

RESOLUTION NO. 2020-69

A RESOLUTION OF THE CITY OF COACHELLA APPROVING CONDITIONAL USE PERMIT (CUP 328) SETTING LAND USE REGULATIONS AND MINIMUM DEVELOPMENT STANDARDS FOR THE CN-PD (NEIGHBORHOOD COMMERCIAL – PLANNED DEVELOPMENT OVERLAY) AND R-M (MULTIPLE-FAMILY RESIDENTIAL – PLANNED DEVELOPMENT OVERLAY) ZONES, AND APPROVING ARCHITECTURAL REVIEW (AR 20-08) TO ALLOW PARKING LOT AND FAÇADE RENOVATIONS TO AN EXISTING COMMERCIAL/MIXED-USE BUILDING AND CONSTRUCTION OF A NEW 7,279 SQUARE FOOT, TWO-STORY APARTMENTS BUILDING WITH EIGHT DWELLING UNITS AND DETACHED CARPORTS ON 0.489 ACRES LOCATED AT 51-704 CESAR CHAVEZ STREET (APN: 778-150-001). TOMER TZADOK (OWNER/APPLICANT).

WHEREAS, Mr. Tomer Tzadok (applicant) has filed an application for Conditional Use Permit (CUP 328) and Architectural Review (AR 20-08) to allow for the renovation of an existing commercial/mixed-use building and the construction of a new 7,279 square foot apartments building with eight dwelling units ranging in size from 692 square feet to 1,094 square feet and detached carports on 0.489 acres of partially developed land located at 51-704 Cesar Chavez Street; and,

WHEREAS, on September 27, 2020 the City gave public notice as required under Government Code Section 66451.3 by mailing notices to property owners within 300 feet of the project and publishing a 10-day public notice in the Desert Sun newspaper regarding the public hearing at which the project would be considered; and,

WHEREAS, the Planning Commission held a public hearing to consider CUP 328, and AR 20-08 at a regular Planning Commission meeting held on October 7, 2020 wherein the applicant and the public was given an opportunity to testify, in the Coachella Permit Center located at 53-990 Enterprise Way, Coachella, California; and,

WHEREAS, the proposed project is in conformity with the City’s General Plan policies and objectives and appropriate for the affected subject site, and not likely to be detrimental to the adjacent properties or residents; and,

WHEREAS, the proposed project is exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15332 as an infill development project because the project involves development on a site under five acres where the parcel complies with General Plan policies and zoning regulations, is not suitable as habitat for any sensitive plant or animal species, and can be served with public utilities; and,

WHEREAS, the proposed project would not adversely affect the general health, safety and welfare of the community.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Coachella, California does hereby approve Conditional Use Permit (CUP 328) and Architectural Review (20-02) subject to the findings and conditions of approval listed below.

Findings for Conditional Use Permit (CUP 328) & Architectural Review (AR 20-08):

1. The Project is consistent with the goals, objectives, policies, and implementation measures of the Coachella General Plan 2035. The site has an Industrial District land use designation that allows for the proposed development. The proposed uses on the site are in keeping with the policies of the Industrial District land use classification and the Project is internally consistent with other General Plan policies for this type of development.
2. The proposed use will not be in conflict with, but will be in harmony with and in accordance with the policies and objectives of the Coachella General Plan 2035, in that the front portion of the site along Cesar Chavez Street has a “Neighborhood Center” land use designation which encourages mixed-use developments and the existing building has mixed commercial/residential land uses that will be preserved and renovated. The project has a neighborhood-serving commercial building with two apartments on the second floor. The site has an “Urban Neighborhood” land use designation in the rear portion of the site where high-density multifamily residential uses are required. The new apartments building will occupy the rear portion of the site and will create a residential density of 30 units per acre, which is consistent with the General Plan vision for this site.
3. The proposed uses will be located, designed, constructed, operated and maintained so as to be compatible with the existing or intended character of the general vicinity and shall not change the essential character of the same area. The proposed project is in compliance with the applicable development standards of the City’s Zoning Code as proposed with the attendant Change of Zone No. 20-02 request to create a CN-PD and RM-PD split zoning designation. There are multi-family residential uses immediately adjacent to the east of the property and adjoining commercial uses to the north, south and west, which make the project compatible with surrounding uses.
4. Consideration is given to harmony in scale, bulk, coverage and density, to the availability of public facilities and utilities, to harmful effect, if any, upon desirable neighborhood character, to the generation of traffic and the capacity of surrounding streets, and to any other relevant impact of the development. The proposed development consists of a multi-tenant commercial/mixed-use building that provides neighborhood-serving commercial and service uses to City residents. The proposed apartments will be compatible in scale with the commercial buildings along Cesar Chavez Street and will have alley access to minimize vehicular movements along Cairo Avenue.
5. Where the proposed use may be potentially hazardous or disturbing to existing or reasonably expected neighboring uses, it must be justified by the common public interest as a benefit to the community as a whole. The proposed development will consist of neighborhood commercial, and multifamily residential uses which are compatible with the neighboring properties and are not uses known to create any potentially hazardous or disturbing impacts to surrounding property owners. The plans submitted for this project propose buildings with

