



## STAFF REPORT

7/15/2020

**TO:** Planning Commission Chair and Commissioners

**FROM:** Juan Carrillo, Associate Planner

**SUBJECT:** Tentative Parcel Map No. 37940, Conditional Use Permit No. 321, Conditional Use Permit No. 322, and Architectural Review No. 20-07; applications that propose the development of a multi-tenant restaurant/retail building including a 2,000 sq. ft. drive-thru Coffee Shop and 4,500 sq. ft. restaurant/office space, and a 12-fueling position Canopy for Service Station and a 3,010 sq. ft. mini-market with alcohol sales and 24 hour operations on 3.1 acres of a vacant portion of land on an existing partially developed shopping center (Phase II) located at the NEC of Cesar Chavez Street and First Street. *Coachella Retail Realty Associates, LP, Applicant.*

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### **STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission recommend approval of Tentative Parcel Map No. 37940 (8.25 acres)(Resolution No. PC2020-07), Conditional Use Permit No. 321, Conditional Use Permit No. 322, and Architectural Review No. 20-07 (Resolution No. PC2020-08) to the City Council for a proposed development of a multi-tenant restaurant/retail building including a 2,000 sq. ft. drive-thru Coffee Shop and 4,500 sq. ft. restaurant/office space, and a 12-fueling position Canopy for Service Station and a 3,010 sq. ft. mini-market with alcohol sales and 24 hour operations on 3.1 acres of vacant land located at the NEC of Cesar Chavez Street and First Street.

### **EXECUTIVE SUMMARY:**

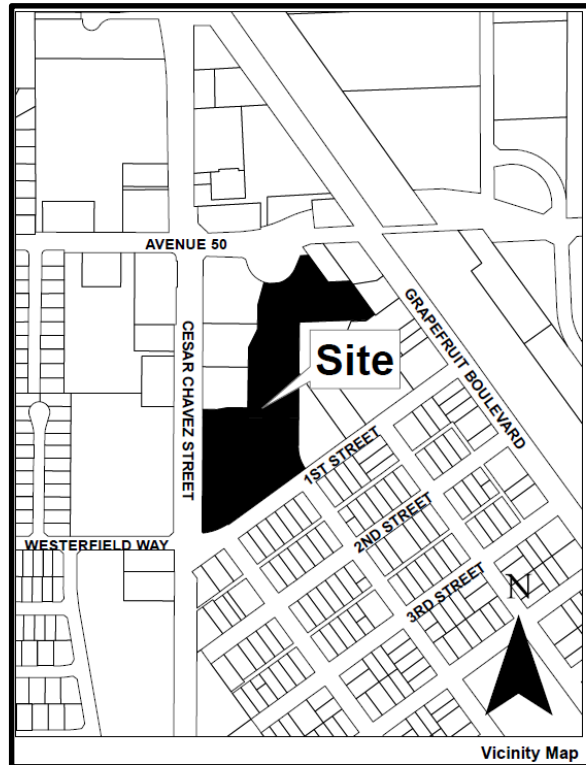
The proposed development is comprised of a vacant portion of an existing commercial development originally entitled under Conditional CUP No. 233 and Architectural Review 07-20 located on the east side of Cesar Chavez between Avenue 50 and First Street.

Both applications were approved by the Planning Commission on May 7, 2008 as a phased development. Tentative Parcel Map No. 37940 proposes to subdivide the 8.255 acres into 7 lots varying in size from 39,041 square feet, the smallest lot, to 61,747 square feet, the largest lot.

Parcel numbers 1, 2, and 3 consists of 3.1 acres and the proposed shops are to be built as Phase II of the original approved project under CUP No. 233 and AR No. 07-20. Conditional Use Permit No. 321 proposes to develop a convenience store with 12 pump fueling stations and a drive-thru for a coffee shop within the proposed development.

Conditional Use Permit No. 322 is proposed for alcohol sales within the convenience store with the 12 fueling pumps (Type 20, Off-Sale Beer and Wine). The operator for the convenience store is expected to be 7-Eleven. Architectural Review No. 20-03 is for the proposed architectural design of the buildings and potential retail and/or a restaurant. Any other future alcohol uses will require a separate CUP, for instance if one of the buildings were to have a restaurant that would propose to serve alcohol, then a separate CUP would be required. The same would apply for any other uses listed by CUP in the General Commercial (C-G) zoning designation of the subject site.

This project proposes to develop the southerly portion of the site as show on the vicinity map to the right, at the corner of Cesar Chavez Street and 1<sup>st</sup> Street.



**BACKGROUND:**

At the January 15, 2020 Planning Commission meeting, staff was given direction to bring this item for further consideration and presentation of proposed building elevations for the development of the site. The applicant provided exhibits for a 7-Eleven service station building constructed in Cathedral City and the Planning Commission gave staff positive feedback. Staff believes that the elevations provided are compatible with the Walgreen’s Pharmacy building.

The original Walgreen’s Project was the first phase of construction, and a master site plan showing future retail pads was reviewed by the Planning Commission which at the time included a service station. The overall project included a 14,814 square foot drive-thru pharmacy (Walgreens), a 2,858 square foot drive-thru restaurant pad, a 3,243 sq. ft. service station/mini-market, and two multi-tenant retail buildings totaling 12,672 square feet. The project was then revised to remove the drive-thru component of the pharmacy and reconfigured the drive-thru for the McDonalds.

The General Plan 2035 shows the subject property as a “Downtown Center” designation which does not allow for automotive uses including service stations or gas stations and it also prohibits drive-thru establishments as illustrated on Table 4-1 General Plan designations Compatible as shown on Attachment III. The applicant, Fountainhead Plaza, submitted Pre-Application 19-12 on September 23, 2019, proposing the construction of a multi-tenant restaurant/retail building including a 2,000 sq. ft. drive-thru Coffee Shop and 4,500 sq. ft. restaurant/office space, and a 12-fueling position Canopy for Service Station and a 3,010 sq. ft. mini-market on 8.25 acres of a portion of vacant land, the General Plan does prohibit gas stations and drive-thru restaurants within the Downtown Center designation.

With the adoption of the General Plan 2035, the City’s Zoning Map is now inconsistent with the land use designations of the General Plan. One clear example of the inconsistencies with the land use designations of the General Plan and the current zoning designations is the GC (General Commercial) land use regulation versus the “Downtown Center” classification. The General Plan prohibits gas stations and drive-thru restaurants within the Downtown Center while the current zoning designation allows the construction and operation of gas stations and restaurants with drive-thru service with the approval of a conditional use permit, in accordance with section 17.74.010 of the Coachella Municipal Code.

