

RESOLUTION NO. 2047

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDIO, CALIFORNIA, CONDITIONALLY APPROVING DESIGN REVIEW (DR) 22-06-502 FOR THE CONSTRUCTION OF A THREE-STORY, 20-UNIT MIXED-USE APARTMENT BUILDING WITH A COMMERCIAL/RETAIL COMPONENT ON CERTAIN REAL PROPERTIES IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS 611-151-017, AND 611-151-018 LOCATED ALONG OASIS STREET AND MAKING A DETERMINATION THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED AS THE ENVIRONMENTAL EFFECTS OF THE PROJECT WERE SUFFICIENTLY ANALYZED UNDER THE DOWNTOWN SPECIFIC PLAN PROGRAM FINAL ENVIRONMENTAL IMPACT REPORT (PFEIR PURSUANT TO CEQA GUIDELINES SECTION 15168.

WHEREAS, on June 30, 2022, Billy Ashai ("Applicant") applied for a Design Review 22-06-502 for the construction of a three (3)-story/20-unit Mixed-Use Apartment Building with a commercial/retail component on the first floor, ("the Proposed Project") on an approximately .34 acres ("Site"); and,

WHEREAS, the project site is located within the boundaries of Downtown Indio as designated by the Downtown Specific Plan adopted by the Indio City Council on April 15, 2020, northwest of the Oasis Street and Wilson Avenue and comprised of Assessor Parcel Numbers 611-151-017, 611-151-018) ("Property"); and,

WHEREAS, the Project is subject to compliance with the Downtown Specific Plan adopted by the Indio City Council on April 15, 2020 and has been analyzed for consistency with the land use regulations and development standards of the Downtown Specific Plan together with the General Plan 2040 adopted by the Indio City Council on September 18, 2019 of the Downtown pertaining to land use patterns, intensities, densities, building and site design and public right-of-way improvements; and

WHEREAS, California Environmental Quality Act ("CEQA") Guidelines Section 15162 specifies that when an environmental impact report ("EIR") has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, that substantial changes are proposed that will require major revisions to the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects, or substantial changes occur with respect to the circumstances under which the project will be undertaken which will require major revisions of the previous EIR; and

WHEREAS, CEQA Guidelines Section 15168 (c)(2) specifies that if the agency finds that pursuant to Section 15162, no subsequent EIR would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental documentation would be required; and

WHEREAS, pursuant to the requirements of the California Environmental Quality Act (CEQA), the State Guidelines for Implementation of CEQA (State CEQA Guidelines), and the City of Indio CEQA Implementation Requirements, a Final Environmental Assessment/FEIR (EA 17-07-536) was prepared for the Downtown Specific Plan to address the potential environmental impacts associated with the implementation of the proposed Indio Downtown Specific Plan as well as the other subsequent entitlements necessary to implement the Indio Downtown Specific Plan. By Resolution No. 10131, the Indio City Council approved the Final Environmental Report with a Mitigation Monitoring and Reporting Program on March 18, 2020; and,

WHEREAS, all potentially significant effects of the Project have been analyzed adequately in the previously-certified EIR for the Downtown Specific Plan pursuant to the applicable standards, have been avoided or mitigated pursuant to the previously certified EIR, in accordance with CEQA Guidelines Section 15168, and the Project elements do not propose any new or substantially more significant effects, nor do they require any new mitigation measures of alternatives; and

WHEREAS, the Project proposes no substantial changes that will require major revisions to the previous PEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects, nor will substantial changes occur with respect to the circumstances under which the Project will be undertaken which will require major revisions of the previous PEIR; and

WHEREAS, pursuant to CEQA Guidelines Sections 15162 and 15168, the Project is within the scope of the project covered by the PEIR as the Project will substantively implement the General Plan 2040's vision, intent, policies and goals; and

WHEREAS, the City of Indio Community Development Department and other internal and external review agencies conducted a technical analysis of the Project addressing compliance to relevant Chapters, Sections, and Standards and Regulations of the Downtown Specific Plan, Indio Municipal Code, as applicable, adopted International Building and Fire Codes, as applicable as well as other adopted standards and regulations and issued a staff report and recommendations; and,

WHEREAS, a notice of a public hearing for the Proposed Project was conducted in accordance with Section 159.905 of the Indio Municipal Code, inclusive of the publication on December 23, 2022, of a legal public hearing notice which was published in the Desert Sun, the City's newspaper of record and mailing of a public hearing notice to a certified list of property owners within 300 feet of the subject properties on December 21, 2022; and,

WHEREAS, on January 25, 2023, the Planning Commission held a duly noticed public hearing to consider the application for the Project during which the Planning Commission requested a continuance for the proposed project; and,

WHEREAS, on February 08, 2023, the Planning Commission held a duly noticed public hearing to consider the application for the Project during which evidence, both written and oral, including the staff report and supporting documents was presented at said hearing. At the conclusion of the public hearing, the Planning Commission adopted this Resolution approving Design Review 22-06-502, subject to the conditions listed herein.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF INDIO, CALIFORNIA, HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

Section 1. Incorporation of Recitals. The Planning Commission hereby specifically finds that all of the facts set forth in the recitals of this Resolution are true and correct, are incorporated into the following findings by reference, and constitute a material part of this Resolution.

Section 2. General Plan 2040 Findings. Based on the evidence presented at the hearing, including the staff report and written and verbal testimony, which are all incorporated herein by reference, the Planning Commission hereby finds that:

1. The General Plan 2040 designates the subject property as Downtown (DT), which “supports a lively, thriving Downtown area by accommodating multi-story, mixed-use building at higher intensities...and provides for vertical and horizontal mixed-use development.” The DT designation allows both vertical and horizontal mixed-use and standalone uses. Allowable mixed-use combination includes retail/office, retail/residential, office/residential. The proposed project is a mixed-use retail/residential development.
2. *Policy LU-1.3 Contiguous development. When development occurs outside the Downtown, Midtown, and existing central neighborhoods, locate new development adjacent to Indio’s built environment to create a contiguous expansion of the City.”* The project site is located on a vacant site west of Oasis Street and southwest of Indio Boulevard. There is an established residential neighborhood to the south and west, as well as commercial buildings to the east and a vacant commercial building is located immediately north of the subject site. The project site is one of the few vacant lots remaining on the downtown city block bounded by Indio Boulevard, Oasis Street, and Miles Avenue.
3. *Policy LU-5.7 Pedestrian-supportive building design. Require new and substantially rehabbed commercial and mixed-use projects to follow best practices for pedestrian-supportive design: Ensure pedestrian orientation of ground floor uses in new development. Place primary building facades and entrances near the front property line or back of sidewalk. In limited cases allow small plazas and active landscaped areas for social gathering between the building and sidewalk. Scale building elements to pedestrians. Design new buildings along corridors to provide for a rear building transition between the primary arterials and any adjacent low-density residential neighborhoods. Require parking internal to buildings that faces primary arterials or*

side streets to use appropriate design (such as faux facades, green walls, public murals, etc.) to minimize its visual impact.

