

Revised Conditions of Approval

EXHIBIT A

Tentative Tract Map 34627

CONDITIONS OF APPROVAL

6300 Bolero Drive

July 21, 2010

Before final acceptance of the project, all conditions listed below shall be completed to the reasonable satisfaction of the City Engineer, the Director of Planning Services, the Chief of Police, the Fire Chief or their respective designee, depending on which department recommended the condition.

Any agreements, easements, or covenants required to be entered into shall be in a form reasonably approved by the City Attorney.

ADMINISTRATIVE:

1. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case TTM 34627. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. The City will fully cooperate in the defense of any such claim, action, or proceeding. If the City of Palm Springs fails to promptly notify the applicant of any such claim, action, or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgement or failure to appeal, shall not cause a waiver of the indemnification rights herein.

ENGINEERING:

1. The Engineering Division recommends that if this application is approved, such approval is subject to the following conditions being completed in compliance with City standards and ordinances.

Additional material

July 21 2010
Item 1B

2. Before final acceptance of the project, all conditions listed below shall be completed to the satisfaction of the City Engineer.

SANITARY SEWER

3. Provisions, acceptable to the City Engineer, for maintenance of the public sewer easement, recorded January 8, 1971, as Instrument No. 71-4970, shall be included in the Covenants, Conditions, and Restrictions (CC&R's) required for this development. Notice shall be clearly included in the CC&R's defining the restrictions of development within the easement areas. The CC&R's shall advise the condominium owners of the City's right to enter the site, clear and remove any and all improvements and/or obstructions within the easement areas, and give the City the right to charge all costs incurred in enforcing this provision to the Home Owners Association. The CC&R's shall also advise the condominium owners of the fact that the City is not required to replace in like kind, any landscaping or other improvements within the public sewer easement areas in the event repair or replacement of the existing sewer main is required, and that the City shall be limited to leaving the property in a rough graded condition following any such repair or replacement.
4. All on-site private sewer systems shall be privately maintained by a Home Owners Association (HOA). Provisions for maintenance of the on-site private sewer system reasonably acceptable to the City Engineer shall be included in the Covenants, Conditions, and Restrictions (CC&R's) required for this project.

DRAINAGE

5. The applicant is advised that pursuant to federal regulations, the purchase of flood insurance is mandatory for all Federal or federally-backed financial assistance for the acquisition and/or construction of buildings in special flood hazard areas or SFHA's. For existing structures currently located in the SFHA, flood insurance will be required, unless the structures can be protected against flooding in accordance with Chapter 93.17.00 *et. seq.* ("Flood Damage Prevention") of the Palm Springs Zoning Code, and applicable state and federal laws and regulations. The applicant is advised to refer future owners of structures located in the SFHA to www.floodsmart.gov for more information about mandatory flood insurance. (This condition is advisory only and does not in and of itself require any action by the applicant for final map approval.)

GENERAL

6. Upon approval of any improvement plan by the City Engineer, the improvement plan shall be provided to the City in digital format, consisting

of a DWG (AutoCAD 2004 drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variation of the type and format of the digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.

MAP

7. The applicant shall provide tenant notification for subdivisions to be created from the conversion of residential property into a condominium project in compliance with Sections 66427.1 and 66452.3 of the Subdivision Map Act.
8. A Final Map shall be prepared by a California registered Land Surveyor or qualified Civil Engineer and submitted to the Engineering Division for review and approval. A Title Report prepared for subdivision guarantee for the subject property, the traverse closures for the existing parcel and all lots created therefrom, and copies of record documents shall be submitted with the Final Map to the Engineering Division as part of the review of the Map. The Final Map shall be approved by the City Council prior to completion of condominium conversion process.
9. A copy of draft Covenants, Conditions and Restrictions (CC&R's) shall be submitted to the City Attorney for review and approval for any restrictions related to the Engineering Division's recommendations.
10. Upon approval of a final map, the final map shall be provided to the City in G.I.S. digital format, consistent with the "Guidelines for G.I.S. Digital Submission" from the Riverside County Transportation and Land Management Agency." G.I.S. digital information shall consist of the following data: California Coordinate System, CCS83 Zone 6 (in U.S. feet); monuments (ASCII drawing exchange file); lot lines, rights-of-way, and centerlines shown as continuous lines; full map annotation consistent with annotation shown on the map; map number; and map file name. G.I.S. data format shall be provided on a CDROM/DVD containing the following: ArcGIS Geodatabase, ArcView Shapefile, ArcInfo Coverage or Exchange file (e00), DWG (AutoCAD 2004 drawing file), DGN (Microstation drawing file), DXF (AutoCAD ASCII drawing exchange file), and PDF (Adobe Acrobat 6.0 or greater) formats. Variations of the type and format of G.I.S. digital data to be submitted to the City may be authorized, upon prior approval of the City Engineer.

END OF CONDITIONS