**TENTATIVE PARCEL MAP NO. 37940:**

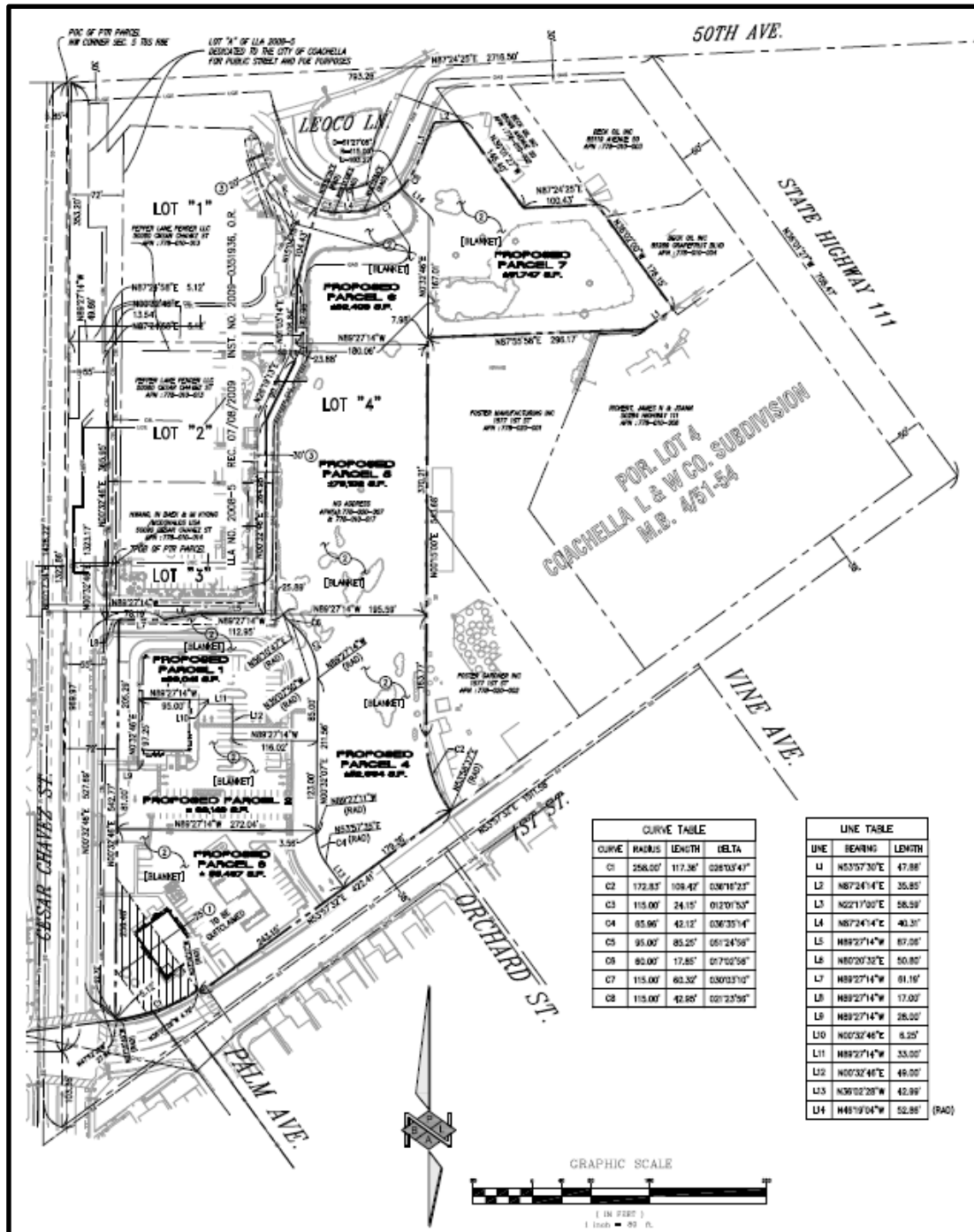
Tentative Parcel Map No. 37940 is a request to subdivide the southern and eastern portions of the Walgreen’s development (8.25 acres) into seven (7) parcels. Parcels 1, 2, and 3 will be developed with the drive-thru coffee/retail store/service station respectively and Parcels 4, 5, 6, and 7 will be reserved for future commercial development. Parcel 7 contains the common-area retention basin that provides storm-water drainage needs of the existing developed properties (Walgreen’s, Taco Bell and McDonalds).

The information below is the proposed parcel (lot size) area breakdown and an exhibit of the proposed subdivision showing the new building areas and the “future” development areas.

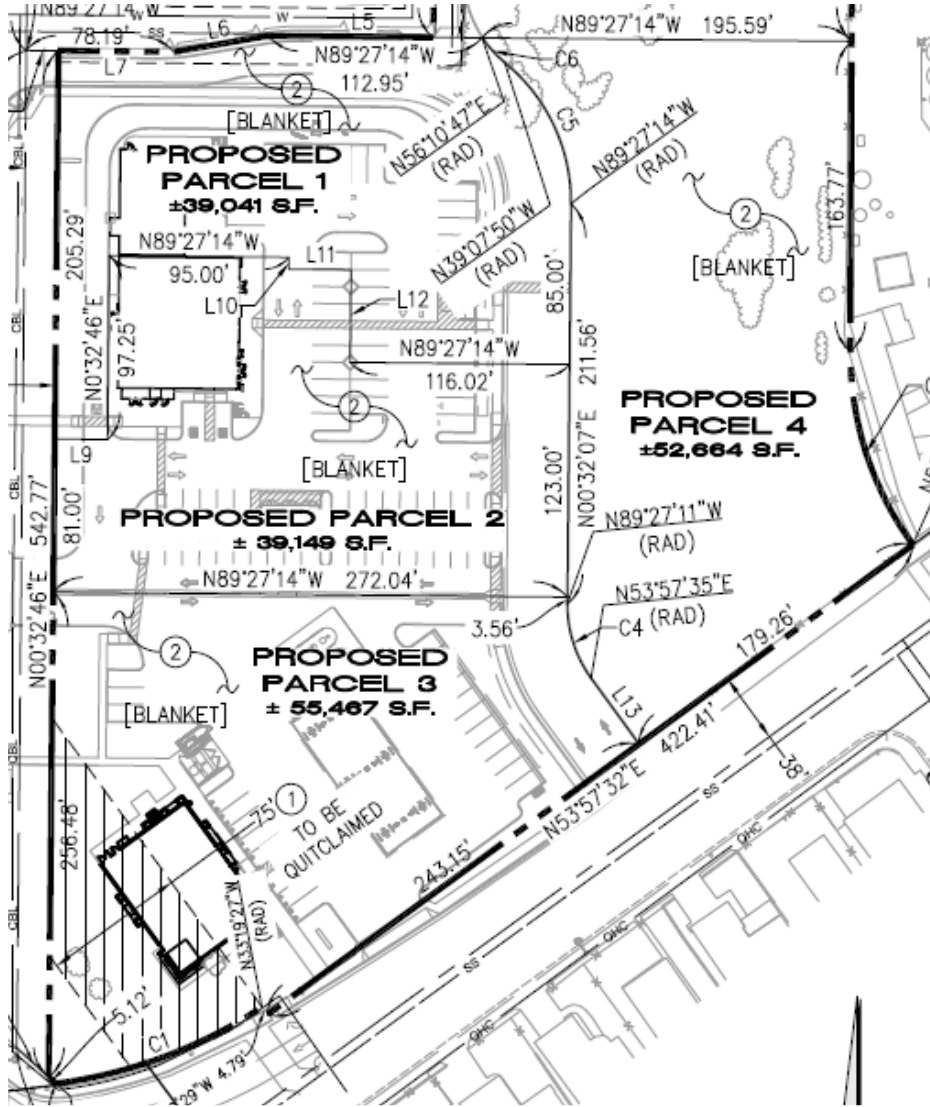
Lot No. 1	39,041 sf.
Lot No. 2	39,149 sf.
Lot No. 3	55,467 sf.
Lot No. 4	52,664 sf.
Lot No. 5	79,102 sf.
Lot No. 6	32,403 sf.
Lot No. 7	61,747 sf.

