

## **DRAFT CONDITIONS OF APPROVAL**

**MEETING DATE:** 13 June 2017

**TITLE:** Conditional Use Permit and Development Agreement  
Development of a Medical Marijuana Cultivation  
Facility

**CASE NO:** CUP 08-17, DA 06-17

**PREPARED BY:** Craig A. Ewing, Consulting Planner

**REVIEWED BY:** Daniel Porras, Community Development Director

### **New Planning Department Conditions:**

1. The site shall remain undisturbed until the applicant /developer is ready to begin building /construction process
2. The applicant/developer/proprietor shall control all odors within the building.
3. Should odors emanate from the building or project site in the future, the applicant/developer/proprietor shall be required to submit revised plans and equipment specifications demonstrating techniques to control odors and shall submit those plans/documents/specs to the planning department for review and approval.
4. The applicant/developer shall implement all mitigation measures and monitoring program requirements outlined in the Mitigated Negative Declaration
5. For any extractions that will be conducted, inspection and approval of those facilities will either be through our Fire Department or through a certified or other engineer as the City Manager deems appropriate for approving those types of operations

### **Administration:**

1. The approval of CUP 08-17, DA 06-17 is subject to the (2) year expiration provisions of the City's Zoning Ordinance, as provided in Section 17.64.070 and will expire on \_\_\_\_\_.
2. The applicant may request an extension of time for CUP 08-17 and DA

06-17 per the City's Zoning Ordinance Sections 17.92.100 and 17.76.090. Upon filing a time extension(s) at least 30 (thirty) days prior to expiration of the project the Planning Commission may grant said time extension for good cause not to exceed twelve (12) months.

3. Applicant / Developer shall indemnify, protect, hold harmless and defend, with counsel selected by the City, the City and any agency or instrumentality thereof, an/or any of its officers, employees and agents from any and all claims, actions, or proceedings against the City to attack, set aside, void, annul, seek monetary damages resulting from an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board or legislative body including actions approved by the voter of the City, concerning the entitlement application. City shall promptly notify both the Applicant / Developer and landowner of any claim, action, or proceeding to which this condition is applicable and shall further cooperate fully in the defense of the action. The City reserves its right to take any and all action the City deems to be in the best interest of the City and its citizens in regard to such defense.
4. All development on the Project Site shall be in compliance with all applicable provisions of the City's Municipal Code as well as all applicable provisions of the adopted Building and Fire Codes. All new construction shall obtain a building permit and comply with the requirements of the Planning, Building, and Fire Departments.
5. No Certificate of Occupancy (CofO) shall be granted until all Conditions of Approval have been completed and approved by the Planning, Engineering, Building, and Fire Departments unless otherwise identified herein. A Temporary Certificate of Occupancy (TCO) may be issued for a specific time period if a significant amount of issues have been resolved and there remains only minor issues that do not pose a threat to health & safety.
6. The development of the Project on the Project Site shall be in substantial compliance with the exhibits contained in the project file for CUP 08-17 and DA 06-17 as shown in Exhibits 1 through 7, attached hereto and incorporated herein by this reference.
7. The final grading plan shall be in substantial conformance with the designs set forth in the hydrology report and site drainage design.
8. Within fifteen (15) days of final approval by the City Council, the Applicant / Developer shall submit in writing, a statement indicating that he/she has read and agrees to the conditions imposed herein. This authorization shall become void, and any privilege, permit, or other authorization granted under these entitlements CUP 08-17 and DA 06-17

shall be deemed to have elapsed if compliance with this condition has not been undertaken within the specified time limits.

9. A scanned copy of the signed Conditions of Approval shall be included in the Building Construction Plans submitted for plan check.
10. The Applicant / Developer shall pay all established service, permit, impact, public art, and other applicable fees required by the City.  
Note: The Transportation Unified Mitigation Fee is collected by the City of Desert Hot Springs on behalf of the Coachella Valley Association of Governments. Questions on the calculation of this fee should be addressed to them at (760) 346-1127. The School District Fees are imposed by the Palm Springs Unified School District and questions should be addressed to them at (760) 416-6159.
11. The Applicant / Developer shall deliver within 5 (five) working days to the Community Development Department a cashier's check, money order, or other acceptable form of payment made payable to "Riverside County" in the amount of \$2,266.25 (\$2,216.25 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:**

12. The Applicant / Developer and all future occupants shall maintain an interior usage in conformance with the approved floor plan. Any change to the floor plan shall be subject to review and approval by the Planning Department. No combination of interior activities is permitted which results in a total parking demand greater than forty-eight spaces, as calculated per the City's Zoning Code.
13. 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.

