

## **DRAFT CONDITIONS OF APPROVAL**

**MEETING DATE:** July 14, 2020

**TITLE:** Convenience Store

**CASE NO:** DP 19-17 and CUP 19-12

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

### **Standard Administrative Conditions**

1. 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 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. 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.
4. 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.

5. The development of the project on the site shall be in substantial compliance with the exhibits contained in the project file, as shown in all Exhibits attached hereto and incorporated herein by this reference.
6. This permit shall be for the use and plan specifically approved at this location. The permit shall not be transferrable to another location and any modification to the site plan may require a new approvals.
7. 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.
8. The applicant/developer shall maintain the site after the start of construction and until the project is completed, free of weeds, debris, trash or any other offensive, unhealthful and dangerous material. If after five (5) days notice by certified mail, the applicant/developer does not comply with the before mentioned criterion, the City may either cancel building or grading permits and/or enter the site with City staff and remove all subject violations, bill the applicant/developer and/or put a lien on the Project Site
9. 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.
10. If any of the conditions of approval are violated, or if the use otherwise become a public nuisance as set forth in the Municipal Code, the development permit and/or conditional use permit may be revoked as prescribed in the Municipal Code
11. The applicant/developer shall deliver within 2 (two) working days after approval to the Community Development Department a cashier's check,

money order, or other acceptable form of payment made payable to “Riverside County” in the amount of \$50 to enable the City to file a Notice of Exemption. Any additional fees that may be attributed to the required filing of environmental documents shall be paid by the applicant/developer. Should the fee be received after the deadline the statute of limitations for a CEQA filing shall be affected.

**Conditional Use Permit Conditions of Approval**  
**Standard Planning Conditions**

12. The use hereby permitted is for the establishment of a Type 21 Off-Site sale of beer, wine and distilled spirits for consumption off premises at 66079 Pierson Boulevard (APN 641-021-048), in the Commercial General zone.
13. The approval of CUP 19-12 is subject to the (2) year expiration provisions of the City's Zoning Ordinance, as provided in Section 17.76.070 will expire on May 7, 2022. The applicant may request an extension in compliance with the City's Zoning Ordinance. Upon filing a time extension(s) at least 30 (thirty) days prior to expiration of the project the Planning Commission may grant said time extension for good cause not to exceed twelve (12) months.
14. The Planning Commission herewith grants a “certificate of convenience and necessity” for Type 21 – Off-Sale of Beer, Wine and Distilled Spirits License for sales at 66079 Pierson Blvd.
15. The sale of alcoholic beverages shall be limited to the hours of operation.
16. The conditions as established by the State of California, Alcohol Beverage Control, shall be fully complied with in the operation of the business.
17. After 12 months of operation, the subject matter may, at the discretion of the Community Development Director, be scheduled for review by the Planning Commission. The Commission shall retain the authority to amend these conditions of approval at such time, or to modify the use or revoke the permit if substantial problems result from the operation.
18. The applicant shall be responsible for securing clearance, permits and approvals from all relevant agencies, including the Building Department, Fire Department, Health Department, ABC and any other necessary departments or agencies.
19. Exterior signage/advertisements promoting or indicating the availability of alcoholic beverages shall be prohibited. Exterior signage indicating the availability of alcoholic beverages shall be limited to the name of the

business.

**Development Permit Conditions of Approval**  
**Site Specific Conditions**

20. The use hereby permitted is for the establishment of a convenience store at 66079 Pierson Boulevard (APN 641-021-048), in the Commercial General zone.
21. The applicant/developer shall provide the Planning Department a trash enclosure plan including colors and material for review and approval.
22. A six foot landscape area shall be added along entire Pierson Blvd frontage at the back of sidewalk (excluding the driveway)
23. All wall signs shall be individual channel lettering
24. All on-site lighting shall be energy efficient, stationary and directed away from adjoining properties and public rights-of-way.
25. All landscaping shall be installed and permanently maintained pursuant to the provisions of Chapter 17.56 (Landscaping Standards).
26. The premises shall be kept in a neat and orderly condition at all times.
27. A bicycle rack shall be installed in a convenient location visible from the inside of the store.
28. The convenience store shall provide a public restroom located within the store.
29. Public pay telephones are prohibited
30. On-site video games may not be installed or operated on the premises.
31. All parking, loading, and circulation aisles shall be constructed with (PCC) concrete.
32. A clear delineation between the improved portion and the unimproved portion of the site shall be installed. This may include, but not limited to, a wall or curb, subject to plan approval by the City Engineer and Planning Department.

