

DRAFT CONDITIONS OF APPROVAL

MEETING DATE: January 13, 2014

TITLE: Approval of a medical marijuana dispensary with limited cultivation operations to operate at 66595 Pierson Boulevard between Palm Drive and Ocotillo Road in the Community and Retail Services of the Vortex Specific Plan.

CASE NO: Conditional Use Permit 05-14
Brown Dog Health and Wellness

PREPARED BY: Alex Meyerhoff, AICP, Community Development Director

Administrative Conditions:

1. The approval for Conditional Use Permit No. 05-14 are subject to the one (1) year expiration provisions of the City's Zoning Ordinance, as provided in Section 17.92.070 and will expire on January 13, 2107.
2. The applicant may request an extension of time for Conditional Use Permit No. 06-14 per the City's Zoning Ordinance Section 17.76.090. Upon filing a time extension(s) at least 30 (thirty) days prior to expiration of the project the Planning Commission may grant said time extension for good cause not to exceed twelve (12) months.
3. Applicant/Developer shall indemnify, protect, hold harmless and defend, with counsel selected by the City, the City and any agency or instrumentality thereof, an/or any of its officers, employees and agents from any and all claims, actions, or proceedings against the City to attack, set aside, void, annul, seek monetary damages resulting from an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board or legislative body including actions approved by the voter of the City, concerning the entitlement application. City shall promptly notify both the Applicant/Developer and landowner of any claim, action, or proceeding to which this condition is applicable and shall further cooperate fully in the defense of the action. The City reserves its right to take any and all action the City deems to be in the best interest of the City and its citizens in regard to such defense.
4. All development on the Project Site shall be in compliance with all applicable provisions of the City's Municipal Code as well as all

applicable provisions of the adopted Building and Fire Codes. All new construction shall obtain a building permit and comply with the requirements of the Planning, Building, and Fire Departments.

5. No Certificate of Occupancy (CofO) shall be granted until all Conditions of Approval have been completed and approved by the Planning, Engineering, Building, and Fire Departments unless otherwise identified herein. A Temporary Certificate of Occupancy (TCO) may be issued for a specific time period if a significant amount of issues have been resolved and there remains only minor issues that do not pose a threat to health & safety.
6. The development of the Project on the Project Site shall be in substantial compliance with the exhibits contained in the project file for Conditional Use Permit No. 06-14 as shown in Exhibit A, attached hereto and incorporated herein by this reference.
7. The final grading plan shall be in substantial conformance with the designs set forth in the hydrology report and site drainage design.
8. Within fifteen (15) days of final approval by the City Council, the Applicant/Developer shall submit in writing, a statement indicating that he/she has read and agrees to the conditions imposed herein. This authorization shall become void, and any privilege, permit, or other authorization granted under these entitlements Conditional Use permit No. 06-14 shall be deemed to have elapsed if compliance with this condition has not been undertaken within the specified time limits.
9. A scanned copy of the signed Conditions of Approval shall be included in the Building Construction Plans submitted for plan check.
10. The Applicant/Developer shall pay all established service, permit, impact, public art, and other applicable fees required by the City.

Note: The Transportation Unified Mitigation Fee is collected by the City of Desert Hot Springs on behalf of the Coachella Valley Association of Governments. Questions on the calculation of this fee should be addressed to them at **(760) 346-1127**. The School District Fees are imposed by the Palm Springs Unified School District and questions should be addressed to them at **(760) 416-6159**.

11. The Applicant/Developer shall deliver within 5 (five) working days to the Community Development Department a cashier's check, money order, or other acceptable form of payment made payable to "Riverside County" in the amount of \$64.00 for the Exemption Filing Fee from the Riverside County Clerk. Payment of this fee enables the City to file a

Notice of Exemption required pursuant to California Code of Regulations Section 15075. Any additional fees that may be attributed to the required filing of environmental documents shall be paid by the Applicant/Developer. If Applicant/Developer has not delivered to the Community Development Department the check as required above, the approval for the project granted shall be void by reason of failure of condition (Fish and Game Code Section 711.4(c)).