14. Wheel stops within the parking lot are prohibited unless required for ADA compliance.
15. 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.
16. 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.
17. 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.
18. 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.
19. The use of rolled concrete on any exterior walls or trash enclosures is specifically prohibited.
20. 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.
21. Outdoor storage of equipment and/or merchandise must satisfy all screening requirements of Sections 17.16.320 of the Desert Hot Springs Municipal Code.
22. 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.
23. All drain pipes shall be interior to the building. Exposed drain pipes are specifically prohibited.
24. All drain terminations shall be from the Watts Drainage Product RD-940 or a product of equal value.
25. All breaker boxes, fire sprinkler risers, and utility conduits shall be interior to the building.
26. All Vapor Collection Systems at Service Stations shall be screened from public view.
27. All new commercial 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:

28. The applicant shall prepare a Final Landscape Construction and Irrigation Plan that is prepared by a licensed landscape architect subject to the following:
  - a. Approval from the Planning Department
  - b. Approval from Mission Springs Water District
  - c. A plant landscape legend, including a specific symbol for each plant species used, size (i.e., caliper, gallon, box, or brown trunk height, and/or quantity) and whether it is deciduous or evergreen.
  - d. Provide the total percentage of evergreen trees of all trees not including palm trees as evergreen.
  - e. Clear indication where landscaping will be used to screen mechanical, electrical, and irrigation equipment.
  - f. A detail showing planter design adjacent to walkways and driveways that is designed to prevent soil and/or decomposed granite from flowing onto walkways and driveways. There shall be a minimum two-inch vertical separation between the pavement and the soil.
  - g. Plant and tree installation and staking details.
  - h. Details on how vines will be attached to the structural elements.
29. Site landscaping shall comply with the City Guidelines and Water Conservation policies regardless of whether the items are illustrated on the Construction Landscape Plans:
  - a. Plants and trees shall be primarily of drought tolerant species compatible with the desert environment.
  - b. Projects shall minimize the use of turf.
  - c. 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.
30. 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.
31. All redwood headers are specifically prohibited from use on the project site.
32. All irrigation lines shall be located below ground with no surface exposure.
33. 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:**

34. The Applicant / Developer shall keep the Project Site, clear of graffiti vandalism at all times. The Applicant / Developer shall contact the City's Graffiti Hot Line at 888-562-3822 within 48 hours of discovering the graffiti vandalism.
35. The Applicant / Developer and/or successor(s) shall apply (and maintain) a protective coating or graffiti resistant materials acceptable to the City's Public Works and/or Community Development Department, to provide for the effective and expeditious removal of graffiti on all exterior building elevations and/or project walls and/or replacement of defaced screening panels.
36. In the event there is a change in the name, address or telephone number of the responsible person(s), firm or company, the Applicant / Developer or successor shall notify the City within 48 hours, in writing, of the change and provide the City with the current contact information of responsible person(s), firm or company.

