

DRAFT CONDITIONS OF APPROVAL

MEETING DATE: February 11, 2020

TITLE: Two Bunch Palms Resort (new treatment rooms)

CASE NO: DR 20-1

PREPARED BY: Scott Taschner, Senior City Planner

REVIEWED BY: Rebecca Deming, Community Development Director

Administrative Conditions


1. The 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.
2. 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.
3. 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.

4. The development of the project on the project site shall be in substantial compliance with the exhibits contained in the project file for Design Review No. 20-1 as shown in all Exhibits attached hereto and incorporated herein by this reference.
5. 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.
6. The applicant/developer shall deliver within 5 (five) working days after the appeal period (15 days) to the Community Development Department a cashier's check, money order, or other acceptable form of payment made payable to "Riverside County" in the amount of \$50 to enable the City to file a Notice of Exemption as 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 Department Conditions

7. The site shall remain undisturbed until the applicant/developer is ready to begin building/construction process.
8. The applicant/developer shall implement all mitigation measures and monitoring program requirements outlined in the original environmental documents (Two Bunch Palms Resort EIR).
9. 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.
10. 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.

11. 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.
12. The applicant/developer shall demonstrate that there are adequate trash receptacles for collection of any additional waste or shall construct a new trash enclosure sufficient in size to deal with the additional refuse generated by the new facilities/ areas with the new amenities. Any new trash enclosure shall be constructed per city standards.
13. Applicant/developer shall adhere to the City's light standard and identify all light fixtures (wall mounted and pole lights) on the site plan.
14. 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. 
15. 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.
16. 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.
17. 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.
18. Wheel stops within the parking lot are prohibited unless required for ADA compliance or modified by the Director.
19. As a condition of the issuance of Grading Permit - 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)).

20. As a condition of the issuance of Grading Permit: 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:
 - I. **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
 - II. **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:
 - a. 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;
 - b. 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:

- c. 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.
- d. 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 and interested tribes.

Prior to the issuance of Building Permits:

- 21. 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.

- 22. If landscaping is proposed, 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.
23. 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.
24. If exterior lighting is proposed, the applicant shall submit an exterior Lighting Plan in compliance with all relevant sections of the DHSMC; include a photometric analysis, to the Planning Department for review and approval prior to issuance of a building permit. The Lighting Plan shall also identify the following:
- a. Exterior lighting shall be energy-efficient and shielded or recessed so that direct glare and reflections are contained within the boundaries of the Project Site, and shall be directed downward and away from adjoining properties and the public right-of-way.
 - b. All lighting outdoor lighting including fixture shall direct lighting downward.
 - c. The type of fixtures, including height, material, and color.
 - d. The total height of all freestanding lighting fixtures shall not exceed 18 feet.
 - e. That all concrete fixture bases will have a decorative finish. At a minimum, a trowel finish shall be provided.
 - f. That the bolts connecting the light fixture to the base shall be covered.
 - g. The lighting on-site shall provide 100-foot face recognition
25. Any perimeter walls and fences shall be of a design to prevent or discourage scaling & graffiti.

26. Plans shall be approved by the Fire Department for approval of plans that 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.
27. No signage is approved under this permit
28. Prior to the issuance of a Certificate of Occupancy the site and building(s) shall be inspected by the Police Department, Community Development Department, the Riverside County Fire Department, and the Mission Springs Water District, and the required and/or requested changes for final sign-off shall be implemented by the developer.
29. 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.
30. 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.
31. 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.
32. 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.

Building & Safety Conditions

33. The project shall comply with the current 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
34. Prior to any on-site construction, the applicant/developer shall obtain all necessary building permits.
35. All redwood headers are specifically prohibited from use on the project site.

Construction/Demolition Activity Fire Safety Conditions

36. 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.
37. Operations involving the use of cutting and welding shall be done in accordance with Chapter 35.
38. An approved water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible material arrives on the site.
39. 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.

Graffiti Conditions

40. 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.

41. 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.
42. 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.
43. 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.

Engineering Department Conditions

44. 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 FacilitiesPrior to the issuance of any permits for construction.
45. 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.