Require that new development include wide sidewalks, trees, pedestrian furniture, safe pedestrian crossings and direct connections to the front entrances of retail and services. Encourage new commercial developments to have common driveways to minimize the number of curb cuts along any given block to improve pedestrian safety. Screen trash and recycling collection areas, loading facilities, mechanical equipment, outdoor storage areas, utility connections, and antennas from public view. Encourage covered parking. The proposed building is comprised of vertical mixed-use residential and commercial space on a currently vacant site that is oriented for direct pedestrian accessibility via Oasis Street. At its tallest point, the building will be 41 feet and will be a maximum of three (3) stories in height with an approximately 20-foot wide public alley separating the mixed-use building from the adjacent single-family residences to the west. There are no curb cuts for the project on Oasis Street and primary vehicular access will be via the existing public alley to the immediate west. is orientated to have commercial uses on the ground floor directly facing Oasis Street. The project site will be served by existing sidewalks on Oasis Street. The project proposes a trash enclosure, storage, mechanical equipment and other utility equipment behind the building to screen these site features from Oasis Street.

Section 3. Design Review Findings. Based on the evidence presented at the hearing, including the staff report and written and verbal testimony, which are all incorporated herein by reference, the Planning Commission hereby finds that:

1. There are two zoning classifications and one established overlay found within the DTSP: (City of Indio DTSP, 88). The two zoning classifications are Downtown Core (DT-C) and Downtown Neighborhood (DT-N) (City of Indio DTSP, 88). There is also a Retail Ready (RR-O) overlay classification (City of Indio DTSP, 88). The Project falls within the DT-N classification and RR-O overlay (City of Indio DTSP, 89). The DT-N classification is a less intense and more flexible urban environment than the DT-C (City of Indio DTSP, 88). Building façades are still simple and planar and reflect traditional lotting patterns with simple arrangements of recessed window openings stacked above (City of Indio DTSP, 88). Building heights are up to 4 stories but may reach 6 when community benefits are included (City of Indio DTSP, 88). The intent of this Zoning District is to generate a comfortable, walkable urban environment that functions and performs well regardless of market conditions (City of Indio DTSP, 88). The Project is set closer to the street and incorporates simple facades and designs. The proposed buildings will be up to 3-stories, which is under the allowable 4-story threshold. The ground floor retail space will contribute in creating a walkable urban environment within Downtown. The RR-O is intended to allow for uninterrupted growth of the Downtown commercial environment. Residential and office uses may occupy the ground floor in this overlay, but do not get in the way if/when the market is ready for an expansion of a more active urban environment (City of Indio DTSP, 88). The Project is a mixed-use development with a combination commercial and residential uses, which is in line with the development contemplated at this site location.

2. The DTSP is the planning document that guides development in the City's Downtown area. The Project is consistent with the land use designations in the DTSP. The proposed project is located within the Downtown Neighborhoods (DT-N) section of the DTSP (City of Indio DTSP, 39) and Retail Ready Overlay (RR-O) (City of Indio DTSP, 89). DT-N is meant to provide a wider range of housing types along with denser development patterns than found elsewhere in Indio (City of Indio DTSP, 55). This housing variety, accommodates a wider range of households and a larger, more inclusive segment of the population (City of Indio DTSP, 55). The DT-N classification is a less intense and more flexible urban environment than the DT-C. The intent of DT-N is to generate a comfortable, walkable urban environment that functions and performs well regardless of market conditions (City of Indio DTSP, 88). The RR-O that is found on the Project site is intended to allow for uninterrupted growth of the Downtown commercial environment. Residential and office uses may occupy the ground floor in this overlay, but do not get in the way if/when the market is ready for an expansion of a more active urban environment (City of Indio DTSP, 88).
3. The Project is a mixed-use development with a combination of commercial and residential uses, which is in line with the development contemplated at this site location. The proposed building is orientated to have commercial uses on the ground floor directly facing Oasis Street. The ground floor commercial uses a leasable commercial space. The proposed buildings will be up to 3 stories which is under the allowable 4-story threshold.
4. The Project site is located on a vacant lot west of Oasis Street. There is an established residential neighborhood to the south and west, as well as commercial buildings to the east, which is currently occupied by Urban Cutz Barbershop. Directly north of the property there is a vacant commercial building, which was previously occupied by Meza Market. The Project site is one of the few vacant lots remaining on the downtown city block bounded by Indio Boulevard, Oasis Street and Miles Avenue.
5. The proposed building is orientated to have commercial uses on the ground floor directly facing Oasis Street. The ground floor commercial uses a leasable commercial space. The Project will use the existing alley as the entrance to the main parking lot at the rear entrance to the proposed building. The proposed trash enclosure, storage, mechanical equipment, and utility connections are located behind the building to screen from public view.
6. The Project is consistent with the DTSP, which is the planning document that controls development in the City's Downtown area as more expressly analyzed below:
 - a. Use. In the DT-N and RR-O, office and residential units are permitted uses anywhere, and other specified commercial uses are only permitted with the issuance of a CUP. Residential and office uses must meet the following objective

standards if on the ground floor: (1) the front setback is exactly 10 feet for any residential unit(s), (2) future conversion to ADA-compliant retail/service is not precluded by the interim design, (3) ground floor story height is a minimum of 12 feet from finished floor to ceiling, and (4) all standards for shopfront frontage are met, as set forth in Section 3.8.5. For this Project, the first floor will have two ADA compliant apartment units, one manager apartment unit, and one retail-ready unit. The Project includes a setback from the residential ground floor units of over 15 feet. The residential ground floor units are capable of being converted to ADA-compliant retail/service units. The ground floor is 12 feet from finished floor to ceiling. The frontages meet the standards set forth in Section 3.8.5, *Commercial Private Frontages, subsection A (Shopfront)*.

