

**Notice of Exemption**

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

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

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

(Address)

Project Title: Indio Gas Station Urban Plaza

Project Applicant: Puru Amin & Hayward Pardue

Project Location - Specific:

SE Corner of Flower St., Requa Ave. & Indio Blvd. - APN 611-373-041

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

Description of Nature, Purpose and Beneficiaries of Project:

**8-pump gas station with covered fuel island canopy inclusive of two (2) electrical charging stations, 3,060 square-foot convenience market, on-site parking and landscaping**

Name of Public Agency Approving Project: City of Indio

Name of Person or Agency Carrying Out Project: Puru Amin & Hayward Pardue

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 0.87 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. 10415**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIO, CALIFORNIA, GRANTING CONDITIONAL APPROVAL FOR THE CONDITIONAL USE PERMIT AND PLANNING REVIEW PERMIT FOR THE INDIO GAS STATION URBAN PLZA PROJECT (CASE FILE NO. CUP 22-12-1078/DR 22-05-500) ON ASSESSOR'S PARCEL NUMBER (APN) 611-373-041 LOCATED EAST AND SOUTH OF THE INTERSECTON OF INDIO BOULEVARD, REQUA AVENUE AND FLOWER 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 INDIO CITY COUNCIL ON SEPTEMBER 18, 2019 PURSUANT TO SECTION 15183 OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES AND 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**, Hayward Pardue and Puru Amin, 76405 Highway 111 Suite 9-139 La Quinta, CA 92253, represented by PBLA Engineering Attn: Hayward Pardue, 76405 Highway 111 Suite 9-139 La Quinta, CA 9225 submitted a land use entitlement application on May 4, 2022 for the development of an 8-pump gas station with covered fuel island canopy inclusive of two (2) electrical charging stations, 3,060 square-foot convenience market, on-site parking and landscaping on a 0.87-acre parcel at the corner of Indio Boulevard, Requa Avenue and Flower Street on Assessor's Parcel Number 611-373-041 ; and,

**WHEREAS**, PBLA Engineering on behalf of its clients has requested Conditional Use Permit and Planning Review Permit approvals pursuant to the regulatory provisions of the adopted Highway 111 Corridor Specific Plan; and,

**WHEREAS**, Section § 15168 (c)(2) of the California Environmental Quality Act (CEQA) Guidelines 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 of the California Environmental Quality Act (CEQA) Guidelines specifies 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) of the California Environmental Quality Act (CEQA) Guidelines 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 Indio Gas Station Urban Plaza 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 and the signage and zoning amendments are intended to make these regulations consistent with the General Plan. Therefore, the Community Development Director has determined that no new environmental documentation is required; and,

**WHEREAS**, on July 12, 2023, the City mailed written notices of the public hearing for the July 26, 2023 Planning Commission public hearing for the Indio Gas Station Urban Plaza Project to all property owners within 500 feet of the perimeter of the subject properties and published a legal notice of public hearing in the Desert Sun, the newspaper of record, on July 14, 2023; and,

**WHEREAS**, on July 26, 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 directed the applicant to fully address recommended conditions of approval to the City Council and continued the public hearing to a date and time certain of August 25, 2023; and,

**WHEREAS**, at the request of the applicant, the Planning Commission continued to a date and time certain the public hearing on August 25, 2023 to September 27, 2023 and then continued the public hearing on September 27, 2023 at which the applicant requested that the Planning Commission continue the item to a date and time certain; and,

**WHEREAS**, following the September 27, 2023 Planning Commission meeting, the applicant requested to be placed on the October 11, 2023 Planning Commission meeting for which a public hearing notice was published in the Desert Sun on November 30, 2023 and mailed notice was conducted to property owners of record within 500-feet on all sides; and,

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**WHEREAS**, the applicant requested that the October 25, 2023 public hearing be continued to a date and time uncertain; and,

**WHEREAS**, the applicant requested to be placed on the December 13, 2023 Planning Commission meeting agenda for which a public hearing notice was published in the Desert Sun and mailed notice was conducted on November 30, 2023; and,

**WHEREAS**, the applicant resubmitted written and plan information on November 28, 2023 that was found by the Planning Services Division of the Community Development Department to be in substantial conformance with applicable provisions of the Highway 111 Corridor Specific Plan and substantively addressed the previous recommended conditions of approval to the City Council that the Planning Commission requested be addressed fully before the Planning Commission made its recommendation to the City Council; and,

**WHEREAS**, on December 13, 2023, the Planning Commission held a duly noticed continued 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 for the Indio Gas Station Urban Plaza 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:**

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**Section 1.** The 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 37,897 square feet or 0.87 of an acre in size that is below the statutorily specified requirement of no more than five (5) acres; c) the project site has no value as habitat for endangered, rare or threatened species and is located in a heavily urbanized area surrounded by existing non-residential development; 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:**

1. The General Plan 2040 specifies a Mixed-Use Neighborhood (MUN) land use designation for the project site. The MUN land use designation is intended to provide moderate- to higher-intensity neighborhood development that features a variety of multifamily housing choices and limited neighborhood-serving commercial uses in a walkable environment and allows commercial development along major streets and adjacent to a neighborhood center. Primary land uses for this designation include a range of single-family and multi-family residential uses, parks and recreation, mixed use (retail/office, retail/residential, office/residential, and neighborhood-serving retail,

general commercial, services, entertainment, live/work, and office. Secondary land uses include public facilities, guest houses, places of worship, schools, family day care homes, public facilities, and others which are determined to be compatible with and oriented toward serving the needs of neighborhoods may also be allowed. Secondary uses should be focused along mixed-use corridors or at the edges of centers. The project is proposing a convenience market, fuel station and future retail development pad area with associated on-site improvements that are generally classified as neighborhood serving retail and/or general commercial.

