

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk
County of: Riverside
2724 Gateway Drive
Riverside, CA 92507

From: (Public Agency): City of Indio
100 Civic Center Mall
Indio, CA 92201

(Address)

Project Title: Starbucks on Highway 111

Project Applicant: Golden Star Investment Properties, LLC

Project Location - Specific:

SE corner of Oasis/Highway 111 - APNs 611-213-020 & 611-213-021

Project Location - City: Indio Project Location - County: Riverside

Description of Nature, Purpose and Beneficiaries of Project:

New 1,300 square foot Starbucks Drive-Through Restaurant with associated site improvements including but not limited to landscaping and surface parking

Name of Public Agency Approving Project: City of Indio

Name of Person or Agency Carrying Out Project: Matthew Arfa

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: 15332, 15183
- Statutory Exemptions. State code number: _____


Reasons why project is exempt:

Project is 0.60 of an acre qualifying for Section 15332 Categorical Exemption; Project is compliant with Highway 111 Corridor Specific Plan that is compliant with the City of Indio General Plan PFEIR for Finding of Consistency

Lead Agency
Contact Person: Kevin Snyder Area Code/Telephone/Extension: 7605414255

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature:  Date: 01/23/24 Title: Comm. Dev. Director

• Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

RESOLUTION NO. 10416

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIO, CALIFORNIA, GRANTING CONDITIONAL APPROVAL FOR THE CONDITIONAL USE PERMIT AND PLANNING REVIEW LAND USE ENTITLEMENTS (CASE FILE NO. 23-06-57) FOR THE STARBUCKS DRIVE-THROUGH RESTAURANT PROJECT ON ASSESSOR'S PARCEL NUMBER (APN) 611-231-020 AND ASSESSOR'S PARCEL NUMBER (APN) 611-231-021 LOCATED NORTH OF HIGHWAY 111, EAST OF OASIS STREET AND WEST OF TOWNE STREET PURSUANT TO THE PROVISIONS OF THE HIGHWAY 111 CORRIDOR SPECIFIC PLAN ADOPTED BY THE INDIO CITY COUNCIL ON SEPTEMBER 21, 2022 AND APPROVING THE APPLICATION OF A CLASS 32 "INFILL" CATEGORICAL EXEMPTION DETERMINATION PURSUANT TO SECTION 15332 OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES AND MAKING A FINDING OF CONSISTENCY WITH THE PROGRAM FINAL ENVIRONMENTAL IMPACT REPORT (PFEIR) FOR THE GENERAL PLAN 2040 CERTIFIED BY THE CITY COUNCIL ON SEPTEMBER 18, 2019 DETERMINING NO ADDITIONAL ENVIRONMENTAL REVIEW IS REQUIRED FOR THE AFOREMENTIONED PROJECT

WHEREAS, on September 21, 2022, the City Council conducted a duly noticed public hearing to consider the Highway 111 Corridor Specific Plan, reviewed the staff report, accepted and considered public testimony and approved Resolution No. 10326 adopting the Highway 111 Corridor Specific plan and repealing the Central Highway 111 Corridor Specific Plan and the Mixed Use Specific Plan-300 (MUSP-300); and,

WHEREAS, on September 21, 2022, the City Council approved Resolution No. 10325 making a finding of consistency with the Program Final environmental Impact Report (PFEIR) for the General Plan 2040 certified by the City Council on September 18, 2019 for the adoption of the Highway 111 Corridor Specific Plan; and,

WHEREAS, Golden Star Investment Properties, LLC, 4040 MacArthur Boulevard, Suite 309, Newport Beach, CA 92260, submitted a land use entitlement application on June 19, 2023 for the development of a new Starbucks Drive-through Restaurant on Assessor's Parcel Number (APN) 611-231-020 and associated surface parking area on Assessor Parcel Number (APN) 611-231-021 separated by a twenty (20) foot wide public alley located northeast of the Oasis Street and Highway 111 intersection and northwest of the Towne Street and Highway 111 intersection, respectively, within the municipal limits of the City of Indio; and,

WHEREAS, Golden Star Investment Properties, LLC has requested Conditional Use Permit and Planning Review Permit approvals for a 1,300 square foot Starbucks drive-through restaurant with 24 on-site surface parking spaces, associated on-site landscaping and vehicular access onto and from Oasis Street and Highway 111; and,

WHEREAS, Golden Star Investment Properties, LLC has submitted written materials intended to support its requested for a Finding of Consistency with the Program Final Environmental Impact Report (PFEIR) for the General Plan 2040 certified by the City Council on September 18, 2019 pursuant to Section 15883 of the California Environmental Quality Act (CEQA) Guidelines; and,

WHEREAS, Section § 15168 (c)(2) specifies that if the agency finds that pursuant to Section § 15162, no subsequent EIR would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental documentation would be required. Whether a later activity is within the scope of a program EIR is a factual question that the lead agency determines based on substantial evidence in the record. Factors that an agency may consider in making the determination include, but are not limited to, consistency of the later activity with the type of allowable land use, planned density and building intensity, geographic area analyzed for environmental impacts, and covered infrastructure as described in the Program EIR; (PFEIR) and,

WHEREAS, Section § 15162 specify the following: (a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following: (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following: (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration; (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR; (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative; and,

WHEREAS, Section § 15162 (b) specifies that if changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision

(a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation; and,

WHEREAS, Section §15183 (Projects Consistent with a Community Plan or Zoning) of the California Environmental Quality Act (CEQA) Guidelines, subsection (a) states that additional environmental review is not required for projects “which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified”, except as might be necessary to determine whether there are project-specific significant effects; and,

WHEREAS, on September 18, 2019, the Indio City Council certified the Program Final Environmental Impact Report (PFEIR) for the General Plan 2040 through its adoption of Resolution No. 10106. This FEIR was prepared as a program EIR; and,

WHEREAS, pursuant to CEQA Guidelines Sections 15162, 15168 and 15183, the Community Development Director for the City of Indio, acting as the lead agency representative, determined that the Starbucks Drive-Through Restaurant Project is within the scope of the PFEIR for the General Plan 2040 as the Project will substantively implement the General Plan 2040’s vision, intent, policies and goals. Therefore, the Community Development Director has determined that no new environmental documentation is required; and,

WHEREAS, the Community Development Director has determined that the Starbucks Drive-Through Restaurant qualifies for a Class 32 “Infill” Categorical Exemption pursuant to Section 15332 of the California Environmental Quality Act (CEQA); and,

WHEREAS, the City published a legal notice of public hearing in the November 29, 2023 Desert Sun, the newspaper of record, for the December 13, 2023 Planning Commission public hearing; and,

WHEREAS, on November 30, 2023, the City mailed written notices of the public hearing for the December 13, 2023 Planning Commission public hearing for the Starbucks Drive-Through Restaurant Project to all property owners within 500 feet of the perimeter of the subject properties; and,

WHEREAS, the Community Development Department installed a public notice board at the project site to notify and inform members of the public about the requested land use entitlements; and,

WHEREAS, on December 13, 2023, the Planning Commission held a duly noticed public hearing to consider the application for the Project during which evidence, both written and oral, including the staff report and supporting documents was presented at said hearing; and,

WHEREAS, following the conclusion of the public hearing and discussion, the Planning Commission approved this Resolution recommending to the City Council for the City of Indio, California the conditional approval of the Conditional Use Permit and Planning Review Permit (Case File No. 23-06-57) for the Starbucks Drive-Through Restaurant Project with the motion vote outcome specified in the meeting minutes for the December 13, 2023 Planning Commission meeting; and,

WHEREAS, the City published a legal notice of public hearing in the January 5, 2024 edition of the Desert Sun, the newspaper of record, for the January 17, 2024 City Council public hearing; and,

WHEREAS, on December 20, 2023, the City mailed written notices of the public hearing for the January 17, 2024 City Council public hearing for the Starbucks Drive-Through Restaurant Project to all property owners within 500 feet of the perimeter of the subject properties; and,

WHEREAS, following the conclusion of the public hearing and discussion, the City Council approved this Resolution granting the conditional approval of the Conditional Use Permit and Planning Review Permit land use entitlement applications (Case File No. 23-06-57) for the Starbucks Drive-Through Restaurant Project with the motion vote outcome specified in the meeting minutes for the January 17, 2024 City Council meeting.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF INDIO, CALIFORNIA, HEREBY RESOLVES, FINDS AND DETERMINES AS FOLLOWS:

Section 1. The City Council hereby finds that all of the facts set forth in the recitals of this Resolution are true and correct, are incorporated into this Resolution by reference and constitute a material part of this Resolution.

Section 2. The City Council finds that the Project qualifies for a Class 32 "Infill" Categorical Exemption pursuant to Section 15332 of the California Environmental Quality Act (CEQA) because: a) the project has been determined to be consistent or can be made consistent with the application of conditions of approval with the City of Indio General Plan 2040 (adopted September 18, 2019) and the City of Indio Highway 111 Corridor Specific Plan (adopted September 21, 2022); b) the project is to be situated on an existing parcel of land located within the city limits of the City of Indio in an existing urbanized area that is 26,136 square feet or 0.60 of an acre in size that is below the statutorily specified requirement of no more than five (5) acres; c) the submitted documented prepared by a qualified professional for the requested Class 32 "Infill" Categorical Exemption demonstrates that the project site has no value as habitat for endangered, rare or threatened species; d) the project is consistent or can be made consistent with the application of conditions of approval with the City of Indio General Plan 2040 (adopted September 18, 2019) and the City of Indio Highway 111 Corridor Specific Plan (adopted September 21, 2022) and approval of the project would not result in any significant effects related to traffic noise, air quality or water quality that have not already been previously analyzed and/or that cannot be mitigated with the application of relevant conditions of

approval; and e) agencies providing public or private utilities and/or public services have determined that the project can be adequately served based on existing service features or the application of conditions of approval to enhance or expand service features.

