleet Street east to the end of the D street cul-de-sac, with final locations subject to approval by the City Engineer.
 - C. Replace one (1) street light on A Street east of Van Fleet with one (1) 5,800 lumen LED street light along the south side of A Street per City and SCE Standards, with the final location subject to approval by the City Engineer. Alternate lighting within this area may be proposed and subject to the approval of the City Engineer.

- 4. 26** The Applicant shall coordinate and pay all cost necessary for the undergrounding and removal of all, and not limited to, aerial wires, power lines, telephone wires, cable lines, communication equipment, pole under burden and respective poles that are within the DR 15-004 prior to the issuance of the COO to the satisfaction of the City Engineer.
- A. The Applicant shall coordinate all undergrounding of existing facilities with each respective utility, service provider and adjacent properties owners to ensure that all aerial lines are removed from the DR 15-004 site.
- 4. 27** Dedications shall include additional widths as necessary for dedicated right and left turn lanes, bus turnouts, and other features contained in the approved construction plans, and not limited to the following:
- A. The Applicant shall dedicate additional street right-of-way along the south East Palm Canyon frontage to provide for a 63 feet half street right of way in accordance with the City's approved Circulation Element of the General Plan and as approved by the City Engineer. This dedication shall be made by separate instrument prior to the issuance of the COO.
- 4. 28** The Applicant shall coordinate the granting of utility easements over the small triangular gap located south of D Street along the west bank of a Riverside County Flood Control Channel to the satisfaction of the City Engineer.
- 4. 29** When the City Engineer determines that access rights to the proposed street rights-of-way for DR 15-004 are necessary prior to the issuance of the COO, the Applicant shall grant the necessary rights-of-way within 60 days of a written request by the City.
- 4. 30** Where public facilities (e.g. sidewalks) are placed on privately owned setbacks, the Applicant shall dedicate blanket easements for those purposes by separate instrument prior to the issuance of the COO.
- 4. 31** The Applicant shall offer for dedication to the City those easements necessary to for access to drainage facilities and basin, by separate instrument. The Owner is required to execute a Drainage System and Basin Covenant with the City prior to the issuance of the Grading Permit.
- 4. 32** The existing access road to the East Cathedral Channel from the end of "D" Street shall be protected in place. There shall be no alteration of changes to this access without the approval of and the issuance of a permit by the Riverside County Flood Control District.
- 4. 33** The Applicant shall cause all missing property corners and survey monuments from Parcel Map 32932 to be set prior to the issuance of the COO. A certificate

of map correction shall be filed in accordance with the Subdivision Map Act if this work is done by anyone other than the surveyor/engineer of record.

- 4. 34** The Applicant shall furnish proof of easements, or written permission, as appropriate, from those owners of all abutting properties on which grading, retaining wall construction, permanent slopes, street improvements, utility relocations or other encroachments will occur.
- 4. 35** The Applicant shall cause no easement to be granted, or recorded, over any portion of the subject property between the date of approval of DR 15-004 and the date of issuance of the COO, unless such easement is approved by the City Engineer.
- 4. 36** The Applicant shall be responsible for the vacation and granting of easements that address changes in the existing easements over the proposed DR 15-004 that may be affected by proposed improvements. Pursuant to this condition, the Applicant shall apply to the City for any street vacation request of public right-of-way and/or public utility easements. The Applicant must provide all applicable exhibits and legal descriptions and perform all necessary abandonments or relocation of easements and/or facilities as required by all affected utility purveyors over the public rights-of-way and/or utility easements, or as approved by the City Engineer. Typically the City's right-of-way vacation process is up to three months.

PUBLIC IMPROVEMENTS

- 4. 37** The Applicant shall construct and dedicate the following streets and/or street improvements to conform to the General Plan.

A. PUBLIC STREETS

- 1) East Palm Canyon Drive – A public roadway per these Conditions of Approval shall include the following:
 - a) Repair all street, curb and gutter and ADA ramps along East Palm Canyon Drive's frontage to the satisfaction of the City Engineer prior to the issuance of the COO.
 - b) The Applicant shall remove the existing driveway depression on the south side of East Palm Canyon Drive, located approximately 330 feet east of Van Fleet Street and replace with curb, gutter and sidewalk matching the existing East Palm Canyon Drive curb, gutter and sidewalk in color and finish to the satisfaction of the City Engineer prior to the issuance of the first COO.