<b>AREA:</b>	
EXISTING AREA GROSS - 359,573 S.F./8.255 ACRES	
PROPOSED AREA GROSS = 359,573 S.F./8.255 ACRES	
PARCEL 1 AREA GROSS/NET = 39,041 S.F./0.896 ACRES	
PARCEL 2 AREA GROSS/NET = 39,149 S.F./0.899 ACRES	
PARCEL 3 AREA GROSS/NET = 55,467 S.F./1.273 ACRES	
PARCEL 4 AREA GROSS/NET = 52,664 S.F./1.209 ACRES	
PARCEL 5 AREA GROSS/NET = 79,102 S.F./1.816 ACRES	
PARCEL 6 AREA GROSS/NET = 32,403 S.F./0.744 ACRES	
PARCEL 7 AREA GROSS/NET = 61,747 S.F./1.418 ACRES	

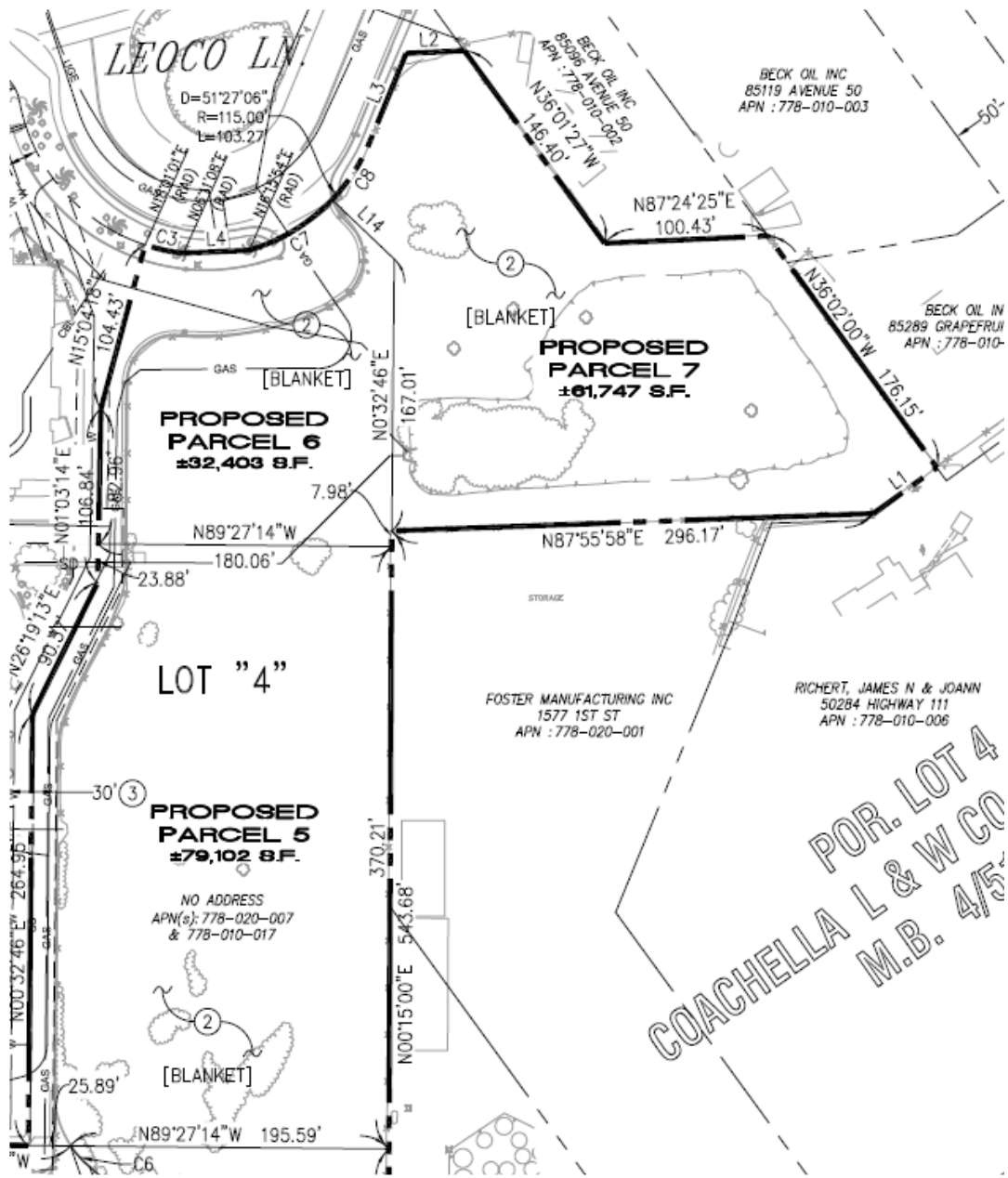
TPM 37940:



Proposed Parcels 1-4:



Proposed Parcels 5-7:



Parcels No. 1, 2, and 3 is where the proposed Phase II of the Fountainhead Development is for the Planning Commission's consideration at this time. Staff has drafted the required findings for approval of the tentative map, and the corresponding conditions of approval. Parcel 7 will be conditioned to accept off-site drainage from Lots 1 through 3 of Lot Line Adjustment 2008-05 which currently drain into this retention basin. Additionally, staff will include a condition of approval that reciprocal access over all common area driveways and parking lots be maintained for the benefit of all parcels within Parcel Map No. 37940.

**DISCUSSION/ANALYSIS:**

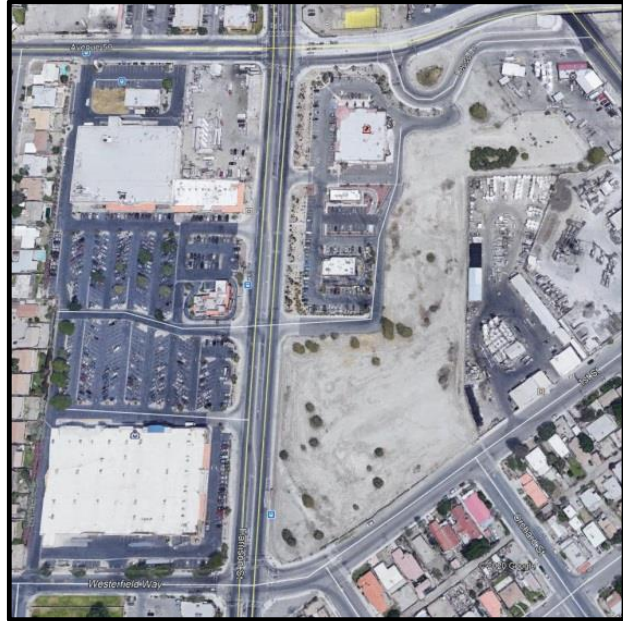
**Environmental Setting:**

The proposed development is Phase II of the originally entitled project CUP No. 233 and Architectural Review 07-20 approved on May 7, 2008. The surrounding land uses and zoning designations are as follows:

- North: Existing commercial development, America's Tire (C-G, General Commercial).
- South: Existing single family residences across First St. (R-S, Single Family Residential).
- East: Foster-Gardner agricultural products (nonconforming) industrial site (C-G, General Commercial).
- West: Existing commercial development across Harrison Street (C-G, General Commercial).

All the vacant land shown in the aerial photograph to the right shows the property in question (to be subdivided).

The common area roadway located behind the Walgreens/Taco Bell/McDonalds buildings will be extended south to connect with 1<sup>st</sup> Street, as part of this development proposal. The existing driveway entrance south of the McDonalds building will continue to serve as secondary access into this phase of the development. Additionally, new retention area drainage will need to be provided within the new development (Parcels 1-3).



