

ORDINANCE NO. 1834

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIO, CALIFORNIA, AMENDING THE INDIO UNIFIED DEVELOPMENT CODE (PLAN-ZMA-25-0003) BY REPEALING AND REPLACING ARTICLE 5, "SUBDIVISION REGULATIONS AND RESIDENTIAL CONDOMINIUM CONVERSIONS," REPEALING AND REPLACING ARTICLE 6, "ADMINISTRATION AND PROCEDURES," AND ADDING CHAPTER 4.28, "TWO-UNIT DEVELOPMENTS"

WHEREAS, the City of Indio ("City") is a municipal corporation duly organized and existing under the Constitution and laws of the State of California; and

WHEREAS, the City Council has adopted the Indio Unified Development Code ("UDC"), which is codified in the Indio Municipal Code and establishes regulations governing land use, development standards, subdivision procedures, permit administration, and related development review procedures within the City; and

WHEREAS, the City has prepared this Ordinance to amend the UDC to update, reorganize, and modernize the City's subdivision regulations, administrative procedures, and state-mandated housing implementation provisions, and to better align the UDC with applicable state law, the City's General Plan, and current City procedures; and

WHEREAS, the Indio 2040 General Plan Land Use and Urban Design Element includes implementation programs calling for updates to the City's subdivision ordinance and related development regulations to implement the General Plan's land use and urban design vision, policies, and programs; and

WHEREAS, Article 5 of the UDC, "Subdivision Regulations and Residential Condominium Conversions," is intended to implement and supplement the California Subdivision Map Act, Government Code section 66410 et seq., by establishing local procedures and standards for subdivision maps and related subdivision actions, including tentative maps, parcel maps, final maps, vesting tentative maps, dedications, lot line adjustments, mergers, reversions to acreage, urban lot splits, and residential condominium conversions; and

WHEREAS, Article 6 of the UDC, "Administration and Procedures," is intended to update and clarify the City's administrative procedures, review authority provisions, permit processing requirements, noticing and hearing procedures, appeals, modifications, enforcement-related procedures, and other implementation provisions applicable to land use and development approvals under the UDC; and

WHEREAS, Chapter 4.28 of the UDC, "Two-Unit Developments," is intended to establish objective zoning standards and ministerial review procedures for qualifying two-unit developments in single-family residential zones, consistent with Government Code section 65852.21 and other applicable state law; and

WHEREAS, the Planning Commission held a duly noticed public hearing on April 22, 2026, to consider the proposed UDC amendments set forth in this Ordinance, at which time all interested persons had the opportunity to appear, be heard, and present evidence; and

WHEREAS, the Planning Commission reviewed and considered the staff report, the proposed ordinance, all documents incorporated therein or referred to therein, all written and oral testimony presented at the public hearing, and the entire administrative record relating to this Ordinance; and

WHEREAS, following the public hearing, the Planning Commission adopted the Resolution included with the staff report recommending that the City Council adopt this Ordinance; and

WHEREAS, the City Council held a duly noticed public hearing on May 20, 2026, to consider this Ordinance, at which time all interested persons had the opportunity to appear, be heard, and present evidence; and

WHEREAS, the City Council has reviewed and considered the staff report, the Planning Commission recommendation, the proposed ordinance, all documents incorporated therein or referred to therein, all written and oral testimony presented at the public hearing, and the entire administrative record relating to this Ordinance; and

WHEREAS, the City Council finds that this Ordinance is consistent with the goals, policies, and implementation programs of the Indio 2040 General Plan because it promotes orderly development, clear and consistent land use administration, infrastructure planning, subdivision regulation, housing implementation, and implementation of state-mandated development review procedures; and

WHEREAS, the City Council finds that this Ordinance promotes the public health, safety, and welfare by providing clear, updated, internally consistent, and legally compliant regulations governing subdivision activity, development review procedures, and state-mandated housing implementation measures; and

WHEREAS, the City Council has authority under the California Constitution, the City's police power, the Planning and Zoning Law, the Subdivision Map Act, and other applicable law to adopt regulations to protect and promote the public health, safety, and welfare.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF INDIO DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals and Findings.

The City Council finds and determines that the foregoing recitals are true and correct and are incorporated herein by this reference as findings of the City Council.

SECTION 2. CEQA Determination.

The City Council finds and determines that this Ordinance is not a "project" within the meaning of CEQA pursuant to CEQA Guidelines section 15378(b)(5), because the Ordinance consists of organizational, administrative, and procedural amendments to the City's development regulations that will not result in direct or indirect physical changes in the environment.

Alternatively and independently, to the extent this Ordinance is determined to constitute a project under CEQA, the City Council finds and determines that the Ordinance is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3), because it can be seen with certainty that there is no possibility that adoption of this Ordinance, in and of itself, may have a significant effect on the environment.

SECTION 3. Repeal and Replacement of Article 5.

Article 5 of the Indio Unified Development Code, titled "Subdivision Regulations and Residential Condominium Conversions," is hereby repealed in its entirety and replaced with a new Article 5, titled "Subdivision Regulations and Residential Condominium Conversions," as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 4. Repeal and Replacement of Article 6.

Article 6 of the Indio Unified Development Code, titled "Administration and Procedures," is hereby repealed in its entirety and replaced with a new Article 6, titled "Administration and Procedures," as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 5. Addition of Chapter 4.28.

Chapter 4.28, titled "Two-Unit Developments," is hereby added to the Indio Unified Development Code as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 6. No Other Amendments.

Except as expressly amended by this Ordinance, all provisions of the Indio Municipal Code and the Indio Unified Development Code shall remain unchanged and in full force and effect.

SECTION 7. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause, phrase, word, or portion of this Ordinance, or the application thereof to any person, property, or circumstance, is for any reason held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the application of the Ordinance to other

persons, properties, or circumstances. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, paragraph, sentence, clause, phrase, word, and portion thereof, irrespective of the fact that any one or more portions of this Ordinance may be declared invalid, unconstitutional, or unenforceable.

SECTION 8. Interpretation.

This Ordinance shall be interpreted to be consistent with applicable federal and state law. Nothing in this Ordinance shall be construed to authorize any action inconsistent with the California Subdivision Map Act, the California Planning and Zoning Law, the Housing Accountability Act, Government Code sections 65852.21 or 66411.7, or any other applicable provision of state law. To the extent any provision of this Ordinance conflicts with mandatory state law, state law shall control.

SECTION 9. Effective Date.

This Ordinance shall take effect thirty (30) days after its final passage and adoption.

SECTION 10. Certification; Publication.

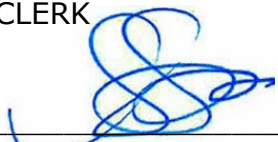
The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published, posted, or otherwise noticed in the manner required by law.

PASSED, APPROVED, AND ADOPTED this 3rd day of June, 2026.



ELAINE HOLMES, MAYOR

ATTEST:
CITY CLERK



SABDI SANCHEZ, MMC
DIRECTOR OF CITY CLERK SERVICES

EXHIBIT A

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ARTICLE 5 SUBDIVISION REGULATIONS AND RESIDENTIAL CONDOMINIUM CONVERSIONS

CHAPTER 5.01 GENERAL PROVISIONS

§ 5.01.01. AUTHORITY AND TITLE.

This Article is adopted to supplement and implement the “Subdivision Map Act,” California Government Code Section 66410 et seq. This Article may be cited as the “Subdivision Ordinance of the City of Indio.” If the provisions of this Article conflict with any provision of the Subdivision Map Act, the provisions of the Subdivision Map Act shall prevail.

§ 5.01.02. PURPOSE AND APPLICABILITY.

- A. The purpose of this Article and any rules, standards and specifications adopted pursuant hereto is to regulate and control the division of land within the city and to supplement the provisions of the Subdivision Map Act, Division 2 of Title 7 of the California Government Code concerning the design, improvement, the form and content and procedures to be followed in securing official approval regarding such maps. To accomplish this purpose, the regulations outlined in this Article are determined to be necessary to achieve the following purposes:
 - 1. Preserve public health, safety, and general welfare;
 - 2. Promote orderly growth and development;
 - 3. Promote open space, protection, and proper use of land;
 - 4. Ensure provision for adequate traffic circulation, utilities, stormwater protection, and public services; and
 - 5. Implement the goals, objectives, and policies of the General Plan.
- B. This Article applies to dividing or merging of real property within the City, including the preparation, filing, processing, approval or disapproval of tentative maps, parcel maps, final maps, parcel map waivers, vesting maps, lot line adjustments, mergers, reversions to acreage, and to other maps provided for by the Subdivision Map Act. The regulations set forth in this Article shall apply to all subdivisions or parts thereof within the city.
- C. This Article aims to incorporate by reference, to the greatest extent possible, the provisions of the Subdivision Map Act, in accordance with “Subdivision Map Act,” California Government Code Section 66410 et seq, as amended periodically.

§ 5.01.03. CONFORMITY TO GENERAL PLAN, SPECIFIC PLAN AND ZONING REGULATIONS.

- A. To be approved, any map of a proposed division of land and the provisions for the

design and improvement must be found by the Planning Commission and City Council, when applicable, to be consistent with the adopted general plan, any applicable specific plan, and the regulations in this Code.

- B. The type and intensity of land use as shown on the general plan shall determine the types of streets, roads, highways, utilities, storm drain facilities, and public service that shall be provided by the developer.
- C. The type and intensity of land use, as indicated on the general plan and any relevant specific plan, shall determine, in conjunction with the requirements of the Subdivision Map Act, State Planning and Zoning Law, the California Environmental Quality Act, and this Article, the appropriate type of streets, roads, highways, utilities, and public services that must be provided by the subdivider.

§ 5.01.04. EFFECT OF ANNEXATION.

- A. Any subdivision subject to annexation to the city shall comply with the Subdivision Map Act, Section 66413 of the Government Code as follows:
 - 1. When any area in a subdivision as to which a final map has been finally approved by the Riverside Board of Supervisors and filed for record pursuant to this division is thereafter annexed to the city, the final map and any agreements relating to the subdivision shall continue to govern the subdivision.
 - 2. When any area in a subdivision or proposed subdivision as to which a tentative map or vesting tentative map has been filed but a final map has not been finally approved, or as to which a parcel map is required but the final act required to make the parcel map effective has not been taken, is annexed to the city, all required procedures and regulations shall be deemed to commence as of the effective date of the annexation and the map shall comply with the requirements of any applicable ordinance of the city of Indio.

CHAPTER 5.02 DEFINITIONS

§ 5.02.01. DEFINITIONS.

Whenever any words or phrases as used in this Article are not defined herein, or in the City's Unified Development Code, but are defined in the Subdivision Map Act (SMA) of the State as last amended, such definitions are incorporated in this Title and shall be deemed to apply.

ACREAGE. Any parcel of land, of one acre or more and those areas where a legal subdivision has not been made previously, or where a legal subdivision has declared the parcel as acreage.

ADVISORY AGENCY. Shall mean the review authority established in Table 5.03.01-1 (Review Authority), including the Community Development Department, Community Development Director, City Engineer, and Planning Commission.

APPEAL BOARD. The City Council of the city unless otherwise noted.

BLOCK. The area of land within a subdivision, which is entirely bounded by streets, highways or ways, except alleys, or the exterior boundary or boundaries of the subdivision.

COMMON AREA. An entire condominium project excluding all units therein, or otherwise privately owned.

COMMUNITY APARTMENT PROJECT. A project in which an undivided interest in the land is coupled with the right of exclusive occupancy of any apartment located thereon.

CONDOMINIUM. Shall have the same definition as in Section 761 of the Civil Code, as amended, which is property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map, or condominium plan in sufficient detail to locate all boundaries thereof. The area within which a unit may be located may be in, on, or over the land. A condominium may include, in addition, a separate interest in other portions of such real property and is more particularly defined in Cal. Civ. Code § 783.

CONDOMINIUM CONVERSION PROJECT. The conversion to subdivision of a single ownership parcel of existing improved real property, including but not limited to a structure containing two or more dwelling units, into a form of ownership for residential purposes involving the right of exclusive occupancy or separate ownership of individual units, including but not limited to stock cooperatives and cooperative and community apartments pursuant to State law.

CONVERSION. The formal process of subdividing existing residential dwelling units into condominiums.

COVENANTS, CONDITIONS & RESTRICTIONS (CC&Rs). CC&Rs are contractual agreements that outline the rules, restrictions, and responsibilities of property owners within a community or development. Their purpose is to preserve property values, safeguard homeowners' rights and interests, and promote a cohesive and well-maintained environment.

DESIGN. Shall have the same meaning as in the SMA, and currently means:

- Street alignments, grades, and widths;
- Drainage and sanitary facilities and utilities, including alignments and grades thereof;
- Location and size of all required easements and rights-of-way;
- Fire roads and fire breaks;
- Lot size and configuration;
- Traffic access and circulation;
- Grading;
- Land to be dedicated for park or recreational purposes;
- other specific requirements in the plan and configuration of the entire subdivision as may be necessary or convenient to ensure conformity to or implementation of the general plan or any adopted specific plans required pursuant to Government Code [Section 66473.5](#).

DEVELOPER. The owner or subdivider with a controlled proprietary interest in the proposed condominium.

DEVELOPMENT. The uses to which the land which is the subject of a map shall be put, the buildings to be constructed on it, and all alterations of the land and construction incident thereto.

DRIVEWAY. The paved access from public or private streets to an area or building, reserved for the private use of the owner(s) of the driveway. Driveway approaches shall be constructed of Portland cement concrete.

EASEMENT. A specified legal right over an area of land dedicated to the city, which shall be continuing and irrevocable unless formally abandoned by the city, and any other such land whether held by a public entity, public utility, or private party.

FAIR MARKET VALUE. The value of the land being subdivided based upon the current assessed value, modified to equal market value in accordance with the current practice of the County Assessor, or, at the option of city, based upon an appraisal by a licensed and qualified appraiser. In the event that the city elects to secure an appraisal in order to determine the value of land subject to Chapter 5.14 (Parks and Recreation Land Dedication), the city shall meet and confer with the subdivider seeking to record a final map with respect to the land in question. The purpose of this meeting and conference shall be the selection of an appraiser, acceptable to both the subdivider and the city, to render the appraisal that the city has elected to secure pursuant to Chapter 5.14 (Parks and Recreation Land Dedication). Such a meeting and conference will not exceed three business days in length. If after a reasonable good faith effort by the city to agree with a subdivider upon an appraiser, no agreement is reached, the city will unilaterally select an appraiser it finds acceptable. All costs of said appraisal shall be paid by the subdivider prior to the recordation of any final map or the issuance of any building permit. An appraiser selected pursuant to Chapter 5.14 (Parks and Recreation Land Dedication) shall find

the **FAIR MARKET VALUE** of land to be equal to the amount of cash or its equivalent that such land would bring if exposed for sale in the open market under conditions in which neither buyer nor seller could take advantage of the exigencies of the other, and both the buyer and the seller have knowledge of all of the uses and purposes to which the land is adapted and for which it is capable of being used, and of the enforceable restrictions upon these uses and purposes. The **FAIR MARKET VALUE** shall be determined before the final map or parcel map of a subdivision is filed. With regards to any park and recreation improvements, or equipment provided by the subdivider, the **FAIR MARKET VALUE** shall be the actual cost of acquiring, constructing, and installing the improvement or equipment.

GENERAL PLAN. The general policies and land use plan; including all adopted elements, in effect in the city.

IMPROVEMENTS. Shall have the same meaning as in the SMA. Refers to any street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final map thereof.

“Improvement” also refers to any other specific improvements or types of improvements, the installation of which, either by the subdivider, by public agencies, by private utilities, by any other entity approved by the local agency, or by a combination thereof, is necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan.

IMPROVEMENT STANDARDS AND SPECIFICATIONS. The standard details and specifications, and other standards that are adopted as supplemental to this Article that govern the improvements to be constructed pursuant to this Article and the Subdivision Map Act.

LOT LINE ADJUSTMENT. A minor shift or rotation of an existing lot line or other adjustments where a greater number of parcels than originally existed is not created.

MERGER. The joining of two or more contiguous parcels of land under one ownership into one parcel.

MINOR AMENDMENT. Amendments to an approved tentative map are considered minor if no lots, units, or building sites are added, changes align with the original approval intent, and there are no Map Act or title violations.

PARCEL MAP. A map prepared in accordance with the Subdivision Map Act and local subdivision ordinances, typically used to subdivide land into four or fewer parcels, or for certain divisions or lot line adjustments that do not require a final map. A parcel map, prepared by or under the direction of a registered civil engineer or licensed land surveyor, must include:

- (1) the boundaries of the land included within the subdivision;
- (2) the location of streets;
- (3) each parcel, numbered or otherwise designated;
- (4) a certificate, signed and acknowledged by all parties having any record title interest in the real property subdivided, consenting to the preparation and recordation of the parcel map.

