

## **FINAL CONDITIONS OF APPROVAL**

**MEETING DATE:** 17 April 2018

**TITLE:** Desert Land Ventures Specific Plan and Vesting  
Tentative Tract Map 37185

**CASE NO:** Specific Plan SP 01-16  
Tentative Parcel Map 37185

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

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

### **DESERT LAND VENTURES SPECIFIC PLAN CONDITIONS:**

1. The applicant/developer/property owner shall submit a separate indemnification agreement to the office of the City Attorney. **(Added by the City Council on April 17, 2018).**
2. Minor changes to the Specific Plan may be granted by the Community Development Director.
3. The parking standards for marijuana cultivation facilities in Table 5-2 shall be revised to indicate that parking shall comply with city parking policies in effect at the time development is proposed.
4. Section 7.2.2 shall be added to read as follows (existing Section 7.2.2 and subsequent sections shall be renumbered accordingly):

*Mission Springs Water District (MSWD) requires that certain actions be taken prior to development of the property. Consequently, prior to recordation of any map or issuance of any grading or building permits, the applicant shall:*

1. *Petition MSWD to initiate annexation proceedings through LAFCO to remove the project from the CVWD service area and include it within the MSWD sphere of influence and service area. The developer shall be responsible for all costs involved in the approval of the annexation.*
2. *Petition MSWD to prepare a Water Supply Assessment and Water Supply Verification (WSA/WSV) at the developer's expense. The City will not unreasonably withhold its support of such petition.*

### **VESTING TENTATIVE TRACT MAP 37185 CONDITIONS:**

**Administrative Conditions:**

4. The approval for Vesting Tentative Tract Map 37185 are subject to the two (2) year expiration provisions of the City's Zoning Ordinance, as provided in Sections 16.24.160 and 17.76.070. and will expire on \_\_\_\_\_.
5. The applicant may request an extension of time for Vesting Tentative Tract Map No. 37185 per the City's Zoning Ordinance Sections 16.24.170 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.
6. 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.
7. 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.
8. 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.
9. The development of the Project on the Project Site shall be in substantial compliance with the exhibits contained in the project file for Vesting Tentative Tract Map 37185 as shown in all Exhibits attached hereto and incorporated herein by this reference.

10. The final grading plan if required shall be in substantial conformance with the designs set forth in the hydrology report and site drainage design.
11. 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.
12. A scanned copy of the signed Conditions of Approval shall be included in the Building Construction Plans submitted for plan check.
13. 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.

14. The Applicant / Developer shall deliver within 5 (five) working days after the appeal period (15 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 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:**

15. ~~No new dispensary permits are being issued by the city. The applicant/developer shall be required to obtain/partner with a previous dispensary applicant or receive approval from Desert Hot Springs City Council for a new dispensary permit(s).~~  
**(Removed by the City Council on April 17, 2018)**

16. If the project involves any ground disturbance and 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.
17. If the project involves any ground disturbance and during the course of such work any 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.
18. If the project involves any ground disturbance and paleontological resources are encountered and 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.
19. In the event that any human remains are 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 burial protocol of the Indian tribe. 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 applicant will work with the designated MLD to determine the final disposition of the remains.
20. 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.

21. Wheel stops within the parking lot are prohibited unless required for ADA compliance.
22. 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.
23. The use of rolled concrete on any exterior walls or trash enclosures is specifically prohibited.
24. Applicant / Developer shall construct or remodel an existing 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.
  - j. There shall be no outdoor storage of equipment or product.
25. Outdoor sales of sales of marijuana and marijuana products 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.
26. All new drain pipes shall be interior to the building. Exposed drain pipes are

specifically prohibited.

27. All new drain terminations shall be from the Watts Drainage Product RD-940 or a product of equal value.



28. All new breaker boxes, fire sprinkler risers, and utility conduits shall be interior to the building.
29. All new industrial 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:**

30. 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.
  - i. Install a row of trees and ground cover across the rear property line.
31. 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.
32. 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.
33. All redwood headers are specifically prohibited from use on the project site.
34. All irrigation lines shall be located below ground with no surface exposure.
35. 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.
36. Chain link fencing shall only be allowed in areas not visible from public areas as

defined by vehicular site studies (assuming 40 miles per hour) to be approved by the Community Development Department.

