

CONDITIONS OF APPROVAL

MEETING DATE: June 13, 2017

TITLE: Ho Ho Ho Express (Time Extension)

CASE NO: Development Permit No. 1-14 and Design Review No. 01-14

PREPARED BY: Rich Malacoff, AICP, Senior Planner

REVIEWED BY: Alexander Meyerhoff, AICP, Community Development Director

Revised Conditions:

1. The site shall remain undisturbed until the applicant /developer is ready to begin building /construction process
2. The applicant/developer shall implement all mitigation measures and monitoring program requirements outlined in the Mitigated Negative Declaration.

Tribal Conditions:

3. The applicant/developer shall provide consulting tribes a cultural resources inventory of the project area (by a qualified archaeologist) prior to any development activities in the area.
4. The applicant/developer shall provide consulting tribes a copy of the records search with associated survey reports and site records from the information center
5. 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.
6. 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.

7. Should human remains be discovered during construction of the proposed project, the project contractor would be subject to either the State law regarding the discovery and disturbance of human remains or the Tribal burial protocol. In either circumstance all destructive activity in the immediate vicinity shall halt and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5. If the remains are determined to be of Native American origin, the Native American Heritage Commission (NAHC) shall be contacted. The NAHC will make a determination of the Most Likely Descendent (MLD). The City and Developer will work with the designated MLD to determine the final disposition of the remains.

Administrative Conditions:

8. The approval for Design Review No. 01-14 and Development Permit No. 01-14 are subject to a one-year expiration provisions of the City's Zoning Ordinance, as provided in Section 17.92.070 and will expire on February 10, 2018.

Modified by the Planning Commission on February 10, 2015

9. The applicant may request an extension of time for **Development Permit No. 1-14 and Design Review No. 01-14** per the City's Zoning Ordinance Sections 17.92.100 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.
10. 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.

11. 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.
12. 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.
13. The development of the Project on the Project Site shall be in substantial compliance with the exhibits contained in the project file for **Development Permit No. 1-14 and Design Review No. 01-14** as shown in Exhibit A, attached hereto and incorporated herein by this reference.
14. The final grading plan shall be in substantial conformance with the designs set forth in the hydrology report and site drainage design.
15. 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 <Insert Project Numbers> shall be deemed to have elapsed if compliance with this condition has not been undertaken within the specified time limits.
16. A scanned copy of the signed Conditions of Approval shall be included in the Building Construction Plans submitted for plan check.
17. 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**.

18. Prior to the issuance of any Permits the applicant shall complete a sales tax agreement to ensure that all sales tax for the purchase of gasoline will be payable to the City of Desert Hot Springs.

Planning Conditions:

19. 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.
20. Wheel stops within the parking lot are prohibited unless required for ADA compliance.
21. 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.
22. 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.
23. 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.

24. 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.
25. The use of rolled concrete on any exterior walls or trash enclosures is specifically prohibited.
26. 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.
27. Outdoor storage of equipment and/or merchandise is prohibited.
28. 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.
29. All drain pipes shall be interior to the building. Exposed drain pipes are specifically prohibited.
30. All new development shall comply with Coachella Valley Water District's

Efficient Landscaping Guidelines (guidelines are available at www.mswd.org). This policy requires outdoor water conservation practices within CVWD'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:

31. 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 the Coachella Valley 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. Provide the total percentage of evergreen trees of all trees not including palm trees as evergreen.
- n. Clear indication where landscaping will be used to screen mechanical, electrical, and irrigation equipment.
- o. 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.
- p. Plant and tree installation and staking details.
- q. Details on how vines will be attached to the structural elements.

32. 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.
- n. The Desert Museum Acacia Trees shall all be Multi-Trunk as required by the Architectural and Landscape review Committee.
- o. The applicant shall have 3 Acacia trees on each side of both driveways.

Modified by the Planning Commission on February 10, 2015

33. Prior to the issuance of any building permits the applicant shall have a

view obscuring gate approved by the Planning Department.