Section 3. The City Council hereby makes a Finding of Consistency that the Project is within the scope of the certified Program Environmental Impact Report (PFEIR) for the General Plan 2040 as the Project will substantively implement the General Plan 2040's vision, intent, policies and goals. Therefore, the City Council finds that no new environmental documentation is required pursuant to CEQA Guidelines Sections 15162, 15168 and 15183.

Section 4. Based upon the evidence presented at the hearing, including the staff report and written and verbal testimony, the City Council finds the following:

Findings:

The project site is within the boundaries of the Downtown Specific Plan adopted by the City Council on April 15, 2020 and is also within the perimeter boundaries of the Midtown Corridor Segment of the Highway 111 Corridor Specific Plan adopted by the City Council on September 21, 2022. While drive-through land uses are not allowed by the Downtown Specific Plan, they are allowed as a Limited Land Use upon receipt of Conditional Use Permit and Planning Review approval from the City Council.

Pursuant to the provisions of Section 3.2 (Code Administration) of the adopted Highway 111 Corridor Specific Plan, the Director has interpreted that the Highway 111 Corridor Specific Plan can be applicable to the development of the aforementioned project and that further the development of this project will be processed under the auspices of the Mixed-Use Corridor (MUC) zoning designation of the Specific Plan.

The General Plan 2040 specifies a Downtown land use designation for the project site. The Downtown land use designation is intended to support a lively, thriving Downtown area by accommodating multi-story, mixed-use buildings at higher densities and/or intensities. Allowed land uses include both vertical and horizontal mixed use, and standalone uses comprised of mixed-use land uses including retail/office, retail/residential, office/residential and standalone uses including neighborhood-serving retail, general commercial, services, entertainment, multi-family residential, live/work, and office.

The project site is within the boundaries of the Midtown Corridor Segment of the Highway 111 Corridor Specific Plan. This Segment is intended to implement the Midtown land use designation specified in the General Plan 2040. The Midtown land use designation is intended to provide for an active, mixed-use center in Midtown by allowing multi-story, mixed-use buildings at higher intensities, community gathering spaces, and land uses to support residents and visitors. Allowed land uses include both vertical and horizontal mixed-use development comprised of mixed-use land uses including retail/office, retail/residential, office/residential and standalone uses including neighborhood-serving

retail, general commercial, services, entertainment, multi-family residential, live/work, and office.

Policy LU-1.1 (Overall City Structure) of the General Plan 2040 specifies that a clearly defined City structure will be partially established by creating mixed-use corridors along Highway 111, Monroe Street, Avenue 42, and Avenue 44 that contain a mix of retail, service, office, and residential uses. Corridors should have defined nodes that provide a mix of local- and regional-serving uses. The project is proposing a one-story quick-service restaurant with drive-through and associated supportive land uses including surface parking, on-site landscaping, on-site lighting and on-site signage.

The City of Indio City Council adopted the Highway 111 Corridor Specific Plan on September 21, 2022. The stated goal of this Specific Plan is: "The City will utilize this Specific Plan as strategic action plan to attract, enable and guide market based economic development to deliver new housing, employment, and public improvements along this important city center corridor, in patterns and forms that systematically realize the long-term vision for central Indio, one project and one improvement at a time." The subject property proposed for the Starbucks Drive-Through Restaurant Project is currently vacant and was previously occupied a non-utilized former gasoline service station. This structure prior to its demolition had been vacant and underutilized since approximately 2012 and had been previously utilized as a used car sales lot.

The Vision Statement for the Highway 111 Corridor Specific Plan is "The Highway 111 Corridor will be transformed from a suburban highway commercial strip, into a lively, dynamic center of social, cultural and economic activity for the City of Indio - respecting the Corridor's history and context, building on its existing amenities, reflecting community desires, and leveraging evolving economic opportunities for the benefit of the entire community." The proposed Starbucks Drive-Through Restaurant Project is a partially auto-oriented fast food or quick service restaurant land use. It also has an order and pick up window. Because of its proximity to the Riverside County Larson Justice Center and the John J. Benoit Detention Center, it is expected that there will be significant pedestrian-based utilization of the proposed land use that will mitigate the auto-oriented component from being the pre-dominant aspect of the development. Because of its joint auto-oriented and pedestrian-oriented with direct access to high volume governmental institutions frequented by employees, visiting professionals and jurors, the project makes a limited contribution to a lively dynamic center of social, cultural and economic activity for the City of Indio. Further, the Specific Plan has identified certain limited land uses that are conditionally allowed in recognition that the transformation of the Corridor will likely take significant time and to balance the Corridor's transformation with the economic development needs and interests of the City and private property rights.

Pursuant to Section 3.4.C.2 of the Specific Plan, the Mixed Use Corridor Zone is intended to implement the vision for Highway 111 to evolve into a mixed-use central boulevard - characterized by strong urban buildings with active ground-floor uses and frontages that provide services and amenities to the adjacent neighborhoods, inject the corridor with

daily human activity, and establish a clear and attractive identity for the corridor that is unique to the City of Indio.

Section 3.5 (Allowed Uses) of the Specific Plan addresses allowed land uses within the boundaries of the Specific Plan and corresponding permit requirements for each regulatory zone, as applicable. Table 3.5-1 (Allowed Uses) specifies that all drive-through restaurant land uses are subject to the issuance of a conditional use permit approval and planning review approvals and that the issuance of these approvals shall ultimately be by the City Council following review and issuance of a recommendation by the Planning Commission.

Pursuant to Section 3.6 of the Specific Plan, the standards of this this section shall apply to any parcel within the Master Planned Design Overlay in Figure 3.4-1, or for any proposed development greater than 4 acres in size. No new subdivision, building, street or other improvement shall be approved on such a parcel without a Planning Review (PR) Permit and an approved Master Planned Development (MPD) Permit, based on a determination of consistency with these standards. The project site is 26,136 square feet or 0.60 of an acre in size and therefore, this Section is not applicable to the proposed project.

Pursuant to Section 3.6.A.2.a, all new development must complete and/or support—and in no way impede—the required connections and intersections which appear in their subarea. The project site is located in Subarea 14. Figure 3.6-1 does not identify required and/or recommended connections through the project site. Pursuant to Section 3.6.B.1.b, required connections form links through and between subareas and are required to be multi-modal streets with vehicular access and shall be further be designed as Avenues (per Section 3.7.B.4.a) or Neighborhood Streets (per Section 3.7.B.4.c). Pursuant to Section 3.6.B.1.d, recommended connections are included as suggested ways to meet the Block Standards of Section 3.6.C, but their quantity and placement is flexible. Recommendations for how some of these connections can be implemented are included in Table 3.6-2. However, because the Specific Plan does not specify required or recommended connections through any portion of the project site, this Section is not applicable to the proposed project.

Pursuant to Section 3.6.C.1/Table 3.6.3 (Maximum Block Size), the maximum block perimeter for the Mixed-Use Corridor zone is 1,600 feet. Pursuant to Section 3.6.C.2.a, per Table 3.6-1, all blocks shall be defined—or in other words: bound at their perimeter—by one or more of the following types of public connections or open spaces: Street, Carless Street, Plaza/Green, Neighborhood Park, or Mini Park. Pursuant to Section 3.6.C.2.a.i, a block may be bound on no more than one (1) side by a Carless Street, Plaza/Green, Neighborhood Park, or Mini Park. Pursuant to Section 3.6.C.2.b, types which define a block shall be public and shall not be private or semi-public. Pursuant to Section 3.6.C.2.b.i, “Public” means those spaces and connections which are publicly accessible—providing public right-of-way—regardless of ownership. The project site is comprised of two (2) parcels of land. Assessor’s Parcel Number 611-231-020, with street frontage on Oasis Street, Highway 111 and a public alley, measures approximately

149.81 lineal feet wide along the site's southern (Highway 111) perimeter, 102.57 lineal feet long along the site's western (Oasis Street) perimeter, 100.90 lineal feet along the site's eastern (public alley) perimeter and 149.81 lineal feet along the site's northern perimeter. Assessor's Parcel Number 611-231-021 with street frontage on Towne Street and along the public alley measures approximately 149.81 lineal feet wide along the site's southern perimeter, 50.07 lineal feet long along the site's western (public alley) perimeter, 50.07 lineal feet along the site's eastern (Towne Street) perimeter and 199.99 lineal feet along the site's northern perimeter. As a result of the project site's limited size and associated dimensions, it complies with this Section.

Section 3.7 (Public Realm Standards) specifies standards for the public realm areas of the Highway 111 Corridor. The project site is comprised of private property that is located along an existing built portion of Highway 111. The applicant is not proposing nor is being required to make any substantive public realm improvements other than a raised curb median in Oasis Street to limit ingress and egress turning movements into right-in/right-out movements only. that would create a legal nexus for compliance with one or more standards in this Section. Therefore, this Section is not applicable to the proposed project.

Section 3.8 (Building Placement and Access) and more specifically Section 3.8.B.1 specifies standards to ensure that proposed development within the Specific Plan area promotes a pedestrian-friendly environment along the street by placing buildings at the front of the site and locating parking at the center or the back of the site. Table 3.8-1 (Building Placement) specifies building placement standards that are applicable to properties that are located within the Mixed-Use Corridor regulatory zone. This Table specifies that the Highway 111 build to range should be 0 feet to 15 feet, that the front street build out should be 100 percent, that there is no side street build to range, that the side street build out should be 80 percent for the first 40 feet with no buildout requirement after 40 feet, that the building length should be a maximum of 300 feet, and that there are no building setback requirements except for a 10-foot separation between multiple buildings on a single lot. Section 3.14 (Limited Land Uses in the MU-C Zone) and more specifically Section 3.14.A.3.1.c.iv specifies that the Frontage Buildout requirements listed in Table 3.8-1 may be waived for provided buildings are in conformance with the requirements of the rest of this Section. The proposed building portion of the Starbucks Drive-Through Restaurant is comprised of one (1) building that is located at the edge of the southern perimeter property line along Highway 111 with the building length along this frontage measuring 66-feet in length. This building, by being located at the southern property line, complies with the 15-foot build to range. The remainder of the Highway 111 frontage is occupied by an on-site outdoor patio, on-site pedestrian walkways, on-site order and pick-up window and on-site landscaping thereby meeting the 100 percent build-out requirement. The Oasis Street side street is fully built-out with landscaping and vehicle ingress and egress thereby complying with the maximum build out standard. There are no other on-site buildings and therefore, the project site complies with the specified building to building setback requirements.