- b. **Building Placement.** Pursuant to Section 3.6.1 of the DTSP, rear access must be preserved or provided for each new development. Reconfiguration of the original alleys may only be allowed through Downtown Design Review. All buildings adjacent to a street or public open space shall orient toward, and take primary access from, the street or public open space. Buildings and ground floor units (residential or commercial) must not orient toward a parking lot, access drive, or fire lane. Here, there is an existing parking lot located behind the proposed building to the east. The Project will use an existing alley as the entrance to the main parking lot and the rear entrance to the building, with access to Miles Avenue. The access drive and fire lane are located on Oasis Street. All buildings in the Project orient toward and take primary access from Oasis Street. The buildings and ground floor units do not orient toward the parking, access drive, or fire lane.
- c. **Measurements.** RR-O has a build-to-line standard of 10 feet when a residential unit occupies the ground floor adjacent to a street or public space and 2 feet when a nonresidential unit occupies the ground floor adjacent to a street or public space. Pursuant to Table 3.6 in the DTSP, 100% of the façade must meet the build-to-line requirement, with limited exceptions. In DT-N, side yards shall not exceed 25 feet in width where adjacent to streets or public open spaces and are a permitted exception to the build-out requirements. Additionally, surface parking lots are allowed to abut a public street provided the lot does not abut an adjacent surface parking lot and any portion of the surface parking lot adjacent to the street and in excess of the required driveway width is screened by a wall no greater than 4 feet and behind a landscaped setback of a minimum of 2 feet. Here, 100% of the façade of the ground floor residential units and 100% of the façade of the commercial units will be located near the adjacent property lines. Side yards adjacent to the streets will not exceed 25 feet.
- d. **Building Height and Massing.** Pursuant to Section 3.7.1, the ground floor of units fronting on the RR-O shall be 12 feet tall and designed so that future compliance with ADA for commercial use is not precluded. Buildings greater than 100 feet in

length are required to include multiple façade compositions of 100 feet or less, including massing breaks formed by recessions at least 15 feet wide and 10 feet deep or different materials, roof heights, and windows. There is a 4 story maximum. The upper stories must be at least 8 feet high and at most 400 feet long. Here, the ground floor units are 12 feet tall and are designed for future compliance with ADA for commercial use. The building is 150 feet in length and includes multiple façade compositions, including massing breaks. The building is 3 stories and does not exceed 400 feet in length.

e. Private Frontages and Facades:

- i. Access. Pursuant to Section 3.8.1 in the DTSP, all buildings must take primary access from the sidewalk, and at least two entrances must be provided for each façade increment in the RR-O. Here, the buildings take primary access from Oasis Street, and there is one entrance provided for each façade.
- ii. Materials. Natural ground floor materials such as stone, brick, glass, smooth stucco, concrete and ceramic tile are to be used on the ground floor. Here, the ground floor will consist of board-formed concrete.
- iii. Fences and Walls. Fences and walls cannot exceed 3.5 feet in height from the lowest adjacent grade between any building and street or public open space. Fences and site walls shall not exceed 6 feet from adjacent finished grade anywhere else on the property. Any portion of a surface parking lot adjacent to a street shall be screened by a wall not exceeding 4 feet in height and behind a landscaped setback of at least 2 feet. Walls shall be interrupted only for vehicular and pedestrian access and visibility. Architectural features may frame pedestrian or vehicular entrances but shall not exceed a height of 10 feet. There will be fences/walls located around the perimeter of the property, which will be 6 feet in height. The parking lot/garage will be located on the first floor and entirely enclosed.
- iv. Clutter. All utilities, above-ground equipment, and trash containers shall be located in the rear of the lot. The proposed trash enclosure, storage, mechanical equipment, and utility connections are located behind the building to screen from public view.
- v. Private Open Space. All landscape and irrigation designs shall include trees and plant material either native to the Sonoran Desert or adaptive and from regions with similar arid climates, like the Mojave Desert. Desert-adapted plants are required and shall be water-conserving, drought-tolerant plants. Invasive species are prohibited. Permanent and automatic irrigation or drip irrigation systems must be utilized. Trees, shrubs, hedges, and deciduous vines should be used to minimize solar heat gain during the summer and maximize heat gain during the winter. Lighting shall be shielded by permanent attachments to fixtures so that light sources are not visible from adjacent properties or the public right of way. Pursuant to Section 3.9.2, a

courtyard shall include a minimum of three sides and one share amenity, such as a seating area, fountain, BBQ island, or outdoor fireplace. Here, the Project will include but not limited to the Italian Cypress, Mexican Fan Palm, Japanese Boxwood, Century Plant, Red Yucca, Heavenly Bamboo, and White Striped Tasman Flax Lily, which are water-conserving, drought-tolerant, and non-invasive. They will be placed around the perimeter of the complex and throughout each floor to minimize solar heat gain during the summer and maximize heat gain during the winter. The lighting located on Oasis Street will be shielded by fixtures and not visible from adjacent properties. The first floor entry courtyard will have four sides, in addition there will be a lounge area that includes a pool and spa.