34. 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.
35. All redwood headers are specifically prohibited from use on the project site.
36. All irrigation lines shall be located below ground with no surface exposure.
37. 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:

38. 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.
39. 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.
40. 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.
41. 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.
42. 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.

43. 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.
44. 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.
45. 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:

46. 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.

47. Applicant/Developer shall apply for a separate permit for any proposed signage, in accordance with the provisions of the City's Municipal Code.

48. Applicant/Developer shall adhere to the City's light standard and identify all light fixtures (wall mounted and pole lights) on the site plan.

49. Lighting shall provide face recognition at 100 feet.

50. The Planning and/or Police Departments may require additional lighting to prevent unintended dark spots prior to final occupancy.

Mitigation Negative Declaration Measures:

51. In order to comply with Biological Resources Mitigation Measure Number One: Prior to grading permit issuance, the construction area and adjacent areas within 200 feet of the development site, or to the edge of the property if less than 200 feet, will be surveyed by an acceptable biologist for burrows that could be used by burrowing owl. If a burrow is located, the biologist will determine if an owl is present in the burrow. If the burrow is determined to be occupied, the burrow will be flagged and a 160-foot buffer during the non-breeding season and a 250-foot buffer during the breeding season, or a buffer to the edge of the property boundary if less than 200 feet, will be established around the burrow. The buffer will be staked and flagged. No development or O&M activities will be permitted within the buffer until the young are no longer dependent on the burrow.

If the burrow is unoccupied, the burrow will be made inaccessible to owls, and the covered activity may proceed. If either a nesting or escape burrow is occupied, owls shall be relocated pursuant to accepted Wildlife Agency protocols. A burrow is assumed occupied if records indicate that, based on surveys conducted following protocol, at least one burrowing owl has been observed occupying a burrow on site during the past three years. If there are no records for the site, surveys

must be conducted to determine, prior to construction, if burrowing owls are present. Determination of the appropriate method of relocation, such as eviction/passive relocation or active relocation, shall be based on the specific site conditions (e.g., distance to nearest suitable habitat and presence of burrows within that habitat) in coordination with the Wildlife Agencies. Active relocation and eviction/passive relocation require the preservation and maintenance of suitable burrowing owl habitat determined through coordination with the Wildlife Agencies.

52. In order to comply with Biological Resources Mitigation Measure Number Two: Prior to the issuance of a grading permit, an acceptable biologist will conduct a presence/absence survey of the development area and adjacent areas within 200 feet of the development area, or to the property boundary if less than 200 feet and permission from the adjacent landowner cannot be obtained, for fresh sign of desert tortoise, including live tortoises, tortoise remains, burrows, tracks, scat, or egg shells. The presence/absence survey must be conducted during the window between February 15 and October 31. Presence/absence surveys require 100% coverage of the survey area. If no sign is found, a clearance survey is not required. A presence/absence survey is valid for 90 days or indefinitely if tortoise-proof fencing is installed around the development site. The applicant must also comply with the following:

- a. If fresh sign is located, the development area must be fenced with tortoise-proof fencing and a clearance survey conducted during the clearance window. Desert tortoise clearance surveys shall be conducted during the clearance window from February 15 to June 15 and September 1 to October 31 or in accordance with the most recent Wildlife Agency protocols. Clearance surveys must cover 100% of the development area. A clearance survey must be conducted during different tortoise activity periods (morning and afternoon). All tortoises encountered will be moved from the development site to a specified location. Prior to issuance of the Permits, CVCC will either use the Permit Statement Pertaining to High Temperatures for Handling Desert Tortoises and Guidelines for Handling Desert Tortoises During Construction Projects, revised July 1999, or develop a similar protocol for relocation and monitoring of desert tortoise, to be reviewed and approved by the Wildlife Agencies. Thereafter, the protocol will be revised as needed based on the results of monitoring and other information that becomes available.
- b. Utility development protocols have been developed to avoid or minimize potential adverse impacts to the desert tortoise in the Conservation Areas from utility and road

right-of-way projects, such as the installation and maintenance of water, sewer, and electric lines and roadway maintenance. The objectives of these protocols are to provide reliable and consistent direction on utility development within the Conservation Areas. Two utility development protocols, Inactive Season Protocol and Active Season Protocol, provide specific direction on site preparation and construction phases of utility projects in the Conservation Areas. The protocols include steps to be followed during the desert tortoise active and/or inactive season. The inactive season protocol must be used for utility maintenance or development within the November 1 to February 14 time frame; the active season protocol must be used for utility maintenance or development within the February 15 to October 31 time frame. Deviations from these time frames must be presented to the RMOC.