Section 3.8.B.2 specifies standards for Public Realm Extensions into project sites. The submitted site plan specifies multiple direct and indirect pedestrian connections from

Highway 111 into the site connecting to the building adjacent sidewalk sections. Section 3.8.B.2.f specifies the following standards applicable to this connection:

- i. Public Realm Extensions shall connect directly to the public sidewalk. Any necessary steps, ramps, and/or elevators to connect them shall be easy to locate and comfortable to use. Apart from steps and ramps, surfaces used by pedestrians shall be flat.
- ii. Decorative and/or permeable pavement is encouraged.
- iii. Landscaping, pedestrian-scale lighting, and seating areas are encouraged.
- iv. Public Realm Extensions may be enclosed from the public realm with landscaping, low walls, and/or fences, provided that entrances are provided.
- v. On-site driving and parking areas shall either be designed as shared, multi-use spaces or be kept separate with strategic siting of buildings and/or landscaping.

The submitted site plan does not directly specify the design characteristics of the proposed pedestrian connection although the submitted elevation drawings appear to indicate concrete material for the on-site pedestrian connections and patio area. There is a semi-diagonal crosswalk section shown crossing over the vehicle drive-through aisle connecting to the on-site parking lot, however, the material to be used in this crossing is not specified. Also, the associated surface parking area does not specify any dedicated pedestrian walking space, nor does it demonstrate any utilization of materials to highlight pedestrian crossing (s) within this parking area. However, Section 3.14.C.3.b.iii specifies that a clearly marked pedestrian walkway shall be provided and shall be designed as a crosswalk including signage and cues such as striping or material changes. It is unclear from the submitted plans whether decorative and/or permeable pavement for the aforementioned on-site pedestrian connection will be installed. In order to ascertain that the pedestrian connection will be designed consistent with Section 3.8.B.2.f.i-v, a condition of approval requiring the submittal prior to City Council review and consideration of detailed plan information prepared by a qualified professional demonstrating compliance to Section 3.8.B.2.f.i-v for specified and non-specified pedestrian connections within and connecting across project parking areas is warranted.

Section 3.9 (Building Height) of the Specific Plan specifies standards for building height and vertical proportions that apply to all new buildings within the boundaries of the Specific Plan. For properties zoned Mixed Use Corridor, Table 3.9-1 specifies that the minimum building height is 3 stories. The submitted elevation drawings for the proposed on-site building specify that the primary building elevation will be 27.4 feet in height that is 2.6 feet less than the specified 3 stories standard and as such, does not comply with the specified minimum building height standard. Section 3.14 (Limited Land Uses) and more specifically Section 3.14.1 specifies that "In order to enable market forces to attract near-term reinvestment to the Mixed-Use Corridor Zone - while also ensuring that over time the vision for that Zone is realized - this Section provides standards and processes whereby limited quantities of lower intensity, more automobile-oriented projects that positively contribute to the economic development and quality of life within a Subarea - defined herein as "Limited Uses" - may be approved in the Mixed-Use Corridor Zone through the Administrative Use Permit (AUP) or Conditional Use Permit (CUP) process.

Accordingly, four specific categories of Limited Uses are defined in this Section, including adaptive reuse of existing 1 and 2-story commercial and office buildings, development of limited quantities of new buildings of those types, and development of blocks with lower Frontage Buildout percentages and larger quantities of street-adjacent surface parking that otherwise allowed.” The proposed Starbucks Drive-Through Restaurant project is categorized as a limited land use and more specifically under the category of “development of limited quantities of new buildings of those types”. Therefore, because of its limited land use status, the approximately 2.7 stories height of the proposed building is acceptable.

Section 3.10 (Facades and Frontages) of the Specific Plan specifies standards to ensure that large-scale (“block-form”) buildings, are modulated into smaller “human-scale” increments and composition to generate more dynamic and interesting streetscapes and result in more resilient buildings that are adaptable over time to meet the varied needs of different tenants and uses. Section 3.10.A specifies building massing standards for buildings that are longer than 100 feet in length in the Mixed-Use Corridor. The proposed on-site building measures approximately 66 feet in length and therefore Section 3.10.A is not applicable to the proposed building.

Section 3.10.B (Façade Design) is intended to generate active, attractive and human-scaled façade compositions based on timeless building. The submitted building elevations propose a combination of horizontal and vertical elements inclusive of windows in different orientations and different materials distributed in different orientation, all of which comply with the façade composition standards specified in Section 3.10.B.2 for a single-use structure.

Section 3.10.B.3 specify façade fenestration standards that are applicable to the proposed project. Section 3.10.B.3.a.i specifies that facades shall be designed to incorporate fenestration (windows and doors) per the amounts specified in Table 3.10-2 that for properties with the Mixed-Use Corridor designation requires 70 percent to 95 façade fenestration. The proposed southern building facade does not appear to meet the façade fenestration requirement. Therefore, a condition of approval requiring the submittal prior to City Council review and consideration of modified architectural building elevation façade drawings prepared by a qualified professional demonstrating compliance to Section 3.10.B.3.a.i for the southern building elevation is warranted.

Section 3.10.3.b specifies the following standards:

- i. Except for shopfront or bay windows, all glass shall be set back a minimum of four (4) inches back from the façade plane.
- ii. Windows shall have an external reflectance of less than 15%, and a transparency higher than 80%. Opaque windows are prohibited.
- iii. Non-operable shutters—known as ‘faux shutters’—are prohibited.
- iv. The horizontal distance between wall openings shall not exceed 15 feet within a façade or massing increment.

The applicant has not provided enough detailed information to demonstrate compliance to Section 3.10.3.b Therefore, a condition of approval requiring the submittal prior to City Council review and consideration modified architectural building elevation façade drawings prepared by a qualified professional demonstrating compliance to Section 3.10.B.3.b is warranted.

Section 3.10.4 (Façade Materials) specifies the following standards:

- a. Fiberglass or plastic (false) architectural elements or ornamentations are prohibited.
- b. Materials used on shopfronts shall be smooth and non-abrasive to touch.
- c. Rough-cast and sand-finishes are prohibited on all building surfaces that are visible from a street.
- d. Where more than one material is used for the façade, the heavier material shall be used below the lighter material (e.g. brick below siding, not vice versa).
- e. Modulational, color schemes, balconies, and other façade elements shall be consistent within an individual façade or within an individual Building Increment, when required per Section 3.10.A.2.

The applicant submitted detailed elevation drawings that do not show fiberglass or plastic architectural elements. The drawings specify façade materials comprised of stucco, cement wood siding, aluminum and metal that appear to be smooth and non-abrasive and do not contain rough cast or sand-finishes. The drawings specify the use of more than one material and that the heavier materials are used below the lighter materials. In order to ensure on-going compliance to Section 3.10.4.a-e a general condition of approval demonstrating on-going compliance to Section 3.10.4.a-e is warranted.

Section 3.10.C (Frontages) address the space between the travel lanes of a street and the building, and including the building's ground floor façade and is applicable to any new building, façade renovation, or building addition along a street or public open space in the Corridor Specific Plan area with minor exceptions to the standards herein allowed for Limited Uses, as defined in Section 3.14. As previously noted, the proposed fast food or quick service restaurant is considered a limited land use pursuant to Section 3.14 of the Specific Plan. The on-site building is located immediately adjacent to the public right-of-way of Highway 111 and as such, the project complies with this Section.

Section 3.10.D.3 specifies that all building entry and projecting architectural elements shall comply with the following requirements:

- a. Materials, style, and design shall be consistent with the architecture of the building.
- b. Deep eaves, balconies, bay windows, and projected rooms of traditionally styled buildings shall have visible supports in the form of projecting beams or braces. Balconies on contemporary styled buildings shall not be required to have beams or braces.
- c. Landscaping shall be appropriate to the architecture and scale of the building.

The submitted plan documents demonstrate compliance to Section 3.10.D.3.a and c as the materials, style and design of the building entry is consistent with the proposed architecture of the building and the proposed landscaping is appropriate to the architecture and scale of the building. Section 3.10.D.3.b is not applicable to the proposed use and design of the on-site building.

Section 3.10.D (Building Entry and Projecting Architectural Elements) and more specifically Section 3.10.D.2 specifies that new building designs shall include at least one (1) of the Required Building Entry Elements identified in Table 3.10-6. Section 3.10.D.4 specifies that all buildings shall provide entry via one of the following Building Entry Elements: Porch, Dooryard, Terrace, Stoop, Lobby Entry or Shopfront, as allowed by zone in Table 3.10-6 and that additional standards for each of these types are provided in subsections 3.10.D.4.a-f. The on-site building does not offer indoor seating and as such, does not have public door access, but does have a public order and pickup window that is directly accessible from Highway 111. Therefore, compliance with this Section is demonstrated.

Section 3.11 (Private Signage) of the Specific plan specifies standards for private signage that is applicable to all new signs including on new buildings and renovations or additions to existing buildings. The submitted building elevation drawings specify conceptual wall-mounted signage for the northern, eastern and western building elevations. There is no information provided on whether the proposed project intends to have on-site freestanding signage and there is no information on whether there will be on-site directional or menu board signage. As such, compliance with Section 3.11 cannot be determined at this time. Therefore, a condition of approval is needed requiring demonstration of compliance to Section 3.11 at time of formal sign permit (s) submittal (s) for any and all wall-mounted, freestanding, menu and directional signage.