enhanced architectural features and compliance with city parking regulations which will be compatible with adjoining commercial developments and apartments in the immediate vicinity of the site. The surrounding properties to the east, north and south can provide for similar commercial / mixed use developments and as such, the proposed buildings will be in keeping with the scale, massing, and aesthetic appeal of the existing neighborhood and future development.

6. The proposed project is categorically exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act as “Infill Development” (CEQA Guidelines, Section 15332). The proposed project is consistent with the general plan designation and all applicable general plan policies and current zoning designations and will comply with the PD Overlay zoning regulations. The subject site is less than five acres in size and is substantially surrounded by urban uses. The project site has no value as habitat for endangered, rare or threatened species since it is improved with buildings and hardscape. The approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and the site can be adequately served by all required utilities and public services. As such, no environmental review is required for this project.

CONDITIONS OF APPROVAL:

1. Conditional Use Permit No. 328 and Architectural Review No. 20-08 are approved for 12 months from the effective date of approval unless an extension of time is requested by the applicant and granted by the Planning Commission. Issuance of building permits and pursuit of construction will vest the proposed project which includes all three application mentioned above.
2. The renovated commercial / mixed-use building and construction of the new multifamily residential building and carports shall be in conformance with construction drawings and landscaping plans designed in accordance with the exhibits submitted for the Cairo Casitas Planned Development and conditions of approval imposed below:
 - a. All exterior building materials and colors shall substantially match the exhibits submitted with the Cairo Casitas Planned Development applications and the Design Guidelines. Windows for the apartments shall be a combination of divided light with bronze vinyl trim and metal eyebrow awnings above each window. Glass block accent windows may be flush to the wall with no trim or awning. The commercial storefront windows shall incorporate a turquoise angled canvas awning at least 48 inches in depth.
 - b. Conditional Use Permit No. 328 hereby approves a 4,656 square foot mixed-use commercial building with ground-floor commercial and two dwelling units on the second floor, with shared open parking in the CN-PD (Neighborhood Commercial-Planned Development Overlay) zone. The land use regulations in the City’s Municipal Code for the C-N (Neighborhood Commercial) zone will govern the commercial uses for the property. The land use regulations in the City’s R-M (Multiple-Family Residential) zone will govern the residential apartment portion of the site.