Planning Conditions:

12. The Applicant/Developer shall maintain the Project Site after the start of construction and until the Project is completed, free of weeds, debris, trash or any other offensive, unhealthful and dangerous material. If after five (5) days notice by certified mail, the Applicant/Developer does not comply with the before mentioned criterion, the City may either cancel building or grading permits and/or enter the Project Site with City staff and remove all subject violations, bill the Applicant/Developer and/or put a lien on the Project Site.
13. Wheel stops within the parking lot are prohibited unless required for ADA compliance.
14. If paleontological resources are encountered during grading, ground disturbance activities shall cease immediately, so a qualified paleontological monitor can evaluate any paleontological resources exposed during the grading activity. Applicant/Developer shall hire a paleontological monitor and shall be responsible for payment of all related expenses. If paleontological resources are encountered, adequate funding shall be provided to collect, curate and report on these resources to ensure the values inherent in the resources are adequately characterized and preserved.
15. If during the course of grading or construction, artifacts or other cultural resources are discovered, all grading on the site shall be halted and the Applicant shall immediately notify the Planning Department. A qualified archaeologist shall be called to the site by, and at the cost of, the Applicant to identify the resource and recommend mitigation if the resource is culturally significant. The archeologist will be required to provide copies of any studies or reports to the City and the Eastern Information Center for the State of California located at the University of California Riverside.

16. In the event that any human remains are discovered, the Applicant shall cease all work and contact the Desert Hot Springs Police department and the Riverside County Coroner's Office. Work shall not resume until such time that the site has been cleared by County Coroner and/or the Desert Hot Springs Police Department.
17. All walls and trash enclosures shall have a decorative wall surface and a decorative cap that are consistent with the overall architecture of the project.
18. The use of rolled concrete on any exterior walls or trash enclosures is specifically prohibited.
19. Applicant/Developer shall construct a trash enclosure in location per the approved Site Plan. The trash enclosure shall be subject to the following:
 - a. Enclosure shall be constructed of masonry block or concrete on a concrete pad. Gravel, compacted soil, or asphalt are not permitted for pad.
 - b. Two metal gates or similar material painted to match the building and positioned to swing clear of the enclosure's front width.
 - c. Gate pins shall be installed to hold gates open for integrity and safety
 - d. The enclosure shall be designed to allow walk in access without having to open the service gate.
 - e. A stress concrete apron shall extend a maximum of 13 feet from the trash enclosure pad the width of the enclosure opening to prevent damage to the asphalt paving caused by receptacle impact.
 - f. The trash enclosure base shall be 6-inches of concrete over 2-inches aggregated base rock or the builder shall provide evidence that construction are engineered to withstand up to 20,000 lbs of direct force from a single truck axle.
 - g. The trash enclosure shall have a trellis above the gates and enclosure to prevent unauthorized trash dumping into the bins. Said trellis shall be made of steel or wood and painted to match the building trim colors to accentuate the enclosure.
 - h. Each trash enclosure shall be properly maintained.
 - i. The walls of the trash enclosure shall have a decorative cap.
20. Outdoor storage of equipment and/or merchandise is prohibited.

21. Outdoor sales are prohibited unless the applicant has a Temporary Use Permit approved subject to the provisions of Section 17.136 of the Desert Hot Springs Municipal Code.
22. Outdoor sales of any Marijuana Product are prohibited.
23. All drain pipes shall be interior to the building. Exposed drain pipes are specifically prohibited.
24. All future drain terminations shall be from the Watts Drainage Product RD-940 or a product of equal value.
25. All future breaker boxes, fire sprinkler risers, and utility conduits shall be interior to the building.
26. All future Vapor Collection Systems at Service Stations shall be screened from public view.
27. All new and rehabilitated residential and commercial development shall comply with the *Mission Springs Water District's (MSWD) Water Efficient Landscaping Guidelines* (guidelines are available at www.cvwd.org). This policy requires outdoor water conservation practices within the CVWD service area, specifically: (1) the creation of landscape plans featuring the use of California native desert friendly plants; and (2) the preparation of irrigation plans detailing water efficient irrigation technology systems (e.g., drip irrigation, evapotranspiration irrigation controllers, etc.) appropriate to an arid desert climate. Please note a dedicated irrigation service may be required depending on the square footage of the landscape area. For additional details regarding plan check and inspection fees, please contact Theresa Murphy at (760) 329-5169, ext. 126.



Landscaping:

28. The applicant shall prepare a Final Landscape Construction and Irrigation Plan that is prepared by a licensed landscape architect subject to the following:
 - a. Approval from the Planning Department
 - b. Approval from the Mission Springs Water District.
 - c. A plant landscape legend, including a specific symbol for each plant species used, size (i.e., caliper, gallon, box, or brown trunk height, and/or quantity) and whether it is deciduous or evergreen.