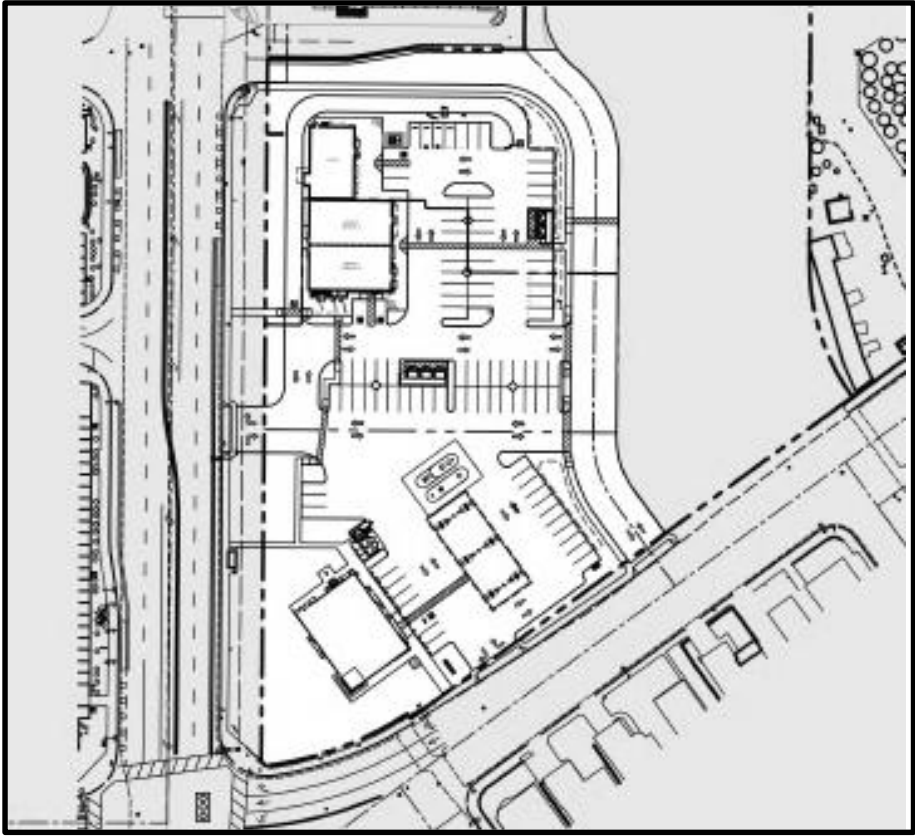
#### Circulation and Access:

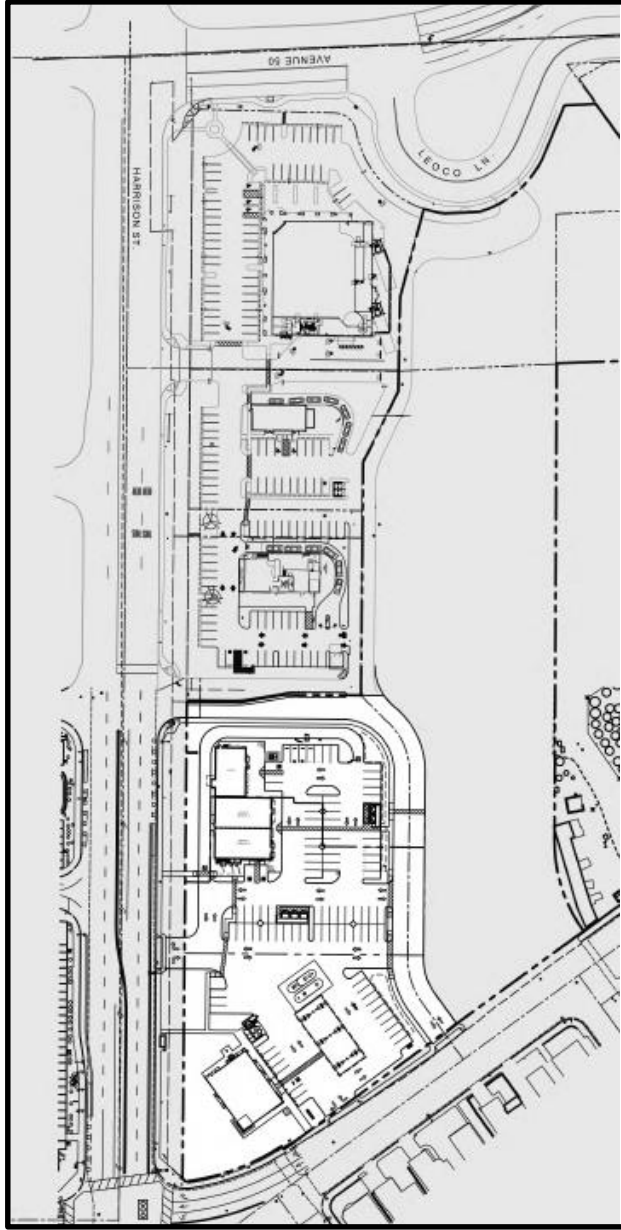
The existing developed portion of the site has three tenants, Walgreens Pharmacy, Macdonald's, and Taco Bell with three points of access, two from Cesar Chavez Street and one from Leoco Lane.

Phase II of the proposed development will provide three additional points of access, two from First Street and an additional point of access from Cesar Chavez Street. The internal circulation will of the site will be aligned with the existing internal circulation. Off-site improvements exist on Cesar Chavez, Avenue 50, and Leoco Lane.

The project is conditioned to construct right-of-way improvements along the frontage of the project on First Street which will consist of ultimate right-of-way (road widening), curb and gutter, and sidewalk. On-site improvements will consist of landscaping, three trash enclosures parking and ADA access.









Required Parking:

The proposed development requires a total of 90 parking stalls for the various proposed land uses. The project provides a total of 97 parking stalls. Additional parking spaces are provided within the existing commercial uses on Phase I. The table below provides a breakdown of required and provided parking stalls:

<u>PARKING INFORMATION</u>	
PARKING REQUIREMENT:	
RESTAURANT: 1/45 SF OF CUSTOMER AREA + 1/200 SF OF NON-CUSTOMER AREA	
GENERAL COMMERCIAL: 1/250 SF	
STALLS REQUIRED:	
SHOPS: $\pm 4,500 \text{ SF} \times 35\% = \pm 1,575 \text{ SF CUSTOMER AREA}$	
$\pm 4,500 \text{ SF} \times 65\% = \pm 2,925 \text{ SF NON-CUSTOMER AREA}$	
$\pm 1,575 \text{ SF} @ 1/45 \text{ SF} = 35 \text{ STALLS REQUIRED}$	
$\pm 2,925 \text{ SF} @ 1/200 \text{ SF} = 15 \text{ STALLS REQUIRED}$	
TOTAL: 50 STALLS REQUIRED	
PAD 1: $\pm 4,088 \text{ SF} @ 1/250 \text{ SF} = 17 \text{ STALLS REQUIRED}$	
PAD 2 : $\pm 2,000 \text{ SF} \times 35\% = \pm 700 \text{ SF CUSTOMER AREA}$	
$\pm 2,000 \text{ SF} \times 65\% = \pm 1,300 \text{ SF NON-CUSTOMER AREA}$	
$\pm 700 \text{ SF} @ 1/45 \text{ SF} = 16 \text{ STALLS REQUIRED}$	
$\pm 1,300 \text{ SF} @ 1/200 \text{ SF} = 7 \text{ STALLS REQUIRED}$	
TOTAL: 23 STALLS REQUIRED	
TOTAL: 90 STALLS REQUIRED	

STALLS PROVIDED:	
SHOPS: 51 STALLS PROVIDED	
PAD 1: 22 STALLS PROVIDED	
PAD 2: 24 STALLS PROVIDED	
TOTAL: 97 STALLS PROVIDED	
PARKING RATIO:	
SHOPS: $\pm 11.33/1,000 \text{ SF}$	
PAD 1: $\pm 5.38/1,000 \text{ SF}$	
PAD 2: $\pm 12.0/1,000 \text{ SF}$	
TOTAL: $\pm 9.16/1,000 \text{ SF}$	

In July 2015, the Taco Bell building was constructed and it provided 32 parking spaces exceeding the required 21 parking spaces for the drive-thru restaurant (CUP 261). All existing development and the proposed development have reciprocal access with the other parcels of the center. The proposed project has been conditioned to prepare and submit plans to the Riverside County Fire Department for approval of a site plan designating required fire lanes with appropriate lane painting and/or signs.