2. 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 comprised of a convenience market, fuel station and future retail development pad area and associated on-site improvements. The project site is located approximately 500 feet north of Highway 111 and is located along Indio Boulevard, both of which are mixed use corridors.
3. 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 Indio Gas Station Urban Plaza Project is currently vacant and undeveloped. It is adjacent to existing developed properties to the south, west and east comprised of mini-storage and automotive repair, recreational vehicle, light industrial and office uses.
4. 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 Indio Gas Station Urban Plaza Project is an auto-oriented land use. As a stand-alone auto oriented land use, it does not by itself contribute to a lively dynamic center of social, cultural and economic activity for the City of Indio. However, the Specific Plan has identified certain limited land uses in the Mixed-Use Corridor (MU-C) zoning designation 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.
5. The proposed project is being evaluated for consistency with applicable provisions of the Highway 111 Corridor Specific Plan and is being processed as Conditional Use

Permit and Planning Review Permit land use entitlement applications. Pursuant to Table 3.4.2 of the Specific Plan, the subject site is located within Subarea 25 that is in turn has been an assigned regulatory designation consisting of Mixed-Use Corridor Zone. Further, these uses are considered a Limited Land Use in the Mixed-Use Corridor (MU-C) zoning designation pursuant to Section 3.14 of the Plan and are subject to extraordinary review and approval procedures consisting of a public hearing before the Planning Commission that will issue a recommendation to the City Council and the City Council that will hold its own public hearing and make a final decision.

6. 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 3.14 of the Plan. Section 3.14.A,1 of the Plan specifies that the General Plan defines a vision for Boulevard 111 that is characterized by 3 to 6 story urban buildings, built close to and facing 111, with active, human-scale, pedestrian-oriented ground floor frontages, and windows on all floors overlooking the street. The Mixed-Use Corridor Zone is intended to deliver that vision and requires that buildings within 200 to 300 feet of 111 be at least 3 stories in height. Such buildings are to be built along over 50% of corridor frontages to provide strong spatial definition for Boulevard 111 and to deliver relatively high intensities of housing, employment, and commercial uses in the center of Indio. This Plan recognizes that many of the existing 1- and 2-story buildings along the corridor may remain for an indefinite period of time, and that current and near-term market forces may not support the feasibility of 3-story and greater development within some properties within the Mixed-Use Corridor Zone. 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. Based on the preceding intent, the Planning Commission and City Council may consider the proposed convenience market and fuel station land uses as interim land uses until such time that market forces enable successful redevelopment of the subject site with land uses that are consistent with the vision of the Highway 111 Corridor Specific Plan. It should be further noted that the irregular shape of the parcel and the relatively small size of the property would limit significant mixed-use development of the site.
7. 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 fuel stations are a conditional use permit and an aforementioned Limited Land Use in the MU-C zoning designation. This Table further specifies that convenience markets are



generally an administrative use permit and a Limited Land Use, however, when combined with a fuel station land use, both uses are considered land uses subject to issuance of a conditional use permit approval from the City Council following review and issuance of a recommendation by the Planning Commission.

8. Section 3.1.C.3 (Relationship to Indio Municipal Code and Unified Development Code) specifies that this Chapter relies on several existing procedural requirements of the Indio Municipal Code (IMC) and/or Unified Development Code (UDC), where noted. In cases where this Chapter is silent, the requirements of the IMC or UDC shall apply (as prescribed in those documents). In cases where there is conflict between the requirements of this Chapter and those of the IMC or UDC, the requirements of this Chapter shall supersede.
9. Section 3.2.G.3.A (Council Approval Required) of the Specific Plan specifies that the following Limited Uses shall require City Council approval inclusive of fueling stations, car washes and any use including a vehicular drive-through. Because the proposed fueling station is combined with a convenience market, both land uses are subject to the issuance of a conditional use permit approval from the City Council.
10. The adopted Specific Plan does not specifically list the required findings for the consideration of the issuance of a conditional use permit approval, therefore, pursuant to Section 3.1.C.3 (Relationship to Indio Municipal Code and Unified Development Code), applicable provisions of the City's Unified Development Code for consideration of conditional use permits shall apply.
11. Section 6.04.04.F.1-6 of the City of Indio Unified Development Code comprise the required findings for a conditional use permit land use:
  1. The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Code and all other titles of the Municipal Code;
  2. The proposed use is consistent with the General Plan and any applicable Specific Plan;
  3. The proposed use will not be adverse to the public health, safety, or general welfare of the community, nor detrimental to surrounding properties or improvements;
  4. The proposed use complies with any design or development standards applicable to the zoning district or the use in question unless waived or modified pursuant to the provisions of this Code;
  5. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and reasonably foreseeable future land uses in the vicinity; and
  6. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints.
12. Regarding Section 6.04.04.F.1, 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 fuel stations are a conditional use permit and an

forementioned Limited Land Use in the MU-C zoning designation. This Table further specifies that convenience markets are generally an administrative use permit and a Limited Land Use, however, when combined with a fuel station land use, both uses are considered land uses subject to issuance of a conditional use permit approval from the City Council following review and issuance of a recommendation by the Planning Commission. Section 3.3 (Glossary) of the Specific Plan defines a limited use as a development that provides neighborhood serving amenities (including job-creation) along the corridor, but that does not meet all of the form-based standards of the MU-C Zone and may be considered an impermanent use of the land until it is redeveloped to its highest allowed density. Section 3.14.1 (Limited Uses in the MU-C Zone – Intent) of the Specific Plan states 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. This Section further states that 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 convenience market and fuel station are considered Limited Land Uses use within the Mixed-Use Corridor (MU-C) designation of the Specific Plan and is subject to City Council review and approval as conditional land use and are further subject to applicable design and development standards and regulations of Section 3.14 (Limited Uses in the MU-C Zone). The Indio Gas Station Urban Plaza is a convenience market and fuel station project along with a pad site for future retail development t that provides neighborhood serving amenities for individuals interested in the products being offered and that will also contribute to job creation in the corridor. As noted in other areas of these findings, the Project does not meet all of the form-based standards of the MU-C zone. In some instances, this lack of compliance is due to the auto-oriented nature of the land uses. However, the Project does comply or can be made to comply with the application of conditions of approval with a significant number of the MU-C zone standards as noted in the findings herein. Therefore, as a Limited Land Use, the project does not meet all of the form-based standards of the MU-C Zone and may be considered an impermanent use of the land until it is redeveloped to its highest allowed density.

