

DRAFT CONDITIONS OF APPROVAL

MEETING DATE: October 8, 2019

TITLE: Bodde/Desert Hot Springs Dispensary

CASE NO: CUP 05-19

PREPARED BY: Scott Taschner, Senior City Planner

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

Administrative Conditions:

1. The approval of Conditional Use Permit CUP 05-19 is subject to the two (2) year expiration provisions of the City's Zoning Ordinance, as provided in Section 17.64.070 and will expire on October 9, 2021.
2. The applicant may request an extension of time for Conditional Use Permit CUP 05-19 per the City's Zoning Ordinance Section 17.76.090. Upon filing a time extension(s) at least thirty (30) days prior to expiration of the project the Planning Commission may grant said time extension for good cause not to exceed twelve (12) months.
3. Applicant/developer shall indemnify, protect, hold harmless and defend, with counsel selected by the City, the City and any agency or instrumentality thereof, an/or any of its officers, employees and agents from any and all claims, actions, or proceedings against the City to attack, set aside, void, annul, seek monetary damages resulting from an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board or legislative body including actions approved by the voter of the City, concerning the entitlement application. City shall promptly notify both the applicant/developer and landowner of any claim, action, or proceeding to which this condition is applicable and shall further cooperate fully in the defense of the action. The City reserves its right to take any and all action the City deems to be in the best interest of the City and its citizens in regard to such defense.
4. All development on the project site shall be in compliance with all applicable provisions of the City's Municipal Code as well as all applicable provisions of the adopted Building and Fire Codes. All new construction shall obtain a building permit and comply with the requirements of the Planning, Building, and Fire Departments.
5. No Certificate of Occupancy (C of O) 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.
6. The development of the project on the project site shall be in substantial compliance with the exhibits contained in the project file for Conditional Use Permit CUP 05-19 as shown in Exhibits 1 through 8, attached hereto and incorporated

herein by this reference.

7. The final grading plan shall be in substantial conformance with the designs set forth in the hydrology report and site drainage design.
8. Within fifteen (15) days of final approval by the City Council, the applicant/developer shall submit in writing, a statement indicating that he/she has read and agrees to the conditions imposed herein. This authorization shall become void, and any privilege, permit, or other authorization granted under these entitlements Conditional Use Permit CUP 05-19 shall be deemed to have elapsed if compliance with this condition has not been undertaken within the specified time limits.
9. A scanned copy of the signed Conditions of Approval shall be included in the Building Construction Plans submitted for plan check.
10. The applicant/developer shall pay all established service, permit, impact, public art, and other applicable fees required by the City.
Note: The Transportation Unified Mitigation Fee is collected by the City of Desert Hot Springs on behalf of the Coachella Valley Association of Governments. Questions on the calculation of this fee should be addressed to them at (760) 346-1127. The School District Fees are imposed by the Palm Springs Unified School District and questions should be addressed to them at (760) 416-6159.
11. The applicant/developer shall deliver within five (5) working 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 \$50.00 to enable the City to file a Notice of Exemption 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:

12. The applicant/developer shall maintain the project site after the start of construction and until the project is completed, free of weeds, debris, trash or any other offensive, unhealthful and dangerous material. If after five (5) days' notice by certified mail, the applicant/developer does not comply with the before mentioned criterion, the City may either cancel building or grading permits and/or enter the project site with City staff and remove all subject violations, bill the applicant/developer and/or put a lien on the project site.
13. 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.
14. Minor changes to the approved CUP may be approved subject to the process outlined in Section 17.010 -.030 of the DHSMC, and subject to the Director's discretion.

