

CHANDI GROUP USA – GATEWAY PROJECT

**CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT NO. 254 (MODIFICATION):**

1. This Conditional Use Permit 254 (modification) hereby relinquishes, and replaces in their entirety, the prior approved phasing plan and related conditions of approval, in order to allow two drive-thru restaurants and a single phasing plan for the proposed project. A building permit must be obtained and construction diligently pursued for all phases of the development within 12 months of the effective date, unless a time extension is granted by the Planning Commission.
2. The applicant shall incorporate an outdoor dining area with permanent seating and shade structures to serve the patrons of the drive-thru restaurant pad located at the northern portion of the site, subject to review and approval by the Development Services Director.
3. The applicant shall provide a lighting plan showing adequate illumination of all exterior parking lots, and common areas of the site, subject to review by the Development Services Department.
4. A maximum of 20% of window area may be used for signs. All banners and temporary signs shall be prohibited except as allowed under the City's sign regulations for special sales and promotional events.
5. All improvements for the car wash tunnel building, subject to Architectural Review No. 12-07, shall be constructed before the operation of the facility. Operational restrictions of the car wash imposed by Conditional Use Permit No. 256, are incorporated herein as listed below.
  - a. The car wash facility and vacuum area may operate between the hours of 5 AM to 10 PM daily.
  - b. An on-site car wash attendant shall be available during regular business hours of the car wash.
  - c. Wash water from the car wash must be recycled and cannot be discharged to the sewer system.
  - d. The car wash and vacuum area shall be operated as an automated car wash and maintained regularly, free of trash and debris.
6. Trash receptacles shall be provided in areas convenient for customers and shall be emptied daily.

**CONDITIONS OF APPROVAL FOR ARCHITECTURAL REVIEW 12-07 (MODIFICATION):**

1. This Architectural Review 12-07 (modification) relinquishes, and replaces in their entirety, the prior conditions of approval for Architectural Review No12-07 and allows a modified placement of the car wash tunnel, two drive-thru restaurants and an augmented service station canopy and new mini-market building. A building permit must be obtained and construction diligently pursued for all phases of the project within 12 months of the effective date, unless a time extension is granted by the Planning Commission.
2. The construction shall be in conformance with the plans submitted and conditions imposed herein for Architectural Review No. 12-07. This shall include the materials and colors as shown on the approved plans. The applicant or successor in interest shall submit detailed plans to the Building Division for review and approval.
3. A comprehensive sign program shall be submitted for review by the Planning Commission prior to issuance of a Certificate of Occupancy.
4. The project shall comply with all applicable codes, laws and regulations, regardless of whether they are listed in these conditions.
5. The applicant shall pay all applicable school impact fees to the Coachella Valley Unified School District prior to the issuance of building permit.
6. Additional cabling will be required to provide electric service from Imperial Irrigation District. Existing cable will require upgrading to include switches and other subsurface structures.

**Grading and Drainage**

7. A preliminary geological and soils engineering investigation shall be conducted by a registered soils engineer, and a report submitted for review with the grading plan and shall include pavement recommendations (on-site & off-site). The report recommendations shall be incorporated into the grading plan design prior to grading plan approval. The soils engineer and/or the engineering geologist shall certify to the adequacy of the grading plan.
8. A grading 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 Drainage Report, prepared by California Registered Civil Engineer, shall be submitted for review and approval by the City Engineer prior to issuance of any permits. 100% of the post development runoff shall be retained onsite. The report shall contain a Hydrology Map showing on-site and off-site tributary drainage areas and shall be prepared in accordance with the requirements of the Riverside County Flood Control District. Adequate provisions

shall be made to accept and conduct the existing tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. If the design of the project includes a retention basin, it shall be sized to contain the runoff resulting from a 10-year storm event and the runoff from a 100-year storm event shall be contained within basin with shallow ponding (2.5' max.) and within the public streets. The basin shall be designed to evacuate a 10-year storm event within 72 hours. The size of the detention basin(s) shall be determined by the hydrology report and be approved by the City Engineer. Detention basin shall be provided with a minimum of 2.00 feet sandy soil if determined to contain silt or clay materials. Maximum allowable percolation rate for design shall be 10 gal./s.f./day unless otherwise approved by the City Engineer. A percolation test for this site is required to be submitted. A combination drywell vertical drain field shall be constructed at all points where runoff enters the retention basin. Drywell & vertical drain field design shall be based on soils borings made at the proposed drywell locations after the retention basins have been rough graded. Minimum depth of borings shall be 45-feet. A log that includes sieve analysis for each strata of the borings shall be submitted to the City Engineer for confirmation of depth of the vertical drain fields.

