

## **DRAFT CONDITIONS OF APPROVAL**

**MEETING DATE:** July 10, 2018

**TITLE:** Hacienda Assisted Living Facility (12 beds)

**CASE NO:** Conditional Use Permit No 04-18

**PREPARED BY:** Scott Taschner, Senior Planner

**REVIEWED BY:** Daniel Porras, Community Development Director

### **Project Specific Conditions**

1. An additional driveway shall be required on Mesquite Road and additional parking shall be provided on the south side of the property to accommodate three (3) parking spaces, subject to the requirements of DHSMC Section 17.48.040.  
*(subject to planning commission approval)*
2. The applicant/owner shall bring the fencing into compliance by removing the existing wood fence and replacing with a wall/fence that is compatible with the development standards in the Zoning Code, subject to Planning Department approval.
3. All work being performed on site shall be subject to review, evaluation and potential permits by the City.
4. The applicant developer shall strike "Congregate Care" from all documents that were submitted to the City.
5. No signage is approved as part of this approval.
6. There shall be no vehicles with commercial advertisements that are stored where visible from a public right-of-way.
7. No home occupation shall alter the appearance of the dwelling unit.
8. There shall be no displays, sale or delivery of merchandise, or advertising signs on the premises.
9. No signs other than the address and name of the resident shall be permitted.
10. There shall be no use or storage of material or mechanical equipment not recognized as being part of a normal household or hobby use.

11. The intensification of use will require Fire Department Approval.
12. Fire Alarms will need to be installed per the Fire Department requirements.
13. Fire wall shall be installed per the Fire Department requirements.
14. Two visual alarms shall be installed per the Fire Department requirements.
15. The parking, path of travel, restrooms, etc. shall meet all ADA requirements and shall be subject to review and approval by the City's Building Department.
16. Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises. Utility consumption shall not exceed normal residential usage.
17. No use shall create or cause noise, dust, light, vibration, odor, gas, fumes, toxic/hazardous materials, smoke, glare, or electrical interference or other hazards or nuisances.
18. The home occupation/business shall not involve the use of commercial vehicles for delivery of materials to or from the premises.
19. The home occupation/business shall not generate pedestrian or vehicular traffic in excess of that ordinarily associated with the land use district in which it is located.
20. No home occupation/business shall be initiated until a current business license is obtained, pursuant to the Desert Hot Springs Municipal Code.
21. If the home occupation/business is to be conducted on rental property, the property owner's written authorization for the proposed use shall be obtained prior to the submittal for a Home Occupation Permit.

#### **Standard Administrative Conditions**


22. The approval of Conditional Use Permit No 04-18 is subject to a 2 year expiration provisions of the City's Zoning Ordinance, as provided in Section 17.76.070 and will expire on July 10, 2020 if no building permits are pulled.
23. The applicant may request an extension of time for CUP 04-18, per the City's Zoning Ordinance Section 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.
24. 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.

25. 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.
26. No Certificate of Occupancy (CofO) shall be granted until all Conditions of Approval have been completed and approved by the Planning, Engineering, Building, and Fire Departments and/or the City Manager and Chief of Police, unless otherwise identified herein. 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.
27. The development of the Project on the Project Site shall be in substantial compliance with the exhibits contained in the project file for CUP 04-18 as shown in all Exhibits attached hereto and incorporated herein by this reference.
28. 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.
29. The Applicant/Developer shall pay all established service, permit, impact, public art, and other applicable fees required by the City.
30. 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 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)).

### **Standard Planning Conditions.**

31. 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.
32. 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.
33. 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.
34. 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. 
35. 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.
36. The applicant shall submit a Sign Permit to be approved by the staff to include the

following:

- a. All signage for in-line tenants 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.

37. 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 on site according to the approved site plan. Any change to the floor plan shall be subject to review and approval by the Planning Department.

**Signs:**

38. No signage is approved under this permit.

39. All appropriate permits shall be pulled with the City's Building Department.

**Standard Landscaping/Parking Conditions**

40. 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.

41. Site landscaping shall comply with the City Guidelines and Water Conservation policies regardless of whether the items are illustrated on the Construction Landscape Plans:

- a. Plants and trees shall be primarily of drought tolerant species compatible with the desert environment.
- b. Projects shall minimize the use of turf.
- c. At least fifty percent (50%) of the trees shall be evergreen species.
- d. All trees in parking lots shall be centered between parking spaces to provide optimal shading.
- e. All single trunk trees shall be double staked and multi-trunk trees shall be staked appropriate to the species of tree.
- f. Arbor guards shall be installed around trees in turf areas.
- g. Projects located along major arterials and/or streets shall comply with the street tree requirements of the Design Guidelines.
- h. Planter areas shall be surrounded by a concrete mow strip or other hard surface.
- i. All ground-mounted equipment, such as mechanical, electrical, and irrigation equipment (backflow preventers), shall be located within a landscape planter. This equipment shall not be located within a turf area and shall not be visible from public view.
- j. Any drain that terminates in a planter shall have a splash guard.
- k. All palm trees shall have a brown trunk height of twenty (20) feet.
- l. The site shall have a maximum of twenty-five percent (25%) fifteen (15) gallon trees and all other trees shall be thirty-six (36) inch box or greater.
- m. All trees twenty-four (24) inch box or greater shall be verified as to size by the project planner who shall ensure that each tree has diameter of three (3) inches five (5) inches from the ground level.
- n. All changes of species made by the Mission Springs Water District shall have concurrent approval from the Community Development prior to final approval.

42. 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.

43. Wheel stops within the parking lot are prohibited unless required for ADA compliance.

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

#### **Standard Graffiti Conditions**

45. 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.

46. 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.

47. 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.

48. 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**

48. 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.
  - g. The lighting on-site shall provide 100-foot face recognition
49. 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.
50. Applicant / Developer shall adhere to the City's light standard and identify all light fixtures (wall mounted and pole lights) on the site plan.

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

51. 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



52. 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.
53. 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.
54. 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.
55. 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.
56. 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.
57. 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**

58. 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.

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

62. Any improvements that include curb cuts, additional driveways, and/or modification to street access points shall require review and approval from the City's Engineering Department.

#### **Fire Department Conditions**

63. Applicant/Developer shall install a portable fire extinguisher, with a minimum rating of 2A-10BC, for every 3,000 sq. ft. and/or seventy-five (75) feet of travel distance. Fire extinguishers shall be mounted three and a half (3.5) to five (5) feet above finished floor, measured to the top of the extinguisher. Where not readily visible, signs shall be posted above all extinguishers to indicate their locations. Extinguishers must have current CSFM service tags affixed.
64. No hazardous materials shall be stored and/or used within the building, which exceeds quantities listed in 2016 California Building Code. No class I, II or IIIA of combustible/flammable liquid shall be used in any amount in the building, unless approved through a plan review process.
65. Exit designs, exit signs, door hardware, exit markers, exit doors, and exit path marking shall be installed per the 2016 California Building Code.
66. Fire Equipment such as electrical room doors, FACP, fire riser, roof access shall be labeled by the Applicant/Developer and be approved by the Fire Department.
67. Access shall be provided to all mechanical equipment located on the roof as per the 2016 California Mechanical Code.

68. NFPA 704 placard shall be posted where applicable.

**69. Shall install a fire alarm system. Two rooms must be equipped with visual alarms to notify the deaf per 2016 CFC 907.5.2.3.2**

**70. All corridors walls must have a one-hour fire rated walls per 2016 CFC 1020.**

**END**