

FINAL CONDITIONS OF APPROVAL

Meeting Date: September 5, 2017

Project Title: Inaja Street Bed & Breakfast

Case No.: CUP 20-17, VAR 01-17

Prepared by: Scott Taschner, Senior Planner

Reviewed by: Daniel Porras, Community Development Director

Approved by: City Council

Project Specific Conditions:

1. The applicant/developer shall submit final drawings/plans which reflect the City Council approved side-yard setbacks as well as any other changes required as part of the City Council action.
2. No action on is being taken on the proposed monument/business signage under these permits.
3. The applicant/developer shall submit the business signage under a separate permit.
4. Any proposed change in use will require a formal submittal to the City's Planning Department. The submittal shall include all required materials/plans needed to evaluate the proposal.
5. The property owner/proprietor shall be responsible for collecting and paying all Transient Occupancy Taxes (TOT) to the City.
6. The property owner/proprietor shall submit the Transit Occupancy Taxes to the city on a monthly basis.
7. The property owner/proprietor shall comply with Chapter 3.20 (Transit Occupancy Tax) of the Desert Hot Springs Municipal Code
8. Prior to the issuance of building permit that applicant/developer shall submit a final landscape for Planning Department review and approval.

Administrative Conditions:

9. The approval for CUP 20-17 *is* subject to the two (2) year expiration provisions of the City's Zoning Ordinance, as provided in Section 17.76.170 and ***will expire on September 5, 2019.***
10. *The approval for VAR 01-17 is subject to a one (1) year expiration, as provided in Section 17.140.080 of the Desert Hot Springs Zoning Code and will expire on September 5, 2018.*
11. The applicant may request an extension of time for Conditional Use Permit 20-17 and/or Variance No. 01-17, per the City's Zoning Ordinance Sections 17.76.090 and 17.140.090 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.
12. Applicant/Developer shall indemnify, protect, hold harmless and defend, with counsel selected by the City, the City and any agency or instrumentality thereof, an/or any of its officers, employees and agents from any and all claims, actions, or proceedings against the City to attack, set aside, void, annul, seek monetary damages resulting from an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board or legislative body including actions approved by the voter of the City, concerning the entitlement application. City shall promptly notify both the Applicant/Developer and landowner of any claim, action, or proceeding to which this condition is applicable and shall further cooperate fully in the defense of the action. The City reserves its right to take any and all action the City deems to be in the best interest of the City and its citizens in regard to such defense.
13. 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.
14. 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 unless otherwise identified

herein. A Temporary Certificate of Occupancy (TCO) may be issued for a specific time period if a significant amount of issues have been resolved and there remains only minor issues that do not pose a threat to health & safety.

15. The development of the Project on the Project Site shall be in substantial compliance with the exhibits contained in the project file for CUP 20-17 & VAR 01-17 as shown in all Exhibits attached hereto and incorporated herein by this reference.
16. The final grading plan if required shall be in substantial conformance with the designs set forth in the hydrology report and site drainage design.
17. 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.
18. A scanned copy of the signed Conditions of Approval shall be included in the Building Construction Plans submitted for plan check.
19. 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.

20. The Applicant / Developer shall deliver within 5 (five) working days after the appeal period (15 days) to the Community Development Department a cashier's check, money order, or other acceptable form of payment made payable to "Riverside County" in the amount of \$50 to enable the City to file a Notice of Exemption required pursuant to California Code of

Regulations Section 15075. Any additional fees that may be attributed to the required filing of environmental documents shall be paid by the Applicant/Developer. If Applicant/Developer has not delivered to the Community Development Department the check as required above, the approval for the project granted shall be void by reason of failure of condition (Fish and Game Code Section 711.4(c)).

Planning Conditions:

21. If the project involves any ground disturbance and any human remains are discovered, the Applicant shall cease all work and contact the Desert Hot Springs Police Department and the Riverside County Coroner's Office. Work shall not resume until such time that the site has been cleared by County Coroner and/or the Desert Hot Springs Police Department.
22. If the project involves any ground disturbance and during the course of such work any artifacts or other cultural resources are discovered, all grading on the site shall be halted and the Applicant shall immediately notify the Planning Department. A qualified archaeologist shall be called to the site by, and at the cost of, the Applicant to identify the resource and recommend mitigation if the resource is culturally significant. The archeologist will be required to provide copies of any studies or reports to the City and the Eastern Information Center for the State of California located at the University of California Riverside.
23. If the project involves any ground disturbance and paleontological resources are encountered and a qualified paleontological monitor can evaluate any paleontological resources exposed during the grading activity. Applicant / Developer shall hire a paleontological monitor and shall be responsible for payment of all related expenses. If paleontological resources are encountered, adequate funding shall be provided to collect, curate and report on these resources to ensure the values inherent in the resources are adequately characterized and preserved.
24. In the event that any human remains are discovered, during construction of the proposed project, the project contractor would be subject to either the State law regarding the discovery and disturbance of human remains or the burial protocol of the Indian tribe. In either circumstance, all destructive activity in the immediate vicinity shall halt and the County Coroner shall be contacted pursuant to State Health and Safety Code

- §7050.5. If the remains are determined to be of Native American origin, the Native American Heritage Commission (NAHC) shall be contacted. The NAHC will make a determination of the Most Likely Descendent (MLD). The City and applicant will work with the designated MLD to determine the final disposition of the remains.
25. 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.
26. All walls and trash enclosures shall have a decorative wall surface and a decorative cap that are consistent with the overall architecture of the project.
27. The use of rolled concrete on any exterior walls or trash enclosures is specifically prohibited.
28. Applicant / Developer shall construct or remodel an existing 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.
- j. There shall be no outdoor storage of equipment or product.