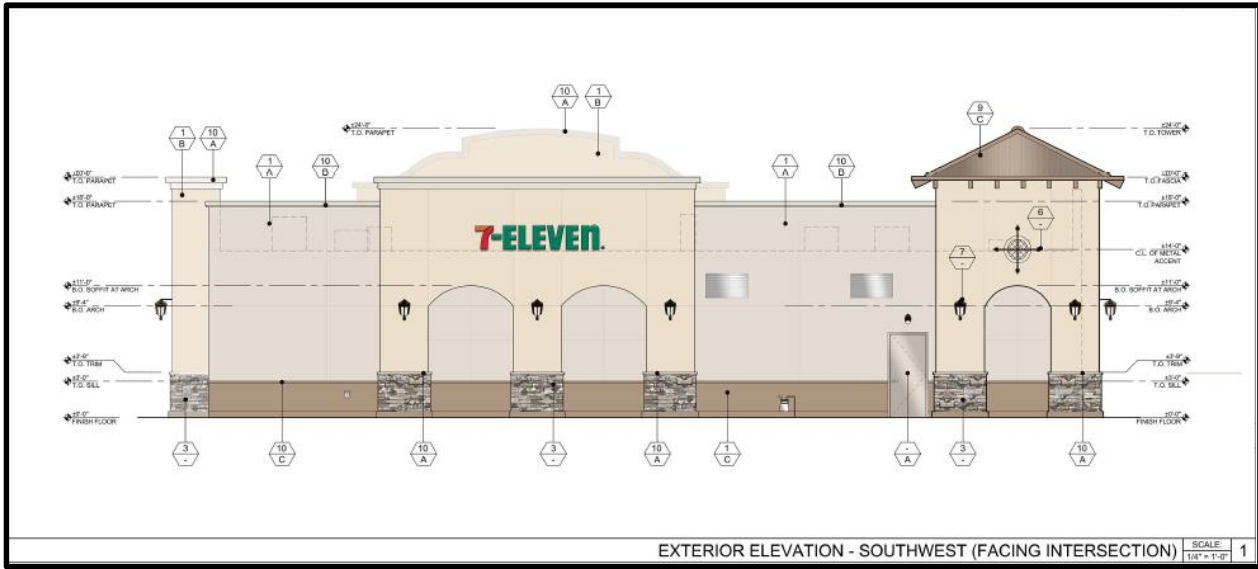
The City's Zoning Code requires all drive-thru businesses to provide a drive-thru lane with a minimum queue ("stacking") of eight vehicles at 20 feet per vehicle. The drive-thru lane must not interfere with free and orderly circulation of the parking lot. And, the drive-thru lane cannot encroach upon or block driveways or parking spaces and must be separated from adjoining driveways, parking spaces and property lines by a landscaped planter of five feet. Both the existing Taco Bell and McDonalds drive-thru lanes provide a 5-foot planter along the north side. Staff has included a condition of approval requiring the perimeter planter along the north side of the drive-thru aisle to be a minimum of five feet wide.

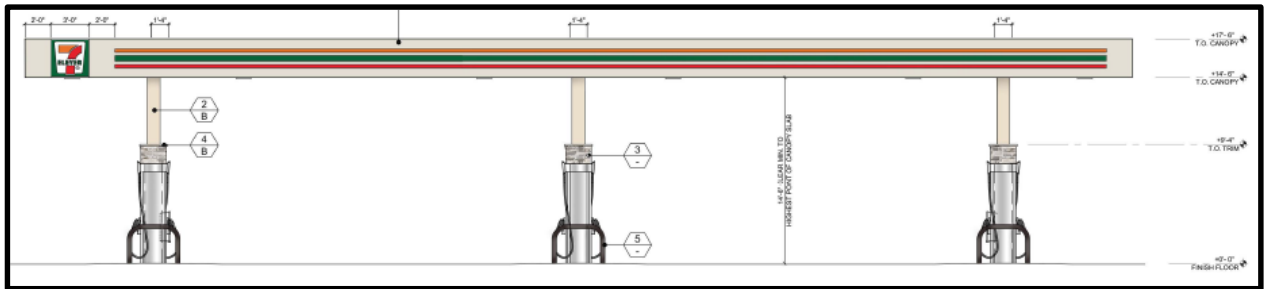
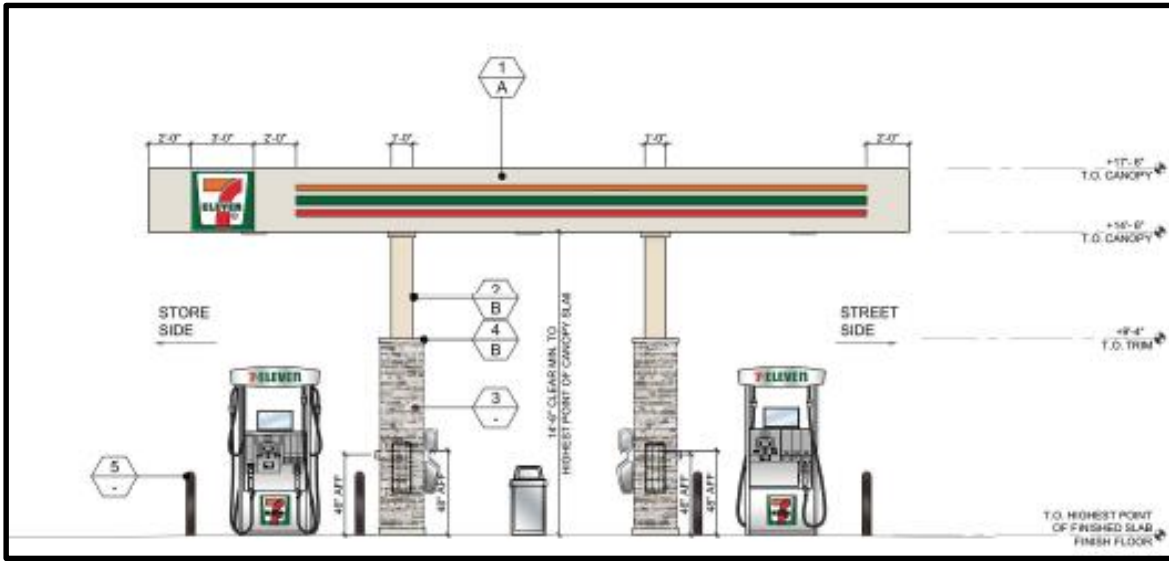
#### Architectural Theming:

The architectural design of the proposed building is a contemporary design with raised parapets, stucco walls, and metal awnings. The proposed site design is conditioned to incorporate outdoor seating within a patio that includes a trellis design for the coffee shop and any future restaurant to complement and encourage an outdoor dining experience to match the existing outdoor dining for Taco Bell and McDonald's.

The proposed design is compatible with the existing buildings' rhythm and massing, articulation in the building facades, and a variety of distinctive rooflines. Additionally, the proposed building elevations provide different color variations that match existing buildings within the existing commercial center as well as other commercial centers in the vicinity. While the architectural style is not "Spanish Colonial", the architect has incorporated contemporary Spanish architectural elements similar to the Walgreens building to match the cornice trim and stucco colors in order to blend the contemporary design theme with the main anchor building of the center. Both proposed architectural designs complement existing architecture for Walgreens Pharmacy, McDonald's, and Taco Bell. Below are the proposed architectural styles for Phase II. The roof tile on the 7-Eleven mini-market building will be a terra cotta S-tile to match the Walgreens building.











### MATERIAL SAMPLES

 AESTHETIC WHITE SW7035 SHERWIN WILLIAMS	 QUICKSTACK 'ANTIQUE CREAM' CORONADO STONE
 CASA BLANCA SW7571 SHERWIN WILLIAMS	 DARK BRONZE #40 KAWNEER
 MEXICAN SAND SW7519 SHERWIN WILLIAMS	 PANTONE 'PQ-440C' BOLLARD COVER, TYP.

### On-Site and Off-Site Improvements

All street improvements along Cesar Chavez Street have been provided by the existing development along the right-of-way, including pavement, curb-and-gutter, sidewalk, street lights, and some landscaping. Internal circulation will be provided to serve the proposed development including on-site landscape and parking lot illumination. ADA access will also be provided linking the path of travel from the existing Walgreens Pharmacy to the existing McDonalds Restaurant.

