

## **DRAFT CONDITIONS OF APPROVAL**

**MEETING DATE:** May 7, 2019

**TITLE:** Grocery Outlet (Appeal AP 01-19)

**CASE NO:** DP 06-18, DR 04-18, CUP 05-18, SVAR 02-18, TTM 37571

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

**REVIEWED BY:** Rebecca Deming, Community Development Director

Approvals include:

<b>Case Number</b>	<b>Case Type</b>	<b>Description</b>
DP 06-18	Development Permit	For the Construction of a 20,000 square foot grocery Store
DR 04-18	Design Review	For the design of a 20,000 square foot Grocery Outlet
CUP 05-18	Conditional Use Permit	For land use approval of the sale of beer, wine, and spirits (Type 21 license)
TTM 37571	Tentative Tract Map	For subdivision of the 9.72-acre site into two lots.
SVAR 03-18	Sign Variance	For the allowance of the two main wall signs to be 216 square feet (code allow for 75 sf) and for five (5) additional ancillary signs.

### **Additional Conditions (City Council added May 7<sup>th</sup>, 2019)**

1. The applicant/developer shall install an 8-foot-high sound-attenuating block solid wall along the southern side of the project site.
2. The business owner/proprietor shall limit the hours of truck deliveries to 8am-8pm.
3. The use of hydraulic brakes by delivery trucks shall be prohibited, at all times, on the grocery store property.

### **Project Specific Conditions**

1. The applicant/developer shall provide the Planning Department a material samples/sample board for review and approval.
2. The applicant/developer shall install additional light fixtures to include two (2) additional free-standing light poles; one near the south driveway entrance, and one near the north driveway entrance, and shall install 5-8 additional walk packs to the front and rear of the building to meet adequate lighting levels, as to be determined by the Community Development Director.
3. The height of the light poles shall not to exceed 18 feet in height.
4. The applicant/developer shall provide security cameras on the corners of the building and at the main entrance of the building to enhance the security on the site and for the patrons of the business.
5. The applicant/developer shall provide the Planning Department a trash enclosure plan including colors and material for review and approval.

#### **Standard Administrative Conditions**

6. The approval of CUP 05-18 & TTM 37571 are subject to the (2) year expiration provisions of the City's Zoning Ordinance, as provided in Sections 17.76.070 and 16.24.160 will expire on May 7, 2021.
7. The approval of DP 06-18 & SVAR 03-18 are subject to the (1) year expiration provisions of the City's Zoning Ordinance, as provided in Sections 17.92.070 & 17.140.080, and will expire on May 7, 2021.
8. The applicant may request an extension of time for CUP 05-18, TTM 37571, and DP 06-19 per the City's Zoning Ordinance Sections 16.24.140, 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.
9. 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.

10. All development on the 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.
11. 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 and/or the City Manager and Chief of Police, unless otherwise identified herein.
12. The development of the project on the site shall be in substantial compliance with the exhibits contained in the project file for Case Nos. DP 06-18, DR 04-18, CUP 05-18, TTM 37151, & SVAR 03-18, as shown in all Exhibits attached hereto and incorporated herein by this reference.
13. 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.
14. All wall signs shall be individual channel lettering.
15. 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.

16. The applicant/developer shall deliver within 2 (two) working days after approval 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 \$2404.75 (\$2354.75 + \$50 Fish & Wildlife) 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. Should the fee be received after the deadline the statute of limitations for a CEQA filing shall be affected. If applicant/developer does not deliver to the Community Development Department the required check, the approval for the project granted shall be void by reason of failure of condition (Fish and Game Code Section 711.4(c)).

**Environmental/Tribal Mitigation Conditions**

17. The applicant/developer shall implement all mitigation measures and monitoring program requirements outlined in the Environmental Documents and the Traffic Study.
18. If the project involves any ground disturbance 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. The applicant/developer shall provide tribe(s) which have initiated formal consultation under AB 52 the following:
  - a. Cultural resources inventory of the project area (by a qualified archaeologist) prior to any development activities in the area.
  - b. Copy of the records search with associated survey reports and site records from the information center.
  - c. Copies of any cultural resource documentation (report and site records) generation in connection with this project.
20. The applicant/developer shall have on site during any ground disturbing activities (including archeological surveys) an approved Cultural Resource / Tribal Monitor(s) for the consulting tribe(s) which have initiated formal consultation under AB 52. Should buried cultural resource be encountered, the Monitor may request that desiccative construction halt and the Monitor shall notify a Qualified Archeologist to investigate and, if necessary, prepare

a mitigation plan for submission to the State Historic Preservation Officer and each of the consulting Tribal Preservation Office's.