15. Dispensaries shall not cultivate more than 99 mature flowering cannabis plants on site at any one time.
16. Dispensaries shall obtain both a City-issued Conditional Use Permit and Regulatory Permit. Approved dispensaries operating with a City-approved Conditional Use Permit and in compliance with all local and State laws may, at their discretion, add a light manufacturing use to their current dispensary, and also become a light manufacturing facility.
17. Notwithstanding subsection C, any and all light manufacturing facilities must comply with applicable State law and regulations, including the California Environmental Quality Act.
18. Storefront Retail Facilities must comply with all local and state laws as it pertains to such use at all times, which certain applicable laws are currently set forth in Title 16 Code of Regulations, Sections 5400 through 5413, as may be amended.
19. At no time shall any plant materials, plant products, or plant-derived products be visible from any public areas.
20. The applicant/developer/proprietor shall control all odors within the building.
21. Should odors emanate from the building or project site in the future, the applicant/developer/proprietor shall submit revised plans and equipment specifications to the planning department for review and approval.
22. Outdoor sales of cannabis and cannabis related products is 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:
 - a. In addition to those other requirements which may be imposed pursuant to this Chapter, no person or entity shall engage in medical cannabis activity or open or operate a Medical Cannabis Facility without possessing and obtaining the following:
 - i. A Cannabis Regulatory Permit issued by the City pursuant to Chapter 5.50 of the City's Municipal Code; and
 - ii. A Conditional Use Permit, pursuant to the conditions set forth in this Chapter and the City's Municipal Code; and
 - iii. Compliance with all applicable codes, including the Building Code; and;
 - iv. Any applicable State-required permit.
 - b. The fact that a person or entity possesses other types of state or municipal permits or licenses does not exempt the person or entity from the requirement of obtaining a City-issued conditional use permit to operate a Medical Cannabis Facility.
 - c. **Licenses and Permits Applicable to Location.** No person or entity shall locate or operate a Medical Cannabis Facility under the authority of a license or permit at any place other than the address of the Medical

Cannabis Facility as stated in the medical cannabis regulatory permit issued by the City and the conditional use permit issued pursuant to this Chapter.

- d. **Signage and Notices.** In addition to the requirements otherwise set forth in this Chapter, business identification signage for all Medical Cannabis Facilities shall conform to the requirements of the City's Municipal Code, including, but not limited to, issuance of a City sign permit.
- e. **Compliance with Laws.**
 - i. It is the responsibility of the owners and operators of all Medical Cannabis Facilities to ensure that such facilities are, at all times, operating in compliance with all applicable federal (not dealing with medical cannabis) state and local laws and regulations and any additional operating procedures or requirements which may be imposed as conditions of approval of a given Medical Cannabis Facility. Nothing in this Chapter shall be construed to authorize any action which violates federal (not dealing with medical cannabis), state law or local law with respect to the operation of a commercial medical cannabis business.
 - ii. Medical Cannabis Facilities shall be permitted only as provided in this Chapter and if not expressly permitted by this Chapter, shall be prohibited.
 - iii. Any person or entity operating a Medical Cannabis Facility shall at all times remain in compliance and operate in accordance with the applicable provisions of this Chapter, the City's Municipal Code, the CUA, the MMPA, the MMRSA, and all other applicable state laws pertaining to Medical Cannabis Facilities.
 - iv. Failure to abide by any laws mentioned in this subsection shall constitute a public nuisance and shall subject the Medical Cannabis Facility to revocation of any and all entitlements, licenses and permits.
- f. **Administration and Enforcement.**
 - i. In addition to the administration of the permitting requirements under this Chapter and the City's Municipal Code, the City Council or its designee may require, as a condition to granting or renewing permits, any information reasonably necessary to implement the intent of this Chapter to ensure that all medical cannabis is grown, processed, manufactured and distributed in a manner not in conflict with this Chapter, and to ensure that any and all related city taxes are being properly reported and paid.
 - ii. A conditional use permit, **and any modifications thereto as provided in Section 17.180.060**, approved for a Medical

Cannabis Facility may be suspended or revoked for any violation of this Chapter and pursuant to the procedures generally applicable to Conditional Use Permits as set forth in the City's Municipal Code. Violations of this Chapter are subject to administrative, civil, and/or criminal penalties, as set forth in the City's Municipal Code, and remedies for such violations include but are not limited to civil injunctive relief, civil or administrative nuisance abatement actions or proceedings, summary abatement of immediately hazardous conditions, and all other applicable fines, penalties and remedies. This Ordinance is adopted to address public health and safety issues, and as such, is expressly intended to be interpreted strictly and enforced rigorously in a manner such as to deter further violations.

