

DRAFT CONDITIONS OF APPROVAL

MEETING DATE: July 14, 2020

TITLE: Anaerobic Digester

CASE NO: Development Permit 20-9

PREPARED BY: Patricia Villagomez, Assistant Planner

REVIEWED BY: Rebecca Deming, Community Development Director

Project Specific Conditions:

1. The approval is for an Anaerobic Digester facility of an approximately 22,900 square and a 3,000 square foot office building along with parking, landscape and other associated improvements.
2. The approval of the increased height of 54' for the Anaerobic Digester ONLY. All other structures shall not exceed the maximum height restrictions.
3. No signage is approved under this permit.
4. The applicant shall submit a Sign Permit application for all signs to be reviewed and approved by the Planning Department to include the following:
 - a. All sign shall be channel letters
 - b. No sign shall have exposed raceways or conduits
 - c. All signage shall comply with the Desert Hot Springs Municipal Code
 - d. All signs that are removed shall be painted and patched immediately
5. All appropriate permits shall be pulled with the City's Building Department.
6. This facility is not approved to be open to the public as a recycling facility. It is approved for use by property owners and tenants within the Coachillin Specific Plan Only.

Standard Administrative Conditions

7. The approval of DP 20-9 is subject to the (1) year expiration provisions of the City's Zoning Ordinance, as provided in Section 17.92.070 and will expire on July 14, 2021. *"Commencement of construction shall have*

occurred within 1 year of Development Permit approval, or the permit shall become null and void. In addition, if after commencement of construction, work is discontinued for a period of 1 year, then the Development Permit shall become null and void. Projects may be built in phases if so pre-approved by the review authority. If a project is built in pre-approved phases, each subsequent phase shall have 1 year from the previous phase's date of construction commencement to the next phase's date of construction commencement to have occurred, or the Development Permit shall become null and void."

8. The applicant may request an extension of time for DP 20-9 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 review authority may grant said time extension for good cause not to exceed twelve (12) months.
9. Applicant/developer shall indemnify, protect, hold harmless and defend, with counsel selected by the City, the City and any agency or instrumentality thereof, and/or any of its officers, employees and agents from any and all claims, actions, or proceedings, including those involving environmental issues, against the City to attack, set aside, void, annul, and/or seek monetary damages resulting from an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board or legislative body including actions approved by the voters of the City, concerning the entitlement application. City shall promptly notify both the Applicant/Developer and landowner of any claim, action, or proceeding to which this condition is applicable and shall further cooperate fully in the defense of the action. The City reserves its right to take any and all action the City deems to be in the best interest of the City and its citizens in regard to such defense.
10. All development on the 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.
11. No Certificate of Occupancy (C of O) shall be granted until all Conditions of Approval have been completed and approved by the Planning, Engineering, Building, and Fire Departments unless otherwise identified herein.
12. The development of the Project on the Project Site shall be in substantial compliance with the exhibits contained in the project file for DP 20-9 as shown in all Exhibits and incorporated herein by this reference.
13. The final grading plan shall be in substantial conformance with the designs

set forth in the hydrology report and site drainage design.

14. **Within fifteen (15) days** of final approval 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 authorization shall become void, and any privilege, permit, or other authorization granted under this entitlement DP 20-9 shall be deemed to have elapsed if compliance with this condition has not been undertaken within the specified time limits.
15. The applicant/developer shall deliver within 5 (five) working days to the Community Development Department a cashier's check, money order, or other acceptable form of payment made payable to "Riverside County" in the amount of \$2,406.75 plus \$50.00 for processing fee to enable the City to file a Notice of Determination required pursuant to California Code of Regulations Section 15075. Any additional fees that may be attributed to the required filing of environmental documents shall be paid by the Applicant/Developer. 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)).
16. A scanned copy of the signed Conditions of Approval shall be included in the Building Construction Plans submitted for plan check.
17. In recognition of the need for wider roadways and traffic signal improvements to meet the peak demand (or cumulative impacts), and any other applicable impacts of new development in the Annexation area, the project shall mitigate cumulative traffic and other impacts by paying the City's DIF to provide funds for maintaining and augmenting transportation (roadways and traffic signals) and other facilities and needs in the Annexation area. The DIF fee shall be payable when the City has completed the updated Nexus Study identifying the appropriate DIF fee for properties in the Annexation area.
18. 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.

