

## **DRAFT CONDITIONS OF APPROVAL**

**MEETING DATE:** March 21, 2017

**TITLE:** Conditional Use Permit 29-16 / Development Agreement 18-16 - An Application for development of a 69,000 square foot cultivation building complex at the SEC of Little Morongo Rd and San Gorgonio Lane

**CASE NO:** Conditional Use Permit 29-16

**PREPARED BY:** Scott Taschner, Associate Planner

**REVIEWED BY:** Danny Porras, Acting Community Development Director

### **Planning Department – New Standard Conditions:**

1. The site shall remain undisturbed until the applicant /developer is ready to begin building /construction process.
2. Once grading of the site has commenced the applicant/developer shall begin pulling construction permits within 90 days.
3. The applicant/developer/proprietor shall control odors within the building.
4. Should odor emanate from the building or project site in the future, the applicant/developer/proprietor shall submit revised plans and equipment specifications to the planning department for review and approval.
5. The applicant/developer shall implement all mitigation measures outlined in the Mitigated Negative Declaration

### **Tribal Conditions**

6. The applicant/developer shall provide the Agua Caliente Band of Cahuilla Indians a cultural resources inventory of the project area (by a qualified archaeologist) prior to any development activities in the area.

7. The applicant/developer shall provide the Agua Caliente Band of Cahuilla Indians a copy of the records search with associated survey reports and site records from the information center
8. The applicant/developer shall have an approved Agua Caliente Band of Cahuilla Indians Cultural Resource Monitor on site during any ground disturbing activities (including archeological surveys). Should buried cultural resource be encountered, the Monitor may request that desiccative construction halt and the Monitor shall notify a Qualified Archeologist to investigate and , if necessary, prepare a mitigation plan for submission to the State Historic Preservation Officer and the Agua Caliente Tribal Historic Preservation Office.
9. The applicant/developer shall provide the Agua Caliente Band of Cahuilla Indians copies of any cultural resource documentation (report and site records) generation in connection with this project.  
a qualified archeologist) prior to any development activities in the area.

#### **Project Specific Conditions (Requested by applicant)**

10. The applicant/developer shall be allowed to defer undergrounding or relocation of utilities. **(See COA No. 96 & 98).**
11. The applicant/developer is approved for modification of the project from 17 buildings to 18 buildings (as shown on attached site plan).
12. The applicant/developer shall designate an area for temporary on-site parking of truck/delivery vehicles (as shown on attached site plan).
13. On December 6, 2016, City Council approved CUP 12-16 for Medical Marijuana Cultivation and Extraction/Manufacturing uses; however no plans for extraction/manufacturing were submitted. Should the applicant/developer propose extraction/manufacturing uses in the future, the applicant/developer shall submit tenant improvement plans for Planning, Fire, and Building Department administrative review and approval.
14. The conditions of approval for Tentative Tract Map 37145 shall be separated from the conditions of approval for the Conditional Use Permit **(see COA No's 49-57)**

#### **Administration:**

15. The approval of **Conditional Use Permit 29-16** is subject to the two (2) year expiration provisions of the City's Zoning Ordinance, as provided in Section 17.76..070 and will expire on March 21, 2019.

16. The applicant may request an extension of time for **Conditional Use Permit 29-16** 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.
17. 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.
18. 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.
19. 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.
20. 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 29-16** shown in Exhibits 1 through 8 attached hereto and incorporated herein by this reference.
21. The final grading plan shall be in substantial conformance with the designs set forth in the hydrology report and site drainage design.
22. 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 29-16** shall be deemed to have elapsed if compliance with this condition has not been undertaken within the specified time limits.

23. A scanned copy of the signed Conditions of Approval shall be included in the Building Construction Plans submitted for plan check.

24. 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.

25. 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 \$2,266.25 (\$2,210.25 department of Fish and Game fee plus \$50.00 Riverside County Clerk Document fee) to enable the City to file a Notice of Determination 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:**

26. 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.

27. Wheel stops within the parking lot are prohibited unless required for ADA compliance.

28. 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.