33. The project shall have a trash receptacle on the premises. The trash receptacle shall comply with adopted City standards and be of sufficient size to accommodate the trash generated. The receptacle(s) shall be screened from public view on at least 3 sides by a solid wall 6 feet in height and on the fourth side by a solid gate not less than 5 feet in height. The gate shall be maintained in working order and shall remain closed except when in use. The wall and gate shall be architecturally compatible with the surrounding structures. Recycling facilities and programs shall be incorporated into refuse storage/disposal areas.

### **Standard Planning Conditions**

34. The approval of DP 06-18 is subject to the (1) year expiration provisions of the City's Zoning Ordinance, as provided in Sections 17.92.070, and will expire on May 7, 2021. The applicant may request an extension of time per the City's Zoning Ordinance Section 17.92.100. Upon filing a time extension(s) at least 30 (thirty) days prior to expiration of the project the Planning Commission may grant said time extension for good cause not to exceed twelve (12) months.
35. 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.
36. Applicant/developer shall construct a trash enclosure in location per the approved Site Plan. The trash enclosure shall be constructed per City Standards.
37. 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. 
38. 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.
39. The applicant shall submit all appropriate application to the Building Department & the City Engineer

40. At no time shall the combination of uses or activities conducted with the building exceed the total demand for parking, as calculated in the City's Zoning Code and as provide onsite according to the approved site plan. Any change to the floor plan shall be subject to review and approval by the Planning Department.
41. Project shall have "Super Compliant" Architectural Coatings:
  - a. Prior to Building permit issuance the applicant shall submit evidence, such as emissions estimates, coating use estimates and manufacturers specifications for VOC content, or other evidence that indicates VOC emissions during architectural coating activities would not exceed SCAQMD CEQA significance thresholds.
  - b. Prior to Building permit issuance the applicant shall prepare a Coating Restriction Plan (CRP), consistent with SCAQMD guidelines. The project applicant/developer shall include in any construction contracts and/or subcontracts a requirement that Project contractors adhere to the requirements of the CRP. The CRP shall include a requirement that all interior and exterior residential and non-residential architectural coatings used in Project construction meet the SCAQMD "super compliant" coating VOC content standard of less than 10 grams of VOC per liter of coating. The CRP shall also specify the use of high-volume, low-pressure spray guns during coating applications to reduce coating waste.
42. The project shall use Tier IV Construction Equipment. To reduce construction equipment emissions of NOx, diesel particulate matter, and other pollutants, the applicant shall:
  - a. Use electric-powered and liquefied or compressed natural gas equipment instead of diesel-powered equipment to the maximum extent feasible.
  - b. All construction equipment with a rated power-output of 50 horsepower or greater shall meet U.S. EPA and CARB Tier IV Final Emission Standards for NOx. This may be achieved via the use of equipment with engines that have been certified to meet Tier IV emission standards, or through the use of equipment that has been retrofitted with a CARB-verified emission control strategy (e.g., selective catalytic reduction) capable of reducing exhaust NOx emission to levels that meet Tier IV standards.
  - c. The City may grant an exemption from these requirements in the event an applicant can factually document that the specific equipment needed to construct a project is not reasonably available (e.g., the specific Tier IV equipment needed is not available within Riverside County within the scheduled construction period).
43. Protocol focused surveys for sensitive plant and wildlife species shall be carried out by a qualified biologist if suitable habitat for any such species is

present on the project site and has a potential for impact. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought. Project permitting and approval requires compliance USFWS, CDFW, and CVMSHCP regulations for any impacts to special status plant or animal species.