A parcel map must satisfy any additional requirements of the local subdivision ordinance.

PARK. A parcel or contiguous parcels of land owned, operated, and maintained by a public agency or private association, which provides recreational land and facilities for the benefit and enjoyment of the residents of the subdivision and of persons residing, working, or visiting in the city. **PARKS** may be classified as community parks, including community centers, athletic facilities, large multi-use swimming pools, picnic areas, cultural centers or similar facilities; public neighborhood parks, including playground equipment, sports fields, and picnic areas; and private neighborhood parks, generally intended to serve only the immediate subdivision/development or specified planned community in which they are located. **PARKS** may also include, or be limited to open space areas suitable for active or passive uses.

PARK AND RECREATIONAL FACILITIES. Any public improvements deemed necessary by the city to develop, improve, or rehabilitate land and facilities for park and recreational purposes. Such improvements may include, but not be limited to: grading; landscaped areas for active and passive recreational use; open space and sports fields; irrigation and drainage systems; lawn, shrubs and trees; facilities for recreational community gardening; walkways; bicycle facilities and park lighting; playground or other recreational equipment; picnic facilities; community center or other buildings; swimming pools; volleyball, basketball, tennis, racquetball and other courts; vehicle driveways, parking areas and any other facilities that may hereafter be authorized by State law or approved by the city.

PERIPHERAL STREET. A street where right-of-way is contiguous to the exterior boundary of a subdivision.

PRIVATE OPEN SPACE. Privately owned land and facilities for park and recreation purposes provided within a subdivision and perpetually maintained and operated by the future residents, owner of the subdivision, or property owners' association.

RECREATIONAL OPEN SPACE. An undivided interest in common in open space on the project (exclusive of the required front setback area and any area fenced for the use of an individual unit) which shall be used exclusively for leisure and recreational purposes, for the use occupants and their visitors of units of the project and to which such occupants and their visitors shall have the right of use and enjoyment. Accessory structures such as swimming pools, recreational buildings, and landscaped areas are examples of uses of recreational open space.

REMAINDER. That portion of an existing parcel which is not included as part of the subdivided land but must be shown on the required maps as part of the area surrounding subdivision development, as described in Government Code Section 66424.6.

STANDARD SUBDIVISION. A standard subdivision is a subdivision with no common areas.

STOCK COOPERATIVE. As defined in Section 4190 of the Civil Code, as may be amended shall read, a stock cooperative is a corporation formed or availed of primarily for the purpose of holding title to improved real property, either in fee simple or for a term of years.

SUBDIVIDER. A person, firm, corporation, partnership, or association who proposes to divide, divides or causes to be divided real property into a subdivision for himself or for others except that employees and consultants of such persons or entities, acting in such capacity, are not "subdividers."

SUBDIVISION. The division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease, or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement, or railroad rights-of-way. Subdivision also includes a condominium project, as defined in Section 4125 or 6542 of the Civil Code, a community apartment project, as defined in Section 4105 of the Civil Code, or the conversion of five or more existing dwelling units to a stock cooperative, as defined in Section 4190 or 6566 of the Civil Code.

SUBDIVISION MAP ACT or MAP ACT. The State law governing the division of land currently contained in California Government Code § 66410 et seq.

TENANT. A person, who rents, leases or subleases, through either a written or oral agreement, real property from another.

TRACT MAP (Final Map): A map prepared in accordance with the Subdivision Map Act and local subdivision ordinance that divides land into five or more parcels, five or more condominiums, a community apartment project with five or more units, or a conversion of a dwelling to such a project.

TENTATIVE MAP. A map made for the purpose of showing the design and improvement of a proposed subdivision and the existing conditions in and around it. This map need not be based upon an accurate or detailed final survey of the property.

VESTING TENTATIVE MAP. A map which meets the requirements of a **TENTATIVE MAP** and Government Code Section 66452.

ZONING REGULATIONS. The governing zones as contained in the rest of the Unified Development Code, as adopted pursuant to State law.

CHAPTER 5.03 REVIEW AUTHORITY

§ 5.03.01. REVIEW AUTHORITY

The Community Development Department, Community Development Director, City Engineer, Planning Commission and City Council have decision making authority over various aspects of the subdivision applications governed by this Article, as provided below and summarized in Table 5.03.01-1 (Review Authority). All other development applications are governed by Article 6 (Administration and Procedures).

Table 5.03.01-1. Review Authority

Application Type	Review Authority	Approval Authority	Appeal Body
4 or Fewer Lots			
Tentative Parcel Map or Vesting Tentative Parcel Map	Community Development Director	Planning Commission	City Council
Final Parcel Map	City Engineer	City Council	None
Dedications	City Engineer	City Council	None
5 or More Lots			
Tentative Tract or Vesting Tentative Tract Map)	Community Development Director	Planning Commission	City Council
Final Tract Map	City Engineer and Community Development Director	City Council	None
Dedications	City Engineer	City Council	None
Other Applications			
Lot Line Adjustment	Community Development Director	Community Development Director	Planning Commission; City Council
Mergers	Community Development Director	Community Development Director	Planning Commission; City Council
Reversion to Acreage	Community Development Director	Community Development Director	Planning Commission; City

Application Type	Review Authority	Approval Authority	Appeal Body
			Council
Condominium Conversions	Community Development Director	Planning Commission	City Council
Minor Amendments to Tentative Maps	Community Development Director and City Engineer	Community Development Director	City Council
Amendments to Tentative Maps	Community Development Director	Planning Commission	City Council
Time Extensions	Community Development Director	Community Development Director (first one-year extension); Planning Commission (further extensions)	City Council
Certificates of Compliance and Conditional Certificates of Compliance	City Engineer and Community Development Director	City Engineer and Community Development Director	City Council
Waiver of Parcel Maps	Community Development Director	Community Development Director	City Council
*Urban Lot Split	Community Development Director and City Engineer	Community Development Director	Planning Commission; City Council

**Urban Lot Splits are subject to a ministerial review/appeal process in accordance with Government Code Section 66411.7 and limited to objective standards and must occur within 60 days of a complete application.*

- A. **City Council.** The City Council shall have final jurisdiction over final maps and improvement agreements related thereto, acceptance by the city of lands and/or improvements as may be proposed for dedication to the city as a result of the subdivision process. The City Council shall act as the Appeal Board for hearing appeals of actions of the administrative staff or Planning Commission.
- B. **Planning Commission.** The Planning Commission shall be responsible for:
 - 1. Approving, conditionally approving, or denying the application for a tentative and vesting tentative parcel map for a subdivision..
 - 2. Condominium conversions.
 - 3. Amendments to tentative maps.
- C. **City Attorney.** The City Attorney shall be responsible for approving as to form all subdivision improvement agreements, subdivision improvement securities, and covenants, conditions and restrictions required for a division of land.
- D. **City Engineer.** The City Engineer shall be responsible for:

1. Establishing design and construction details, standards, and specifications for inclusion in the improvement standards and specifications.
 2. Determining if proposed subdivision improvements comply with the provisions of this Article and the Subdivision Map Act and for reporting the finding together with any recommendations for approval, or conditional approval, of the tentative map to the approving authority for subdivisions.
 3. The processing and recommendation to the City Council on all matters pertaining to final maps.
 4. Processing and certification of amended maps; the processing and approval of subdivision improvement plans, and certificates of compliance.
 5. The inspection and approval of subdivision improvements.
 6. The review of and recommendation for acceptance of dedications and improvements for subdivisions of four or less parcels.
 7. Review of and recommendation for the acceptance of private improvements (improvements not to be maintained by the city).
 8. Review of lot splits and lot mergers.
 9. Review of minor amendments to tentative maps.
 10. Collection of fees, deposits, establishment of security amounts, and other financial provisions.
- E. **Community Development Director.** The Community Development Director or his/her designee (Community Development Director) shall be responsible for the management of the Community Development Department and in carrying out the responsibilities imposed upon it by this Article:
1. Processing all parcel and tentative maps and vesting tentative maps in compliance with this Article and other related regulations such as, California Environmental Quality Act, the city's general plan, city's zoning regulations, floodplain management regulations, and specific plans.
 2. Developing administrative criteria for processing tentative maps, parcel maps.
 3. Certifying that final maps and CC & R's are in conformance with approved tentative maps, parcel maps and conditions applied thereto.
 4. Approval of first-year time extensions.
 5. Approval of lot line adjustments.
 6. Review of and recommendation for approval or conditional approval of lot splits.
 7. Approval of Urban Lot Splits.
 8. Approval of mergers.
 9. Approval of reversion to acreage.
 10. Approval of waiver of parcel maps.
 11. Approval of minor amendments to tentative maps.
 12. Review of and recommendation for approval or conditional approval of map amendments.

13. Review of and certification to the City Council that all the findings can be made concerning notice requirements of the California Government Code § 66427.1 governing conversion of residential real property into a condominium project.

F. **Public Works Director.** The Public Works Director shall be responsible for the management of the Public Works Engineering Division in carrying out the responsibilities of this Article.

§ 5.03.02. FEES.

Where services are required of the city under this Article or fees are required for improvements pursuant to Chapter 5.12 (Dedications and Development Fees), the amount to be paid shall be prescribed by separate resolution of the City Council, as may be amended.

§ 5.03.03. IMPROVEMENTS APPLICABLE TO UNSUBDIVIDED LOTS

Improvements required by this Article shall also apply to lots that are not subject to further division but where a building permit is requested for a project that is not exempt, as defined as follows:

Exemptions. Additions to homes, garages and accessory buildings to dwellings, farm buildings on parcel over three acres. Such improvement shall be installed as a condition of a building permit and “improvement security” posted as provided herein prior to issuance of a building permit.

CHAPTER 5.04 MAPS

§ 5.04.01. MAPS REQUIRED.

Project Type	Maps Required	Notes
Urban lot split of 2 or fewer lots	Parcel map, tentative map, or final map	See Chapter 5.19 (Lot Splits) Refer to California Government Code Section 66411.7 for additional requirements
Subdivisions creating 4 or fewer lots or condominiums	Tentative parcel map or vesting tentative parcel map, and a (final) parcel map	See Chapter 5.07 (Parcel Maps) and Chapter 5.09 (Final Maps) Parcel map requirement may be waived in accordance with Section 5.04.03
Subdivisions creating 5 or more lots or condominiums	Tentative map or vesting tentative map, and final map	See Chapter 5.05 (Tentative Maps), Chapter 5.06 (Vesting tentative Maps), and Chapter 5.09 (Final Maps)
Lot line adjustments between 4 or fewer existing adjoining parcels in accordance with SMA 66412(d)	Map exhibit, drawn to scale and suitable for recording with a certificate of compliance	See Chapter 5.11 (Lot Line Adjustments) Waiver of parcel map application shall be submitted with the appropriate documents
Lot line adjustments between 5 or more existing adjoining parcels	Tentative parcel map and parcel map or tentative map and final map	See Chapter 5.11 (Lot Line Adjustments)
Reversion to acreage	Parcel map	See Chapter 5.09 (Final Maps)
Certificates of compliance and conditional certificates of compliance	Map exhibit, drawn to scale, and suitable for recording Also needed: legal descriptions prepared by qualified individual	
Condominium conversion	Tentative parcel map and parcel map or tentative map and final map or lot merger	See Chapter 5.18 (Residential Condominium Conversions)
Dedications		See Chapter 5.12

Project Type	Maps Required	Notes
		(Dedications and Development Fees)
Mergers	Map exhibit, drawn to scale and suitable for recording with a certificate of compliance	See Chapter 5.10 (Parcel Mergers and Unmergers)

§ 5.04.02. GENERAL PROVISIONS.

- A. The necessity for tentative, vesting tentative map, final and parcel maps shall be as provided in the Subdivision Map Act, Ch. 2, Art. 1, as last amended.
- B. **Division of land – Five or more parcels.** A tentative and final map shall be required for all subdivisions creating five or more parcels, pursuant to Map Act Section 66426. The content and form of final maps shall be as provided in the Subdivision Map Act and this Article.
- C. **Division of land – Four or less parcels.** A tentative and parcel map shall be required for all subdivisions creating four or less parcels, pursuant to Subdivision Map Act Government Code Section 66444. The content and form of parcel maps shall be as provided in the Subdivision Map Act and this Article.
- D. **Tentative maps.** Pursuant to Government Code Section 66426 as amended, where it is legal under the Subdivision Map Act to divide more than four parcels by a parcel map, there shall be filed a tentative map which shall be filed in accordance with the same requirements and procedures for tentative maps as provided in the Subdivision Map Act and by this Article.
- E. **Vesting tentative maps.** When deemed complete, a vesting tentative map shall be filed that will grant the subdivider the right to proceed under the local rules and regulations in effect at that time, pursuant to Map Act Section 66424.5 et seq.
- F. **Final maps.** The content and form of final maps shall be as provided in the Sections 66433–66443 of the Subdivision Map Act.
- G. **Dedications.** Dedications or offers of dedication may be made by certificate on the final map or parcel map or by separate instrument. In the case of dedications by separate instrument, such dedications shall be made prior to the recording of the final map or parcel map, and the recording data of the separate instrument shall be placed on the final map or parcel map prior to filing for record.
- H. **Condominium conversion.** A tentative subdivision map or parcel map involving prospective conversion of one or more existing structures or parcels into a condominium, stock cooperative or any other form of community ownership, shall be approved only if the proposed condominium use of the property will be in conformity with the general plan and such conversion conforms to any other requirements or restrictions which have been adopted by the City Council by ordinance dealing with the conversion of existing structures from rental units to community ownership. Also see Chapter 5.18.

§ 5.04.03. WAIVER OF PARCEL MAP REQUIREMENTS.

The Community Development Director may waive the parcel map for the following:

- A. Division of real property or interest therein created by probate, eminent domain procedures, partition or other civil judgments or decrees;
- B. A division of property resulting from the conveyance of land, or interest therein, to a public agency for a public purpose, such as school sites, public building sites or rights-of-way for streets, sewers, utilities, drainage, and the like; or
- C. Pursuant to Map Act Section 66428, the Community Development Director may waive the parcel map upon making a finding that the proposed division of land complies with city requirements as to area, improvement and design, flood water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of this Article, local ordinance, and the Subdivision Map Act. Upon waiving the parcel map requirement, the Community Development Director shall cause to be filed with the County Recorder a "Certificate of Compliance" for the land to be divided and a plat map showing the division. A parcel map waived by the Community Development Director may be conditioned to provide for payment of parkland, drainage, and other fees by a method approved by the City Attorney.

§ 5.04.04. PROCEDURES FOR FILING MAPS.

- A. The Community Development Director shall develop the administrative policies, procedures, and forms necessary and consistent with this Article to process actions allowed and required by the Subdivision Map Act. This administrative procedure shall include the form and content of tentative maps and other maps where the Subdivision Map Act does not dictate the form and content.
- B. **Environmental review.** No tentative parcel or subdivision map shall be considered accepted for filing for consideration under this Article and the Subdivision Map Act unless the map shall have been first subjected to and processed according to the city guidelines for environmental review under the California Environmental Quality Act.
- C. **Time limits.** The time limits for processing maps under this Article shall be as specified in the Subdivision Map Act, unless waived by consent of the developer pursuant to the California Government Code § 66451.1(a) for purposes of concurrent processing.
- D. **Public hearings.** The proceedings before the Planning Commission and City Council on applications for parcel maps and tentative maps review shall include public hearings held in accordance with the provisions of California Government Code Section 66451 et seq.
- E. Where to file maps.
 - 1. Tentative maps, parcel maps, mergers, and lot line adjustment requests shall be filed with the Community Development Department and shall be processed in accordance with the Subdivision Map Act and the provisions of this Article. The submittal requirements, including number of copies, shall be as listed in the applicable entitlement Submittal Requirements, which is available at the City of

Indio.

2. Final maps and improvement plans shall be filed with the City Engineer for checking and processing. Final maps, parcel maps, mergers and lot line adjustment maps, shall be submitted in the form and content, as required by the Subdivision Map Act and the City Engineer as to the provisions of this Article, as listed in the applicable entitlement Submittal Requirements and shall be filed at the time and manner as required by the City Engineer.

- F. **Review of other agencies.** The Community Development Director shall transmit copies of maps to those agencies, departments, and utilities which he/she deems may be affected by the proposed subdivision and as required to be notified by the Subdivision Map Act.

§ 5.04.05. PROCEDURE FOR FILING MULTIPLE ENTITLEMENTS.

If a Map moves forward with another entitlement, then all entitlements must be reviewed and considered by the highest authority.

CHAPTER 5.05 TENTATIVE MAPS

§ 5.05.01. AUTHORITY.

This Chapter is enacted pursuant to the Subdivision Map Act, California Government Code Section 66452 et seq. and applies to both Tentative Tract and Tentative Parcel maps.

