

Exhibit B – Resolution No. PC2026-21

CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT NO. 402

General Conditions

1. Conditional Use Permit 402 is 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 Conditional Use Permit as well as Architectural Review 26-03 approval on the site. Conditional Use Permit 402 is approved for the use of a drive-thru restaurant aisle as part of a restaurant use only, and it is contingent upon Planning Commission approval of Architectural Review 26-03.
2. The construction shall be in conformance with the plans submitted and conditions imposed herein for Conditional Use Permit. This shall include the materials and colors as shown on the approved plans and the material sample board submitted as part of this application.
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 Conditional Use Permit No. 402 or Architectural Review No. 26-03, including architectural features, materials, and site layout.
4. The applicant shall defend, indemnify and hold harmless the City of Coachella, its officials, officers, employees, and agents from and against any claim, action, or proceeding against the City, its officials, officers, employees or agents to attack, set aside, void or annul any project approval or condition of approval of the city concerning this project, including but not limited to any approval or condition of approval or mitigation measure imposed by the City Council or Planning Commission. The City shall promptly notify the applicant of any claim, action, or proceeding concerning the project and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officials, officers, employees and agents in the defense of the City Attorney, within five days of the effective date of this approval.
5. If it is observed by the City Engineer that the drive through lane capacity is consistently exceeded so as to create a conflict with on-site circulation, the applicant upon notice by the City Engineer shall propose measures to reduce such impacts such as placement of employees to expedite drive through orders, reconfiguration of the existing drive through lane to improve capacity, or other measures that best mitigate such conflicts.
6. Trash Enclosure shall be constructed. Trash enclosure shall be designed to be compatible with the primary building, and shall include overhead enclosure. The trash enclosure shall be of masonry construction with metal gates and shall be architecturally compatible with main commercial center. Trash enclosure shall be sufficient in size to fit trash bins. Applicant shall submit trash enclosure plans to be approved and installed prior to Certificate of Occupancy.
7. Burrtec. Applicant shall coordinate with Burrtec and meet their requirements for the project. This business may require the (3) waste program which include trash, recycling and organic recycling services.

8. Rooftop Equipment. Screening of rooftop equipment is required. The design and materials of the visual barrier shall comply with the following requirements: Screening be comprised of parapets, screen walls, trellis systems, or mechanical penthouses and shall include common design elements and finish materials of the building facades. Screening shall be as high and wide or higher and wider than the equipment it screens. Mechanical equipment screening shall be to the satisfaction of the Community Development Director.
9. Landscape. Property Owner shall rehabilitate existing landscape and irrigation areas. Landscape areas shall be rehabilitated along per the conceptual landscape plan, project frontage along Cesar Chavez Street, and all on-site parking lot landscape areas, to the satisfaction of the Community Development Director. The property owner shall submit a final landscape exhibit to be approved by the Community Development Director prior to Certificate of Occupancy. The following improvements shall be included on the required landscape plans:
 - a) Replace missing, dead, or decaying landscaping.
 - b) Add complete $\frac{3}{4}$ inch gravel California Gold in all on-site parking lot landscape areas to the satisfaction of the Community Development Director to ensure compatibility with proposed project landscape design.
 - c) Shall provide varieties of flowering and shrubs, including high quality desert landscape plants to be approved by the Community Development Director.
 - d) Shall ensure new and existing on-site and off-site irrigation is in functional condition.
 - e) Landscape areas shall include shade trees, varieties of flowering and shrubs.
 - f) Repair all concrete curb of existing parking lot landscape areas where landscape and gravel improvements will be made, to the satisfaction of the Community Development Director and City Engineer.
 - g) Applicant shall install a weed fabric below gravel to prevent weeds for landscape areas to the satisfaction of the Community Development Director.
 - h) The Community Development Director may require modifications to the landscape plans to ensure project complies drought tolerant landscaping requirements.
 - i) All landscape areas shall be maintained consistent with approved landscape plans and commercial building frontage hardscape areas shall establish a weekly pressure washing schedule. Landscape modifications shall be approved by the Community Development Director and referred to the planning commission for review at the director's discretion.
10. Lighting. Applicant shall repair all damaged lighting in their project area to a functional condition.
11. All on-site and off-site requirements for the project shall be completed prior to Certificate of Occupancy to the satisfaction of the Community Development Director.
12. Maintenance Agreement. Applicant or property owner shall enter into a Maintenance

Agreement with the City of Coachella for all commercial center on-site and off-site landscape areas, parking lot asphalt pavement, the establishment of a weekly sidewalk power washing schedule, and site lighting on the subject property. Maintenance Agreement shall ensure commercial irrigation and landscaping is maintained in a first-class condition. Asphalt pavement shall be improved clear of cracks and other visible deterioration. Parking lot and site lighting shall be in a functional condition. Landscape Maintenance Agreement shall include approved landscape and irrigation plan, and a detailed list of maintenance standards. The Maintenance Agreement shall be reviewed by the City Engineer, Community Development Director, and Code Enforcement Manager.