- c. Disposition of Sick, Injured, or Dead Specimens. Upon locating dead, injured, or sick desert tortoises under any utility or road project, initial notification by the contact representative or acceptable biologist must be made to the USFWS or CDFG within three (3) working days of its finding. Written notification must be made within five (5) calendar days with the following information: date; time; location of the carcass; photograph of the carcass; and any other pertinent information. Care must be taken in handling sick or injured animals to ensure effective treatment and care. Injured animals shall be taken care of by the Acceptable Biologist or an appropriately trained veterinarian. Should any treated tortoises survive, USFWS or CDFG should be contacted regarding the final disposition of the animals.

53. In order to comply with Cultural Resources Mitigation Measure Number One the applicant must comply with the following: 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 City Planner. 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 Eastern Information Center for the State of California located at the University of California Riverside and the Agua Caliente Tribal Historic Preservation Office (THPO) for permanent inclusion in the Agua Caliente Cultural Register

54. In order to comply with Cultural Resources Mitigation Measure Number Two: Grading plans that show project-related excavations deeper than ten (10) feet will require a qualified paleontological monitor to be retained by the site developer(s) to check for fossils. Should construction/development activities uncover paleontological resources, work will be halted in that area and moved to other parts of the project site and a qualified paleontologist shall be contacted to determine the significance of these resources. The paleontologist shall have authority to divert grading away from exposed fossils temporarily in order to recover the fossil specimens. If the find is determined to be significant, avoidance or other appropriate measures shall be implemented.
55. In order to comply with Cultural Resources Mitigation Measure Number Three: All fossils and associated data recovered during the paleontological monitoring shall be reposted in a public museum or other approved curation facility.
56. In order to comply with Cultural Resources Mitigation Measure Number Four: If any human remains are discovered, the Applicant shall cease all work and contact the Riverside County Coroner's Office and work shall not resume until such time that the site has been cleared by County Coroner and/or the Desert Hot Springs Police Department. The Applicant shall also be required to consult with the Agua Caliente Tribal Historic Preservation Office (THPO).
57. In order to comply with Hazardous Materials Mitigation Measure Number One: Mitigation The applicant shall install a shade structure and water sprinklers over the AST(s), a block wall around three sides, (in addition to required containment wall), and a fire suppression system including foam canister (Fireboy or equal) adjacent to the pumping operations.
58. In order to comply with Hydrology and Water Quality Mitigation Measure Number One: The applicant shall complete on site drainage improvements, at their expense, as part of project development.
59. In order to comply with Noise Mitigation Measure Number One: Any heavy equipment operations during facility construction shall be limited to the hours of 7:00 AM to 7:00 PM, Monday through Saturday.
60. In order to comply with Noise Mitigation Measure Number Two: All operational activities, other than the ordinary fueling or trucks and refueling of tank(s) shall be limited to the hours of 7:00 AM to 7:00 PM, Monday through Saturday.

General Engineering:

61. There is no recorded public access to the site along Little Morongo Road from Dillon Road to the site boundary. Applicant/Developer shall provide evidence to the City that public access is available to the site or will be available to the site through grant of road easements, 40 feet wide, from properties to the north.
62. 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.
63. 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.
64. The Applicant/Developer is required to construct all transition and missing links between existing and proposed improvements.
65. All overhead utilities less than 92kv, located within the project boundaries, bordering the project and/or fronting the project shall be undergrounded. Utility poles that remain shall be at least 10 from the traveled way or protected by a curb/berm.
66. 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.

67. 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.