- c. Conditional Use Permit No. 328 hereby approves a new 7,279 square foot, two-story multifamily garden apartments building with detached carports and common area improvements with one covered parking space per unit, and shared open parking with the adjacent commercial/mixed use building, with a minimum front yard setback of 11 feet along Cairo Avenue, and five feet along the east property line, in the RM-PD (Multiple Family Residential -Planned Development Overlay) zone.
 - d. The multifamily residential building shall have a minimum 11-foot landscaped front yard setback area along Cairo Avenue with no fencing. The central garden may have open, wrought-iron fencing up to 6 feet in height at the front setback line. The central garden must maintain a clear view corridor to the street with no physical obstructions for the full width of the garden.
 - e. A minimum of two front entry doors to the multifamily apartments building shall be oriented towards the central garden.
 - f. Fencing for private patios in the side and rear yard area of the apartment building shall consist of decorative masonry walls.
 - g. Carports shall be painted to match the apartments building field colors and fascia trim colors. Half of all parking spaces shall be covered and
 - h. Signage for the property may consist of business identification wall signs over each commercial storefront, not to exceed 2 square feet of sign area for every lineal foot of tenant occupancy frontage or 50 square feet (whichever is less), with a goose-neck lamp for illumination. One freestanding pylon sign identifying the center and/or the commercial tenants may be erected along the Cesar Chavez Street frontage, within a landscaped planter area, up to 12 feet in height and a maximum size of 75 square feet in size. The eight-unit apartment building may have one identification sign placed on a wall surface not to exceed 30 square feet.
 - i. The main garden shall incorporate one or more shade structures with seating/benches for common –are use.
 - j. Stucco finishes for the existing building shall be treated to match the new construction.
3. All plans, as shown, are considered “conceptual,” subject to revisions as called out by the conditions of this resolution. The plans shall not be stamp-approved until all conditions requesting revisions have been satisfied during the building plan check process. Any substantial changes to the plans, including changes shown on future building permit plans deemed by Staff to not be within substantial conformance with this approval, will require an amendment to the approval of Architectural Review No. 20-08, including architectural features, materials, and site layout.
 4. The project shall comply with all applicable codes, laws and regulations, regardless of whether they are listed in these conditions. This includes conformance with the requirements of the

adopted C.B.C., C.P.C., C.M.C., N.E.C., including all requirements of the Riverside County Fire Marshal's Office.

5. The applicant will agree to defend and indemnify the City of Coachella against all claims, actions, damages, and losses, including attorney fees and costs, in the event that anyone files legal challenges to the approval of this project on the basis of the California Environmental Quality Act (CEQA). Prior to the issuance of building permits, the applicant shall execute a standard indemnification agreement subject to review by the City Attorney.

ENGINEERING

6. All existing & proposed public and private improvements including right of way and/or easements shall be clearly identified on the site plan including street pavement, curb, gutter, sidewalk, street trees, perimeter walls, perimeter landscaping and irrigation, storm drain, surface drainage patterns, sewer and water, street lights, and any other incidental works necessary to complete the improvements. Driveways shall conform to City of Coachella standards for residential driveways.
7. A preliminary soils report shall be prepared for the project by an appropriately licensed professional engineer. At a minimum, the soils report shall provide specific analyses and recommendations for grading, pavement structural sections, and infiltration.
8. A precise grading/improvement plan, prepared by a California Registered Civil Engineer, shall be submitted for review and approval by the City Engineer prior to issuance of any permits. A final soils report, compaction report and rough grading certificate shall be submitted and approved prior to issuance of any building permits.
9. A submittal for review and approval by the City Engineer all documents related to any existing and proposed on-site and off-site easements that may affect the development of the site. All easements shall be identified on the engineering plans.
10. Site access improvements shall be in conformance with the requirements of Title 24 of the California Administrative Code. This shall include access ramps for off-site and on-site streets as required.
11. The applicant shall pay all necessary plan check, permit and inspections fees. Fees will be determined when plans are submitted to the City Engineering Department for plan check.
12. The developer shall submit a Fugitive Dust Control and Erosion Control plan in accordance with Guidelines set forth by CMC and SCAQMD to maintain wind and drainage erosion and dust control for all areas disturbed by grading. Exact method(s) of such control shall be subject to review and approval by the City Engineer. No sediment is to leave the site. Additional securities, in bond form, in amount of \$2,000.00 per acre of gross area, and a one-time cash deposit of \$2,000.00 are required to insure compliance with this requirement. No work may be started on or off site unless the PM-10 plan has been approved, the original plans, and executed dust control agreement, are filed in the engineering department at the City of Coachella.

Precise Grading:

13. A precise grading/improvement plan, prepared by a California Registered Civil Engineer, showing building footprints, pad elevations, finished grades, drainage routes, retaining walls, erosion control, slope easements, and all other pertinent information shall be submitted for review and approval by the City Engineer.
14. Rough grading shall be certified by the project soils engineer prior to issuance of a permit for precise grading or building construction.
15. If applicant is planning to build a wall, separate permits shall be required for wall construction. The maximum height of any wall shall be limited to six (6) feet as measured from an average of the ground elevations on either side.