- c) Construct new and/or maintain and integrate the existing stormwater catch basins and box culvert along the DR 15-004's East Palm Canyon Drive frontage as detailed in the City approved DR 15-004's Hydrology Study to the satisfaction of the City Engineer prior to the issuance of the COO.
 - d) Construct/modify and/or repair all appurtenant roadway components along DR 15-004's East Palm Canyon Drive frontage prior to the issuance of the COO, such as, but not limited to: curb, gutter, sidewalk, ADA ramps, traffic control striping, legends, LED traffic control signs and street name signs.
 - e) The Applicant shall modify the existing traffic signal at the intersection of Allen Avenue and East Palm Canyon Drive as required to provide signalized ingress and egress from DR 15-004, in accordance with a plan to be designed by the Applicant's traffic engineer and approved by the City Engineer. All modifications/additions/replacements of any existing signal interconnect, detection, and emergency pre-emption systems, street striping, markers, signs and legends, shall all be at the Applicant's expense.
- 2) "A" Street – A public roadway per these Conditions of Approval shall include the following:
- a) Street improvements and widening to be completed prior to the issuance of the COO.
 - b) Street measured at right of way to right of way varies from 40 feet to 45 feet and curb to curb shall be 30 feet minimum with parking allowed on one side. A Street centerline to south curb shall be 14 feet and north curb 16 feet.
 - c) The Applicant shall construct full width (both sides) street improvements on the non- vacated portion of A Street from the entrance of A Street on Van Fleet Street, along the entire A Street frontage of DR 15-004 to the east end of the non-vacated portion of A Street. The full width improvements shall include paving, curb, gutter and drainage facilities including and not limited to:
 - 1) Paving: 3 inch asphalt grind and fill.
 - 2) The curb and gutter shall wrap around the east end of the street to join the existing curb on the north side of "A" Street. All work shall be done in accordance with an engineered street design plan, subject to the approval of the City Engineer.

- d) The Applicant will coordinate all public and private roadway improvements and driveway transitions with the adjacent property owner (public and/or private) and coordinate relocation of fire hydrants, water meters and all other appurtenances as required to the satisfaction of the City Engineer.
 - e) The existing fire hydrant located on the south side of "A" Street, approximately 280 feet east of Van Fleet, on the portion of "A" Street to be vacated, shall be relocated to a location on the south side of "A" Street approximately 100 feet east of the Van Fleet centerline to a location approved by the City Fire Chief and the City Engineer.
 - f) Construct all street, curb and gutter to uniformly connect to existing adjacent improvements west and east of the DR 15-004 along the A Street frontage to the satisfaction of the City Engineer prior to the issuance of the COO.
 - g) Street shall have Type A-6 curbs per County of Riverside (RC) Standards, which will convey water without ponding, and provide lateral containment of dust and residue during street sweeping operations.
 - h) Construct a 5-foot wide concrete sidewalk (both sides) with all required ADA ramps and utility offsets from the intersection of A Street and Van Fleet Street to the easterly limit of A Street prior to the issuance of the COO.
 - i) Construct all appurtenant roadway components along the DR 15-004's A Street frontage prior to the issuance of the COO, such as, but not limited to: curb, gutter, sidewalk, ADA ramps, traffic control striping, legends, traffic control signs and street name signs.
- 3) Van Fleet Street – A public roadway per these Conditions of Approval shall include the following:
- a) Any required street improvements to be completed prior to the issuance of the COO.
 - b) Street measured at right of way to right of way is 50 feet and curb to curb is 46 feet. Van Fleet Street centerline to east curb is 30 feet and west curb is 16 feet.
 - c) The Applicant shall repair all half width street improvements on Van Fleet Street from East Palm Canyon Drive along the entire east Van Fleet Street frontage of DR 15-004, to the centerline of D Street and Van Fleet Street, including and not limited to:

- 3) A 1-1/2" asphalt grind and fill from the centerline of Van Fleet Street to the east curb line along DR 15-004's Van Fleet Street frontage from the centerline of D Street and Van Fleet Street to the DR-004's northerly limit at the north end at East Palm Canyon Drive and Van Fleet Street prior to the issuance of the COO.
- d) The Applicant will coordinate all public roadway improvements and driveway transitions with the adjacent property owners (public and/or private) and coordinate relocation of fire hydrants, water meters and all other appurtenances as required to the satisfaction of the City Engineer.
- d) Repair all appurtenant roadway components along the DR 15-004's Van Fleet Street's frontage prior to the issuance of the COO, such as, but not limited to: curb, gutter, sidewalk, ADA ramps, traffic control striping, legends, traffic control signs and street name signs.
- 4) D Street – A public roadway per these Conditions of Approval shall include the following:
 - a) Any required street improvements to be completed prior to the issuance of the COO.
 - b) Street measured at right of way to right of way is 50 feet and curb to curb is 30 feet. D Street centerline to north curb is 15 feet and south curb is 15 feet.
 - c) The Applicant shall repair all half width street improvements on D Street from Van Fleet Street along the entire north D Street frontage of DR 15-004, to the end of the D Street cul-de-sac, including and not limited to:
 - 4) A 1-1/2" asphalt grind and fill from the centerline of D Street to the north curb line along DR 15-004's D Street frontage from the centerline of D Street and Van Fleet Street to east end of the cul-de-sac prior to the issuance of the COO.
 - d) The Applicant will coordinate all public roadway improvements and driveway transitions with the adjacent property owners (public and/or private) and coordinate relocation of fire hydrants, water meters and all other appurtenances as required to the satisfaction of the City Engineer.
 - e) Repair all appurtenant roadway components along the DR 15-004's D Street's frontage prior to the issuance of the COO, such as, but not