23. If paleontological resources are encountered during grading, ground disturbance activities shall cease immediately, so 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.
24. If during the course of grading or construction, artifacts or other cultural resources are discovered, all grading on the site shall be halted and the applicant shall immediately notify the 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.
25. In the event that any human remains are discovered, the applicant shall cease all work and contact the Desert Hot Springs Police Department and the Riverside County Coroner's Office. Work shall not resume until such time that the site has been cleared by County Coroner and/or the Desert Hot Springs Police Department.
26. 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.
27. 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 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 is 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.
29. Outdoor storage of equipment and/or merchandise must satisfy all screening requirements of Section 17.12.320 of the Desert Hot Springs Municipal Code.
30. Outdoor sales 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.
31. All drain pipes shall be interior to the building. Exposed drain pipes are specifically prohibited.
32. All drain terminations shall be from the Watts Drainage Product RD-940 or a product of equal value.
33. All breaker boxes, fire sprinkler risers, and utility conduits shall be interior to the building.
34. All Vapor Collection Systems at Service Stations shall be screened from public view.
35. All new commercial development shall comply with Mission Springs Water District's Water Efficient Landscaping Guidelines (guidelines are available at www.mswd.org). This policy requires outdoor water conservation practices within MSWD's service area, specifically: 1) the creation of landscape plans featuring the use of California native desert friendly plants; and 2) the preparation of irrigation plans detailing water efficient irrigation technology systems (e.g., drip irrigation, evapotranspiration irrigation controllers, etc.) appropriate to an arid desert climate.



Landscaping:

36. 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.
37. 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 to 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.
38. All redwood headers are specifically prohibited from use on the project site.
39. All irrigation lines shall be located below ground with no surface exposure.
40. 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.

Graffiti:

41. 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.
42. 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.
43. 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.
44. 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.
45. 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.
46. 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.
47. 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.
48. 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:

49. 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 fixtures, 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.
50. Applicant/developer shall apply for a separate permit for any proposed signage, in accordance with the provisions of the City's Municipal Code.
51. Applicant/developer shall adhere to the City's light standard and identify all light fixtures (wall mounted and pole lights) on the site plan.
52. Lighting shall provide face recognition at 100 feet.
53. The Planning and/or Police Departments may require additional lighting to prevent unintended dark spots prior to final occupancy.
54. 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.

Signs:

55. Any proposed signage will require separate permits.
56. The business operator shall submit a Sign Permit Application to be approved by the Planning Department to include the following:
- a. All signage for tenants shall be channel letters.
 - b. No sign shall have exposed raceways or conduits.
 - c. All signage shall comply with the Desert Hot Springs Municipal Code.
 - d. All signs that are removed shall be painted and patched immediately.
 - e. Free-standing sign shall conform to the height and placement standards of the Desert Hot Springs Municipal Code.
57. All signs shall be Underwriters Laboratories approved or the equivalent.

Engineering Department:

58. 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
59. Applicant/developer shall pay the Five Thousand Dollars (\$5,000.00) cost for the City's consultant to annex the Community Facilities District No. 2010-1 and the City fee for processing the request, prior to the issuance of an occupancy permit.
60. Applicant/developer shall 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 the issuance of an occupancy permit.
61. 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.
62. Applicant/developer shall submit the following items for approval from the Engineering Department:
 - a. Street Improvement Plans
 - b. Street Lighting Plans
63. If the applicant/developer requests a Temporary Certificate of Occupancy before all the improvements are completed the applicant/developer shall submit the following items for approval with the submittal of the Improvement Agreement for the project:
 - a. Soils Report
 - b. Title Report
 - c. Street Plans
 - d. Engineer's Estimate of the incomplete improvements
64. 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.
65. 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.
66. 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.
67. Applicant/developer shall submit an owner- and contractor-signed PM10 Dust Control Implementation Plan in accordance with the standards and codes of the City and the South Coast Air Quality Management District (SCAQMD). Plans shall be submitted for review and approval by the Public Works Department prior to the issuance of any grading and/or applicable building permits.

