

DRAFT CONDITIONS OF APPROVAL

MEETING DATE: January 14th, 2020

TITLE: Barx Doggie Day Care & Boarding

CASE NO: CUP No. 19-14

PREPARED BY: Scott Taschner, Senior City Planner

REVIEWED BY: Rebecca Deming, Community Development Director

Project Specific Conditions

1. Approval is for a change of use to a dog day care and boarding facility located at 66169 Pierson Blvd.
2. The applicant/proprietor shall install three light fixtures/wall packs on the parking lot side of the building
3. The applicant/proprietor shall obtain separate sign permits for the proposed signage.
4. The applicant/proprietor shall submit plans to the Planning Department for review and approval of a trash enclosure.
5. Dog training sessions shall be limited to 5 customers at any given time (to keep the project in compliance with the parking requirements of the City).
6. Animals are limited are limited to five (5) for dog daycare or overnight care.
7. A Parking Deed Restriction shall be reviewed and approved by the City attorney and recorded prior to Certificate of Occupancy or the parcels may be merged through approval and recordation of a lot merger by the Engineering Department.
8. The applicant/proprietor shall comply with all requirements from the Animal Control Department including but limited to implementation of proper sanitation controls/disposal of pet waste and complying with the maximum number of canines allowed per square footage of floor space.
9. The applicant/proprietor shall maintain the landscape area on a daily basis and provide adequate waste facilities for the operations clients /pets.

10. The applicant/proprietor shall not exceed the limits of the City's Noise ordinance. Should the City receive any complaint, the applicant/proprietor shall work with City staff on implementing abating techniques (noise, odors, etc.) to control any nuisances.

Standard Administrative Conditions

11. The approval of CUP 19-14 is subject to the (2) year expiration provisions of the City's Zoning Ordinance, as provided in Section 17.64.070 of the DHSZC and will expire on January 14th, 2022 (unless legally operational).
12. The applicant may request an extension of time for CUP 19-14 per Section 17.76.090 of the DHSZC 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.
13. 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.
14. 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.
15. 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.

16. The development of the Project on the Project Site shall be in substantial compliance with the exhibits contained in the project file for CUP No. 19-14, as shown in all Exhibits attached hereto and incorporated herein by this reference.
17. 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.
18. 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 to enable the City to file a Notice of Exemption 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 Department Conditions

19. Any/all permits may be subject to revocation if the applicant/developer/project is not in compliance with all of the conditions of approval contained herein.
20. Minor changes to the approved CUP may be approved subject to the process outlined in Section 17.010 -.030 of the DHSMC, and subject to the Director's discretion.
21. 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.

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 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.
23. 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.
24. 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.
25. Applicant/developer shall adhere to the City's light standard and identify all light fixtures (wall mounted and pole lights) on the site plan.
26. 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.
37. 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.
38. Wheel stops within the parking lot are prohibited unless required for ADA compliance or modified by the Director.
39. 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.

40. No signage is approved under this permit
41. All appropriate permits electrical and/or structural permits shall be pulled with the City's Building Department.

Standard Graffiti Conditions

42. 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.

43. 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.
44. 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.

Prior to issuance of Certificate of Occupancy:

45. Prior to the issuance of a Certificate of Occupancy the site and building(s) shall be inspected by the Police Department, Community Development Department, the Riverside County Fire Department, and the Mission Springs Water District, and the required and/or requested changes for final sign-off shall be implemented by the developer.
46. 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.
47. 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.

Standard Building & Safety Conditions

48. 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

49. Prior to any on-site construction, the applicant/developer shall obtain all necessary building permits.
50. All redwood headers are specifically prohibited from use on the project site.

Standard Construction/Demolition Activity Fire Safety Conditions

51. 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.
52. Operations involving the use of cutting and welding shall be done in accordance with Chapter 35.
53. An approved water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible material arrives on the site.
54. 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

55. If applicable 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, Striping, 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
- k. (Sewer and Water Plans – submit to Mission Springs Water District)

- 56. 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.
- 57. All grading plans and improvement plans shall be coordinated for consistency prior to the issuance of any permits and prior to the issuance of building permits with the proper pad certification from a licensed engineer.
- 58. 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.
- 59. The applicant/developer shall repair/replace any damage/ cracks on all existing sidewalks, curb and gutter
- 60. The developer will be required to construct all parking spaces, parking areas and driveways to a 1% slope on AC and 0.5% slope on PCC to drain to an approved drainage facility onsite or City Storm Drain Facility as approved by the City Engineer.
- 61. The design of the on-site grading and the storm drainage improvements shall be coordinated with all adjacent projects to the satisfaction of the City Engineer.
- 62. The applicant/developer is required to construct all transition and missing links between existing and proposed improvements.
- 63. Any slopes exceeding 3' will need to have an in-ground water system and be planted with plant material to be approved by the Planning Department prior to Certificates of Occupancy per the City of Desert Hot Springs Zoning Ordinance 17.56.100.
- 64. All wall heights, wall types, and wall setbacks must be approved with the Planning Department, and subject to a separate Building Permit.
- 65. All project associated sidewalks, ramps, and landings shall be compliant with the Americans with Disability Act.
- 66. All overhead utilities less than 92kv, located within the project boundaries, bordering the project and/or fronting the project shall be undergrounded.