limited to: curb, gutter, sidewalk, ADA ramps, traffic control striping, legends, traffic control signs and street name signs.

- f) The existing cul-de-sac curb, gutter, sidewalk and pavement improvements at the east end of "D" Street shall be removed, and shall be replaced with new curb, gutter, sidewalk and pavement improvements as required in a configuration matching County Standard Drawing No. 800 (A) and as approved by the City Engineer. The Applicant shall apply to the City for a vacation of the excess cul-de-sac street right-of-way, and shall make any additional right of way dedication as required for the new smaller diameter cul-de-sac configuration shown on the site plan. The Applicant shall apply for this street vacation, and the vacation process and any additional right of way dedication required shall be completed prior to the issuance of the COO.

- 4. 38** Right-of-Way geometry for property line corner cut-backs at curb returns shall conform to County of Riverside Standard Drawing No. 805 unless otherwise approved by the City Engineer.
- 4. 39** Improvements shall be designed and constructed in accordance with City adopted standards, supplemental drawings and specifications, or as approved by the City Engineer.
- 4. 40** All public and private improvements shall be subject to City requirements for inspection during construction.
- 4. 41** The City will conduct final inspections of habitable structures only when the buildings have improved street and sidewalk access to publically-maintained streets. The improvements shall include required traffic control devices, pavement markings and street name signs.

IMPROVEMENT PLANS

As used throughout these Conditions of Approval, professional titles such as "engineer," "surveyor," and "architect," refers to person's currently certified or licensed to practice their respective professions in the State of California.

- 4. 42** Improvement plans shall be prepared, by or under the direct supervision of qualified engineers and/or architects, as appropriate, and shall comply with all requirements of the City of Cathedral City.
- 4. 43** The following improvement plans, shall be prepared and submitted for review by the Engineering Department. A separate set of plans for each line item specified below, shall be prepared. The plans shall utilize the minimum scale specified,

unless authorized by the City Engineer. Plans may be prepared at larger scale if additional detail or plan clarity is desired.

Note: The Applicant may be required to prepare other improvement plans not listed here pursuant to improvements required by other agencies and utility purveyors.

A. Rough and/or Grading Plan 1" = 40' Horizontal

Grading Plan shall normally include perimeter wall with Top of Wall and Top of Footing elevations shown. All footings shall have a minimum of 1-foot of cover, or sufficient cover to clear any adjacent obstructions.

B. PM 10 Plan 1" = 40' Horizontal
C. WQMP (Plan submitted in report form)

NOTE: A through C to be submitted concurrently.

D. Precise Grading Plan 1" = 40' Horizontal

Precise Grading Plan shall normally include perimeter wall with Top of Wall and Top of Footing elevations shown. All footings shall have a minimum of 1-foot of cover, or sufficient cover to clear any adjacent obstructions.

E. Street Improvements 1" = 40' Horizontal, 1' = 4' Vertical

The street improvement plan shall show the sidewalk in the combined parkway and landscape setback area.

F. Storm Drain Plan 1" = 40' Horizontal, 1' = 4' Vertical

Separate Storm Drain Plan is required by City Engineer

G. Street Signing and Striping Plan 1" = 40' Horizontal
H. Signal Plan As approved by the City Engineer
I. Monumentation Plan As approved by the City Engineer

NOTE: D through F to be submitted concurrently.

Other engineered improvement plans prepared for City approval that are not listed above shall be prepared in formats approved by the City Engineer prior to commencing plan preparation.

All Plan and Profile Street Plans and Signing and Striping plans shall show all existing improvements for a distance of at least 200-feet beyond the project limits, or a distance sufficient to show any required design transitions.

All Signing and Striping Plans shall show, at a minimum; Stop Signs, Limit Lines and Legends, No Parking Signs, Street Name Signs, Raised Pavement Markers (RPMs) (including Blue RPMs at fire hydrants) and Street Name Signs per Cathedral City Standard Plans and/or as approved by the City Engineer.