§ 5.05.02. PURPOSE AND INTENT

The purpose of this Chapter is to establish procedures necessary for the processing, reviewing, and approving a tentative map application, and to supplement the provisions of the Subdivision Map Act and this title. The regulations outlined in this Chapter are determined to be necessary for the preservation of public health, safety, and general welfare and for the promotion of orderly growth and development. Except as otherwise contained in this Article, the provisions of this Chapter shall apply to a tentative map application.

§ 5.05.03. APPLICABILITY.

Tentative maps that show the design and improvements of a proposed subdivision (e.g., layout, roads, utilities) are required pursuant to the Subdivision Map Act, California Government Code § 66452 et seq.

§ 5.05.04. CONSISTENCY FINDINGS.

No land shall be subdivided and developed pursuant to a tentative map for any purpose which is inconsistent with the city's general plan, any applicable specific plan, or zoning regulation of the city.

The design of a subdivision for which a tentative map is required pursuant to Government Code Section 66426 shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

§ 5.05.05. RESPONSIBILITY.

The Planning Commission shall make investigations, reports and recommendations on the design and improvement of any proposed tentative map and assess potential environmental impacts per CEQA. The Planning Commission shall have the authority to recommend approval unequivocally or with requirements and conditions upon such tentative maps, or recommend disapproval to the City Council. The Planning Commission shall make the necessary findings as required by this Article and the Subdivision Map Act for such recommendations and reports.

§ 5.05.06. CONTENT AND FORM.

The tentative map shall be prepared in a manner acceptable to the Community Development Department and City Engineer and shall be prepared by a registered civil engineer or licensed land surveyor. The tentative map shall contain, but not be limited to, the following:

- A. Map number, title of map, Assessor's parcel number, and legal description of property.
- B. Name, address, and telephone number of legal owner, subdivider and person preparing the map, including registration or license number.
- C. Ownership information on additional property owned adjacent or contiguous to the land

to be subdivided.

- D. Locations, names, and existing widths of all adjoining highways, streets, and ways including street and right-of-way providing access to the property.
- E. Location of existing structures, irrigation lines, and other physical features.
- F. Approximate total acreage of property and lot size, net and gross for a typical lot and for each irregular lot, overall dimensions.
- G. North arrow, scale, date, vicinity map showing relationship to surrounding community, location and description of boundary monuments tied to known control points or street intersections, and date of preparation.
- H. Existing and proposed General Plan land use and zoning.
- I. Existing and proposed use (single-family, multi-family, commercial, industrial).
- J. Existing use and zoning of property immediately surrounding tentative map.
- K. Proposed on-site improvements to be illustrated:
 - 1. Proposed lot layout and the approximate dimensions of each lot and each building site.
 - 2. Proposed finished grading of each lot, the elevation of proposed building pads, the top and the toe of cut and fill slopes to scale, the number of each lot, and the elevation of adjacent parcels.
 - 3. Names, locations, widths, and cross-sections of right-of-way of existing and proposed streets, alleys and easements, and the approximate grades of all streets and approximate street centerline radii of curves. Private streets, if proposed, shall be noted on the tentative map.
 - 4. Proposed recreation sites, bike paths, trails, and parks for private or public use, which shall be indicated as lettered lots.
 - 5. Proposed common areas and areas to be dedicated to public open space, storm water retention facilities, which shall be indicated as lettered lots.
 - 6. Location of proposed trees and facilities within the proposed right-of-way.
- L. Table indicating area and density calculations with percentage breakdowns, including total area involved, total building area divided by uses, if applicable, total parking/paved areas, total landscaped areas, total recreation, and/or open space.
- M. Topography that includes approximately contours of two (2) foot intervals.
- N. Any dedications for streets, easements, and school sites.
- O. Source of water supply.
- P. Proposed method of sewage disposal.
- Q. Approximate location of all areas subject to inundations or stormwater overflow and the locations, widths, and direction of flow of all watercourses.
- R. If the subdivider plans to develop the site in phases, the proposed phases and their proposed sequence of construction shall be shown.
- S. List of applicable utility purveyors to the proposed subdivision, locations, and widths of existing and proposed known public utility easements:

1. Desert Sands Unified School District
 2. Indio Water Authority
 3. Coachella Valley Water District
 4. Valley Sanitary District
 5. Southern California Gas Company
 6. Imperial Irrigation District
 7. Burrtec Waste and Recycling Services
 8. Spectrum
 9. Frontier
- T. Technical reports that may be required include:
1. Title Report
 2. Biological/Cultural/Paleontology
 3. Traffic Analysis
 4. Soils Report
 5. Hydrology Report
 6. Water Supply Report
 7. Water Quality Management Plan (WQMP)
 8. CEQA documentation, as required
- U. Additional requirements as established by the Subdivision Map Act, California Government Code Section 66452 et seq.

§ 5.05.07. FILING AND PROCESSING.

- A. **Department Action and Review.** Upon receipt of a complete tentative map application, the Community Development Department shall prepare a report with recommendations. The tentative map application will be reviewed by the appropriate City Departments, school district, and Caltrans as needed. The Department shall set the matter for public hearing before the Planning Commission, pursuant to Section 5.03.01. A copy of the department report shall be mailed to the subdivider at least six days prior to the public hearing at the address designated on the application and shall be deemed received two days after mailing.
- B. **Public Hearings.** Public hearings shall be held as described in this Article and the Subdivision Map Act. The Planning Commission shall approve, conditionally approve, or deny the tentative tract map within the time required by the Subdivision Map Act.
- C. **Determination.** The Planning Commission may approve or conditionally approve the tentative tract map if it determines that the proposed subdivision, along with its design and improvements, conforms to the general plan, zoning, and any applicable specific plan, and all relevant provisions of the municipal code. The tentative tract map may be denied by the Planning Commission on any of the grounds contained in the Subdivision

Map Act, general plan, zoning, or the municipal code. The Planning Commission shall deny the tentative tract map if it makes any of the following mandatory findings contained in Subdivision Map Act Section 66474, as may be amended:

1. That the proposed map is not consistent with applicable general plan, zoning, and specific plans as specified in Section 65451.
2. That the design or improvement of the proposed subdivision is not consistent with applicable general plan, zoning, and specific plans.
3. That the site is not physically suitable for the type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by the judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

D. The Planning Commission shall approve, conditionally approve, or disapprove the tentative map within 50 days after the filing thereof with its clerk and report its action to the subdivider. If the Planning Commission does not act within the time limits outlined in this section, the tentative map, as filed shall be deemed to be approved if it complies with applicable provisions of the Subdivision Map Act, the general plan, zoning, all applicable specific plans, and the municipal code.

E. **Appeals.** The subdivider has 10 days from the date of any adverse action with respect to a tentative map to file an appeal. Upon the filing of an appeal, the City shall set the matter for a hearing to be held within 30 days after the appeal is filed and render its decision within 10 days after the hearing.

§ 5.05.08. FEES

The fees for a tentative map shall be specified by the city's fee schedule as adopted by resolution of the City Council. The City may require the subdivider to pay all development fees associated with the application for, or issuance of, a building permit or similar permit at the rates in effect at the time of the application or permit issuance as a condition of approval.

§ 5.05.09. EXPIRATION, EXTENSIONS, AND MINOR AMENDMENTS

- A. **Expiration.** An approved or conditionally approved tentative tract map shall expire two years from the date of its approval unless it is recorded as a Final Map or as otherwise prescribed by the Subdivision Map Act.
- B. **Extensions.** Application for time extension shall be filed at least 45 days before a tentative map is due to expire. A time extension application is limited to just time extension and does not include any modifications to the conditions of approval. The Community Development Director may grant a one-year administrative extension of time provided that the property is properly maintained and free of weeds and debris. The Planning Commission may approve additional extensions provided that the total extensions do not exceed the maximum time frames prescribed by the Subdivision Map Act. The decision of the Director granting the one-year administrative extension may be appealed to the Planning Commission within 15 calendar days of the date of the Director's decision. The decision of the Planning Commission granting the one-year administrative extension may be appealed to the City Council within 15 calendar days of the date of the Director's decision. When a parcel map expires, the filing of a new map and repayment of fees is required.
- C. **Minor Amendments.** Minor amendments to the approved tentative map or conditions may be granted by the Community Development Director if no lots, units, or building sites are added, changes align with the original approval intent, and there are no Map Act or title violations. These amendments will be marked on the map and certified by the Community Development Director. Non-minor amendments must go to the Planning Commission for approval and follow tentative map processing provisions. Approved amendments do not change the map's expiration date.

CHAPTER 5.06 VESTING TENTATIVE MAPS

§ 5.06.01. AUTHORITY.

This Chapter is enacted pursuant to the Subdivision Map Act, California Government Code § 66452 et seq.

§ 5.06.02. PURPOSE AND INTENT.

The purpose of this Chapter to establish procedures necessary for the processing, reviewing, and approving a vesting tentative map application, and to supplement the provisions of the Subdivision Map Act and this title. The regulations outlined in this Chapter are determined to be necessary for the preservation of the public health, safety, and general welfare and for the promotion of orderly growth and development. Except as otherwise contained in this Article, the provisions of this Chapter shall apply to a vesting tentative map application.

§ 5.06.03. CONSISTENCY FINDINGS.

No land shall be subdivided and developed pursuant to a vesting tentative map for any purpose which is inconsistent with the city's general plan, any applicable specific plan, or zoning regulation of the city.

§ 5.06.04. APPLICABILITY.

- A. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by this Chapter requires the filing of a tentative map or tentative parcel map for a development, a vesting tentative map may instead be filed, in accordance with the provisions hereof.
- B. If a subdivider does not seek the rights conferred by the Vesting Tentative Map Statute, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction or work preparatory to construction.

§ 5.06.05. FILING AND PROCESSING.

A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as set forth in Section 5.05.07(Filing and Processing) of this Article for a tentative map except as hereinafter provided:

- A. At the time a vesting tentative map is filed, it shall have printed conspicuously on its face the words "Vesting Tentative Map."
- B. At the time a vesting tentative map is filed, a subdivider shall provide the required information listed in Section 5.05.06 (Content and Form for Tentative Maps) of this Article.
- C. The subdivider shall also supply the following information in a form specified by the Community Development Director unless the same is specifically waived by the Director with written justification:
 - 1. Height, size, and location of site improvements thereof;

2. Sewer, water, storm drain and road detail for on-site and off-site improvements.
3. Information on the uses to which the buildings will be put;
4. Detailed grading plans;
5. Geological studies;
6. Flood control information;
7. Noise impact studies.

- D. Waivers shall be documented in the record and may be overruled by the Planning Commission during the map review proceedings.

The Planning Commission shall approve, conditionally approve, or disapprove the tentative vesting map within 50 days after the filing thereof with its clerk and report its action to the subdivider.

§ 5.06.06. FEES.

The fees for a vesting tentative map shall be the same as for a tentative map unless otherwise specified by the city's fee schedule as adopted by resolution of the City Council.

§ 5.06.07. EXPIRATION OF VESTED MAPS.

Pursuant to Government Code Section 66452.6 as amended, the approval or conditional approval of a vesting tentative map shall be two years from the date of the City Council approval. Extensions shall be requested at least 45 days prior to the expiration date of the vesting tentative map.

§ 5.06.08. VESTING ON APPROVAL OF VESTING TENTATIVE MAP.

- A. The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in California Government Code Section 66474.2. Vested rights include density, design standards, improvement requirements, and development fees, unless tied to a later point in project approval.
 1. However, if the California Government Code Section 66474.2 is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved.
 2. The city may apply any ordinances, policies or standards that were formally published to amend applicable general or specific plans, subdivisions or zoning regulations prior to a vesting tentative map being received as a complete application and that are in effect on the date the city approved or disapproved the vesting tentative map.
- B. Notwithstanding subsection (A) of this section a permit approval, extension or entitlement maybe made conditional or denied if any of the following are determined:

1. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.
 2. The condition or denial is required, in order to comply with State or Federal law.
- C. The rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in Section 5.06.07 (Expiration of Vested Maps). If the final map is approved, these rights shall last for the following periods of time:
1. An initial time period of one year beyond the recording of the final map. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.
 2. The initial time period set forth in this subsection (C)(1) above, shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds 30 days, from the date a complete application is filed.
 3. A subdivider may apply to the City Council for a one-year extension at any time before the initial time period set forth in this subsection (C)(1) above, expires.
 4. If the subdivider submits a complete application for a building permit during the periods of time specified in this subsection (C)(1) and (3) above, the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit.
 5. The developer who applies for an amendment pursuant to California Government Code Section 66498.2 shall do so prior to the expiration of vesting rights. The city shall process the application as a modification to tentative maps as contained in this Chapter. Approved modifications shall not extend the vesting period.

§ 5.06.09. DEVELOPMENT INCONSISTENT WITH ZONING CONDITIONAL APPROVAL.

- A. If a subdivider files a vesting tentative map for a subdivision and the proposed development is inconsistent with the zoning regulations in effect at the time of filing, the inconsistency shall be identified on the map. The City shall either deny the vesting tentative map or approve it subject to the condition that the subdivider, or the subdivider's designee, obtain the required amendment to the zoning regulations to resolve the inconsistency.
- B. If the change in the zoning regulations is obtained, the approved or conditionally approved vesting tentative map shall, notwithstanding Section 5.06.08(A) confer the vested right to proceed with the development in substantial compliance with the change in the zoning regulations and the map, as approved.
- C. The rights conferred by this section shall be for the time periods set forth in Section

5.06.08(C).

§ 5.06.10. APPLICATIONS INCONSISTENT WITH CURRENT POLICIES.

Notwithstanding any provisions of this Chapter, a property owner or his or her designee may seek approvals or permits for development which depart from the ordinances, policies and standards described in Section 5.06.08 (A) and Section 5.06.09 and local agencies may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law.

CHAPTER 5.07 PARCEL MAPS

§ 5.07.01. AUTHORITY.

The processing of parcel maps shall be as provided in the Subdivision Map Act, Section 66444 et seq. The Planning Commission shall have the authority to make findings, approve, conditionally approve, or disapprove parcel maps and to impose requirements and conditions consistent with this Chapter and the Subdivision Map Act.

§ 5.07.02. PURPOSE AND INTENT.

The purpose of this chapter is to establish procedures necessary for the processing, reviewing, and approving a parcel map application, and to supplement the provisions of the Map Act and this title.

§ 5.07.03. APPLICABILITY

Parcel maps that show the design and improvements of a proposed subdivision of four parcels or less (e.g., layout, roads, utilities) are required pursuant to the Subdivision Map Act, California Government Code § 66444 et seq.

§ 5.07.04. CONSISTENCY FINDINGS.

No land shall be subdivided and developed pursuant to a parcel map for any purpose which is inconsistent with the city's general plan, any applicable specific plan, or zoning regulation of the city.

§ 5.07.05. CONTENT AND FORM.

The parcel map shall be prepared in a manner acceptable to the Community Development Director and City Engineer and shall be prepared by a registered civil engineer or licensed land surveyor. The parcel map shall contain, but not be limited to, the following:

- A. Map number, title of map, Assessor's parcel number, and legal description of property.
- B. Name, address, and telephone number of legal owner, subdivider and person preparing the map, including registration or license number.
- C. Ownership information on additional property owned adjacent or contiguous to the land to be subdivided.
- D. Approximate total acreage of property and lot size, net and gross for a typical lot and for each irregular lot, overall dimensions.
- E. North arrow, scale, date, vicinity map showing relationship to surrounding community, location and description of boundary monuments tied to known control points or street intersections, and date of preparation.
- F. Existing and proposed General Plan land use and zoning.
- G. Existing and proposed use (single-family, multi-family, commercial, industrial).
- H. Existing use and zoning of property immediately surrounding parcel map.
- I. proposed lot layout and the approximate dimensions of each lot and each building site;
- J. Proposed common areas and areas to be dedicated to public open space, which shall

be indicated as lettered lots; and

- K. Table indicating area and density calculations with percentage breakdowns, including total area involved, total building area divided by uses, if applicable, total parking/paved areas, total landscaped areas, total recreation, and/or open space.
- L. Names, locations, widths of right-of-way of proposed streets, alleys and easements, and the approximate grades of proposed streets and approximate street centerline radii of curves.
- M. Street and right-of-way providing access to the property.
- N. Private streets, if proposed, shall be noted on the tentative map.
- O. Street cross-sections for all existing and proposed streets.
- P. A certificate, signed and acknowledged by all parties having any record title interest in the real property subdivided, consenting to the preparation and recordation of the parcel map
- Q. Additional requirements as established by the Subdivision Map Act, California Government Code Section 66444 et seq.

§ 5.07.06. FILING AND PROCESSING.