46. Applicant/developer shall submit the following items for approval from the Engineering Department:
 - a. Grading Plans with the street address for each lot and/or building foot prints
 - b. Storm Drain / Drainage Plans
 - c. Street Improvement Plans
 - d. Street Lighting Plans
 - e. Composite Utility Plans
(Sewer and Water Plans – submit to Mission Springs Water District)
47. 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. Preliminary Grading Plan
 - d. Hydrology Report
 - e. Preliminary traffic impact report
 - f. Utility master plan
 - g. Street Plans
 - h. Engineer's Estimate of the incomplete improvements
48. A Parcel Merger is required to merge any of the existing parcels such that all the improvements i.e. buildings, parking. Access and grading are on a single lot.
49. The current/submitted fault line investigation pursuant to the Alquist-Priolo Special Studies Zone Act shall be shown on the grading plan.
50. Two Bunch Palms Trail is a Major Collector-100 foot right of way- on the City's General Plan. The right of way is currently 80 feet wide and improvements installed. The Applicant/Developer has requested that the centerline of the General Plan configuration be shifted 10 feet northerly-See Exhibit A. Therefor and future widening would require 20-foot dedication from the northwesterly side of Two Bunch Palms Trail which is owned by the Applicant/Developer. The owner is willing to provide 20 foot irrevocable offer of dedication as noted herein as a condition of project approval.
51. 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.
52. A soil compaction report shall be prepared and submitted to the City Building Department for approval prior to issuance of any building permits.

53. 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.
54. 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.
55. 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

56. 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

57. 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.
58. 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.
59. The applicant/developer is required to construct all transition and missing links between existing and proposed improvements.
60. 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. The applicant/developer shall construct street improvements on the following streets:
 - a. Two Bunch Palms Trail, northwesterly side, street improvements including sidewalks and street lights to provide a fully improved Major Collector. These improvements may be deferred and guaranteed through an improvement agreement and security. **The improvements will be required if and when Two Bunch Palms Trail is widened.** The Applicant/Developer shall record documents on the northwesterly side of Two Bunch Palm Trail to notify future owners of this condition.
 - b. Improvements shall include removal and construction of existing street improvements that are severely damaged and/or not in compliance with City Standards along the property frontage on San Jacinto Road.
 - c. All sidewalks, ramps, and landings shall be compliant with the Americans with Disability Act.
101. 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.

102. No nuisance water shall escape the site onto public streets.
103. 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). Maintenance of retention basins and drainage system shall be the responsibility of the Applicant / property owner / operator
104. 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.
105. 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.
106. The proposed driveways shall be a radius driveway per City of Desert Hot

Springs Standard No. 210.

107. All overhead utilities less than 92kv, located within the project boundaries, bordering the project and/or fronting the project shall be undergrounded.
108. Applicant/developer shall enter into a water service agreement with the Mission Springs Water District for domestic water service.
109. 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.
110. 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.

- 111. All improvement agreements shall be approved by the City Attorney and City Council. Security for the agreement shall be approved by the City Attorney and Finance Director.

Fire Department Conditions

- 112. Fire Department approval is based upon the 2016 CBC requirements for **Group B** occupancies. It is prohibited to use, process or store any materials in the occupancy that would classify it as a Group H occupancy, without further review and approval.
- 113. Applicant and/or developer shall separately submit 2 sets of off-site water system plans to the Fire Department office for review. Plans must be signed by a registered Civil Engineer and/or water purveyor prior to Fire Marshal review and approval. Mylar will be signed by the Fire Marshal after review and approval.

The following conditions must be met prior to occupancy:

- 114. Whenever sprinkler overhead mains of 4" size or larger are provided, the Riverside County Fire Department requires documentation from a structural engineer that the roof structural members will be capable of supporting the weight of the water filled mains and attached lines. Provide appropriate detailed documentation, with a wet stamp and signature, by the project structural engineer.
- 115. Install a complete fire sprinkler system per NFPA 13. System plans must be submitted to the Fire Department for review, along with current plan/inspection fee.
- 116. Install a manual and/or automatic fire alarm system as per NFPA 72 required by the California Building Code, California Fire Code and designed in accordance with adopted standards. A C-10 licensed contractor must submit plans to the Fire Department office for review and approval prior to installation. (Prior to building final inspection)

117. A UL 300 hood/duct fire extinguishing system must be installed over the cooking equipment as required by the California Fire Code, California Mechanical Code and adopted standards. System plans must be submitted to the Fire Department for review, along with current plan check/inspection fee. **(if applicable)**

Buildings/facilities

118. Install Knox Key Lock box, mounted per recommended standard of the Knox Company. Special forms are available from this office for the ordering of the Key Switch. This form must be authorized and signed by this office for the correctly coded system to be purchased. Provide keys to the tenant space for inclusion in the main building Knox Box. Key(s) shall have durable and legible tags affixed for identification of the correlating tenant space.