21. In the event that human remains (or remains that may be human) are discovered at the project site during grading or earthmoving, the construction contractors, project archaeologist, and/or designated Native American Monitor shall immediately stop all activities within 100 feet of the find. The project proponent shall then inform the Riverside County Coroner and the City of Desert Hot Springs immediately, and the coroner shall be permitted to examine the remains as required by California Health and Safety Code Section 7050.5(b). Section 7050.5 requires that excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If human remains are determined as those of Native American origin, the applicant shall comply with the state relating to the disposition of Native American burials that fall within the jurisdiction of the NAHC (PRC Section 5097). The coroner shall contact the NAHC to determine the most likely descendant(s). The MLD shall complete his or her inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. The Disposition of the remains shall be overseen by the most likely descendant(s) to determine the most appropriate means of treating the human remains and any associated grave artifacts. The specific locations of Native American burials and reburials will be proprietary and not disclosed to the general public. The County Coroner will notify the Native American Heritage Commission in accordance with California Public Resources Code 5097.98. According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052) determined in consultation between the project proponent and the MLD. In the event that the project proponent and the MLD are in disagreement regarding the disposition of the remains, State law will apply and the median and decision process will occur with the NAHC (see Public Resources Code Section 5097.98(e) and 5097.94(k)).
22. **Prior to grading permit issuance:** If there are any changes to project site design and/or proposed grades, the applicant shall contact the consulting tribes to provide an electronic copy of the revised plans for review. Additional consultation shall occur between the City of Desert Hot Springs, applicant and interested tribes to discuss the proposed changes and to review any new impacts and/or potential avoidance/preservation of the cultural resources on the Project. The applicant will make all attempts to avoid and/or preserve in place as many as possible of the cultural resources located on the project site if the site design and/or proposed grades should be revised in consult with the City of Desert Hot Springs. In specific circumstances where existing and/or new resources are determined to be unavoidable and/or unable to be preserved in place despite all feasible

alternatives, the developer shall make every effort to relocate the resource to a nearby open space or designated location on the property that is not subject any future development, erosion or flooding.

23. **CUL-1: Monitoring:** The developer and the consulting tribe(s) shall develop an archaeological/Cultural Resource monitoring plan to address details, timing and responsibilities of all archaeological activities that will occur at the project site, when it is determined by either the city or the consulting tribe(s) to be necessary. Details of the plan may include:
- a. Project grading and development scheduling;
  - b. The development of a rotating or simultaneous schedule in coordination with the applicant and the Project Archeologist for designated Native American Tribal Monitors from the consulting tribes during grading, excavation and ground disturbing activities on the site: including the scheduling, safety requirements, duties, scope of work, and Native American Tribal Monitors' authority to stop and redirect grading activities in coordination with all Project archaeologists;
  - c. The protocols and stipulations that the developer, City of Desert Hot Springs, the consulting tribes and Project archaeologist will follow in the event of inadvertent cultural resources discoveries, including any newly discovered cultural resource deposits that shall be subject to a cultural resources evaluation;
  - d. Archaeological Monitoring Plan shall take into account the potential impacts to undiscovered buried archaeological and cultural resources and procedures to protect in place and/or mitigate such impacts.
24. **Treatment and Disposition of Cultural Resources:** In the event that Native American cultural resources are inadvertently discovered during the course of grading for this Project. The following procedures will be carried out for treatment and disposition of the discoveries:
- d. **Temporary Curation and Storage:** During the course of construction, all discovered resources shall be temporarily curated in a secure location onsite or at the offices of the project archaeologist. The removal of any artifacts from the project site will need to be thoroughly inventoried with tribal monitor oversight of the process; and
  - e. **Treatment and Final Disposition:** The landowner(s) shall relinquish ownership of all cultural resources, including sacred items, burial goods, and all archaeological artifacts and non-human remains as part of the required mitigation for impacts to cultural resources. The applicant shall relinquish the artifacts through one or more of the following methods and provide the City of Desert Hot Springs with evidence of same:
    - i. Accommodate the process for onsite reburial of the discovered items with the consulting Native American tribes or bands. This shall include measures and provisions to protect the future reburial area from any


future impacts. Reburial shall not occur until all cataloguing and basic recordation have been completed;