- A. Public hearings for parcel maps shall be held as described in this Article. The action of the Planning Commission shall be final unless appealed to the City Council as provided herein. A tentative parcel map shall be filed in the same manner as tentative maps for divisions of more than four parcels. Where allowed by the Subdivision Map Act, parcel maps may subsequently be filed on the basis of the tentative parcel map.
- B. Final parcel map shall be approved by the City Council.
- C. The City Engineer shall review and approve a parcel map for conformity to the Subdivision Map Act, this Chapter, and all conditions and requirements of the city as part of the map approval. Dedication or offer of dedication may be made either by certificate on the parcel map or by separate instrument.
- D. Failure to file a parcel map with the County Recorder within two years shall terminate all proceedings and the approvals shall lapse unless extended as provided herein.
- E. Filing the parcel map with the County Recorder shall be as prescribed in the Subdivision Map Act.
- F. Within 30 calendar days of the date a map is recorded by the County Recorder, the subdivider shall, at his/her own expense, cause duplicate copies of all sheets on polyester base film, to be delivered to the City Engineer.
- G. Corrections or amendments to a parcel map shall be as described in the Subdivision Map Act.

§ 5.07.07. FEES.

The fees for a parcel map shall be specified by the city's fee schedule as adopted by resolution of the City Council.

CHAPTER 5.08 FINAL MAPS

§ 5.08.01. AUTHORITY.

The processing of a final parcel map and tentative map shall be as provided in the Subdivision Map Act.

§ 5.08.02. PURPOSE AND INTENT.

The purpose of this Chapter is to establish procedures necessary for the processing, reviewing, and approving a final map application, and to supplement the provisions of the Map Act and this title. The regulations outlined in this Chapter are determined to be necessary for the preservation of public health, safety, and general welfare and for the promotion of orderly growth and development. Except as otherwise contained in this Chapter, the provisions of this title shall apply to a final map application.

§ 5.08.03. APPLICABILITY.

Final maps that show the design and improvements of a proposed subdivision (e.g., layout, roads, utilities) are required pursuant to the Subdivision Map Act, California Government Code Section 66433 et seq.

§ 5.08.04. CONSISTENCY FINDINGS.

No land shall be subdivided and developed pursuant to a final map for any purpose which is inconsistent with the city's general plan, any applicable specific plan, or zoning regulation of the city.

§ 5.08.05. CONTENT AND FORM.

The final map shall be prepared in a manner acceptable to the Community Development Director and City Engineer and shall be prepared by a registered civil engineer or licensed land surveyor. The final map shall contain, but not be limited to, the same requirements listed for Tentative Maps.

§ 5.08.06. FILING AND PROCESSING.

- A. Filing of a final map with the County Recorder shall be as prescribed by the Subdivision Map Act. A final map shall be recorded within 60 days from the date of approval by the City Council, or the proceedings shall be terminated. Any subdivision of the same land shall require the filing of a new tentative map.
- B. Within 30 calendar days of the date a final map is recorded by the County Recorder, the subdivider shall, at his/her own expense, cause duplicate copies of all sheets on polyester base film, to be delivered to the City Engineer.
- C. Corrections or amendments to a final map shall be as described in the Subdivision Map Act.
- D. The City Engineer shall be responsible for certifying that the final map conforms to the approved or conditionally approved tentative map, the requirements of the city and the Subdivision Map Act is required for action by the City Council.

§ 5.08.07. FEES.

The fees for a final map shall be specified by the city's fee schedule as adopted by resolution of the City Council.

CHAPTER 5.09 REVERSIONS TO ACREAGE

§ 5.09.01. REVERSIONS TO ACREAGE BY FINAL MAP.

Subdivided property may be reverted to acreage pursuant to provisions of this Chapter and the Subdivision Map Act, California Government Code Section 66499.11 et seq..

§ 5.09.02. INITIATION OF PROCEEDINGS BY OWNERS.

Proceedings to revert subdivided property to acreage may be initiated by petition of all of the owners of record of the property. The petition shall be in a form prescribed by the Community Development Director. The petition shall contain the information required by this Chapter and such other information as required by the Director.

§ 5.09.03. INITIATION OF PROCEEDINGS BY CITY COUNCIL.

The City Council at the request of any person or on its own motion may, by resolution, initiate proceedings to revert property to acreage. The City Council shall direct the Community Development Director to obtain the necessary information to initiate and conduct the proceedings.

§ 5.09.04. SUBMITTAL REQUIREMENTS.

Petitioners shall file the following:

- A. Evidence of title to the real property; and
- B. Evidence of the consent of all of the owners of an interest(s) in the property; or
- C. Evidence that none of the improvements required to be made have been made within two years from the date the final map or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later.
- D. Evidence that no lots shown on the final or parcel map have been sold within five years from the date such final or parcel map was filed for record.
- E. A tentative map in the form prescribed by this Chapter; or
- F. A final map in the form prescribed by this Chapter, which delineates dedication which will not be vacated, and dedications required as a condition to reversion.

§ 5.09.06. FINDINGS

- A. The Community Development Director may approve a reversion to acreage only if it finds and records in writing that:
 - 1. Dedications or offers of dedication to be vacated or abandoned by the reversion to

- acreage are unnecessary for present or prospective public purposes; and
2. Either:
 - a. All owners of an interest in the real property within the subdivision have consented to reversion; or
 - b. None of the improvements required to be made have been made within two years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later; or
 - c. No lots shown on the final or parcel map have been sold within five years from the date such map was filed for record.
 - B. The Community Development Director may require as conditions of the reversion that:
 1. The owners dedicate or offer to dedicate streets or easements.
 2. The retention of all or a portion of previously paid subdivision fees, deposits, or improvement securities, if the same are necessary to accomplish any of the provisions of this Chapter.
 - C. The Director's decisions may be appealed to the Planning Commission and the Planning Commission's decisions may be appealed to the City Council according to the appeals process as outlined in Article 6 (Administration and Procedures) of the Indio Unified Development Code.

§ 5.09.07. FEES.

The fees for processing reversions to acreage shall be specified by the city's fee schedule as adopted by resolution of the City Council.

§ 5.09.08. DELIVERY OF FINAL MAP.

After the hearing before the City Council and approval of the reversion, the final map shall be delivered to the County Recorder.

§ 5.09.09. EFFECT OF FILING REVERSION MAP WITH THE COUNTY RECORDER.

Reversion shall be effective upon the final map being filed for record by the County Recorder. Upon filing, all dedications and offers of dedication not shown on the final map for reversion shall be of no further force and effect.

§ 5.09.10. EXCLUSIONS FOR REVERSIONS.

The provisions for exclusions shall be as stated in the Subdivision Map Act, California Government Code Section 66499.20 et seq.

§ 5.09.11. RETURN OF FEES, DEPOSITS AND RELEASE OF SECURITIES.

Except as otherwise provided in this Chapter, upon filing of the final map for reversion of acreage with the County Recorder, all fees and deposits shall be returned to the subdivider and all improvement securities shall be released by the city.

CHAPTER 5.10 PARCEL MERGERS AND UNMERGERS

§ 5.10.01. PURPOSE AND INTENT.

The primary purpose of this Chapter is to provide for a merger of parcels upon application of the property owner without the necessity of processing a parcel map. The specific requirements for a city-initiated merger of contiguous parcels are outlined in this Chapter in compliance with Subdivision Map Act Section 66451.10 et seq.

§ 5.10.02. MERGERS NOT DEEMED.

Two or more contiguous parcels or units of land which have been subdivided under the provision of this Chapter or the Subdivision Map Act shall not merge by virtue of the fact that such contiguous parcels are held by the same ownership. No further proceedings under this Chapter shall be required for the purpose of sale, lease, or financing, except as provided by this Chapter.

§ 5.10.03. MERGERS DEEMED.

If any one of two or more contiguous parcels or units held by the same owner does not conform to existing standards for minimum parcel size, under the zoning regulations so as not to permit its development, and at least one parcel or unit has not been developed with a building for which a building permit is required, or is developed only with an accessory structure or accessory structures, or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous parcel or unit, then such parcels shall be considered as merged for the purpose of this Chapter. In addition, with respect to any affected parcel, one or more of the following conditions must exist:

- A. Comprises less than 5,000 square feet in area at the time of the determination of merger.
- B. Was not created in compliance with applicable laws and ordinances in effect at the time of its creation.
- C. Does not meet current standards for sewage disposal and domestic water supply.
- D. Does not meet slope stability standards.
- E. Has no legal access which is adequate for vehicular and safety equipment access and maneuverability.
- F. Its development would create health or safety hazards.
- G. Is inconsistent with the applicable general plan and any applicable specific plan, other than minimum lot size or density standards.

This section shall not apply if on or before July 1, 1981, one or more of the contiguous parcels or units of land is enforceably restricted open-space land pursuant to a contract, agreement, scenic restriction, or open-space easement, as defined and set forth in Section 421 of the Revenue and Taxation Code.

§ 5.10.04. UNMERGER OF PARCELS

The filing of a notice of unmerger shall restore the parcels as separate parcels, as they existed immediately prior to the merger. An unmerger is an administrative reversal of a prior merger — not a new subdivision or parcel map action.

Any parcels or units of land for which a notice of merger had not been recorded on or before January 1, 1984, shall be deemed not to have merged as outlined in Government Code Sections 66451.30 - 66451.33.

§ 5.10.05. NOTICE OF MERGER.

- A. Whenever the Community Development Director or an authorized representative has knowledge that real property has merged pursuant to this Chapter, they shall cause to be filed with the County Recorder a notice of merger. At least 30 days prior to recording of notice, the owner of the parcels or units shall be advised in writing of the intention to record such notice.
- B. The notification to the owner shall specify a time, date, and place at which the owner may present evidence as to why the notice of merger should not be recorded.
- C. The notice of merger to be recorded shall specify the names of the record owners and describing the property to be merged.
- D. At any time within 30 days after recording of the notice of intention to determine status, the owner of the affected property may file with the Community Development Director a request for a hearing on determination of status.
- E. Upon receiving a request for a hearing on determination of status from the owner of the affected property pursuant to Government Code Section 66451.14, the Community Development Director shall fix a time, date, and place for a hearing to be conducted by the Planning Commission, and shall notify the property owner of that time, date, and place for the hearing by certified mail. The hearing shall be conducted not more than 60 days following the Community Development Director's receipt of the property owner's request for the hearing, but may be postponed or continued with the mutual consent of the City and the property owner.
- F. At the hearing, the property owner shall be given the opportunity to present any evidence that the affected property does not meet the standards for merger specified in this Chapter and Government Code Section 66451.0 et seq.
- G. At the conclusion of the hearing, the Planning Commission shall make a determination that the affected parcels are to be merged or are not to be merged and shall so notify the owner of its determination. If the merger ordinance so provides, a determination of nonmerger may be made whether or not the affected property meets the standards for merger specified in Government Code Section 66451.11. A determination of merger shall be recorded within 30 days after the conclusion of the hearing, as provided for in

Government Code Section 66451.12.

- H. If, within the 30-day period specified above, the owner does not file a request for a hearing in accordance with (D) above, the Community Development Director may, at any time thereafter, make a determination that the affected parcels are to be merged or are not to be merged. A determination of merger shall be recorded as provided for in Section 5.10.08 below no later than 90 days following the mailing of notice required by (E) above.
- I. If, in accordance with subsection (F)-(H) above, the Planning Commission determines that the subject property shall not be merged, it shall cause to be recorded in the manner specified in Section 5.10.08 below a release of the notice of intention to determine status, recorded pursuant to subsection (A), and shall mail a clearance letter to the then current owner of record.
- J. Appeals regarding the merger may be made to the City Council per the City's appeal process.

§ 5.10.06. REQUEST BY PROPERTY OWNER.

- A. Upon request of the legal owner of contiguous parcels, the Community Development Director or authorized representative may approve the merger of the property. Such request shall be in writing and shall be accompanied by such data and documents as required by the Community Development Director's office.
- B. Upon approval, a "notice of merger" shall be filed with the County Recorder. The form and content of the notice shall be as required by the City Engineer.
- C. In approving such merger, the city may impose reasonable conditions. The reasonableness of such conditions may be appealed within 15 days of written notice of the conditions to the City Council in accordance with this Chapter.
- D. A fee to be charged at actual cost shall be charged to the applicant for processing such a merger. A deposit may be required to be applied toward this fee.

§ 5.10.07. CONTENT AND FORM.

The merger map shall be prepared in a manner acceptable to the Community Development Director and shall be prepared by a registered civil engineer or licensed land surveyor. The submittal requirements for a merger application shall contain, but not be limited to, the following:

- A. Title Report (within 6 months of submittal date).
- B. Legal description prepared and signed by a licensed land surveyor or registered civil engineer.
- C. Scaled drawing showing in dashed lines the existing lots and with a solid line the proposed lots, prepared and signed by a licensed land surveyor or registered civil engineer. All existing structures and driveways shall be shown on the map.

§ 5.10.08. EFFECTIVE DATE.

- A. A merger of parcels becomes effective when a notice of merger specifying the names of the record owners and particularly describing the real property is filed for record with the Riverside County Recorder.

CHAPTER 5.11 LOT LINE ADJUSTMENTS

§ 5.11.01. LOT LINE ADJUSTMENTS.

- A. *Authority.* The Community Development Director may authorize lot line adjustments wherein the number of lots remains the same before the adjustment and the division is consistent with the city General Plan and zoning regulations provided that the proposed lot line adjustment does not:
1. Include any parcels which are not legal as defined in the municipal code;
 2. Restrict any existing access or create a need for new access to any adjacent parcels;
 3. Restrict any existing easements or prospective easements or create a need for any new or amended easements serving or burdening any adjacent parcels;
 4. Alter the gross area of any property in a manner that necessitates a modification to an existing development plan or other land use entitlement, including, but not limited to, any specific plan applicable to any affected parcels;
 5. Require substantial alteration of any existing improvements or create a need for any new improvements; and
 6. Adjust the boundary between parcels with a recorded covenant of improvement requirements, where not all required improvements have been completed, unless the City Engineer determines that the proposed lot line adjustment will not substantially impact the covenant of improvement requirements.
- B. *Procedure.*
1. Application for lot line adjustment shall be made on the form and with accompanying data required by the Community Development Director for consideration of approval.
 2. Upon acceptance of the application and processing fee, the planning staff shall prepare a report and analysis in consultation with the City Engineer for compliance with city regulations.
 3. The Community Development Director shall either approve or disapprove the application and forward to the City Engineer for completion. The applicant shall be notified of the decision and be given notice of appeal rights to the City Council.

§ 5.11.02. CONTENT AND FORM.

The lot line adjustment map shall be prepared in a manner acceptable to the Community Development Director and City Engineer and shall be prepared by a registered civil engineer or licensed land surveyor. The submittal requirements for a lot line adjustment application shall contain, but not be limited to, the following:

- A. Title Report (within 6 months of submittal date).
- B. Legal description prepared and signed by a licensed land surveyor or registered civil engineer.
- C. Scaled drawing showing in dashed lines the existing lots and with a solid line the

proposed lots, prepared and signed by a licensed land surveyor or registered civil engineer. All existing structures and driveways shall be shown on the map.

§ 5.11.03. EFFECTIVE DATE

- A. A lot line adjustment becomes effective when the lot line adjustment map is recorded on a deed and filed with the County of Riverside Recorder.

CHAPTER 5.12 DEDICATIONS AND DEVELOPMENT FEES

§ 5.12.01. PURPOSE AND INTENT

The procedure for satisfying this Chapter shall be as provided in the Subdivision Map Act, California Government Code § 66475 et seq.

§ 5.12.02. DEDICATION REQUIREMENTS

- A. As a condition of approval of a map, the subdivider shall dedicate or make an irrevocable offer of dedication of all parcels of land within the subdivision that are needed for streets and alleys, including access rights and abutters' rights, drainage, public utility easements, and other public easements. In addition, the subdivider shall improve or agree to improve all streets and alleys, and install all required facilities in drainage, public utility easement and other public easements as required by the general plan, or any specific plan or master plan adopted pursuant thereto.
- B. Whenever a subdivider is required to dedicate roadways to the public, the subdivider may also be required to dedicate additional land as may be necessary and feasible to provide bicycle paths for the use and safety of the residents of the subdivision, pursuant to Map Act Section 66475.1.
- C. Whenever a subdivider is required to dedicate roadways to the public, the subdivider may also be required to dedicate additional land for local transit facilities such as bus turnouts, benches, shelters, landing pads, and similar items that directly benefit the residents of the subdivision.
- D. All property dedications to the city for public purposes shall be conveyed in fee title, unless the city elects, at its discretion, to accept a grant of easement for open space, scenic, trail, or public utility easements. All fee dedications and grants of easements must be delivered free of liens and encumbrances, except for those that the city determines do not interfere with the intended use. The city may also accept an irrevocable offer of dedication as an alternative to immediate dedication.

§ 5.12.03. ADDITIONAL DEDICATIONS.

- A. On Arterials and Secondary Highways, the City may require additional dedications of rights-of-way or easements for landscaping, pedestrian paths, and the like. Such dedication shall be improved with permanently irrigated landscaping.

§ 5.12.04. SUNLIGHT ON SOLAR EASEMENTS.