44. Nesting Bird Avoidance: If vegetation removal is scheduled during nesting season (February 1 - September 1), focused surveys for active nests shall be conducted by a qualified biologist no more than three days prior to the beginning of project-related activities (e.g., excavation, grading and vegetation removal). Surveys shall be conducted in proposed work areas, staging and storage areas, and soil, equipment, and material stockpile areas. For passerines and small raptors, surveys shall be conducted within a 250-foot radius surrounding the work area (in non-developed areas and where access is feasible). For larger raptors, such as those from the genus *Buteo*, the survey area shall encompass a 500-foot radius. Surveys shall be conducted during weather conditions suited to maximize the observation of active nests and shall concentrate on areas of suitable habitat. If nests are encountered during any preconstruction survey, a qualified biologist shall determine if it is feasible for construction to continue as planned without impacting the success of the nest, depending on conditions specific to each nest and the relative location and rate of construction activities. Any active nest(s) within a Project Site shall be monitored by a qualified biologist during construction if work occurs directly adjacent to the pre-determined nest avoidance buffer. If the qualified biologist determines construction activities have potential to adversely affect a nest, construction activities will be halted within.
45. If riparian habitat or other sensitive natural communities are impacted by project-related activities, a habitat restoration and revegetation plan will be developed pursuant to U.S. Army Corps of Engineers and/or California Department Fish & Wildlife guidelines. Habitat restoration and revegetation plans will include, at a minimum: (a) the location of restoration sites and assessment of appropriate reference sites; (b) the plant species to be used, sources of local propagules, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) a local seed and cuttings and planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. Monitoring of restoration areas should extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought. For Projects with CVMSHCP

Conservation Areas, habitat revegetation, restoration, and conservation will be vetted via coordination with the appropriate resource agencies and the Coachella Valley Conservation Commission (CVCC) through the Joint Project Review (JPR) process to ensure the Project aligns with the goals and policies of the CVMSHCP.

46. Assess and Minimize Temporary Construction Noise Levels To ensure that the project implements appropriate construction noise controls, the applicant shall assess potential construction noise levels and minimize substantial adverse impacts by implementing feasible construction noise control measures that reduce construction noise levels at sensitive receptor locations, including nearby residences. Such measures include:
  - a. construction management techniques. This may include:
    - i. providing advance notice of construction activities to nearby noise-sensitive receptors
    - ii. Siting staging areas away from noise-sensitive land uses,
    - iii. monitoring construction;
  - b. construction equipment controls. This may include:
    - i. ensuring equipment has mufflers,
    - ii. use of electric hook-ups instead of generators);
    - iii. use of temporary sound barriers (equipment enclosures, berms, walls, blankets, or other devices) when necessary;
  - c. preparation of a plan, procedures, or other mechanisms to receive track, respond, and resolve construction noise complaints, including designation of an on-site appointee to handle such complaints, and report back to City staff; and
  - d. require monitoring construction noise levels if complaints are received to verify the need for additional noise controls.

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

47. All new commercial development shall comply with Mission Springs Water District's Water Efficient Landscaping Guidelines (guidelines are available at [www.ms wd.org](http://www.ms wd.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.
48. 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.
49. 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.
- 50. 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.
  - 51. Wheel stops within the parking lot are prohibited unless required for ADA compliance.
  - 52. All redwood headers are specifically prohibited from use on the project site.

#### **Standard Graffiti Conditions**

- 53. 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.
- 54. 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.
- 55. 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.
- 56. The applicant/developer and/or successor(s) in interest shall, to the extent feasible, have designed a building structure visible from any public or quasi-

public place in such a manner to consider prevention of graffiti, including, but not limited to the following:

- a. Use of additional lighting;
- b. Use of non-solid fencing;
- c. Use of landscaping designed to cover large expansive walls such as ivy or similar clinging vegetation; or
- d. Use of architectural design to break up long, continuous wall or solid areas.