37. All parking and driveways shall have a hard surface to be approved by the Community Development prior to the issuance of a Building Permit.
38. The applicant shall be required to complete a permit prior to Occupancy of the Building.

**Graffiti:**

39. 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.
40. 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.
41. 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.
42. 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.
43. 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.
44. 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.

45. 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.
46. 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:**

47. 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

48. Prior to the issuance of a Certificate of Occupancy the lighting shall be inspected by the Police Department and Community Development Department and requested changes for safety shall be implemented.
49. Applicant / Developer shall apply for a separate permit for any proposed signage, in accordance with the provisions of the City's Municipal Code and the Desert Land Ventures Specific Plan Design Guidelines and Standards.
50. Applicant / Developer shall adhere to the City's light standard and identify all light fixtures (wall mounted and pole lights) on the site plan.
51. The Planning and / or Police Departments may require additional lighting to prevent unintended dark spots prior to final occupancy.
52. 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.
53. Prior to Occupancy the applicant shall submit a report to the Community Development on all hazardous or toxic substances being used on site.
54. The Plan Check set of plans shall identify all window frames, door frames, window type, doors, and provide description of all exterior materials.
55. 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.
56. 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:**

57. No signage is approved under this permit
58. The applicant shall submit a Sign Permit to be approved by the 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 and Desert Land Ventures Specific Plan Design Guidelines and Standards.
- d. All signs that are removed shall be painted and patched immediately.

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

### **Building & Safety:**

60. 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

61. 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.

62. 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.

63. 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.

64. 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.

65. 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.
66. The Tract or Parcel map shall record prior to the issuance of any permits.

**Grading:**

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

**Signs:**

68. All signs shall be Underwriters Laboratories approved or the equivalent.
69. Permits issued by the Building Department are required prior to the removal and/or demolition of structures.
70. All exterior lighting shall be orientated, directed, and/or shielded as much as possible so that direct illumination does not infringe onto adjoining properties.
71. 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.
72. 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**

- 73. 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.
- 74. 3304.6 **Cutting and welding.** Operations involving the use of cutting and welding shall be done in accordance with Chapter 35.
- 75. 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.
- 76. 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.

**Engineering Conditions:**

- 77. If phasing of the approved tentative map is proposed, the applicant/subdivide shall indicate the number and configuration of the phases prior to tentative approval.
- 78. The Vesting Tentative Map for Condominium purposes shall be labeled as such.
- 79. All "Arrowed Streets" shall be label as Public Streets and shall not be publicly dedicated on the map.
- 80. 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 approval of the map or any phase thereof.

81. 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 approval of the map or any phase thereof.
82. 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 approval of the map or any phase thereof.
83. Applicant/Developer shall submit the following items for approval from the Engineering Department:
  - a. Grading Plans
  - 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) or Coachella Valley Water District whichever has jurisdiction.
84. Applicant/Developer shall submit the following items for approval with the submittal of the Tentative Tract Map:
  - a. Soils Report
  - b. Title Report
  - c. Preliminary Grading Plan
  - d. Hydrology Report
  - e. Utility master plan
85. Applicant/Developer shall submit the following items for approval with the submittal of the Final Tract Map:
  - a. Final tract map
  - b. Title Report (updated within at least 6 months) a subdivision guarantee indicting those persons/entities who may sign the map will be required immediately prior to the City's signing of the map.
  - c. Final Map Closures
  - d. Street Names
  - e. Improvement Agreements with Security
86. Any street or dedications of easements shall be shown on the subdivision map.

87. The Applicant shall comply with Chapters 16.04 and 16.20 of the City Municipal Code relating to improvements and submittal for subdivisions.
88. Accurate and complete surveys of the land to be subdivided shall be made by a registered civil engineer or licensed land survey. All existing and required monuments shall be identified and/or set in accordance with Section 16.20.030 of the City Municipal Code.
89. Dedicate to the City the right to prohibit direct vehicular access from to Varner Road from the lots fronting thereon.
90. 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.
91. A soil compaction report shall be prepared and submitted to the City Building Department for approval prior to issuance of any building permits.
92. 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.
93. Applicant/Developer shall provide and install adequate water supply, sanitary sewer, natural gas, electric, telephone and cable television lines to serve each separate lot.
94. 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.
95. 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.
96. The Applicant Developer shall construct a wall on the exterior boundary of the subdivision adequate to prevent access between the parcel(s) and adjacent properties subject to the approval of the Community Development Director.
97. Applicant/Developer shall submit an owner-and contractor-signed PM10 Dust Control Implementation Plan in accordance with the standards and codes of the City and the

South Coast Air Quality Management District (SCAQMD). Plans shall be submitted for review and approval by the Public Works Department prior to the issuance of any grading and/or applicable building permits. Any site that is greater than 10 acres shall concurrently process a PM10 Dust Control Implementation Plan with the SCAQMD.