Engineering Department Conditions

19. 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.
20. 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.
21. 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.
22. 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
 - h. (Sewer and Water Plans – submit to Mission Springs Water District)
23. 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.
24. All grading plans and improvements 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.
25. 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.
26. 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.

27. 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.
28. The applicant/developer is required to construct all transition and missing links between existing and proposed improvements.
29. 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.
30. Any slope 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.
31. All wall heights, wall types, and wall setbacks must be approved with the Planning Department.
32. 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.
33. All project associated sidewalks, ramps, and landings shall be compliant with the Americans with Disability Act
34. Applicant/developer shall construct full street improvements for 19th Avenue, install one-half street improvements on north side from centerline to ultimate right of way prior to issuance of certificate of occupancy. Improvements shall extend along frontage of property and all transitions necessary per City Engineer. Improvements include but not limited to;
 - a. Asphalt Concrete with Base per approved plans
 - b. Curb and gutter
 - c. Sidewalk
 - d. Landscape
 - e. Streetlight installation per City Standards
35. Applicant/developer shall construct 30 feet wide minimum street improvements along 19th Avenue connecting from full street improvements on West-end of project property line to North Indian Canyon Drive improvements prior to issuance of certificate of occupancy. Improvements shall include not limited to;
 - a. Asphalt Concrete with Base (minimum 30 feet wide) per City Standards and approved plans

- b. All transitions necessary to any existing improvements along the road segment
 - c. Road shoulder drainage swale and transitions
 - d. All necessary public improvements to all intersections along 19th Avenue from property to North Indian Canyon Drive per City Engineer, including but limited to;
 - I. 4-way Asphalt Concrete over Base extending each direction
 - II. Stop Sign Striping/Signage (if applicable)
36. Applicant/developer shall dedicate the following streets prior to issuance of certificate of occupancy:
- a. 19th Avenue, Minor Collector 88-foot right of way, northerly one-half from centerline to ultimate right of way-44 feet
37. Applicant/developer shall complete the following off-site intersection improvements prior to issuance of certificate of occupancy, per traffic study by Kunzman Associates dated August 1, 2018:
- a) Indian Canyon Drive (NS) at Dillon Road (EW)
 - I. Provide a second northbound through lane
 - II. Provide a second southbound through lane
 - III. Install a new traffic signal at the intersection – The applicant
 - b) Indian Canyon Drive (NS) at 19th Avenue (EW)
 - I. Install a westbound stop sign and a right-turn only sign
 - II. Provide a southbound left turn lane
 - III. Provide a westbound right turn lane
 - IV. Restrict eastbound and westbound left turn movements
 - c) Indian Canyon Drive (NS) at 18th Street (EW)
 - I. Install a westbound stop sign and right-turn only sign (as part of the Coachillin' Industrial Park)
 - II. Provide a northbound right turn lane (as part of the Coachillin' Industrial Park)
 - III. Provide a southbound left turn lane (as part of the Coachillin' Industrial Park)
 - IV. Provide a westbound right turn lane (as part of the Coachillin' Industrial Park)
 - d) Indian Canyon Drive (NS) at Coachillin' Access (EW) – #3
 - I. Install a traffic signal (as part of the Coachillin' Industrial Park)
 - II. Provide a northbound U-turn lane (as part of the proposed Anaerobic Digester project)
 - III. Provide a second northbound through lane (as part of the Coachillin' Industrial Park)
 - IV. Provide a westbound left turn lane (as part of the Coachillin' Industrial Park)
 - V. Provide a westbound right turn lane (as part of the Coachillin' Industrial Park)

38. The applicant/developer shall pay its fair share amount of 5.1% of the construction cost of the installation of the traffic signal at Indian Canyon Drive (NS) at Dillon Road (EW) per the traffic study by Kunzman Associates dated August 1, 2018. The fair share cost shall be paid prior to the issuance of the certificate of occupancy.
39. 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.
40. 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.
41. 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

42. 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.
43. 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.
44. 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.
45. A soil compaction report shall be prepared and submitted to the City Building Department for approval prior to issuance of any building permits.
46. 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
47. 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 or by Phone: (760) 329-6448 (ext. 127; customer to leave message)
48. 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.