13. Regarding Section 6.04.04.F.2, the City of Indio City Council adopted the Indio General Plan 2040 on September 18, 2019. The City of Indio City Council subsequently 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 Indio Gas Station Urban Plaza Project is currently vacant and undeveloped. Table 3.5-1 (Allowed Uses) specifies that fuel stations are a conditional use permit and an aforementioned Limited Land Use in the MU-C zoning designation. This Table further specifies that convenience markets are generally an administrative use permit and a Limited Land Use, however, when combined with a fuel station land use, both uses are considered land uses subject to issuance of a conditional use permit approval from the City Council following review and issuance of a recommendation by the Planning Commission. Section 3.3 (Glossary) of the Specific Plan defines a limited use as a development that provides neighborhood serving amenities (including job-creation) along the corridor, but that does not meet all of the form-based standards of the MU-C Zone and may be considered an impermanent use of the land until it is redeveloped to its highest allowed density. Section 3.14.1 (Limited Uses in the MU-C Zone – Intent) of the Specific Plan states 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. Therefore, the conditional use consideration of the convenience market and fuel station is consistent with the General Plan because they are a general commercial land use as specified in the General Plan. It is further consistent with applicable provisions of the Specific Plan because they are considered a limited land use and are being considered as a conditional land use pursuant to applicable provisions of the Specific Plan. Finally, if the portion of the property identified a future retail development area is proposed for one or more land uses, these land uses must be consistent with the General Plan 2040 and the Highway 111 Corridor Specific Plan and will be subject to future separate land use entitlement review by the City.

14. Regarding Section 6.04.04.F.3, the project as currently presented is an auto-oriented project comprised of a convenience market and fuel station. The land use (s) for the future retail development area is unknown at this time. The project is an auto-oriented land use whose overall land use intent is to provide convenient and auto oriented food products, other products and fuel services to patrons. As currently conceived, the convenience market will be located adjacent to the public right-of-way for Flower Street and immediately south of the Indio Boulevard/Requa Avenue/Flower street intersection. The proposed fuel station canopy is located approximately 18 feet southwest of the Indio Boulevard public right-of-way with a proposed striped pedestrian connection to the convenience market building. 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 Indio Gas Station Urban Project as a stand-alone auto oriented land use-oriented project does not by itself directly contribute to a lively dynamic center of social, cultural and economic activity for the City of Indio. However, 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. In addition, the subject property proposed for the proposed Indio Gas Station Urban Plaza Project is currently vacant and undeveloped. The Project will re-introduce land use activity to the subject and will create employment and property tax revenue that is not currently present resulting from the undeveloped nature of the property.

15.Regarding Section 6.04.04.F.4, the Indio Gas Station Urban Plaza Project complies or can be made to comply with a substantial majority of the applicable design and development standards specified in the Specific Plan. Section 3.3 (Glossary) of the Specific Plan defines a limited use as a development that provides neighborhood serving amenities (including job-creation) along the corridor, but that does not meet all of the form-based standards of the MU-C Zone and may be considered an impermanent use of the land until it is redeveloped to its highest allowed density. Section 3.14.1 (Limited Uses in the MU-C Zone – Intent) of the Specific Plan states 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. This Section further states that 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. Therefore, the project is generally compliant or will be compliant with the application of conditions of approval and in those instances where the project is not compliant, there is a reasonable basis for the City Council to make a finding that this lack of compliance does not result in the project not being approvable.

16.Regarding Section 6.04.04.F.5, the Indio Gas Station Urban Plaza Project is generally compatible with the design, location, size and operating characteristics of existing and reasonably foreseeable future land uses in the vicinity. The project site is located in a largely built out area at the outer edge of the boundaries of the Highway 111 Corridor Specific Plan that is currently dominated by auto-oriented land uses including but not limited to mini-storage, auto repair, personal service and office uses. These land uses are primarily located in an established buildings and sites that are not currently planned for significant revitalization or redevelopment. The Indio Gas Station Urban Plaza Project is generally consistent with the existing surrounding land uses and will

not cause significant impacts to the operations of these land uses that would be considered excessive in nature.

17. Regarding Section 6.04.04.F.6, the project site for the Indio Gas Station Urban Plaza Project is an irregularly shaped parcel of land. The project can be accessed via Indio Boulevard and/or Flower Street subject to compliance with applicable City of Indio driveway access requirements, is served or can be served by public and private utilities and would not create excessive land use intensity that would be out of character with the existing surrounding commercial oriented land uses.
18. 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 0.87 of an acre in size and therefore, this Section is not applicable to the proposed project.
19. 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 25. 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.
20. 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 located on an existing parcel of land that measures approximately 345.21 lineal feet wide along the site’s northern (Indio Boulevard) perimeter, 169.54 lineal feet long along the site’s western (Flower Street) perimeter

and 348.00 lineal feet along the site's southern perimeter. As a result of the project site's limited size and associated dimensions, it complies with this Section.

21. 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 that is not located along Highway 111, but that is within the boundaries of the Highway 111 Corridor Specific Plan. The applicant is not proposing nor is being required to make any substantive public realm improvements that would create a legal nexus for compliance to one or more standards in this Section. Therefore, this Section is not applicable to the proposed project.
  
22. 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 for non-Highway 111 fronting properties, the front street build to range should be 0 feet to 10 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 convenience market building immediately abuts and is parallel to Flower Street while the proposed fuel canopy island is parallel to Indio Boulevard and is setback 12 feet/7 inches from the Indio Boulevard property line. The convenience market and the fuel island canopy both comply with the 100 percent front street build-out. Flower Street is an adjacent side street with the convenience market fronting directly along this Street. The convenience market building is approximately 80 feet long and complies with the maximum building length standard. The building separation between the convenience market building and the fuel island canopy structure is 30 feet/6 inches.
  
