

DRAFT CONDITIONS OF APPROVAL

MEETING DATE: September 10, 2019

CASE NO: CUP No. 04-19

PREPARED BY: Patricia Meza, Planning Technician

REVIEWED BY: Rebecca Deming, Community Development Director

Planning Department Project Specific Conditions

1. The business owner/licensee or property management shall comply with all local, state and federal laws, at all times.
2. The applicant shall be required to obtain all necessary state and federal licenses for operation of the medical facility.
3. The business owner/licensee or property management shall secure the pharmacy area and all medications.
4. Failure to comply with any of the conditions outlined herein may result in revocation of the Condition Use Permit (CUP No 04-19).
5. Prior to issuance of building permit the applicant/developer/proprietor shall submit plans that demonstrate compliance with the American Disabilities Act.
6. Business signage shall require a separate review and approval. The sign shall be in the form of Individual Channel Letters.
7. A business license must be obtained from the City prior to occupancy of the building.

Standard Administrative Conditions

8. The approval of CUP 04-19 is subject to the (2) year expiration provisions of the City's Zoning Ordinance, as provided in Section 17.76.070 and will expire on September 10, 2021.
9. The applicant may request an extension of time for CUP 04-19, 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.

10. 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.
11. 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 including tenant improvements.
12. 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.
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 04-19 as shown in all Exhibits attached hereto and incorporated herein by this reference.
14. 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.
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 five (5) 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 \$51 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 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.
19. 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, baring, or

landscaping. All walls shall architecturally match the building.

20. 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.

Fire Department Conditions

ACCESS

21. Fire Department emergency vehicle apparatus access road locations and design shall be in accordance with the California Fire Code, Desert Hot Springs Ordinance 596 and Riverside County Fire Department Standards. Plans must be submitted to the Fire Department for review and approval prior to building permit issuance.
 - a) Certain designed areas will be required to be maintained as fire lanes and will require approved signs and/or stenciling in red with CVC 22500.1 conspicuously posted.
 - b) Vehicle access gates shall be provided with KNOX Box, Padlock or key switch access. Automatic gates shall also have Opticom IR receivers.
 - c) Approved street signs shall be installed and visible.
 - d) No traffic Calming Devices shall be installed.

WATER

22. Fire Department water system(s) for fire protection shall be in accordance with the California Fire Code, Desert Hot Springs Ordinance 596 and Riverside County Fire Department Standards. Plans must be submitted to the Fire Department for review and approval prior to building permit issuance.

FIRE SPRINKLER SYSTEM REQUIRED

23. Deferred submittal of plans shall be provided to the appropriate office of the Fire Marshal representative to be viewed and approved prior to installation. Phased inspections will be required to be completed in association with the rough piping and final acceptance. (Currently: Riverside County Fire Department – Office of the Fire Marshall, 77933 Las Montaña's Rd. #201, Palm Desert, CA 92211, (760)863-8886)

FIRE CONSTRUCTION PERMITS REQUIRED

24. Submittal to the office of the Fire Marshal for development, construction, installation and operational use permitting will be required.

These conditions are preliminary and further review will occur upon receipt of building plans. Additional conditions may be necessary at that time.

Engineering Conditions

25. If parking lot is planned to be improved. Applicant/developer shall submit the following items for approval from the Engineering Department:
- a. Grading Plans
 - b. Storm Drain/Drainage Plans/Storm Water Retention Systems Facilities Plans
 - c. Street Improvement Plans
 - d. Street signage, stripping, and street lighting plans
 - e. Soils report
 - f. Hydrology report
 - g. Water Quality Management Plan/Erosion Control Plan
 - h. Storm Water Pollution Prevention Plan
 - i. PM10 Dust Mitigation Plan
 - j. Composite Utility Plans
(Sewer and water plans – submit to Mission Springs Water District)
26. If parking lot is planned to be improved, 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.
27. The applicant/developer is required to construct all transition and missing links between existing and proposed improvements.
28. All wall heights, wall types, and wall setbacks must be approved with the Planning Department, and subject to a separate Building Permit.
29. All project associated sidewalks, ramps, and landings shall be compliant with the Americans with Disability Act.
30. Prior to the installation of any improvements in the public improvements in the public right-of-way (ROW), an encroachment permit shall be obtained from the City Public Works Department.
31. The applicant/developer/contractor shall comply with section 8.08 Recycling and Diversion of Waste from Construction and Demolition of the Municipal

Code. An applicant may arrange exclusively with the City's preferred hauler to remove construction and demolition waste for recycling or diversion from a project, and submit written evidence to the City, whereupon certain Chapter 8.08 requirements of applicant may be waived.

Standard Building & Safety Conditions

32. 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
33. 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.
34. 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.
35. 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

36. 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.

37. Operations involving the use of cutting and welding shall be done in accordance with Chapter 35.
38. 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

39. 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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