

CONDITIONS OF APPROVAL

MEETING DATE: December 21, 2015

TITLE: Miller / Green Leaf Wellness

CASE NO: CUP 04-14

PREPARED BY: Craig A. Ewing, Consulting Planner

**REVIEWED and
APPROVED BY:** Richard Malacoff, AICP
Senior Planner

Administrative Conditions:

1. The approval for Conditional Use Permit 04-14 are subject to the two (2) year expiration provisions of the City's Zoning Ordinance, as provided in Section 17.92.070 and will expire on
2. The applicant may request an extension of time for Conditional Use Permit 04-14 per the City's Zoning Ordinance Sections 17.92.100 and 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 remain 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 04-14 as shown in Exhibit A, attached hereto and incorporated herein by this reference.
7. Within fifteen (15) days of final approval by the Planning Commission, the Applicant / Developer shall submit in writing, a statement indicating that he / she has read and agrees to the conditions imposed herein. This authorization shall become void, and any privilege, permit, or other authorization granted under these entitlements shall be deemed to have elapsed if compliance with this condition has not been undertaken within the specified time limits.
8. A scanned copy of the signed Conditions of Approval shall be included in the Building Construction Plans submitted for plan check.
9. The Applicant / Developer shall pay all established service, permit, impact, public art, and other applicable fees required by the City.
 - a. Note: The Transportation Unified Mitigation Fee is collected by the City of Desert Hot Springs on behalf of the Coachella Valley Association of Governments. Questions on the calculation of this fee should be addressed to them at **(760) 346-1127**. The School District Fees are imposed by the Palm Springs Unified School District and questions should be addressed to them at **(760) 416-6159**.

Planning Conditions:

10. 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.
11. Outdoor sales of marijuana and marijuana products are prohibited. Other types of activities or special events 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.
12. All breaker boxes, fire sprinkler risers, and utility conduits shall be interior to the building.
13. 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.

Graffiti:

14. 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.
15. 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.
16. 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.
17. 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.
18. 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.
19. 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.

Lighting:

20. The Applicant shall submit an exterior Lighting Plan in compliance with all relevant sections of the DHSMC, include a photometric analysis, to the Community Development Department for review and approval prior to issuance of a building permit.
21. 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.

- a. All lighting outdoor lighting including fixture shall direct lighting downward.
 - b. The type of fixtures, including height, material, and color.
 - c. The total height of all freestanding lighting fixtures shall not exceed 18 feet.
 - d. That all concrete fixture bases will have a decorative finish. At a minimum, a trowel finish shall be provided.
 - e. That the bolts connecting the light fixture to the base shall be covered.
 - f. The applicant shall work with Sunline and the City to ensure all safety issues pertaining to lighting have been addressed.
22. Prior to the issuance of a Certificate of Occupancy the lighting shall be inspected and by the Police Department and Community Development Department and requested changes for safety shall be implemented.
23. Applicant / Developer shall apply for a separate permit for any proposed signage, in accordance with the provisions of the City's Municipal Code. All signs that are removed shall be painted and patched immediately.
24. The Community Development and / or Police Departments may require additional lighting to prevent unintended dark spots prior to final occupancy.
25. Prior to issuance of a Certificate of Occupancy, the applicant shall submit a report to the Community Development on all hazardous or toxic substances being used on site.
26. The Plan Check set of plans shall identify all window frames, door frames, window type, doors, and provide description of all exterior materials.
27. The applicant shall file an evacuation plan in the event of an emergency with the Community Development Department that would detail how the building would be secured and how first responders would gain access.

Engineering Department:

28. The Applicant / Developer shall pay the Five Thousand Dollars (\$5,000) cost for the City's consultant to annex to PTAX2 and the City fee for processing the request, prior to the issuance of an occupancy permit.
29. It appears that the trash enclosure and northerly parking spaces are on the southerly lot. Applicant / Developer shall record a Lot Line Adjustment and / or Lot Merger which is in conformance as to lot size and area of the project established by the City Council. A transfer of ownership in accordance with the Lot Line Adjustment and / or Lot Merger shall be recorded prior to the issuance of any construction permits
30. 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.
31. 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.

