

DRAFT CONDITIONS OF APPROVAL

MEETING DATE: June 12, 2018

TITLE: Conditional Use Permit Amendment for a Type 21 (Off-Sale General) ABC License

CASE NO: CUP No. 03-05 Amendment

PREPARED BY: Benjamin Torres, Associate Planner

REVIEWED BY: Daniel Porras, Community Development Director

Planning Department Project Specific Conditions

1. The business owner/licensee shall install and maintain digital video surveillance cameras on the interior of this facility. The surveillance points shall include the front entrance doors, the point of sale area, all the coolers containing alcohol for sale. Surveillance media shall be maintained for a minimum of two months, and shall be accessible to law enforcement during regular business hours.
2. All provisions of the California Department of Alcoholic Beverage Control (ABC) for a Type 21 (Off-Sale General) License shall be complied with.
3. A copy of the applicable operating standards from ABC shall be available during normal business hours for viewing by the general public.
4. Employees engaged in the sale or distribution of alcoholic beverages shall be at least 18 years of age. If the business owner/licensee chooses to employ a salesperson under 18 years of age, at least one salesperson 21 years old or older shall be on the premises during all times when alcoholic beverages are sold.
5. Prior to relocating the approved alcoholic beverage display area within the store, approval from the Planning Department and/or Police Department is required for the new display area.
6. Sales of alcoholic beverages will be restricted to, and within the confines of, the approved building portion of the premises.
7. The business owner/licensee or management shall prevent on-site loitering. The business owner/licensee shall regularly police the area under its control to prevent the loitering of persons around the premises.
8. A prominent, permanent sign or signs stating "NO OPEN ALCOHOLIC

BEVERAGE CONTAINERS ARE ALLOWED ON THESE PREMISES” shall be posed in a place that is clearly visible to patrons of the licensee. The sign shall be posted on the east side of the building. The size, format, form, placement, and languages of the sign(s) shall be determined by the ABC.

9. New alcoholic beverage display shall be permanently affixed to the ground/wall.
10. The possession of alcoholic beverages in open containers and the consumption of alcoholic beverages is prohibited on or around the licensed premise.
11. All emergency exit doors shall be kept closed at all times during operation of the premises except in the case of emergency or to permit deliveries. Panic hardware on the doors shall comply with all City and Fire Agency code requirements.
12. Litter shall be removed daily from the premises, including adjacent public sidewalks and all parking areas under the control of the licensee. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis to control debris.
13. 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.

Standard Administrative Conditions

14. The approval of CUP 03-05 Amendment is subject to the (2) year expiration provisions of the City's Zoning Ordinance, as provided in Section 17.64.070 and will expire on June 12, 2020.
15. The applicant may request an extension of time for CUP 03-05 Amendment, per the City's Zoning Ordinance Sections 17.92.100 and 17.76.090. 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.
16. 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.


17. 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.
18. 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.
19. The development of the Project on the Project Site shall be in substantial compliance with the exhibits contained in the project file for CUP 03-05 Amendment as shown in all Exhibits attached hereto and incorporated herein by this reference.
20. 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.
21. The Applicant/Developer shall pay all established service, permit, impact, public art, and other applicable fees required by the City.

Note: The Transportation Unified Mitigation Fee is collected by the City of Desert Hot Springs on behalf of the Coachella Valley Association of Governments. Questions on the calculation of this fee should be addressed to them at (760) 346-1127. The School District Fees are imposed by the Palm Springs Unified School District and questions should be addressed to them at (760) 416-6159.

22. 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 15062. 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)).

Standard Planning Conditions

23. 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.
24. 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.
25. Applicant / Developer shall construct or remodel an existing trash enclosure in location per the approved Site Plan. The trash enclosure shall be constructed per City Standards.
26. 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. 
27. 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.
28. 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.

Standard Graffiti Conditions

29. 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.
30. 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.
31. 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.
32. 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

33. 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

34. 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
35. 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.
36. 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.
37. 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.
38. 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.
39. 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.

40. 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

41. 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.
42. Operations involving the use of cutting and welding shall be done in accordance with Chapter 35.
43. An approved water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible material arrives on the site.
44. 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.

Water and Wastewater Conditions

45. The applicant / developer shall comply with all rules, laws, ordinances, guidelines, and regulations of the Mission Springs Water District for water and for wastewater disposal services. Prior to issuance of any certificate of occupancy, the applicant / developer shall provide evidence to the satisfaction of the City Engineer that all permits and approvals for water service and wastewater disposal have been obtained.

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