

CONDITIONS OF APPROVAL

MEETING DATE: November 10, 2015

TITLE: Coachella Valley Patients Collective
Bob Selan

CASE NO: Conditional Use Permit No. 04-15

**REVIEWED and
APPROVED BY:** Richard Malacoff, AICP
Acting Community Development Director

Administrative Conditions:

1. The approval for Conditional Use Permit 04-15 are subject to the one (1) year expiration provisions of the City's Zoning Ordinance, as provided in Section 17.92.070 and will expire on November 18, 2015
2. The applicant may request an extension of time for Conditional Use Permit 04-15 per the City's Zoning Ordinance Sections 17.92.100 and 17.76.090. Upon filing a time extension(s) at least 30 (thirty) days prior to expiration of the project the Planning Commission may grant said time extension for good cause not to exceed twelve (12) months.
3. Applicant/Developer shall indemnify, protect, hold harmless and defend, with counsel selected by the City, the City and any agency or instrumentality thereof, an/or any of its officers, employees and agents from any and all claims, actions, or proceedings against the City to attack, set aside, void, annul, seek monetary damages resulting from an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board or legislative body including actions approved by the voter of the City, concerning the entitlement application. City shall promptly notify both the Applicant/Developer and landowner of any claim, action, or proceeding to which this condition is applicable and shall further cooperate fully in the defense of the action. The City reserves its right to take any and all action the City deems to be in the best interest of the City and its citizens in regard to such defense.

4. All development on the Project Site shall be in compliance with all applicable provisions of the City's Municipal Code as well as all applicable provisions of the adopted Building and Fire Codes. All new construction shall obtain a building permit and comply with the requirements of the Planning, Building, and Fire Departments.
5. No Certificate of Occupancy (CofO) shall be granted until all Conditions of Approval have been completed and approved by the Planning, Engineering, Building, and Fire Departments unless otherwise identified herein. A Temporary Certificate of Occupancy (TCO) may be issued for a specific time period if a significant amount of issues have been resolved and there remain only minor issues that do not pose a threat to health & safety.
6. The development of the Project on the Project Site shall be in substantial compliance with the exhibits contained in the project file for Snider Interest Conditional Use Permit 02-15 as shown in Exhibit A, attached hereto and incorporated herein by this reference.
7. The final grading plan shall be in substantial conformance with the designs set forth in the hydrology report and site drainage design.
8. Within fifteen (15) days of final approval by the City Council, the Applicant/Developer shall submit in writing, a statement indicating that he/she has read and agrees to the conditions imposed herein. This authorization shall become void, and any privilege, permit, or other authorization granted under these entitlements CUP No. 04-15, DA No. 02-15, and TTM No. 37012 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 after the appeal period 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 \$2,210 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 Conditions:

12. The Applicant/Developer shall maintain the Project Site after the start of construction and until the Project is completed, free of weeds, debris, trash or any other offensive, unhealthful and dangerous material. If after five (5) days notice by certified mail, the Applicant/Developer does not comply with the before mentioned criterion, the City may either cancel building or grading permits and/or enter the Project Site with City staff and remove all subject violations, bill the Applicant/Developer and/or put a lien on the Project Site.
13. Wheel stops within the parking lot are prohibited unless required for ADA compliance.
14. 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.
15. The use of rolled concrete on any exterior walls or trash enclosures is specifically prohibited.
16. 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 is 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.
 - j. There shall be no outdoor storage of equipment or product.
17. Outdoor sales of marijuana and marijuana products are prohibited. Other types of activities or special events are prohibited unless the applicant has a Temporary Use Permit approved subject to the provisions of Section 17.136 of the Desert Hot Springs Municipal Code.
18. All drain pipes shall be interior to the building. Exposed drain pipes are specifically prohibited.
19. All drain terminations shall be from the Watts Drainage Product RD-940 or a product of equal value.
20. All breaker boxes, fire sprinkler risers, and utility conduits shall be interior to the building.
21. All new commercial development shall comply with Mission Springs Water District's Water Efficient Landscaping Guidelines (guidelines are available at 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:

22. 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.
23. 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. All changes of species made by the Mission Springs Water District shall have concurrent approval from the Community Development prior to final approval.
24. 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.
25. All redwood headers are specifically prohibited from use on the project site.
26. All irrigation lines shall be located below ground with no surface exposure.
27. 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.
28. As per the Architectural and Landscape Review Committee (ALRC) the following Conditions shall be incorporated into the project:
- a. Include minimum 3/4 inch gravel as a groundcover on retention basin and slope areas on site.

- b. Change the building color to a desert compatible palette.
- c. Install parkway landscaping along the entire frontage of Little Morongo Road and Two Bunch Palms Trail with the first phase of development.

Graffiti:

- 29. 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.
- 30. 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.
- 31. 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.
- 32. 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.
- 33. 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.
- 34. 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.

35. 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.
36. 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:

37. 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.
 - g. The lighting on-site shall provide 100-foot face recognition.
- 38. Prior to the issuance of a Certificate of Occupancy the lighting shall be inspected and by the Police Department and Community Development Department and requested changes for safety shall be implemented.
 - 39. Applicant/Developer shall apply for a separate permit for any proposed signage, in accordance with the provisions of the City's Municipal Code.
 - 40. Applicant/Developer shall adhere to the City's light standard and identify all light fixtures (wall mounted and pole lights) on the site plan.
 - 41. The Planning and/or Police Departments may require additional lighting to prevent unintended dark spots prior to final occupancy.
 - 42. 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.
 - 43. Prior to Occupancy the applicant shall submit a report to the Community Development on all hazardous or toxic substances being used on site.
 - 44. The Plan Check set of plans shall identify all window frames, door frames, window type, doors, and provide description of all exterior materials.
 - 45. The applicant shall file an evacuation plan in the event of an emergency with the Community Development Department that would detail how the building would be secured and how first responders would gain access.
 - 46. In the event the City raises the maximum fence height to 7 or 8 feet this approval shall automatically allow any fence to become the maximum height allowed without returning to the Planning Commission.

Signs:

- 47. The applicant shall submit a Sign Permit to be approved by staff to include

the following:

- 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.
48. All signs shall be Underwriters Laboratories approved or the equivalent.

Site Development:

49. The project shall contain decorative pavement at the vehicular entrances to the site, to be approved by the Community Development Director, or his/her designee, prior to the issuance of a Building Permit.

Mitigation Negative Declaration Measures:

50. In order to comply with Mitigation Number One under Cultural Resources: 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 recommended mitigation if the resource is culturally significant. The archaeologist 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.
51. In order to comply with Mitigation Number Two under Cultural Resources: Any excavations deeper than 10-15 feet shall be monitored by a qualified paleontological monitor. The monitor shall be prepared to quickly salvage fossils as they are unearthed to avoid construction delays, but must have the power to temporarily halt or divert grading equipment to allow for removal of abundant or large specimens.
52. In order to comply with Mitigation Number Three under Cultural Resources: All fossils and associated data recovered during the paleontological monitoring shall be reposted in a public museum or other approved curation facility.

53. In order to comply with Mitigation Number Four under Cultural Resources: 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 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).
54. In order to comply with Mitigation Number One under Biological Resources: The project proponent shall ensure that the applicable MSHCP Local Development Mitigation Fee is paid to the City. The time of payment must comply with the City's Municipal Code.
55. In order to comply with Mitigation Number Two under Biological Resources: The project proponent shall ensure that burrowing owl clearance survey is performed not more than 30 days prior to project site disturbance (grubbing, grading, and construction). If any owls are identified, the most current protocol established by the California Department of Fish and Wildlife (Burrowing Owl Mitigation) must be followed.
56. In order to comply with Mitigation Number Three under Biological Resources: The project site design and operations must adhere to and incorporate the applicable Land Use Adjacency Guidelines established in the Coachella Valley Multiple Species Habitat Conservation Plan.