32. 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.
33. 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.
34. No nuisance water shall escape the site onto public streets.
35. All overhead utilities less than 92kv, located within the project boundaries, bordering the project and / or fronting the project shall be undergrounded.
36. Developer shall contact Sunline Transit for location and requirements for bus stop / bus turnout.

Police Department:

37. The applicant and operator shall at all times implement the Utilize Crime Prevention Through Environmental Design (C.P.T.E.D) throughout the project, as follows:

CPTED Principle #1 – Natural Surveillance

"See and be seen" is the overall goal when it comes to CPTED and natural surveillance. A person is less likely to commit a crime if they think someone will see them do it. Lighting and landscape play an important role in Crime Prevention Through Environmental Design.

CPTED Principle #2 - Natural Access Control

Natural Access Control is more than a high block wall topped with barbed wire. Crime Prevention Through Environmental Design or CPTED utilizes the use of walkways, fences, lighting, signage and landscape to clearly guide people and vehicles to and from the proper entrances. The goal with this CPTED principle is not necessarily to keep intruders out, but to direct the flow of people while decreasing the opportunity for crime.

CPTED Principle #3 – Territorial Reinforcement

Creating or extending a "sphere of influence" by utilizing physical designs such as pavement treatments, landscaping and signage that enable users of an area to develop a sense of proprietorship over it is the goal of this CPTED principle.

Public areas are clearly distinguished from private ones. Potential trespassers perceive this control and are thereby discouraged.

CPTED Principle #4 – Maintenance

CPTED and the "Broken Window Theory" suggests that one "broken window" or nuisance, if allowed to exist, will lead to others and ultimately to the decline of an entire neighborhood. Neglected and poorly maintained properties are breeding grounds for criminal activity. We will work with you to develop a formal CPTED based maintenance plan to help you preserve your property value and make it a safer place.

38. Prior to issuance of building permits, the site plan shall indicate all perimeter walls and fences to be of a design to prevent or discourage scaling & graffiti.
39. Prior to issuance of building permits, that landscape plan shall be amended to include drought tolerant "hostile vegetation" shall be used when possible under windows and around the fence line.
40. Prior to issuance of building permits, a photovoltaic survey shall be prepared and submitted with the proposed lighting plan. The lighting plan shall be reviewed to assure that:
 - a. Lighting provides adequate visibility, face & color recognition, and a sense of security for employees and visitors.
 - b. LED and / or Metal Halide lights are recommended.
 - c. Lighting shall be shielded through the use of fixture design and placement, and shrouds so that spillover at the property line is minimized.
41. Prior to issuance of building permits, the building plans shall indicate that motions sensors are installed on the building rooftops, subject to review and approval by the City of Desert Hot Springs Police Department. Specifications for the motions sensors shall be included in the building plan set.
42. At no time shall any plant materials, plant products, or plant-derived products be visible from any public areas.
43. Prior to issuance of building permits, the plans shall be amended to indicate the location and type of all gate control and access equipment and / or systems (e.g. Knox box, keypad, radio control, etc.) Prior to issuance of occupancy permits, the applicant will provide all access equipment, materials, codes, etc. to the City of Desert Hot Springs Police Department.
44. All delivery vehicles shall be equipped with GPS location equipment, which shall be maintained and available at all times.
45. All employees, regardless of status, shall be subject to Live Scan or similar security clearance through the City of Desert Hot Springs Police Department. All employees shall be issued photo ID cards and shall keep the card on her / his person at all times.

46. Any private security service that uses security guards with uniforms shall assure to the satisfaction of the City of Desert Hot Springs Police Department that the uniforms are sufficiently different in appearance from any uniform of the Police Department, Riverside County Sheriff or other local police department.
47. Prior to issuance of occupancy permits, the applicant shall provide to the Desert Hot Springs Police Department the IP address to the dispensary's video surveillance system.