- A. Sunlight easements to assure each parcel or unit in a subdivision the right to receive sunlight for any solar energy system, may be required, provided that all the following are submitted for city approval.
 - 1. Specific standards to determine the exact dimensions and location of such indicated easements, which standards shall be applicable to the entire subdivision.
 - 2. Specific regulations on any restrictions on vegetation, buildings and other objects which have the capability of obstructing the passage of sunlight through the easement.
 - 3. Specific terms or conditions, if any, under which an easement may be revised or terminated.
 - 4. These standards are not applicable to condominium projects which consist of the subdivision of airspace in an existing building where no new structures are added.

§ 5.12.05. WAIVER OF DIRECT ACCESS TO STREETS.

- A. The City may impose a requirement that any dedication or offer of dedication of a street shall include a waiver of direct access rights to such street from any property shown on a final map as abutting thereon, and that if the dedication is accepted such waiver shall become effective in accordance with the provisions of the waiver of direct access.

§ 5.12.06. SCHOOL SITE DEDICATION REQUIREMENTS.

- A. As a condition of approval of a final map, a subdivider who develops within the city shall dedicate, if required, to the school district such lands as the City Council shall deem to be necessary for the purpose of construction thereon of schools necessary to assure the residents of the subdivision adequate elementary school service per the provisions of the Subdivision Map Act California Government Code Section 65970 et seq..
- B. **Procedure.** The requirement of dedication of school lands shall be imposed at the time of approval of the tentative map. If within 30 days after the tentative map has been approved by the Planning Commission, the affected school district does not offer to enter into a binding commitment with the subdivider to accept the dedication, the requirement shall be automatically terminated. The required dedication may be made any time before, concurrently with, or up to 60 days after the filing of the final map on any portion of the subdivision.
- C. **Payments.** Payments to subdivider for school dedications shall be made in accordance with the requirements of the Subdivision Map Act.
- D. **Other school site requirements.** The provision for school site dedication set forth above shall not be exclusive, but shall be cumulative and additional to any other provision for school site dedication, or payment of fees in lieu thereof, which may be duly adopted by the City Council, including as example and not as limitation, the provisions of the California Government Code § 65970 et seq.

§ 5.12.07. RESERVATION REQUIREMENTS.

- A. As a condition of approval of a map, the subdivider shall reserve, if required, sites appropriate in area and location for recreational facilities, fire stations, or other public uses according to the standards, formula and procedures contained in this Chapter and the Subdivision Map Act.
- B. Where recreational facilities, a fire station or other public use is shown on an adopted general plan element, the subdivider may be required by the city to reserve sites as determined by the city.

§ 5.12.08. IMPROVEMENTS.

- A. The subdivider shall be required to furnish, construct, install and convey ownership to the city or other agency or utility by his/her development. These improvements shall include all standard improvements, required by this Chapter and general plan and/or specific plan adopted pursuant thereto, including, but not limited to, asphalt concrete pavement, curbs and gutters, sidewalks, street lights, street trees, irrigated landscaping, survey monuments, storm drainage facilities, undergrounding of all existing overhead utilities less than 92kv, electrical gas and water system, including fire hydrants and appurtenances, and any other improvements as may be required as a condition of approval of the final or tentative or revised map. All improvements shall be in conformance with city-adopted standards.

§ 5.12.09. STORM DRAIN FACILITIES FEE.

Concurrent with the filing of any final or parcel map for residential development, and application for building permits for any non-residential development, the subdivider or owner or developer of a lot shall pay or cause to be paid a storm drain facilities fee as established pursuant to the city's impact fee ordinance. The fee for each lot or dwelling unit within a development project shall be paid in-full prior to the issuance of any certificate of occupancy, unless otherwise authorized by the Mitigation Fee Act.

(§§ 33.065 *et seq.*)

§ 5.12.10. ROAD, BRIDGE, AND THOROUGHFARE FEE.

- A. Notwithstanding the provisions of any other *provisions* of this Code to the contrary, and specifically in addition to the provisions of §§ 156.130 *et seq.*, upon application for a building permit, the subdivider or owner of a lot shall be required to pay or cause to be paid a road, bridge and thoroughfare fee as established pursuant to the city's impact fee ordinance (§§ 33.065, *et seq.*).

§ 5.12.11. TRAFFIC SIGNAL FEES.

- A. Prior to application for a building permit, the subdivider or owner of a lot or developer shall be required to pay or cause to be paid the following fees for defraying the actual or estimated of construction of any traffic signal related to the project. The fees shall be as established and periodically amended by the City Council. In the event this section becomes effective after recording of a final map, fees for residential development shall

be payable upon application for a building permit.

- B. Notwithstanding any of the provisions of this section, no fee shall be payable on account of construction of additional space to an existing single- family dwelling. Credits may be negotiated with developments covered by assessment districts or Mello-Roos Community Facilities Districts.

§ 5.12.12. SUPPLEMENTAL IMPROVEMENTS.

- A. **Required.** The subdivider may be required to install improvements for the benefit of the subdivision which may contain supplemental size, capacity, or number for the benefit of property not within the subdivision, as a condition precedent to the approval of a subdivision or parcel map, and thereafter to dedicate such improvements to the public. However, the subdivider shall be reimbursed pursuant to the provisions of the Subdivision Map Act for that portion of the cost of such improvements equal to the difference between the amount it would have cost the subdivider to install such improvements to serve the subdivision only and the actual cost of such improvements.
- B. **Supplemental improvements reimbursement agreement; funding procedures.** No charge, area of benefit or local benefit district shall be established unless and until a public hearing in accordance with the provisions of this Chapter is held thereon by the City Council and the City Council finds that the fee or charge and the area of benefit or local benefit district is reasonably related to the cost of such supplemental improvements and the actual ultimate beneficiaries thereof. In addition to any other notice required by law, written notice of the hearing shall be given to the subdivider and to those who own property within the proposed area of benefit as shown on the latest equalized assessment role, and the potential users of the supplemental improvements insofar as they can be ascertained at the time. Such notices shall be mailed by the City Clerk at least ten days prior to the date established for hearing.

CHAPTER 5.13 REQUIREMENTS

§ 5.13.01. SOILS REPORTS.

- A. For all divisions of land for which a soils report is not otherwise required by the Subdivision Map Act, adequate tests may be required by the Director of Community Development. The soils reports, to be done by a civil engineer registered in the State of California, and based upon adequate test borings may be required at the time of submission for consideration of a tentative tract or parcel map, or may be postponed by the Director of Community Development to be submitted at the time of, and in connection with, the final map.
- B. A preliminary soils report may be waived by the Community Development Director if he/she finds there is sufficient data available in the city files concerning the soils qualities in the proposed area that a preliminary soils report is unnecessary.
- C. If the city has knowledge of, or the preliminary soils report indicates, the presence of soils problems which would lead to structural defects, a soils investigation of each lot in the subdivision may be required by the advisory agency. Such soils investigation shall be done by a civil engineer registered in the State of California, who shall recommend the corrective action which is likely to prevent structural damage to each structure proposed to be constructed in the area where such soils problem exists.
- D. The advisory agency may approve the subdivision or portion thereof where such soils problems exist if it determines that the recommended action is likely to prevent structural damage to each structure to be constructed, and a condition to the issuance of any building permit may require that the approved recommended action be incorporated in the construction of each structure.

§ 5.13.02. SURVEY MONUMENT.

- A. The subdivider shall conform to the Land Surveyors Act as to the setting of monuments or ties. For the purpose of this section, the following shall be deemed as meeting the requirements of California Bus. & Prof. Code §§ 8771, 8771.5 and 8772 (Land Surveyors Act) and in Chapter 5 of the City of Indio Public Works Engineering Standards (adopted 2016):
- B. All rear lot corners shall be marked by a one-inch iron pipe, properly tagged, 30 inches long, set at or within 12 inches below ground level. All corners of lots fronting on streets shall be marked by an offset lead and tag set in the permanent concrete curb. Such offset shall be noted on the subdivision map.
- C. All corners of subdivision shall be marked on two-inch iron pipes, properly tagged, 30 inches long, set at or within 12 inches below the ground level.
- D. All public street intersection centerlines and all beginnings and endings of curves on streets shall be monumented by means of city standard monuments set by the subdivider. All other street intersection centerlines and beginnings and endings, or points of intersection that fall within the pavement of all curves, shall be monumented using City of Indio standard monuments set flush with street tied to lead and tag set in permanent concrete curbs. Notes for these ties shall be provided to the city on standard survey note paper, 8½ by 11 inches.

Cross-reference: Chapter 5.14 (Park and Recreation Land Dedication and Fees)

§ 5.13.03. WATER SUPPLY ASSESSMENT.

- A. For a proposed residential development of more than 500 dwelling units, the subdivider shall provide written proof that sufficient water supply is available, as determined by Subdivision Map Act Section 66473.7.
- B. Proof of the availability of a sufficient water supply shall be requested by the subdivision applicant or the City, at the discretion of the City, and shall be based on written verification from the applicable public water system within 90 days of a request.
- C. If the public water system fails to deliver the written verification as required by this section, the local agency or any other interested party may seek a writ of mandamus to compel the public water system to comply.
- D. If the written verification provided by the applicable public water system indicates that the public water system is unable to provide a sufficient water supply that will meet the projected demand associated with the proposed subdivision, then the City may make a finding, after consideration of the written verification by the applicable public water system, that additional water supplies not accounted for by the public water system are, or will be, available prior to completion of the subdivision that will satisfy the requirements of this section. This finding shall be made on the record and supported by substantial evidence. The substantial evidence may include, but is not limited to, any of the following:
 - 1. The public water system's most recently adopted urban water management plan adopted pursuant to Part 2.6 (commencing with Section 10610) of Division 6 of the Water Code.
 - 2. A water supply assessment that was completed pursuant to Part 2.10 (commencing with Section 10910) of Division 6 of the Water Code.
 - 3. A groundwater sustainability plan adopted or alternative approved pursuant to Part 2.74 (commencing with Section 10720) of Division 6 of the Water Code.
 - 4. Other information relating to the sufficiency of the water supply that contains analytical information that is substantially similar to the assessment required by Section 10635 of the Water Code.
- E. If there is no public water system, the local agency shall make a written finding of sufficient water supply based on the evidentiary requirements of subsections (c) and (d) and identify the mechanism for providing water to the subdivision.

CHAPTER 5.14 PARK AND RECREATION LAND DEDICATION AND FEES

§ 5.14.01. AUTHORITY, PURPOSE, AND SCOPE.

A. Authority and purpose.

1. This chapter is enacted pursuant to the authority granted by California Government Code Section 66477, and shall be interpreted to be consistent with the provisions thereof.
2. The park and recreational facilities for which dedication of land and/or payment of a fee is required by the terms of this section shall be provided in accordance with the standards, specifications and requirements of the city's general plan, any specific plan adopted pursuant thereto, and any other adopted city resolution, policy, or standard.

B. Conflict with other laws.

1. With respect to its subject matter, this Chapter supersedes all other ordinances or regulations of the city.
2. This Chapter shall not supersede other ordinances or regulations of the city, except as expressly stated in this Chapter.

C. Exemptions.

1. The provisions of this section shall not apply to commercial or industrial subdivisions; nor to condominium or stock cooperative projects, which consist of the subdivision of airspace in an existing apartment building more than five years old, when no new dwelling units are added.
2. Nonresidential subdivisions containing less than five parcels.
 - a. Subdivisions containing less than five parcels and not used for residential purposes shall be exempted from the requirements of this section.
 - b. However, in that event, a condition may be placed on the approval of a parcel map that, if a building permit is requested for construction of a residential structure or structures on one or more of the parcels, the fee may be required to be paid by the owner of each parcel as a condition of the issuance of the permit.

Cross-reference: General dedication requirements, see Section 5.12.02

§ 5.14.02. DEDICATION/FEE AS A PRECONDITION TO APPROVAL OF FINAL MAP.

- #### A. As a condition of approval of a tentative or final tract map or parcel map for a residential subdivision or a multiple family residential project, the subdivider/developer shall be required to dedicate land, pay a fee in lieu thereof, or both:
1. At the option of the city;

2. In an amount determined pursuant to this Chapter;
 3. For park or recreational purposes, unless the subdivider/developer is exempted from this requirement by the express provisions of this Chapter.
- B. The dedication of land and/or payment of a fee shall be at the time and according to the standards and formula contained in this Chapter.

Cross-reference: General dedication requirements, see Section 5.12.02

§ 5.14.03. STANDARDS FOR DETERMINING DEDICATION.

- A. **General.** If the park dedication is required under this Section 5.14.02, the park area required shall be determined in accordance with the standards provided in this section.
- B. Standard of park area to population.
1. It is found and determined that the public interest, convenience, health, safety and welfare of the residents of the city require that three acres of property for every 1,000 persons residing within the city be devoted to local and community park and recreational purposes, and that such park area is necessary to provide for the needs of the current and future persons residing and working in the city.
 2. Said ratio of three acres per thousand population is hereafter referred to as the park area standard.
- C. Dwelling unit occupancy factor.
3. Based upon the latest available census data, the dwelling unit occupancy factors shall be as follows:

Occupancy Factor	Housing Type
3.9	single-family dwelling units
3.5	multi-family dwelling units
1.5	mobile-home/RV units or spaces
1.8	age-restricted, single-family subdivisions

2. These figures may be revised from time to time by resolution of the City Council.
- D. **Computation of area of park to be dedicated.** The dedication of park land required for any subdivision shall be determined by multiplying the number of dwelling units in the subdivision for each housing type by the occupancy factor for each housing type by .003 (i.e., the ratio of the park area standard of three acres to 1,000 population). This is represented as follows: (number of dwelling units) (occupancy factor) (3/1,000) = area of park to be dedicated
- E. **Qualification of land being dedicated.** In addition to meeting the requirements set

forth in this section, any land offered for park dedication shall meet the criteria specified in Section 5.14.05(D)(1).

- F. Costs of acquisition and development of land per the Fee Schedule adopted by the City Council and as amended periodically.

§ 5.14.04. FEES IN LIEU OF DEDICATION.

- A. Pursuant to Section 5.14.05, the subdivider/ developer may pay the city a fee in lieu of making such dedication.
- B. The fee shall be set by City Council.
- C. The subdivider/developer shall have the option to submit a fair market appraisal report prepared by a licensed real estate appraiser in the State of California to establish a project specific Quimby in-lieu of fee. This report shall be prepared in conformance with this Chapter. The Director of Community Development shall have the authority to review and accept or reject the fee specified in the report, provided, that if there is 10% or less difference in the fee specified in the appraisal report and the adopted fee, the Director shall accept the appraisal report fee.

§ 5.14.05. DETERMINATION OF DEDICATION, FEES, OR COMBINATION.

- A. Dedication generally required.
 - 1. Where a park or recreational facility has been designated in the general plan of the city or other adopted resolution policy or standard of the city, and is to be located, in whole or in part, within the proposed subdivision to serve the immediate and future needs of the residents of the subdivision and other members of the public, the subdivider shall dedicate land for a park and provide recreational facilities thereon as provided in this Chapter, unless the city determines that dedication is not desirable as provided in this section.
 - 2. If the fair market value of the park and recreational facilities provided pursuant to city specifications is less than that required hereunder, no additional fees shall be required, otherwise, the subdivider shall pay the difference.
- B. In-lieu fees.
 - 1. Where no park or recreational facility located, in whole or in part, within the proposed subdivision is designated in the general plan of the city or other adopted resolution policy or standard of the city, the subdivider shall, in lieu of dedicating land, pay a fee computed in accordance with Section 5.14.04(B).
 - 2. In-lieu fees shall be used for park and recreational purposes, serving the residents of the area being subdivided and other members of the public.
- C. **Combination of land and fees.** The city may accept a combination of land and fees, with the respective amounts to be determined at the sole discretion of city, so long as the aggregate fair market value plus in-lieu fees does not exceed the limits established

in this Chapter.

D. Determination of land or fee.

1. Whether the city accepts land dedication or elects to require payment of a fee in lieu thereof, or a combination of both, shall be at the city's sole discretion, and shall be determined by consideration of the following:
 - a. The provisions of the city's general plan, any specific plan adopted thereto, and any other adopted city resolution, policy, or regulation;
 - b. The topography, geology, access, and location of the land in the subdivision available for dedication;
 - c. The size and shape of both the subdivision, and of the land available for dedication;
 - d. The feasibility of dedication;
 - e. The access and location of other park sites to the subdivision; and
 - f. The need to develop, improve and rehabilitate other accessible park sites.
2. The determination of the city as to whether land shall be dedicated, or whether a fee shall be charged, or a combination thereof, shall be final and conclusive.

E. **In-lieu fees for subdivisions of 50 parcels or less.** If the subdivision contains 50 parcels or less, only the payment of in-lieu fees may be required, except that condominium, stock cooperative or community apartment projects may be required to dedicate land if they have more than 50 dwelling units.