- 4. 44** The Applicant shall furnish accurate mylars of all improvement plans to the City Engineer for approval. The improvement plans shall be of a scale approved by the City Engineer.
- 4. 45** The Applicant shall furnish a copy of all approved improvement plans on an electronic storage media acceptable to the City Engineer.
- 4. 46** Upon completion of construction, and prior to final acceptance of the improvements by the City, the Applicant shall furnish the City with reproducible record drawings, of all improvement plans which were approved by the City. Each sheet shall be clearly marked "As Built" and shall be stamped and signed by the engineer or surveyor certifying to the accuracy and completeness of the drawings. The Applicant shall have all approved mylars previously submitted to the City, revised to reflect the as-built conditions. The Applicant shall employ or retain the Engineer of Record (EOR) during the construction phase of the project so that the EOR can make site visits in support of preparing "As Built". However, if subsequent approved revisions have been approved by the City Engineer and reflect said "As Built" conditions, the EOR may submit a letter attesting to said fact to the City Engineer in lieu of Mylar submittal.

IMPROVEMENT SECURITY AGREEMENTS

- 4. 47** Prior to the issuance of the COO, the Applicant shall construct and dedicate all on and off-site improvements and satisfy its obligations for same, or shall furnish a fully secured and executed Public Works Completion Agreement guaranteeing the construction of such improvements and the satisfaction of its obligations for same, or shall agree to any combination thereof, as may be required by the City.
- 4. 48** Any Public Works Completion Agreement entered into by and between the Applicant and the City of Cathedral City, for the purpose of guaranteeing the completion of any improvements related to this DR 15-004, shall comply with all applicable City Codes and Ordinances.

All required improvement securities shall be in a form and amount as approved by the City Attorney and City Engineer. Evidences of liability and workers compensation insurance coverage shall be submitted as required by the terms of the Public Works Completion Agreement.

- 4. 49** Prior to improvement plans approval the Applicant shall submit for review and City approval Covenants for the future maintenance and upkeep of (and not limited to) street lights, landscaping improvements, hardscape improvements, PM-10 cleanup mitigation, retention basin improvements and permanent site BMP appurtenances. Once approved by the City, Applicant shall execute and record such covenants.
- 4. 50** The Applicant shall submit applicable deposits for the cost of reviewing Public Works Completion Agreement(s), Drainage Covenant, Mutual Drainage Easements, Street Light Covenant, PM-10 Cleanup Mitigation Covenant and/or any other requests or form submittals made by the Applicant related to this DR 15-004.
- 4. 51** Improvements to be made, or agreed to be made, shall include the removal of any existing structures or other obstructions which are not a part of the proposed improvements and shall provide for the setting of the final survey monumentation.

Improvements shall be constructed, or secured through a Public Works Completion Agreement, prior to the issuance of the COO.

Improvements and obligations required shall be either complete, or secured through a Public Works Completion Agreement, prior to the issuance of COOs of permanent buildings or as otherwise approved by the City Engineer.

In the event the Applicant fails to construct the improvements for the DR 15-004, or fails to satisfy its obligations for the DR 15-004 in a timely manner, the City shall have the right to halt issuance of permits, and/or final inspections, withhold other approvals related to the development of DR 15-004, or call upon the surety to complete the improvements.

- 4. 52** Depending on the timing of the development of this DR 15-004, and the status of the improvements at the time, the Applicant may be required to:
- A. Construct certain improvements.
 - B. Construct additional improvements, subject to the reimbursement of its cost by others.
 - C. Reimburse others for those improvements previously constructed that are considered to be an obligation of this DR-004.
 - D. Secure the costs for future improvements that are to be made by others.
 - E. To agree to any combination of these means, as the City may require.

In the event that any of the improvements required for this DR 15-004 are constructed by the City, the Applicant shall, prior to the issuance of any permit or COO related thereto, reimburse the City for the costs of such improvements.

If the Applicant elects to utilize the secured agreement alternative, the Applicant shall submit detailed construction cost estimates for all proposed improvements for each phase, including an estimate for the final survey monumentation, for checking and approval by the City Engineer. Such estimates shall conform to the unit costs schedule as approved by the City Engineer.

Estimates for improvements under the jurisdiction of other agencies shall be approved by those agencies and submitted to the City along with the Applicant's detailed cost estimates.

Security will not be required for telephone, natural gas, or Cable T.V. improvements.

- 4. 53** The Applicant shall provide security to guarantee the final monumentation of the DR 15-004. All securities for final survey monumentation will be in the form of 100% cash deposits.