37. The Applicant / Developer and/or successor(s) in interest shall be responsible for the removal of any graffiti vandalism from the project site (exterior building surfaces and/or exterior walls/fences) within 48-hour after discovering the graffiti vandalism or receipt of notice from the City of the same. The Applicant / Developer shall contact the City's Graffiti Hot Line at 888-562-3822 within 48 hours of discovering the graffiti vandalism.
38. The Applicant / Developer and/or successor(s) in interest hereby agrees to allow the City and/or its agents to enter the property for the purpose of removing or painting over graffiti vandalism, if the Applicant / Developer and/or successor(s) in interest fail to remove the reported graffiti vandalism within the 48 hours of discovering the graffiti or receipt of notice from the City.
39. In the event that Applicant / Developer and/or successor(s) in interest, fail to remove the graffiti vandalism within 48 hours, requiring the City and/or its agents to enter the Project Site for the purpose of removing or painting over graffiti vandalism the Applicant / Developer and/or successor(s) in interest shall release the City and/or its agents from any liability for property damage or personal injury. And shall reimburse to the City all costs associated with the removal of the graffiti vandalism.
40. The Applicant / Developer and/or successor(s) in interest shall include the aforementioned authorizations to enter the Project Site for the purpose of removing or painting over graffiti vandalism as part of authorization agreement to the satisfaction of the Community Development Department and the approval of the City Attorney, as to form.
41. The Applicant / Developer and/or successor(s) in interest shall, to the extent feasible, have designed a building structure visible from any public or quasi-public place in such a manner to consider prevention of graffiti, including, but not limited to the following:
  - a. Use of additional lighting;
  - b. Use of non-solid fencing;
  - c. Use of landscaping designed to cover large expansive walls such as ivy or similar clinging vegetation; or
  - d. Use of architectural design to break up long, continuous wall or solid areas.

**Lighting:**

42. The Applicant shall submit an exterior Lighting Plan in compliance with all relevant sections of the DHSMC, include a photometric analysis, to the City Planner for review and approval prior to issuance of a building permit. The Lighting Plan shall also identify the following:



- a. Exterior lighting shall be energy-efficient and shielded or recessed so that direct glare and reflections are contained within the boundaries of the Project Site, and shall be directed downward and away from adjoining properties and the public right-of-way.
  - b. All lighting outdoor lighting including fixture shall direct lighting downward.
  - c. The type of fixtures, including height, material, and color.
  - d. The total height of all freestanding lighting fixtures shall not exceed 18 feet.
  - e. That all concrete fixture bases will have a decorative finish. At a minimum, a trowel finish shall be provided.
  - f. That the bolts connecting the light fixture to the base shall be covered.
43. Applicant / Developer shall apply for a separate permit for any proposed signage, in accordance with the provisions of the City's Municipal Code.
44. Applicant / Developer shall adhere to the City's light standard and identify all light fixtures (wall mounted and pole lights) on the site plan.
45. Lighting shall provide face recognition at 100 feet.
46. The Planning and/or Police Departments may require additional lighting to prevent unintended dark spots prior to final occupancy.
47. Secluded or hidden interior corridors are strongly discouraged by the Planning and Police Departments. For uses utilizing said corridors, mitigation measures shall be required and may include increased lighting, security surveillance cameras, controlled access, on-site security guards or other mitigating measures deemed appropriate by the Police Department.

### **Signs:**

48. The applicant shall submit a Sign Program to be approved by the Planning Commission conforming to the following standards:
- a. All signage for in-line tenants shall be channel letters.
  - b. No sign shall have exposed raceways or conduits.
  - c. All signage shall comply with the Desert Hot Springs Municipal Code.
  - d. All signs that are removed shall be painted and patched immediately.
  - e. Neon signs are prohibited.
49. All signs shall be Underwriters Laboratories approved or the equivalent.

**Engineering Department :**

50. 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.
51. 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.
52. 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.
53. Applicant/Developer shall record a Lot Merger merging the 2 parcels being developed which is in conformance as to lot size and area of the project established by the City Council. The Lot Merger shall be recorded prior to the issuance any construction permits
54. 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.
55. 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)
56. 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;
- a. Soils Report
  - b. Title Report
  - c. Preliminary Grading Plan
  - d. Hydrology Report

- e. Preliminary traffic impact report
- f. Utility master plan
- g. Street Plans
- h. Engineer's Estimate of the incomplete improvements

57. Dedicate by separate instrument 30 feet of street right of way for Palomar Lane-north side of centerline across the frontage of the property.

58. File a Report of Waste Discharge for the site to verify the use of underground sewage disposal in lieu of public sanitary sewers.

59. 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.

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

61. 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.

62. 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.

63. 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.