29. 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.
30. 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.
31. 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.
32. The use of rolled concrete on any exterior walls or trash enclosures is specifically prohibited.
33. 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 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.
34. Outdoor storage of equipment and/or merchandise must satisfy all screening requirements of Sections 17.12.320 and 17.16.320 of the Desert Hot Springs Municipal Code. 17.16.320
35. 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.
36. All drain pipes shall be interior to the building. Exposed drain pipes are specifically prohibited.
37. All drain terminations shall be from the Watts Drainage Product RD-940 or a product of equal value.
38. All breaker boxes, fire sprinkler risers, and utility conduits shall be interior to the building.
39. All Vapor Collection Systems at Service Stations shall be screened from public view.
40. All new development shall comply with Mission Springs Water District's Water Efficient Landscaping Guidelines (guidelines are available at [www.mswd.org](http://www.mswd.org)). This policy requires outdoor water conservation practices within MSWD's 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.



### **Landscaping:**

41. The applicant shall prepare a Final Landscape Construction and Irrigation Plan that is prepared by a licensed landscape architect subject to the following:

- j. Approval from the Planning Department
  - k. Approval from Mission Springs Water District
  - l. 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.
  - m. Clear indication where landscaping will be used to screen mechanical, electrical, and irrigation equipment.
  - n. 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.
  - o. Plant and tree installation and staking details.
42. 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. At least fifty percent (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 trunk height of twenty (20) feet.
  - l. The site shall have a maximum of twenty-five percent (25%) fifteen (15) gallon trees and all other trees shall be thirty-six (36) inch box or greater.
  - m. All trees twenty-four (24) inch box or greater shall be verified as to size by the project planner who shall ensure that each tree has diameter of three (3) inches five (5) inches from the ground

level. It is the responsibility of the contractor and/or Applicant to make an appointment with the project planner to conduct this verification.

- 43. Parking spaces adjacent to any planter shall have a width totaling eleven (11) feet, or the landscape finger or planter curb be an extra foot wide to protect the landscaping.
- 44. All redwood headers are specifically prohibited from use on the project site.
- 45. All irrigation lines shall be located below ground with no surface exposure.
- 46. 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:**

- 47. 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.
- 48. 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.
- 49. 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.
- 50. 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.

51. 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.
52. 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.
53. 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.
54. 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:**

55. 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.
56. Applicant / Developer shall apply for a separate permit for any proposed signage, in accordance with the provisions of the City's Municipal Code.
57. Applicant / Developer shall adhere to the City's light standard and identify all light fixtures (wall mounted and pole lights) on the site plan.
58. Lighting shall provide face recognition at 100 feet.
59. The Planning and/or Police Departments may require additional lighting to prevent unintended dark spots prior to final occupancy.
60. 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:**

61. The applicant shall submit a Sign Program to be approved by the Planning Commission to include the following:
- p. All signage for in-line tenants shall be channel letters.
  - q. No sign shall have exposed raceways or conduits.
  - r. All signage shall comply with the Desert Hot Springs Municipal Code.
  - s. All signs that are removed shall be painted and patched immediately.
62. All signs shall be Underwriters Laboratories approved or the equivalent.

### **Engineering:**

63. Applicant/Developer shall annex to Community Facilities District No.

2010-1 for the maintenance of:

- a. Landscape/Hardscape
- b. Streetlights
- c. Drainage Basins / Storm Drain Facilities

Prior to the issuance of a certificate of occupancy.

64. Applicant/Developer shall pay the Five Thousand Dollars (\$5,000.00) cost for the City's consultant to annex the Community Facilities District No. 2010-1 and the City fee for processing the request, prior to the issuance of an occupancy permit.

65. 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.

66. If imported or exported soil material is necessary to balance the grading on the site, a separate grading plan and haul permit approval is necessary before transport of the material.

67. Applicant/Developer shall submit the following items for approval from the Engineering Department:

- a. Grading Plans with the street address for each lot and/or building foot prints
- b. Storm Drain / Drainage Plans
- c. Street Improvement Plans
- d. Street Signage and Striping Plans
- e. Street Lighting Plans
- f. Composite Utility Plans  
(Sewer and Water Plans – submit to Mission Springs Water District)

68. If the Applicant/Developer requests a Temporary Certificate of Occupancy before all the improvements are completed the Applicant/Developer shall submit the following items for approval with the submittal of the Improvement Agreement for the project;

- t. Soils Report
- u. Title Report
- v. Preliminary Grading Plan
- w. Hydrology Report
- x. Preliminary traffic impact report
- y. Utility master plan
- z. Street Plans
- aa. Engineer's Estimate of the incomplete improvements

69. A lot line adjustment and parcel merger(s) shall be filed and approved prior to the issuance of any permits for development of the property.