49. All overhead utilities less than 92kv, located within the project boundaries, bordering the project and/or fronting the project shall be undergrounded.
50. The applicant/developer 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.
51. 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
52. If the 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.
53. 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.
 - c. 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.
54. All improvement agreements shall be approved by the City Attorney and City Council. Security for the agreement shall be approved by the City Attorney and Finance Director.

Standard Planning Department Conditions

- 55. The applicant/developer shall implement all mitigation measures and monitoring program requirements outlined in the Environmental Documents.
- 56. 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 provided onsite according to the approved site plan. Any change to the floor plan shall be subject to review and approval by the Planning Department.
- 57. 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.

58. The site shall remain undisturbed until the applicant /developer is issued a grading permit.
59. The applicant/developer shall control odors within the building.
60. Should odors emanate from the building or project site in the future, the applicant/developer shall submit revised plans and equipment specifications to the planning department for review and approval.
61. The applicant/developer shall implement all mitigation measures outlined in the Mitigated Negative Declaration.
62. Wheel stops within the parking lot are prohibited unless required for ADA compliance.
63. 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.
64. The use of rolled concrete on any exterior walls or trash enclosures is specifically prohibited.
65. Applicant/developer shall construct a trash enclosure in location per the approved Site Plan. The trash enclosure shall be subject to the following:
 - a. Enclosure shall be constructed of masonry block or concrete on a concrete pad. Gravel, compacted soil, or asphalt are not permitted for pad.
 - b. Two metal gates or similar material painted to match the building and positioned to swing clear of the enclosure's front width.
 - c. Gate pins shall be installed to hold gates open for integrity and safety
 - d. The enclosure shall be designed to allow walk in access without having to open the service gate.
 - e. A stress concrete apron shall extend a maximum of 13 feet from the trash enclosure pad the width of the enclosure opening to prevent damage to the asphalt paving caused by receptacle impact.
 - f. The trash enclosure base shall be 6-inches of concrete over 2-inches aggregated base rock or the builder shall provide evidence that construction are engineered to withstand up to 20,000 lbs. of direct force from a single truck axle.

- g. The trash enclosure shall have a trellis above the gates and enclosure to prevent unauthorized trash dumping into the bins. Said trellis shall be made of steel and painted to match the building trim colors to accentuate the enclosure.
 - h. Each trash enclosure shall be properly maintained.
 - i. The walls of the trash enclosure shall have a decorative cap.
- 66. Outdoor storage of equipment and/or merchandise must satisfy all screening requirements of Sections 17.16.320 of the Desert Hot Springs Municipal Code.
- 67. Outdoor sales are prohibited unless the applicant has a Temporary Use Permit approved subject to the provisions of Section 17.136 of the Desert Hot Springs Municipal Code.
- 68. All drainpipes shall be interior to the building. Exposed drainpipes are specifically prohibited.
- 69. All drain terminations shall be from the Watts Drainage Product RD-940 or a product of equal value. 
- 70. All breaker boxes, fire sprinkler risers, and utility conduits shall be interior to the building.
- 71. All Vapor Collection Systems at Service Stations shall be screened from public view.
- 72. All new commercial development shall comply with Mission Springs Water District's Water Efficient Landscaping Guidelines (guidelines are available at 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.
- 73. 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.

74. The project shall use Tier IV Construction Equipment. To reduce construction equipment emissions of NO_x, 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 NO_x. 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 NO_x 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).
75. 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.
76. 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.

77. 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.
78. 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.

Landscaping:

- 79. 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.
- 80. 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. It is the responsibility of the contractor and/or Applicant to make an appointment with the project planner to conduct this verification.
81. 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.
 82. All redwood headers are specifically prohibited from use on the project site.
 83. All irrigation lines shall be located below ground with no surface exposure.
 84. All mechanical equipment, either roof or ground mounted, and shall be screened from public view. All such equipment shall be fully screened by the roof structure, a parapet wall, appropriate ground mounted walls, berming, or landscaping. All walls shall architecturally match the building.