For further information contact the SCAQMD at:

South Coast Air Quality Management District (SCAQMD)

21865 Copley Drive

Diamond Bar, CA 91765

(800) CUT-SMOG (288-7664)

[www.aqmd.gov](http://www.aqmd.gov)

98. 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)

99. 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.
100. 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.
101. The Applicant/Developer is required to construct all transition and missing links between existing and proposed improvements.



102. 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.
103. The Applicant/Developer shall dedicate, if not already dedicated, and construct street improvements on the following streets:
- a. Varner Road, dedicate 110 feet wide ultimate right-of-way for Major Arterial Standards and construct roadway improvements for phase 1 development, from West to "A" Street, per street section shown on VTTM 37185 for Varner Road (Modified Local Collector-2 lanes) and in Desert Land Ventures Specific Plan (Figure 3-5a Roadway Sections and streetscapes). Prior to any development within Phase 2, the road segment of Varner Road between "C" Street and West Drive, only, shall be improved to a 64-foot paved roadway consist with Secondary Street Standards (4 lanes) to accommodate the ultimate development traffic demands.
  - b. Improve Varner Road, 32 feet wide, of asphaltic concrete from the easterly boundary of the project to Palm Drive.
  - c. Improve the intersection of Palm Drive and Varner Road to provide for a left turn pocket at the west leg.
  - d. Improve "B" and "C" to Secondary Street Standards 80 feet wide. The portion of Mihalyo Road, from West Drive to southerly entry/access point of Lot 1 of VTTM 37185, construct roadway improvements per street section shown on VTTM 37185 for Mihalyo Road (modified Secondary) and in Desert Land Ventures Specific Plan (Figure 3.-5a Roadway sections and streetscapes).
  - e. All other streets ("A", West Drive and Thornton Road, and portion of Mihalyo from southerly entry/access of Lot 1 of VTTM 37185 to "A" Street) shall be constructed to Local Collector Street Standards.
  - f. The street improvements within the tract boundary shall include construction of asphalt concrete pavement, curb/gutter, 5-foot sidewalks in industrial zones and full width sidewalks in commercial zones, streetlights, catch basins, storm drains, and fully landscaped and irrigated along the property frontage except as noted.
  - g. Improvements shall include removal and construction of existing street improvements that are severely damaged and/or not in compliance with City Standards, to be determined at the time plans are submitted.
  - h. All sidewalks, ramps, and landings shall be compliant with the Americans with Disability Act.
  - i. All street improvements including the energizing of street lights, within the boundary of the subdivision, and installation of irrigation and landscaping to be constructed and accepted by the Community Development Department prior to the issuance of occupancy.

104. Applicant/Developer shall pay to the City in 1(one) lump sum prior to the recordation of the map, the cost of electrical energy for the street lighting system installed for a period of 48 months from the date of acceptance by the City Engineer.
105. The minimum grade on all proposed streets shall be 0.50% unless approved in advance, in writing, by the City Engineer.
106. All project streets shall be maintained as private streets until such a time as they are fully improved to City Standards and accepted, except the Private Streets, by the City Council.
107. 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.
108. The Applicant shall comply with Riverside County Ordinance No. 458 and submit plans to the Flood Control and Water Conservation District Floodplain Management Review (The DLV project site is not located within CVWD's storm water unit boundary per CVWD letter dated 1/30/2017).
109. No nuisance water shall escape the site onto public streets.
110. The Applicant/Developer shall provide on-site storm water retention basin(s) or system(s) designed to the satisfaction of the City Engineer. 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 ponding depth of 5 feet for the water quality design capture volume (VBMP) 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). Maintenance of retention basins and drainage system shall be the responsibility of the Applicant / property owner / operator

111. 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.
112. 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.
113. Proposed street striping shall be per City standards.
114. The proposed driveways shall be a radius driveway per City of Desert Hot Springs Standard No. 210.
115. All overhead utilities less than 92kv, located within the project boundaries, bordering the project and/or fronting the project shall be undergrounded.
116. Applicant/Developer shall enter into a water and sanitary sewer service agreement with the Water and Sewer Agency serving the area service.
117. 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.