70. The Building Department shall approve zero yard space between proposed lots 1 & 2. A Covenant and Agreement may be necessary to complete this attached/common wall building proposal.
71. Dedicate by separate instrument 30 feet of street right of way for San Gorgonio Lane-south side of centerline and 25 feet of additional right of way for Little Morongo Road. .
72. A Floodproofing Certificate for Non-Residential Structures shall be filed with the building plans for the project and approved prior to the issuance of a grading permit.
73. File a Report of Waste Discharge for the site to verify the use of underground sewage disposal in lieu of public sanitary sewers.
74. 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.
75. A soil compaction report shall be prepared and submitted to the City Building Department for approval prior to issuance of any building permits.
76. 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.
77. 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.
78. Applicant/Developer shall submit an owner-and contractor-signed PM10 Dust Control Implementation Plan in accordance with the standards and codes of the City and the South Coast Air Quality Management District (SCAQMD). Plans shall be submitted for review and approval by the Public Works Department prior to the issuance of any grading and/or applicable building permits. Any site that is greater than 10 acres shall concurrently process a PM10 Dust Control Implementation Plan with the SCAQMD. For further information

contact the SCAQMD at:

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

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

For further information contact the RWQCB at:

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

80. 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.
81. 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.
82. The Applicant/Developer is required to construct all transition and missing links between existing and proposed improvements.

83. 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.
84. The Applicant/Developer shall construct street improvements on the following streets:
- a. San Gorgonio Lane, south side from centerline to ultimate right of way, 30 feet of 60 foot right of way.
  - b. Little Morongo Road, east side for centerline to ultimate right of way, 55 feet of 110 foot right of way.
  - c. Street improvements shall include construction of asphalt concrete pavement, curb/gutter, sidewalk, streetlights, catch basins, storm drains, and fully landscaped and irrigated along the property frontage.
  - d. Improvements shall include removal and construction of existing street improvements that are severely damaged and/or not in compliance with City Standards
  - e. All sidewalks, ramps, and landings shall be compliant with the Americans with Disability Act.
85. All street improvements including the energizing of street lights and installation of irrigation and landscaping along:
- bb. San Gorgonio Lane and Little Morongo Road shall be constructed and accepted by the City Public Works Department prior to the issuance of occupancy unless an Improvement Agreement is in place.
86. The minimum grade on all proposed streets shall be 0.50% unless approved in advance, in writing, by the City Engineer.
87. All project streets shall be maintained as private streets until such a time as they are fully improved to City Standards and accepted by the City Council.
88. 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.
89. No nuisance water shall escape the site onto public streets.

90. 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. Alternate methods may be provided with the approval of the City Engineer.

cc. 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.

dd. All retention basins/systems shall be located on site; off-site retention basins/systems are specifically prohibited.

ee. 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

ff. Deed restrictions shall be filed on the property(ies) for any shared use of drainage facilities.

91. The design of the on-site grading, street improvements and the storm drainage improvements shall be coordinated with all adjacent projects to the satisfaction of the City Engineer.

92. 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.

93. Property is located in the Federal Emergency Management Act (FEMA) Zone AO Depth 1 foot and Velocity 5 feet per second. Elevation Certificate may be provided in lieu of a Floodproofing Certificate to the Building Department prior to issuance of a grading permit, and shall be resubmitted "as constructed" prior to final grading signoff

94. Proposed street striping shall be per City standards.

95. The proposed driveways shall be a radius driveway per City of Desert Hot Springs Standard No. 210.

96. All overhead utilities less than 92kv, located within the project boundaries, bordering the project and/or fronting the project shall be undergrounded.

- a. The undergrounding may be deferred until such time an Area Wide Improvement District is formed or a Master Utility Plan for the relocation/undergrounding of the Electric Lines is approved.