Graffiti:

85. The applicant/developer shall keep the Project Site, clear of graffiti vandalism at all times. The Applicant / Developer shall contact the City's Graffiti Hot Line at 888-562-3822 within 48 hours of discovering the graffiti vandalism.
86. 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.

87. In the event there is a change in the name, address or telephone number of the responsible person(s), firm or company, the Applicant / Developer or successor shall notify the City within 48 hours, in writing, of the change and provide the City with the current contact information of responsible person(s), firm or company.
88. 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.
89. 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.
90. In the event that applicant/developer and/or successor(s) in interest, fail to remove the graffiti vandalism within 48 hours, requiring the City and/or its agents to enter the Project Site for the purpose of removing or painting over graffiti vandalism the Applicant / Developer and/or successor(s) in interest shall release the City and/or its agents from any liability for property damage or personal injury. And shall reimburse to the City all costs associated with the removal of the graffiti vandalism.
91. The Applicant / Developer and/or successor(s) in interest shall include the aforementioned authorizations to enter the Project Site for the purpose of removing or painting over graffiti vandalism as part of authorization agreement to the satisfaction of the Community Development Department and the approval of the City Attorney, as to form.
92. 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.

Lighting:

93. The Applicant shall submit an exterior Lighting Plan in compliance with all relevant sections of the DHSMC, include a photometric analysis, to the City Planner for review and approval prior to issuance of a building permit. The Lighting Plan shall also identify the following:
 - a. Exterior lighting shall be energy-efficient and shielded or recessed so that direct glare and reflections are contained within the boundaries of the Project Site and shall be directed downward and away from adjoining properties and the public right-of-way.
 - b. All lighting outdoor lighting including 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.
94. Applicant / Developer shall apply for a separate permit for any proposed signage, in accordance with the provisions of the City's Municipal Code.
95. Applicant/developer shall adhere to the City's light standard and identify all light fixtures (wall mounted and pole lights) on the site plan.
96. Lighting shall provide face recognition at 100 feet.
97. The Planning and/or Police Departments may require additional lighting to prevent unintended dark spots prior to final occupancy.
98. Secluded or hidden interior corridors are strongly discouraged by the Planning and Police Departments. For uses utilizing said corridors, mitigation measures shall be required and may include increased lighting, security surveillance cameras, controlled access, on-site security guards or other mitigating measures deemed appropriate by the Police Department.

Police Department Conditions

99. The applicant/developer shall comply with all applicable federal, state and City laws and regulations.
100. The applicant/developer shall incorporate all aspects of Crime Prevention through Environmental Design for visual surveillance, access control and territorial reinforcement.

101. Every area of the proposed development must be visible either from the street or from the structure. Unavoidable dead spaces or hidden/secluded areas require additional mitigating measures which may include increased lighting, hostile landscaping, security surveillance cameras, perimeter fencing and/or security gates, on-site security guards or other mitigating measures deemed appropriate by the Police Department.
102. Applicant/developer shall adhere to the City's light standard and identify all light fixtures (wall mounted and pole lights) on the site plan.
103. Lighting shall provide face recognition at 100 feet.
104. The Police Department may require additional lighting to prevent unintended dark spots prior to final occupancy.
105. 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.
106. 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.

107. 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.
108. Prior to issuance of building permits, that landscape plan shall be amended to include drought tolerant "hostile vegetation" shall be used when possible under windows and around the fence line.
109. Prior to issuance of building permits, a photovoltaic survey shall be prepared and submitted with the proposed lighting plan. The lighting plan shall be reviewed to assure that:
 - a. Lighting provides adequate visibility, face & color recognition, and a sense of security for employees and visitors.
 - b. LED and / or Metal Halide lights are recommended.
 - c. Lighting shall be shielded through the use of fixture design and placement, and shrouds so that spillover at the property line is minimized.
 - d. Prior to issuance of building permits, the building plans shall indicate that motion sensors are installed on the building rooftops, subject to review and approval by the City of Desert Hot Springs Police Department. Specifications for the motion's sensors shall be included in the building plan set.
110. At no time shall any plant materials, plant products, or plant-derived products be visible from any public areas.
111. Prior to issuance of building permits, the plans shall be amended to indicate the location and type of all gate control and access equipment and / or systems (e.g. Knox box, keypad, radio control, etc.) Prior to issuance of occupancy permits, the applicant will provide all access equipment, materials, codes, etc. to the City of Desert Hot Springs Police Department.
112. All delivery vehicles shall be equipped with GPS location equipment, which shall be maintained and available at all times.
113. All employees, regardless of status, shall be subject to Live Scan or similar security clearance through the City of Desert Hot Springs Police Department. All employees shall be issued photo ID cards and shall keep the card on her / his person at all times.

