

DRAFT CONDITIONS OF APPROVAL

MEETING DATE: August 14, 2018

TITLE: Kamran Amirianfar / Blue Mango

CASE NO: VAR 02-18

PREPARED BY: Patricia Meza, Planning Technician

REVIEWED BY: Scott Taschner, Senior Planner
Daniel Porras, Community Development Director

Administrative Conditions:

1. The approval for the Variance 02-18 is subject to a one (1) year expiration pursuant to the provisions of the City's Zoning Ordinance, as provided in Section 17.140.080, and will expire on August 14, 2019.
2. **The applicant shall comply with all conditions of approval from the original approval; under Conditional Use Permit 07-16.**
3. 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.
4. 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.

5. 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.
6. The development of the Project on the Project Site shall be in substantial compliance with the exhibits contained in the project file for Kamran Amirianfar / Blue Mango, Variance 02-18, and Conditional Use Permit 07-16 as shown in all Exhibits attached hereto and incorporated herein by this reference.
7. The applicant shall be required to complete a Regulatory Permit prior to Occupancy of the Building.
8. 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.
9. A scanned copy of the signed Conditions of Approval shall be included in the Building Construction Plans submitted for plan check.
10. 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**.

Planning Conditions:

11. **Prior to issuance of building permits the applicant shall submit the exterior elevations of the electric room (and other features and structures in the front-yard) to the Planning Department for review and approval.**
12. **Review of the architectural features/structures in the front yard may be subject to a Design Review application with the Planning Department.**
13. In the event that 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.
14. 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.
15. 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.
16. The use of rolled concrete on any exterior walls or trash enclosures is specifically prohibited.
17. All walls and wrought iron fences shall be maintained in satisfactory condition into perpetuity and repaired immediately upon notification by the City.
18. All new drain pipes shall be interior to the building. Exposed drain pipes are specifically prohibited.
19. All new drain terminations shall be from the Watts Drainage Product RD-940 or a product of equal value.
20. All new breaker boxes, fire sprinkler risers, and utility conduits



shall be interior to the building.

21. All new industrial development shall comply with Mission Springs Water District's Water Efficient Landscaping Guidelines (guidelines are available at www.mswd.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.

Landscaping:

- 22. Prior to final inspection the applicant/developer shall submit a revised landscape plan demonstrating adequate landscape screening in the front-yard specifically for the additional equipment's and tanks.**

23. 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.

24. 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.
- o. All new palm trees shall be replaced by native species to be approved by the Community Development Director.

Graffiti:

- 25. 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.
- 26. 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.

27. 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.
28. 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.
29. 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.
30. 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.
31. 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.
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.

Engineering Department:

33. The Applicant/Developer shall be required to submit an encroachment permit application for any equipment or structures located in the public right-of-way

Fire Department:

34. The Applicant/Owner shall be required to comply with all Fire Department requirements/regulations and obtain all necessary permits

Building Department

35. The Applicant/Owner shall be required to comply with all Building Department requirements/regulations and obtain all necessary permits
36. Project shall comply with the 2014 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
37. 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.

38. 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.
39. 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.
40. 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.
41. 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.