Cross-reference: General dedication requirements, see Section 5.12.02

§ 5.14.06. SUBDIVIDER CREDITS.

A. Public Parks.

The subdivider shall receive a credit against the park dedication requirement for the fair market value of any land dedicated for park purposes, and for the value of any park and recreation improvements provided by subdivider in conjunction with any public park. The value of such improvements shall be determined by the city based upon fair market value.

B. Private Parks.

1. In conjunction with any planned development, real estate development, stock cooperative, community apartment or condominium, as defined by State law, if the subdivider provides **PRIVATE OPEN SPACE**, as defined in Chapter 5.02, then the subdivider may receive a credit equal to the fair market value of that space against the park dedication requirement of this Chapter, but such credit shall not exceed one-third of such requirement. This land and facilities can be credited against the dedication and payment requirements established in this Chapter, when the following criteria are met:
2. That the private park land meets a minimum size requirement equivalent to one-third (0.33) acre per 20 parcels;

3. That the proposed private park land is open and accessible to the public;
4. That the proposed private park land be reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as its size, shape, topography, geology, access, and location;
5. That the following areas or subdivision design features shall not be eligible for private park credit: golf courses, yards, court areas, setbacks, subdivision edges, landscaped subdivision entries, meandering streams, flood retention facilities, and circulation improvements, such as bicycle, hiking, and equestrian trails;
 - a. That the location of the land provides convenient access to housing and schools;
 - b. That retention basins shall not be used for recreation and will not be considered private parks;
 - c. That the perpetual private ownership and maintenance of the land is adequately provided for by a recorded written agreement; and
 - d. That the use of the private park land is perpetually restricted for park and recreational purposes that cannot be defeated or eliminated without the consent of the City Council, and in no event without providing equivalent park and recreational space elsewhere in the subdivision.

The actual amount of such credit shall be determined by the city, based upon the comparability of the private open space to public park area and the adequacy of such private open space to serve the needs of the subdivision for active recreational uses.

- C. **Application of credits.** The credits provided in this section shall be applied to reduce the subdivider's obligation to dedicate and/or pay an in-lieu fee as required under this Chapter, but only to the extent of such credit.

§ 5.14.07. DISPOSITION OF LAND OR FEES.

- A. The amount and location of land to be dedicated or the fees to be paid shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision.
 1. In accordance with California Government Code Section 66477, it is expressly acknowledged that the land to be dedicated or fees to be paid may be for both neighborhood and community parks.
 2. Such fees may be used to improve or rehabilitate existing parks.
 3. Such fees may be used to purchase land, construct a venue, or rehabilitate a venue where a variety of cultural activities could take place.
- B. Fees paid by a subdivider pursuant to this Chapter may be spent to develop, improve and rehabilitate community and neighborhood parks, even though such parks may be used by nonresidents of the subdivision, so long as the benefit of the park and recreational facilities to residents of the subdivision is reasonable in relation to the location of the park and the amount of the fees.

§ 5.14.08. TIME OF DEDICATION OR PAYMENT OF FEES.

At the sole discretion of the city, all fees shall be paid directly to the City Cashier at the time of building permit issuance, or at the city's discretion pursuant to a development agreement.

§ 5.14.09. SCHEDULE FOR PERFORMANCE.

A. City's schedule.

1. The Community Development Director shall prepare and maintain a schedule specifying how, when and where the land or fees, or both, which were dedicated to the city to develop park or recreational facilities will be used.
2. Any fees collected under this Chapter shall be committed within five years after the payment of such fees or the issuance of building permits on one-half of the lots created by the subdivision, whichever occurs later.

B. Subdivider's schedule.

1. In the event that the subdivider improves or develops parks for public or private ownership, he or she shall prepare a schedule specifying when, how and where the park or recreational facilities serving the residents of the subdivision will be developed.
2. This schedule will be required as a condition of subdivision map approval.

§ 5.14.10. PROCEDURE

A. Approval of subdivision map.

1. Unless otherwise expressly provided in this Chapter, the advisory body shall make any decision or action required by the city pursuant to this Chapter, after the duly noticed public hearing at the time of approval of the tentative tract map or parcel map.
2. Such a decision or action shall be a condition of approval of the subdivision map.

B. Appeals.

1. Any person may appeal a determination of the advisory body made pursuant to this Chapter.
2. Appeals shall be made as provided in Section 30.89 of the Indio Municipal Code.

CHAPTER 5.15 DESIGN AND IMPROVEMENTS

§ 5.15.01. STANDARDS FOR DESIGN AND IMPROVEMENT.

- A. The improvement standards and specifications shall be adopted by City Council resolution to control the design and improvement and specification of development of “off-sites” and activities and other matters related to “design” and “improvement,” in connection with land development. The improvement standards and specifications shall be a part of this Chapter for all intents and purposes the same as if they were set forth herein verbatim.
- B. **General.** “Design” and “improvements” as defined in this Chapter shall be installed, or agreed to be installed, by the subdivider of land for the general use of lot owners. The standards of design and improvement shall be a combination of the provisions of this Chapter, the adopted improvement standards and specifications, the general plan, any applicable master plan and/or specific plan of the city and the zoning regulations.
- C. **Design.** In general, standards of design shall be as approved on maps. For purposes of uniformity, the following minimum criteria shall be observed unless specific exceptions are made for cause in the map approval:
 - 1. Intersecting street separations, or the minimum distance between center lines of opposing streets, shall be no less than 150 feet.
 - 2. Lots shall be in accordance with the zoning regulations with respect to size, width, and depth. Lots on arterial streets may be required to be larger than specified by zoning regulations in order to minimize the number of driveways, maximize traffic flow and promote safety.
 - 3. The subdivision lot design and orientation shall give maximum consideration to the extent feasible, to provide for passive or natural heating and/or cooling opportunities of buildings. Examples of passive or natural cooling opportunities include design of lot size and configuration, and block configuration to permit orientation of the structures or minimize heat gain. In providing for future passive or natural cooling opportunities in the design of the subdivision, consideration shall be given to the local climate. (b) For the purpose of this section, FEASIBLE means capable of being accomplished in a successful manner taking into account economic, environmental, and technological factors.
 - 4. Grading of lots shall be in accordance with the Uniform Building Code Chapter 70. Where differences of elevations exist between lots which exceed one foot and a slope of less than 10% is not possible, a retaining wall(s) shall be required. For hillside areas, greater than 10% slope, design and improvement standards shall be as required for each area and may be modified to adjust to specific topographic conditions.
 - 5. Street width shall be determined as a function of projected traffic-carrying capacity and function of the street in relation to the subdivision and the neighborhood. The general plan and/or specific plan shall control design where applicable. Private streets shall be a minimum of 40 feet wide to provide for on-street parking of vehicles on both sides and allow for emergency response vehicle access.
 - 6. Access.
 - a. All subdivisions shall abut upon or have an approved access to a public street.

- b. Each parcel or lot within a subdivision shall have an approved access to a public or private street.
 - c. Where necessary to avoid land locked parcels or inadequately accessed parcels, the design of a subdivision shall include for future access in the street layout. Reserve strips or nonaccess at the end of streets shall be dedicated unconditionally to the city.
7. Lot sizes and the design of housing products, including the size of units will remain substantially the same for all phases of a project. Phases shall include maps that were part of the original tentative map (project) but are revised or otherwise resubmitted. Findings shall be made at the time for consideration of tentative map approval with respect to compliance with this section. Increases in lot sizes or additional product types of the same architectural design may be found consistent with the intent of this section. Lot subdivisions where products are not constructed as a "tract" project (for e.g., a custom home project) may be found to be exempt from the requirement that projects be of a "same" design.

D. Improvements.

- 1. In general, the improvements required by this Chapter shall be constructed according to the specifications of the improvement standards and specifications adopted by the City Council.
- 2. Improvement plans prepared by a California Registered Civil Engineer shall be submitted to the City Engineer and shall include but not be limited to, grading, storm drains, streets, utilities, landscaping, required perimeter walls and related facilities. The form and content of improvement plans, supplementary plans, and calculations, and required signatures shall be as specified by the City Engineer.
- 3. The following minimum improvements shall be provided as part of all parcels.
 - a. Streets, either private or public, as are determined to be appropriate. Private streets may be permitted if adequate assurance is provided for continual physical maintenance and access to the residents and/or owners of the subdivision, such as a formed property owners association for which Covenants, Conditions and Restrictions shall be recorded prior to the recordation of a subdivision map. All lots shall be guaranteed access to public streets, either direct or indirect.
 - b. Sidewalks on both sides of the street in all residential and non-residential areas. Sidewalk design and construction shall be required in accordance with the approved standard plans, and/or specific plans as approved by the planning commission. This requirement shall apply to both public and private streets.
 - c. Traffic and directional signs, such as street name, regulatory, warning and guide signs.
 - d. Traffic signals, where determined in the environmental analysis that project's impact will be cause for the need for all or part of a traffic signal to be installed, or as determined by the City Engineer. Traffic signal design and construction or design and relocation shall be based on the requirements of the City Engineer.
 - e. Criteria for determination of traffic signal requirements shall be as the city warrants.
 - f. Street lights, in accordance with the city policy on all streets, public or private.
 - g. Street trees, in accordance with city policy.

- h. Water system shall be provided for all subdivisions adequate for both domestic use and fire protection to each lot in accordance with the requirements of the Indio Water Agency. Fire hydrants and other fire suppression services shall be installed as required.
- i. Drainage protection to satisfy criteria for stormwater runoff and control, including stormwater conduits, structures and appurtenances when required.
- j. Where determination is made that wind erosion and blowsand protection is required as a mitigation measure to environmental impacts, there shall be conditions applied and irrigation, walls and/or fences, control of soils disturbed as a result of development.
- k. Public sanitary sewer system including storm sewer conduits, structures, and appurtenances shall be provided for all lots unless a specific waiver and/or deferment is granted for cause. These improvements will be installed in accordance with the master plan of flood control and drainage or by city council direction.
- l. Survey monuments.
- m. Utilities consisting of electric power, natural gas (if available) telephone and television cable shall be installed to the property lines of all lots. All existing overhead utilities less than 92kv and new utility installations shall be placed underground.
- n. Walls (or fences) and irrigated landscaping where required for perimeter or other street frontages. Landscape maintenance districts shall be provided in accordance with State law where a homeowners' association does not exist to maintain landscaping. The developer shall deposit, with the city, an amount equal to one year's maintenance service for all required maintenance districts.
- o. Signs. The placement of street name, regulatory, warning and guide signs and pavement markings shall be based on CalTrans Manual on Uniform Traffic Control Devices and such additional guidelines as may be adopted by resolution of the city council.
- p. Bicycle trails design and construction shall be in accordance with any approved Bicycle Plan, standard plans, and/or specific plans pursuant thereto.

§ 5.15.02. MAINTENANCE OF PRIVATE IMPROVEMENTS.

- A. Prior to the approval of any final or parcel map, or prior to the issuance of any building permit, the subdivider or owner of property to be subdivided which will create private streets, common recreation and/or open space areas, shall provide the city with adequate assurance of its continued future maintenance pursuant to city policy, such as a property owners association.

CHAPTER 5.16 IMPROVEMENT SECURITY

§ 5.16.01. GENERAL PROVISION.

Any improvement agreement, contract or act required or authorized by the Subdivision Map Act or this Chapter for which security is required by the city, shall be secured in the manner provided for in the Subdivision Map Act.

§ 5.16.02. SECURITIES TO BE FURNISHED AND AMOUNTS.

- A. **Faithful performance.** A separate instrument in the amount of 100% of the estimated cost of construction and incidental costs, to guarantee the faithful performance of the agreement.
- B. **Labor and material.** A separate instrument in the amount of 100% of the estimated cost of construction and incidental costs, to guarantee the payment of laborers and materialmen.
- C. **Monumenting.** A separate instrument in the amount of 100% of the total estimated cost of setting survey monuments, securing payment to the engineer or surveyor for the performance of the required act.
- D. **Maintenance bond.** A separate instrument in the amount of 10% of the estimated cost of construction and incidental costs, for the guarantee and warranty of the work for a period of one year following the completion and acceptance thereof against any defective work or labor done, or defective materials furnished.
- E. **Securities other than bonds.** If the improvement security is other than a bond, or bonds furnished by duly authorized corporate surety, an additional amount shall be included that is not less than 50% of the total estimated cost of the improvement or of the act to be performed. This additional amount is to cover the cost and reasonable expenses and fees, including reasonable attorney fees, which may be incurred by the city in successfully enforcing the obligation secured.

§ 5.16.03. SECURITY RELEASE.

The improvement security required hereunder shall be released in the manner which follows. Security given for faithful performance of an act or agreement and labor bonds for secure payment to the contractor, his subcontractors and to persons furnishing labor, materials or equipment shall be released upon final completion and acceptance of the act or work. The balance of the security shall be released upon the settlement of all such claims and obligations for which the security was given.

Security given to secure the payment of an engineer or surveyor for setting survey monuments shall be released upon receipt, by the City Engineer on written proof from the engineer or surveyor that he has set the monuments and that he has been paid for this work.

No security given for the guarantee for warranty of work shall be released until the expiration of the period thereof and the completion and acceptance of any repair, replacement or other work found to be needed during such warranty period.

§ 5.16.04. SECURITY REDUCTION

The City Manager, with the approval of the City Engineer, may reduce any improvement securities once at least 80% of the required improvements have been completed and no outstanding safety- or function-related items remain (e.g., the final asphalt concrete lift). Upon verification, the City Engineer may administratively approve the reduction, requiring the applicant to provide improvement security equal to 200% of the estimated cost of the remaining improvements.

CHAPTER 5.17 ENFORCEMENT; WAIVERS; JUDICIAL REVIEW

§ 5.17.01. ENFORCEMENT, REMEDIES AND JUDICIAL REVIEW.

The provision for enforcement of this Chapter shall be as stated in the Subdivision Map Act. The provisions of remedies shall be as stated in the Subdivision Map Act.

§ 5.17.02. ADMINISTRATIVE WAIVER OF IMPROVEMENTS.

Under the following conditions, waiver, and/or deferment of requirements of this Chapter may be permitted.

- A. Dedication of right-of-way shall be required as a condition of building permit issuance except as follows:
 - 1. When the project is for the purpose of remodeling or addition to existing building and the proposal does not increase the floor area of an existing structure by more than 20% for residential, 10% for commercial, and/or the remodeling does not involve extensive reconstruction of a building equal to 15% the value of existing structures as determined by “fair market value” established by the County Assessor or a certified appraisal.
 - 2. When a building permit is issued for the purpose of demolition of a structure.
 - 3. When a building permit is issued for the construction of a wall, fence, swimming pool, or sign.
- B. Applicants for a building permit shall provide street improvements, including paving, curbs and gutters, sidewalks, street trees, street signs, except:
 - 1. Single-family residences are exempt from the improvement requirements if the same conditions exist where dedication of right-of-way apply as cited above.
 - 2. When the partially improved street is unpaved and a residentially zoned lot or parcel is part of an area where existing street grades are such that curbs and gutter would not reasonably match existing conditions, or when a parcel is at least 1,300 feet from any improved area, a deferment of street requirements may be granted by the Public Works Director as provided herein.
 - 3. Multiple-family dwellings, commercial and industrial buildings, churches and other institutional buildings, may be remodeled or altered without the off-site improvements being a condition of construction, provided the following exist:
 - a. When the improvement is a maintenance project, such as painting, reroofing, replacing existing windows or doors or air conditioners, and the like.
 - b. Minor building permits for signs, fences, patios, shades, screening walls, unless the structure is the principal improvement on the property.
 - c. When the purpose of remodeling does not involve extensive reconstruction equivalent to more than 15% of the value of the existing structure.
- C. Public sewer requirements may be waived providing trunk sewers are not available within

3,000 feet, or are otherwise inaccessible because of storm channels, freeways, or similar obstructions, and providing a private sewage disposal system can be installed to the satisfaction of the Health Department and the Regional Water Quality Control Board.

- D. The required city water service for a single-family residence may be waived from developments more than 1,300 feet from available city water, or when barriers (other than economic) make extension of water mains impractical. Other waivers or deferments shall be made by individual determination of the City Council.
- E. Underground utilities. Certain circumstances are hereby acknowledged as being a basis for deferring, waiving, or conditioning the requirement that utilities be placed underground.
 - 1. Residential subdivisions shall be subject to the underground requirements, for all existing overhead utilities less than 92kv and new utility installations.
 - 2. Single lot developments shall be subject to the underground requirements, for all existing overhead utilities less than 92kv and new utility installations.
 - 3. Agreement to participate in an underground utility district required. Any person obtaining a permit to erect, construct, place or replace or relocate a building, or to enlarge or make additions thereto in excess of 300 square feet shall be required to underground all existing overhead utilities less than 92kv and new installations, or participate in an underground utility district, determined by the Public Works Director.
 - 4. Underground utility requirements may be waived, or deferred, notwithstanding other provisions of this policy, under the following conditions:
 - a. Where an existing utility pole for a Transmission line greater than 92kv might be used in lieu of adding another pole for a street light, the street lighting luminaire may be attached to the existing pole providing the owner of the existing pole and the developer agree to the conditions of deferment specified by the city.
 - b. In conjunction with a one lot single-family residential development, the underground utility requirement will be fulfilled by the property owner agreeing to participate in an underground utility district. If an underground utility district does not exist, the property owner shall record a covenant against the subject property agreeing to participate in an underground utility district when one is formed.
- F. Single lot multifamily residential, commercial, or industrial developments, shall be subject to the underground requirements, for all existing overhead utilities less than 92kv and new utility installations.