10. Site access improvements shall be in conformance with the requirements of Title 24 of the California Administrative Code. This shall include the replacement or installation of access ramps for off-site and on-site streets as required.
11. Applicant shall obtain approval of site access and circulation from Fire Marshall and trash disposal company.
12. 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 be in accordance with City standard drawing S-18. Damaged curb, gutter and sidewalk shall be replaced as required.

### **Sewer and Water Improvements**

13. Sewer & Water Improvement Plans prepared by a California Registered Civil Engineer shall be submitted for Engineering plan check and City Engineer approval.
14. 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.
15. Minimum depth of sewer manholes shall be 5.00 feet (top of pipe to top of rim). Size and slope of sewer mains shall be approved by the City Engineer. The minimum slope for sewer main shall be as follows: (1) 8" - 0.33 percent, (2) 10" - 0.24 percent, (3) 12" - 0.19 percent, (4) 15", 18", 24", 27" & 33" 0.14 percent.

16. Applicant shall connect to the existing sewer main in the relocated 48 grade separation via six inch laterals with a clean out at the property line. On site sewer shall be constructed according to City Standards and shall be subject to inspection by the City.
17. Applicant shall connect to the existing 12 inch water main in Grapefruit Blvd. and the 48 Grade separation as required to provide adequate pressure to serve both domestic and fire services, including all fire hydrants, valves, 4 inch blow offs, fittings and, any other incidental works necessary to complete the improvements according to City standards.
18. Applicant shall provide the City with bonding for all off-site improvements, such bonding amounts shall be based on an Engineer's Estimate provided by the Applicant.

### **General**

19. A composite utility plan showing all utilities shall be submitted for review and approval by the City Engineer. The applicant shall construct all other utilities such as gas, telephone, television cable, electrical, and any other incidental works necessary to complete the utility improvements. All utilities will be constructed underground and extended to the tract boundary. Existing overhead utilities within the limit of construction shall be relocated underground and behind sidewalk. Street improvement plans shall not be approved until this plan is submitted and deemed substantially complete and correct.
20. 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.
21. The applicant shall pay all necessary plan check, permit and inspection fees. Fees will be determined when plans are submitted to the City Engineering Department for plan check.
22. The applicant shall comply with the valley wide NPDES permit requirements including but not limited to submittal of a Preliminary WQMP and a Final WQMP for final approval including executed maintenance agreement.

### **Completion**

23. "As-built" plans or composite utility plans shall be submitted to and approved by the City Engineer prior to acceptance of the improvements by the City. All off-site and on-site improvements shall be completed to the satisfaction of the City Engineer prior to acceptance of improvements by the City.

24. Submit plumbing plans for facility. Facility will need oil/grease interceptors and oil/water clarifiers and sample wyes installed.
25. Install above ground “double check detector assembly” DCDA for fire system to protect water supply from contamination or pollution
26. Backflow devices shall be installed and will require reduced pressure principle device (RP) installed to protect water supply from contamination or pollution.
27. Submit a site plan for stormwater including basin retention plan
28. Submit a spill containment and response plan to prevent non-stormwater spills to storm system; spill response kit to be maintained in the immediate area along with a record’s log to document occurrences of spill events.
29. Building height shall not exceed thirty (35) feet.
30. Separate permits shall be required for wall or fence construction. The maximum height of any wall shall be limited to eight (8) feet as measured from an average of the ground elevations on either side.
31. Concrete decorative paving shall be installed at the full driveway width, and with a depth of 20 feet at each driveway entrance to the project site.
32. The applicant shall install and maintain all landscaping and irrigation within the landscape parkway and the sidewalk on frontage areas along Grapefruit Blvd, Dillon Road, and Avenue 48 and shall assume landscape maintenance responsibilities of all parkway areas through a maintenance agreement with the City. The owner may enter into an agreement with the City for landscape installation and maintenance agreement on the south berm area adjacent to the Dillon Bridge prior to issuance of a building permit.
33. The developer must submit a landscape plan following the guidelines of the adopted Landscape Development Guidelines and Specifications prepared by VC2 Group dated September 2000. Landscaping shall also conform to Chapter 17.54 of the Coachella Municipal Code.
34. The Development Services Department may request minor substitutions of plant materials or request additional sizing or quantity of materials during plan check.
35. The landscape and irrigation plan shall show compliance with the following development standards for the parking areas.
  - a) Where any parking area abuts a street there shall be a minimum setback of ten (10) feet from the public right of way, which shall be fully landscaped and irrigated unless a greater setback is required by any other provision of the title.