29. All new drain pipes shall be interior to the building. Exposed drain pipes are specifically prohibited.

30. All new drain terminations shall be from the Watts Drainage Product RD-940 or a product of equal value.



31. All new breaker boxes, fire sprinkler risers, and utility conduits shall be interior to the building.

Landscaping:

32. 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.

33. 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.

- n. All changes of species made by the Mission Springs Water District shall have concurrent approval from the Community Development prior to final approval.

34. All redwood headers are specifically prohibited from use on the project site.

35. All irrigation lines shall be located below ground with no surface exposure.

36. 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.

37. All parking and driveways shall have a hard surface to be approved by the Community Development prior to the issuance of a Building Permit.

38. The applicant shall be required to complete a o. Permit prior to Occupancy of the Building.

Graffiti:

39. 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.

40. 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.

41. 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.

42. 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.
43. 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.
44. 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.
45. 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.
46. 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.

45. Applicant / Developer shall apply for a separate permit for any proposed signage, in accordance with the provisions of the City's Municipal Code.
46. Applicant / Developer shall adhere to the City's light standard and identify all light fixtures (wall mounted and pole lights) on the site plan.
47. The Plan Check set of plans shall identify all window frames, door frames, window type, doors, and provide description of all exterior materials.

Building & Safety:

48. Project shall comply with the 2016 California Building Standards Code (Title 24, California Code of Regulations) and other adopted City Ordinances which include the following:
 - a. CA Building Code
 - b. CA Plumbing Code
 - c. CA Mechanical Code
 - d. CA Electrical Code
 - e. CA Fire Code
 - f. CA Green Building Standards Code
 - g. CA Energy Code
49. 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.
50. 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.
51. 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.
52. 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.

53. 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.

Code requirements for fire safety during construction and demolition

54.3304.1 **Smoking.** 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.

55.3304.6 **Cutting and welding.** Operations involving the use of cutting and welding shall be done in accordance with Chapter 35.

56.3312.1 **Where required.** An approved water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible material arrives on the site.

57.3315.1 **Where required.** 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.

Engineering Department :

58. 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, prior to the issuance of an occupancy permit.

59. Applicant/Developer shall submit the following items for approval from the Engineering Department:
 - a. Grading Plans with the street address for the lot and/or building foot prints
 - b. Street Lighting Plans
 - c. Composite Utility Plans
(Sewer and Water Plans – submit to Mission Springs Water District)
60. 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. Utility master plan
 - f. Engineer's Estimate of the incomplete improvements
61. 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.
62. A soil compaction report shall be prepared and submitted to the City Building Department for approval prior to issuance of any building permits.
63. There shall be no encroachment into public rights of way for construction trailers, equipment, trash bins, portable toilets, or materials; all of which shall be kept on-site. Construction access to the site shall be by an approved driveway, entry, or curb cut; no asphalt ramps or curb jumping is permitted.
64. At no time shall any adjacent streets for the project be allowed to be used for construction staging, storage or other such construction related activities. Access by heavy equipment shall be limited to the minimum number of trips essential to completing the construction. Any damage to the existing public roadways, sidewalks or other infrastructure shall be repaired or replaced by the Applicant's contractor at his own expense, as directed by the Public Works Director.
65. 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.

66. The on-site driveways and parking areas shall be improved with asphalt or concrete paving, permeable pavers, and appurtenances as shown generally on the approved site plan.
67. 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.
68. The Applicant/Developer is required to construct all transition and missing links between existing and proposed improvements.
69. The Applicant/Developer/Contractor shall comply with section 8.08 Recycling and Diversion of Waste from Construction and Demolition of the Municipal Code and file a Plan with the City's Building Department prior to the start of any construction.
70. The Applicant/Developer shall construct sidewalk improvements across the entire frontage of the property.
 - a. All sidewalks, ramps, and landings shall be compliant with the Americans with Disability Act.
71. No nuisance water shall escape the site onto public streets.
72. 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.
73. 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.
74. The proposed driveways shall be a radius driveway per City of Desert

Hot Springs Standard No. 210.

75. Applicant/Developer shall enter into a water service agreement with the Mission Springs Water District for domestic water service.
76. If the Applicant/Developer requests a Temporary Certificate of Occupancy before all the improvements are completed the Applicant/Developer shall file an improvement agreement with security to guarantee completion of public improvements as follows:
 - a. A faithful performance security in an amount deemed sufficient by the City Engineer to cover up to 100% of the total estimated cost of all required improvements, including bonding requirements for grading as outlined in the Municipal Code.
 - b. A labor and material security to cover up to 50% of the total estimated cost of all required improvements.
 - c. If the required project improvements are financed and installed pursuant to special assessment proceedings, upon the furnishing by the contractor of the faithful performance and labor and material security required by the special assessment act being used, the City may reduce the improvement security of the Applicant/Developer by an amount corresponding to the amount of the security furnished by the contractor.
 - d. Notwithstanding the above, the Applicant/Developer may satisfy the requirement for security of certain improvements by providing proof that same has been posted with another public agency subject to the approval of the City Engineer.
77. 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.
- 78. 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.