GRADING

- 4. 54** The Applicant shall comply with all the provisions of Cathedral City Municipal Codes and Ordinances.
- 4. 55** The Applicant shall obtain a Grading Permit approved by the City Engineer prior to initiating any construction or on the project site.
- 4. 56** To obtain an approved Grading Permit, the Applicant shall submit and obtain approval of all of the following:
- A. A grading plan prepared by a civil engineer registered in the State of California,
 - B. A preliminary geotechnical ("soils") report prepared by a professional registered in the State of California,
 - C. A Fugitive Dust Control Plan prepared in accordance with City of Cathedral City requirements,
 - D. A Best Management Practices report prepared in accordance with Cathedral City requirements (NPDES Stormwater Discharge Permit and Storm Management and Discharge Controls),
 - E. A WQMP prepared by an authorized professional registered in the State of California, an

All grading shall conform with the recommendations contained in the Preliminary Soils Report, Phase 1 Environmental Assessment report and shall be certified as being adequate by the soils engineer, or engineering geologist registered in the State of California.

A statement shall appear on Grading Plan that a soils report has been prepared in accordance with the California Health and Safety Code § 17953 and California Government Code § 66490.

The Applicant shall furnish security, in a form acceptable to the City, and in an amount sufficient to guarantee compliance with the approved Fugitive Dust Control Plan provisions as submitted with its application for a Grading Permit. Additionally, the Applicant shall replenish said security if expended by the City of Cathedral City to comply with the Fugitive Dust Control Plan as required by the City Engineer.

- 4. 57** The Applicant shall maintain all open graded, undeveloped land in order to prevent wind and/or water erosion of such land. All open graded, undeveloped land shall either be planted with interim landscaping, or stabilized with such other erosion control measures, as were approved in the Fugitive Dust Control Plan.
- 4. 58** Grading within the parkway areas shall conform to Cathedral City requirements except as otherwise modified by this condition. The maximum slope shall not exceed 3:1 anywhere in the landscape setback area, except for the back slope (i.e. the slope at the back of the landscaped lot) which shall not exceed 2:1 if fully planted with ground cover. The maximum slope in the first six (6) feet adjacent to the curb shall not exceed 4:1 when the nearest edge of sidewalk is within six feet (6') of the curb, otherwise the maximum slope within the right of way shall not exceed 3:1. All unpaved parkway areas adjacent to the curb shall be depressed one and one-half inches (1.5") in the first eighteen inches (18') behind the curb.
- 4. 59** Building pad elevations on the Grading or Precise Grading Plan submitted for City Engineer's approval shall conform to the pad elevations shown on the improvement plans, unless the pad elevations have other requirements imposed elsewhere in the Conditions of Approval.
- 4. 60** Building pad elevations of perimeter lots shall not differ by more than one foot higher from the building pads in adjacent developments. The Applicant shall minimize the differences in elevation between the adjoining properties and this development.
- 4. 61** Prior to any site grading or re-grading that will raise any portion of the site by more than plus or minus half of a foot (0.5') from the elevation shown on the approved Grading Plans, the Applicant shall submit the proposed grading changes to the City Engineer for a substantial conformance review.
- 4. 62** Prior to the issuance of a building permit for any building, the Applicant shall provide a parcel pad certification stamped and signed by a qualified engineer or

surveyor with applicable compaction tests and over excavation documentation. Each pad certification shall list the pad elevation as shown on the approved Grading Plan, the actual pad elevation and the difference between the two, if any. Such pad certification shall also list the relative compaction of the pad soil. The data shall be organized by parcel number, and listed cumulatively if submitted at different times.

- 4. 63** This development shall comply with the Cathedral City Floodplain Management Ordinance. If any portion of any proposed building parcel in the DR 15-004 is or may be located within a flood hazard area as identified on the City's Flood Insurance Rate Maps (FIRM Maps), the development shall be graded to ensure that all floors and exterior fill (at the foundation) are above the level of the project (100-year) flood and building pads are compacted to 95% Proctor Density as required in Title 44 of the Code of Federal Regulations, Section 645.5(a) (6). Prior to issuance of building permits for parcels which are so located, the Applicant shall furnish Elevation Certifications, as required by FEMA, that the above conditions have been met.

DRAINAGE

- 4. 64** Stormwater handling shall conform to the approved Hydrology and Drainage Report for DR 15-004. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development.
- 4. 65** Stormwater and nuisance water (drainage) shall be retained on site and shall be disposed of in an approved manner. Nuisance water shall be disposed of via on-site storm drains, new and existing catch basins, underground percolation piping, Maxwell Dry Wells and retention basin(s) as approved by the City Engineer.
- 4. 66** All drainage water shall be conveyed underground, to the satisfaction of the City Engineer.
- 4. 67** Storm water drainage historically received from adjoining properties shall be received and retained and/or passed through into the historic downstream drainage relief route.
- 4. 68** The Applicant shall comply with applicable provisions for post construction runoff per the City's NPDES Stormwater Discharge Permit; Riverside County Ordinance No. 457; the Californian Regional Water Quality Control Board – Colorado River Basin (CRWQCB-CRB) Regional Board Order No. R7-2013-0011 and the State Water Resources Control Board's Order No. 2009-009-DWQ, Order No. 2010-0014-DWQ and Order No. 2012-0006-DWQ.
- A. For post-construction urban runoff from New Development and Redevelopment Projects, the Applicant shall implement requirements of the NPDES permit for the design, construction and the covenants for the