Section 3.12 (Parking) of the Specific Plan specifies standards for surface parking and structured parking including the number of parking spaces and parking design standards. Section 3.12.2.b specifies that compliance with the standards of Section 3.12 is not required when one or more of the following exists:

- b. Compliance with these standards is not required in the following instances:
 - i. a change of use within an existing building; or
 - ii. an expansion of an existing building that does not result in an increase in floor area by more than 25 percent; or
 - iii. a replacement of an existing building that does not result in an increase in floor area of more than 25 percent.

The project proposes to replace a previously existing 1,296 square foot building that was demolished in September 2023 with a 1,300 square foot building served by a total of 24 surface parking spaces. and had no specified on -site parking spaces. The new building will be four (4) square feet larger than the previous on-site building, and as such, the proposed project qualifies for consideration pursuant to Section 3.12.2.b.iii and does not have to demonstrate compliance with Section 3.12.

Section 3.13 (Site Design) specifies standards for the design and location of various site design elements for the purpose of the health, safety, and general welfare of the immediate occupants of each building, and for the neighborhood. This section addresses utility access and equipment, mechanical and electrical equipment, telecommunication devices, wet utilities, service entrances and waste disposal areas, fence and wall heights, entrance arbors, lighting, landscaping, stormwater and open space.

Section 3.13.B.1.a specifies that utility access and equipment such as back-flow preventers, transformer boxes, gas and electric meters, and other utilities shall be placed within or adjacent to and be accessed from the alley, subject to the requirements and approval of the associated utility company. This Section further specifies that on lots with no alley, meters and similar equipment shall be located in underground vaults or in utility rooms/closets within buildings, where possible and that if such locations are infeasible, these services shall be located in inconspicuous locations along the sides of project sites and shall be thoroughly screened from public view. The submitted site, civil and landscape plans do not address compliance to Section 3.13.B.1.a. Therefore, a condition of approval requiring the submittal prior to City Council review and consideration of a revised landscape plan prepared by a qualified professional demonstrating compliance to 3.13.B.1.a is warranted.

Section 3.13.B.2.a-c specifies the following: a) all mechanical and electrical equipment – including, but not limited to, air-conditioning units, antennas, garage door motors – whether roof-mounted, ground-mounted or otherwise, shall be screened from public view or located so as not to be visible from streets or open spaces. Such equipment and related screening shall be designed with materials and colors that conform to and are an integral part of the design of the building; b) mechanical equipment that generates noise, smoke or odors, shall not be located on or within 10 feet of a public right of way or any on-site common open spaces; and c) noise- and odor-generating equipment and containers shall be located in areas that will not create a nuisance to adjacent properties. Such bins should be covered when possible. Openings to a trash enclosure shall be shielded from public rights of way. Regarding Section 3.13.B.2.a, the submitted plan documents do not specify where site related mechanical or electrical equipment will be roof-mounted or ground-mounted and how this equipment shall be screened from public view or located so as not to be visible from streets or open spaces and does not specify how the equipment and screening will be designed with materials and colors that conform to and are an integral part of the design of the building. Therefore, a condition of approval requiring the submittal of a plan prepared by a qualified professional prior to City Council review and consideration demonstrating compliance to Section 3.13.B.2.a is warranted. Regarding Section 3.13.B.2.b, the submitted plan documents do not provide any information as to whether mechanical equipment that generates noise, smoke or odors, will not be located on or within 10 feet of a public right of way or any on-site common open spaces. Therefore, a condition of approval requiring the submittal of a plan prepared by a qualified professional prior to City Council review and consideration demonstrating compliance to Section 3.13.B.2.b is warranted. Regarding Section 3.13.B.2.c, the submitted do not specify whether noise and odor-generating equipment and containers will be located in

areas that will not create a nuisance to adjacent properties except that the submitted plan documents do specify a separate trash enclosure area located southwest of the proposed on-site building. However, there is no information provided that demonstrates the covering of the trash enclosure area and that its opening is intended to be shielded from the public right-of-way. The Highway 11 Corridor Specific Plan specifies that in those instances where there is not a specific development standard, the applicable development standard of the City of Indio's Unified Development Code shall apply. Section 3.02.08 (Refuse and Recycling) of the City of Indio Unified Development Code specifies regulations and standards for trash enclosures. The submitted site plan specifies one (1) on-site trash enclosure with a garbage vehicle access opening onto the public alley and a separate pedestrian on-site access. Therefore, a condition of approval requiring the submittal of a plan prepared by a qualified professional prior to City Council review and consideration demonstrating compliance to Section 3.12.B.2.c and Section 3.02.08 of the Indio Unified Development Code is warranted. Further, as it pertains to the proposed on-site trash enclosure, a condition of approval is warranted specifying that City Council review and consideration that it be demonstrated on a plan document prepared by a qualified professional that the on-site trash enclosure (s) shall be designed with block wall features, sight-obscuring metal gates and a fully enclosed rooftop structure with openings between the top of the block wall and the bottom of the roof structure enclosed by perforated metal enclosures to limit human or animal access and maintain air flow into and out of the trash enclosure.

Section 3.13.C (Grading & Site Walls) and more specifically Section 3.13.C.1-5 specifies standards for fences and walls. The submitted site plan does not specify any on-site walls or fences. Therefore, this Section is not applicable.

Section 3.13.D (Lighting) specifies the following standards:

1. General to All
 - a. Site lighting shall be shielded by permanent attachments to light fixtures so that light sources are not visible from a public way and to prevent off-site glare.
 - b. Specific to residential ground floors: site and building-mounted luminaires shall produce initial illuminance value no greater than 0.04 horizontal and vertical foot candles.
 - c. Specific to nonresidential ground floors: site and building-mounted luminaires shall produce a maximum initial illuminance value no greater than 0.1 horizontal and vertical foot candles at the boundary with adjoining residential lots, and no greater than 0.01 horizontal foot candles 10 feet beyond that boundary.
2. Lighting Abutting the Public Realm. Lighting within surface parking lots, private frontages, and any other on-site open space that abuts a public right of way shall comply with the following standards:
 - a. Lighting shall be shielded by permanent attachments to fixtures so that light sources are not visible from adjacent properties or the public right of way.
 - b. No freestanding fixture shall exceed a height of 15 feet as measured from finished adjacent grade.
 - c. Light sources shall have a maximum output of no greater than 3,00 lumens.
 - d. Required illuminance (in foot candles)

- i. Max: 4.0
- ii. Min: 0.2
- iii. Max average: 0.8
- iv. Uniformity ratio (max/min): 20/1
- v. Uniformity ratio (average/min): 4/1

The applicant did not submit a detailed photometric plan addressing Section 3.13.D.1-2. Therefore, a condition of approval requiring the submittal prior to City Council review and consideration of a revised photometric plan prepared by a qualified professional demonstrating full compliance to Section 3.13.D.1-2 as applicable is warranted.

Section 3.13.E.1 specifies the following standards:

- a. Where front yards are landscaped, individual paths to the sidewalk shall be provided for each entrance.
- b. Allowed species. Trees and Plant material shall be native to the Sonoran Desert, or adaptive from regions with similar arid climates (such as the Mojave Desert).
- c. Invasive species. Invasive plant species shall be prohibited.
- d. Desert-adapted plants. All plants shall be water-conserving, drought-tolerant plants.
- e. Green screens. Landscape shall be used to soften walls and fences and provide green screens, where appropriate, between residential and nonresidential buildings.
- f. Climate mitigation. Trees, shrubs, hedges, and deciduous vines are encouraged to be used to minimize solar heat gain during the summer and maximize heat gain during the winter.
- g. Crime Prevention through Environmental Design (CPTED). All landscape plans shall be reviewed by a CPTED-qualified member of the Indio Police Department.

The applicant's submitted landscape plan demonstrates compliance to applicable portions of Section 3.13.E.1. However, the applicant shall submit a final landscape plan inclusive of an irrigation plan for on-site landscaping for administrative review and approval prior to the issuance of a building permit that addresses conformity to Section 3.13.E.1, as applicable and that is subject to review by a CPTED-qualified member of the Indio Police Department.

Section 3.13.E.2 specifies the following standards:

- i. Stair treads. Exterior stair risers and treads shall be constructed of durable and permanent materials and in a manner that is consistent with the design of the rest of the building.
- ii. No grass/turf shall be allowed; only desert-appropriate landscaping shall be allowed.
- iii. Paving materials should be decorative and complementary to the main building design.
- iv. Where hardscape is used, permeability shall be incorporated into the design.

- i. New landscapes shall comply with state and City requirements for Water Efficient Landscapes.
- j. Irrigation. Permanent and automatic irrigation systems shall be provided for all landscaped areas per the City's Water Efficient Landscaping Ordinance.

Regarding Section 3.13.E.2.i, the proposed project does not propose any stair treads. Regarding Section 3.13.E.2.ii, the applicant's submitted landscape plan does not indicate the installation of grass or turf and indicates desert appropriate landscaping. However, to ensure compliance with this standard, a condition of approval demonstrating compliance to Section 3.13.E.2.ii is warranted. Regarding Section 3.13.E.2.iii, on-site hardscaping appears to be a combination of concrete and asphalt that may not be permeable and there was no information provided regarding compliance with the City's Water Efficient Landscaping Ordinance. Therefore, a condition of approval requiring the submittal of a plan prepared by a qualified professional prior to City Council review and consideration demonstrating compliance to Section 3.13.E.2.iii is warranted.

Section 3.13.F (Stormwater) specifies the following:

- 1. General to All
 - a. Ground water recharging and stormwater runoff limits shall be facilitated on all parts of new building sites. See NACTO's Urban Street Stormwater Guide and the Light Imprint Handbook, by Thomas E. Low; Possible strategies include:
 - i. Rain gardens and vegetated bioswales that convey and infiltrate rainwater.
 - ii. Pervious pavement that allows stormwater to infiltrate directly into the ground below.
 - b. Stormwater management shall be provided through a system that is integral to streetscapes (swales within medians or parkways) and/or open space(s) in the development. These areas shall double as visual features and be accessible to the public.