- vi. **Parking.** Where vehicle-accessible alleys are present, vehicular access to on-site parking shall be provided only via alley. One-way driveways shall not exceed a width of 14 feet; two-way driveways shall not exceed a width of 24 feet. Curb cuts shall not exceed the width of the driveway. Driveways that cut across sidewalks shall not affect the slope or direction of the pedestrian zone of the public frontage. Pedestrian access must be provided from on-site parking to the alley or the public street by a path which is independent from the vehicular access. No surface parking shall be provided between a façade of a primary building and parallel front or street-side property line. New surface parking lots shall be allowed to abut a public street, unless certain requirements are met. The main parking lot for the Project site will contain 21 parking spaces on the first floor, with one of the spaces being for handicapped parking. Additional parking is also available on the adjacent street off of Oasis Street.
7. The Project complies with all of the City's objective standards, including those standards set forth in the DTSP which support project designs in the Downtown area that are appropriate for their function and provide attractive and comfortable environments for occupants, visitors, and the general community. As set forth above, the overall design of the Project, including its scale, massing, site plan, exterior design, and landscaping, satisfy the objective criteria set forth in the DTSP. The Project is, thus, appropriately designed to encourage foot-traffic and pedestrian connectivity as envisioned by the DTSP.
8. The Project complies with all of the City's objective standards, including those standards set forth in the DTSP which facilitate project connectivity with existing development in the immediate vicinity and Downtown area. The Project site is located on a vacant lot west of Oasis Street. There is an established residential neighborhood to the south and west, as well as commercial buildings to the east, which is currently occupied by Urban Cutz Barbershop. Directly north of the property there is a vacant commercial building, which was previously occupied by Meza Market. The Project site is one of the few vacant lots remaining on the downtown city block bounded by Indio Boulevard, Oasis Street, and Miles Avenue. The access drive and fire lane are located

on Oasis Street. All buildings in the Project orient toward and take primary access from Oasis Street. The buildings and ground floor units do not orient toward the parking, access drive, or fire lane. As set forth in Section II herein, the site design satisfies the objective criteria set forth in the DTSP for building placement, access, grading, equipment/utility storage, private open space, and parking, and ensures that the site development relates to existing development on the neighboring properties. The buildings are also set closer to the street with parking centrally located, which is consistent with the standards set forth in the General Plan. The Project has incorporated elements for pedestrian connectivity and enhanced streetscapes that are in compliance with the policies outlined in the GPU, as well.

9. The Project complies with all of the City's objective standards, including those standards set forth in the DTSP which mediate scale, massing and bulk, promote human scale design, and leverage building modulation and façade articulation treatments to enhance the pedestrian experience in the Downtown area, all while integrating various developments in that vicinity. As set forth in Section II herein, the building is 150 feet in length and includes multiple façade compositions, including massing breaks formed by recessions. The building is three-stories and does not exceed 400 feet in length. The proposed building does not include any openings closer than 10 feet apart. Ground floor windows have an external reflectance of less than 15% and a transparency of 80% or greater. The Project is, thus, integrated, both internally and in relation to the vicinity, in terms of colors, materials, scale, and building design, as required by the DTSP.
10. The Project complies with all of the City's objective standards, including those standards set forth in the DTSP which regulate the design of streetscapes, street trees, lighting, and pedestrian furniture, consistent with the intended character of the Downtown area. As set forth in Section II herein, the Project will include but not limited to the Italian Cypress, Mexican Fan Palm, Japanese Boxwood, Century Plant, Red Yucca, Heavenly Bamboo, and White Striped Tasman Flax Lily, which are water-conserving, drought-tolerant, and non-invasive. They will be placed around the perimeter of the complex and throughout each floor to minimize solar heat gain during the summer and maximize heat gain during the winter. The lighting located on Oasis Street will be shielded by fixtures and not visible from adjacent properties.
11. The Project complies with all of the City's objective standards, including those standards set forth in the DTSP which regulate parking areas so that buffers are provided for surrounding land uses in a way that complements pedestrian-oriented development in the Downtown area and minimizes the impacts of parking and vehicles on the pedestrian experience in the vicinity. The Project will be designed with buildings set closer to the street with parking centrally located, which is consistent with the standards set forth in the General Plan. Also, mitigation measures will be incorporated into the development to prevent flooding of the site or downstream properties. These measures shall require 100 percent on-site retention of the incremental increase of

runoff from the 100-year storm. In addition, flood protection measures will comply with California Drainage Law and provide that offsite stormwater flows are received onto the property and discharged from the property in a manner that is reasonably compatible with redevelopment conditions.

12. The Project complies with all of the City's objective standards, including those standards set forth in the DTSP for screening, fencing, and walls, which ensure compatibility with the surrounding development, add visual interest, and help community members differentiate between public and private property in the Downtown area. As set forth in Section II herein, there will be fences/walls located around the perimeter of the property, which will be 6 feet in height. The parking lot/garage will be located on the first floor and entirely enclosed. The entrance of the building is prominent and is oriented toward public space to encourage public usage. No fences or walls are between the façade and the public right of way. The Project, thus, provides the visual screening elements that are required by the DTSP and is compatible with the character of the vicinity and Downtown area.
13. The Project complies with all of the City's objective standards, including those standards set forth in the DTSP for lighting which ensure that lighting and lighting fixtures complement buildings and are appropriate in scale while still providing adequate light over walkways and parking areas so that there is a sense of pedestrian safety in the Downtown area and glare to neighboring properties and the public right of way is minimized. As set forth in Section II, the lighting located on Oasis Street will be shielded by fixtures and not visible from adjacent properties, as required by the DTSP. The lighting will also provide adequate light over walkways and parking areas in compliance with Crime Prevention through Environmental Design (CPTED) standards.
14. The Project complies with all of the City's objective standards, including those standards set forth in the DTSP for landscaping and building placement, which are meant to enhance the architectural features of the building and relate it to the surrounding landscape. As set forth in Section II herein, 100% of the façade of the ground floor residential units, and 100% of the façade of the commercial units will be located near the adjacent property lines. Side yards adjacent to the streets will not exceed 25 feet. The Project will include the Italian Cypress, Mexican Fan Palm, Japanese Boxwood, Century Plant, Red Yucca, Heavenly Bamboo, and White Striped Tasman Flax Lily, which are water-conserving, drought-tolerant, and non-invasive which are water-conserving, drought-tolerant, and non-invasive.
15. The Project complies with all of the City's objective standards, including those design standards set forth in the DTSP which are internally consistent and support development that is compatible with the character of the Downtown area. As set forth in Section II herein, the Project will include the Italian Cypress, Mexican Fan Palm,

Japanese Boxwood, Century Plant, Red Yucca, Heavenly Bamboo, and White Striped Tasman Flax Lily, which are water-conserving, drought-tolerant, and non-invasive. The building is 150 feet in length and includes multiple façade compositions, including massing breaks formed by recessions. The building is three-stories and does not exceed 400 feet in length. Thus, the overall design of the Project, including its materials and landscaping, satisfy the objective criteria set forth in the DTSP and is internally and visually consistent given compliance with the requirements therein.

