

## **DRAFT CONDITIONS OF APPROVAL**

**MEETING DATE:** May 14, 2019

**TITLE:** Conditional Use Permit No. 01-19 for a Type 41 (On-Sale) ABC License

**CASE NO:** CUP 01-19

**PREPARED BY:** Jocelyn Torres, Contract Planner

**REVIEWED BY:** Rebecca Deming, Community Development Director

### **Planning Department Project Specific Conditions**

1. The applicant is requesting approval of Conditional Use Permit No. 01-19 to allow the sale of alcoholic beverages for on-premise consumption (Type 41) for the property located at 13180 Palm Drive.
2. The sale of alcoholic beverages shall remain ancillary to the primary restaurant use.
3. The Type 41 ABC license must operate and maintain their licensed premises as a bona fide eating place.
4. All provisions of the California Department of Alcoholic Beverage Control (ABC) for the sale of on-sale beer and wine shall be complied with.
5. 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.
6. Sales of alcoholic beverages will be restricted to, and within the confines of, the approved building portion of the premises.
7. The possession of alcoholic beverages in open containers and the consumption of alcoholic beverages is only allowed for on-premise consumption.
8. All emergency exit doors shall be kept closed at all times during operation of the premises except in the case of emergency or to allow deliveries. Panic hardware on the doors shall comply with all City and Fire Agency code requirements.

### **Standard Administrative Conditions**

9. The approval for CUP 01-19 is subject to the two (2) year expiration provisions of the City's Zoning Ordinance, as provided in Section 17.76.070 and will expire on May 14,

2021.

10. The applicant may request an extension of time for CUP 01-19, 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.
11. 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.
12. 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.
13. The development of the project on the project site shall be in substantial compliance with the exhibits contained in the project file for CUP 01-19.
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 these entitlements CUP 01-19 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 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.

16. 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 \$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**

17. 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.
18. 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.
19. 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.
20. 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.
21. 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.
22. 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**

23. 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.
24. 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.
25. 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.

26. 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.
27. 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.
28. 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.

#### **Standard Lighting Conditions**

29. The Planning and/or Police Departments may require additional lighting to prevent unintended dark spots prior to final occupancy.
30. 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.

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

31. 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

### **Signs Conditions**

32. Any proposed signs shall be under a separate permit and shall require an application, review and approval by the Planning Department.
33. Permits issued by the Building Department are required prior to the removal and/or demolition of structures.
34. All exterior lighting shall be orientated, directed, and/or shielded as much as possible so that direct illumination does not infringe onto adjoining properties.

**END**