Street Improvements

16. Applicant shall construct all off-site and on-site improvements including street pavement, curb, gutter, sidewalk, street trees, perimeter walls, perimeter landscaping and irrigation, storm drain, street lights, and any other incidental works necessary to complete the improvements. Driveways shall conform to City of Coachella standards for commercial driveways with a minimum width of 24.00 feet and curbed radius entrances.
17. Public improvements along the project's frontage shall include repair and construction of pavement, curb, gutter, and sidewalk necessary for compliance with current standards and ADA requirements.
18. Applicant shall construct all off-site and on-site water improvements and any other incidental works necessary to complete the improvements. Size and location of sewer and water improvements shall be approved by the City Engineer.

Sewer and Water Improvements

19. Sewer and water improvement plans prepared by a California Registered Civil Engineer shall be submitted for engineering plan check and City Engineer approval.
20. Applicant shall construct all off-site and on-site water improvements and any other incidental works necessary to complete the improvements. Size and location of sewer and water improvements shall be approved by the City Engineer.

Engineering - Prior to Issuance of Building Permits

21. A final soils report, compaction report and rough grading certificate shall be submitted and approved prior to issuance of any building permits.
22. Prior to issuance of building permits, all required public improvements, including landscaping and lighting of the retention basins, and landscaped areas along the exterior streets, shall be

completed or secured with appropriate sureties to the satisfaction of the City Engineer. An engineering final inspection is required. "As-built" plans shall be submitted to and approved by the City Engineer. Prior to acceptance of the improvements by the City, such plans, once approved, shall be given to the city on compact disk in AutoCad format. All off-site and on-site improvements shall be completed to the satisfaction of the City Engineer prior to acceptance of improvements for maintenance by the City.

Engineering - Prior to Release of Occupancy Permits/Acceptance of Public Improvements

23. Prior to issuance of certificate of occupancy, all public improvements, including landscaping and lighting of the retention basins, and landscaped areas along the exterior streets, shall be completed to the satisfaction of the City Engineer. An engineering final inspection is required. "As-built" plans shall be submitted to and approved by the City Engineer. Prior to acceptance of the improvements by the City, such plans, once approved, shall be given to the city on compact disk in AutoCad format. All off-site and on-site improvements shall be completed to the satisfaction of the City Engineer prior to acceptance of improvements for maintenance by the City.

Riverside County Fire Department (Fire Marshal's Office):

24. Prior to the issuance of building permits, the applicant shall confirm that the existing fire hydrant provides the required fire flow. Fire hydrant(s) location and spacing shall comply with the fire code. Reference 2016 California Fire Code (CFC) 507.5.1 Appendices B and C.
25. Prior to building permit issuance, the applicant shall provide a fire access site plan pursuant to CFC 503.1.1.
26. Submittal of construction plans to the Office of the Fire Marshal for development, construction, installation and operational use permitting will 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 (CBC), California Fire Code, and related codes, which are in effect at the time of building plan submittal.
27. Fire Sprinkler System: An automatic fire sprinkler system shall be provided throughout all buildings with a Group R fire area. CFC 903.2.8
28. The applicant may be required, through the review and approval process, to install a water flow monitoring system and/or fire alarm system pursuant to CFC 903.4, CFC 907.2 and NFPA 72.
29. All commercial buildings shall display street numbers in a prominent location on the address side and additional locations as required. Ref. CFC 505.1 and County of Riverside Office of the Fire Marshal Standard #07-01.

Imperial Irrigation District:

30. The applicant shall meet and confirm any construction or operation on IID property or within its existing and proposed right-of-way or easements will require an encroachment permit, 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 (e.g. power lines).
31. Any and all mitigation necessary as a result of the construction, relocation and/or upgrade of IID facilities is the responsibility of the project proponent.