68. All improvement agreements shall be approved by the City Council and the City Attorney.

Grading:

69. A soil compaction report shall be prepared and submitted to the City Building Department for approval prior to issuance of any building permits.

70. 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

71. 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

72. 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.
73. 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.
74. 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.

75. 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.

76. No nuisance water shall escape the site onto public streets.

77. 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.

- r. 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.

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

- t. 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

78. 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.

79. 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.

Street Improvement:

80. Any street or dedications of easements shall be by separate document. Little Morongo Road is a major arterial, 110 feet wide, in the City's General Plan. The Applicant Developer shall dedicate 55 feet half width across the site.
81. 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.
82. 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.
83. 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.
84. The Applicant/Developer shall construct full street improvements on the following streets:
 - a. Little Morongo Road, one-half street improvements on the east side from centerline to ultimate right of way.
 - b. The 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
 - c. A thirty-foot wide paved access to the site from Dillon Road shall be provided. The paved access shall be in the alignment with the ultimate improvements along Little Morongo Road.
 - d. All project associated 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:

- u. Little Morongo Road shall be constructed and accepted by the City Public Works Department prior to the issuance of occupancy.

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. Street striping shall be per City standards.

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

Fire Department:

90. Applicant/Developer shall provide a water system capable of delivering a minimum fire flow of 1,500 gallons per minute for 2 hours duration at twenty (20) pounds per square inch (PSI) residual operating pressure, which must be available before any combustible material is placed on the construction site. The minimum required GPM and PSI may change during official plan check.

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

- On Structures the Knox Box shall be installed next to the Fire Department access door and be flush with the building.

92. 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.

93. Each access road shall have an unobstructed clearance of thirteen feet six inches and be able to withstand a weight of 60,000 pounds over two axels.

94. Access lanes shall not have a slope that exceeds fifteen percent (15%).
95. Blue dot retro-reflectors pavement markers on private, public streets, and driveways shall be installed to indicate locations of all fire hydrants associated with project.
96. All curb turning radii within the project site shall have a 35 foot outside radius and a fifteen foot inside radius to accommodate all fire apparatus, subject to approval by the Fire Marshal.
97. If the buildings are protected with a FIRE alarm system, the lock box shall be required to have tampered monitoring.
98. 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
99. 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.
100. 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.
101. 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.
102. 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.
103. Exit designs, exit signs, door hardware, exit markers, exit doors, and exit path marking shall be installed per the 2016 California Building Code.

104. Fire apparatus access roads shall be 24' in width with no parking allowed on either side of the access road.
105. 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.
106. Access shall be provided to all mechanical equipment located on the roof as per the 2016 California Mechanical Code.
107. Fire sprinklers shall be installed in all buildings greater than 3,600 square feet in floor area to the satisfaction of the Fire Marshal.
108. Emergency and standby power systems shall be installed in accordance with CFC, CBC, NFPA 110, and NFPA 30.
109. 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.
110. No smoking sign shall be posted at generators & fuel dispensing equipment.
111. NFPA 704 placard shall be posted where applicable.
112. Shall submit a Business Plan to Riverside County Health Department prior to final.
113. Shall contact Air Quality Management District to ensure all requirements will be met with the CO2 exposure (Carbon Filter).
114. Shall design to current 2016 California Codes and Standards.
115. Prior to issuance of occupancy permits, the applicant shall demonstrate to the satisfaction of the Riverside County Fire Department that the site conforms with fire lane width requirements in accordance with County standards, as found at:
http://rvcfire.org/stationsAndFunctions/AdminSppt/FireMarshal/Documents/Standards/FPS_x06-05_Access_Roadways_x2x.pdf

Coachella Valley Water District

Water and Sewer Service:

116. Prior to the issuance of any permits the applicant shall meet all requirements of the Coachella Valley Water District.

Building Department

117. 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
118. 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.
119. 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.
120. 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.
121. 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.

Grading:

122. The grading permit shall be issued prior to, or concurrently with, the building permit.
123. The applicant shall obtain approval from the City prior to contracting with any other firms to provide fuel services.