#### **Standard Lighting Conditions**

57. Prior to the issuance of a Certificate of Occupancy the lighting shall be inspected by the Police Department and Community Development Department and requested changes for safety shall be implemented. The Planning and/or Police Departments may require additional lighting to prevent unintended dark spots prior to final occupancy.

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

58. Project shall comply with the 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
59. 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.
60. 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.

61. 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.
62. All perimeter/boundary walls shall be designed and constructed so that the outer/exterior face of the wall is as close as possible to the property line. In any case, the outer/exterior face of the wall shall be within two (2) inches of the property line. Distances greater than two (2) inches may be approved prior to construction by the Building Official on a case-by-case basis for extenuating circumstances.
63. 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.
64. If hazardous substances are used and/or stored, a technical opinion and report, identifying and developing methods of protection from the hazards presented by the hazardous materials may be required. This report shall be prepared by a qualified person, firm, or corporation and submitted to the Building Department. This report shall also explain the proposed facility's intended methods of operation and list all of the proposed materials, their quantities, classifications, and the effects of any chemical (material) inter-mixing in the event of an accident or spill.

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

65. 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.
66. Operations involving the use of cutting and welding shall be done in accordance with Chapter 35.
67. An approved water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible material arrives on the site.
68. Structures under construction, alteration or demolition shall be provided with not less than one approved portable fire extinguisher in accordance with section 906 and sized for not less than ordinary hazard as follows:

- a. At each stairway on all floor levels where combustible materials have accumulated.
- b. In every storage and construction shed.
- c. Additional portable fire extinguishers shall be provided where special hazards exist including hazards exist including, but not limited to, the storage and use of flammable and combustible liquids.

**Police Department Standard Conditions**

- 69. The applicant/developer shall comply with all applicable federal, state and City laws and regulations.
- 70. The applicant/developer shall incorporate all aspects of Crime Prevention through Environmental Design for visual surveillance, access control and territorial reinforcement.
- 71. The Police Department may require additional lighting to prevent unintended dark spots prior to final occupancy.
- 72. 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.
- 73. 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.

74. Prior to issuance of building permits, the site plan shall indicate all perimeter walls and fences to be of a design to prevent or discourage scaling & graffiti.
75. 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.
76. Security cameras shall be utilized to capture video of the perimeter of the building as well as interior areas of importance. The exterior shall have cameras two camera on each exterior wall. The interior shall have cameras covering areas of operation, registers, and one facing the entrance door from the inside to capture video of each person as they enter. The camera system shall have recording and back up capabilities for 90 days and will be made accessible to the Police Department on demand
77. Prior to issuance of occupancy permits the building plan will be amended to show the location of cameras to be installed.

#### Engineering Department Conditions

78. Prior to the issuance of a certificate of occupancy, Applicant/Developer shall annex to Community Facilities District No. 2010-1 for the maintenance of:
  - a. Landscape/Hardscape
  - b. Streetlights

- c. Drainage Basins/Storm Drain Facilities/Storm Water Retention System Facilities
79. Applicant/developer shall pay the Five Thousand Dollars (\$5,000.00) cost for the City's consultant to annex the Community Facilities District No. 2010-1 and the City fee for processing the request. The annexation shall be completed prior to the issuance of an occupancy permit.
  80. The applicant/developer shall pay the Five Thousand Dollars (\$5,000) cost for the City's consultant to annex to PTAX2 and the City fee for processing the request. The annexation shall be completed prior to the issuance of an occupancy permit or prior to the approval of the final map.
  81. 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 footprints
    - b. Storm Drain/Drainage Plans/Storm Water Retention Systems Facilities Plans
    - c. Soil Report
    - d. Street Signage and Striping Plans
    - e. Street Improvement Plans
    - f. Street Lighting Plans
    - g. Composite Utility Plans  
(Sewer and Water Plans – submit to Mission Springs Water District)
  82. All grading plans for the project shall be in compliance with the requirements of the City of Desert Hot Springs and the City Engineer. These requirements may include geotechnical, soils, dust control, erosion control, or other submittals to the satisfaction of the City Engineer.
  83. All grading plans and improvement plans shall be coordinated for consistency prior to the issuance of any permits and prior to the issuance of building permits with the proper pad certification from a licensed engineer.
  84. 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.
  85. The developer will be required to construct all parking spaces, parking areas and driveways to a 1% slope on AC and 0.5% slope on PCC to drain to an approved drainage facility onsite or City Storm Drain Facility as approved by the City Engineer.
  86. The design of the on-site grading and the storm drainage improvements shall be coordinated with all adjacent projects to the satisfaction of the City

Engineer.