114. Any private security service that uses security guards with uniforms shall assure to the satisfaction of the City of Desert Hot Springs Police Department that the uniforms are sufficiently different in appearance from any uniform of the Police Department, Riverside County Sheriff or other local police department.
115. 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
116. Prior to issuance of occupancy permits, the applicant shall provide in the security plan that at all times at least one member of the dispensary management or staff has knowledge of the operation of all video surveillance equipment and is capable of assisting the Police Department at any time the Police have need of such assistance.
117. Prior to issuance of occupancy permits the building plan will be amended to show the location of camera to be installed.

Fire Department Conditions

118. 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
119. Tract Water Plans: If fire hydrants are required to be installed, applicant/developer shall furnish two copies of the water system fire hydrant plans to Fire Department for review and approval prior to building permit issuance. Plans shall be signed by a registered civil engineer, and shall confirm hydrant type, location, spacing, and minimum fire flow. Once plans are signed and approved by the local water authority, the originals shall be presented to the Fire Department for review and approval. Ref. CFC 105.4.1
120. 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

121. Requests for installation of traffic calming designs/devices on fire apparatus access roads shall be submitted and approved by the Office of the Fire Marshal. Ref. CFC 503.4.1
122. Grading Permit Fire Department Review: Submittal to the Office of the Fire Marshal for Precise Grading Permit will be required.
123. 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.
124. Phased Construction Access: If construction is phased, each phase shall provide approved access for fire protection prior to any construction. Ref. CFC 503.1
125. Fire Sprinkler System: All new commercial structures 3,600 square feet or larger will be required to install a fire sprinkler system. Ref CFC 903.2
126. Fire Alarm and Detection System: A water flow monitoring system and/or fire alarm system may be required and determined at time of building plan review. Ref. CFC 903.4, CFC 907.2 and NFPA 72
127. 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
128. Addressing: All commercial buildings shall display street numbers in a prominent location on the address side and additional locations as required. Ref. CFC 505.1 and County of Riverside Office of the Fire Marshal Standard #07-01.
129. Cannabis Facilities: Deferred submittals shall be required for Carbon Dioxide Gas Enrichments Systems and Plant Processing/Extraction Systems. Refer to the Riverside County Office of the Fire Marshal Technical Policy #TP16-004 and #TP16-005.

Building & Safety Department Conditions

130. Project shall comply with the adopted 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

131. 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.

132. 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.

133. 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.

134. 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.

135. 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.

136. The Tract or Parcel map shall record prior to the issuance of any permits.

Mission Springs Water District Conditions

Water Service

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

137. 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.
138. Water service for the subject parcel for all fire, domestic, and irrigation shall be from the existing 16" main located on the west side of Little Morongo Road. All design and construction for installation of services shall be done at the developer's expense.
139. The installation of backflow prevention devices is required for all non-residential domestic, fire, and irrigation service connections.
140. 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.
141. 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.
142. 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.
143. The developer shall provide plumbing plans with fixture units for District review of meter and service size.
144. MSWD requires having all of its facilities within the public right-of-way or recorded and dedicated easements.
145. 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.

Septic System. Sewer service is currently unavailable for the property. The following conditions apply to the installation of septic system(s) in order to assure protection of groundwater quality:

146. MSWD requires submittal of proposed plumbing plans showing all connections to the septic system(s) and the size and location of the proposed disposal system(s) for the project.
147. MSWD will require a Report of Waste Discharge for the project. The report shall be prepared by a qualified Licensed Professional Engineer in accordance with the requirements currently in use by the California State Water Resources Control Board (CSWRCB). The report shall be submitted to the Regional Water Quality Control Board and/or Riverside County Health Department as determined by CSWRCB to determine if enhanced treatment is required.

Landscape, as applicable per City requirements:

148. 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) 329-5169 ext. 126.

END