On-site drainage is currently diverted to the existing retention basin just north of the site across Leoco Lane. A future point of access into the site will be provided from First Street when future development takes place for the remaining portions of vacant land within the commercial center. Additional right-of-way has been dedicated along Cesar Chavez Street which can accommodate a future bus turn-out between First Street and the proposed access drive on Cesar Chavez Street. Currently, SunLine has a bus stop at this location and the future bus turn-out may not need additional right-of-way dedication to construct it.

## Conceptual Landscape Plan

Existing landscaping for the larger commercial center includes those plantings shown on previously approved landscape plans along Cesar Chavez (Harrison) Street with some drought tolerant and native plants as approved under Conditional Use Permit 233 and Architectural Review 07-20. Along the frontage of Harrison Street and Leoco Lane landscaping includes a mixture of desert-friendly shrubs and trailing plants, with sporadic accent shrubs. There are existing palm trees of varying sizes sparsely planted along the property line.

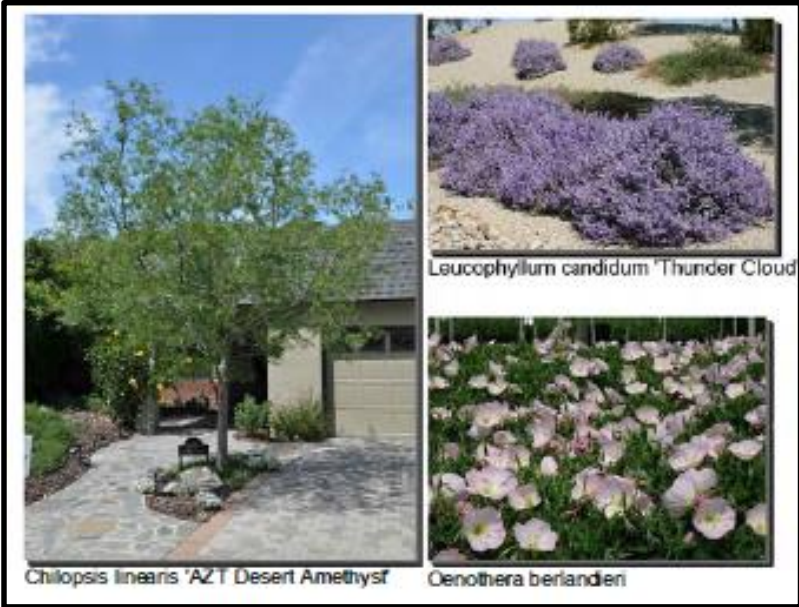
New landscaping planter areas will be added as part of this project within the 3.1-acre site and within the public right-of-way areas adjacent to sidewalks along Cesar Chavez Street and 1<sup>st</sup> Street. Permanent underground landscaping irrigation will be provided in accordance with Section 17.54.010(J) of the Municipal Code and in accordance with the State Model Water Efficient Landscape Ordinance (AB 1881). The following exhibits show the overall conceptual landscape planting plan and the specific plant material images.

The plant palette shows a variety of trees including “Chilean Mesquite” “Desert Willow/Amethyst” and “Thornless Palo Verde” within the perimeter plantings and interior parking lot planters. The planters will include water-efficient plantings including “Purple Lantana”, “Bunchgrass”, “Snow Angel Bush”, “Mexican Evening Primrose”, and Agave “Century Plant” succulents. Staff has conditioned that the street frontage along Cesar Chavez Street incorporate the “Mexican Fan Palm” similar to the existing planting pattern in front of the Walgreens, Taco Bell, and McDonalds buildings.

# Conceptual Planting Plan



Proposed Plant Material



### Signage:

The existing development has an approved sign program that identifies signage for the existing Walgreens Pharmacy, the existing McDonalds, and Taco Bell Restaurants. The existing sign program will remain in place as previously approved. Any new signs for the proposed new tenants will obtain a building permit as the buildings are built and new tenants move in.

### ENVIRONMENTAL REVIEW

The City of Coachella has determined that the proposed project qualifies for a CEQA exemption pursuant to Section 15332 of the CEQA Guidelines. A Class 32 exemption consists of projects characterized as in-fill development meeting the conditions described in this section; (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; (b) The proposed development occurs within city limits on a project site where no more than five acres are to be developed and substantially surrounded by urban uses; (c) The project site has no value as habitat for endangered, rare or threatened species; (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; (e) The site can be adequately served by all required utilities and public services. Therefore, the City has acknowledged that the project is exempt from CEQA.

### ALTERNATIVES:

1. Recommend approval of Tentative Parcel Map No. 37940 (8.25 acres) (Resolution No. PC2020-07), Conditional Use Permit No. 321, Conditional Use Permit No. 322, and Architectural Review No. 20-07 (Resolution No. PC2020-08) to the City Council, subject to the findings and conditions of the staff report.
2. Continue Tentative Parcel Map No. 37940 (8.25 acres) (Resolution No. PC2020-07), Conditional Use Permit No. 321, Conditional Use Permit No. 322, and Architectural Review No. 20-07 (Resolution No. PC2020-08) and provide staff and the applicant with direction.
3. Recommend that the City Council Deny Tentative Parcel Map No. 37940 (8.25 acres) (Resolution No. PC2020-07), Conditional Use Permit No. 321, Conditional Use Permit No. 322, and Architectural Review No. 20-07 (Resolution No. PC2020-08) with findings.

### RECOMMENDED ACTION:

Staff recommends that the Planning Commission recommend approval of Tentative Parcel Map No. 37940 (8.25 acres) (Resolution No. PC2020-07), Conditional Use Permit No. 321,

Conditional Use Permit No. 322, and Architectural Review No. 20-07(Resolution No. PC2020-08) to the City Council with the findings and conditions listed below:

**FINDINGS FOR PARCEL MAP NO. 37940:**

1. The proposed tentative map is consistent with the General Plan and the City of Coachella Official Zoning Map. The proposed subdivision is within a land use designation of Downtown Center according to the General Plan 2035 Land Use Element which allows for the proposed commercial uses. The subdivision is consistent with the development standards permitted by the Downtown Center, with the exception of the auto related uses for which the Planning Commission found to be approved uses under the original entitlement of the subject site (CUP No. 233 and AR No. 07-20). Tentative Parcel Map 37940 is in compliance with the standards of the Zoning Ordinance with respect to the G-C (General Commercial) including minimum lot size, minimum lot depth, and minimum lot width. Additionally, this subdivision will accommodate for a variety of commercial uses and is consistent with the City's vision for this area to be developed with commercial uses to serve the adjacent urban residential uses by providing close proximity to commercial amenities.
2. The site is physically suitable for the future commercial development and density. The proposed subdivision will provide adequate sized lots for a phased commercial development. The seven (7) proposed lots will have adequate dimensions, and ingress and egress to accommodate future development by access drives and internal circulation for ingress and egress and reciprocal access on the existing driveways.
3. The design of the subdivision and type of improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. There are no sensitive habitats or bodies of water in the immediate vicinity of the site. For future development proposed on the site, all drainage from increased impervious material on the site will be contained on site for a 100-year storm event, as required by City regulations. As such there would be no impact to the Coachella Valley Whitewater Channel which is more than one mile away from the site.
4. The design of the subdivision and type of improvements are not likely to cause any serious public health problems. The proposed subdivision would allow for future development of commercial uses intended and identified in the General Plan and the zoning code. All future development would be reviewed for compliance with applicable California Building Code regulations prior to issuance of any building permits.
5. The design of the subdivision and type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. The proposed subdivision would create seven (4) additional lots for future commercial development with adequate street access, and utility connections to all lots.