**(Requested by applicant)**

97. Applicant/Developer shall enter into a water service agreement with the Mission Springs Water District for domestic water service.

98. If the Applicant/Developer requests a Temporary Certificate of Occupancy before all the improvements are completed the Applicant/Developer shall file an improvement agreement with security to guarantee completion of public improvements as follows:

- a. A faithful performance security in an amount deemed sufficient by the City Engineer to cover up to 100% of the total estimated cost of all required improvements, including bonding requirements for grading as outlined in the Municipal Code.
- b. A labor and material security to cover up to 50% of the total estimated cost of all required improvements.
- c. A monumentation security in an amount stipulated by the City Engineer to cover the cost of placing lot corners and other related monuments.
- d. If the required project improvements are financed and installed pursuant to special assessment proceedings, upon the furnishing by the contractor of the faithful performance and labor and material security required by the special assessment act being used, the



City may reduce the improvement security of the Applicant/Developer by an amount corresponding to the amount of the security furnished by the contractor.

- e. Notwithstanding the above, the Applicant/Developer may satisfy the requirement for security of certain improvements by providing proof that same has been posted with another public agency subject to the approval of the City Engineer.

99. 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.

100. All improvement agreements shall be approved by the City Attorney and City Council. Security for the agreement shall be approved by the City Attorney and Finance Director.

## **Fire**

101. The Applicant/Owner shall install Knox Boxes as approved by the Fire Department subject to the following:

- a. On Structures the Knox Box shall be installed next to the Fire Department access door and be flush with the building.
- b. If the buildings are protected with an alarm system, the lock box shall be required to have tamper monitoring.

- c. Any gate to a building or residential neighborhood shall have an emergency access from a Knox keyed device, as approved by the Fire Department.
  - d. 503.6.1 Automatic opener. New motorized gates shall be provided with means to be automatically opened remotely by emergency vehicle in accordance with Riverside County Fire Department standards and Policies, as may be amended from time to time.
  - e. 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
102. 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.
103. 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 California Fire Code.
104. Applicant/Developer shall install a portable fire extinguisher, with a minimum rating of 2A-10BC, 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.
105. No hazardous materials shall be stored and/or used within the building, which exceeds quantities listed in 2016 California Building Code. No class I, II or IIIA of combustible/flammable liquid shall be used in any amount in the building absent issuance of a final by the Riverside County Fire Marshal.
106. Exit designs, exit signs, door hardware, exit markers, exit doors, and exit path marking shall be installed per the 2016 California Building Code.

107. Fire sprinklers shall be installed in all buildings greater than 3,600 square feet in floor area. There may be exceptions based on occupancy classification.
108. Fire alarms shall be installed in all buildings.
109. 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.
110. Access shall be provided to all mechanical equipment located on the roof as per the 2016 California Mechanical Code.
111. Emergency and standby power systems shall be installed in accordance with CFC, CBC, NFPA 110, and NFPA 30.
112. 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.
113. No smoking sign shall be posted at generators.
114. NFPA 704 placard shall be posted where applicable.
115. As part of building plan check submittal, the applicant shall provide the following:
  - a. 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.
  - b. Specifications for the carbon filter odor control system.
  - c. Separate plans for CO2 enriched environment.
  - d. Equipment technical data sheets for the access control egress door.
  - e. Sequence of Operation for access control egress doors and shall comply with all requirements per CFC 1008.1.9.8
  - f. Equipment technical data sheets for the type of lamps to be used.
116. Prior to final occupancy, the applicant shall submit a Business Plan to Riverside County Health Department prior to final.
117. Prior to final occupancy, the applicant shall contact Air Quality Management District to ensure all requirements will be met with the CO2 exposure (Carbon Filter).

118. Fire apparatus access roads shall comply with Riverside County Fire Departments Standard FPS 06-05. This standard can be found at [www.rvcfire.org](http://www.rvcfire.org).
119. Construction - Roads shall be designed, constructed and maintained to support the imposed load of Riverside County Fire Department fire apparatus with a total minimum weight of 60, 000 pounds over 2 axles. The surface shall be designed, constructed and maintained to provide all-weather driving capabilities. Turf Block is not allowed. A letter from an engineer shall be submitted showing the constructed material meets the requirements put forth in the above standard.
120. Shall provide 30' fire lanes with 38' turning radius.
121. The fire lane shall extend to within 150' of all portions of the facility and all portions of the exterior walls.