- b) Internal landscaping equal to a minimum of five percent (5%) of the parking area and driveway area is required and shall be established throughout the parking area. The landscape plan shall include common and botanical names and include size of each species. The applicant shall submit an irrigation plan for review and approval by Directors of Community Development and Engineering. Landscaping and automatic irrigation system must be completed prior to occupancy of the first tenant space.
- c) All landscape planter beds in interior parking areas shall be not less than five (5) feet in width and bordered by a concrete curb not less than six (6) inches nor more than eight (8) inches in height adjacent to the parking surface.
- d) Where a drive aisle abuts the side of a parking space a landscaped planter shall separate the parking space from the drive aisle. The masonry wall proposed to screen the drive-thru aisle along the Avenue 48 and Dillon Road frontage shall be a minimum of four feet in height and vertical shrubs shall be used to further screen the drive-thru aisle from view to the street.
- e) At least one (1) fifteen (15) gallon tree shall be provided within the parking area for every ten (10) parking spaces, with size, height and species acceptable to staff.
- f) All internal landscape planters shall have permanent and automatic sprinklers or drip irrigation systems.

36. Mature Date Palm trees shall be planted with a minimum trunk height of 12 feet.

37. All roof mounted mechanical equipment shall be obscured from view by parapet walls that exceed the height of the equipment.

38. All new lighting shall be low pressure sodium and shall be directed away from adjacent properties. Prior to issuance of a building permit, a lighting plan shall be required to be submitted for review and approval by the Planning Director showing lighting standards, locations, and light levels throughout the project site. Lighting shall also be provided along all walkways between, building #1, car wash building, and Arco AM/PM building. Landscape accent lighting shall be used in all perimeter landscape areas.

39. A minimum of five (5) trash enclosures shall be constructed; this shall include doors and a concrete foundation within the enclosure, and a concrete apron for the area in the swing of the gates, and include space for recycling containers. Trash enclosures shall be compatible with the architecture of the project. These bins shall be of a size and design that is acceptable to Burrtec. The trash enclosures shall be maintained in a clean and sanitary manner.

40. The applicant shall submit plans that demonstrate existing billboard sign will not interfere with on-site vehicle circulation.

41. Tenant infill improvement plans shall be required to be approved by the Planning, Building and Fire Departments prior to the issuance of building permits. All buildings shall be subject

to conformance with applicable building codes including the Uniform Building and Plumbing Codes.

## **Fire Department**

42. Provide or show there exists a water system capable of delivering a fire flow 1500 gallons per minute for a 2 hours duration at 20 psi residual operating pressure, which must be available before any combustible material is placed on the construction site. (Fire flow may be adjusted, based on building use, sprinkler installation, and/or building size)
43. Approved accessible on-site fire hydrants shall be located not to exceed 500 feet apart in any direction. Any portion of the facility or of an exterior wall of the first story of the building shall not be located more than 150 feet from fire apparatus as measured by an approved route around the complex, exterior of the facility or building. No portion of a building shall be further than 400 feet from a fire hydrant. Fire hydrants shall provide the required fire flow.
44. (If an onsite fire hydrant is necessary) Prior to building plan approval and construction, applicant/developer shall furnish two copies of the water system fire hydrant plans to Fire Department for review and approval. Plans shall be signed by a registered civil engineer, and shall confirm hydrant type, location, spacing, and minimum fire flow. Once plans are signed and approved by the local water authority, the originals shall be presented to the Fire Department for review and approval.
45. Prior to issuance of building permits, the water system for fire protection must be provided as approved by the Fire Department and the local water authority. If a water system already exists; a letter from the local water District, verifying an adequate water flow, will need to be submitted for review.
46. Blue dot retro-reflectors pavement markers on private, public streets and driveways to indicated location of the fire hydrant shall be per Standard 06-11 if an onsite fire hydrant is necessary.
47. Driveway loops, fire apparatus access lanes and entrance curb radius should be designed to adequately allow access of emergency fire vehicles. The applicant or developer shall include in the building plans the required fire lanes and include the appropriate lane printing and/or signage
48. Approved fire apparatus lanes shall be provided for every commercial/ public use facility, building or portion of a building. All access lanes shall extend to within 150 feet of all portions of the buildings.
49. Access lane shall be constructed with a surface so as to provide all weather driving capabilities.
50. An approved Fire Department access key lock box (Minimum Knox Box 3200 series model) shall be installed next to the approved Fire Department access door to the building. If the

buildings are protected with an alarm system, the lock box shall be required to have tampered monitoring. Required order forms and installation standards may be obtained at the Fire Department.