16. The Project complies with all of the City's objective standards, including those standards set forth in the DTSP, which prioritize a high level of pedestrian comfort, safety and enjoyment required for any successful active urban environment. The Project would develop a new mixed-use development on previously disturbed vacant land within Downtown Indio. The project is consistent with both the General Plan and the Downtown Specific Plan. All environmental effects have been previously analyzed and will not be detrimental or injurious to property or the public health, safety, or general welfare. Mitigation measures will be incorporated into the development to prevent flooding of the site or downstream properties. These measures shall require 100 percent on-site retention of the incremental increase of runoff from the 100-year storm.

Section 4. Environmental Findings. The Planning Commission has reviewed and considered the information contained in the Finding of Consistency and administrative record for the Project, including all oral and written comments received during the public hearing, the staff report, and all attachments thereto, which are all incorporated herein by reference, and the Planning Commission finds that:

- a. The Project complies with CEQA based on the CEQA exemption/streamlining provisions contained in Public Resources Code Section 21083.3.
- b. The Finding of Consistency has been completed in compliance with CEQA.
- c. All environmental impacts of the Project have been previously addressed and mitigated under the Downtown Specific Plan EIR.
- d. The Project is consistent with the development density established by existing zoning, the Downtown Specific Plan policies for which the EIR was certified because the Project is consistent with the land use designation identified for the Project Site in the Downtown Specific Plan.
- e. There are no project-specific effects which are peculiar to the Project or Project Site and which the Downtown Specific Plan EIR failed to analyze as significant effects because the Property does not contain any peculiar environmental features and would not result in peculiar effects to the surrounding area.
- f. The Project will undertake feasible mitigation measures specified in the Downtown Specific Plan EIR because the Project will undertake the Downtown Specific Plan

EIR mitigation measures through project design, compliance with regulations and ordinances, or through the Project's conditions of approval.

Section 5. Recommendation. Based on the foregoing, the Planning Commission hereby **CONDITIONALLY APPROVES** the Ashai 20-Unit Project (Design Review 22-06-502) subject to the conditions of approval contained herein. The Applicant shall demonstrate compliance to ALL conditions of approval, listed in the Resolution. Failure to demonstrate compliance with these conditions of approval may result in the delay of the proposed use or the rescinding of the City of Indio's project approval. Where the term "Applicant" is used in any condition of approval, this term shall apply also to the Property owner, any developer, or any successor in the interest of the Applicant. It is the Applicant's or Applicant's successor in interest responsibility to fully comply with the conditions of approval unless subsequently modified in accordance with the City's required processes and procedures:

A. General Conditions of Approval:

The Applicant shall demonstrate full compliance with the following conditions of approval. The relevant City department, or division, or outside agency is noted in parentheses in the event that there are questions or additional information needed regarding a condition of approval. The Applicant shall adhere to and comply with each of these conditions, as set forth herein, as applicable and when necessary, and in no event later than the issuance of Certificate of Occupancy:

1. Where the term "Applicant" is used herein, this term shall apply also to the Property owner, any developer, or any successor in interest of the Applicant. (Planning Division)
2. The Design Review 22-06-502 approval granted by this Resolution shall be valid for twenty-four (24) months from the effective date of this Resolution; unless prior to the expiration of the two years, a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the application, or a certificate of occupancy is issued; otherwise, this Design Review approval will automatically expire unless an extension of time has been granted as specified in Section 159.730 of the City of Indio Municipal Code. (Planning Division)
3. In the event of any court action or proceeding challenging the approval of this resolution or otherwise challenging the approval of Design Review 22-06-502 or the environmental determination conducted, the Applicant shall defend, at its own expense, the action or proceeding. In addition, the Applicant shall reimburse the City for the City's cost of defending any such court action or proceeding. The Applicant shall also pay any award of costs, expenses and fees that the court having jurisdiction over such challenge makes in favor of any challenger and against the City. The Applicant shall cooperate with the City in any such defense as the City may reasonably request and may not resolve such challenge without the agreement of the City. In the event the Applicant fails or refuses to reimburse the City for its cost to defend any

challenge, the City shall have the right, among other remedies, to revoke this approval. In order to ensure compliance with this condition, within twenty (20) days after notification by the City of the filing of any claim, action or proceeding to attack, set aside, void or annul the approval of this design review, the Applicant shall deposit with the City cash or other security in the amount of ten thousand dollars (\$10,000), satisfactory in form to the City Attorney, guaranteeing indemnification or reimbursement to the City of all costs related to any action triggering the obligations of this condition. If the City is required to draw on that cash or security to indemnify or reimburse itself for such costs, the Applicant shall restore the deposit to its original amount within thirty (30) calendar days after notice from the City. Additionally, if at any time the City Attorney determines that an additional deposit is necessary to secure the obligations of this section, the Applicant shall provide such additional security within thirty (30) calendar days of notice from the City Attorney. The City shall promptly notify the Applicant of any claim, action or proceeding within the scope of this condition.

4. All Conditions of Approval shall be provided on a full-size sheet as part of the construction plan set. All notes and specifications as shown on the plans shall be considered Conditions of Approval. If there is a conflict between the approved plans and the Conditions of Approval, the Conditions of Approval shall prevail.
5. The Applicant shall ensure that all development shall occur substantially as shown on the site plan, floor plans, elevations, and landscape plans, and as modified herein (see Attachment C of the Staff Report).
6. All parking lot landscaping shall be maintained in perpetuity, with all maintenance to include, but be limited to, irrigation corrections, fertilization, and pruning and staking. All maintenance shall be performed with the overall goal of providing maximum plant health with minimum damage to hardscape, vehicles and persons. Pursuant to Section 159.653(F)(5) of the Indio Municipal Code, all significantly injured, decayed or dead trees and other plant material must be replaced within thirty (30) calendar days.
7. The Applicant shall submit a sign application and fee to the Planning Division for review and approval prior to the issuance of a sign permit.
8. Trash/recycling enclosures shall be of adequate size to contain and view obscure containers and materials therein.
9. Trash/recycling enclosures shall be constructed of decorative block or concrete and shall match the surrounding buildings in color and texture. Solid metal gates painted to match the enclosure shall be required. All gates shall be post mounted.
10. The location of trash/recycling enclosures shall not conflict with circulation or parking conditions on site. A condition shall not be created where a parked vehicle will obstruct access to an enclosure nor where a disposal truck will obstruct parked vehicles.
11. The Applicant shall provide a lighting plan to the Community Development Department (Planning Services) and the Police Department for review and approval. Any outdoor

lighting shall be hooded or shielded to prevent either spillage of lumens or reflections into the sky pursuant to the Indio Municipal Code.

