

DRAFT CONDITIONS OF APPROVAL

MEETING DATE: October 8, 2019

TITLE: Hot Desert Springs, LLC

CASE NO: CUP 15-17 & TPM 37323 Time Extension

PREPARED BY: Patricia M. Villagomez, Planning Technician

REVIEWED BY: Rebecca Deming, Community Development Director

Standard Administrative Conditions:

1. The Time Extension for Conditional Use Permit No. 15-17 is approved for a one-year extension and will expire on October 8, 2020.
2. The Time Extension for TTM 37323 is approved for a one-year extension and will expire on October 8, 2020.
3. Applicant/developer shall indemnify, protect, hold harmless and defend, with counsel selected by the City, the City and any agency or instrumentality thereof, and/or any of its officers, employees and agents from any and all claims, actions, or proceedings, including those involving environmental issues, against the City to attack, set aside, void, annul, and/or seek monetary damages resulting from an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board or legislative body including actions approved by the voters of the City, concerning the entitlement application. City shall promptly notify both the applicant/developer and landowner of any claim, action, or proceeding to which this condition is applicable and shall further cooperate fully in the defense of the action. The City reserves its right to take any and all action the City deems to be in the best interest of the City and its citizens in regard to such defense.
4. All development on the project site shall be in compliance with all applicable provisions of the City's Municipal Code as well as all applicable provisions of the adopted Building and Fire Codes. All new construction shall obtain a building permit and comply with the requirements of the Planning, Building, and Fire Departments.
5. The development of the project on the project site shall be in substantial compliance with the exhibits contained in the project file for CUP 15-17 & TTM 37323, as shown in all Exhibits attached hereto and incorporated herein by this reference.
6. 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.

Engineering Conditions:

7. Applicant/developer shall annex the property to Public Safety Special Tax 2 to provide essential funding for public safety purposes and pay the Five Thousand Dollars (\$5,000.00) cost for the City's consultant to annex to PTAX2 and the City fee for processing the request, prior to tract map approval.
8. If phasing of the approved tentative map is proposed, the applicant/subdivider shall indicate the number and configuration of the phases prior to tentative approval.
9. Lot B shall be dedicated on the map for the ingress, egress and utility purposes for all the lots in the Tract.
10. The slope easement on the westerly portion of the property shall be shown on the map.
11. The map shall be submitted to the Coachella Valley Water District for their comments and approvals.
12. 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
13. 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 Plans submit to Mission Springs Water District; Water Plans to Coachella Valley Water District)
14. Applicant/developer shall submit the following items for approval with the submittal of the Final Tract/Parcel Map:
 - a. Final tract/parcel map
 - b. Title Report (updated within at least 6 months). A subdivision guarantee indicating 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

15. Any street or dedications of easements shall be shown on the subdivision map.
16. 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.
17. Dedicate to the City the right to restrict direct vehicular access to Dillon Road.
18. Applicant/developer shall provide and install adequate water supply, sanitary sewer, natural gas, electric, telephone and cable television lines to serve each separate lot.
19. Applicant/developer shall dedicate, if not already dedicated, and construct street improvements on the following streets:
 - a. Dillon Road, Major Arterial, 55 feet north of the centerline of an ultimate 110 foot right-of-way.
 - b. The street improvements shall include construction of asphalt concrete pavement, curb/gutter, sidewalk, streetlights, catch basins, storm drains, and fully landscaped and irrigated along the property frontage except as noted.
 - c. 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.
 - d. All sidewalks, ramps, and landings shall be compliant with the Americans with Disability Act.
 - e. All street improvements including the energizing of street lights and installation of irrigation and landscaping to be constructed and accepted by the City Public Works Department prior to the issuance of occupancy.
20. 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

21. 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

22. 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.
23. No nuisance water shall escape the site onto public streets.
24. 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 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). Maintenance of retention basins and drainage system shall be the responsibility of the applicant/property owner/operator.

25. 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.
26. 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.
27. 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.
28. A soil compaction report shall be prepared and submitted to the City Building Department for approval prior to issuance of any building permits.
29. 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.
30. 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.
31. Applicant/developer is required to construct all transition and missing links between existing and proposed improvements.
32. 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.
33. 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.
34. 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.
35. The minimum grade on all proposed streets shall be 0.50% unless approved in advance, in writing, by the City Engineer.
36. 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.