87. The applicant/developer is required to construct all transition and missing links between existing and proposed improvements.
88. The developer will be required to install any improvements to any off-site facility if damaged during construction to the satisfaction of the City Engineer.
89. Any slopes exceeding 3' will need to have an in-ground water system and be planted with plant material to be approved by the Planning Department prior to Certificates of Occupancy per the City of Desert Hot Springs Zoning Ordinance 159.28.100.
90. All wall heights, wall types, and wall setbacks must be approved with the Planning Department.
91. 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.
92. All project associated sidewalks, ramps, and landings shall be compliant with the Americans with Disability Act
93. Applicant/developer shall construct full street improvements for Pierson Boulevard install one-half street improvements on south side from centerline to ultimate right of way. Improvements shall extend along frontage of property and all transitions necessary per City Engineer. improvements include but not limit to:
  - a. Asphalt repairs
  - b. Curb and gutter
  - c. Sidewalk
  - d. Landscape
  - e. Street light installation
94. Record an irrevocable offer of dedication of 5 feet on the south side of Pierson Boulevard to comply with the City's General Plan designation of Pierson Boulevard as a Minor Arterial, 110 feet of right of way. No street widening will be required because of the offer of dedication.
95. 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. Alternate methods may be provided with the approval of the City Engineer.

- 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.
96. 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.
97. Applicant/developer shall comply with the National Pollution Discharge Elimination System (NPDES) requirements per the California Regional Water Quality Control Board (RWQCB) regulations. The Applicant/Developer shall submit a Project Specific Stormwater Pollution Prevention Plan (SWPPP) to comply with the California General Permit for Stormwater Discharges Associated with the Construction Activity, prior to the issuance of a grading permit. For projects larger than 1 acre, the Applicant/Developer shall obtain all required permits from the California Regional Water Quality Control Board (RWQCB) and submit a copy of the Notice of Intent (NOI) and the Waste Discharge Identification Number (WDID#) to the City's Public Works Department prior to the issuance of the any grading permit.

For further information contact the RWQCB at:  
California Regional Water Quality Control Board (RWQCB),  
Colorado River Basin Region,  
73-720 Fred Waring Drive #100  
Palm Desert, CA 92260

(760) 346-7491

[www.waterboards.ca.gov/colorariver](http://www.waterboards.ca.gov/colorariver)

98. 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.
99. If Property is located in the Federal Emergency Management Act (FEMA). An Elevation Certificate shall be provided to the Building Department prior to issuance of a grading permit and shall be resubmitted "as constructed" prior to final grading signoff. In lieu of elevating the site, a Floodproofing Certificate for Non-Residential Structures may be filed with the building plans for the project and approved prior to the issuance of a grading permit.
100. 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.
101. A soil compaction report shall be prepared and submitted to the City Building Department for approval prior to issuance of any building permits.
102. 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
103. Any required water and sewer facilities must be constructed and paid for by the developer per the standards of the Mission Springs Water District (MSWD) and will require inspection by MSWD. Please direct all inquiries to MSWD Engineering Department by Email: [engineering@mswd.org](mailto:engineering@mswd.org) or by Phone: (760) 329-6448 (ext. 127; customer to leave message)
104. The developer shall provide and install all improvements, within and outside the project, in compliance with the policies and procedures of the City Engineer, and the serving utility company. These improvement requirements shall be completed or bonded prior to issuance of a building occupancy permit, building permit, or grading permit.
105. All overhead utilities less than 92kv, located within the project boundaries, bordering the project and/or fronting the project shall be undergrounded.
106. The applicant/developer/contractor shall comply with section 8.08 Recycling and Diversion of Waste from Construction and Demolition of the Municipal Code. An applicant may arrange exclusively with the City's preferred hauler

to remove construction and demolition waste for recycling or diversion from a project, and submit written evidence to the City, whereupon certain Chapter 8.08 requirements of applicant may be waived

107. 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
  
108. 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. 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.