Other requirements:

119. Install panic hardware and exit signs as per the 2016 CBC.
120. Exit signs, exit marker and exit path markings shall be installed per the California Building Code. (Prior to building final inspection).
121. Submit flame-retardant certification(s) by applicator or manufacturer, along with CSFM Listing, for all decorative materials used in this facility. Samples of flame-retardant material(s) may be required for flame spread testing. All required treated materials must have a current CSFM approval tag affixed to each item or panel. (Prior to building final inspection).
122. Prior to final inspection of any building, the applicant shall prepare and submit to the Fire Department for approval, a site plan designating required fire lanes with appropriate lane painting and/or signs.
123. Certain designed areas will be required to be maintained as fire lanes and will require approved signs and/or stenciling in red with CVC 22500.1 conspicuously posted.
124. Install portable fire extinguishers per Title 19, but not less than 2A10BC in rating. Contact a certified extinguisher company for proper placement and spacing of equipment.
125. This building has not been reviewed or approved for high pile/rack storage. Prior to such use, building(s) shall be approved for high-piled storage (materials in closely packed piles or on pallets, or in racks where the top of storage exceeds 12 feet in height, 6 feet for Group A plastics and certain other hazardous commodities) or aerosols products. High-piled and aerosol stock shall be approved by the Fire Department prior to materials being stored on site. A licensed Fire Protection Engineer or a Fire Department

approved consultant must prepare plans for high-piled storage or aerosol storage in accordance with the 2013 CFC and NFPA 13.

126. Applicant/developer shall be responsible for obtaining aboveground tank permits from both the County Health and Fire Departments (if applicable)
127. Occupancies storing or using significant volumes of hazardous materials shall appropriately display the required NFPA 704 Hazard Placard on the exterior access to the yards, buildings and rooms where the hazardous materials is located.
128. Approved building address shall be placed in such a position as to be plainly visible and legible from the street and rear access if applicable. Building address numbers shall be a minimum of 12". Minimum 6" tall suite addressing shall be provided to both the front and rear entrances. All addressing must be legible and of a contrasting color with the background and adequately illuminated to be visible from the street at all hours.
129. Applicable room door(s) shall be posted "ELECTRICAL", "FACP", "FIRE RISER" and "ROOF ACCESS" on the outside of the door so it is visible and in a contrasting color.
130. Room occupancy load, as approved by the Building Official, shall be posted in a conspicuous place near the main exit from the room(s). The location shall be approved by the Fire Department office. Posting shall be by means of an approved durable sign having a contrasting color from the background to which it is attached. The owner shall maintain signs in a legible manner. No person shall deface, remove or change the occupant load on the sign except as authorized by the Building Official and/or Fire Department office. (Prior to building final inspection)
131. A durable sign stating "This door to remain unlocked during business hours" shall be placed on or adjacent to the front exit doors. The sign shall be in letters not less than one inch high on a contrasting background.

Water and Wastewater Conditions

Water Service

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

132. 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.

133. The point of connection for any new domestic, irrigation, or fire water service for the project shall be determined upon the receipt of engineering plans.
134. The project is served by an existing 3" domestic meter located on the existing 8" main on Two Bunch Palms Trail, the adequacy of the existing domestic meter supply shall be reviewed.
135. The installation of backflow prevention devices is required for all non-residential domestic, fire, and irrigation service connections.
136. 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.
137. 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.
138. 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's General Manager.
139. The developer shall provide plumbing plans for including fixture units for District review of meter and service size.
140. MSWD requires having all of its facilities within the public right-of-way or recorded and dedicated easements.
141. 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 the proposed project provided the following conditions of service are completed:

142. The developer shall comply with all rules, laws, ordinances, guidelines, and regulations of the District at the time the sewer service application is submitted.
143. MSWD normally requires a 6" minimum diameter sewer lateral for all commercial projects.

144. 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.
145. 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).
146. 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.

Landscape

As applicable per City requirements:

147. 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.

END