

## **DRAFT CONDITIONS OF APPROVAL**

**MEETING DATE:** March 10, 2020

**CASE NO:** Conditional Use Permit No. 20-2

**PREPARED BY:** Patricia M. Villagomez, Assistant Planner

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

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

1. The Conditional Use Permit is for a Type 42 ABC License to sell beer and wine for consumption both on or off the premises at the Tuscan Springs Hotel and Spa located at 68187 Club Circle Drive.
2. The applicant shall comply with all provisions of the California Department of Alcoholic Beverage Control (ABC) for the sale of beer and wine both on or off premises.
3. Due to the Type 42 ABC License **NO** one under the age of 21 is allowed on site.

### **Standard Administrative Conditions**

4. The approval for Conditional Use Permit No. 20-2 is subject to a one (2) year expiration as provided in Section 17.76.070
5. The applicant may request an extension of time for Conditional Use Permit 20-2 per the City's Zoning Ordinance Section 17.76.090. The review authority may, upon an application being filed 30 days prior to expiration and for good cause, grant a time extension not to exceed 12 months. Upon granting the extension, the review authority shall ensure that the Development Permit complies with all current Zoning Ordinance provisions.
6. 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.

7. 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.
8. No Certificate of Occupancy (C of O) 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.
9. The project site shall be in substantial compliance with the exhibits contained in the project file for Conditional Use Permit No. 20-2.
10. The final grading plan if required shall be in substantial conformance with the designs set forth in the hydrology report and site drainage design.
11. **Within fifteen (15) days of final approval**, 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 shall be deemed to have elapsed if compliance with this condition has not been undertaken within the specific time limits.
12. A scanned copy of the signed Conditions of Approval shall be included in the Building Construction Plans submitted for plan check.
13. 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)).

14. 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 Standard Conditions**

15. 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.
16. If paleontological resources are encountered during grading, ground disturbance activities shall cease immediately, so a qualified paleontological monitor can evaluate any paleontological resources exposed during the grading activity. applicant/developer shall hire a paleontological monitor and shall be responsible for payment of all related expenses. If paleontological resources are encountered, adequate funding shall be provided to collect, curate and report on these resources to ensure the values inherent in the resources are adequately characterized and preserved.
17. If during the course of grading or construction, artifacts or other cultural resources are discovered, all grading on the site shall be halted and the Applicant shall immediately notify the Planning Department. A qualified archaeologist shall be called to the site by, and at the cost of, the Applicant to identify the resource and recommend mitigation if the resource is culturally significant. The archeologist will be required to provide copies of any studies or reports to the City and the Eastern Information Center for the State of California located at the University of California Riverside.
18. 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.

19. The use of rolled concrete on any exterior walls or trash enclosures is specifically prohibited.
20. Outdoor storage of equipment and/or merchandise must satisfy all screening requirements of Section 17.12.320 of the Desert Hot Springs Municipal Code.
21. All drain pipes shall be interior to the building. Exposed drain pipes are specifically prohibited.
22. All new drain terminations shall be from the Watts Drainage Product RD-940 or a product of equal value.
23. All new breaker boxes, fire sprinkler risers, and utility conduits shall be interior to the building.
24. All new development shall comply with Mission Springs Water District's Water Efficient Landscaping Guidelines. 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.
25. 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.



#### **Standard Graffiti Conditions**

26. 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.
27. 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.
28. 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.

29. 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.
30. 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.
31. 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.
32. 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.
33. 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.

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

34. Project shall comply with the adopted California Building Standards Code (Title 24, California Code of Regulations) or current code at time of permit issuance 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
35. 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.
36. 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.
37. 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.
38. 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.
39. Prior to the removal and/or demolition of structures the applicant shall obtain permits from the Building Department.
40. All exterior lighting shall be orientated, directed, and/or shielded as much as possible so that illumination does not infringe onto adjoining properties.
41. 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.

### **Police Department Standard Conditions**

42. The applicant/developer shall comply with all applicable federal, state and City laws and regulations.
43. The applicant/developer shall incorporate all aspects of Crime Prevention through Environmental Design for visual surveillance, access control and territorial reinforcement.
44. Every area of the proposed development must be visible either from the street or from the structure. Unavoidable dead spaces or hidden/secluded areas require additional mitigating measures which may include increased lighting, security surveillance cameras, perimeter fencing and/or security gates, on-site security guards or other mitigating measures deemed appropriate by the Police Department.
45. The Police Department may require additional lighting to prevent unintended dark spots prior to final occupancy.
46. Secluded or hidden interior corridors are strongly discouraged by the Police Department. 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.
47. The applicant and operator shall at all times implement the Utilize Crime Prevention Through Environmental Design (C.P.T.E.D) throughout the project, as follows:

#### **CPTED Principle #1 – Natural Surveillance**

"See and be seen" is the overall goal when it comes to CPTED and natural surveillance. A person is less likely to commit a crime if they think someone will see them do it. Lighting and landscape play an important role in Crime Prevention Through Environmental Design.