12. The Applicant shall comply with the landscaping requirements outlined in Section 159.666 of the Indio Municipal Code.

B. Prior to Building Permit Issuance:

The Applicant shall demonstrate full compliance to the following conditions of approval prior to the issuance of a building permit (s):

1. Shall comply with the latest adopted edition of the following codes as applicable: Please note, that commencing on January 1, 2023, the City will be enforcing the 2022 version of all the listed codes below:
 - a. California Building Code
 - b. California Residential Code
 - c. California Electrical Code
 - d. California Mechanical Code
 - e. California Plumbing Code
 - f. California Energy Code
 - g. California Fire Code
 - h. California Green Building Standards Code
2. Automatic fire suppression systems shall be installed in all new construction per Title IX, Chapter 93 of the Code of the City of Indio. Design and type of system shall be based upon the requirements of the Building Code, Fire Code and the requirements of the Riverside County Fire Department.
3. The requirements of the Air Quality Management District shall be satisfied prior to the issuance of any permit if dusts and/or pollutants will be discharged into the atmosphere.
4. Any temporary building, trailer, commercial coach, etc. installed and/or used in connection with a construction project shall comply with City Code.
5. All perimeter/boundary walls shall be designed and constructed so that the outer/exterior face of the wall is as close as possible to the lot line. In any case, the outer/exterior face of the wall shall be within two (2) inches of the lot line. Distances greater than two (2) inches may be approved prior to construction by the Building Official on a case by case basis for extenuating circumstances.
6. All lot lines, easement lines, etc. shall be located and/or relocated in such a manner as to not cause any existing structure to become non-conforming with the requirements of the latest adopted edition of the Building Code, or any other applicable law, ordinance, or code.

7. If the site, or a portion of the site, is located in a flood hazard area. Justification that the proposed development does not adversely affect the location or carrying capacity of the floodway, nor does it adversely affect upstream or downstream sites shall be provided to Building & Safety. Additionally, all development shall comply with Chapter 153: FLOODPLAIN MANAGEMENT of the Code of the City of Indio and all requisite provisions must be taken to protect the site from flood damage.
8. All exterior lighting shall be oriented, directed, and/or shielded as much as possible so that direct illumination does not infringe onto adjoining properties.
9. The applicant shall submit a customer project application (available at <http://iid.com/home/showdocument?id=12923> and provide a detailed loading information description including panel sizes, project schedule and estimated in-service date.
10. Upgrade existing conductor across Indio Boulevard N32 tie N86, in addition, line extensions with a loop configuration are required. The District's ability to provide service from existing infrastructure is based upon current available capacity and is contingent upon this development's construction progress in the area. The Project must progress toward completion or IID is unable to hold system capacity to the detriment of other customers. Please be advised that service is conditioned upon:
11. Applicant shall bear all costs associated with the construction of any additional distribution overhead and/or underground backbones, line extensions, upgrades or reconfigurations needed to extend electrical service to the proposed development.
12. Underground infrastructure that includes trenching, conduits, pull boxes, switch boxes and pads shall be installed at the Applicants expense following IID approved plans and within the public utility easement (PUE) or a dedicated easement, if applicable. Physical field installation of underground infrastructures shall be verified and approved by an IID inspector prior to cable installation as per IID Developer's Guide.
13. Line extensions to serve the development shall be made in accordance with IID Regulation No. 15, Regulation No. 2, and Regulation No. 13. The final cost will be determined once the applicant submits a Customer Service Proposal application and final design is completed.
14. Any construction or operation on IID property or within its existing and proposed right of way or easements including but not limited to: surface improvements such as proposed new streets, driveways, parking lots, landscape; and all water, sewer, storm water, or any other above ground or underground utilities; will require an encroachment permit, or encroachment agreement (depending on the circumstances). A copy of the IID encroachment permit application and instructions for its completion are available at <https://www.iid.com/about-iid/departments>

[directory/real-estate](#). The IID Real Estate Section should be contacted at (760) 339-9239 for additional information regarding encroachment permits or agreements.

15. Please take note that, due to circumstances unknown to IID and unforeseen development, other projects could impact existing resources, which may affect IID's ability to serve this load if the project does not move forward to completion in a timely manner. Based upon the above, by a date no later than August 30, 2023, you must provide the following documentation to IID: 1) Evidence of issuance of all local authorizations required to initiate construction, 2) Application for the installation of underground infrastructure system and payment of accompanying fees and 3) Application for service and payment of accompanying fees. Absent receipt of such evidence and documentation by the referenced date, a new study will be required including a revised Plan of Service.
16. There is an 8" sewer main located in the alley west of the property that is available for connection and use. Applicant shall field verify condition and suitability.
17. The Owner/Developer's engineer shall meet with VSD staff and discuss proposed sewer main connections and requirements prior to design.
18. Generally, the sewer main lateral and connection to the District's sewer main are normally considered private and owned by the Owner(s) of the property. The Owner(s) are responsible for the maintenance and repair of this sewer main lateral.
19. The proposed project will comply with all Valley Sanitary District and other agency standards and requirements.
20. Improvements in the public right of way will require bonding by the Owner/Developer and installation by a licensed underground contractor.
21. The proposed project will be subject to all terms and conditions of the State of California mandated pre-treatment regulations.
22. The proposed project is subject to the local effluent requirements of Valley Sanitary District's (VSD) Resolution 2008-998; local discharge limits, and conformance with the Valley Sanitary District Sewer Use and Construction Ordinance 2010-118.
23. Developer to install new water main along Oasis Street from Indio Boulevard to the frontage of property and connect from it.
24. On-site and Off-site water improvement plans are required.
25. Each building unit will require its own domestic water meter with back flow assembly
26. IWA requires a separate water meter with back flow assembly for landscape irrigation.
27. All new meter boxes shall be polymer with a 2" radio read port per IWA standards.