Engineering Department:

General Engineering:

57. Applicant shall record a Lot Merger which is in conformance as to lot size and area for the project established by the City Council. A transfer of ownership in accordance with the Lot Merger shall be recorded prior to the issuance of any construction permits.
58. 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.
59. 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.

60. The Applicant/Developer is required to construct all transition and missing links between existing and proposed improvements.
61. All overhead utilities less than 92kv, located within the project boundaries, bordering the project and/or fronting the project shall be undergrounded.
62. 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. 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.
 - d. 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.
 - e. The applicant shall comply with the above subject to phasing and performance guarantees specified in the project Development Agreement
63. 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.
64. All improvement agreements shall be approved by the City Council and the City Attorney.
65. The Development Agreement shall contain language that defers all improvements to Little Morongo drive for a period not to exceed 10 years or until such time a Area Wide Improvement District is formed or an Master Plan for the relocation of the Electric Lines.

Grading:

66. A soil compaction report shall be prepared and submitted to the City Building Department for approval prior to issuance of any building permits.
67. 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

68. 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

69. 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.
70. 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.
71. 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.

72. 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.
73. No nuisance water shall escape the site onto public streets.
74. 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. The retention basin(s) shall be fenced in accordance with the City Building Code and landscaping and irrigation installed in accordance with the project conceptual landscape plan.
 - 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

- d. The proposed retention basin shall be fenced in accordance with the City Building Code.
- 75. 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.
- 76. 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.
- 77. Federal Emergency Management Act (FEMA) Elevation Certificate shall be provided to the Building Department prior to issuance of a grading permit, and shall be resubmitted "as constructed" prior to final grading signoff

Street Improvement:

- 78. The applicant/developer shall dedicate 50 feet of a 100 foot right of way for Little Morongo Drive. Any street or dedications of easements shall be shown by separate document.
- 79. 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.
- 80. 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.
- 81. 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.

82. The Applicant/Developer shall construct full street improvements on the following streets:
 - a. Little Morongo Road and Two Bunch Palms Trail, one-half street improvements East side of the street 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, traffic signal at Two Bunch Palms Trail and Little Morongo Road when warranted and fully landscaped and irrigated along the property frontage.
 - c. All project associated sidewalks, ramps, and landings shall be compliant with the Americans with Disability Act.
 - d. The applicant shall comply with the above subject to phasing and performance guarantees specified in the project Development Agreement
83. All street improvements including the energizing of street lights, Traffic signals and installation of irrigation and landscaping along:
 - a. Little Morongo Road and Two Bunch Palms Trail shall be constructed and accepted by the City Public Works Department prior to the issuance of occupancy.
84. The minimum grade on all proposed streets shall be 0.50% unless approved in advance, in writing, by the City Engineer.
85. All project streets shall be maintained until such a time as they are fully improved to City Standards and accepted by the City Council.
86. Proposed street striping shall be per City standards.
87. The proposed driveways shall be a radius driveway per City of Desert Hot Springs Standard No. 210.

88. Developer shall contact Sunline Transit for location and requirements for bus stop / bus turnout, if needed.

Police Department:

89. Every area of the proposed development must be visible either from the street or from the structure. Unavoidable dead spaces or hidden/secluded areas require additional mitigating measures which may include increased lighting, hostile landscaping, security surveillance cameras, perimeter fencing and/or security gates, on-site security guards or other mitigating measures deemed appropriate by the Police Department.
90. Applicant/Developer shall adhere to the City's light standard and identify all light fixtures (wall mounted and pole lights) on the site plan.
91. Lighting shall provide face recognition at 100 feet.
92. The Police Department may require additional lighting to prevent unintended dark spots prior to final occupancy.
93. Secluded or hidden interior corridors are strongly discouraged by the Police Department. For uses utilizing said corridors, mitigation measures shall be required and may include increased lighting, security surveillance cameras, controlled access, on-site security guards or other mitigating measures deemed appropriate by the Police Department.