6. The City of Coachella has determined that the proposed project qualifies for a CEQA exemption under Section 15332. Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section; (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; (b) The proposed development occurs within city limits on a project site where no more than five acres are to be developed and substantially surrounded by urban uses; (c) The project site has no value as habitat for endangered, rare or threatened species; (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; (e) The site can be adequately served by all required utilities and public services. Therefore, the City has acknowledged that the project is exempt from CEQA. As such, there are not additional mitigation measures required and no additional environmental reviews for the subdivision to be approved.

**FINDINGS FOR CUP NO. 321, CUP NO. 322, AND AR NO. 20-03:**

1. The proposed use will not be in conflict with, but will be in harmony with and in accordance with the objectives of the Coachella General Plan 2035, except as recognized that the project has vested rights as to the number of drive-thru restaurants and service stations previously vested under CUP No. 233 and AR No. 07-20. Staff requested direction from the Planning Commission at the June 3, 2015, Planning Commission hearing through a policy discussion item on the agenda. The Commission did find that the proposed drive-thru and service station are in harmony with the immediate vicinity of the proposed site and indicated that any future proposed development on the vacant portion of the site must be in strict compliance with the newly adopted City of Coachella General Plan 2035.
2. 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. The site plan proposes the construction and operation of a development consisting of a multi-tenant restaurant/retail building including a 2,000 sq. ft. drive-thru Coffee Shop and 4,500 sq. ft. restaurant/office space, and a 12-fueling position Canopy for Service Station and a 3,010 sq. ft. mini-market with alcohol sales and 24 hour operations on 3.1 acres of vacant land, in accordance with section 17.74.010 of the Coachella Municipal Code.
3. 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 restaurant/retail building including a 2,000 sq. ft. drive-thru Coffee Shop and 4,500 sq. ft. restaurant/office space, and a 12-fueling position Canopy for Service Station and a 3,010 sq. ft. mini-market with alcohol sales and 24 hour operations on 3.1 acres of vacant land which



will provide City residents and regional residents with an alternative dining choice and an additional service station with a convenience store which will provide convenience to motorists within the region. The proposed use is compatible with existing adjacent uses which include similar land uses and large commercial development sites.

4. 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 be compatible with the neighboring properties with respect to land development patterns and application of architectural treatments. The plans submitted for this project propose a building with similar architectural features to the adjoining existing architectural theme of the commercial center as well as adjoining commercial development within the immediate vicinity of the proposed site. The surrounding properties to the south and to the east are vacant and can provide for similar commercial development. As such, the proposed buildings will be in keeping with the scale, massing, and aesthetic appeal of the existing neighborhood and future development.
5. The proposed use will include three new vehicular approaches to the property designed to improve off-site and on-site vehicular circulation for existing traffic on surrounding public streets or roads. Evidence of this is reflected in the provided site plan design. The three new proposed drive isles and internal circulation have been reviewed and approved by the Fire Department and the Engineering Department.

**CONDITIONS OF APPROVAL:**

1. Conditional Use Permit No. 321, Conditional Use Permit No. 322, and Architectural Review No. 20-03 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 applications mentioned above.
2. Tentative Parcel Map No. 37940 is approved for 24 months from the final date of City Council approval unless a one year time extension is requested by the applicant and approved by the Planning Commission. Exhibit 1 is approved herein by reference. A reciprocal access easement shall be reserved over all common-area driveways and parking lots for the benefits of all lots within Tentative Parcel Map No. 37940. All required drainage easements for benefitted properties using Parcel 7 of Tentative Parcel Map No. 37940 as the servient Parcel, shall be recorded as part of the Final Map.
3. Should the California Department of Alcoholic Beverage Control not issue the Type 20 license within one year, a request for an extension of time may be filed with the Development Services Department. Applications for an extension of time shall be filed prior to the expiration date and pay applicable fees.

4. An open patio trellis shall be provided in front of Pad No. 2 (Coffee Shop) to encourage pedestrian and outdoor activities as encouraged in the Downtown Center Land Use standards. The design shall be an approved design by the Development Services Director or his/her designee.
5. An open patio trellis/Plaza shall be provided at the intersection of First Street and Cesar Chavez Street to encourage pedestrian activities as encouraged in the Downtown Center Land Use standards. The design shall be an approved design by the Development Services Director or his/her designee. The applicant may propose a piece of art as required with the City's Art in Public Places Ordinance.
6. The applicant shall be required to comply with the City's Art in Public Places Ordinance. If the applicant elects to place artwork on the project site, the applicant shall place artwork in outdoor areas of the private property accessible to the public in a manner satisfactory to the Public Arts Commission. If the applicant elects to pay in-lieu art fees, then the fees shall be deposited into the Public Arts Fund at an amount of (1) One-half (1/2) of one percent (1%) for new commercial and industrial construction.

### **Final Map**

7. The Final Map shall comply with the Subdivision Map Act and City of Coachella Subdivision Ordinance.
8. Prior to submittal of the final map to the City Council for approval, the applicant shall post securities (Bonds) to guarantee the installation of required improvements and a Subdivision Improvement Agreement shall be submitted to Engineering Division for City Engineer and City Attorney approval.
9. Prior to approval of the Final Map, the applicant shall resolve CVWD issues related to existing tile drains or irrigation mains located within the tract boundary or along the streets adjacent to the tract. If necessary, tile drains and irrigation lines shall be relocated and easement documents prepared for the new location of any such lines. The easement shall be shown on the final map. Plans for the tile drain or irrigation relocation shall be submitted to CVWD for approval and a copy of the plans shall be submitted to the City for evaluation regarding possible conflict with City facilities. The applicant shall submit to the City approved copies of any such relocation plans.
10. Proof of any and all easement abandonment shall be provided to the satisfaction of the City Engineer.
11. The construction shall be in conformance with the plans submitted and conditions imposed herein for Conditional Use Permits and Architectural Review. This shall include the

materials and colors as shown on the approved plans and the material sample board submitted as part of this application.

12. 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. 20-03, including architectural features, materials, and site layout.
13. 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 California Building Codes and related ordinances, including all requirements of the South Coast Air Quality Management District, the Riverside County Fire Department and any requirements by any other agency having jurisdiction on the project.
14. 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.
15. Five (5) sets of copies of check prints. 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.
16. The applicant shall pay plan check fees at 750.00 per sheet of improvement plans and \$350 for PM 10 plan.

### **Engineering Grading and Drainage**

17. 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.
18. 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.
19. Plans shall show reciprocal easements access between proposed parcels.

20. A comprehensive 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. The report shall contain pre- and post-development hydrology maps 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 (3.5' max.). The basin shall be designed to evacuate a 10-year storm event within 72 hours. The size of the retention basin(s) shall be determined by the hydrology report and be approved by the City Engineer. Retention 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 locations after the retention basins have been rough graded. 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. Underground retention under the proposed parking area will be considered as an alternative to surface retention subject to the approval of the City Engineer.
21. A storm water quality management plan shall be prepared for the project by California Registered Civil Engineer in compliance with NPDES and State Water Quality Control Board regulations. The project shall be designed to specify preferential use of Low Impact Development Best Management Practices that reduce pollutants and runoff volume.
22. Applicant shall comply with the regional NPDES permit requirements including but not limited to submittal of a WQMP for plan review accompanied by a \$3,000 plan check deposit for approval including executed maintenance agreement. All unused plan check fees will be refunded to the applicant upon approval of the Final WQMP.
23. 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.

24. Applicant shall submit 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.
25. 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.
26. Applicant shall obtain approval of site access and circulation from Fire Marshall.
27. 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.
28. 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.

### **Rough Grading**

29. Prepare and submit rough grading and erosion control plans for the project.
30. The project's soils engineer shall certify to the adequacy of the grading plan.
31. All projects developing one (1) acre or more of total land area, or which are part of a larger phased development that will disturb one acre of land, are required to obtain coverage under the State Water Resources Control Board's (SWRCB) General Permit for storm water discharges associated with construction activity. Proof of filing a Notice of Intent (NOI) with the SWRCB for coverage under this permit is required. The Waste Discharger's Identification Number (WDID), issued by the SWRCB, must be shown on the grading plans. The project's Storm Water Pollution Prevention Plan shall be submitted for the City's review and approval.