109. 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.

110. 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**

111. Fire Hydrants and Fire Flow: Provide one copy of the water system plans to show there exist 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.
112. 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 and 503.2.1.
113. 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.

114. Phased Construction Access: If construction is phased, each phase shall provide approved access for fire protection prior to any construction. Ref. CFC 503.1.
115. 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

## **MISSION SPRINGS WATER DISTRICT**

### **Water Service**

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

116. The developer shall comply with all the rules, laws, ordinances, and regulations of the District at the time that the service water application is submitted.
117. The developer shall complete an application applying for water service and submit payment for all applicable District fees, charges, and deposits related to domestic, irrigation and fire services. All fees are subject to change due to the actual time of application for services from the District.
118. The installation of backflow prevention devices will be required on all water connections.
119. Water service for the proposed site will be from the existing 8" ACP water main in Pierson Blvd. or the either of existing 1" water services. The developer will be required to provide plans for offsite water improvements in conformance with MSWD Standard Specifications.
120. The developer shall submit plumbing plans showing maximum water demand in gallons per minute for MSWD verification of meter sizes.
121. Installation of a fire line service(s) may be required per Riverside County Fire Department Standards. A double check detector assembly (DCDA) will be a minimum requirement at the time of installation and shall be shown on the water improvement plans.
122. The developer's design engineer shall submit hydraulic calculations to the District indicating the availability of the required fire flows as determined by

the Riverside County Fire Department. These requirements must also conform to the District's maximum velocity rates as described in the MSWD Developer/Contractor Handbook (design guidelines). The development handbook is available on our website at [www.mswd.org](http://www.mswd.org).

123. MSWD requires having all of its facilities within the public right-of-way. Recorded and dedicated easements (per final map dedications and approvals) will also be required per final design approval.
124. The developer shall comply with all the District standards and conditions and have final approval of all design plans by the District Engineer and/or his/her designee, and the District General Manager.
125. The developer may be required to bond all public infrastructure in accordance with the MSWD Developer/Contractor Handbook and shall be required to supply a warranty bond for the infrastructure constructed and deeded to MSWD. This warranty bond will be released 1 year from the District's final acceptance of the infrastructure.
126. All bonds required for sewer and water service must be presented to the Mission Springs Water District before final design plans are signed.

### **Sewer Service**

**Sewer service is available for the proposed project provided the following conditions of service are completed:**

127. The developer shall complete an application applying for sewer service and submit payment for all applicable District fees, charges and deposits related to sewer connection (i.e., commercial sewer connection fees per current MSWD fee schedules). All fees are subject to change due to the actual time of application for services from the District.
128. The locations available for connection are 3 existing sewer laterals located on Peirson Blvd.
129. MSWD requires having all of its facilities within the public right-of-way. Recorded and dedicated easements (per final map dedications and approvals) will also be required per final design approval.
130. The developer shall submit proposed plumbing plans to MSWD to review for compliance with MSWD ordinances.
131. The developer shall comply with all the District standards and conditions and have final approval of all design plans by the District Engineer and/or his/her designee, and the District General Manager.

132. The developer shall be required to flush all onsite private sewer connections under direct District inspection prior to connection to the existing sewer lateral(s).
133. All bonds required for sewer and water service must be presented to the Mission Springs Water District before final design plans are signed.

**Landscape**

134. All new residential and commercial development shall comply with the *Mission Springs Water District's Water Efficient Landscaping Guidelines* (guidelines are available at [www.ms wd.org](http://www.ms wd.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. Please note a dedicated irrigation service may be required depending on the square footage of the landscape area. For additional details, please contact Theresa Murphy at (760) 329-6448, ext. 126.

**END**