Fire Department:

94. Applicant/Developer shall provide a water system capable of delivering a minimum fire flow of 3,875 gallons per minute for 3 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.
95. The project site shall contain 4 on-site fire hydrants that are accessible and must not to exceed 350 feet apart in any direction to be approved by the

Fire Department.

96. No portion of any building shall be located more than 210 feet from a fire hydrant.
97. Prior to building plan approval and construction, the Applicant/Developer shall furnish three copies of the water system fire hydrant plans to the Fire Department Headquarters located at 77933 Los Montana's in Palm Desert for review and approval. Plans shall be signed by a registered civil engineer, and shall confirm hydrant type, location, spacing, and minimum fire flow. Once plans are signed and approved by the local water authority, the originals shall be presented to the Fire Department for review and approval.
98. Blue dot retro-reflectors pavement markers on private, public streets and driveways shall be installed to indicate locations of all fire hydrants associated with the project.
99. All fire apparatus access roads shall be in compliance with Riverside County Fire Department Standards and include the following:
 - a. Access lanes shall not have a slope that exceeds fifteen percent (15%).
 - b. Each access road shall have an unobstructed clearance of thirteen (13) feet six (6) inches and be able to withstand a weight of 80,000 pounds over two axels.
 - c. Each access road shall have a turning radius capable of accommodating fire apparatus.
100. Driveway loops, fire apparatus access lanes and entrance curb radius shall be designed to adequately allow access of emergency fire vehicles. The Applicant/Developer shall include in the building plans the required fire lanes and include the appropriate lane printing and/or signs.
101. The Applicant/Owner shall install Knox Boxes as approved by the Fire Department subject to the following:
 - a. On Structures the Knox Box shall be installed next to the Fire Department access door and be flush with the building.

- b. If the buildings are protected with an alarm system, the lock box shall be required to have tampered 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. Required order forms and installation standards may be obtained at the Fire Department Headquarters at 77933 Los Montana's in Palm Desert or Desert Hot Springs City Hall

102. Applicant/Developer shall display street numbers in a prominent location on the address side of building(s) and/or rear access if applicable. Numbers and letters shall be a minimum of twelve (12) inches in height except for building(s) greater than twenty-five (25) feet in height which shall have a minimum letter height of twenty-four (24) inches. In complexes with alpha designations, letter size must match numbers. All addressing must be legible, of a contrasting color, and adequately illuminated to be visible from street at all hours.

103. The Applicant/Developer shall submit three (3) sets of construction drawings to the Riverside County Fire Department Headquarters located at 77933 Los Montana's in Palm Desert for review and approval prior to issuance of any permits. Said construction drawings shall demonstrate Project adherence to all provisions of the currently adopted Uniform Fire Code.

104. Applicant/Developer shall install a portable fire extinguisher, with a minimum rating of 2A-20BC, for every 3,000 sq. ft. and/or seventy-five (75) feet of travel distance. Fire extinguishers shall be mounted three and a half (3.5) to five (5) feet above finished floor, measured to the top of the extinguisher. Where not readily visible, signs shall be posted above all extinguishers to indicate their locations. Extinguishers must have current CSFM service tags affixed.

105. No hazardous materials shall be stored and/or used within the building, which exceeds quantities listed in 2013 California Building Code. No class I, II or IIIA of combustible/flammable liquid shall be used in any amount in the building.