The applicant has not provided detailed information demonstrating compliance to Section 3.13.F (Stormwater). Therefore, a condition of approval requiring that Section 3.13.F (Stormwater) of the Highway 111 Corridor Specific Plan be addressed as part of the required Water Quality Management Plan review process managed by the City's Engineering Division prior to the issuance of a grading permit is warranted.

Section 3.14 (Limited Uses in the MU-C Zone) specifies standards for Limited Land Uses within the boundaries of the Specific Plan. Section 3.14.2.a-i address applicability of the standards in this Section including but not limited to applying only to properties in the Mixed Use Corridor zone, limited land uses consisting of freestanding single-use (pad) commercial buildings with and without drive-through service facilities, office/light industrial buildings, adaptive re-use of existing commercial/industrial buildings and parking lots that occupy greater percentages of one or more street frontages than prescribed by the standards of Sections 3.8 and 3.12. The standards of this section do not exempt a proposed development from the Subdivision & Public Realm Network Completion standards of Section 3.6. Also, the standards in this section do not exempt a proposed development from the location-specific commercial-use requirements of the MU-C Zone.

The Illustrative Site Plan specifies potential limited land uses within the MU-C zone portion of the project site. As such, the review and approval for these uses will be subject to future compliance with applicable provisions of Section 3.14 and will be subject to both Planning Commission and City Council review and approval.

Section 3.14.B.1 specifies standards that are applicable to all limited land uses comprised of:

- a. **Building Use.** Specific land uses allowed for “Limited Uses” in the MU-C Zones are listed in Section 3.5, along with the planning permit type required for approval of each use. Any use not listed in this section shall be considered “Not Permitted.”
- b. **Locations.** Concentrations of commercial uses should be at the same node locations specified in the General Standards for the Mixed-use Corridor Zone.
- c. **Building Placement**
 - i. Buildings shall be oriented toward the sidewalk, meaning that the primary entrance (and/or a walk-up service window) is provided directly from the sidewalk.
 - ii. Building facades shall be located parallel to and near the frontage sidewalk to promote visibility and pedestrian access into businesses and to help provide spatial definition of the public realm.
 - iii. If located on a corner lot, the building shall be located at the corner, fronting both streets.
 - iv. The Frontage Buildout requirements listed in Table 3.8-1 may be waived for provided buildings are in conformance with the requirements of the rest of this Section.
- d. **Access**
 - i. Simple and direct pedestrian access to the main building entrance from the sidewalk must be provided. The main entrance shall not be located on a façade facing opposite the Corridor and must be located to face Highway 111 or a pedestrian-oriented open space that is open to and directly accessible from Highway 111.
 - ii. Secondary pedestrian access to the building may be provided from adjacent parking lots.
 - iii. The walkway leading from the sidewalk to the main entrance shall be wide and welcoming, per the Public Frontage Standards of Section 3.7.C.4.
 - iv. Setback areas shall be designed per the on-site sidewalks, landscaping, and lighting standards of Section 3.13, Site Standards and Guidelines.
- e. **Building Height.** Building height: 16’ minimum (to eaves).
- f. **Building Massing, Frontage, and Facades**
 - i. The architecture of the building shall provide large openings that clearly convey that the façade facing the street - particularly facades facing 111 - is the front of the building, regardless of where the main building entry is located.
 - ii. For Façade fenestration requirements see Section 3.10.B.3.
 - iii. Facades over 100’ in width are subject to the Façade Standards in Section 3.10.A.3.
- g. **Parking & Circulation**
 - i. The visual impact of surface parking shall be mitigated to maintain the desired street character (see UDC Chapter 3.03, Parking Standards).

- ii. Surface parking shall generally be located behind the building and screened by the building mass, low walls, pergolas, and/or landscaping.
- iii. A limited amount of on-site parking is permissible along the side of the building, adjacent to the front sidewalk along 111 as a Parking Court (see Section 3.11.D.3.a.), but is prohibited from being located between the building and the Corridor sidewalk, per UDC Chapter 3.03, Parking Standards.
- iv. Vehicular entrances to the site shall be located as far as practical from street intersections to allow adequate stacking room.
- v. Vehicular entrance curb cuts shall be limited to one per adjacent street, and wherever possible should be located on common property lines to provide access from one driveway to at least two properties.
- vi. To further reduce traffic congestion and parking demand, sidewalks for comfortable pedestrian access shall be provided between adjacent buildings and properties. And wherever feasible, reciprocal vehicular access between adjacent parking areas shall also be provided.

Regarding Section 3.14.B.1.a, the project is identified as a limited land use and is subject to conditional use permit approval from the City Council as well as concurrent Planning Review approval from the City Council. Regarding Section 3.14.B.1.b, the project proposes to replace a formerly long-term vacant commercial building demolished in September 2023 in a built-up area of the Corridor. Regarding Section 3.14.B.1.c.i, the one (1) on-site building will not have an interior service area for customers but will be served by a walk-up window on the western building elevation, therefore, compliance to this Section has been achieved. Regarding Section 3.14.B.1.c.ii, the project's building façade is located parallel to and adjacent to the frontage sidewalk of Highway 111, therefore, compliance with this Section has been achieved. Regarding Section 3.14.B.1.c.iii, the subject property is a corner lot, and the building is located in close proximity to the corner, however, because of an existing easement dedicated to Riverside County in the extreme southwest corner of the property is not possible, therefore, compliance to this Section is achieved. Regarding Section 3.14.B.1.c.iv, the project complies with the frontage buildout requirements of Table 3.8-1, therefore, compliance to this Section has been achieved. Regarding Section 3.14.B.1.d.i, the on-site building has a walk-up window along the western building elevation that is directly accessible from the pedestrian infrastructure on Highway 111. Regarding Section 3.14.B.1.d.ii, there is no planned interior space for customers to obtain service, but rather there will be a walk-up window for ordering and pickup, therefore, compliance with this Section has been achieved. Regarding Section 3.14.B.1.d.iii, the submitted plans specify a wide pedestrian connection from Highway 111 on the west and east sides of the building that transform into approximately 5-foot-wide connecting walks, and as such, compliance to this Section has been achieved. Regarding Section 3.14.B.1.d.iv, the proposed on-site setback areas have been designed in accordance with applicable provisions of Section 3.13, Site Standards and Guidelines and as such, the project complies with this Section. Regarding Section 3.14.B.1.e, the proposed building height is 27.4 feet that exceeds the minimum 16-foot height standard and as such, the project complies with this Section. Regarding Section 3.14.B.1.f.i, the southern building elevation facing Highway 111 has multiple windows facing the public right-of-way that give a visual impression that this is the front

of the building notwithstanding that there is no main door entry as there is no interior customer service area and as such, the project complies with Section 3.14.B.1.f.i. Regarding Section 3.14.B.1.f.ii, the project was previously analyzed for compliance to Section 3.10.B.3 and appropriate conditions of approval to address this compliance have been recommended. Regarding Section 3.14.B.1.f.iii, there is one (1) on-site structure that has a façade length of 66 feet and as such, this Section is not applicable to the proposed project. Regarding Section 3.14.B.1.g.i, the project proposes on-site surface parking located in the center of the parcel with the on-site building and immediately north of this building. A separate parking area primarily for employees is also proposed on a separate parcel of land diagonally adjacent to the parcel with the on-site parcel. The surface parking area on the same parcel as the on-site building is effectively screened by the building and is located behind the building that is immediately adjacent to Highway 111 public right-of-way. The surface parking area located on Assessor's Parcel Number 611-231-0321 has on-site perimeter landscaping, but because of the primary parking nature of this property, a minimum four (4) foot high wall should be installed along the northern property line of this parcel and a minimum four (4) foot high wall along the parcel's southern property line. Therefore, a condition of approval requiring the submittal of revised site and landscape plans prepared by a qualified professional prior to City Council review and consideration demonstrating compliance to Section 3.14.B.1.g.i is warranted. Regarding Section 3.14.B.1.g.ii, the proposed on-site surface parking area is located along with the western portion of the property and west of the proposed on-site building and not behind the building. Regarding Section 3.14.B.1.g.ii, the on-site surface parking area associated with the building is located behind and to the north of the building and therefore, compliance with this Section is achieved. Regarding Section 3.14.B.1.g.iii, there is no on-site parking proposed between the building and the Corridor sidewalk and as such, the project complies with this Section. Regarding Section 3.14.B.1.g.iv, there is one vehicle entrance proposed for the parcel with the on-site building that is located approximately 60 lineal feet of the Highway 111 and Oasis Street intersection and approximately 20 lineal feet from the parcel's northwestern parcel property corner. For the associated adjacent parcel intended for on-site surface parking, there is one vehicle entrance located approximately 140 lineal feet north of the Towne Street and Highway 111 intersection extending to the northwestern parcel property corner. Therefore, compliance with this Section has been achieved. Regarding Section 3.14.B.1.g.v, the project proposes one vehicle access each onto Oasis Street and Towne Street that are on parcels adjacent to existing parcels with separate vehicle access driveways, and as such, the project complies with this Section. Regarding Section 3.14.B.1.g.vi, the existing sidewalk on Highway 111 provides pedestrian access between the subject property and the properties immediately west and east of this property, and as such, the project complies with Section 3.14.B.1.g.vi.

Section 3.14.C.1-3 specifies standards that are applicable to all limited land uses comprised of:

1. Intent and Applicability. The intent of these standards is to ensure that:

- a. New freestanding commercial buildings shall contribute to the overall pedestrian experience and quality of life within the Corridor, while minimizing any negative impacts to the mixed-use urban character envisioned for the Corridor.
- b. New buildings that provide drive-through facilities operate efficiently while minimizing the negative impacts on traffic, pedestrian safety, and street character. No part of a drive-through facility may interfere with clear and safe pedestrian access to the building's main entrance, nor detract from the building's frontage character facing the Corridor.