perpetual operation and maintenance of BMPs per the approved Water Quality Management Plan (WQMP) for the project as required by the California Regional Water Quality Control Board – Colorado River Basin (CWQRCB- CRB) Region Board Order No. R7-2013-0011.

- B. The Applicant shall implement the WQMP Design Standards per (CRWQCB-CRB) Region Board Order No. R7-2013-0011 utilizing BMPS approved by the City Engineer.

UTILITIES

- 4. 69** The Applicant shall obtain the approval of the City Engineer for the location of all utility lines within any right-of-way, and all above-ground utility structures including, but not limited to, traffic signal cabinets, electrical vaults, water valves, and telephone stands, to ensure optimum placement for practical and aesthetic purposes.
- 4. 70** Any existing overhead utility lines and/or overhead under-burden within, or adjacent to the proposed development, and all proposed utilities shall be installed underground per the utility purveyor standards and as approved by the City Engineer.
- 4. 71** Underground utilities shall be installed prior to overlaying hardscape. For installation of utilities in existing improved streets, the Applicant shall comply with trench restoration requirements required by the City Engineer.
- 4. 72** The Applicant shall provide certified reports of all utility trench compaction for approval by the City Engineer.
- 4. 73** All facilities within the DR 15-004 shall be served with a gravity sanitary sewer system, a domestic water system and a fire protection system in accordance with DWA and City of Cathedral City Fire Department requirements and standards. Applicant shall pay to the City and DWA all applicable sewer and water service charges, capacity charges and construction reimbursements to ensure all services are complete, in place and operational prior to the respective COO being issued.
- 4. 74** The Applicant shall abandon or relocate existing easements over DR 15-004 prior to issuance of the COO as required by the agency and/or individual favored and as approved by the City Engineer. Additionally, the Applicant shall relocate existing utility facilities that are required by all utility purveyors prior to issuance of the COO or as approved by the City Engineer.

SECTION 5 FIRE PROTECTION

Note: All references to the 2013 California Fire Code are shown as CFC, the 2013 California Building Code is shown as CBC and the California Code of Regulations are shown as CCR.

AGENCY APPROVALS

- 5.1 The project has been reviewed as an “R-1 and A-2” type occupancy, any other use will require further review.
- 5.2 Building Construction Type shall be a minimum of Type IIIA, as mitigation is required due to the lack of fire department access, per the CBC 602.3.
- 5.3 Prior to the issuance of a building permit written proof shall be provided from the water purveyor that sufficient capacity is available for fire protection. The minimum required fire flow for this project is 4,000 GPM @ 20psi residual pressure for duration of 4 hours, per CFC Appendix B. Fire flow and flow duration for buildings without automatic fire protection and having an area in excess of 3,600 square feet shall not be less than specified in Table B105.1 as amended.
- 5.4 All public fire hydrants shall be shown on building site plans.
- 5.5 The final Conditions of Approval for this project shall be included in any site plan or construction plans submitted for permit issuance. Plans will not be approved without reference to these “conditions”.
- 5.6 This project is subject to review and approval in accordance with the CCR, Title 19 for Fire and Life Safety. This project may be subject to an annual inspection and permit from the Cathedral City Fire Department for this type of occupancy (use).
- 5.7 Storage of combustible materials shall be in accordance with the CFC.
- 5.8 Provision for the storage or handling of hazardous materials, as defined by Federal, State, and Local Law, shall be in accordance with CFC, Chapter 50.
- 5.9 Storage and handling of flammable and combustible liquids shall be in accordance with the CFC, Chapter 57 and NFPA 30 (2015), Flammable and Combustible Liquids Code.

HYDRANTS AND FIRE PROTECTION SYSTEMS

- 5.10 An approved water supply capable of supplying the required fire flow for fire protection shall be provided on site when any portion of the building or facility is in excess of 400 feet from an approved water supply on a public street. CFC, Section 507. The location of on-site hydrants and mains shall be approved by the Fire Chief prior to permit issuance.