- d. Provide the total percentage of evergreen trees of all trees not including palm trees as evergreen.
 - e. Clear indication where landscaping will be used to screen mechanical, electrical, and irrigation equipment.
 - f. A detail showing planter design adjacent to walkways and driveways that is designed to prevent soil and/or decomposed granite from flowing onto walkways and driveways. There shall be a minimum two-inch vertical separation between the pavement and the soil.
 - g. Plant and tree installation and staking details.
 - h. Details on how vines will be attached to the structural elements.
29. Site landscaping shall comply with the City Guidelines and Water Conservation policies regardless of whether the items are illustrated on the Construction Landscape Plans:
- a. Plants and trees shall be primarily of drought tolerant species compatible with the desert environment.
 - b. Projects shall minimize the use of turf.
 - c. All single trunk trees shall be double staked and multi-trunk trees shall be staked appropriate to the species of tree.
 - d. Planter areas shall be surrounded by a concrete mow strip or other hard surface.
 - e. 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.
 - f. Any drain that terminates in a planter shall have a splash guard.
30. All redwood headers are specifically prohibited from use on the project site.
31. All irrigation lines shall be located below ground with no surface exposure.
32. All mechanical equipment, either roof or ground mounted, and 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.

33. Applicant/Developer shall annex to Community Facilities District No. 2010-1 for the maintenance of:
 - a. Landscape/Hardscape
 - b. Drainage Basins / Storm Drain Facilities

Graffiti:

34. The Applicant/Developer shall keep the Project Site, clear of graffiti vandalism at all times. The Applicant/Developer shall contact the City's Graffiti Hot Line at 888-562-3822 within 48 hours of discovering the graffiti vandalism.
35. The Applicant/Developer and/or successor(s) shall apply (and maintain) a protective coating or graffiti resistant materials acceptable to the City's Public Works and/or Community Development Department, to provide for the effective and expeditious removal of graffiti on all exterior building elevations and/or project walls and/or replacement of defaced screening panels.
36. In the event there is a change in the name, address or telephone number of the responsible person(s), firm or company, the Applicant/Developer or successor shall notify the City within 48 hours, in writing, of the change and provide the City with the current contact information of responsible person(s), firm or company.
37. The Applicant/Developer and/or successor(s) in interest shall be responsible for the removal of any graffiti vandalism from the project site (exterior building surfaces and/or exterior walls/fences) within 48-hour after discovering the graffiti vandalism or receipt of notice from the City of the same. The Applicant/Developer shall contact the City's Graffiti Hot Line at 888-562-3822 within 48 hours of discovering the graffiti vandalism.
38. The Applicant/Developer and/or successor(s) in interest hereby agrees to allow the City and/or its agents to enter the property for the purpose of removing or painting over graffiti vandalism, if the Applicant/Developer and/or successor(s) in interest fail to remove the reported graffiti vandalism within the 48 hours of discovering the graffiti or receipt of notice from the City.
39. In the event that Applicant/Developer and/or successor(s) in interest,

fail to remove the graffiti vandalism within 48 hours, requiring the City and/or its agents to enter the Project Site for the purpose of removing or painting over graffiti vandalism the Applicant/Developer and/or successor(s) in interest shall release the City and/or its agents from any liability for property damage or personal injury. And shall reimburse to the City all costs associated with the removal of the graffiti vandalism.

40. The Applicant/Developer and/or successor(s) in interest shall include the aforementioned authorizations to enter the Project Site for the purpose of removing or painting over graffiti vandalism as part of authorization agreement to the satisfaction of the Community Development Department and the approval of the City Attorney, as to form.
41. The Applicant/Developer and/or successor(s) in interest shall, to the extent feasible, have designed a building structure visible from any public or quasi-public place in such a manner to consider prevention of graffiti, including, but not limited to the following:
 - a. Use of additional lighting;
 - b. Use of non-solid fencing;
 - c. Use of landscaping designed to cover large expansive walls such as ivy or similar clinging vegetation; or
 - d. Use of architectural design to break up long, continuous wall or solid areas.

Lighting:

42. The Applicant shall submit an exterior Lighting Plan in compliance with all relevant sections of the DHSMC, include a photometric analysis, to the City Planner for review and approval prior to issuance of a building permit. The Lighting Plan shall also identify the following:
 - a. Exterior lighting shall be energy-efficient and shielded or recessed so that direct glare and reflections are contained within the boundaries of the Project Site, and shall be directed downward and away from adjoining properties and the public right-of-way.
 - b. All lighting outdoor lighting including fixture shall direct lighting downward.
 - c. The type of fixtures, including height, material, and color.