#### **Police**

122. The Applicant/Developer shall comply with all applicable federal, state and City laws and regulations.
123. The Applicant/Developer shall incorporate all aspects of Crime Prevention through Environmental Design for visual surveillance, access control and territorial reinforcement.
124. 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.
125. Applicant/Developer shall adhere to the City's light standard and identify all light fixtures (wall mounted and pole lights) on the site plan.
126. Lighting shall provide face recognition at 100 feet.

127. The Police Department may require additional lighting to prevent unintended dark spots prior to final occupancy.
128. Secluded or hidden interior corridors are strongly discouraged by the Police Department. 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.
129. 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.

130. 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.
131. 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.
132. 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. LED and / or Metal Halide lights are recommended.
  - b. Lighting shall be shielded through the use of fixture design and placement, and shrouds so that spillover at the property line is minimized.
  - c. 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.
134. At no time shall any plant materials, plant products, or plant-derived products be visible from any public areas.
135. 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.
136. All delivery vehicles shall be equipped with GPS location equipment, which shall be maintained and available at all times.

137. 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.
138. 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.
139. Security cameras shall be utilized to capture video of the perimeter of the building as well as interior areas of importance. The exterior shall have cameras two camera on each exterior wall. The interior shall have cameras covering areas of operation, registers, and one facing the entrance door from the inside to capture video of each person as they enter. The camera system shall have recording and back up capabilities for 90 days and will be made accessible to the Police Department on demand.
140. Prior to issuance of occupancy permits, the applicant shall provide in the security plan that at all times at least one member of the dispensary management or staff has knowledge of the operation of all video surveillance equipment and is capable of assisting the Police Department at any time the Police have need of such assistance.
141. Prior to issuance of occupancy permits the building plan will be amended to show the location of camera to be installed.

## **Building**

142. 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

143. 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.
144. 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.
145. 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.
146. 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.
147. 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.
148. The Tract or Parcel map shall record prior to the issuance of any permits.

**Grading:**

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

**Signs:**



150. All signs shall be Underwriters Laboratories approved or the equivalent.
151. Permits issued by the Building Department are required prior to the removal and/or demolition of structures.
152. All exterior lighting shall be orientated, directed, and/or shielded as much as possible so that direct illumination does not infringe onto adjoining properties.
153. Prior to any building inspection, the following information shall be submitted to the Building Department:
  - h. A Pad Certification from the civil engineer of record that certifies the pad elevation is consistent with the approved grading plan;
  - i. 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
  - j. A compaction Report from a geotechnical testing firm that certifies the site has been compacted to comply with the approved soils/geotechnical report.
154. 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.

### **Mission Springs Water District**

The subject property is located within the Mission Springs Water District (MSWD or District). The project is located on APN 665-040-001 on the southeast corner of Little Morongo Road and San Gorgonio Lane, in the City of Desert Hot Springs. The developer proposes construction of two, two story buildings for medical marijuana cultivation totaling 83,186 square feet. Construction is planned to be done as two separated parcels with a zero setback common lot line. The facility includes parking and landscape on the 2.30 acre parcel.

## **Conditions of Approval**

### **Subdivision**

In accordance with the California Subdivision Map Act all public water and sewer improvement plans shall be approved by, and bonded with MSWD prior to recording of any final map. The plans as submitted appear that there will be common landscape, sewer, fire water, parking and access. This will work if the subdivision is done as a condominium map. If they separated by parcel map, then the conditions would apply to each individual parcel.