§ 5.17.03. PROCEDURE FOR WAIVING OR DEFERRING REQUIREMENTS AND EXECUTING PERFORMANCE AGREEMENTS

- A. In matters dealing with off-site improvements, the Public Works Director shall make a finding if the conditions of this policy are applicable for a deferment or waiver. Any agreement related thereto shall be executed by the Public Works Director.
- B. In matters relating to on-site improvements, the Community Development Director shall make a finding if the conditions of this policy are applicable for a deferment or waiver as provided

herein.

- C. The City Attorney shall approve the terms and conditions of all such agreements before it may be finalized.
- D. Any person not satisfied with a decision of either the Public Works Director or the Community Development Director may appeal their ruling to the City Manager. The decision of the City Manager shall be final unless appealed to the City Council within ten days from the date the City Manager's ruling is made.
- E. A building permit shall not be issued until all the necessary agreements are entered into in accordance with this Chapter.

CHAPTER 5.18 RESIDENTIAL CONDOMINIUM CONVERSIONS

§ 5.18.01. PURPOSE AND INTENT.

- A. The purpose and intent of this Chapter is to establish development standards and special conditions for the protection of the community and purchasers or renters of converted residential and mixed-use zoned real property proposed for subdivision and shall not include mobile home parks.
- B. The city seeks to avoid the unique problems that beset conversion of apartment and residential rental projects and it further seeks to provide and ensure a reasonable balance of rental and ownership housing in the city and a variety of individual choices of tenure, type, price and location of housing, and to maintain a supply of rental housing for all economic segments of the population.

§ 5.18.02. APPLICABILITY.

All residential and mixed-use residential real property projects converting from rental to a form of individual ownership of units or spaces, and rental projects not yet built for which a permit for building has been issued, shall be reviewed for conformance with the provisions of this code under the city's conditional use permit procedure, subject to the requirements of this Chapter, in addition to any and all requirements for preparation, review, and approval of a subdivision map, pursuant to Chapter 156 (Subdivisions Regulations) and the Subdivision Map Act.

§ 5.18.03. DEFINITIONS.

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DEVELOPER. The owner or subdivider with a controlled proprietary interest in the proposed condominium.

PROJECT. As used in this Chapter, refers to a condominium conversion project.

UNIT. Unit is the element of a condominium conversion project which is not owned in common with the other owners of the project.

§ 5.18.04. CONDOMINIUM CONVERSION APPLICATION PROCEDURES.

- A. Conditional use permit and subdivision regulations. Condominium conversions may be approved in the city pursuant to the procedures for a conditional use permit and applicable subdivision regulations as set forth in this code.

- B. Application requirements. In addition to such other application requirement as the Community Development Director may deem necessary, no application for a project shall be accepted for any purpose unless the application includes the following:
1. Plans illustrating the following details shown to scale:
 - a. Site plan illustrating the location of buildings, parking areas, circulation system, recreational facilities, open space, patios, and the like;
 - b. Floor plans for each unit type;
 - c. Fully dimensional elevation plans of the structures, showing the architectural features and types and materials of construction;
 - d. Landscaping and irrigation plans illustrating the existing system and any proposed modifications and a statement specifying the manner by which landscape areas shall be maintained;
 - e. The location, structural section, and type of surfacing for all driveways, pedestrian ways, vehicle parking areas, curb cuts, and storage areas;
 - f. The location, height, and type of materials for exterior walls or fences;
 - g. The location and description of all recreational facilities and a statement specifying the method of the maintenance thereof;
 - h. The location, size, and number of parking spaces to be used in conjunction with each condominium unit for residents and guests;
 - i. The location, type and size of all drainage pipes and retention basins;
 - j. The location, type, and size of all on-site and adjacent overhead and underground utility lines.
 2. Three copies of the proposed Declaration of Covenants, Conditions, and Restrictions (CC&Rs) which will apply to the proposed project, which shall include:
 - a. Provisions for the maintenance of the common areas exterior of all structures and walls, including roads, recreational amenities, and landscaping. Common areas items, including, but not limited to, the roof, plumbing, heating, air-conditioning, and electrical systems shall be maintained by the developer in good condition until one year elapses from the date of the sale of the last individual unit is sold;
 - b. A statement that the city has the right, but not the duty to enforce said CC&Rs in the event of default in the maintenance of such areas by individual owners of the units, and that costs, including attorney fees incurred thereby shall be reimbursed to the city;
 - c. Provisions establishing each individual unit owner's exclusive right to the use of designated parking spaces for each unit;
 - d. Provisions for separate storage area, if any, for each unit for inside and outside storage of recreational vehicles consisting of boats, trailers, and the like, and any other materials.
 - e. Provisions for dedication of land or establishment of easements for street widening or other public purpose.
 3. Tenants have received a tenant's notice of intent to convert pursuant to the

provisions of Cal. Government Code § 66427.1 (Subdivision Map Act) prior to filing a notice of pending application to convert with the Community Development Department. Such notice shall be given by the applicant, and shall contain information as to tenant's rights under State and local regulations.

4. Written notices shall be mailed to all tenants at least five days prior to the submission of the application (Government Code § 66427.1(c)) to the Community Development Department. The applicant shall provide the Department with affidavits or declarations under penalty of perjury of said notices at the time of the application. All tenants occupying the project subsequent to this initial notice shall be notified in writing of the pending conversion prior to occupancy.
5. A list prepared under declaration of penalty of perjury by the developer, including but not limited to the names and addresses of all tenants residing in the project proposed to be converted at the time the application is filed, including but not limited to, commencement and expiration dates of the leases of said tenants and total number of project occupants.
6. Sales information. Anticipated terms of sale prices of individual dwelling units based on information known at the time of application; anticipated terms of sale to existing tenants; and a statement as to whether sales will be permitted to families with minor children.
7. A pest control report issued no more than three months from the date of the filing of the application, to be provided to, and reviewed by, the building official. The report shall include, but not be limited to termites, rodents, and general pests.
8. A building elements report describing in detail the condition and useful life of the electrical, plumbing, and structural elements of all existing buildings and structures including foundation. Such report shall be prepared by a registered civil or structural engineer, licensed contractor, or licensed architect for the applicable portion of the report.
9. A descriptive report containing acoustical test data which indicates the noise attenuation characteristics of existing party walls, floors and ceilings including but not limited to a sampling of at least 10% of the dwelling units involved, but in no case fewer than two dwelling units. Such report shall be compiled by a qualified person experienced in the field of acoustical testing and engineering as determined by the Community Development Director or designee. Report shall provide comparative analysis of the test data as it relates to State and local attenuation requirements.
10. A report by a qualified marketing survey research firm submitted for review by the Community Development Department and Planning Commission pertaining to the vacancy factor of the rental housing units in the city.
11. The Planning Commission shall evaluate the adequacy of interior amenities that may include floor and surface materials, kitchen cabinets, and the like, during the conditional use permit approval process.
12. A minimum of 10% of the units to be converted to ownership units shall be reserved for low to moderate income individuals or families. The income thresholds shall be as defined in the City of Indio's current Housing Element. The term of the income restriction shall be 55 years. The income restriction shall be recorded against the property's title as a Regulatory Agreement and Declaration of Covenants, Conditions, and Restrictions (CC&Rs).

§ 5.18.05. CONDOMINIUM CONVERSION DEVELOPMENT STANDARDS.

- A. **Development requirements.** Except as otherwise provided by law, in approving or conditionally approving any project, the following conditions shall be met:
1. **Parking.** Off-street parking shall be provided pursuant to Chapter 3.03 (Parking + Loading) in the Unified Development Code.
 2. **Private open space.** Private open space shall be provided pursuant to Chapter 2.02 (Residential Zones) in the Unified Development Code.
 3. **Recreational open space.** Recreational facilities or recreational open space shall be reviewed for its adequacy for the project.
 4. All permanent equipment, including domestic appliances, which are determined by the Building Official to be a potential source of vibration or noise, shall be installed or modified as approved by the City Building Official to lessen the transmission of vibration and noise.
 5. Utilities.
 - a. A shut-off for each utility shall be provided.
 - b. The consumption of gas, electricity, and Cable T.V. within each dwelling unit shall be separately metered so that the unit owner can be separately billed for each utility except that upon determination of the Building Official that such separate metering valve would not be practicable at the time of the conditional use permit approval, the Building Official may approve an equivalent alternative metering system.
 - c. The consumption of water shall either be by master meter or separate meters and shall be determined by the City Engineer. All additional water connection fees shall be payable prior to approval of the condominium final map.
 - d. Wastewater facilities including sewer and septic facilities shall be converted subject to the requirements of the California Building and Plumbing Codes and shall connect to the sewer system by a manhole connection at the front property line. All additional sewer connection fees shall be payable prior to city approval of the condominium final map.
 - e. All systems of the structures, including but not limited to structural, electrical, plumbing, mechanical, fire and life safety, shall comply with all applicable statutes, ordinances, rules, and regulations.
 - f. A separate irrigation meter for common areas will be required.
 - g. Back flow devices and fire sprinklers may be required if the existing structure is three or more stories.
 6. Each dwelling unit shall have a separate water heater unless there is one central

circulating water heating system serving all dwelling units on the property and such system shall provide sufficient capacity to serve all dwelling units. The Building Official shall determine that said heating system is adequate.

7. Each unit shall be separated from adjacent units by two one-hour fire walls or an approved automatic fire sprinkler system as approved by the Fire Chief and Building Official. Alternative methods which achieve a two-hour equivalency rating may be considered if approved by the Fire Chief and Building Official.
 8. All dwelling units shall comply with current statutes, ordinances, rules and regulations for energy conservation, sound transmission, control and fire detection systems that apply to all new residential construction except that the Building Official may approve an alternative material, method of construction or work provided it is determined and found that such alternative material, method of construction or work offered is at least equivalent to the prescribed by the applicable statutes, ordinances, rules and regulations in quality, strength, effectiveness, fire resistance, durability or safety.
 9. The developer shall provide to each purchaser of a unit certification of insurance, guaranty or warranty covering the operation, appliances and usability of all elements of the building, including but not limited to the structural, mechanical, electrical, plumbing, roofing elements and approval for period of not less than one year from the date of final building permits approval and shall declare under penalty of perjury that such certificate has been so provided.
 10. Residential and/or common structures shall have plumbing in sound condition, insulation of all water heaters, and pipes for circulated hot water where feasible and adequate, and protected trash areas.
 11. Yard and height requirements. All projects shall comply with property development standards for the district in which the project is to be located, provided that nothing in this section shall be construed to prohibit the imposition of more restrictive requirements as a condition of approval by the Planning Commission when necessary to protect the public health, safety, or general welfare, based upon appropriate findings.
 12. The project shall comply with Chapter 11A of the California Building Code, which addresses accessibility. This could include new or reconstructed paths, ramps, and accessible parking spaces.
 13. Impact fees. With the exception of applicable park fees, impact fees are not charged for subdivision of existing residential units. With park fees, the increment between the fee for a single-family attached dwelling and a multifamily dwelling is applicable.
 14. Any other requirement and condition as may be imposed by the Planning Commission.
 15. NOTE. Specific requirements will vary depending on the characteristics of each project. Other laws, regulations, and requirements may apply.
- B. Findings and conditions of approval.
1. The Community Development Department shall prepare and deliver to the applicant a staff report including a staff recommendation for approval or denial, a listing of conditions or requirements recommended as a basis for approval, and supportive reasons or justifications for such recommendations.

2. Planning Commission approval shall be subject to the following findings:
 - a. The vacancy factor of the rental housing units in the city exceeds three percent of the total rental housing inventory. Existing rental units may be approved for conversion regardless of the vacancy factor if the Planning Commission determines that a new rental unit has or will be added to the city's housing inventory for each rental unit removed through conversion.
 - b. The structural, electrical, fire, and life safety systems of the applicable structures and/or common structures are in a condition of good repair and maintenance, including such alterations or repairs as are required by the building official prior to the sale of the units.
 - c. The developer has complied with all other requirements and conditions in this Chapter.
3. Planning Commission approval shall be subject to the following conditions, in addition to any other condition required pursuant to this Chapter:
 - a. All tenants of the proposed condominium conversion project shall be given at least 120 days advance written notice including but not limited to the following:
 - i. Termination of their tenancy subsequent to Planning Commission approval of the conditional use permit; and
 - ii. The exclusive right of first refusal to purchase a unit at the time said units are offered to the general public and upon at least as favorable terms and conditions as said units are first offered to the general public.
 - b. The developer shall mail written notice to all tenants residing in the project within 15 days after approval of any condominium conversion project. Such notice shall state all of the conditions of approval of the conditional use permit for the condominium conversion project.
 - c. The project shall be subject to design review approval.
 - d. The developer shall comply with all other notices required by State law.

§ 5.18.06. HEARING AND STATE-MANDATED TENANT NOTICES.

- A. No application for a residential condominium conversion shall be approved unless the applicant demonstrates compliance with all tenant notice and tenant rights requirements imposed by the Subdivision Map Act, including Government Code sections 66427.1, 66451.3, 66452.3, 66452.18, 66452.19, and 66452.20, as those sections may be amended from time to time.
- B. The applicant shall provide, or demonstrate that it has provided or will provide, all notices required by Government Code section 66427.1, including the following:
 1. Notice of intent to convert prior to tentative map filing. Written notification of intention to convert shall be provided to each tenant at least 60 days prior to the filing of a tentative map.
 2. Notice regarding application for public report. Ten days' written notification shall be provided to each tenant that an application for a public report will be, or has been,

submitted to the Bureau of Real Estate, that the period for the tenant's right to purchase begins with issuance of the final public report, and that the report will be available on request.

3. Notice of receipt of public report. Written notification shall be provided to each tenant that the subdivider has received the public report from the Bureau of Real Estate. This notice shall be provided within five days after the subdivider receives the public report.
 4. Notice after final map approval. Written notification shall be provided to each tenant within 10 days after approval of the final map for the proposed conversion.
 5. Notice of intention to terminate tenancy. One hundred eighty days' written notice of intention to convert shall be provided prior to termination of tenancy due to the conversion or proposed conversion, but not before approval of the tentative map for the conversion.
 6. Exclusive right to purchase. Each tenant shall receive notice of an exclusive right to contract for the purchase of the tenant's unit upon the same terms and conditions that the unit will initially be offered to the general public, or on terms more favorable to the tenant. The exclusive right shall commence on the date the subdivision public report is issued and shall run for a period of not less than 90 days, unless the tenant gives prior written notice of intent not to exercise the right.
- C. In addition to the notices required under subsection B, notice of each public hearing required by the Subdivision Map Act for the proposed conversion shall be provided to all tenants as required by Government Code section 66451.3(b). The City shall mail notice of the date, time, place, and purpose of the hearing to all tenants residing in the proposed project not less than 10 days before the hearing, or such longer period as may be required by state law. The Community Development Department shall also post notice in a conspicuous location on the project site not less than 10 days before the hearing.
- D. The applicant shall also comply with any requirement under Government Code section 66452.3 that the staff report or recommendation on the tentative map be served on tenants prior to action on the map.
- E. The mailed and posted hearing notice required by subsection C shall include, at a minimum, all of the following:
1. The date, time, place, and purpose of the hearing.
 2. A statement that, if the conversion is approved, the property owner may thereafter proceed in accordance with applicable law to terminate existing tenancies.
 3. A statement that tenants are entitled to the notices and rights required by state law, including the notice periods and exclusive purchase right described in subsection B.
- F. If a rental agreement was negotiated in Spanish, Chinese, Tagalog, Vietnamese, or

Korean, all written notices required by Government Code section 66427.1 shall be issued in that language.

CHAPTER 5.19 LOT SPLITS

§ 5.19.01. PURPOSE

The purpose of this section is to provide objective zoning standards for Urban Lot Splits within single-family residential zones, to implement the provisions of State law as reflected in Government Code Section 65852.21 et seq. and Section 66411.7 et seq., and to facilitate the development of new residential housing units consistent with the City of Indio General Plan and ensure sound standards of public health and safety.

§ 5.19.02. DEFINITIONS.

These definitions apply specifically to this section:

ADJACENT PARCEL. Any parcel of land that is (1) touching the parcel at any point; (2) separated from the parcel at any point only by a public right-of-way, private street or way, or public or private utility, service, or access easement; or (3) separated from another parcel only by other real property which is in common ownership or control of the applicant.