106. Exit designs, exit signs, door hardware, exit markers, exit doors, and exit path marking shall be installed per the 2013 California Building Code.
107. Fire Equipment such as electrical room doors, Fire Alarm Control Panel (FACP), fire riser, roof access shall be labeled by the Applicant/Developer and be approved by the Fire Department.
108. Access shall be provided to all mechanical equipment located on the roof as per the 2013 California Mechanical Code.
109. Fire sprinklers shall be installed in all buildings greater than 3,600 square feet in floor area to the satisfaction of the Fire Marshal.
110. Access roads to a development project shall have a width of 30 feet with no parking allowed on either side of the access road.
111. All curb turning radii within the project site shall have a 35-foot outside radius and a fifteen (15) foot inside radius to accommodate all fire apparatus, subject to approval by the City Fire Marshal.
112. All designated "Fire Lanes" within a project site shall have a minimum twenty (20) foot width with red curbs and appropriate signage as determined by the City Fire Marshal.
113. Any fire appliance or device shall have street curbs painted red a distance of fifteen (15) feet from center on both sides of the device for a total of thirty (30) feet of continuously painted surface.
114. Emergency and standby power systems shall be installed in accordance with California Fire Code (CFC), California Building Code (CBC), NFPA Sections 110 and 30.
115. 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.
116. No smoking sign shall be posted at generators.

117. NFPA 704 placard shall be posted where applicable.
118. The applicant shall provide equipment technical data sheets for the type of plastic to be hung in grow room. Shall be a minimum Class C finishing per CFC 803.9.
119. The Applicant shall submit separate plans for CO2 enriched environment. Shall have a 3rd party certification for the system. Shall provide tank separation from grow room and provide continuous mechanical ventilation for CO2 tanks. Shall provide a function test prior to final.
120. The Applicant shall provide equipment technical data sheets for the access control egress door.
121. The Applicant shall provide sequence of Operation for access control egress doors and shall comply with all requirements per CFC 1008.1.9.8
122. The Applicant shall provide equipment technical data sheets for the type of lamps to be used.
123. The Applicant shall submit a Business Plan to Riverside County Health Department if warranted prior to Final Occupancy.
124. The Applicant shall contact Air Quality Management District to ensure all requirements will be met with the CO2 exposure (Carbon Filter).

MISSION SPRINGS WATER DISTRICT:

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

125. The developer shall comply with all rules, laws, ordinances, guidelines, and regulations of the District at the time the water service application is submitted.
126. There is an existing 12" water main located 10' north of the centerline Two Bunch Palms Trail which may be used as a point of connection at any point along the project frontage. There is a 16" water main located 33' north of the centerline Two Bunch Palms Trail that can be used for fire protection at any point along the project frontage that is restricted for meter services except within 150' of the centerline of Little Morongo Road.\

127. The separate parcels shall be merged prior to approval of service connections.
128. 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.
129. 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
130. Department. These calculations shall be based on a current fire hydrant flow test which can be ordered through the MSWD Engineering Department
131. The developer shall provide fire, domestic, and irrigation service capable of serving all phases. Domestic service(s) shall be 2" and irrigation service shall be 1" minimum.
132. The installation of backflow prevention devices will be required for all domestic, irrigation, and fire service connections.
133. 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.
134. MSWD requires having all of its facilities within the public right-of-way or recorded and dedicated easements to be dedicated prior to construction.

Sewer Service

Sewer service is available for the proposed project provided the following conditions of service are completed:

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. Sewer service is available to the existing 24" VCP trunk sewer in Two Bunch Palms Trail.
137. 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.
138. 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).
139. The developer shall comply with all Sewer Ordinances and the Rules and Regulations per Ordinance 2008-02 Section 3.01 and 8.04 (as amended by 2009-02 Sections 7.01 to 7.20). As applicable, this will also ensure that the applicant complies with the Fats, Oils, and Grease Program (FOG).
140. MSWD requires 6" sewer laterals for all commercial parcels. If a larger private sewer is required to serve the future phases then this would require design and construction a new 8" sewer from a manhole on the 24" trunk to a new public manhole located on the right of way line.
141. The developer will be required to bond all public sewer infrastructure in accordance with the MSWD Developer/Contractor Handbook and shall be required to supply a warranty bond for the infrastructure constructed and deeded to MSWD. This warranty bond will be released 1 year from the District's acceptance of the infrastructure.