### **Water Service**

Water service is currently available for the project subject to the following conditions of service:

155. The developer shall comply with all rules, laws, ordinances, guidelines, and regulations of the District at the time that any new water service application is submitted. MSWD ordinance requires that water service, including irrigation and fire services, shall not cross parcel boundaries to serve a second property.
156. The point of connection for water service shall be the existing 16" water main located on the west side of Little Morongo Road.
157. The developer shall be required to design and construct a new 12" diameter water main in San Geronio Lane to a fire hydrant assembly, 12" valve, and blind flange located 10' north of the centerline at the east boundary of the property to allow for future extension. This line may be used as the point of connection for new fire, domestic, or irrigation services.
158. The installation of backflow prevention devices is required for all non-residential domestic, fire, and irrigation service connections.
159. Installation of private fire line services may be required per Riverside County Fire Department Standards. Double check detector assemblies (DCDA) per MSWD Standards will be a requirement at the time of installation.
160. The developer must submit hydraulic calculations to the District indicating the availability of the required fire flows as determined by the Riverside County Fire Department. These calculations shall be based

on a current fire hydrant flow test which can be ordered through the MSWD Engineering Department.

161. The developer shall comply with all District standards, specifications and conditions, final approval of all design plans shall be by the District Engineer or his/her designee, and the District's General Manager.
162. The developer shall provide plumbing plans with fixture units for District review of meter and service size.
163. MSWD requires having all of its facilities within the public right-of-way or recorded and dedicated easements.
164. The developer is required to apply for water service and submit payment of District fees, charges, and deposits. The water meter and connection fees will be based on the actual meter sizes and quantities shown on the approved plans. All fees are subject to change based on the time of application for services from the District.
165. The developer will be required to bond all infrastructures and be required to supply a warranty bond for the infrastructure. This warranty bond will be released 1 year from the District's acceptance of the infrastructure or any required warranty repair.

### **Septic System**

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

166. MSWD requires submittal of proposed plumbing plans showing all connections to the septic system(s) and the size and location of the proposed disposal system(s) for the project.
167. The septic system shall be designed to connect to a future sewer line flowing east in San Gorgonio Lane with a 6" diameter dry sewer lateral installed to the proposed south right-of-line at a depth no greater than 4.5' below the proposed finish grade at the end of the lateral.

168. MSWD will require a Report of Waste Discharge for the project. The report shall be prepared by a qualified Licensed Professional Engineer in accordance with the requirements currently in use by the California State Water Resources Control Board (CSWRCB). The report shall be submitted to, and approved by, the Regional Water Quality Control Board and/or Riverside County Health Department as determined by CSWRCB to determine if enhanced treatment is required.

### **Sewer Service**

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

169. The developer shall comply with all rules, laws, ordinances, guidelines, and regulations of the District at the time the sewer service application is submitted.
170. The developer shall be required to design and construct all public sewer infrastructure adjacent to the project required to facilitate said sewer service. Gravity main size will be 8" minimum diameter and or as specified by MSWD. All design and construction shall be at the developer's expense.
171. MSWD requires a 6" minimum diameter sewer lateral for all commercial projects, no lateral shall serve more than one parcel without prior written MSWD approval.
172. The developer shall comply with all the District standards, specifications and conditions, and have final approval of all design plans by the District Engineer or his/her designee, and the District General Manager.
173. The developer/property owner shall complete an application for sewer service with payment of all applicable fees, charges and deposits at the time of application (i.e., multi-family, residential, commercial sewer connection fees per current MSWD fee schedules).

174. MSWD requires submittal of proposed plumbing plans showing all connections to the public sewer system and the size and location of the proposed lateral for the project.
175. MSWD requires a Report of Waste Discharge for the project. MSWD will review the waste water quality and determine if any pretreatment process is required. The report shall be prepared by a qualified Licensed Professional Engineer in accordance with requirements currently in use by the California State Water Resources Control Board.
176. The developer will be required to bond all infrastructures and be required to supply a warranty bond for the infrastructure. This warranty bond will be released 1 year from the District's acceptance of the infrastructure.

## **Landscape**

### **As applicable per City requirements:**

All new and rehabilitated residential and commercial development shall comply with the *Mission Springs Water District's Water Efficient Landscaping Guidelines* (guidelines are available at [www.mswd.org](http://www.mswd.org)). This policy requires outdoor water conservation practices within the MSWD service area, specifically: (1) the creation of landscape plans featuring the use of California native desert friendly plants; and (2) the preparation of irrigation plans detailing water efficient irrigation technology systems (e.g., drip irrigation, evapotranspiration irrigation controllers, etc.) appropriate to an arid desert climate