

DRAFT CONDITIONS OF APPROVAL

MEETING DATE: March 13, 2018

TITLE: Conditional Use Permit Amendment, for a Cannabis Cultivation Facility for the relocation of the site access from Hacienda Avenue to Little Morongo Road.

CASE NO: CUP 14-16 (A)

PREPARED BY: Fernando Herrera, Assistant Planner

REVIEWED BY: Benjamin Torres, Associate Planner
Daniel Porras, Community Development Director

Standard Administrative Conditions

1. The approval of the Amendment to CUP 14-16, is subject to the (2) year expiration provisions of the City's Zoning Ordinance, as provided in Section 17.76.070 and will expire on March 13, 2020.
2. The applicant may request an extension of time for CUP 14-16 (A) per the City's Zoning Ordinance Section 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, and/or any of its officers, employees and agents from any and all claims, actions, or proceedings, including those involving environmental issues, against the City to attack, set aside, void, annul, and/or 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 voters 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 City Manager's Office and or Police Department, 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 14-16 as shown in all Exhibits attached hereto and incorporated herein by this reference.
7. Within fifteen (15) days of final approval (expiration of the appeal period) by the Planning Commission, the Applicant/Developer shall submit in writing, a statement indicating that he/she has read and agrees to the conditions imposed herein. This approval shall become void, and any privilege, permit, or other authorization granted under these entitlements if compliance with this condition has not been undertaken within the specified time limits.
8. 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.

9. The applicant/developer shall comply with all original Conditions of Approval for the original approval of Conditional Use Permit 14-16.
10. The applicant shall comply with the Multiple Species Habitat Conservation Plan

Engineering Department Conditions

11. The legal description shown on the plans of the property is the northerly 300 feet etc. The correct legal description is the north 330 feet of the northwest $\frac{1}{4}$ of the southwest $\frac{1}{4}$ of Section 36. The plans incorrectly show a parcel 356 feet wide plus or minus. Revise plans to include only that portion of the property owned. This will affect the southerly basins and access driveway.
12. 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.
13. 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.
14. 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.
15. 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)
16. If not all of the improvements are completed before the Applicant/Developer applies for a Certificate of Occupancy 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

17. Dedicate an additional 20 feet of right of way on the east side of Little Morongo road and an irrevocable offer of dedication of 50 feet on the south side of Hacienda Avenue. Street dedications of easements shall be by separate document.
18. 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.
19. A soil compaction report shall be prepared and submitted to the City Building Department for approval prior to issuance of any building permits.
20. 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.
21. 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 Manager.
22. 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

23. 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

24. 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.
25. 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.
26. The Applicant/Developer is required to construct all transition and missing links between existing and proposed improvements.
27. 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.
28. The Applicant/Developer shall construct full street improvements on the following streets:
 - a. Little Morongo Road one-half street improvements on the east side from centerline to ultimate right of way. Little Morongo is a Major Collector with a 100-foot ultimate right of way.
 - b. Hacienda Avenue one-half street improvements on the south side from centerline to ultimate right of way. Hacienda Avenue is a Major Collector with a 100-foot ultimate right of way.
 - c. The intersection of Hacienda Avenue and Little Morongo Road shall be constructed to reflect the ultimate street section of each.

- d. The street improvements shall include construction of asphalt concrete pavement, curb/gutter, sidewalk, streetlights, catch basins, storm drains, and fully landscaped and irrigated along the property frontage
 - e. Improvements shall include removal and construction of existing street improvements that are severely damaged and/or not in compliance with City Standards.
 - f. All sidewalks, ramps, and landings shall be compliant with the Americans with Disability Act.
29. All street improvements including the energizing of street lights and installation of irrigation and landscaping along:
- a. Little Morongo Road and Hacienda Avenue shall be guaranteed by security prior to the issuance of occupancy.
30. The minimum grade on all proposed streets shall be 0.50% unless approved in advance, in writing, by the City Engineer.
31. 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.
32. 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.
33. No nuisance water shall escape the site onto public streets.
34. 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.
- 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). Any basins designed to ultimately retain 2 feet of water or more during the 100 year storm event shall be fenced to prohibit unauthorized entry. Maintenance of retention basins and drainage system shall be the responsibility of the Applicant / property owner / operator
- 35. 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.
 - 36. 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.
 - 37. The site is located in the Federal Emergency Management Act (FEMA) Zone AO Depth 1 foot and Zone AO 3 Feet. Structures on the property shall be protected from flood hazard. A (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
 - 38. Proposed street striping shall be per City standards.
 - 39. The proposed driveways shall be a radius driveway per City of Desert Hot Springs Standard No. 210.
 - 40. All overhead utilities less than 92kv, located within the project boundaries, bordering the project and/or fronting the project shall be undergrounded.
 - 41. Applicant/Developer shall enter into a water service agreement with the Mission Springs Water District for domestic water service.
 - 42. If not all of the improvements are completed before the Applicant/Developer applies for a Certificate of Occupancy 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. 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.
43. 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.
44. 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 Conditions

45. 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.
46. 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, unless approved through a plan review process.
47. Exit designs, exit signs, door hardware, exit markers, exit doors, and exit path marking shall be installed per the 2016 California Building Code.
48. 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.
49. Access shall be provided to all mechanical equipment located on the roof as per the 2016 California Mechanical Code.
50. NFPA 704 placard shall be posted where applicable.
51. Shall install a fire alarm system. Two rooms must be equipped with visual alarms to notify the deaf per 2016 CFC 907.5.2.3.2
52. All corridors walls must have a one-hour fire rated walls per 2016 CFC 1020.

Water and Wastewater Conditions

52. The applicant shall comply with all requirements and conditions of the Mission Springs Water District prior to issuance of building permits or occupancy permits, as determined by the District.

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