Landscape

As applicable per City requirements:

142. 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). 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 at (760) 329-5169 ext. 126

Building Department:

143. Project shall comply with the 2013 California Building Standards Code (Title 24, California Code of Regulations) and other adopted City Ordinances which include the following:
- a. CA Building Code
 - b. CA Plumbing Code
 - c. CA Mechanical Code
 - d. CA Electrical Code
 - e. CA Fire Code
 - f. CA Green Building Standards Code
 - g. CA Energy Code
144. 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.
145. 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.
146. 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.
147. 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:

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

Signs:

149. All signs shall be Underwriters Laboratories approved or the equivalent.
150. Permits issued by the Building and Planning Departments are required prior to the removal and/or demolition of structures.
151. All exterior lighting shall be orientated, directed, and/or shielded as much as possible so that direct illumination does not infringe onto adjoining properties.
152. 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.
153. 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.

CONDITIONS OF APPROVAL

MEETING DATE: November 10, 2015

TITLE: Coachella Valley Patients Collective
Bob Selan

CASE NO: Tentative Tract No. 37012

PROJECT LOCATION: Northwest Corner of Little Morongo Road and Two Bunch Palms Trail.

PREPARED BY: Richard Kopecky, City Engineer

REVIEWED and APPROVED BY: Richard Malacoff, AICP
Acting Community Development Director

Environmental Engineering Requirements

1. Applicant shall comply with National Pollution Discharge Elimination System (NPDES) requirements per state 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/coloradoriver

***Please note:** Prior to the issuance of the any grading permit, a copy of the NOI (Notice of Intent) and the WDID# (Waste Discharge Identification No.), must be filed with the City of Desert Hot Springs's Engineering department.

2. Applicant shall submit an owner and contractor signed PM10 Dust Control implementation plan in accordance with the standards and codes of the City and 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
21865 Copley Drive
Diamond Bar, CA 91765
(800) CUT-SMOG (288-7664)
www.aqmd.gov

3. Tentative tract map or parcel map shall be submitted along with the following items:
 - a) Soils report
 - b) Title Report
 - c) Preliminary grading plan (Topo/contour on map)
 - d) Hydrology report
 - e) Preliminary traffic impact report
 - f) Utility master plan
4. Applicant shall submit for City approval the following items:
 - a) Final tract
 - b) Title report (updated within at least 60 days)
 - c) Final map closure calculations
 - d) DWG file for final tract map
5. Final tract shall include:
 - a) Street names
 - b) Improvement agreements
 - c) Improvement bonds

Grading Requirements

6. Applicant shall submit for City approval the following items:
 - a) Precise grading plans – shall include the street address for each lot and building foot prints
 - b) Rough grading plans
 - c) Soils report
7. A soil compaction report shall be prepared and submitted to the City Building Department for approval prior to issuance of any building permits.
8. 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
9. 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.

Curb/Guttering and Demolition Requirements

10. Developer shall:
 - a) 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 Building Department or opt for the preferred hauler with written evidence submitted to the City.
 - b) Dispose and/or Recycle all material removals within proposed project to an approved disposal site.

Landscaping and Irrigation Requirements

11. A copy of the Covenant, Conditions, and Restrictions shall be submitted to the Public Works Engineering Department and Planning Development for review and approval with maintenance provision flagged.
12. The Covenants, Conditions and Restrictions shall be recorded prior to recordation of final map.

13. The developer shall annex to Community Facilities District No. 2010-1 for the maintenance of:

- a) Retention basins
- b) Landscape/Hardscape
- c) Streetlights

Before recordation of final map.

14. Developer shall pay the \$5,000 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.

15. 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.