64. 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)

65. 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.
66. 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.
67. The Applicant/Developer is required to construct all transition and missing links between existing and proposed improvements.
68. 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.
69. The Applicant/Developer shall construct street improvements on the following streets:
  - a. Palomar Lane, north side from centerline to ultimate right of way, 30 feet of 60 foot right of way.
  - b. 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. In addition to full street improvements across the frontage of the property, a 24 foot paved access shall be provided to Little Morongo Road.
  - 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.
70. All street improvements including the energizing of street lights and installation of irrigation and landscaping along:
- a. Palomar Lane shall be constructed and accepted by the City Public Works Department prior to the issuance of occupancy unless an Improvement Agreement is in place.
71. The minimum grade on all proposed streets shall be 0.50% unless approved in advance, in writing, by the City Engineer.
72. 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.
73. 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.
74. No nuisance water shall escape the site onto public streets.
75. 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.

- a. Any other facilities required in the drainage/hydrology study shall be designed and installed as detailed in Section 15.68, Flood Plain Management, and Section 15.72 Floodplain Construction of the Desert Hot Springs Municipal Code.
  - b. All retention basins/systems shall be located on site; off-site retention basins/systems are specifically prohibited.
  - c. Retention Basin Vehicular Access - Vehicular access shall be provided for maintenance of the retention basins to the satisfaction of the City Engineer. The City Engineer shall determine the need and/or design of such access. The grading of a "road" to the bottom shall comply with health and safety standards and shall meet the requisite design requirements including geometries and capacity of the basin(s). Maintenance of retention basins and drainage system shall be the responsibility of the Applicant / property owner / operator
76. 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.
77. 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.
78. Property is located in the Federal Emergency Management Act (FEMA) Zone AO Depth 1 foot and Velocity 5 feet per second. An Elevation Certificate shall be provided to the Building Department prior to issuance of a grading permit, and shall be resubmitted "as constructed" prior to final grading signoff. In lieu of elevating the site, a Floodproofing Certificate for Non-Residential Structures may be filed with the building plans for the project and approved prior to the issuance of a grading permit.
79. Proposed street striping shall be per City standards.
80. The proposed driveways shall be a radius driveway per City of Desert Hot Springs Standard No. 210.
81. All overhead utilities less than 92kv, located within the project boundaries, bordering the project and/or fronting the project shall be undergrounded.
82. Applicant/Developer shall enter into a water service agreement with the Mission Springs Water District for domestic water service.

83. 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.

84. 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.

85. 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 Department:**

86. 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

87. 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.

88. 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.



89. 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.
90. 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.
91. Exit designs, exit signs, door hardware, exit markers, exit doors, and exit path marking shall be installed per the 2016 California Building Code.
92. 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.
93. Fire alarms shall be installed in all buildings.
94. 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.
95. Access shall be provided to all mechanical equipment located on the roof as per the 2016 California Mechanical Code.
96. Emergency and standby power systems shall be installed in accordance with CFC, CBC, NFPA 110, and NFPA 30.
97. 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.
98. No smoking sign shall be posted at generators.
99. NFPA 704 placard shall be posted where applicable.
100. 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.
101. Prior to final occupancy, the applicant shall submit a Business Plan to Riverside County Health Department prior to final.

102.

**Building & Safety:**

103. Project shall comply with the 2016 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
104. 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.
105. 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.
106. 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.
107. 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.

108. 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.

109. The Tract or Parcel map shall record prior to the issuance of any permits.

### **Grading:**

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

### **Signs:**

111. All signs shall be Underwriters Laboratories approved or the equivalent.

112. Permits issued by the Building Department are required prior to the removal and/or demolition of structures.

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

114. Prior to any building inspection, the following information shall be submitted to the Building Department:

- a. A Pad Certification from the civil engineer of record that certifies the pad elevation is consistent with the approved grading plan;
- b. A Form Certification from the civil engineer of record that certifies the building concrete forms have been placed to conform with the required setbacks as per the approved site/grading plan; and
- c. A compaction Report from a geotechnical testing firm that certifies the site has been compacted to comply with the approved soils/geotechnical report.

115. 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.

### **Code requirements for fire safety during construction and demolition**

116. 3304.1 **Smoking.** Smoking shall be prohibited except in approved areas. Signs shall be posted in accordance with Section 310. In approved areas where smoking is permitted, approved ashtrays shall be provided in accordance with Section 310.
117. 3304.6 **Cutting and welding.** Operations involving the use of cutting and welding shall be done in accordance with Chapter 35.
118. 3312.1 **Where required.** An approved water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible material arrives on the site.
119. 3315.1 **Where required.** Structures under construction, alteration or demolition shall be provided with not less than one approved portable fire extinguisher in accordance with section 906 and sized for not less than ordinary hazard as follows:
- a) At each stairway on all floor levels where combustible materials have accumulated.
  - b) In every storage and construction shed.
  - c) Additional portable fire extinguishers shall be provided where special hazards exist including hazards exist including, but not limited to, the storage and use of flammable and combustible liquids.