13. Parking Lot. Applicant shall repair the on-site parking lot, curb, driveway, and driveway approach pavement to a high quality and safe condition in conformance with the standards of the City Municipal Code to the satisfaction of the City Engineer. Parking lot parking spaces to be slurry and restriped to the satisfaction of the City Engineer and Community Development Director. Parking Lot repairs shall be submitted to the engineering department, approved, and installed prior to the Certificate of Occupancy.
14. Signs. Any exterior wall signs shall consist of internally illuminated channel lettering and shall require a City building permit. Signage shall not provide flat signage backing. Signage shall be in compliance with Coachella Shopping Center sign program to the satisfaction of the Community Development Director.
15. Allowable signs affixed to windows shall in no case exceed 20% of the occupancy frontage window area per the requirements of the City of Coachella Signage Ordinance.

Building Division Conditions

16. Applicant should show required bicycle parking. (CGBSC 5.016.4)

Utilities Department Conditions

17. Provide plumbing blueprints depicting sanitary, industrial, and/or grease waste line. (all lines that are applicable)
18. Illustrate domestic water and sewer point of connection to the City's utilities.
19. Provide plumbing code fixture schedule with total DFU's listed.
20. Complete Utilities Department's wastewater discharge survey and submit to Development Services.
21. Pretreatment equipment/Sample box: (if applicable) Provide manufacture specifications and sizing chart.
 - a. 750 gal minimum
 - b. Clean outs and vents before and after pretreatment equipment
 - c. Sample box immediately downstream of the pretreatment equipment
 - d. Multi suite buildings requesting pretreatment installation require separate sewer lateral connection per pretreatment device
 - e. Made from precast concrete form

22. Outside drains connected to the sanitary sewer are prohibited unless drains are protected from rain water by having a permanent berm within a shade structure. Storm water is prohibited from entering the sanitary sewer.

Riverside County Fire Department Conditions

23. Fire Department Fire Protection Water Supply and Access Review – The Fire Department will require a submittal of a site plan, building information and other supporting documentation for the review of required fire protection water supply and access. Reference CFC as amended.
24. Fire Protection Water Supplies/Fire Flow - Minimum fire flow for the construction of all buildings is required per CFC Appendix B or other approved method. Prior to building permit issuance for new construction, the applicant shall provide documentation to show there exists a water system capable of delivering the required fire flow. Specific design features may increase or decrease the required fire flow. Reference CFC as amended.
25. Fire Protection Water Supplies/Hydrants - Fire hydrants shall be located no more than 400 feet from all portions of the exterior of all buildings, or 600 feet from all portions of the exterior of the building equipped with an approved fire sprinkler system, along an approved route on a fire apparatus access road/driveway, unless otherwise approved by the Fire Department. The maximum distance to a fire hydrant can be increased utilizing direction from the Riverside County Office of the Fire Marshal Policies and Standards. Reference CFC as amended.
26. These conditions are preliminary and further review will occur upon receipt of construction plans. Additional requirements may be required based upon the adopted codes at the time of submittal.

Engineering Conditions**PRIOR TO APPROVAL OF ENGINEERING PLANS or ISSUANCE OF ENGINEERING PERMITS:****GENERAL:**

27. 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.
28. Applicant shall comply with the valley wide 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.
29. 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.

30. 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 drywell locations after the retention basins have been rough graded. Minimum depth 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. Underground retention under the proposed parking area will be considered as an alternative to surface retention subject to the approval of the City Engineer.
31. 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.
32. The applicant shall provide necessary utility easements for IID and underground overhead distribution lines within the project boundaries. Applicant shall submit to the City a letter from IID that satisfies this requirement.
33. 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.

PRECISE GRADING:

34. 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.
35. 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.
36. 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.

37. 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.

STREET IMPROVEMENTS:

38. 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 %.
39. 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.
40. Applicant shall construct and dedicate the following streets and street improvements to conform to the General Plan requirements.
- 1) Cesar Chavez Street Public Roadway as shown on the RAC and per these comments shall include the following:
 - a. This street is classified as Major Arterial with Bicycle Lanes with 118 feet of right-of-way as per City of Coachella General Plan.
 - b. Applicant shall re-construct all appurtenant roadway components within project limits such as, but not limited to: damage sidewalk, deteriorated curb and gutter, Traffic control striping, legends, to the satisfaction of the City Engineer.
 - c. Applicant shall remove two existing driveways within project limits and replace them with new ADA compliance commercial driveways to the satisfaction of the City Engineer.
 - d. Applicant shall underground all existing dry utilities if existing within project limits such as, but not limited to: power poles, telecommunication poles and all other existing dry utilities.

SEWER and WATER IMPROVEMENTS:

41. Sewer & Water Improvement Plans prepared by a California Registered Civil Engineer shall be submitted for engineering plan check and City Engineer approval.
42. 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 RELEASE OF OCCUPANCY PERMITS/ACCEPTANCE OF PUBLIC IMPROVEMENTS:

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