#### **CPTED Principle #2 - Natural Access Control**

Natural Access Control is more than a high block wall topped with barbed wire. Crime Prevention Through Environmental Design or CPTED utilizes the use of walkways, fences, lighting, signage and landscape to clearly guide people and vehicles to and from the proper entrances. The goal with this CPTED principle is

not necessarily to keep intruders out, but to direct the flow of people while decreasing the opportunity for crime.

#### CPTED Principle #3 – Territorial Reinforcement

Creating or extending a "sphere of influence" by utilizing physical designs such as pavement treatments, landscaping and signage that enable users of an area to develop a sense of proprietorship over it is the goal of this CPTED principle. Public areas are clearly distinguished from private ones. Potential trespassers perceive this control and are thereby discouraged.

#### CPTED Principle #4 – Maintenance

CPTED and the "Broken Window Theory" suggests that one "broken window" or nuisance, if allowed to exist, will lead to others and ultimately to the decline of an entire neighborhood. Neglected and poorly maintained properties are breeding grounds for criminal activity. We will work with you to develop a formal CPTED based maintenance plan to help you preserve your property value and make it a safer place.

48. Prior to issuance of building permits, the site plan shall indicate all perimeter walls and fences to be of a design to prevent or discourage scaling & graffiti.
49. Prior to issuance of building permits, a photovoltaic survey shall be prepared and submitted with the proposed lighting plan. The lighting plan shall be reviewed to assure that:
  - a. Lighting provides adequate visibility, face & color recognition, and a sense of security for employees and visitors.
  - b. LED and/or Metal Halide lights are recommended.
  - c. Lighting shall be shielded through the use of fixture design and placement, and shrouds so that spillover at the property line is minimized.
50. Any private security service that uses security guards with uniforms shall assure to the satisfaction of the City of Desert Hot Springs Police Department that the uniforms are sufficiently different in appearance from any uniform of the Police Department, Riverside County Sheriff or other local police department.
51. Security cameras shall be utilized to capture video of the perimeter of the building as well as interior areas of importance. The exterior shall have cameras two camera on each exterior wall. The interior shall have cameras covering areas of operation, registers, and one facing the entrance door from the inside to capture video of each person as they enter. The camera system shall have recording and back up capabilities for 90 days and will be made accessible to the Police Department on demand.



52. Prior to issuance of occupancy permits the building plan will be amended to show the location of cameras to be installed.

### **Fire Department Conditions**

#### **ACCESS**

53. Fire Department emergency vehicle apparatus access road locations and design shall be in accordance with the California Fire Code, Riverside County Ordinance 460, Riverside County Ordinance 787, and Riverside County Fire Department Standards. Plans must be submitted to the Fire Department for review and approval prior to building permit issuance. Fire lanes shall be at least 24 feet wide and all weather hard surface. Paving stone are not allowed.

#### **WATER**

54. Fire Department water system(s) for fire protection shall be in accordance with the California Fire Code, Riverside County Ordinance 878 and Riverside County Fire Department Standards. Plans must be submitted to the Fire Department for review and approval prior to building permit issuance. Automatic sprinkler systems and hydrants are required. Fire hydrants shall be within 400 feet of structures.

#### **FIRE CONSTRUCTION PERMITS REQUIRED**

55. Submittal to the Office of the Fire Marshal for development, construction, installation and operational use permitting will be required. Building construction, occupancy, and square footage shall be clearly stated at the plan check phase of development.

### **Mission Springs Water District Conditions**

#### **Water Service Condition:**

Water service is currently provided to the property through a 1" meter with backflow and no change is anticipated.

#### **Sewer Service**

Sewer service is currently connected to sewer and shall adhere to the following conditions:

56. The developer shall comply with all rules, laws, ordinances, guidelines, and regulations of the District.

57. MSWD requires submittal of proposed plumbing plans showing all connections to the public sewer system.
58. The project may require grease interceptor in accordance with MSWD Std. Dwg. S-18.
59. The project developer/property owner shall apply for Fat, Oil, and Grease (FOG) permit(s) and shall pay all associated fees.

**END.**