2. Freestanding Commercial Building Standards

a. Frontage

- i. Active uses (retail, dining, bar, etc.) shall be located along the street-facing façade, with fenestration as required in Section 3.10.B and 3.10.C to render business activity clearly visible from the street.
- ii. Active outdoor spaces (dining, gathering, etc.) are encouraged, and when provided shall be located so as to be clearly visible from 111 and/or other streets.
- iii. Outdoor dining areas shall be defined by low fences and/or low landscaping. Where adjacent to the drive-through stacking aisle, a landscape buffer of at least six (6) feet in width shall be provided. See Section 3.13 (Site Standards) for additional requirements.
- iv. Encroachments. Sun-shading devices (awnings, canopies, porches, pergolas, umbrellas, trees, etc.) shall be provided over any active outdoor spaces to provide a more comfortable, user-friendly environment. See requirements in Section 3.10.D (Projecting Architectural Elements), and Section 3.13 (Site Standards).

3. Drive-Through Facilities Standards

- a. Permit requirements. Drive-through facilities - as defined in the UDC - shall require a Conditional Use Permit and are permitted only within the Mixed-Use Corridor Zone.

b. Access

- i. To the greatest extent possible, driveways providing access to or egress from a drive-through service lane shall also provide access to the customer parking lot.
- ii. Drive-through lanes adjacent to the building shall be screened from the Highway 111 Corridor and all sidewalks by the building mass, low walls (3'-4' tall), pergolas, and/or landscaping. See Figures 3.14-2 for preferable configurations. Drive-through lanes elsewhere on the site shall be screened from the street in the manner required for parking lots.
- iii. Locating the drive-through lane between a building and the Highway 111 Corridor sidewalk is strongly discouraged. However, if there is no other alternative, a clearly marked pedestrian walkway shall provide clear access from the sidewalk, across the drive-through lane, to the building entrance (see Figure 3.14-3). The pedestrian walkway shall be designed as a crosswalk, including signage and cues such as striping or material changes.

c. Frontage

- i. If a drive-through lane is located between the building and the Corridor sidewalk, the drive-through shall be integrated into the building design via a "faux" façade or screen wall built between the drive-through lane and the sidewalk that shall either be built to look like an extension of the primary building and made of the same material, or be built as an

arcade or pergola addition to the primary building. The façade or screen wall must present a generally open, fenestrated appearance meeting the intent of Façade requirements in Section 3.10.B while also substantially screening views of idling vehicles, by spanning the entire length of the primary façade(s) facing the sidewalk (see Figure 3.14-3).

d. Parking

i. Drive-through lanes shall be physically separated from the parking lot by low walls (3' to 4' tall), pergolas, and/or landscaping (See Figures 3.14-2 and 3.14-3).

ii. If a drive-through lane is located between the building and the parking lot, a clearly marked pedestrian crossing across the travel lane shall connect the parking lot to the building entrance.

Regarding Section 3.14.C.1.a, the project is a new freestanding commercial building comprised of a fast-food or quick service restaurant with an attendant drive-through component. The primary building is located parallel and immediately adjacent to Highway 111 with on-site parking behind and to the north of the building and will have direct pedestrian at multiple points along the property frontage to the public right-of-way. Therefore, compliance with this section has been achieved. Regarding Section 3.14.C.1.b, the primary building is located parallel and immediately adjacent to Highway 111 with on-site parking behind and to the north of the building and will have direct pedestrian at multiple points along the property frontage to the public right-of-way. There is a pedestrian The proposed building will only have an order/pick-up window along the western building elevation that can be directly accessed from the public right-of-way of Highway 111 and can also be accessed via a defined on-site pedestrian connection from the on-site parking area north of the building. The submitted plans do not specify design details for this pedestrian connection such that a determination that there is clear and safe pedestrian access can be determined. Therefore, a condition of approval is warranted requiring the submittal of modified plans prior to City Council review and approval demonstrating that the on-site pedestrian connection from the on-site parking area to the building order and pick-up window is clear and safe utilizing raised materials for conformity to Section 3.14.C.1.b.

Regarding Section 3.14.C.2.a.i, the project is a fast-food restaurant with drive-through component with the main on-site building located at the southern parcel line immediately adjacent to Highway 111 and as such, compliance to this Section has been achieved. Regarding Section 3.14.C.2.a.ii, the applicant is not proposing any active outdoor spaces, which are only encouraged and are not prescriptively required and as such, this Section is not applicable to the project. Regarding Section 3.14.C.2.a.iii, the applicant is not proposing any active outdoor spaces, which are only encouraged and are not prescriptively required and as such, this Section is not applicable to the project. Regarding Section 3.14.C.2.a.iv, the applicant is not proposing any active outdoor spaces, which are only encouraged and are not prescriptively required and as such, this Section is not applicable to the project.

Regarding Section 3.14.C.3.a, the project is proposed as a fast-food restaurant with attendant drive-through facility that is being reviewed per the Director's intersection for conformity to applicable requirements of the Mixed-Use Corridor zoning designation of

the adopted Highway 111 Corridor Specific Plan and as such, the project complies with this Section. Regarding Section 3.14.C.3.b.i, the project site driveway on Oasis Street provides access to both the drive-through service land and to the customer parking lot and as such, the project complies with this Section. Regarding Section 3.14.C.3.b.ii, the on-site drive-through lane originates in the rear of the site, runs parallel to the property's southern property line and is effectively blocked by the on-site building that is immediately adjacent to Highway 111 and as such compliance to Section 3.14.C.3.b.ii has been achieved. Regarding Section 3.14.C.3.b.iii, there is a pedestrian connection from the existing sidewalk on Highway 111 through the site. There is also a pedestrian connection from the on-site parking area crossing the drive-through lane to provide access to the order and pick-up window. The submitted plans do not specify design details for this pedestrian connection such that a determination that designed as a crosswalk, including signage and cues such as striping or material changes. Therefore, a condition of approval is warranted requiring the submittal of modified plans demonstrating that the on-site pedestrian connection from the on-site parking area to the building's pick-up and order window has been designed and will be constructed in conformity to the specifications of Section 3.14.C.3.b.iii.

Regarding Section 3.14.C.3.c.i, the drive-through lane is located behind the on-site building that is immediately adjacent to Highway 111 and as such, compliance with this Section has been achieved.

Regarding Section 3.14.C.3.d.i, the project's drive-through lane is situated immediately north of the on-site building and between this building and the on-site parking area. The submitted site plan does not specify the installation of low walls, however, the submitted landscape plan does specify the installation of landscaping between these two on-site activity areas, and as such, compliance to this Section has been achieved. Regarding Section 3.14.C.3.d.ii, the project's drive-through lane is located between the building and the parking lot and the submitted site plan and other plans indicate a diagonal pedestrian connection between the on-site parking lot. As previously noted, the design of this pedestrian connection is unclear and since it crosses the drive-through lane and as such a condition of approval is warranted requiring the submittal of modified plans prior to City Council review and approval demonstrating that the on-site pedestrian connection from the on-site parking area to the building order and pick-up window is clearly marked utilizing raised materials for conformity to Section 3.14.C.3.d.ii.

Section 5. Based on the foregoing, the City Council finds that the proposed Starbucks Drive-Through Restaurant Project conclude that the Project is compliant or can be made compliant to the Highway 111 Corridor Specific Plan through the application of conditions of approval and that **CONDITIONAL APPROVAL** of the Conditional Use Permit and Planning Review Permit for the Starbucks Drive-Through Restaurant Project (Case File No. 23-06-57) be granted subject to the conditions of approval stated herein. The Applicant shall demonstrate compliance to ALL conditions of approval, contained in the City Council's approval, if granted. Failure to demonstrate compliance with these conditions of approval may result in the delay of the revocation of any and all land use entitlements. Where the term "Applicant" is used in any condition of approval, this term

shall apply also to the Property owner, any developer, or any successor in the interest of the Applicant. It is the Applicant's or Applicant's successor in interest responsibility to fully comply with the City Council's conditions of approval unless subsequently modified in accordance with the City's required processes and procedures:

A. General Conditions of Approval:

The Applicant shall demonstrate full compliance to the following conditions of approval:

1. In the event of any legal challenge, claim, administrative proceeding, or litigation arising from or related to the approval of the project, including but not limited to any concurrent legislative acts, approvals, agreements or environmental determinations, ("Project Approvals") the Applicant shall, at its own expense, defend the City, its elected and appointed officials, officers, employees, agents, volunteers and attorneys ("Indemnified Parties") against such legal challenge, claim, administrative proceeding, or litigation. In addition, the Applicant shall reimburse the City for the City's cost of defending any such legal challenge, claim, administrative proceeding, or litigation, including, but not limited to, all attorney's fees (including the City Attorney's fees), legal costs, expert fees and costs, and all other expenses incurred by the City in connection with the legal challenge, claim, administrative proceeding, or litigation. The Applicant shall indemnify and hold harmless the Indemnified Parties from and against any and all liabilities, claims, damages, losses, judgments, fines, penalties, costs, and expenses (including reasonable attorney's fees and costs) arising from or in connection with the Project Approvals. This indemnification shall cover all claims, regardless of whether they arise from the negligence of the Indemnified Parties. The Applicant shall cooperate with the City in any such defense as the City may reasonably request and may not resolve such challenge without the agreement of the City. The Applicant agrees to hold harmless the Indemnified Parties from any and all claims, damages, losses, and expenses, including but not limited to attorney's fees, arising out of or resulting from the Project Approvals. This hold harmless obligation shall apply even if the claims, damages, losses, or expenses arise out of the negligence or fault of the Indemnified Parties. If Applicant fails to perform any of the obligations described in this paragraph, the City shall have the right, among other remedies, to revoke the Project Approvals without any liability to the Applicant. In order to ensure compliance with this condition, within twenty (20) days after notification by the City, the Applicant shall deposit with the City cash in the amount of ten thousand dollars (\$10,000), satisfactory in form to the City Attorney, guaranteeing indemnification or reimbursement to the City of all costs related to any action triggering the obligations of this condition. If the City is required to draw on that cash or security to indemnify or reimburse itself for such costs, the Applicant shall restore the deposit to its original amount within thirty (30) calendar days after notice from the City. Additionally, if at any time the City Attorney determines that an additional deposit is necessary to secure the obligations of this section, the Applicant shall provide such additional security within thirty (30) calendar days of notice from the City Attorney. City shall promptly notify the Applicant of any legal challenge, claim, administrative proceeding or litigation to which

the above obligations apply and the Applicant shall cooperate fully with the City in the defense.