- 5.11** Prior to combustible construction commencing, install and/or upgrade, as required by the, street (off-site) fire hydrants pursuant to the City of Cathedral City Development Guidelines. Distance between fire hydrants shall not exceed 300 feet without approval from the Fire Chief. Fire hydrants shall be located within 100 feet of Fire Department Connections (FDC) for Standpipes and Automatic fire sprinklers.
- 5.12** Prior to combustible construction install, as required by the Cathedral City Fire Department, on-site fire hydrants pursuant to NFPA 24 and City of Cathedral City Development Guidelines. Travel distance along the fire access route shall not exceed 300 ft. between hydrants without approval from the Fire Chief. CFC, Section 507.
- 5.13** In accordance with the CFC Section 507, the water system (mains and hydrants) shall be tested and accepted by the Fire Department prior to the commencement of combustible construction. Hydrant markers (Blue Dots) shall be installed pursuant to the City of Cathedral City Development Guidelines.
- 5.14** In accordance with the CFC Section 903, as amended, automatic fire sprinklers shall be installed throughout all buildings pursuant to NFPA Standards. Systems with 20 heads or more shall be monitored by an approved UL listed central station alarm system meeting the CFC and NFPA 72 requirements.
- 5.15** In accordance with the CFC Section 903, an automatic fire sprinkler system is required throughout all buildings with the occupancy type based on the use(s) proposed. Systems with 20 heads or more shall be monitored by a UL listed central station alarm system meeting NFPA 72 (2013) and City of Cathedral City requirements.
- 5.16** In accordance with the CFC Section 904 and CCR, Title 19, alternative automatic fire extinguishing systems shall be installed and maintained pursuant to NFPA standards. Prior to installation (or modification) of a fire protection system, complete plans shall be submitted to the City of Cathedral City for review and approval.
- 5.17** Portable fire extinguishers shall be installed and maintained in accordance with CFC, Section 906 and CCR, Title 19, Chapter 3. The type and spacing shall be approved by the Cathedral City Fire Department prior to installation.
- 5.18** Commercial cooking equipment that produces grease laden vapors shall be provided with a Type I hood, in accordance with the California Mechanical Code, and an automatic fire extinguishing system complying with U.L. 300 pursuant to CFC, Section 904.11.
- 5.19** An approved manual, automatic or (manual and automatic) fire alarm/monitoring system shall be installed and tested prior to final inspection in accordance with the CFC, Section 907 and pursuant to NFPA standards. Automatic fire sprinkler systems with 20 heads or more shall be monitored by a UL listed central station meeting the standards of NFPA 72 (2016) and City of Hemet requirements.

- 5.20** All check valves, post indicator valves, fire department controls, and connections shall be located as required and approved by the Fire Department. If multiple buildings, each building shall have separate (approved) control valves. A separate permit will be required for all underground piping for fire protection systems.
- 5.21** Fire department standpipes are required in each stairwell on all levels (Floors 1-5 and roof) and at F.D. access points into the parking garages.
- 5.22** All areas within each building and floor level are required to be within 150 feet of a F.D. standpipe connection.

FIRE DEPARTMENT ACCESS

- 5.23** Prior to delivery of combustible materials on site, provide and maintain an all-weather surface access roadway 20 feet wide with a 13-foot 6-inch vertical clearance designed to support the imposed loads of fire apparatus in accordance with the CFC, Section 503.1 (dirt or native soil does not meet the minimum standard). Minimum turning radius for fire apparatus is 35 feet (outside) and 15 feet (inside). Fire access is required to within 150 feet of all portions of every building unless otherwise approved by the Fire Chief.
- 5.24** In accordance with the CFC, Section 503.2.5, approved turnarounds are required on any access road in excess of 150 feet in length.
- 5.25** Fire Department access roads shall have an unobstructed minimum width of 26 feet where fire hydrants are located along the access roadway or as otherwise determined by the Fire Department in accordance with CFC, Section 503.2.2. & the CFC Appendix Section D103.
- 5.26** The addition of a Fire Access Lane is required at the Northeast (N/E) corner of the hotel (between the Spa/Gym and Hotel) with access from East Palm Canyon traveling in a South direction alongside the hotel parking garage.
- 5.27** Provide secondary access/egress per CFC and IFC Section 503.1.2 as required by the Fire Department. No portion of any public or private street used for fire access shall exceed 12% grade without approval from the Fire Chief. All cul-de-sacs shall conform to City of Cathedral City Standards for length, width and turnaround radius.
- 5.28** Fire access lanes at the Hotel entrance are required to meet the City of Cathedral City turning radii.
- 5.29** Prior to the issuance of a Certificate of Occupancy, "No Parking - Fire Lane" signs, red curbing, street signs and other required markings shall be provided to the specifications of the Cathedral City Fire Department in accordance with the CFC, Section 503.3 and California Vehicle Code Section 22500.1.