37. Proposed street striping shall be per City standards.
38. The proposed driveways shall be a radius driveway per City of Desert Hot Springs Standard No. 210.
39. All overhead utilities less than 92kv, located within the project boundaries, bordering the project and/or fronting the project shall be undergrounded.
40. 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.
41. 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.

42. 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.

Standard Building & Safety Conditions:

43. 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
44. Prior to any on-site construction, the applicant/developer shall obtain all necessary building permits.
45. Applicant/developer shall comply with all rules, laws, ordinances, guidelines, and regulations of the Mission Springs Water District/Coachella Valley Water District for water and for wastewater disposal services. Prior to issuance of any certificate of occupancy, the applicant/developer shall provide evidence to the satisfaction of the City Engineer that all permits and approvals for water service and wastewater disposal have been obtained.

Fire Conditions:

46. Fire Hydrants and Fire Flow: provide one copy of the water system plans to show existing fire hydrant(s) capable of delivering the minimum fire flow, per CFC Appendix B Table B105.1, within 400 feet to all portions around the proposed structure. Minimum fire hydrant location and spacing shall comply with the CFC and NFPA 24. Reference 2016 California Fire Code (CFC) 507.5.1.
47. Tract Water Plans: if fire hydrants are required to be installed, applicant/developer shall furnish two copies of the water system fire hydrant plans to Fire Department for review and approval prior to building permit issuance. Plans shall be signed by a registered civil engineer, and shall confirm hydrant type, location, spacing, and minimum fire flow. Once plans are signed and approved by the local water authority, the originals shall be presented to the Fire Department for review and approval. Ref. CFC 105.4.1.
48. Fire Department Access: provide a site plan for fire apparatus access roads and signage. Access roads shall be provided to within 150 feet to all portions of all buildings and shall have an unobstructed width of not less than 24 feet. The

construction of the access roads shall be all weather and capable of sustaining 40,000 lbs. over two axles for areas of residential development and 60,000 lbs. over two axels for commercial developments. Ref. CFC 503.1.1.

49. Requests for installation of traffic calming designs/devices on fire apparatus access roads shall be submitted and approved by the Office of the Fire Marshal. Ref. CFC 503.4.1.
50. Grading Permit Fire Department Review: submittal to the Office of the Fire Marshal for Precise Grading Permit will be required.
51. Construction Permits Fire Department Review: submittal of construction plans to the Office of the Fire Marshal for development, construction, installation and operational use permitting will be required. Final fire and life safety conditions will be addressed when the Office of the Fire Marshal reviews these plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code, and related codes, which are in effect at the time of building plan submittal.
52. Phased Construction Access: If construction is phased, each phase shall provide approved access for fire protection prior to any construction. Ref. CFC 503.1.
53. Fire Sprinkler System: All new commercial structures 3,600 square feet or larger will be required to install a fire sprinkler system. Ref CFC 903.2.
54. Fire Alarm and Detection System: a water flow monitoring system and/or fire alarm system may be required and determined at time of building plan review. Ref. CFC 903.4, CFC 907.2 and NFPA 72.
55. Knox Box and Gate Access: buildings shall be provided with a Knox Box. The Knox Box shall be installed in an accessible location approved by the Office of the Fire Marshal. All electronically operated gates shall be provided with Knox key switches and automatic sensors for access. Ref. CFC 506.1.
56. Addressing: all residential dwellings shall display street numbers in a prominent location on the street side of the residence. All commercial buildings shall display street numbers in a prominent location on the address side and additional locations as required. Ref. CFC 505.1 and County of Riverside Office of the Fire Marshal Standard #07-01.
57. Local Very High Fire Hazard Severity Zone: projects in the LRA shall provide plans for preliminary fuel modification to be reviewed and approved by the Office of the Fire Marshal concurrent with the submittal for approval of any tentative map. Final fuel modification plans shall be submitted and approved. The project shall comply with Chapter 7A of the California Building Code.
58. State Fire Hazard Severity Zone: projects in the SRA shall comply with California Building Code Chapter 7A and California Code of Regulations Title 14 Fire Safety Regulations.

59. Cannabis Facilities: deferred submittals shall be required for Carbon Dioxide Gas Enrichments Systems and Plant Processing/Extraction Systems. Refer to the Riverside County Office of the Fire Marshal Technical Policy #TP16-004 and #TP16-005.

END