23. Section 3.8.B.2 specifies standards for Public Realm Extensions into project sites. The submitted site plan specifies interior striped pedestrian connections. 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 specifies an approximately 3-foot-wide pedestrian walkway from Flower Street to the convenience market primary entrance that is located along the eastern building elevation. There is also a 3-foot-wide pedestrian walkway from the convenience market primary building entrance to Indio Boulevard, however, there appear to be water and air supply cabinets and would therefore obstruct any pedestrian access to and from the primary building entrance to Indio Boulevard. Therefore, a condition of approval was specified in the July 26, 2023 version of this Resolution requiring the submittal of a modified site plan prior to City Council review and consideration specifying the removal and relocation of the water and air supply cabinets to another on-site location with the provision that this relocation should not block any other pedestrian connection. The applicant addressed this condition on the revised project site plan submitted on November 28, 2023 by relocating the cabinets to the southeast corner of the project site.

- 24. The submitted site plan does not specify the design characteristics of the proposed pedestrian connection. 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. The submitted site plan is unclear as to whether decorative and/or permeable pavement for interior and external pedestrian connections. Further, any interior pedestrian connections should be slightly raised to notify vehicles of the pedestrian crossing area. Therefore, a condition of approval was specified in the July 26, 2023 version of this Resolution requiring the submittal of a modified site plan prior to City Council review and consideration specifying decorative and/or permeable pavement for interior and external pedestrian connections and further specifying raised internal pedestrian connections with dimensioned height. The applicant addressed this condition on the revised project site plan submitted on November 28, 2023 and a condition of approval has been added to this version of the Resolution to assure the construction of on-site sidewalks requires with this Section.
- 25. The project is a limited land use drive-through restaurant that has not been designed to incorporate enclosed public realm extensions that due to the irregular nature of the parcel, cross-circulation constraints and the auto-oriented nature of the development would be infeasible. The on-site driving and parking areas have been designed to separate on-site parking from drive-through functional areas within the site constraints imposed by the irregular nature of the parcel and the need to maintain cross-circulation between and with adjacent properties.
- 26. 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 buildings specify that the convenience store building elevation will be 16.7 feet height that is 13.3 feet less than the specified 3 stories standard and as such, does not comply with the specified minimum building height standard. The proposed fuel canopy island is 30.1 feet in height and does comply with the 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 Indio Gas Station Urban Plaza 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 one and a half story height of the proposed building is acceptable.

27. 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 80-feet in length and therefore Section 3.10.A is not applicable to the proposed building.
28. 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 and renderings propose a combination of horizontal and vertical elements for the convenience store building. All elevations except the western building elevation are in compliance with the façade composition standards specified in Section 3.10.B.2 for a single-use structure. Therefore, a condition of approval was specified in the July 26, 2023 version of this Resolution requiring the submittal of a modified site plan prior to City Council review and consideration demonstrating compliance to Section 3.10.B.2 of the Highway 111 Corridor Specific Plan for the western building elevation of the convenience market. The applicant addressed this condition on the revised project site plan and in the elevations submitted on November 28, 2023. The fuel island canopy structure is a roofed structure only and as such, Section 3.10.B.2 is not applicable to this structure.



29. 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. Based on the submitted plan information, the proposed northern southern and western building elevation facades of the convenience market building do not appear to meet the façade fenestration requirement. Section 3.14.B.1.f.iii specifies that for limited land use facades over 100 feet in width are subject to the Façade Standards in Section 3.10.A.3. The three non-compliant façade elevations for the convenience market that is considered a limited land use pursuant to applicable provisions of the Specific Plan are less than 100 feet in width and therefore are not subject to the specified façade fenestration standards.
30. 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.
31. The project plans specify that glass storefront sections set back four (4) feet from façade elevation walls for compliance to Section 3.10.3.b.i of the Highway 111 Corridor Specific Plan. A condition of approval demonstrating compliance to Section 3.10.3.b.i prior to issuance of a building permit shall be specified to ensure compliance. A condition of approval demonstrating compliance to Section 3.10.3.b.iii prior to issuance of a building permit shall be specified to ensure compliance. The applicant has not specified that the horizontal distance between wall openings at the storefront at the front of the building is not separated by more than 15 feet for compliance with Section 3.10.3.b.iv. Therefore, a condition of approval was specified in the July 26, 2023 version of this Resolution requiring prior to City Council review and consideration, the submittal of revised project plans demonstrating compliance to Section 3.10.3.b.iv of the Highway 111 Corridor Specific Plan. The applicant addressed this condition on the revised project elevations submitted on November 28, 2023.
32. 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. Modulations, 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 did not submit a digital or hard copy materials board that demonstrates compliance to Section 3.10.4.a-e. Therefore, a condition of approval was specified in the July 26, 2023 version of this Resolution that prior to City Council review and consideration, detailed materials and finishes information demonstrating compliance to Section 3.10.4.a-e should be submitted. The applicant addressed this condition on the revised project elevation drawings submitted on November 28, 2023 and also noted in an accompanying narrative that a physical version of the materials and color board will be provided at the Planning Commission's December 13, 2023 regular meeting. Further, in order to assure 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.

33. 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 convenience market and covered fuel island is considered a limited land use pursuant to Section 3.14 of the Specific Plan. As such, Section 3.10.C is not applicable to the project.
34. 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 convenience market entrance is appropriately designated as a shopfront and is therefore subject to regulation by Section 3.10.D.4.f. Based on the submitted plans, compliance to this Section cannot be determined. Therefore, a condition of approval was specified in the July 26, 2023 version of this Resolution requiring the submittal of detailed to-scale and measurable plan information demonstrating compliance to Section 3.10.D.4.f. The applicant addressed this condition on the revised project site plan and elevation drawings submitted on November 28, 2023.
35. 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.

36. The submitted plan documents demonstrate compliance to Section 3.10.D.3.a while Section 3.10.D.3.b is not applicable based on the commercial nature of the on-site buildings. The submitted plans did not include a separate detailed landscape plan or detailed landscape planting information on the site plan such that compliance to Section 3.10.D.3.c can be determined. Therefore, a condition of approval was specified in the July 26, 2023 version of this Resolution requiring the submittal prior to City Council review and consideration of a separate detailed landscape plan or detailed landscape planting information on the site plan demonstrating compliance to Section 3.10.D.3.c. The applicant addressed this condition on the revised project site plan submitted on November 28, 2023.
37. 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 rendering drawing, site plan and elevation drawings specify conceptual wall-mounted and free-standing signage. There is no detailed information provided such that compliance to Section 3.11 could be adequately determined. As such, compliance to Section 3.11 cannot be determined at this time. Therefore, a condition of approval is needed requiring demonstration of compliance to Section 3.11 for any and all wall-mounted, freestanding, menu and directional signage.
38. 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.A.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 by more than 25 percent.