Street Requirements

16. Applicant shall submit for City approval the following items:

- a) Street improvement plans
- b) Streetlight plans
- c) Composite utility plans
- d) Sewer plans

17. Applicant shall construct full off-site street improvements on the following streets subject to phasing and performance guarantees specified in the project Development Agreement

:

a) Little Morongo, one-half street improvements (east side)

b) Two Bunch Palms Trail, one-half street improvements (north side)

18. The 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.

19. Little Morongo shall be constructed as a "Major Collector."

20. Two Bunch Palms Trail shall be constructed as a "Minor Arterial."

21. All off-site street improvements including energizing of street lights and installation of irrigation and landscaping along:
 - a) Little Morongo and Two Bunch Palm Trail shall be constructed and accepted by the City prior to issuance of a temporary or permanent certificate of occupancy or as may be specified in the project Development Agreement.
22. Dedicate the required right-of-way along:
 - a) Little Morongo, 50 feet of a 100 foot right of way, to City of Desert Hot Springs, per general plan for a "Major Collector."
 - b) Two Bunch Palms Trail, 55 feet of a 110 foot right of way, to City of Desert Hot Springs, per general plan for an "Minor Arterial".
23. Applicant shall obtain encroachment permit prior to starting any street improvements within public streets.
24. The minimum grade on all proposed streets shall be 0.50% unless approved by City Engineer.
25. The corner property line radius at the intersections of:
 - a) Little Morongo Road and Two Bunch Palms Trail shall be 25 feet.
26. Install handicap ramp per American with Disabilities Act (ADA) at the existing intersection of:
 - a) Little Morongo Road and Two Bunch Palms Trail.
27. The proposed driveways shall be a radius driveway per City of Desert Hot Springs standard drawing no. 210.
28. Provide sight distance at all street intersections acceptable to the City Engineer.
29. The proposed project shall comply with American with Disabilities Act (ADA) requirements.
30. Street addresses shall be shown on:
 - a) Water plans
 - b) Precise grading plans

31. All improvements shall comply with City standards, requirements and policies. Developer is required to construct all transition and missing links between existing and proposed improvements.

Drainage Requirements

56. Applicant shall, use Riverside County Flood Control District standards and submit local on-site and regional hydrology, hydraulic storm calculations for City review and approval.
57. 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. The retention basin(s) shall be fenced in accordance with the City Building Code and landscaping and irrigation installed to screen the basins from Two Bunch Palms Trail.
 - 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.

- 58. 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.
- 59. 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.
- 60. Federal Emergency Management Act (FEMA) Elevation Certificate shall be provided to the Building Department prior to issuance of a grading permit, and shall be resubmitted "as constructed" prior to final grading signoff
- 61. The design of the lot pads, street improvements and the storm drainage improvements project shall be design coordinated with all adjacent projects to the satisfaction of the City Engineer.

Traffic Requirements

- 62. Developer shall submit a warrant study for the installation of traffic control of a traffic control device(s) at the intersection of Little Morongo Road and Two Bunch Palms Trail. for review and approval by City of Desert Hot Springs Director of Public Works. Developer must comply with the recommended traffic mitigations.
- 63. Applicant shall submit signage and striping plans for City approval.
- 64. Proposed striping shall be thermoplastic per Caltrans standards or as modified by the City.

Water Authority Requirements

- 65. The developer shall enter into a water service agreement with the Mission Springs Water District for domestic water service.

Specialty Requirements

66. The developer shall be responsible for:
 - a) obtaining approval by the County of Riverside for traffic and street improvements on the west side of Little Morongo Road.
67. All grading and pad elevations will be subject to approval of the Director of Public Works / City Engineer based on grading plans and additional information to be submitted during plan check. Pad elevations shown on the tentative map are for reference only and may be required to be changed.
68. All overhead utilities less than 92kv, located within the project boundaries, bordering the project and/or fronting the project shall be underground.
69. Developer shall contact Sunline Transit for location and requirements for bus stop / bus turnout if needed.
70. Applicant/Developer shall file an improvement agreement with the engineering Department with security to guarantee completion of public improvements as follows or alternative timing, phasing, and performance guarantees as may be specified in the Development Agreement:
 - 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.

71. 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.
 - ii. 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.

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