### **Mission Springs Water District:**

#### **Parcel Merger**

120. MSWD will require that the parcels are merged by either Parcel Merger or other recorded Map or the following conditions will apply separately for the five subject parcels.

#### **Water Service**

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

121. 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.

122. The point of connection for water service shall be the existing 16" water main located on the west side of Little Morongo Road.
123. The developer shall be required to design and construct approximately 1,276' of new 12" diameter ductile iron water main 10' north of the center line of Palomar Lane to the east boundary of the parcels. This line shall terminate with a 6" fire hydrant and 12" gate valve to allow future extension without disruption of service. This main shall be the point of connections for new fire, domestic, or irrigation services. The developer shall be responsible for all design and construction costs.
124. The installation of backflow prevention devices is required for all non-residential domestic, fire, and irrigation service connections.
125. 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.
126. 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.
127. 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.
128. The developer shall provide plumbing plans with fixture units for District review of meter and service size.
129. MSWD requires having all of its facilities within the public right-of-way or recorded and dedicated easements.
130. 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.

131. 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:

132. 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.
133. The septic system shall be designed to connect to a future sewer line flowing east in Palomar Lane with a 6" diameter dry sewer lateral installed to the proposed right-of-line at a depth no greater than 4.5' below the proposed finish grade at the end of the lateral.
134. 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:

135. The developer shall comply with all rules, laws, ordinances, guidelines, and regulations of the District at the time the sewer service application is submitted.
136. 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.

137. 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.
138. 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.
139. 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).
140. 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.
141. 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.
142. 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:**

143. 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. For additional details regarding plan check and inspection fees, please contact Theresa Murphy via email at [tmurphy@mswd.org](mailto:tmurphy@mswd.org) or (760) 329-6448 ext. 126.

## **TRIBAL:**

144. The applicant/developer shall provide the consulting tribes a cultural resources inventory of the project area (by a qualified archaeologist) prior to any development activities in the area.
145. The applicant/developer shall provide consulting tribes a copy of the records search with associated survey reports and site records from the information center
146. The applicant/developer shall have an approved Cultural Resource / Tribal 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 each of the consulting Tribal Preservation Office's.
147. The applicant/developer shall provide the consulting Tribes copies of any cultural resource documentation (report and site records) generation in connection with this project.
148. 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.

**MM 1 - Prior to grading permit issuance:** If there are any changes to project site design and/or proposed grades, the Applicant shall contact the consulting tribes to provide an electronic copy of the revised plans for review. Additional consultation shall occur between the City of Desert Hot Springs, Applicant and interested tribes to discuss the proposed changes and to review any new impacts and/or potential avoidance/preservation of the cultural resources on the Project. The Applicant will make all attempts to avoid and/or preserve in place as many as possible of the cultural resources located on the project site if the site design and/or proposed grades should be revised in consult with the City of Desert Hot Springs. In specific circumstances where existing and/or new resources are



determined to be unavoidable and/or unable to be preserved in place despite all feasible alternatives, the developer shall make every effort to relocate the resource to a nearby open space or designated location on the property that is not subject any future development, erosion or flooding.

**MM 2 - Archaeological Monitoring:** At least 30-days prior to application for a grading permit and before any grading, excavation and/or ground disturbing activities on the site take place, the Project Applicant shall retain a Secretary of Interior Standards qualified archaeological monitor to monitor all ground-disturbing activities in an effort to identify any unknown archaeological resources.