Fire Department:

48. The Applicant / Owner shall install Knox Boxes as approved by the Fire Department subject to the following:
49. On Structures the Knox Box shall be installed next to the Fire Department access door and be flush with the building.
50. If the buildings are protected with an alarm system, the lock box shall be required to have tampered monitoring.
51. Any gate to a building or residential neighborhood shall have an emergency access from a Knox keyed device, as approved by the Fire Department.
52. Required order forms and installation standards may be obtained at the Fire Department Headquarters at 77933 Los Montana's in Palm Desert or Desert Hot Springs City Hall
53. Applicant / Developer shall display street numbers in a prominent location on the address side of building(s) and / or rear access if applicable. Numbers and letters shall be a minimum of twelve (12) inches in height except for building(s) greater than twenty-five (25) feet in height which shall have a minimum letter height of twenty-four (24) inches. In complexes with alpha designations, letter size must match numbers. All addressing must be legible, of a contrasting color, and adequately illuminated to be visible from street at all hours.
54. The Applicant / Developer shall submit three (3) sets of construction drawings to the Riverside County Fire Department Headquarters located at 77933 Los Montana's in Palm Desert for review and approval prior to issuance of any permits. Said construction drawings shall demonstrate Project adherence to all provisions of the currently adopted Uniform Fire Code.
55. Applicant / Developer shall install a portable fire extinguisher, with a minimum rating of 2A-20BC, for every 3,000 sq. ft. and / or seventy-five (75) feet of travel distance. Fire extinguishers shall be mounted three and a half (3.5) to five (5) feet above finished floor, measured to the top of the extinguisher. Where not readily visible, signs shall be posted above all extinguishers to indicate their locations. Extinguishers must have current CSFM service tags affixed.
56. No hazardous materials shall be stored and / or used within the building, which exceeds quantities listed in 2013 California Building Code. No class I, II or IIIA of combustible / flammable liquid shall be used in any amount in the building.

57. Exit designs, exit signs, door hardware, exit markers, exit doors, and exit path marking shall be installed per the 2013 California Building Code.
58. Fire Equipment such as electrical room doors, FACP, fire riser, roof access shall be labeled by the Applicant / Developer and be approved by the Fire Department.
59. Access shall be provided to all mechanical equipment located on the roof as per the 2013 California Mechanical Code.
60. Fire sprinklers shall be installed in all buildings greater than 3,600 square feet in floor area to the satisfaction of the Fire Marshal.
61. Emergency and standby power systems shall be installed in accordance with CFC, CBC, NFPA 110, and NFPA 30.
62. An on-site acceptance test for generators shall be conducted as a final approval. The test of the transfer switch shall consist of electrically operating the transfer switch from the normal position to the alternate position and then return to the normal position.
63. No smoking sign shall be posted at generators.
64. NFPA 704 placard shall be posted where applicable.
65. Shall provide equipment technical data sheets for the type of plastic to be hung in grow room. Shall be a minimum Class C finishing per CFC 803.9.
66. Shall submit separate plans for CO2 enriched environment. Shall have a 3rd party certification for the system. Shall provide tank separation from grow room and provide continuous mechanical ventilation for CO2 tanks. Shall provide a function test prior to final.
67. Shall provide equipment technical data sheets for the access control egress door.
68. Shall provide sequence of Operation for access control egress doors and shall comply with all requirements per CFC 1008.1.9.8
69. Shall provide equipment technical data sheets for the type of lamps to be used.
70. Shall submit a Business Plan to Riverside County Health Department prior to final.
71. Shall contact Air Quality Management District to ensure all requirements will be met with the CO2 exposure (Carbon Filter).

Building Department:

72. 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

- 73. 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.
- 74. 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.
- 75. 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.

Signs:

- 76. All signs shall be Underwriters Laboratories approved or the equivalent.
- 77. Permits issued by the Building Department are required prior to the removal and / or demolition of structures.

Other:

- 78. All exterior lighting shall be orientated, directed, and / or shielded as much as possible so that direct illumination does not infringe onto adjoining properties.
- 79. 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.