68. Applicant/developer shall comply with the National Pollution Discharge Elimination System (NPDES) requirements per the California Regional Water Quality Control Board (RWQCB) regulations. The applicant/developer shall submit a Project Specific Stormwater Pollution Prevention Plan (SWPPP) to comply with the California General Permit for Stormwater Discharges Associated with the Construction Activity, prior to the issuance of a grading permit. For projects larger than 1 acre, the applicant/developer shall obtain all required permits from the California Regional Water Quality Control Board (RWQCB) and submit a copy of the Notice of Intent (NOI) and the Waste Discharge Identification Number (WDID#) to the City's Public Works Department prior to the issuance of the any grading permit. For further information contact the RWQCB at:

California Regional Water Quality Control Board (RWQCB),
Colorado River Basin Region,
73-720 Fred Waring Drive #100
Palm Desert, CA 92260
(760) 346-7491
www.waterboards.ca.gov/colorariver

69. The on-site driveways and parking areas shall be improved with asphalt or concrete paving, permeable pavers, curbs, gutters, and appurtenances as shown generally on the approved site plan. The thickness of pavement shall be determined by the applicant's engineer based upon "R" value tests taken of the soils and appropriate traffic indices to be determined by the engineer, all subject to approval by the City Engineer.
70. All on-site paving, curbs and gutters, sidewalks, ramps and other site work shall be constructed to City standards, subject to the improvement plans approved by the City Engineer.
71. Applicant/developer is required to construct all transition and missing links between existing and proposed improvements.
72. 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.
73. Applicant/developer shall construct street improvements on the following streets:
- a. Palm Drive and Pierson Boulevard: reconstruct the existing driveways to City Standard 210.
 - b. Improvements shall include removal and construction of existing street improvements that are severely damaged and/or not in compliance with City Standards.
 - c. All sidewalks, ramps, and landings shall be compliant with the Americans with Disability Act.
74. All street improvements including the energizing of street lights and installation of irrigation and landscaping.

75. No nuisance water shall escape the site onto public streets.
76. 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.
77. 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
78. Proposed street striping shall be per City standards.
79. The proposed driveways shall be a radius driveway per City of Desert Hot Springs Standard No. 210.
80. Applicant/developer shall enter into a water service agreement with the Mission Springs Water District for domestic water service.
81. If the applicant/developer requests a Temporary Certificate of Occupancy before all the improvements are completed the applicant/developer shall file an improvement agreement with security to guarantee completion of public improvements as follows:
 - a. A faithful performance security in an amount deemed sufficient by the City Engineer to cover up to 100% of the total estimated cost of all required improvements, including bonding requirements for grading as outlined in the Municipal Code.
 - b. A labor and material security to cover up to 50% of the total estimated cost of all required improvements.
 - c. If the required project improvements are financed and installed pursuant to special assessment proceedings, upon the furnishing by the contractor of the faithful performance and labor and material security required by the special assessment act being used, the City may reduce the improvement security of the applicant/developer by an amount corresponding to the amount of the security furnished by the contractor.
 - d. Notwithstanding the above, the applicant/developer may satisfy the requirement for security of certain improvements by providing proof that same has been posted with another public agency subject to the approval of the City Engineer.
82. 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.
- 83. 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:

- 84. Applicant/developer shall comply with all applicable federal, state and City laws and regulations.
- 85. Applicant/developer shall incorporate all aspects of Crime Prevention through Environmental Design for visual surveillance, access control and territorial reinforcement.
- 86. Every area of the proposed development must be visible either from the street or from the structure. Unavoidable dead spaces or hidden/secluded areas require additional mitigating measures which may include increased lighting, hostile landscaping, security surveillance cameras, perimeter fencing and/or security gates, on-site security guards or other mitigating measures deemed appropriate by the Police Department.
- 87. Applicant/developer shall adhere to the City's light standard and identify all light fixtures (wall mounted and pole lights) on the site plan.
- 88. Lighting shall provide face recognition at 100 feet.
- 89. The Police Department may require additional lighting to prevent unintended dark spots prior to final occupancy.
- 90. 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.
- 91. 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.

92. 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 and graffiti.
93. Prior to issuance of building permits, that landscape plan shall be amended to include drought tolerant "hostile vegetation" shall be used when possible under windows and around the fence line.
94. 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.
 - d. 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.
95. At no time shall any plant materials, plant products, or plant-derived products be visible from any public areas.