The Project does not qualify for an exemption from Section 3.12.A.2.b and therefore, Section 3.12.B.1/Table 3.12-1 is applicable to the proposed project. This Table specifies that the on-site parking requirement for retail land uses is a minimum of 2 spaces per 1,000 square feet and a maximum of 4 spaces per 1,000 square feet. The submitted site plan specifies a total of 20 on-site parking spaces. The submitted site plan indicates that 10 parking spaces are proposed for the convenience market and 10 parking spaces are proposed for the fuel station use. The maximum allowed for the convenience market land use is 8 parking spaces. The fuel station use is intended only for vehicle gasoline filling. Therefore, it is not appropriate to construct 10 on-site parking spaces for this use. It is more reasonable to construct a maximum of 2 spaces.

Therefore, a conditional of approval was specified in the July 26, 2023 version of this Resolution requiring the submittal of a modified site plan prior to City Council review and approval specifying a maximum of 10 on-site surface parking spaces for compliance to Section 3.12.B.1/Table 3.12-1. The applicant addressed this condition on the revised project site plan submitted on November 28, 2023.

39. 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 plan does not specify whether there will be on-ground utility equipment such that compliance to Section 3.13.B.1.a can be determined. Further, the submitted site plan does not specify any detailed landscaping information nor is there a separately submitted landscaping plan. Therefore, a condition of approval was specified in the July 26, 2023 version of this Resolution requiring prior to City Council review and consideration the submittal of a modified site plan specifying the location of any on-ground utility equipment together with detailed landscaping information on the site plan or a separate landscape plan addressing compliance to Section 3.13.B.1.a. The applicant addressed this condition on the revised project site plan submitted on November 28, 2023.

40. 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. The submitted site plans do not contain any detailed information such that compliance to Section 3.13.B.2.a-c can be determined at this time. Therefore, a condition of approval was specified in the July 26, 2023 of this Resolution requiring prior to City Council review and consideration the submittal of a modified site plan and associated detail information demonstrating compliance to Section 3.13.B.2.a-c. The applicant addressed this condition on the revised project site plan submitted on November 28, 2023. Further, prior to certificate of occupancy, the applicant shall completely screen meaning not visible from Flower Street, Requa Street, Indio Boulevard and adjacent properties on the east, west and south on all sides via roof parapet walls or similar treatment all roof-mounted mechanical equipment. Prior to certificate of occupancy, the applicant shall enclose all electrical switchgear within an accessible closet space that will be further screened by

landscaping as specified on the approved final landscape plan. Prior to certificate of occupancy, the applicant shall effectively screen from public view water and gas meters with landscaping specified on the approved final landscape plan.

41. 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 the provision of any on-site fences or walls. If the applicant determines to install any on-site fences or walls, they shall be constructed in accordance with Section 3.13.C of the Highway 111 Corridor Specific Plan. The applicant clarified in the November 28, 2023 written narrative that there were no on-site fences or walls planned for this project.
42. 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 lighting plan prepared by a qualified professional demonstrating compliance to Section 3.13.D.1-2. Therefore, a condition of approval was specified in the July 26, 2023 version of this Resolution requiring prior to City Council review and consideration the submittal of a detailed lighting plan prepared by a qualified professional demonstrating compliance to Section 3.13.D.1-2. The applicant addressed this condition on the revised project site plan submitted on November 28, 2023.

43. Section 3.13.E.1.a-g 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 did not submit a landscape plan demonstrating compliance to Section 3.13.E.1.a-g. Therefore, a condition of approval was specified in the July 26, 2023 version of this Resolution requiring prior to City Council review and approval the submittal of a landscape plan demonstrating compliance to Section 3.13.E.1.a-g of the Highway 111 Corridor Specific Plan. The applicant addressed this condition on the revised project site plan submitted on November 28, 2023.

44. Section 3.13.E.1.h 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.

Regarding Section 3.13.E.1.h.i, the proposed project does not propose any stair treads. Regarding Section 3.13.E.1.h.ii-iv, the applicant did not submit a landscape plan demonstrating compliance to Section 3.13.E.1.h.ii-iv. Therefore, a condition of approval was specified in the July 26, 2023 version of this Resolution requiring prior to City Council review and approval the submittal of a landscape plan demonstrating compliance to Section 3.13.E.1.h.ii-iv of the Highway 111 Corridor Specific Plan. The applicant addressed this condition on the revised project site plan submitted on November 28, 2023.

Section 3.13.E.1.i specifies the following standard:

- i. New landscapes shall comply with state and City requirements for Water Efficient Landscapes.

Regarding Section 3.13.E.1.i, the applicant did not submit a landscape plan demonstrating compliance to Section 3.13.E.1.i. Therefore, a condition of approval was specified in the July 26, 2023 version of this Resolution requiring prior to City Council review and approval the submittal of a landscape plan demonstrating compliance to Section 3.13.E.1.i of the Highway 111 Corridor Specific Plan. The applicant addressed this condition on the revised project site plan submitted on November 28, 2023.

Section 3.13.E.1.j specifies the following standard:

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.1.j, the applicant did not submit a landscape plan demonstrating compliance to Section 3.13.E.1.j. Therefore, a condition of approval was specified in the July 26, 2023 version of this Resolution requiring prior to City Council review and approval the submittal of a landscape plan demonstrating compliance to Section 3.13.E.1.j of the Highway 111 Corridor Specific Plan. The applicant addressed this condition on the revised project site plan submitted on November 28, 2023.

45. Section 3.13.F (Stormwater) specifies the following:

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.

46. 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.