### **Precise Grading**

32. 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.
33. Rough grading shall be certified by the project soils engineer prior to issuance of a permit for precise grading or building construction.

34. Provide and record a reciprocal use and maintenance agreement to assure common ingress and egress and joint maintenance of all common access, parking areas and drives.

### **Street Improvements**

35. A traffic study by a licensed California Registered Civil Engineer shall be prepared for this project to identify improvements required at all access around the property, in specific analyze installation of new traffic signal(s) and deceleration lanes at proposed entrances.
36. Street improvement plans prepared by a California Registered Civil Engineer shall be submitted for review and approval by the City Engineer. All street improvements including street lights shall be designed and constructed in conformance with City Municipal Code, General Plan, and Standards and Specifications. Street flow line grade shall have a minimum slope of 0.35 %.
37. 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.
38. 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.

### **Sewer and Water Improvements**

39. Sewer & Water Improvement Plans prepared by a California Registered Civil Engineer shall be submitted for engineering plan check and City Engineer approval.
40. 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.

### **Prior to Issuance of Building Permits**

41. A final soils report, compaction report and rough grading certificate shall be submitted and approved prior to issuance of any building permits.
42. Provide a set of proposed Covenants, Conditions and Restrictions (CC&R) for review and approval. The proposed CC&Rs shall contain the Association's/Owner's maintenance obligations with respect to various facilities including, but not limited to, right-of-way and

private landscaping, private streets, sidewalks, utilities, street lights, and Water Quality Management Plan (WQMP) features. This document must be submitted to and approved by the City before it is submitted to any other governmental entity.

43. 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.
44. The applicant's Civil Engineer shall field verify and certify that all BMPs are designed, constructed, and functional in accordance with the approved WQMP.

#### **Prior to Release of Occupancy Permits/Acceptance of Public Improvements**

45. 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:**

##### **GENERAL CONDITIONS**

46. For any buildings with public access, provide or show a water system capable of delivering a fire flow 1500 gallons per minute for 2 hours duration at 20 psi residual operating pressure, which must be available before any combustible material is placed on the construction site. CFC 2013 Edition Section Table B105.1.
47. 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.

48. 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.
49. 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.
50. 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.
51. Blue dot retro-reflectors pavement markers on private streets, public streets and driveways to indicated location of the fire hydrant. 06-05 (located at [www.rvcfire.org](http://www.rvcfire.org)).
52. Fire Apparatus access road shall be in compliance with the Riverside County Fire Department Standard number 06-05 (located at [www.rvcfire.org](http://www.rvcfire.org)). Access lanes will not have an up, or downgrade of more than 15%. Access lanes will be designed to withstand the weight of 80 thousand pounds over 2 axles. Access will have a turning radius capable of accommodating fire apparatus. Access lane shall be constructed with a surface so as to provide all weather driving capabilities.
53. An approved Fire Department access key lock box 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.
54. Any turn-around requires a minimum 38-foot turning radius. All structures shall be accessible from an approved roadway to within 150 feet of all portions of the exterior of the first floor.
55. All structures shall be accessible from an approved roadway to within 150 feet of all portions of the exterior of the first floor.
56. The minimum dimensions for access roads and gates is 20 feet clear and unobstructed width and a minimum vertical clearance of 13 feet 6 inches in height.
57. The applicant or developer shall prepare and submit to the Fire Department for approval, a site plan designating required fire lanes with appropriate lane printing and/or signs.

**Imperial Irrigation District:**



58. 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). The applicant shall submit proof of compliance with any requirements by IID.
59. 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:**

60. 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.
61. 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.
62. 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.
63. 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.
64. 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.
65. 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.
66. 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 Water District:**

- 67. Applicant must comply with Coachella Valley Water District regulations pertaining to irrigation infrastructure protect-in-place practices, relocation or abandonment of infrastructure, if needed.

**Coachella Valley Unified School District:**

- 68. 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 \$0.54 square foot for all commercial/industrial construction; however, it is subject to change without prior notice.

**Riverside County Environmental Health Department:**

- 69. Applicant must comply with the Riverside County of Environmental Health Department.
- 70. Prior to the issuance of a building permit, the applicant shall pay all Development Fees to the City; this also includes school fees and outside agency fees such as sewer water and utilities. Copies of receipts shall be provided to the Development Services Department prior to permit issuance.
- 71. The applicant shall be responsible for paying all applicable development and processing (plan check, inspection, etc.) fees associated with this project.
- 72. The applicant shall pay all required water connection fees.
- 73. The applicant shall be required to pay the Multiple Species Habitat Conservation (MSHCP) fees for commercial development prior to issuance of building permits.
- 74. The project is subject to payment of all commercial development impact fees whether or not explicitly stated in other conditions of approval or the environmental mitigation measures for the subject project.

**Landscaping and Fencing:**

- 75. 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.
- 76. Prior to the issuance of building permits, the applicant shall submit detailed landscaping and irrigation plans for review and approval by the City's Engineering Department and

## **Development Services Department.**

77. 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.
78. The landscape plans shall provide for minimum 5-gallon groundcover plants, 5-gallon shrubs, for all plantings shown on the approved site plan. All new plantings and all existing plants and trees shall be irrigated with an automatic and durable drip irrigation system.
79. Any new landscaped areas that have been disturbed shall be dressed with a minimum 2-inch layer of compacted and/or glue-bonded decomposed granite that cannot be wind driven. A weed barrier underlayment shall be placed under the decomposed granite.
80. Plant materials selection should be represented by symbols that show the plants at 75% of their mature size. The developer shall incorporate Washingtonia filifera palm trees along the frontage of Cesar Chavez Street to match the existing Walgreens/Taco Bell/McDonalds center.
81. A minimum of 10 Date Palms with a minimum 20 to 30 foot brown trunk height shall be planted at the intersection of First Street and Cesar Chavez Street.
82. Full diamond planters shall be provided at every four (4) parking stalls where parking stalls are facing each other, half diamonds also at every four (4) parking stalls where parking stalls are not facing each other such as in front of buildings and any perimeter landscaping.
83. The proposed landscape shall be in conformance with the City's Landscape Development Guidelines and should include water-efficient plantings as encouraged for the commercial development. A detailed landscape and irrigation plan shall be submitted that addresses landscape requirements for the project site. All landscaping shall fulfill the general requirements of the Coachella Municipal Code Chapter 17.54 as follows:
  - a. Internal landscaping equal to a minimum of five percent 5% of the parking area and driveway area is required and shall be distributed throughout the parking area.
  - b. 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. The landscaped planter along the north side of the drive-thru lane shall be a minimum of five feet in width.
  - c. Where a drive aisle abuts the side of a parking space a landscaped planter shall separate the parking space from the drive aisle.
  - d. 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.
- e. All internal landscape planters shall have permanent and automatic sprinkler or drip irrigation systems.
84. Where any parking area or driveway abuts a street, there shall be a minimum setback of ten (10) feet from the public right-of-way that shall be fully landscaped and irrigated.
85. The applicant shall submit a lighting plan for all exterior parking, landscape and driveway areas during plan check.

**Project Design:**

86. Prior to the issuance of building permits, all exterior architectural features and treatments shall be consistent with the submitted Architectural Review No. 20-03 elevations and color/material board samples and shall be included and noted on all construction plans and elevations, subject to review and approval.
87. All exposed metal flashing, downspouts, or utility cabinets shall be painted to match the building prior to final inspection.
88. 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 shall be incorporated on all three proposed trash enclosures.
89. 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.

Attachments: Resolution No. PC2020-07  
Resolution NO. PC202-08