- 5.30** Prior to final inspection, addresses shall be provided on all new and existing buildings in accordance with the CFC, Section 505.
- 5.31** In accordance with the CFC, Section 503, security gates if installed, shall be installed with approved automatic devices and/or key switches to allow Fire access and egress pursuant to the Cathedral City Fire Department guidelines.
- 5.32** Install Knox key boxes and/or Knox locks for Fire Department access in accordance with CFC Section 506.
- 5.33** Modify driveway and on-site circulation in order to provide additional access for fire apparatus pursuant to CFC, Section 503 (contact the Fire Chief for specifics). Minimum turning radius for fire apparatus is 35 feet (outside) and 15 feet (inside). Fire access turn-around areas must be clear from obstructions including outside storage, trash enclosures and parked vehicles.
- 5.34** A fence enclosure, if installed, shall lead to a safe dispersal area 50-feet from buildings or shall have gates which comply with CFC and IFC Section 1008 which lead to a public way.
- 5.35** A F.D. stairwell (48 inch in width) is required to be installed at the Southwest (S/W) corner of the "parking garage level" (First Floor)
- 5.36** A F.D. Standpipe is required on the exterior (at grade level) at the new stairwell listed in Condition 35 above.
- 5.37** A F.D. Access Door (48 inch in width) is required to be installed at the Southeast (S/E) corner of the "parking garage level" (First Floor)
- 5.38** A F.D. Standpipe is required on the exterior (at grade level) at the new stairwell listed in Condition 36 above.

MISCELLANEOUS

- 5.39** A Fire Command Room is required as set forth in Section 509.1 of the CFC.
- 5.40** The hotel and parking garages are required to meet the City of Cathedral City Public Safety Radio Coverage specifications.
- 5.41** Interior finish, decorative materials and furnishings shall be in accordance in CFC Chapter 8. Classification and acceptance criteria of interior finishes shall comply with NFPA standards. Interior wall and ceiling finish shall not have a flame spread index greater than that specified in CFC, Table 803.3.
- 5.42** Portable fire extinguishers shall be installed as required. The type and spacing shall be set by the Cathedral City Fire Department in accordance with CFC and IFC Section 906.

- 5.43** No change in use or occupancy shall be made to any existing building or structure unless the means of egress system is made to comply with the requirements for the new use or occupancy in accordance with CFC, Chapter 10.
- 5.44** Fire safety during construction and demolition shall comply with CFC and IFC Chapter 33.
- 5.45** Access during construction shall be provided as follows:
 - a. Access for fire-fighting equipment shall be provided to the immediate job site at the start of construction and maintained until all construction is complete.
 - b. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13'-6.
 - c. Fire department access roads shall have an all-weather driving surface and support a minimum weight of 73,000 lbs.
 - d. Access shall be provided to within 150 feet of all portions of combustible construction pursuant to CFC, Chapter 33.
- 5.46** Trash containers with an individual capacity of 1.5 cubic yards or greater shall not be stored in buildings or within 5 feet of combustible walls, openings, eaves, etc. unless protected by an approved means (automatic fire sprinkler system and / or an approved 4-hour fire separation).
- 5.47** Elevators are required to be large enough to accommodate an ambulance gurney.

SECTION 6 BUILDING DEPARTMENT

- 6. 1** Project shall comply with the 2013 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
 - h. Chapter 8.34 of the Municipal Code: Building Security
- 6. 2** 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.

- 6.3 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.
- 6.4 Any temporary building, trailer, commercial coach, etc. installed and/or used in connection with a construction project shall comply with the City of Cathedral City requirements.
- 6.5 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 inches of the property line. Distances greater than two inches may be approved prior to construction by the Building Official on a case-by-case basis for extenuating circumstances.
- 6.6 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.
- 6.7 The grading permit shall be issued prior to, or concurrently with, the building permit.
- 6.8 All signs shall be Underwriters Laboratories approved or the equivalent.
- 6.9 Permits issued by the Building Department are required prior to the removal and/or demolition of structures.
- 6.10 All exterior lighting shall be orientated, directed, and/or shielded as much as possible so that direct illumination does not infringe onto adjoining properties.
- 6.11 Prior to any building inspection, the following information shall be submitted to the Building Department:
 - a. A Pad Certification from the civil engineer of record that certifies the pad elevation is consistent with the approved grading plan;
 - b. A Form Certification from the civil engineer of record that certifies the building concrete forms have been placed to conform with the required setbacks as per the approved site/grading plan; and
 - c. A compaction Report from a geotechnical testing firm that certifies the site has been compacted to comply with the approved soils/geotechnical report.
- 6.12 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.

**Approved for Planning Entitlements by the Cathedral City Planning Commission
on October 19, 2016.**

Attest:

Robert Rodriguez
Planning Manager

Applicant