118. 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.

119. 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.

#### **Police Department Conditions:**

120. The Applicant/Developer shall comply with all applicable federal, state and City laws and regulations.

121. The Applicant/Developer shall incorporate all aspects of Crime Prevention through Environmental Design for visual surveillance, access control and territorial reinforcement.

122. 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, security surveillance cameras, perimeter fencing and/or security gates, on-site security guards or other mitigating measures deemed appropriate by the Police Department.

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

124. Lighting shall provide face recognition at 100 feet.

125. The Police Department may require additional lighting to prevent unintended dark spots prior to final occupancy.

126. 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.

127. The applicant and operator shall at all times implement the Utilize Crime Prevention Through Environmental Design (C.P.T.E.D) throughout the project, as follows:

CPTED Principle #1 – Natural Surveillance

"See and be seen" is the overall goal when it comes to CPTED and natural surveillance. A person is less likely to commit a crime if they think someone will see them do it. Lighting and landscape play an important role in Crime Prevention Through Environmental Design.

CPTED Principle #2 - Natural Access Control

Natural Access Control is more than a high block wall topped with barbed wire. Crime Prevention Through Environmental Design or CPTED utilizes the use of walkways, fences, lighting, signage and landscape to clearly guide people and vehicles to and from the proper entrances. The goal with this CPTED principle is not necessarily to keep intruders out, but to direct the flow of people while decreasing the opportunity for crime.

CPTED Principle #3 – Territorial Reinforcement

Creating or extending a "sphere of influence" by utilizing physical designs such as pavement treatments, landscaping and signage that enable users of an area to develop a sense of proprietorship over it is the goal of this CPTED principle. Public areas are clearly distinguished from private ones. Potential trespassers perceive this control and are thereby discouraged.

CPTED Principle #4 – Maintenance

CPTED and the "Broken Window Theory" suggests that one "broken window" or nuisance, if allowed to exist, will lead to others and ultimately to the decline of an entire neighborhood. Neglected and poorly maintained properties are breeding grounds for criminal activity. We will work with you to develop a formal CPTED based maintenance plan to help you preserve your property value and make it a safer place.

128. Prior to issuance of building permits, the site plan shall indicate all perimeter walls and fences to be of a design to prevent or discourage scaling & graffiti.
129. Prior to issuance of building permits, a photovoltaic survey shall be prepared and submitted with the proposed lighting plan. The lighting plan shall be reviewed to assure that:
- a. Lighting provides adequate visibility, face & color recognition, and a sense of security for employees and visitors.
  - b. LED and / or Metal Halide lights are recommended.
  - c. Lighting shall be shielded through the use of fixture design and placement, and shrouds so that spillover at the property line is minimized.
136. Prior to issuance of building permits, the building plans shall indicate that motions sensors are installed on the building rooftops, subject to review and approval by the City of Desert Hot Springs Police Department. Specifications for the motions sensors shall be included in the building plan set.
137. At no time shall any plant materials, plant products, or plant-derived products be visible from any public areas.
138. Prior to issuance of building permits, the plans shall be amended to indicate the location and type of all gate control and access equipment and / or systems (e.g. Knox box, keypad, radio control, etc.) Prior to issuance of occupancy permits, the applicant will provide all access equipment, materials, codes, etc. to the City of Desert Hot Springs Police Department.
139. All delivery vehicles shall be equipped with GPS location equipment, which shall be maintained and available at all times.
140. All employees, regardless of status, shall be subject to Live Scan or similar security clearance through the City of Desert Hot Springs Police Department. All employees shall be issued photo ID cards and shall keep the card on her / his person at all times.
141. Any private security service that uses security guards with uniforms shall assure to the satisfaction of the City of Desert Hot Springs Police Department that the uniforms are sufficiently different in appearance from any uniform of the Police Department, Riverside County Sheriff or other local police department.
142. Security cameras shall be utilized to capture video of the perimeter of the building as well as interior areas of importance. The exterior shall have cameras two camera on each exterior wall. The interior shall have cameras covering areas of operation, registers, and one facing the entrance door from the inside to capture video of each person as they enter. The camera system shall have recording and back up capabilities for 90 days and will be made accessible to the Police Department on demand