- ii. A curation agreement with an appropriate qualified repository within Riverside County that meets federal standards per 36 CFR Part 79 and therefore would be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to an appropriate curation facility within Riverside County, to be accompanied by payment of the fees necessary for permanent curation:
- iii. For purposes of conflict resolution, if more than one Native American tribe or band is involved with the project and cannot come to an agreement as to the disposition of cultural materials, they shall be curated at the Western Science Center or Agua Caliente Cultural Museum.
- iv. At the completion of grading, excavation and ground disturbing activities on the site a Phase IV Monitoring Report shall be submitted to the City of Desert Hot Springs documenting monitoring activities conducted by the project Archaeologist and Native Tribal Monitors within 60 days of completion of grading. This report shall document the impacts to the known resources on the property; describe how each mitigation measure was fulfilled; document the type of cultural resources recovered and the disposition of such resources; provide evidence of the required cultural sensitivity training for the construction staff held during the required pre-grade meeting; and, in a confidential appendix, include the daily/weekly monitoring notes from the archaeologist. All reports produced will be submitted to the consulting tribes and Eastern Information Center.

#### **Standard Planning Conditions**

- 25. Any/all permits may be subject to revocation if the applicant/developer/project is not in compliance with all of the conditions of approval contained herein.
- 26. The applicant/developer shall maintain the 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 site with City staff and remove all subject violations, bill the applicant/developer and/or put a lien on the Project Site.
- 27. 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. The use of rolled concrete on any exterior walls or trash enclosures is specifically prohibited.

28. Applicant/developer shall construct a trash enclosure in location per the approved Site Plan. The trash enclosure shall be constructed per City Standards.
29. All new breaker boxes, fire sprinkler risers, utility conduits, and drain pipes shall be interior to the building. Any exposed pipes are specifically prohibited. All new drain terminations shall be from the Watts Drainage Product RD-940 or a product of equal value. 
30. 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.
31. The applicant shall submit all appropriate application to the Building Department & the City Engineer
32. At no time shall the combination of uses or activities conducted with the building exceed the total demand for parking, as calculated in the City's Zoning Code and as provide onsite according to the approved site plan. Any change to the floor plan shall be subject to review and approval by the Planning Department.

### **Standard Landscaping/Parking Conditions**

33. All new commercial development shall comply with Mission Springs Water District's Water Efficient Landscaping Guidelines (guidelines are available at [www.mswd.org](http://www.mswd.org)). This policy requires outdoor water conservation practices within MSWD's service area, specifically: (1) the creation of landscape plans featuring the use of California native desert friendly plants; and (2) the preparation of irrigation plans detailing water efficient irrigation technology systems (e.g., drip irrigation, evapotranspiration irrigation controllers, etc.) appropriate to an arid desert climate.
34. 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.
35. 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.
  - n. All changes of species made by the Mission Springs Water District shall have concurrent approval from the Community Development prior to final approval.
36. 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.
37. Wheel stops within the parking lot are prohibited unless required for ADA compliance.
38. All redwood headers are specifically prohibited from use on the project site.

#### **Standard Graffiti Conditions**

39. 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.
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. 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.

42. 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.

#### **Standard Lighting Conditions**

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

#### **Standard Building & Safety Conditions**

44. 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
45. 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.
46. 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.

47. 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.
48. 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.
49. 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.
50. 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.

#### **Standard Construction/Demolition Activity Fire Safety Conditions**

51. 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.
52. Operations involving the use of cutting and welding shall be done in accordance with Chapter 35.
53. An approved water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible material arrives on the site.
54. 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.

### **Police Department Standard Conditions**

- 55. The applicant/developer shall comply with all applicable federal, state and City laws and regulations.
- 56. The applicant/developer shall incorporate all aspects of Crime Prevention through Environmental Design for visual surveillance, access control and territorial reinforcement.
- 57. The Police Department may require additional lighting to prevent unintended dark spots prior to final occupancy.
- 58. 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.
- 59. 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.