- d. The total height of all freestanding lighting fixtures shall not exceed 18 feet.
 - e. That all concrete fixture bases will have a decorative finish. At a minimum, a trowel finish shall be provided.
 - f. That the bolts connecting the light fixture to the base shall be covered.
- 43. Applicant/Developer shall apply for a separate permit for any proposed signage, in accordance with the provisions of the City's Municipal Code.
 - 44. Applicant/Developer shall adhere to the City's light standard and identify all light fixtures (wall mounted and pole lights) on the site plan.
 - 45. Lighting shall provide face recognition at 100 feet.
 - 46. The Planning and/or Police Departments may require additional lighting to prevent unintended dark spots prior to final occupancy.
 - 47. Secluded or hidden interior corridors are strongly discouraged by the Planning and Police Departments. For uses utilizing said corridors, mitigation measures shall be required and may include increased lighting, security surveillance cameras, controlled access, on-site security guards or other mitigating measures deemed appropriate by the Police Department.

Signs:

- 48. All signs shall be approved by Planning Staff with a Staff Sign Review.
- 49. All electrical signs shall be Underwriters Laboratories approved or the equivalent.

Site Development:

- 50. The applicant shall remove the wood barriers and ensure that the planting surface is one inch below the side walk.
- 51. All bollards on site shall have a decorative surface and cap. Any damaged or crooked bollards shall be replaced.
- 52. Prior to Final Occupancy the applicant shall file for a Minor Modification to be acted on by the Community Development Director.

Engineering Department :

General Engineering:

53. Applicant/Developer shall pay the Five Thousand Dollars (\$5,000.00) cost for the City's consultant to process annexation of the site into Community Facilities District No. 2010-1 and the City fee for processing the request, prior to the issuance of an occupancy permit.
54. Applicant/Developer shall file an improvement agreement with the engineering Department with security to guarantee completion of public improvements as follows:
 - a. A faithful performance security in an amount deemed sufficient by the City Engineer to cover up to 100% of the total estimated cost of all required improvements, including bonding requirements for grading as outlined in the Municipal Code.
 - b. A labor and material security to cover up to 50% of the total estimated cost of all required improvements.
 - c. A monumentation security in an amount stipulated by the City Engineer to cover the cost of placing lot corners and other related monuments.
 - d. If the required project improvements are financed and installed pursuant to special assessment proceedings, upon the furnishing by the contractor of the faithful performance and labor and material security required by the special assessment act being used, the City may reduce the improvement security of the Applicant/Developer by an amount corresponding to the amount of the security furnished by the contractor.
 - e. Notwithstanding the above, the Applicant/Developer may satisfy the requirement for security of certain improvements by providing proof that same has been posted with another public agency subject to the approval of the City Engineer.
55. Security may be one of the following types subject to the approval of the City Engineer and City Attorney as to form:
 - a. Bonds - All bonds shall be executed by a surety company authorized to transact business as a surety, and have an agent for service in California, together with an acceptable policy holder's rating. The bond(s) shall contain the nearest street address of the institution providing the bond(s).

- b. Cash Deposits - In lieu of the faithful performance and labor and material bonds, the developer may submit cash deposits or negotiable bonds of a kind approved for securing deposits of public monies under the conditions hereinafter described.
 - i. Disbursements from cash deposits shall be made in compliance with a separate agreement between the developer and the City. A bookkeeping fee of 1% of the total amount deposited with the City for each cash deposit shall be submitted with each security. Disbursements from a cash deposit in any instance shall not be permitted unless and until authorized in writing by the City Engineer.
- 56. All improvement agreements shall be approved by the City Council and the City Attorney.

Grading:

- 57. Applicant/Developer shall submit an owner-and contractor-signed PM10 Dust Control Implementation Plan in accordance with the standards and codes of the City and the South Coast Air Quality Management District (SCAQMD). Plans shall be submitted for review and approval by the Public Works Department prior to the issuance of any grading and/or applicable building permits. Any site that is greater than 10 acres shall concurrently process a PM10 Dust Control Implementation Plan with the SCAQMD. For further information contact the SCAQMD at:

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

- 58. Applicant/Developer shall comply with the National Pollution Discharge Elimination System (NPDES) requirements per the California Regional Water Quality Control Board (RWQCB) regulations. The Applicant/Developer shall submit a Project Specific Stormwater Pollution Prevention Plan (SWPPP) to comply with the California General Permit for Stormwater Discharges Associated with the Construction Activity, prior to the issuance of a grading permit. For projects larger than 1 acre, the Applicant/Developer shall obtain all required permits from the California Regional Water Quality Control Board (RWQCB) and submit a copy of the Notice of Intent (NOI) and

the Waste Discharge Identification Number (WDID#) to the City's Public Works Department prior to the issuance of the any grading permit. For further information contact the RWQCB at:

California Regional Water Quality Control Board (RWQCB),
Colorado River Basin Region,
73-720 Fred Waring Drive #100
Palm Desert, CA 92260
(760) 346-7491
www.waterboards.ca.gov/colorariver

59. The on-site driveways and parking areas shall be improved with asphalt or concrete paving, permeable pavers, curbs, gutters, and appurtenances as shown generally on the approved site plan. The thickness of pavement shall be determined by the Applicant's engineer based upon "R" value tests taken of the soils and appropriate traffic indices to be determined by the engineer, all subject to approval by the City Engineer.
60. All on-site paving, curbs and gutters, sidewalks, ramps and other site work shall be constructed to City standards, subject to the improvement plans approved by the City Engineer.
61. The Applicant/Developer/Contractor shall comply with section 8.08 Recycling and Diversion of Waste from Construction and Demolition of the Municipal Code and file a Plan with the City's Building Department prior to the start of any construction.
62. Applicant/Developer shall submit a project specific Hydrology Report, using Riverside County Flood Control and Water Conservation District's Hydrology Manual for City review and approval.
63. No nuisance water shall escape the site onto public streets.
64. The Applicant/Developer shall provide on-site storm water retention basin(s) or system(s) designed to the satisfaction of the City Engineer. Each retention basin shall include a sufficient number of underground vertical drywells designed to eliminate standing water in the basin. The retention basin shall be sized to retain all post-development storm water runoff within the limits of the project based on a 100-year storm event of 24-hour duration and shall completely drain/percolate any storm event within 72 hours. All upstream runoff from adjacent properties that has historically been directed onto the proposed project may be considered to pass through the project with the exception of historical retention that occurred on-site. The retention basin shall be designed with a

maximum depth of 5 feet and maximum side slopes of 3:1 and shall not be used for purposes other than for the collection of storm water, nuisance water and well blow-off water.

- a. Any other facilities required in the drainage/hydrology study shall be designed and installed as detailed in Section 15.68, Flood Plain Management, and Section 15.72 Floodplain Construction of the Desert Hot Springs Municipal Code.
 - b. All retention basins/systems shall be located on site; off-site retention basins/systems are specifically prohibited.
 - c. Retention Basin Vehicular Access - Vehicular access shall be provided for maintenance of the retention basins to the satisfaction of the City Engineer. The City Engineer shall determine the need and/or design of such access. The grading of a "road" to the bottom shall comply with health and safety standards and shall meet the requisite design requirements including geometries and capacity of the basin(s). Maintenance of retention basins and drainage system shall be the responsibility of the Applicant / property owner / operator
65. The design of the on-site grading, and the storm drainage improvements shall be coordinated with all adjacent projects to the satisfaction of the City Engineer.
66. Applicant/Developer shall prepare and submit a Project Specific Preliminary and Final Water Quality Management Plans pursuant to the Whitewater River Region Water Quality Management Plan for Urban Runoff.
67. Federal Emergency Management Act (FEMA) Elevation Certificate shall be provided to the Building Department prior to issuance of a grading permit, and shall be resubmitted "as constructed" prior to final grading signoff

Street Improvement:

68. Prior to the installation of any improvements in the public right-of-way (ROW), an encroachment permit shall be obtained from the City Public Works Department.
69. There shall be no encroachment into public rights of way for construction trailers, equipment, trash bins, portable toilets, or materials; all of which shall be kept on-site. Construction access to the site shall be by an approved driveway, entry, or curb cut; no asphalt

ramps or curb jumping is permitted.

70. At no time shall any adjacent streets for the project be allowed to be used for construction staging, storage or other such construction related activities. Access by heavy equipment shall be limited to the minimum number of trips essential to completing the construction. Any damage to the existing public roadways, sidewalks or other infrastructure shall be repaired or replaced by the Applicant's contractor at his own expense, as directed by the Public Works Director.