96. 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.
97. All delivery vehicles shall be equipped with GPS location equipment, which shall be maintained and available at all times.
98. 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.
99. 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.
100. 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 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.
101. Prior to issuance of occupancy permits, the applicant shall provide in the security plan 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.
102. Prior to issuance of occupancy permits the building plan will be amended to show the location of camera to be installed.

Fire Department:

103. The applicant/owner shall install Knox Boxes as approved by the Fire Department subject to the following:
 - a. On Structures the Knox Box shall be installed next to the Fire Department access door and be flush with the building.
 - b. 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.
 - c. If the buildings are protected with a FIRE alarm system, the lock box shall be required to have tampered monitoring.
 - d. Required order forms and installation standards may be obtained at the Fire Department Headquarters at 77933 Los Montana, in Palm Desert or Desert Hot Springs City Hall.
104. 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.

105. Applicant/developer shall submit three (3) sets of construction drawings to the Riverside County Fire Department Headquarters located at 77933 Los Montana, in Palm Desert for review and approval prior to issuance of any permits. Said construction drawings shall demonstrate project adherence to all provisions of the currently adopted Uniform Fire Code.
106. 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.
107. 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.
108. Exit designs, exit signs, door hardware, exit markers, exit doors, and exit path marking shall be installed per the 2016 California Building Code.
109. 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.
110. Access shall be provided to all mechanical equipment located on the roof as per the 2016 California Mechanical Code.
111. NFPA 704 placard shall be posted where applicable.
112. Shall provide equipment technical data sheets for the type of plastic to be hung in grow room. Shall be a minimum Class C finishing per CFC 803.9.
113. Shall submit separate plans for CO2 enriched systems.
114. Shall provide equipment technical data sheets for the access control egress door.
115. Shall provide sequence of operation for access control egress doors and shall comply with all requirements per CFC 1008.1.9.8.
116. Shall provide equipment technical data sheets for the type of lamps to be used.
117. Shall submit a Business Plan to Riverside County Health Department prior to final.
118. Shall design to current California Codes and Standards.
119. Shall provide a detailed scope of work.

120. Construction documents shall be drawn to scale upon suitable material. Construction documents shall be of sufficient clarity to indicate location, nature and extent of work proposed and show in detail that it will conform to the provisions of the 2016 CFC and relevant laws, ordinances, and rules and regulations.
121. Prior to issuance of occupancy permits, the applicant shall demonstrate to the satisfaction of the Riverside County Fire Department that the site conforms with fire lane width requirements in accordance with County standards, as found at:
http://rvcfire.org/stationsAndFunctions/AdminSppt/FireMarshal/Documents/Standards/FPS_x06-05_Access_Roadways_x2x.pdf

Building Department:

122. Project shall comply with all applicable Building and Municipal Codes.
123. All unpermitted construction shall be properly permitted and inspected or removed.

Mission Springs Water District:

Water System:

124. The developer shall comply with all rules, laws, ordinances, guidelines, and regulations of the District at the time the water service application is submitted.
125. In addition to the domestic water meter, MSWD ordinance may require a dedicated irrigation meter. All commercial projects require backflow prevention assemblies for their domestic and irrigation meters.
126. MSWD shall review plumbing plans to verify appropriate meter size.

Sewer Service:

127. The developer shall comply with all rules, laws, ordinances, guidelines, and regulations of the District at the time the sewer service application is submitted.

Landscape, as applicable per City requirements:

128. All new and rehabilitated residential and commercial development shall comply with the Mission Springs Water District's Water Efficient Landscaping Guidelines (guidelines are available at www.mswd.org). This policy requires outdoor water conservation practices within the MSWD service area, specifically: 1) the creation of landscape plans featuring the use of California native desert friendly plants; and 2) the preparation of irrigation plans detailing water efficient irrigation technology systems (e.g., drip irrigation, evapotranspiration irrigation controllers, etc.) appropriate to an arid desert climate. For additional details regarding plan check and inspection fees, please contact Theresa Murphy via email at tmurphy@mswd.org or (760) 329-6448 ext. 126.

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