60. 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.
61. 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.
62. 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.
63. 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

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

### **Engineering Department Conditions**

65. Prior to the issuance of a certificate of occupancy, 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 / Storm Water Retention System Facilities
66. 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. The annexation shall be completed prior to the issuance of an occupancy permit.
67. 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. The annexation shall be completed prior to the issuance of an occupancy permit or prior to the approval of the final map.
68. 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/Storm Water Retention Systems Facilities Plans
  - c. Street Improvement Plans
  - d. Street Signage and Striping Plans
  - e. Street Lighting Plans
  - f. Traffic Signal Plan
  - g. Composite Utility Plans
    - i. (Sewer and Water Plans – submit to Mission Springs Water District)
69. All grading plans for the project shall be in compliance with the requirements of the City of Desert Hot Springs and the City Engineer. These requirements may include geo-technical, soils, dust control, erosion control, or other submittals to the satisfaction of the City Engineer.
70. All grading plans and improvement plans shall be coordinated for consistency prior to the issuance of any permits.

71. Prior to any grading activities, all plans and specifications shall be submitted by a professional engineer and approved by the City of Desert Hot Springs and the City Engineer.
72. A precise grading plan shall be submitted for review and approval by the City Engineer prior to the issuance of building permits with the proper pad certification from a licensed engineer.
73. 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.
74. 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.
75. The Developer will be required to construct all parking spaces, parking areas and driveways to a 1% slope on AC and 0.5% slope on PCC to drain to an approved drainage facility onsite as approved by the City Engineer.
76. The design of the on-site grading and the storm drainage improvements shall be coordinated with all adjacent projects to the satisfaction of the City Engineer.
77. The applicant/developer is required to construct all transition and missing links between existing and proposed improvements.
78. The developer will be required to install any improvements to any off-site facility if damaged during construction to the satisfaction of the City Engineer.
79. All work within the public right-of-way shall be in accordance with applicable standards of the County of Riverside, Standard Specifications for Public Works Construction (Green Book, latest edition), City of Desert Hot Springs City Standards (as applicable), and the Work Area Traffic Control Handbook (WATCH), and further that construction equipment ingress and egress be controlled by a plan approved by the City Engineer.
80. Any slopes exceeding 3' will need to have an in-ground water system and be planted with plant material to be approved by the Planning Department prior to Certificates of Occupancy per the City of Desert Hot Springs Zoning Ordinance 159.28.100.

81. All wall heights, wall types, and wall setbacks must be approved with the Planning Department.
82. 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.
83. 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)

84. 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.
85. Prior to and during construction, streets and disturbed open areas within and/or outside of the project area shall be treated by watering or other approved method to prevent fugitive dust.
86. The developer shall dedicate an additional 15 feet to the existing half street width of 40 feet to become 55 feet as an ultimate half street width.
87. The applicant/developer shall construct full street improvements on the following streets:
  - a. Palm Drive, one-half street improvements on west side from centerline to ultimate right of way, 55 feet of 110 foot right of way.
  - b. The street improvements adjacent to the property shall include construction of asphalt concrete pavement, curb/gutter, sidewalk,

- streetlights, catch basins, storm drains, and fully landscaped and irrigated along the property frontage
- c. All sidewalks, ramps, and landings shall be compliant with the Americans with Disability Act.
  - d. Driveway primary and secondary shall be per City Standard 210 and may be modified to fit the site with City approval.
88. The applicant/developer shall install a Traffic Signal at Palm Drive and Park Lane. The applicant may enter into a fair share agreement with the City to receive fair share credit for the fair share value of the total cost of installation of the Traffic Signal.
89. The applicant/developer shall pay its fair share for the installation of an overlap phase at the intersection of Palm Drive at Two Bunch Palms Trail.
90. Outbound left turns onto Palm Drive shall be prohibited on the northern driveway.
91. The applicant/developer shall complete all recommended improvements as listed on the Traffic Study completed by KD Anderson & Associates, Inc.
92. The applicant/developer shall submit a Traffic Signal Plan design, for the intersection of Park Lane and Palm Drive, that will work with the south driveway of the project and to satisfy the Traffic Impact Study recommendation.
93. 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.
94. A soil compaction report shall be prepared and submitted to the City Building Department for approval prior to issuance of any building permits.
95. 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.
96. Any required water and sewer facilities must be constructed and paid for by the developer per the standards of the Mission Springs Water District (MSWD) and will require inspection by MSWD. Please direct all inquiries to MSWD Engineering Department by Email: [engineering@mswd.org](mailto:engineering@mswd.org) or by Phone: (760) 329-6448 (ext. 127; customer to leave message)
97. The developer shall provide and install all improvements, within and outside the project, in compliance with the policies and procedures of the City Engineer, and the serving utility company. These improvement

requirements shall be completed or bonded prior to issuance of a building occupancy permit, building permit, or grading permit.