67. Applicant/developer shall submit a project specific Hydrology Report, using Riverside County Flood Control and Water Conservation District's Hydrology Manual for City review and approval.
68. The applicant/developer shall provide on-site storm water retention basin(s) or system(s) designed to the satisfaction of the City Engineer. Each retention basin shall include a sufficient number of underground vertical drywells designed to eliminate standing water in the basin. The retention basin shall be sized to retain all post-development storm water runoff within the limits of the project based on a 100-year storm event of 24-hour duration and shall completely drain/percolate any storm event within 72 hours. All upstream runoff from adjacent properties that has historically been directed onto the proposed project may be considered to pass through the project with the exception of historical retention that occurred on-site. The retention basin shall be designed with a maximum depth of 5 feet and maximum side slopes of 3:1 and shall not be used for purposes other than for the collection of storm water, nuisance water and well blow-off water. Alternate methods may be provided with the approval of the City Engineer.
69. Any other facilities required in the drainage/hydrology study shall be designed and installed as detailed in Section 15.68, Flood Plain Management, and Section 15.72 Floodplain Construction of the Desert Hot Springs Municipal Code.
 - a. All retention basins/systems shall be located on site; off-site retention basins/systems are specifically prohibited.
 - b. Retention Basin Vehicular Access - Vehicular access shall be provided for maintenance of the retention basins to the satisfaction of the City Engineer. The City Engineer shall determine the need and/or design of such access. The grading of a "road" to the bottom shall comply with health and safety standards and shall meet the requisite design requirements including geometries and capacity of the basin(s). Maintenance of retention basins and drainage system shall be the responsibility of the applicant/property owner/operator
70. Applicant/developer shall prepare and submit a Project Specific Preliminary and Final Water Quality Management Plans pursuant to the Whitewater River Region Water Quality Management Plan for Urban Runoff.
71. Applicant/developer shall submit grading plans to California Department of Fish and Wildlife to obtain clearance prior to issuance of grading permit.
72. The developer will be required to install any improvements to any off-site facility if damaged during construction to the satisfaction of the City Engineer.
73. 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 the any grading permit.

74. 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

75. 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.
76. If the property is located in a Federal Emergency Management Act (FEMA) flood zone. An Elevation Certificate shall be provided to the Engineering Department prior to final grading signoff. In lieu of elevating the site, a Floodproofing Certificate for Non-Residential Structures may be filed with the Engineering Department for the project and approved prior to issuance of an occupancy permit.
77. A soil compaction report and pad certification shall be prepared and submitted to the Engineering Department for approval prior to issuance of any building permits.
78. Prior to the installation of any improvements in the public right-of-way (ROW), an encroachment permit shall be obtained from the City Public Works Department.
79. 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.

80. 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.
81. If the applicant/developer requests a Temporary Certificate of Occupancy before all the improvements are completed the Applicant/developer shall submit the following items for approval with the submittal of the Improvement Agreement for the project;
 - a. Soils Report
 - b. Title Report
 - c. Grading Plans
 - d. Hydrology Report
 - e. Preliminary traffic impact report
 - f. Street Improvement Plans
 - g. Engineer's Estimate of the incomplete improvements
82. If the applicant/developer requests a Temporary Certificate of Occupancy before all the improvements are completed the Applicant/developer shall file an improvement agreement with security to guarantee completion of public improvements as follows:
 - a. A faithful performance security in an amount deemed sufficient by the City Engineer to cover up to 100% of the total estimated cost of all required improvements, including bonding requirements for grading as outlined in the Municipal Code.
 - b. A labor and material security to cover up to 50% of the total estimated cost of all required improvements.
 - c. A monumentation security in an amount stipulated by the City Engineer to cover the cost of placing lot corners and other related monuments.
 - d. If the required project improvements are financed and installed pursuant to special assessment proceedings, upon the furnishing by the contractor of the faithful performance and labor and material security required by the special assessment act being used, the City may reduce the improvement security of the Applicant/developer by an amount corresponding to the amount of the security furnished by the contractor.
 - e. Notwithstanding the above, the Applicant/developer may satisfy the requirement for security of certain improvements by providing proof that same has been posted with another public agency subject to the approval of the City Engineer.
83. Security may be one of the following types subject to the approval of the City Engineer and City Attorney as to form:
 - a. Bonds - All bonds shall be executed by a surety company authorized to transact business as a surety, and have an agent for service in California, together with an acceptable policy holder's rating. The

bond(s) shall contain the nearest street address of the institution providing the bond(s).

- b. Cash Deposits - In lieu of the faithful performance and labor and material bonds, the developer may submit cash deposits or negotiable bonds of a kind approved for securing deposits of public monies under the conditions hereinafter described.
- c. Disbursements from cash deposits shall be made in compliance with a separate agreement between the developer and the City. A bookkeeping fee of 1% of the total amount deposited with the City for each cash deposit shall be submitted with each security. Disbursements from a cash deposit in any instance shall not be permitted unless and until authorized in writing by the City Engineer.

- 84. All improvement agreements shall be approved by the City Attorney and City Council. Security for the agreement shall be approved by the City Attorney and Finance Director.

Fire Department Conditions

GENERAL PLAN AMMENDMENT

- 85. With respect to the comprehensive general plan amendment, the Riverside County Fire Department offers the following:

ACCESS

- 86. 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

- 87. 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

88. 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

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

Water and Wastewater Conditions

90. The applicant/developer shall comply with all rules, laws, ordinances, guidelines, and regulations of the Mission Springs Water District/Coachella Valley 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.

END