Police Department:

71. The Applicant/Developer shall keep windows clear of visual obstructions including but not limited to signage beyond 10% window coverage and advertising displays, chip/product racks, refrigerated equipment, cardboard, trash, wire mesh/security bars, reflective coatings, or other materials. Note this is more restrictive than the State and City regulations related to signage. The purpose of this condition is to maintain good sight lines into and out of the store to allow police to monitor activity inside and to allow store staff to monitor and discourage inappropriate activity in front of the store.
72. Per Ordinance No.552, the dispensary may be open seven days a week from 8:00 AM to 10:00 PM.
73. Per Ordinance No.552 the dispensary must have a point of Sales System that produces a transactional history to be approved by the Police Chief and the Administrative Services Director prior to the dispensary being open for business
74. The Applicant/Developer shall incorporate all aspects of Crime Prevention through Environmental Design for visual surveillance, access control and territorial reinforcement.
75. Every area of the proposed development must be visible either from the street or from the structure. Unavoidable dead spaces or hidden/secluded areas require additional mitigating measures which may include increased lighting, hostile landscaping, security

surveillance cameras, perimeter fencing and/or security gates, on-site security guards or other mitigating measures deemed appropriate by the Police Department.

76. Applicant/Developer shall adhere to the City's light standard and identify all light fixtures (wall mounted and pole lights) on the site plan.
77. Lighting shall provide face recognition at 100 feet.
78. The Police Department may require additional lighting to prevent unintended dark spots prior to final occupancy.
79. All exterior doors shall be covered by video surveillance cameras.
80. The applicant shall install roof sensors to detect any activity on the roof and it shall be connected to the alarm system.
81. The applicant shall submit the IP address for the Police Department to have direct access to the video surveillance system.
82. The front entrance to the building shall have a double door entry system.
83. The Video Recording System shall have 10 days of recording for all cameras. The system shall be capable of using Infrared cameras in/out with enough lighting at night to record useable images.
84. The rear door on the south elevation shall be covered by video surveillance.

Fire Department

85. The applicant shall obtain any Hazardous Materials Permit as required by the Riverside County Fire Department.

Mission Springs Water District: **12/29/2014**

Water Service:

Water service is currently being provided for the proposed project and is subject to the following conditions of service:

86. In accordance with MSWD's Water Service Ordinance the 3/4 " commercial water service shall require the installation of a backflow prevention assembly per MSWD Standards and Specifications at the expense of the Applicant/Developer.
87. The Applicant/Developer shall apply for water service and submit payment for all MSWD's fees, charges, and deposits. . All fees are subject to change due to the actual time of application for services from the MSWD.
88. Per the preliminary landscape plan, a dedicated irrigation meter may not be required due to the square footage of the landscaped area (600 sf).
89. Installation of a fire line service may be required per Riverside County Fire Department. Should this be the case, MSWD Standards require a double check detector assembly (DCDA) as the minimum requirement at the point of connection and shall be shown on water improvement plans. The design engineer shall submit hydraulic calculations to the MSWD indicating the availability of the required fire flows as determined by the Riverside County Fire Marshal. These requirements shall also conform to the District's maximum velocity rates as described in MSWD's Developer Design Guidelines.
90. MSWD requires having all of its public facilities in the public right-of-way. Recorded and dedicated easements (per final map dedication and approvals) shall also be required for final design approval (as applicable).
91. The Applicant/Developer shall comply with all the District standards and conditions and have final approval of all design plans by the District Engineer or his/her designee, and the District General Manager.

Sewer Service:

Sewer service is currently being provided for the project

92. Sewer rates may be subject to change based on the proposed use for the property.

Building Department

93. Project shall comply with the 2014 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
94. 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.
 95. 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.
 96. Any temporary building, trailer, commercial coach, etc. installed and/or used in connection with a construction project shall obtain a Temporary Use Permit and comply with the City of Desert Hot Springs requirements.
 97. All perimeter/boundary walls shall be designed and constructed so that the outer/exterior face of the wall is as close as possible to the property line. In any case, the outer/exterior face of the wall shall be within two (2) inches of the property line. Distances greater than two (2) inches may be approved prior to construction by the Building Official on a case-by-case basis for extenuating circumstances.
 98. 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.
 99. The Tract or Parcel map shall record prior to the issuance of any permits.

Grading:

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

Signs:

101. All signs shall be Underwriters Laboratories approved or the equivalent.
102. Permits issued by the Building Department are required prior to the removal and/or demolition of structures.
103. All exterior lighting shall be orientated, directed, and/or shielded as much as possible so that direct illumination does not infringe onto adjoining properties.
104. 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.
105. 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.