98. 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.
99. 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.
100. All overhead utilities less than 92kv, located within the project boundaries, bordering the project and/or fronting the project shall be undergrounded.
101. The developer will be required to construct trash enclosures to the appropriate size to accommodate recycling and disposal containers for future commercial recycling efforts.
102. All wall heights, wall types, and wall setbacks must be approved with the Planning Department.

### **Fire Department Conditions**

103. Applicant/developer shall provide a permanent water system capable of delivering a minimum fire flow of 1,500 gallons per minute for 2 hours duration at twenty (20) pounds per square inch (PSI) residual operating pressure, which must be available before any combustible material is placed on the construction site. **The minimum required GPM and PSI may change during official plan check.**
104. The applicant/owner shall install Knox Boxes as approved by the Fire Department subject to the following:
  - On Structures the Knox Box shall be installed next to the Fire Department access door and be flush with the building.
105. 503.6.1 Automatic opener. New motorized gates shall be provided with means to be automatically opened remotely by emergency vehicle in accordance with Riverside County Fire Department standards and Policies, as may be amended from time to time.
106. If the buildings are protected with a FIRE alarm system, the lock box shall be required to have tampered monitoring.
107. 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
108. 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.
109. The applicant/developer shall submit three (3) sets of construction drawings to Desert Hot Springs City Hall for review and approval prior to issuance of any permits. Said construction drawings shall demonstrate Project adherence to all provisions of the currently adopted California Fire Code.
110. 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.

111. 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.
112. Exit designs, exit signs, door hardware, exit markers, exit doors, and exit path marking shall be installed per the 2016 California Building Code.
113. Fire apparatus access roads shall be 24' in width with no parking allowed on either side of the access road with a **38' turning radius**.
114. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus.
115. 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.
116. Access shall be provided to all mechanical equipment located on the roof as per the 2016 California Mechanical Code.
117. Fire sprinklers shall be installed in all buildings greater than 3,600 square feet in floor area to the satisfaction of the Fire Marshal.
118. Shall install a fire alarm system.
119. Emergency and standby power systems shall be installed in accordance with CFC, CBC, NFPA 110, and NFPA 30.
120. NFPA 704 placard shall be posted where applicable.

## **MISSION SPRINGS WATER DISTRICT**

### **Water Service**

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

121. The developer shall comply with all rules, laws, ordinances, guidelines, and regulations of the District at the time that any new water service application is submitted. MSWD ordinance requires that water service, including

irrigation and fire services, shall not cross parcel boundaries to serve a second property.

122. The point of connection for domestic, fire, and irrigation shall be the existing 16" water main located on the east side of Palm Drive.
123. The installation of backflow prevention devices is required for all non-residential domestic, fire, and irrigation service connections.
124. 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.
125. 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.
126. The developer shall comply with all District standards, specifications and conditions, final approval of all design plans shall be by the District Engineer or his/her designee, and the District's General Manager.
127. The developer shall provide plumbing plans with fixture units for District review of meter and service sizes.
128. MSWD requires having all of its facilities within the public right-of-way or recorded and dedicated easements.
129. 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.

### **Sewer Service**

Sewer Service is available for this project and the following conditions of service shall apply:

130. The developer shall comply with all rules, laws, ordinances, guidelines, and regulations of the District at the time the sewer service application is submitted.
131. The point of connection for this project shall be the existing 12" gravity sewer main located along the south boundary of the property.
132. Gravity main size will be 8" minimum diameter and or as specified by MSWD. All design and construction shall be at the developer's expense.
133. MSWD requires a 6" minimum diameter sewer lateral for all commercial projects, no lateral shall serve more than one parcel without prior written MSWD approval.
134. 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.
135. 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).
136. 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.
137. The developer will be required to bond all infrastructures and be required to supply a warranty bond for the infrastructure. This warranty bond will be released 1 year from the District's acceptance of the infrastructure.

## **Landscape**

### **As applicable per City requirements:**

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**