47. 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.**

**48. 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 new commercial buildings in a built-up area of the City covered by the Highway 111 Corridor Specific Plan.**

**49. Regarding Section 3.14.B.1.c.i, the submitted plans specify the primary door entrance for the convenience market on the building's eastern building elevation, however, the building's western elevation is located directly adjacent to the existing sidewalk on Flower Street. As currently proposed, the project as proposed does not comply with Section 3.14.B.1.c.i. Therefore, a condition of approval was specified in the July 26, 2023 version of this Resolution requiring prior to City Council review and consideration, the submittal of revised project plans demonstrating the location of primary building entrance for the convenience market on the building's western elevation. The applicant addressed this condition on the revised project site plan submitted on November 28, 2023.**

**50. Regarding Section 3.14.B.1.c.ii, the convenience market building façade is located parallel to Flower Street and the fuel station canopy structure is parallel to Indio Boulevard. Therefore, the project as currently proposed complies with Section 3.14.B.1.c.ii.**

**51. Regarding Section 3.14.B.1.c.iii, the subject property is a corner lot and as such, the convenience market building should be located at the corner of Flower Street, Requa Avenue and Indio Boulevard. Therefore, a condition of approval was specified in the July 26, 2023 version of this Resolution requiring to City Council review and consideration, the submittal of revised project plans specifying the location of the**

convenience market at the corner of Flower Street, Requa Avenue and Indio Boulevard for compliance to Section 3.14.B.1.c.iii. The applicant addressed this condition on the revised project site plan submitted on November 28, 2023.

52. Regarding Section 3.14.B.1.c.iv, the lack of conformity to Table 3.8-1 has been previously addressed and the project as proposed was found to be in compliance with this Table. Therefore, compliance to Section 3.14.B.1.c.iv is also achieved.
53. Regarding Section 3.14.B.1.d.i, the primary door entrance for the convenience market on the building's eastern building elevation, however, the building's western elevation is located directly adjacent to the existing sidewalk on Flower Street. As currently proposed, the project as proposed does not comply with Section 3.14.B.1.c.i. Therefore, a condition of approval was specified in the July 26, 2023 version of this Resolution requiring prior to City Council review and consideration, the submittal of revised project plans demonstrating the location of primary building entrance for the convenience market on the building's western elevation. The applicant addressed this condition on the revised project site plan submitted on November 28, 2023.
54. Regarding Section 3.14.B.1.d.ii, the primary door entrance for the convenience market on the building's eastern building elevation, however, the building's western elevation is located directly adjacent to the existing sidewalk on Flower Street. As currently proposed, the project as proposed does not comply with Section 3.14.B.1.c.i. Because the fuel island canopy is located immediately east of the convenience market, it is likely that a secondary access will need to be provided to allow fuel canopy users convenient access to the building. Therefore, a condition of approval was specified in the July 26, 2023 version of this Resolution requiring prior to City Council review and consideration, the submittal of revised project plans demonstrating the location of a secondary building entrance for the convenience market on the building's eastern elevation. The applicant addressed this condition on the revised project site plan submitted on November 28, 2023.
55. Regarding Section 3.14.B.1.d.iii, the submitted plans specify approximately 3-foot-wide on-site pedestrian connections from Flower Street and Indio Boulevard to the convenience market building. A 3-foot-wide on-site pedestrian connection is neither wide nor welcoming. Rather, these connections should be a minimum of 5-foot-wide to comply with Section 3.14.B.1.d.iii. Therefore, a condition of approval was specified in the July 26, 2023 version of this Resolution requiring prior to City Council review and consideration the submittal of revised project plans specifying a minimum 6-foot-wide on-site pedestrian connections from Flower Street and Indio Boulevard. The applicant addressed this condition on the revised project site plan submitted on November 28, 2023.
56. 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.

57. Regarding Section 3.14.B.1.e, the proposed convenience market building height is 19.7 feet and the proposed fuel island canopy height is 30.1 feet, both of which exceed the minimum 16-foot height standard and as such, the project complies with this Section.
58. Regarding Section 3.14.B.1.f.i, the western building elevation facing Flower Street does not have windows and a door indicating that this is the front of the building and as such, the project does not comply with Section 3.14.B.1.f.i. Therefore, a condition of approval was specified in the July 26, 2023 version of this Resolution requiring prior to City Council review and consideration the submittal of revised project plans demonstrating compliance to Section 3.14.B.1.f.i of the Highway 111 Corridor Specific Plan. The applicant addressed this condition on the revised project site plan submitted on November 28, 2023.
59. 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 40 feet and as such, this Section is not applicable to the proposed project.
60. Regarding Section 3.14.B.1.g.i, the applicant did not provide substantive site plan, landscape plan and other plan information to assess compliance to this Section. Therefore, a condition of approval was specified in the July 26, 2023 version of this Resolution requiring prior to City Council review and consideration the submittal of a revised site plan and/or detailed landscape plan demonstrating compliance to Section 3.14.B.1.g.i of the Highway 111 Corridor Specific Plan. The applicant addressed this condition on the revised project site plan submitted on November 28, 2023.
61. Regarding Section 3.14.B.1.g.ii, the proposed on-site surface parking areas are located along with the southern and eastern portions of the property. The applicant did not provide substantive site plan, landscape plan and other plan information to assess compliance to this Section. Therefore, a condition of approval was specified in the July 26, 2023 version of this Resolution requiring prior to City Council review and consideration the submittal of a revised site plan and/or detailed landscape plan demonstrating compliance to Section 3.14.B.1.g.ii of the Highway 111 Corridor Specific Plan. The applicant addressed this condition on the revised project site plan submitted on November 28, 2023.
62. Regarding Section 3.14.B.1.g.iii, there is no on-site parking proposed between the building and the sidewalk as currently proposed and as such, the project complies with this Section.
63. Regarding Section 3.14.B.1.g.iv, there are two vehicle entrances proposed for the site. One entrance is located on Flower Street and the other entrance is located along Indio Boulevard. The City Engineer has evaluated these proposed entrances and has

found them to be in compliance with the City's engineering standards and therefore, the project complies with this Section.