2. The Applicant shall cause to be recorded against the subject site these and all related conditions of approval approved by the City Council with the Riverside County Recorder within 30 calendar days after receipt of City Council approval.
3. The Applicant shall within 30 calendar days after City Council approval submit to the Community Development Director its written consent to all of the conditions of approval contained in the written City Council approval without amendment.
4. The project ingress and egress onto Oasis Street shall be limited to right-in/right-out only that shall be controlled by the installation of a minimum six (6)-inch curb raised median on Oasis Street to restrict left turn movements from proposed project as approved by the City Engineer.
5. Mitigation measures shall be incorporated into the development to prevent flooding of the site or downstream properties. These measures shall require 100 percent on-site retention of the incremental increase of runoff from the 100-year storm. In addition, flood protection measures shall comply with California Drainage Law and provide that offsite stormwater flows are received onto the property and discharged from the property in a manner that is reasonably compatible with redevelopment conditions. The applicant shall separately submit to the Coachella Valley Water District (CVWD) for review of said flood protection measures for compliance with California Drainage Law from a regional valley floor drainage perspective.
6. The project site lies within the East Whitewater River Sub basin Area of Benefit. Groundwater production within the area of benefit is subject to a replenishment assessment in accordance with the State Water Code. Any entity producing more than 25 acre-feet of water during any year from one or more wells must equip the well(s) with a water-measuring device. A CVWD Water Production Metering Agreement is required to provide CVWD staff with the authority to regularly read and maintain this water-measuring device.
7. The Sustainable Groundwater Management Act (SGMA) is a law requiring that groundwater basins are managed to achieve sustainability. In accordance with the SGMA, CVWD submitted the Coachella Valley Water Management Plan as an alternative to a Groundwater Sustainability Plan (Alternative Plan) for the Indio Subbasin. On July 17, 2019, the Department of Water Resources (DWR) sent a notification approving the Alternative Plan. The goal of the Alternative Plan is to reliably meet current and future water demands in a cost-effective and sustainable manner. This development lies within the Indio Subbasin and will contribute to the total water demand in the subbasin. The elements and actions described in the Alternative Plan shall be incorporated into the design, construction, and operation of this development to reduce its negative impact on the Indio Subbasin.

8. Imperial Irrigation District (IID) will not begin any studies, engineering or estimate costs to provide electrical service to the project until the applicant submits a customer project application (available at <http://www.iid.com/home/showdocument?id=12923> and detailed loading information, panel sizes, project schedule and estimated in-service date. Applicant shall bear all costs associated with providing electrical service to the project, including but not limited to the construction of distribution feeder backbone and line extensions, underground conduit systems and upgrades or reconfigurations of existing facilities as well as applicable permits, zoning changes, landscaping (if required by the City) and rights-of-way and easements. However, based on the preliminary information provided to the 110, the district can accommodate the power load requirements to serve the project by extending distribution primary lines (conduit and cable) from the N86 circuit to the switch on Towne Street and reconfiguring the local N86 circuit.
9. IID's ability to provide service from existing infrastructure is based upon current available capacity, which may be impacted by future development in the area. It is important to note that a detailed and final study will be developed once a customer project application and loading calculations are received. This detailed information will allow IID to perform an accurate assessment and provide a full report of any potential impacts and mitigation measures. The conditions of service could change as a result of the additional studies.
10. Underground infrastructure that includes trenching, conduits, pull boxes, switch boxes and pads should be installed at the applicant's expense following IID approved plans and within the public utility easement (PUE) or a dedicated easement, if applicable. Physical field installation of underground infrastructures should be verified and approved by an IID inspector prior to cable installation as per IID Developer's Guide (available for download at the district website <https://www.iid.com/home/showdocument?id=14229>).
11. It is important to note that IID's policy is to extend its electrical facilities only to those project that have obtained the approval of a city or county planning commission and such other governmental authority or decision-making body having jurisdiction over said developments.
12. The applicant will be required to provide rights-of-way and easements for power line extensions and/or any other infrastructure needed to serve the project as well as the necessary access to allow for continued operation and maintenance of any IID facilities located on adjoining properties.
13. Public utility easements over all private public roads and additional ten (10) feet in width on both side of the private and public roads shall be dedicated to IID for the construction, operation, and maintenance of its electrical infrastructure.
14. Any construction or operation on IID property or within its existing and proposed right of way or easements including but not limited to: surface improvements such as

proposed new streets, driveways, parking lots, landscape; and all water, sewer, storm water, or any other above ground or underground utilities; will require an encroachment permit, or encroachment agreement (depending on the circumstances). A copy of the IID encroachment permit application and instructions for its completion are available at <https://www.iid.com/about-iid/department-directory/real-estate>. The IID Real Estate Section should be contacted at (760) 339-9239 for additional information regarding encroachment permits or agreements.

15. Any new, relocated, modified or reconstructed IID facilities required for and by the project (which can include but is not limited to electrical utility substations, electrical transmission and/or distribution lines, ancillary facilities associated with the conveyance of energy service; the acquisition and dedication of real property, rights of way and/or easements for the siting and construction of electrical utility substations, electrical transmission and/or distribution lines and ancillary facilities associated with the conveyance of energy service, etc.) need to be included as part of the project's California Environmental Quality Act (CEQA) and/or National Environmental Policy Act (NEPA) documentation, environmental impact analysis and mitigation. Failure to do so will result in postponement of any construction and/or modification of IID facilities until such time as the environmental documentation is amended and environmental impacts are fully mitigated. Any mitigation necessary as a result of the construction, relocation and/or upgrade of IID facilities is the responsibility of the project proponent.
16. The Owner/Developer's engineer shall meet with Valley Sanitary District staff and discuss proposed sewer main connections and requirements prior to the submittal of any design engineering plans.
17. Sewer main lateral and connection to the District's sewer main are normally considered private and owned by the Owner(s) of the property. The Owner(s) shall be responsible for the maintenance and repair of this sewer main lateral.
18. The proposed project will comply with all Valley Sanitary District and other agency standards and requirements.
19. Improvements in the public right of way will require bonding by the Owner/Developer and installation by a licensed underground contractor.
20. The proposed project shall be subject to all terms and conditions of the State of California mandated pre-treatment regulations.
21. The proposed project shall be subject to the local effluent requirements of Valley Sanitary District's (VSD) Resolution 2008-998; local discharge limits, and conformance with the Valley Sanitary District Sewer Use and Construction Ordinance 2010-118.

22. For compliance to Section 3.13.E.2.ii of the Highway 111 Corridor Specific Plan, there shall not be, at any time during the lifetime of the project, the installation of grass or turf and only desert appropriate landscaping shall be allowed.
23. The building materials, finish and composition shall at all times during the lifetime of the building demonstrate compliance to Section 3.10.4.a-e of the Highway 111 Corridor Specific Plan.
24. Submit detailed information prepared by a qualified professional demonstrating compliance to Section 3.8.B.2.f.i-v, as applicable.
25. The project shall maintain conformity at all times with applicable portions of Section 3.14.B.1 to ensure its exemption from the frontage buildout requirements of Table 3.8-1.
26. The on-site trash enclosure shall be designed and constructed in compliance with Section 3.02.08 (Refuse and Recycling) of the City of Indio Unified Development Code.
27. Copies of any cultural resource documentation (report and site records) generated in connection with this project shall be provided to the Agua Caliente Band of Cahuilla Indians Tribal Historic Preservation Office.
28. On-site and off-site water improvement plans shall be required.
29. The project will be required to connect from the existing 12-inch Ductile Iron Pipeline water main on Highway 111.
30. Each building unit shall require its own water meter and backflow assembly.
31. IWA requires a separate water meter with back flow assembly for landscape irrigation.
32. All new meter boxes shall be polymer with a 2" radio read port per IWA standards.
33. The applicant shall coordinate fire service with the Indio Fire Department.
34. The applicant shall complete the Landscape Documentation Package in accordance with the Water Efficient Landscape Development Standards Ordinance No. 1684 <https://www.indio.org/home/showpublisheddocument/1660/637878576810570000>.
35. The developer shall pay all applicable fees; submit forms and agreements per IWA development procedural guidelines for final plan approval.
36. The project shall demonstrate on-going compliance with Section 3.8.B.2.f.i-v, Section 3.14.C.1.b, Section 3.14.C.3.b.iii and Section 3.14.C.3.d.ii of the Highway 111

Corridor Specific Plan for specified and non-specified pedestrian connections within and connecting across project parking areas.

37. The on-site trash enclosure site trash enclosure shall demonstrate on-going compliance with the provisions of Section 3.02.08 (Refuse and Recycling) of the City of Indio Unified Development Code.
38. The project shall demonstrate on-going compliance w Section 3.13.D.1-2 of the Highway 111 Corridor Specific Plan through maintenance of zero (0) foot candles at all property lines, the screening on all sides of freestanding and wall-mounted lighting fixtures are screened resulting in full downward light orientation and the utilization of lighting elements that do not exceed a maximum wattage of 200 watts for all on-site freestanding and wall-mounted lights.

