

DRAFT CONDITIONS OF APPROVAL

MEETING DATE: September 10, 2019

TITLE: Consideration of a Variance No. 02-19 to reduce the interior side setback from 10 feet to 5 feet for the property located at 66015 Acoma Avenue, at the corner of West Drive, in accordance with Desert Hot Springs Municipal Code Section 17.140.

CASE NO: VARIANCE (VAR 02-19) Acoma

PREPARED BY: Judy Deertrack, Planning Assistant

REVIEWED BY: Rebecca Deming, Community Development Director

Standard Administrative Conditions

1. The approval of VAR 02-19 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 September 10, 2021.
2. The applicant may request an extension of time for VAR 02-19 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.
3. 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.

4. The Accessory Dwelling Unit size shall be revised so as not to exceed the allowable unit size.
5. All development on the Project Site shall comply 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.
6. 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.
7. The development of the Project on the Project Site shall be in substantial compliance with the exhibits contained in the project file for VAR 02-19 as shown in all Exhibits attached hereto and incorporated herein by this reference.
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. 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.

10. 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 \$50.00 to enable the City to file a Notice of Exemption required pursuant to California Code of Regulations. 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.

Standard Planning Conditions

11. Any/all permits may be subject to revocation if the applicant/developer/project is not in compliance with all conditions of approval contained herein.
12. 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.
13. 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.
14. 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.

15. 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.
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16. All mechanical equipment, either roof or ground mounted, 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.
17. 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.
18. 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.

Standard Building & Safety Conditions

18. 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

19. 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.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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

25. 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.
26. Operations involving the use of cutting and welding shall be done in accordance with Chapter 35.
27. An approved water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible material arrives on the site.
28. 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, but not limited to, the storage and use of flammable and combustible liquids.

Fire Department Conditions

29. With respect to the conditions of approval for the referenced project, the Fire Department requires the following fire protection measures be provided in accordance with Desert Hot Springs Ordinances and/or recognized fire protection standards. Questions should be directed to the Riverside County Fire Department, Office of the Fire Marshal at 77933 Las Montanas #201, Palm Desert, CA 92211 / Phone: 760-863-8886.

ACCESS

30. 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.

WATER

31. 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

32. Deferred submittal of plans shall be provided to the appropriate Office of the Fire Marshal representative to be reviewed 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 Marshal, 77933 Las Montanas Rd. #201, Palm Desert, CA 92211, (760) 863-8886)

FIRE CONSTRUCTION PERMITS REQUIRED

33. Submittal to the Office of the Fire Marshal for development, construction, installation and operational use permitting will be required.
34. These conditions are preliminary and further review will occur upon receipt of building plans. Additional conditions may be necessary at that time.

Engineering Department Conditions

35. If imported or exported soil material is necessary to balance the grading on the site, a separate grading plan and haul permit approval is necessary before transport of the material.
36. Applicant/developer shall submit the following items for approval from the Engineering Department:
 - a. Grading Plans with the street address for each lot and/or building foot prints
 - b. Hydrology report
 - c. Storm Drain/Drainage Plans
 - d. Erosion Control Plan
 - e. PM10 Dust Mitigation Plan
 - f. Composite Utility Plans
 - g. (Sewer and Water Plans – submit to Mission Springs Water District)
37. A soil compaction report shall be prepared and submitted to the City Building Department for approval prior to issuance of any building permits.
38. All grading plans for the project shall be in compliance with the requirements of the City of Desert Hot Springs and the City Engineer. These requirements may include geotechnical, soils, dust control, erosion control, or other submittals to the satisfaction of the City Engineer.
39. There shall be no encroachment into public rights-of-way for construction trailers, equipment, trash bins, portable toilets, or materials; all of which

shall be kept on-site. Construction access to the site shall be by an approved driveway, entry, or curb cut; no asphalt ramps or curb jumping is permitted.

40. At no time, shall any adjacent streets for the project be allowed to be used for construction staging, storage or other such construction related activities. Access by heavy equipment shall be limited to the minimum number of trips essential to completing the construction. Any damage to the existing public roadways, sidewalks or other infrastructure shall be repaired or replaced by the applicant's contractor at his own expense, as directed by the Public Works Director.
41. Applicant/developer shall submit an owner-and contractor-signed PM10 Dust Control Implementation Plan in accordance with the standards and codes of the City and the South Coast Air Quality Management District (SCAQMD). Plans shall be submitted for review and approval by the Public Works Department prior to the issuance of any grading and/or applicable building permits. Any site that is greater than 10 acres shall concurrently process a PM10 Dust Control Implementation Plan with the SCAQMD. For further information contact the SCAQMD at:

South Coast Air Quality Management District (SCAQMD)
21865 Copley Drive
Diamond Bar, CA 91765
(800) CUT-SMOG (288-7664)
www.aqmd.gov

42. Applicant/developer shall comply with the National Pollution Discharge Elimination System (NPDES) requirements per the California Regional Water Quality Control Board (RWQCB) regulations. The applicant/developer shall submit a Project Specific Storm water Pollution Prevention Plan (SWPPP) to comply with the California General Permit for Storm water Discharges Associated with the Construction Activity, prior to the issuance of a grading permit. For projects larger than 1 acre, the applicant/developer shall obtain all required permits from the California Regional Water Quality Control Board (RWQCB) and submit a copy of the Notice of Intent (NOI) and the Waste Discharge Identification Number (WDID#) to the City's Public Works Department prior to the issuance of any grading permit.

For further information contact the RWQCB at:

California Regional Water Quality Control Board (RWQCB),
Colorado River Basin Region,

73-720 Fred Waring Drive #100
Palm Desert, CA 92260
(760) 346-7491
www.waterboards.ca.gov/colorariver

Mission Springs Water District

43. 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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