64. Regarding Section 3.14.B.1.g.v, the project proposes to utilize the existing vehicle entrance curb cut onto Highway 111 that is also utilized by the property to the immediate east 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. At present, there are cross-circulation easement agreements between the subject property and the properties immediately west and east of this property. As such, the project complies with Section 3.14.B.1.g.vi.

65. 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 comprised of a free-standing convenience market building and a fuel island canopy structure with fuel dispensers. The convenience market building is located immediately adjacent to Flower Street and the fuel island canopy is located in close proximity to Indio Boulevard. The project as conceived does not fully contribute to the overall pedestrian experience and quality of life within the Corridor, however, because of the subject parcel's irregular shape, the project is reasonably limited in comprehensively addressing Section 3.14.C.1.a.

Regarding Section 3.14.C.2.a.i, the convenience market is located along Flower Street and the fuel island canopy structure is located along Indio Boulevard. As previously noted, the project does not fully comply project with relevant elements of Section 3.10.B-C. Therefore, a condition of approval was specified in the July 26, 2023 version of this Resolution requiring prior to City Council review and consideration, the submittal of revised project plans demonstrating compliance to Section 3.10.B-C of the Highway 111 Corridor Specific Plan. The applicant addressed this condition on the revised project site plan submitted on November 28, 2023.

Regarding Section 3.14.C.2.a.ii, the submitted site plan proposes an outdoor seating area on the north side of the convenience market building. Therefore, the project as proposed complies with this Section.

Regarding Section 3.14.C.2.a.iii, the submitted site plan proposes an outdoor seating area on the north side of the convenience market building. However, the submitted site plan does not specify the provision of low fences and/or low landscaping as specified in this Section. Therefore, a condition of approval was specified in the July 26, 2023 version of this Resolution requiring prior to City Council review and consideration, the submittal of revised project plans demonstrating compliance to Section 3.14.C.2.a.iii of the Highway 111 Corridor Specific Plan. The applicant addressed this condition on the revised project site plan submitted on November 28, 2023.

Regarding Section 3.14.C.2.a.iv, the submitted site plan proposes an outdoor seating area on the north side of the convenience market building. This Section requires 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. Therefore, a condition of approval is warranted under General Conditions of Approval requiring on-going compliance with Section 3.14.C.2.a.iv for the outdoor seating area.

**Section 5.** Based on the foregoing, the City Council finds that the proposed Indio Gas Station Urban Plaza Project is compliant or can be made compliant to the Highway 111 Corridor Specific Plan and that **CONDITIONAL APPROVAL** of the Conditional Use Permit and Planning Review Permit for the Indio Gas Station Urban Plaza Project attached hereto as Exhibit "A" 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 court action or proceeding challenging the approval of this resolution or otherwise challenging the conditional approval of the Conditional Use Permit and Planning Review Permit for the Indio Gas Station Urban Plaza Project, the Applicant shall defend, at its own expense, the action or proceeding. In addition, the Applicant shall reimburse the City for the City's cost of defending any such court action or proceeding. The Applicant shall also pay any award of costs, expenses, and fees that the court having jurisdiction over such challenge makes in favor of any challenger and against the City. 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. In the event the Applicant fails or refuses to reimburse the City for its cost to defend any challenge, the City shall have the right, among other remedies, to revoke this approval. In order to ensure compliance with this condition, within twenty (20) days after notification by the City of the filing of any claim, action, or proceeding to attack, set aside, void, or annul the approval of this Design Review, the Applicant shall deposit with the City cash or other security 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. The City shall promptly notify the Applicant of any claim, action, or proceeding within the scope of this condition.

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.
3. The Applicant shall within 30 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 future retail development area shall be subject to future separate review and approval in accordance with applicable regulatory and procedural requirements and standards of the Highway 111 Corridor Specific Plan.
5. The project signage demonstrated on the submitted site plan and elevation drawings are not approved by this Resolution and shall be subject to separate and future review and consideration for conformity to the signage regulations and requirements of the Highway 111 Corridor Specific Plan.
6. 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.

7. 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.
8. 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.
9. 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.
10. 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 IID, the district can accommodate the power requirements of the project by extending/upgrading distribution primary lines (conduit and cable) to backbone feeder from Avenue 46 and Indio Boulevard to the project site, installing two (2) pad-mount switches and reconfiguring neighboring circuits.
11. 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.
12. 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> ).

13. 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.
14. 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.
15. 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.
16. 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 11 D 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.
17. 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.
18. Off-site water improvement plans shall be required with the required connection off of Flower Street.

19. Each building unit shall require its own domestic water meter with back flow assembly. IWA requires a separate water meter with back flow assembly for landscape irrigation.
20. All new meter boxes shall be polymer with a 2" radio read port per IWA standards. The applicant shall coordinate fire service with the Indio Fire Department.
21. IWA requires an Advanced Meter Infrastructure (AMI) pole for this development.
22. The applicant shall complete the Landscape Documentation Package in accordance with the Water Efficient Landscape Development Standards Ordinance No. 1684.
23. Developer shall pay all applicable fees; submit forms and agreements per IWA development procedural guidelines for final plan approval.
24. The Owner/Developer's engineer shall meet with VSD staff and discuss proposed sewer main connections and requirements prior to design.
25. The 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.
26. The proposed project shall comply with all VSD and other agency standards and requirements.
27. Improvements to the public right of way shall require bonding by the Owner/Developer and installation by a licensed underground contractor.
28. The proposed project shall be subject to all terms and conditions of the State of California mandated pre-treatment regulations.
29. 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.
30. 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.
31. 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.
32. Submit detailed information prepared by a qualified professional demonstrating compliance to Section 3.8.B.2.f.i-v, as applicable.