1. The Project Archaeologist, in consultation with the consulting tribes, the Developer and the City of Desert Hot Springs , shall develop an Archaeological Monitoring Plan to address the details, timing and responsibility of all archaeological and cultural activities that will occur on the project site. Details in the Plan shall include:
  - a. Project grading and development scheduling;
  - b. The development of a rotating or simultaneous schedule in coordination with the applicant and the Project Archeologist for designated Native American Tribal Monitors from the consulting tribes during grading, excavation and ground disturbing activities on the site: including the scheduling, safety requirements, duties, scope of work, and Native American Tribal Monitors' authority to stop and redirect grading activities in coordination with all Project archaeologists;
  - c. The protocols and stipulations that the Developer, City of Desert Hot Springs , the consulting tribes and Project archaeologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits that shall be subject to a cultural resources evaluation;
  - d. Archaeological Monitoring Plan shall take into account the potential impacts to undiscovered buried archaeological and cultural resources and procedures to protect in place and/or mitigate such impacts;

**MM 3 - Treatment and Disposition of Cultural Resources:** In the event that Native American cultural resources are inadvertently discovered during the course of grading for this Project. The following procedures will be carried out for treatment and disposition of the discoveries:

1. **Temporary Curation and Storage:** During the course of construction, all discovered resources shall be temporarily curated in a secure location onsite or at the offices of the project archaeologist. The removal of any artifacts from the project site will need to be thoroughly inventoried with tribal monitor oversight of the process; and
2. **Treatment and Final Disposition:** The landowner(s) shall relinquish ownership of all cultural resources, including sacred items, burial goods, and all archaeological artifacts and non-human remains as part of the required mitigation for impacts to cultural resources. The applicant shall relinquish the artifacts through one or more of the following methods and provide the City of Desert Hot Springs with evidence of same:
  - a. Accommodate the process for onsite reburial of the discovered items with the consulting Native American tribes or bands. This shall include measures and provisions to protect the future reburial area from any future impacts. Reburial shall not occur until all cataloging and basic recordation have been completed;
  - b. A curation agreement with an appropriate qualified repository within Riverside County that meets federal standards per 36 CFR Part 79 and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within Riverside County, to be accompanied by payment of the fees necessary for permanent curation:
    - c. For purposes of conflict resolution, if more than one Native American tribe or band is involved with the project and cannot come to an agreement as to the disposition of cultural materials, they shall be curated at the Western Science Center or Agua Caliente Cultural Museum.
  - d. At the completion of grading, excavation and ground disturbing activities on the site a Phase IV Monitoring Report shall be submitted to the City of Desert Hot Springs documenting monitoring activities conducted by the project Archaeologist and Native Tribal Monitors within 60 days of completion of grading. This report shall document the impacts to the known resources on the property; describe how each mitigation measure was fulfilled; document the type of cultural resources recovered and the disposition of such resources; provide evidence of the required cultural sensitivity training for the construction staff held during the required pre-grade meeting; and, in a confidential appendix, include the daily/weekly monitoring notes from the archaeologist. All reports produced will be

submitted to the consulting tribes and Eastern Information Center and interested tribes:

**A STANDARD CONDITION OF APPROVAL WILL INCLUDE THE FOLLOWING – CONSISTENT WITH STATE LAW:**

**Discovery of Human Remains:** In the event that human remains (or remains that may be human) are discovered at the project site during grading or earthmoving, the construction contractors, project archaeologist, and/or designated Native American Monitor shall immediately stop all activities within 100 feet of the find. The project proponent shall then inform the Riverside County Coroner and the City of Desert Hot Springs immediately, and the coroner shall be permitted to examine the remains as required by California Health and Safety Code Section 7050.5(b). Section 7050.5 requires that excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If human remains are determined as those of Native American origin, the applicant shall comply with the state relating to the disposition of Native American burials that fall within the jurisdiction of the NAHC (PRC Section 5097). The coroner shall contact the NAHC to determine the most likely descendant(s). The MLD shall complete his or her inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. The Disposition of the remains shall be overseen by the most likely descendant(s) to determine the most appropriate means of treating the human remains and any associated grave artifacts.

**The specific locations of Native American burials and reburials will be proprietary and not disclosed to the general public. The County Coroner will notify the Native American Heritage Commission in accordance with California Public Resources Code 5097.98.**

According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052) determined in consultation between the project proponent and the MLD. In the event that the project proponent and the MLD are in disagreement regarding the disposition of the remains, State law will apply and the median and decision process will occur with the NAHC (see Public Resources Code Section 5097.98(e) and 5097.94(k)).

**END**