B. Prior to Issuance of a Building Permit:

Prior to issuance of any building permit, the applicant shall demonstrate full compliance with the following conditions of approval:

1. The project shall comply with the latest adopted edition of the following codes as applicable:
 - a. California Building Code
 - b. California Residential Code
 - c. California Electrical Code
 - d. California Mechanical Code
 - e. California Plumbing Code
 - f. California Energy Code
 - g. California Fire Code
 - h. California Green Building Standards Code
2. Automatic fire suppression systems shall be installed in all new construction per Title IX, Chapter 93 of the Code of the City of Indio. The design and type of system shall be based upon the requirements of the adopted Building Codes and Fire Codes and the requirements of the Indio Fire Department.
3. The requirements of the Air Quality Management District shall be satisfied prior to the issuance of any permit if dust and/or pollutants are discharged into the atmosphere.
4. Any temporary building or trailer used for construction purposes shall obtain a building permit prior to installation.
5. 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 lot line. In any case, the outer/exterior face of the wall shall be within two (2) inches of the lot line. Distances greater than two (2) inches may be approved prior to construction by the Community Development Director or Building Official on a case-by-case basis for extenuating circumstances.

6. All lot lines, easement lines, etc. shall be located and/or relocated, as needed, 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.
7. All signs shall be Underwriters Laboratories approved, or equal.
8. Permits are required prior to the removal and/or demolition of structures, as applicable.
9. The following items (as applicable) shall be completed and/or submitted to Building & Safety prior to the issuance of building permits for this project:
 - a. Precise grading plans shall be approved by Engineering/Public Works
 - b. Rough grading completed and approved by Engineering/Public Works
 - c. Compaction certification
 - d. Pad elevation certification
 - e. Rough grade inspection signed off by a City Engineering/Public Works Inspector
10. 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 Building & Safety. 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.
11. A Construction Waste Management Plan (CWMP) will be required at time of plan check submittal.
12. At time of plan check submittal, provide and show all required accessible parking stalls along with signage, accessible routes, etc.
13. Provide and show required bicycle parking inclusive of the location of bicycle parking spaces, the type of bicycle parking infrastructure.
14. Provide and show designated parking for clean air vehicles, as applicable.
15. Provide and show designated electric vehicle charging spaces, as applicable.
16. Show the required accessible routes/paths of travel from the public right-of-way to the buildings and from buildings to buildings.
17. A separate fire sprinkler and fire alarm plan shall be submitted to the Indio Fire Department.

18. Submitted plan review documents shall specify complete Code and building data, such as type of construction, occupancy groups and classifications, and so forth.
19. Submitted plan review documents shall include an allowable area analysis.
20. All accessory structures (such as walls, fences, trash enclosure, etc.) shall obtain building permits inclusive of any required review and approval of construction documents, as applicable. If the City does not have an applicable standard drawing, an appropriately licensed professional shall provide structural calculations and construction plans accordingly.
21. The applicant shall provide Valley Sanitary District with both civil and architectural drawings of the building and site improvements for review and approval.
22. Valley Sanitary District shall only issue sewer construction and connection permits after plan approval, the payment of all sewer related fees and the submittal of required documents that shall be provided to the Owner/Developer at the time of plan approval.
23. Obtain approval from Burrtec for applicable on-site trash and recycling enclosures and routes.
24. Fire Hydrants: Provide one copy of the water system plans to show there exist fire hydrant(s) capable of delivering the minimum fire flow, per CFC Appendix B Table B105.1, within 400 feet to all portions around the proposed structure. Minimum fire hydrant location and spacing shall comply with the CFC and NFPA 14.
25. Provide a copy of a fire flow verification from the local water purveyor, Indio Water Authority, in the form of a letter, and graph depiction specifying the fire flow. Verification shall be prior to building permit issuance (CFC) 507.3.
26. Construction Permits - Fire Department Review: Submittal of construction plans to the Office of the Fire Marshal for development, construction, installation, and operational use permitting shall be required. Final fire and life safety conditions will be addressed when the Office of the Fire Marshal reviews these plans. These conditions will be based on occupancy, use, California Building Code, California Fire Code, and related codes, which are in effect at the time of building plan submittal.
27. Phased Construction Access: If construction is phased, each phase shall provide approved access for fire protection prior to any construction (CFC 503.1).
28. Fire Sprinkler Systems: All structures 3,600 square feet or larger, regardless of occupancy type, will be required to install a NFPA 13 fire sprinkler system (CFC 903.2 and NFPA 13) as amended by the City of Indio.

29. Fire Alarm and Detection System: A water flow monitoring system and/or a fire alarm system shall be required in all sprinklered buildings (CFC 903.4, CFC 907.2, and NFPA 72).
30. Submit a final landscape plan inclusive of an irrigation plan for on-site landscaping for administrative review and approval that addresses conformity to Section 3.13.E.1, as applicable and that is subject to review by a CPTED-qualified member of the Indio Police Department.

C. Prior to Issuance of a Grading Permit:

Prior to issuance of a grading permit, the Applicant shall demonstrate full compliance with the following conditions of approval:

1. The Applicant shall submit PM10 (Dust Control) implementation plans for engineering approval.
2. The Applicant shall submit a Water Quality Management Plan for engineering approval prior to the issuance of any grading permit.
3. The Applicant shall submit for City approval the following items:
 - a. Precise grading plans – shall include the street address for each lot and building foot print
 - b. Soils report
 - c. Hydrology Report
4. Retaining walls shall be required at elevational differences greater than 12 inches between lots throughout the project and in relation to adjacent boundary properties (if applicable) unless otherwise approved by the City Engineer.
5. Applicant shall use Riverside County Flood Control District standards and submit local on-site and regional hydrology, hydraulic storm calculations for City review and approval.
6. Applicant 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, Maxwell Plus or equivalent, designed to eliminate standing water in the basin. The retention basin(s) or system(s) 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, per Standard Plan No. 130, with a maximum depth of 5 feet (with a one-foot minimum freeboard) 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.

7. Section 3.13.F (Stormwater) of the Highway 111 Corridor Specific Plan shall be addressed as part of the required Water Quality Management Plan review process managed by the City's Engineering Division.

D. Prior to or During On-site Construction:

Prior to or during on-site construction, the Applicant shall demonstrate full compliance with the following conditions of approval:

1. Manholes and cleanouts located in paved areas shall be raised to grade and collars and/or traffic rated boxes provided per Valley Sanitary District standards.
2. Applicant shall submit off-site landscape and irrigation plans to the Engineering Division for engineering approval.
3. Applicant shall obtain an encroachment permit prior to starting any street improvements within public right-of-way.

E. Prior to Issuance of a Certificate of Occupancy:

Prior to issuance of a Certificate of Occupancy, the Applicant shall demonstrate full compliance with the following conditions of approval:

1. The applicant shall install a grease interceptor approved by the Valley Sanitary District for any and all proposed food service establishment type cooking facilities and maintain the interceptor as mandated in the District's sewer use ordinance.
2. The applicant shall be required to complete and submit a "Wastewater Survey for Non-Residential Establishment Application for Wastewater Discharge Permit".
2. Applicant shall:
 - a. Dispose of all concrete and asphalt removals from the proposed project to an approved recyclable site.
 - b. Applicant shall provide City of Indio Public Works Department with a copy of receipt showing tonnage for the disposal of recyclable concrete and asphalt.
 - c. Dispose of all material removals from the proposed project to an approved disposal site.
3. The applicant shall upgrade existing driveways and sidewalks along the project to comply with the American with Disabilities Act, as applicable.
4. The applicant shall remove and replace any damaged or broken A.C pavement, sidewalk, and concrete curb/gutter along the project's property frontages.
5. The on-site building and site improvements shall demonstrate compliance to the American with Disabilities Act (ADA), as applicable.

6. The proposed driveways shall be per City of Indio standard plan no. 130.
7. All improvements shall comply with City standards, requirements and policies. The applicant is required to construct all transitions and missing links between existing and proposed improvements.
8. The applicant shall construct a 6-inch curb raised median on Oasis Street to restrict left turn movements from proposed project.
9. The applicant shall reconstruct the existing A.C. pavement on the alley along the property frontages.
10. All overhead utilities less than 92kv, located within the project boundaries, bordering the project and/or fronting the project shall be undergrounded, as applicable.
11. Commercial Addressing: All commercial buildings shall display street numbers in a prominent location on the address side and additional locations as required. Commercial buildings less than 25 feet in height require 12-inch numerals, buildings over 25 feet in height require 24-inch numerals. (CFC 505.1).
12. All exterior lighting shall be oriented, directed, and/or shielded as much as possible so that direct illumination does not infringe onto adjoining properties.
13. The applicant shall obtain required planning approval for all site design features including but not limited to building elevations, parking lot design and landscaping installation.
14. Submit a final photometric lighting plan to the Community Development Department for review and approval demonstrating that there are zero (0) foot candles at all property lines, that all freestanding and wall-mounted lighting fixtures are screened on all sides that results in full downward light orientation and that the maximum wattage of each light is 200 watts.

Section 6. The City Clerk shall certify to the passage, approval, and adoption of this Resolution.

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PASSED, APPROVED AND ADOPTED this 17th day of January, 2024.



LUPE RAMOS AMITH
MAYOR

ATTEST:



SABDI SANCHEZ, CMC
CITY CLERK ADMINISTRATOR

CERTIFICATION

I, Sabdi Sanchez, City Clerk Administrator of the City of Indio, California, hereby certify that **Resolution No. 10416** was duly and regularly adopted at a meeting of the City Council held on the 17th day of January 2024 by the following vote, to wit:

Ayes: Ortiz, Holmes, Mayor Pro Tem Miller, Mayor Ramos Amith

Noes: Fermon

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Indio, California, this 17th day of January 2024.



SABDI SANCHEZ, CMC
City Clerk Administrator
City of Indio