33. 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.
34. Any on-site fences or walls shall be constructed in accordance with Section 3.13.C of the Highway 111 Corridor Specific Plan.
35. Water and air supply cabinets shall be installed in the location shown on the submitted site plan.
36. All on-site sidewalks shall be constructed of decorative and/or permeable pavement materials. Any sidewalks crossing over vehicle drive aisles shall be raised a minimum of one-half inch.
37. All on-site sidewalks shall be a minimum of six (6) feet wide.
38. The on-site convenience market and fuel island canopy shall be constructed in substantial conformance with the final submitted elevation drawings and renderings.
39. All on-site landscaping shall be installed in accordance with the final project landscaping plan.
40. 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.
41. All on-site wall-mounted and free-standing lighting shall be installed in the locations with fixtures and associated wattages in accordance with the final photometric lighting plan. Submit revised project plans specifying a minimum 6-foot-wide on-site pedestrian connections from Flower Street and Indio Boulevard for consistency with Section 3.14.B.1.d.iii.
42. The project shall demonstrate compliance with Sections 3.14.B.1.f.i, 3.14.B.1.g.i, 3.14.B.1.g.ii and 3.14.C.2.a.iii of the Highway 111 Corridor Specific Plan.

**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. Submit for and obtain a permanent encroachment permit or similar authorization approval from the City Engineer for the roofline extension into the public right-of-way air space for Flower Street. If the City Engineer does not approve this roofline extension, the roofline extension shall not be extended into the public right-of-way and shall not extend beyond the project site's Flower Street property line. A revised

elevation drawing and site plan shall be provided to the Community Development Director showing the terminus of the roofline at the property line if the City Engineer does not approve the aforementioned roofline extension.

2. Provide to the Community Development Department, copies of any cultural resource documentation (report and site records) generated in connection with this project for distribution to the Agua Caliente Band of Cahuilla Indians.
3. Provide to the Community Development Department, a cultural resources inventory of the project area by a qualified archaeologist prior to any site or building development activities for distribution to the Agua Caliente Band of Cahuilla Indians.
4. Provide to the Community Development Department, a copy of the records search with associated survey reports and site records from the information center for distribution to the Agua Caliente Band of Cahuilla Indians.
5. 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
5. Automatic fire suppression systems shall be installed in all new construction per Title IX, Chapter 93 of the Code of the City of Indio. 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.
6. The requirements of the Air Quality Management District shall be satisfied prior to the issuance of any permit if dusts and/or pollutants will be discharged into the atmosphere.
7. Any temporary building or trailer used for construction purposes shall obtain a building permit prior to installation.
8. 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 Building Official on a case-by-case basis for extenuating circumstances.
9. 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.

10. All signs shall be Underwriters Laboratories approved, or equal.
11. 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
12. 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.
13. A Construction Waste Management Plan (CWMP) will be required at time of plan check submittal.
14. At time of plan check submittal, provide and show all required accessible parking stalls along with signage, accessible routes, etc.
15. Provide and show required bicycle parking inclusive of the location of bicycle parking spaces, the type of bicycle parking infrastructure.
16. Provide and show designated parking for clean air vehicles, as applicable.
17. Provide and show designated electric vehicle charging spaces, as applicable.
18. Show the required accessible routes/paths of travel from the public right-of-way to the buildings and from buildings to buildings.
19. A separate fire sprinkler and fire alarm plan shall be submitted to the Indio Fire Department.
20. Submitted plan review documents shall specify complete Code and building data, such as type of construction, occupancy groups and classifications, and so forth.
21. Submitted plan review documents shall include an allowable area analysis.
22. 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.

23. The applicant shall provide Valley Sanitary District with both civil and architectural drawings of the building and site improvements for review and approval.
24. 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.
25. Obtain approval from Burrtec for applicable on-site trash and recycling enclosures and routes.
26. 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.
27. 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.
28. 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.
29. Phased Construction Access: If construction is phased, each phase shall provide approved access for fire protection prior to any construction (CFC 503.1).
30. 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.
31. 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).
32. 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 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.
6. All grading and pad elevations shall be subject to approval of the Community Development Director and the City Engineer based on grading plans and additional information to be submitted during the engineering plan review process.
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. Prior to water service activation, all water infrastructure in the final approved plans must be constructed and must have a Council approved Water Agreement and Easement if applicable.
2. Prior to the issuance of a landscape water meter, the applicant must have a complete set of landscape plans signed and approved by the IWA.
3. 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.
4. The applicant will be required to complete and submit a "Wastewater Survey for Non-Residential Establishment Application for Wastewater Discharge Permit".
5. 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.
6. Existing concrete sidewalk along the east side of Flower St and south side of Requa Avenue shall be removed, and new concrete sidewalk shall be constructed per City of Indio STD. Plan No 132.
7. Applicant shall obtain an encroachment permit prior to starting any street improvements within public right-of-way.



8. Applicant shall remove and replace the existing curb ramp at Flower Street and Requa Avenue to comply with American with Disabilities Act Standards.
9. Applicant shall remove and replace any damaged or broken concrete curb/gutter and sidewalk on Flower Street, Requa Avenue and Indio Boulevard.
10. The proposed driveways shall be per City of Indio STD Plan No. 130.
11. The proposed project shall comply with American with Disabilities Act (ADA) requirements.
12. No under sidewalk culvert will be allowed on Indio Boulevard.
13. All improvements shall comply with City standards, requirements, and policies. Applicant is required to construct all transition and missing links between existing and proposed improvements.
14. 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).
15. All exterior lighting shall be oriented, directed, and/or shielded as much as possible so that direct illumination does not infringe onto adjoining properties.
16. 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.
17. Completely screen all roof-mounted or ground-mounted electrical and/or mechanical equipment meaning said equipment shall not be visible from Flower Street, Requa Street, Indio Boulevard and adjacent properties on the east, west and south on all sides.
18. Enclose all electrical switchgear within an accessible closet space that will be further screened by landscaping as specified on the approved final landscape plan.
19. Effectively screen from public view water and gas meters with landscaping specified on the approved final landscape plan.

**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.



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LUPE RAMOS AMITH  
MAYOR

ATTEST:



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SABDI SANCHEZ, CMC  
CITY CLERK ADMINISTRATOR

**CERTIFICATION**

I, Sabdi Sanchez, City Clerk Administrator of the City of Indio, California, hereby certify that **Resolution No. 10415** 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, Fermon, Holmes, Mayor Pro Tem Miller, Mayor Ramos Amith  
Noes: None

**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.



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SABDI SANCHEZ, CMC  
City Clerk Administrator  
City of Indio