Utilities:

32. The applicant shall ensure that a Source Control “Short Form” has been completed by the applicant, turned into Source Control, reviewed and all modifications have been completed prior to issuance of a Certificate of Occupancy.
33. The applicant shall ensure that adequate fire protection is included and the public water supply is protected with a “Double Check Detector Assembly” (DCDA) or greater on all fire water lines to commercial/industrial facilities.
34. The applicant shall ensure that a “Reduced Pressure Principle Back-Flow Prevention Assembly” (RP) is correctly installed within 12” of all water meters servicing landscape, commercial and/or industrial facilities.
35. The applicant shall ensure that all landscape is on a separate water meter with a “Reduced Pressure Principle Back-Flow Prevention Assembly” (RP) ensuring the establishment is not assessed sewer fees for water used on landscape.
36. The applicant shall submit all mechanical and plumbing plans to Source Control for review to determine if an oil/grease interceptor is required, proper sizing is established and sample box is included, if constructed.
37. All facilities and landscape plumbing which have water or wastewater (sewer) services are required to obtain approval from the Environmental Compliance (Source Control), Water and Sanitary Sewer Divisions prior to receipt of the Certificate of Occupancy. This includes but is not limited to new construction and/or tenant improvements.
38. If a fire suppression system is to be installed, it must be conducted to a dedicated fire suppression system not the domestic drinking water system. Separation by an RP is acceptable prior to obtaining the C of O.

Coachella Valley Unified School District:

39. The applicant shall pay all applicable mitigation fees as required by the Coachella Valley Unified School District prior to issuance of a building permit. The fee has been established at

\$4.08 per square foot for all residential construction, and subject to change without prior notice.

Utilities - Environmental Compliance:

40. The applicant shall submit detailed plumbing plans for sewer and water improvements for review by the Utilities Division staff, prior to issuance of building permits.
41. Prior to issuance of building permits, the applicant shall submit a plan showing a summary of the plumbing fixture count for the new apartment building.
42. The owner shall submit a completed survey from the tenant in the existing food service establishment on the commercial building. A grease removal device shall be required if criteria is met.

Landscaping:

43. Final landscaping and irrigation plans shall be submitted to the Development Services Department for review and approval. Said plans shall conform to the landscaping plan submitted as part of the subject Architectural Review, and as conditioned herein.
44. Landscaping and irrigation shall be provided in accordance with Section 17.54.010(J) of the Municipal Code and in accordance with the State Model Water Efficient Landscape Ordinance (AB 1881). Water budget calculations, including the Maximum Applied Water Allowance (MAWA) and Estimated Total Water Use (ETWU) shall be provided as part of the landscaping and irrigation plan.
45. The landscape plans shall provide for minimum 24-inch box trees, 5-gallon groundcover plants, 5-gallon shrubs, and 5-gallon espalier vines for all plantings shown on the submitted plans. All new plantings and all existing plants and trees shall be irrigated with an automatic and durable drip irrigation system.
46. The applicant shall submit a lighting plan for all exterior parking, landscape and driveway areas during plan check.

Project Design:

47. Prior to the issuance of building permits, all exterior architectural features and treatments shall be consistent with the submitted Architectural Review No. 20-08 elevations and color/material board samples and shall be included and noted on all construction plans and elevations, subject to review and approval.
48. All exposed metal flashing, downspouts, or utility cabinets shall be painted to match the building prior to final inspection.
49. Trash enclosures installed for the project shall be compatible architecturally with the building. The enclosure shall be constructed to Burrtec Waste Management Standards and an open trellis

cover shall be incorporated on trash enclosures.

50. All roof mounted mechanical equipment shall be view obscured by a parapet wall greater in height than the equipment installed. Ground mounted mechanical equipment shall be view obscured by landscaping or enclosure.

PASSED, APPROVED and ADOPTED this 18th day of November 2020.

Steven A. Hernandez
Mayor

ATTEST:

Angela M. Zepeda
City Clerk

APPROVED AS TO FORM:

Carlos Campos
City Attorney

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF COACHELLA)

I HEREBY CERTIFY that the foregoing Resolution No. 2020-69 was duly adopted by the City Council of the City of Coachella at a special meeting thereof, held on the 18th day of November 2020 by the following vote of Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Andrea J. Carranza, MMC
Deputy City Clerk