28. The applicant shall coordinate fire service with Indio Fire Department
29. The applicant shall complete the Landscape Documentation Package in accordance with the Water Efficient Landscape Development Standards Ordinance No. 1684
30. Developer shall pay all applicable fees; submit forms and agreements per IWA development procedural guidelines for final plan approval.
31. Fire Hydrants and Fire Flow: Provide one copy of the water system plans to show there exist fire hydrant(s) capable of delivering the minimum fire flow required per CFC Appendix B Table 105.1, within 400 feet to all portions around the proposed structure. Minimum fire hydrant location and spacing shall comply with CFC and NFPA 14.
32. If Fire Hydrants are required to be installed, applicant/developer shall furnish two copies of the water system fire hydrant plans directly to the Fire Department for review and approval prior to building permit issuance. 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.
33. Fire Department Access: Provide a Site Plan for Fire Apparatus Access Roads and Signage. Access roads shall be provided to within 150 feet to all portions of all buildings and shall have an unobstructed width of not less than 24 feet. The construction of the Access Roads shall all weather surface and capable of sustaining 60,000 pounds over two axels for commercial developments per CFC 503.1.1 and 503.2.1 as amended by the City of Indio.
34. Phased Construction Access: If construction is phased, each phase shall provide approved access for fire protection prior to any construction (CFC 503.1)
35. Requests for installation of Traffic Calming designs/devices on Fire Apparatus Access Roads are prohibited unless submitted and approved by the Office of the Fire Marshal.
36. Construction Permits Fire Department Review: Submittal of construction plans to the Office of the Fire Marshal for development, construction, installation and operation use permitting will be required. Final Fire and Life Safety conditions will be addressed when the plans are reviewed. These conditions will be based on the occupancy, use, CBC, CFC, and all other related codes which are in effect at the time of building plan submittal.
37. Fire Sprinkler System: All structures 3,600 sq ft or larger will be required to install a Fire Sprinkler System CFC 903.2 and NFPA 13 as amended by City of Indio.

38. Fire Sprinkler System: All Residential structures will be required to install a Fire Sprinkler System per NFPA 13D and or NFPA 13R.
39. Fire Alarm and Detection System: A waterflow monitoring system and/or Fire Alarm system will be required per CFC 903.4, 907.2 and NFPA 72.
40. Knox Box and Gate Access: Buildings shall be provided with a Knox Box. The Knox Box shall be installed in an accessible location approved by the Office of the Fire Marshal. All electronically operated gates shall be provided with a Knox Key Switch and automatic sensors for access. CFC 506.1.
41. Addressing: All commercial buildings shall display street numbers in a prominent location on the address side and additional locations as required CFC 505.1 and Riverside County Fire Department Standard #07-01.
42. This area is designated Zone X on Federal Flood Insurance rate maps, which are in effect at this time by the Federal Emergency Management Agency (FEMA).
43. Flood protection measures for local drainage shall comply with California Drainage Law and provide that stormwater flows are received onto and discharged from this property in a manner that is reasonably compatible with predevelopment conditions.
44. The City of Indio (City) shall require mitigation measures to be incorporated into the development to prevent flooding of the site or downstream properties. The measures shall require 100 percent on-site reduction of the incremental increase of runoff from the 100-year storm. In addition, flood protection measures shall comply with California Drainage Law and provide that offsite stormwater flows are received onto the property and discharged from the property in a manner that is reasonably compatible with redevelopment conditions. Coachella Valley Water District (CVWD) requests review of said flood protection measures for compliance with California Drainage Law from a regional valley floor drainage perspective.
45. The project lies within the East Whitewater River Subbasin Area of Benefit. Groundwater production within the area of benefit is subject to a replenishment assessment in accordance with the State Water Code.
46. Any entity producing more than 25 acre-feet of water during any year from one or more wells must equip the well(s) with a water-measuring device. A CVWD Water Production Metering Agreement is required to provide CVWD staff with the authority to regularly read and maintain this water-measuring device.
47. The Sustainable Groundwater Management Act (SGMA) is a law requiring that groundwater basins are managed to achieve sustainability. IN accordance with SGMA, CVWD submitted the Coachella Valley Water Management Plan as an alternative to a Groundwater Sustainability Plan (Alternative Plan) for the Indio Subbasin. On July 17, 2019, The Department of Water Resources (DWR) sent a

notification approving the Alternative Plan. The goal of the Alternative Plan is to reliably meet current and future water demands in a cost-effective and sustainable manner. This development lies within the Indio Subbasin and will contribute to the total water demand into the design, construction, and operation of this development to reduce its negative impact on the Indio Subbasin.

B. Prior to Issuance of a Grading Permit

Prior to issuance of a grading permit, the Applicant shall demonstrate full compliance to the following conditions of approval:

1. The Applicant shall comply with National Pollution Discharge Elimination System (NPDES) requirements per state regulations, contact information is as follows:

California Regional Water Quality Control Board (RWQCB),
Colorado River Basin Region,
73-720 Fred Waring Drive #100
Palm Desert, CA 92260
(760) 346-7491
www.waterboards.ca.gov/coloradoriver

***Please note:** Prior to the issuance of any grading permit, a copy of the NOI (Notice of Intent) and the WDID# (Waste Discharge Identification No.), shall be filed with the City of Indio's Engineering Division.

2. Applicant shall submit a Water Quality Management Plan for City approval
3. Applicant shall submit PM10 (Dust Control) implementation plan for City approval
4. The Applicant shall submit for City approval the following items:
 - a. Precise grading plans – shall include the street address for each lot and/or building foot print
 - b. Irrigation and Landscape Plans
 - c. Soils Report
 - d. Hydrology Report
5. Retaining walls shall be required at elevation differences greater than 12 inches between lots throughout the project and in relation to adjacent boundary properties (if applicable) unless otherwise approved by the City Engineer.
6. Applicant shall use Riverside County Flood Control District standards and submit local on-site and regional hydrology, hydraulic storm calculations for City review and approval.
7. Applicant shall provide on-site storm water retention basin(s) or system(s) designed to the satisfaction of the City Engineer. Each retention basin shall include a sufficient

number of underground vertical drywells, Maxwell Plus or equivalent, designed to eliminate standing water in the basin(s). The retention basin(s) or system(s) shall be sized to retain all post-development storm water runoff within the limits of the project based on a 100-year storm event of 24-hour duration and shall completely drain/percolate any storm event within 72 hours. All upstream runoff from adjacent properties that has historically been directed onto the proposed project may be considered to pass through the project with the exception of historical retention that occurred on-site. The retention basin(s) shall be designed, per Standard Plan No. 130, with a maximum depth of 5 feet (with a one foot minimum freeboard) and maximum side slopes of 3:1 and shall not be used for purposes other than for the collection of storm water, nuisance water and well blow-off water.