143. Prior to issuance of the regulatory permit, the applicant shall provide a security plan that includes specific locations and areas of coverage by security cameras; location of audible interior and exterior alarms; location of exterior lighting and fencing; provisions for background checks; the name and contact information of Security Company monitoring the site and any additional information required by the City. The plan shall also provide that at all times at least one member of the dispensary management or staff has knowledge of the operation of all video surveillance equipment and is capable of assisting the Police Department at any time the Police have need of such assistance.

144. Prior to issuance of occupancy permits the building plan will be amended to show the location of cameras to be installed.

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

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

145. The developer shall be required to provide additional well or wells supplying 3,000 gallons per minute to the MSWD 913 zone including land costs and all construction costs for the wells and infrastructure in accordance with District specifications.

146. 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.

147. The developer shall be required to comply with the Water Supply Assessment (WSA) prepared for this mixed use subdivision.

148. The developer shall be required to design and construct a new 16-inch or 24-inch diameter transmission water line routed from the existing 24-inch transmission water line located on Little Morongo Road at 20th Avenue to serve the project. The line size shall be determined by the Hydraulic Water analysis, checking the parameters set forth by the MSWD Developer Handbook. All engineered plans will be required to be designed per MSWD standards and specifications, and in accordance with the MSWD's Water Master Plan for facilities. All costs shall be borne by the owner/developer subject to reimbursement agreements.

149. The developer shall be required to install 12-inch diameter public water mains within all public or private streets to provide domestic, fire, and irrigation water service connections to all lots.
150. The developer shall be required to design and construct a new 12-inch diameter water main in the project, connected to the 16-inch or 24- inch main and providing a project internal looped system. All engineered plans will be required to be designed per MSWD standards and specifications, and in accordance with the MSWD's Water Master Plan for facilities. All costs shall be borne by the owner/developer subject to reimbursement agreements.
151. The installation of backflow prevention devices is required for all non-residential domestic, fire, and irrigation service connections.
152. 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.
153. 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.
154. The developer shall comply with all District standards, specifications and conditions, and have final approval of all design plans by the District Engineer or his/her designee, and the District's General Manager.
155. The developer shall provide plumbing plans with fixture units for District review and determination of meter and service size.
156. MSWD requires having all of its facilities within the public right-of-way or recorded and dedicated easements.
157. 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.
158. 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.



159. Some of the infrastructure must be constructed in certain phases and in a manner to serve the project. The phasing and approval of these facilities and infrastructure will be at the discretion and approval of the District Engineer, and/or General Manager.

**Septic System.** Sewer Service is currently unavailable in this area. Dry sewers will be required offsite and onsite:

160. 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.

161. All onsite, temporary septic systems shall be designed to be easily abated and connected to the dry sewer system once the sewer is placed in service. The developer shall be responsible for all abatement and connection costs.

162. 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 approved by the Regional Water Quality Control Board and/or Riverside County Health Department as determined by California SWRCB to determine if enhanced treatment is required.

**Dry Sewer System.** The project will ultimately be served by construction of a lift station and force main to the District's Regional Waste Water Treatment Plant (RWWTP).

163. Dry sewers will be required to be installed within the project site to serve all lots within the subdivision, conforming to Mission Springs Water District Standards.

164. The developer shall be required to design and construct a public lift station in accordance with MSWD specifications on a 0.5 acre parcel. All costs shall be borne by the developer and the lift station shall be dedicated to the District upon completion.

165. The developer shall be required to design and construct a sewer force main in accordance with MSWD standards and specifications from the lift station to the RWWTP.

166. The developer shall comply with all rules, laws, ordinances, guidelines, and regulations of the District at the time the sewer service application is submitted.
167. 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.
168. 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).
169. 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.
170. MSWD requires a Report of Waste Discharge for the project. MSWD will review the report 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.
171. The developer will be required to bond all infrastructure 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.
172. Some of the infrastructure must be constructed in certain phases and in a manner to serve the project. The phasing and approval of these facilities and infrastructure will be at the discretion and approval of the District Engineer, and/or General Manager.

**Landscape.** As applicable per City requirements:

173. 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.

END