51. Display street numbers in a prominent location on the address side of building(s) and/or rear access if applicable. Numbers and letters shall be a minimum of 12" in height for building(s) up to 25' in height. In complexes with alpha designations, letter size must match numbers. All addressing must be legible, of a contrasting color, and adequately illuminated to be visible from street at all hours.
52. Install a complete commercial fire sprinkler system (per NFPA 13 1999 Edition). Fire sprinkler system(s) with pipe sizes in excess of 4" in diameter will require the project Structural Engineer to certify with a "wet signature", that the structural system is designed to support the seismic and gravity loads to support the additional weight of the sprinkler system. All fire sprinkler risers shall be protected from any physical damage. The PIV and FCD shall be located to the front, within 25 to 50 feet of hydrant, and a minimum of 25 feet from the building(s). Sprinkler riser room must have indicating exterior and/or interior door signs. A C-16 licensed contractor must submit plans, along with current permit fees, to the Fire Department for review and approval prior to installation.
53. Install an alarm monitoring system for fire sprinkler system(s) with 20 or more heads A C-10 licensed contractor must submit plans along with the current permit fees to the Fire Department for review and approval prior to installation.
54. Install a portable fire extinguisher, with a minimum rating of 2A-10BC, for every 3,000 sq. ft. and/or 75 feet of travel distance. Fire extinguishers shall be mounted 3.5 to 5 ft. above finished floor, measured to the top of the extinguisher. Where not readily visible, signs shall be posted above all extinguishers to indicate their locations. Extinguishers must have current CSFM service tags affixed.
55. Where applicable; a UL 300 hood/duct fire extinguishing system must be installed over the cooking equipment. A C-16 licensed contractor must submit plans, along with the current permit fee, to the Fire Department for review and approval prior to installation.
56. No hazardous materials shall be stored and/or used within the building, which exceeds quantities listed in 2007 California Building Code. No class I, II or IIIA of combustible/flammable liquid shall be used in any amount in the building.
57. Exit designs, exit signs, door hardware, exit markers, exit doors, and exit path marking shall be installed per the 2007 California Building Code.
58. Electrical room doors, FAC, fire riser, roof access if applicable shall be labeled as per use.
59. Access shall be provided to all mechanical equipment located on the roof as per 2007 California Mechanical Code.



60. Air handling systems supplying air in excess of 2000 cubic feet per minute to enclosed spaces within buildings shall be equipped with an automatic shut off as per 2007 California Mechanical Code.
61. The Proposed project may have a cumulative adverse impact on the Fire Department's ability to provide an acceptable level of service. These impacts include an increase in the number of emergency and public service calls due to the increased presence of structures, traffic and population. The project proponents/developers will be expected to provide for a proportional mitigation to these impacts via capital improvements and/or impact fees.
62. The project will need to comply with the City's Industrial Pretreatment Program. All proposed discharges that are generated as a part of operations (garage, car washing) must meet discharge requirements.
63. The applicant is encouraged utilize energy efficient design in the construction of the proposed building to address issues such as water conservation/reuse, ventilation, insulation, building materials, energy production (solar, wind), and site planning.
64. The applicant shall construct a bus shelter or dedicate right-of-way for a future shelter at the Sunline transit stop on Grapefruit Boulevard. Bus shelter plans or plans for the dedication of right-of-way shall be submitted by the applicant for review by the Sunline Transit Agency, City Engineer and the Development Services Director.
65. The applicant shall install bicycle racks in accessible areas to each building, excluding the car wash service building.
66. A path of travel shall be provided with access to all tenant spaces from Grapefruit Blvd, Dillon Road and Avenue 48.
67. The project shall comply with the City of Coachella Art in Public Places Program by the dedication of an approved artwork at the project site, payment of an in-lieu fee to the Public Arts Fund, the posting of a financial security or the donation of approved artwork in conformance with The Ordinance No. 1034.
68. The applicant shall defend, indemnify and hold harmless the City and its officers, agents and employees from any claim, action, or proceedings against the City or its officers, agents or employees. The applicant shall further defend, indemnify and hold harmless the City, its officers, agents and employees from any damages, liabilities, claims, suits, or causes of action of any kind or form, whether for personal injury, death or property damage, arising out of or in connection with the activities or performance of the applicant, its agents, employees, licensees, contractors, subcontractors or independent contractors, pursuant to the approval issues by the City. The applicant shall submit an indemnification agreement in a form acceptable to the City Attorney.