8. Applicant shall submit a Lot Merger Application and record it prior to the issuance of a Grading Permit.
9. All grading and pad elevations will be subject to approval by the Director of Community Development Services and the City Engineer based on grading plans and additional information to be submitted during plan check.

C. Prior to Issuance of a Certificate of Occupancy:

Prior to issuance of a certificate of occupancy, the Applicant shall demonstrate full compliance to the following conditions of approval.

1. All project signage, as applicable, shall comply with all standards and regulations of the 3.11 Sign Section of the Downtown Specific Plan.
2. The Applicant shall install landscaping and an automatic irrigation system for the entire site prior to the final Occupancy Permit. The irrigation system shall be an automatic system with an irrigation timer and two drip or bubbler heads per tree to produce deep root irrigation. Any changes or modifications to the landscaping plan during the Design Review process shall be addressed during the plan check process.
3. Applicant shall complete and submit a Lot Merger application to merge the two (2) parcels via a Lot Merger process, as the residential building will be constructed across property lines.
4. The Applicant shall ensure that any roof-mounted mechanical equipment shall be screened from view of the adjacent properties and City streets by a parapet wall high enough to screen the highest piece of equipment and around the entire perimeter of the building. The Applicant shall also screen all ground mounted mechanical equipment from view from City streets and adjacent properties by a wall/fence or landscaping.
5. The Applicant shall apply for and receive a business license from the City of Indio Finance Department.

6. The Applicant shall provide a final landscape/irrigation plan with a variety of additional plant materials and irrigation system as a part of the plan check process to the Planning Division for review and approval. The landscape/irrigation plan shall include, at a minimum:
 - a. Type, size, name, and number of planting materials shall be suitable for the site and shall be drought tolerant (use 5-gallon shrubs/24-inch height at planting).
 - b. Five (5) gallon (24-inch height at planting) and 15-gallon (36-inch height at planting) mature shrubs shall be provided along right-of-way and heavy foot-traffic next to sidewalks and/or walkways.
7. Prior to the issuance of a Building Permit the applicant shall provide VSD with both civil and architectural drawings of the building and site improvements for review and approval.
8. VSD will only issue sewer construction and connection permits after plan approval, the payment of all sewer related fees and the submittal of required documents that will be provided to the Owner/Developer at the time of plan approval.
9. Manholes and cleanouts located in paved areas shall be raised to grade and collars and/or traffic rated boxes provided per Valley Sanitary District standards.
10. The following items (as applicable) shall be completed and/or submitted to Building & Safety prior to the issuance of building permits for this project:
 - a. Precise grading plans shall be approved by Engineering/Public Works
 - b. Rough grading completed and approved by Engineering/Public Works
 - c. Compaction certification
 - d. Pad elevation certification
 - e. Rough grade inspection signed off by a City Engineering/Public Works Inspector
11. If hazardous substances are used and/or stored, a technical opinion and report, identifying and developing methods of protection from the hazards presented by the hazardous materials, may be required. This report shall be prepared by a qualified person, firm, or corporation and submitted to Building & Safety. This report shall also explain the proposed facility's intended methods of operation and list all of the proposed materials, their quantities, classifications, and the effects of any chemical (material) inter-mixing in the event of an accident or spill.
12. The existing parcels shall be combined into a single parcel, or a lot line adjustment shall be done so that the proposed structure(s) do not cross any lot line and complies with all requirements of the California Building Code, prior to any building permits being issued.
13. Prior to the issuance of a Certificate of Occupancy, the applicant shall install a grease interceptor approved by the Valley Sanitary District for any and all proposed food

service establishment type cooking facilities and maintain the interceptor as mandated in the District's sewer use ordinance.

14. Applicant shall:

- a. Dispose of all concrete and asphalt removals from the proposed project to an approved recyclable site.
- b. Applicant shall provide City of Indio Public Works Department with a copy of receipt showing tonnage for the disposal of recyclable concrete and asphalt.
- c. Dispose of all material removals from the proposed project to an approved disposal site.

15. Applicant shall construct improvements on the west side of Oasis Street, along the property frontage, as follows:

- a. Remove existing sidewalk and driveway(s), and construct 8' min. wide concrete sidewalk per the Downtown Specific Plan design guidelines.
- b. Irrigation and landscape improvements per the Downtown Specific Plan design guidelines.

16. All off-site street improvements including construction of sidewalk and installation of irrigation and landscaping along Oasis Street (west side) and shall be constructed and accepted by the City prior to issuance of a temporary or permanent certificate of occupancy.

17. Applicant shall obtain an encroachment permit prior to starting any street improvements within the public right-of-way.

18. Applicant shall remove and replace any damaged or broken concrete curb/gutter on Oasis Street property frontage.

19. The proposed project shall comply with American with Disabilities Act (ADA) requirements.

20. All improvements shall comply with City standards, requirements and policies. Applicant is required to construct all transition and missing links between existing and proposed improvements.

21. All overhead utilities less than 92KV, located within the project boundaries bordering the project and/or fronting the project shall be underground.

22. Prior to water service activation, all water infrastructure in the final approved plans must be constructed and must have a Council approved Water Agreement and Easement if applicable.

23. Prior to the issuance of a landscape water meter, the applicant must have a complete set of landscape plans signed and approved by the IWA.

SECTION 6. The Planning Commission Secretary shall certify to the passage, approval, and adoption of this Resolution.

PASSED, APPROVED, and ADOPTED this 8th day of February 2023.



CHRISTIAN RODRIGUEZ-CEJA
CHAIRPERSON

ATTEST:



JESSICA BELMAN
COMMISSION SECRETARY