CAR SHARE VEHICLE. A motor vehicle that is operated as part of a regional fleet by a public or private car sharing company or organization and provides hourly or daily service.

COMMON OWNERSHIP OR CONTROL. Property owned or controlled by the same person, persons, or entity, or by separate entities in which any shareholder, partner, member, or family member of an investor of the entity owns ten percent or more of the interest in the property.

SUFFICIENT FOR SEPARATE CONVEYANCE. As used in Section 5.19.03(B)(11) below, means that each attached or adjacent dwelling unit is constructed in a manner adequate to allow for the separate sale of each unit in a common interest development as defined in Civil Code Section 1351 (including a residential condominium, planned development, stock cooperative, or community apartment project), or into any other ownership type in which the dwelling units may be sold individually.

TWO-UNIT DEVELOPMENT. A development that proposes no more than two new units or proposes adding one new unit to one existing unit.

URBAN LOT SPLIT. A subdivision of an existing parcel into no more than two separate parcels that meets all the criteria and standards set forth in this Chapter.

§ 5.19.03. URBAN LOT SPLIT.

- A. The Community Development Director shall ministerially review an application for a parcel map that subdivides an existing parcel to create no more than two new parcels in an Urban Lot Split, and shall approve the application if the criteria in Government Code Section 66411.7 and this section are satisfied.
- B. **Qualifying Criteria.** Within the time required by the Subdivision Map Act, the Director shall determine if the parcel map for the Urban Lot Split meets all the following requirements:

1. The parcel is located within one of the following single-family residential zones, including: Desert Estates - 1 (DE-1), Desert Estates Transition - 3 (DET-3), Suburban Neighborhoods - 4 (SN-4), and Suburban Neighborhoods - 8 (SN-8).
2. The parcel being subdivided is not located on a site that is any of the following:
 - a. Either **prime farmland or farmland of statewide importance**, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.
 - b. **Wetlands**, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).
 - c. **Within a very high fire hazard severity zone**, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178 of the Government Code, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by the City of Indio, pursuant to subdivision (b) of Section 51179 of the Government Code, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or State fire mitigation measures applicable to the development.
 - d. **A hazardous waste site** that is listed pursuant to Section 65962.5 of the Government Code or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.
 - e. Within **a delineated earthquake fault zone** as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by the building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2 of the Government Code.
 - f. Within **a special flood hazard area** subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. If a development proponent is able to satisfy all applicable Federal qualifying criteria in order to provide that the site satisfies this subparagraph, the City of Indio shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by the City of Indio that is applicable to that site. A development may be located on a site described in this subparagraph

if either of the following are met (1) the site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the City of Indio; or (2) the site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

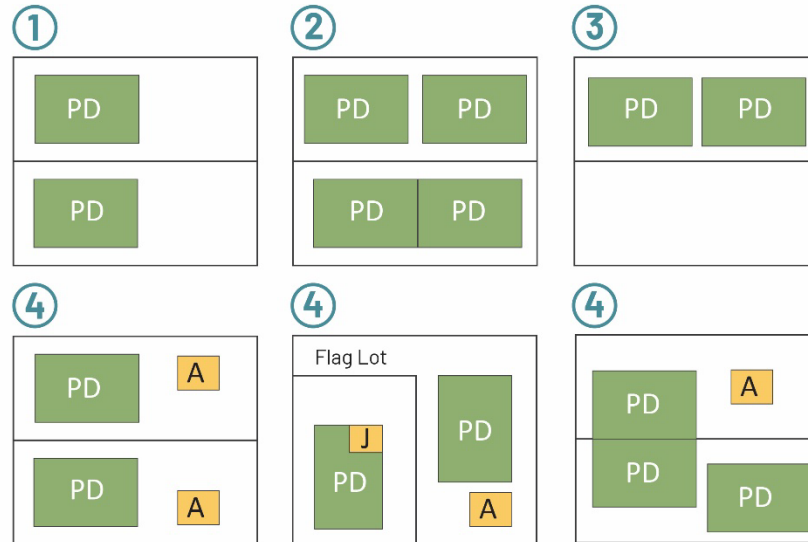
- g. Within a **regulatory floodway** as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If a development proponent is able to satisfy all applicable Federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the City of Indio shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by the City of Indio that is applicable to that site.
 - h. **Lands identified for conservation** in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the Federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.
 - i. **Habitat for protected species** identified as candidate, sensitive, or species of special status by State or Federal agencies, fully protected species, or species protected by the Federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).
 - j. Lands under conservation easement.
- 3. Both resulting parcels are no smaller than 1,200 square feet.
 - 4. Neither resulting parcel shall be smaller than 40 percent of the lot area of the parcel proposed for the subdivision.
 - 5. The proposed lot split would not require demolition or alteration of any of the following types of housing:
 - a. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low- or very low-income.
 - b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
 - c. A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the Government Code to withdraw accommodations from

rent or lease within 15 years before the date that the development proponent submits an application.

- d. Housing that has been occupied by a tenant in the last three years.
- 6. The parcel to be subdivided is/does not contain either of the following:
 - a. A contributing structure within a historic district included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or historic property or district pursuant to a city ordinance.
 - b. A parcel individually listed as a historical resource included in the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a property individually designated or listed as a city landmark under a city ordinance.
 - 7. The parcel being subdivided was not created by an Urban Lot Split as provided in this section.
 - 8. Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an Urban Lot Split as provided in this section.
 - 9. The development proposed on the parcels complies with all objective zoning standards, objective subdivision standards, and objective design review standards as provided in Indio Municipal Code and Unified Development Code Chapter 2.02 Residential Zones, and as applicable to the parcel as provided in the zoning district in which the parcel is located; provided, however, that:
 - a. The Community Development Director, or their designee, shall waive or modify any standard if the standard would have the effect of physically precluding the construction of two units on either of the resulting parcels created pursuant to this Chapter or would result in a unit size of less than 800 square feet. Any modifications of development standards shall be the minimum modification necessary to avoid physically precluding two units of 800 square feet each on each parcel.
 - b. Notwithstanding subsection (9)(a) above, required rear and side yard setbacks shall equal four feet, except that no setback shall be required for an existing legally created structure or a structure constructed in the same location and to the same dimensions as an existing legally created structure.
 - c. **Number of units to be allowed on each parcel.** No more than two dwelling units may be located on any lot created through an Urban Lot Split, including primary dwelling units, accessory dwelling units, junior accessory dwelling units, density bonus units, and units created as a two-unit development.

SB9 Development Options: Urban Lot Split

Lot splits can include development of one or two PDs per lot, one PD + one ADU or JADU per lot, or no development on one lot



10. Each resulting parcel shall have access to, provide access to, or adjoin the public right-of-way. Shared driveways with reciprocal easements are encouraged. A driveway shall be a minimum of 15 feet wide to allow for clear access.
11. Proposed adjacent or connected dwelling units shall be permitted if they meet building code safety standards and are designed sufficient to allow separate conveyance. The proposed dwelling units shall provide a separate gas, electric and water utility connection directly between each dwelling unit and the utility.
12. **Parking.** One parking space shall be required per unit constructed on a parcel created pursuant to the procedures in this section, except that no parking may be required where:
 - a. The parcel is located within one-half mile walking distance of either a stop located in a high-quality transit corridor, as defined in Public Resources Code Section 21155(b), or a major transit stop, as defined in Public Resources Code Section 21064.3; or
 - b. There is a designated parking area for one or more car-share vehicles within one block of the parcel.
13. **Compliance with Subdivision Map Act.** The Urban Lot Split shall conform to all applicable objective requirements of the Subdivision Map Act (commencing with Government Code Section 66410), except as otherwise expressly provided in Government Code Section 66411.7. Notwithstanding Government Code Section 66411.1, no dedications of rights-of-way or the construction of offsite improvements may be required as a condition of approval for an Urban Lot Split, although easements may be required for the provision of public services and facilities.
14. The correction of nonconforming zoning conditions may not be required as a

condition of approval.

15. Parcels created by an Urban Lot Split may be used for residential uses only and may not be used for rentals of less than 30 days.

16. If any existing dwelling unit is proposed to be demolished, the applicant will comply with the replacement housing provisions of Government Code Section 66300(d).

C. **Owner-Occupancy Affidavit.** The applicant for an Urban Lot Split shall sign an affidavit, in the form approved by the City Attorney, stating that the applicant intends to occupy one of the housing units on the newly created lots as its principal residence for a minimum of three years from the date of the approval of the Urban Lot Split. This subsection shall not apply to an applicant that is a “community land trust,” as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code or is a “qualified nonprofit corporation” as described in Section 214.15 of the Revenue and Taxation Code.

D. **Additional Affidavit.** If any existing housing is proposed to be altered or demolished, the owner of the property proposed for an Urban Lot Split shall sign an affidavit, in the form approved by the city attorney, stating that none of the conditions listed in Section 5.19.03(B)(5) above exist and shall provide a comprehensive history of the occupancy of the units to be altered or demolished for the past three years (five years if an existing unit is to be demolished) on a form prescribed by the City Attorney. The owner and applicant shall also sign an affidavit stating that neither the owner nor applicant, nor any person acting in concert with the owner or applicant, has previously subdivided an adjacent parcel using an Urban Lot Split.

E. **Recorded Covenant.** Prior to the approval and recordation of the parcel map, the applicant shall record a restrictive covenant and agreement in the form prescribed by the City Attorney, which shall run with the land and provide for the following:

1. A prohibition against further subdivision of the parcel using the Urban Lot Split procedures as provided for in this section;
2. A limitation restricting the property to residential uses only; and
3. A requirement that any dwelling units on the property may be rented or leased only for a period longer than thirty (30) days.

The City Manager or designee is authorized to enter into the covenant and agreement on behalf of the City of Indio and to deliver any approvals or consents required by the covenant.

F. **Specific Adverse Impacts.** In addition to the criteria listed in this section, a proposed Urban Lot Split may be denied if the building official makes a written finding, based on a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact upon public health and safety or the physical environment, for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. A “specific adverse impact” is a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation and eligibility to claim a welfare exemption are not specific health or safety impacts.

G. **Enforcement.** The City Attorney shall be authorized to abate violations of this Chapter

and to enforce the provisions of this Chapter and all implementing agreements and affidavits by civil action, injunctive relief, and any other proceeding or method permitted by law. Remedies provided for in this Chapter shall not preclude the City of Indio from any other remedy or relief to which it otherwise would be entitled under law or equity.

ARTICLE 6 ADMINISTRATION AND PROCEDURES

CHAPTER 6.01 PURPOSE

§ 6.01.01. Purpose. [9-21-2022 by Ord. 1782]

- A. This Article establishes provisions and processes for the application, administration, review and approval, and permitting of all land use and development activities in the City of Indio subject to the regulations in this Development Code, except for applications related to the subdivision of land pursuant to the “Subdivision Map Act,” which can be found in Article 5 (Subdivision Regulations and Residential Condominium Conversions).
- B. Chapter 6.02 (Review and Decision-Making Bodies) identifies and describes the responsibilities of the bodies that review and decide upon development applications, except for applications related to the subdivision of land, which can be found in Chapter 5.03 (Review Authority) of Article 5.
- C. Subsequent chapters provide detailed information on procedures, applications, and permits.
- D. In response to changes in State law, the City shall adopt regulations that follow the statutory guidance and direction. In the absence of codified regulations, the City shall follow the statutes as written.

CHAPTER 6.02 REVIEW AND DECISION-MAKING BODIES

§ 6.02.00. Purpose. [9-21-2022 by Ord. 1782]

The purpose of this Chapter is to identify the bodies, officials, and administrators with designated responsibilities under various chapters of the Development Code. Review authorities and procedures for subdivisions are provided in Article 5 (Subdivision Regulations and Residential Condominium Conversions). When carrying out their assigned duties and responsibilities, all bodies, administrators, and officials shall interpret and apply the provisions of this Ordinance as minimum requirements adopted to implement the policies and achieve the objectives of the General Plan.

§ 6.02.01. City Council. [9-21-2022 by Ord. 1782]

The powers and duties of the City Council under this Code include, but are not limited to, the following:

- A. Consider and adopt, reject or modify amendments to the General Plan map and text pursuant to the provisions of Chapter 6.06 (General Plan and Zoning Amendments), and of the Government Code, following a public hearing and recommended action by the Planning Commission.
- B. Consider and adopt, reject, or modify amendments to the Official Zoning Map and to the text of this Code pursuant to the provisions of Chapter 6.06 (General Plan and Zoning

Amendments), and the Government Code, following a public hearing and recommended action by the Planning Commission.

- C. Hear and decide applications for development agreements, pursuant to Section 6.05.02 (Development Agreements).
- D. Hear and decide on various subdivision applications pursuant to Section 5.03.01 (Review Authority) of Article 5.
- E. Hear and decide appeals from decisions of the Planning Commission pursuant to Section 6.03.13 (Appeals).
- F. Call for review a decision of the Director or Planning Commission pursuant to Section 6.03.12 (Calls for Review).
- G. Appoint and remove members of the Planning Commission as provided for in Title III (Administration) of the Indio Municipal Code.
- H. Establish, by resolution, a Municipal Fee Schedule listing fees, charges, and deposits for various applications and services provided, pursuant to this Code.

§ 6.02.02. Planning Commission. [9-21-2022 by Ord. 1782]

The Planning Commission is established and organized pursuant to Chapter 32 (City Commissions) of the Indio Municipal Code and the requirements of the Government Code. The powers and duties of the Planning Commission under this Code include, but are not limited to the following:

- A. Conduct hearings and make recommendations to the City Council on proposed amendments to the General Plan map and text, pursuant to Chapter 6.06 (General Plan and Zoning Amendments).
- B. Conduct hearings, and make recommendations to the City Council on proposed amendments to the Official Zoning Map and to the text of this Code, pursuant to Chapter 6.06 (General Plan and Zoning Amendments).
- C. Approve, conditionally approve, modify, or deny Conditional Use Permits, Planning Reviews, and Variances, pursuant to Chapter 6.04 (Permits and Approvals), and Section 6.04.06 (Administrative Variances and Variances).
- D. Hear and decide on modifications to approved Conditional Use Permits, Planning Reviews, and Variances, pursuant to Section 6.03.16 (Modifications of Approved Plans).
- E. Hear and decide on various subdivision applications pursuant to Section 5.03.01 (Review Authority) of Article 5.
- F. Hear and decide proposals to revoke permits, pursuant to Section 6.03.17 (Revocation of Permits) following a public hearing.
- G. Hear and decide appeals from decisions of the Community Development Director on decisions, determinations, or interpretations made in the enforcement of this Code and any other decisions that are subject to appeal, pursuant to Section 6.03.13 (Appeals).
- H. Call for review a decision of the Director pursuant to Section 6.03.12 (Calls for Review).
- I. Make environmental determinations on any approvals it grants that are subject to environmental review under the California Environmental Quality Act (CEQA) pursuant to

State law.

- J. Such other duties and powers as assigned or directed by the City Council.

§ 6.02.03. Community Development Director. [9-21-2022 by Ord. 1782]

The following powers and duties of the Community Development Director (the "Director") under this Ordinance include, but are not limited to the following:

- A. Maintain and administer the Development Code, including processing of applications, abatements, and other enforcement actions.
- B. Interpret the Development Code to members of the public and to other City Departments.
- C. Prepare and effect rules and procedures necessary or convenient for the conduct of the Director's business. These rules and procedures shall be as approved by a resolution of the City Council following review and recommendation of the Planning Commission. They may include administrative details of hearings officiated by the Director (e.g., scheduling, rules of procedure and recordkeeping).
- D. Issue administrative regulations for the submission and review of applications subject to the requirements of this Code and Government Code Section 65950 (Deadlines for Project Approval Conformance; Extensions).
- E. As part of the building permit review, review applications for conformance with this Code and issue a zoning clearance letter when the proposed use, activity, or building is allowed by right and conforms to all applicable development and use standards.
- F. Review applications for discretionary permits and approvals under this Code for conformance with applicable submission requirements and time limits.
- G. Review applications for discretionary permits and approvals to determine whether the application is exempt from review under CEQA and notify the applicant if any additional information is necessary to conduct the review.
- H. Hear and decide on various subdivision applications pursuant to Section 5.03.01 (Review Authority) of Article 5.
- I. Process and make recommendations to the City Council on all applications, amendments, appeals, and other matters upon which the Council has the authority and the duty to act under this Code.
- J. Process and make recommendations to the Planning Commission on all applications, appeals, and other matters upon which the Commission has the authority and the duty to act under this Code.
- K. Conduct Administrative Planning Review pursuant to Section 6.04.03 (Planning Review).
- L. Approve, conditionally approve, modify, or deny applications for Administrative Use Permits, pursuant to Chapter 6.04 (Permits and Approvals).
- M. The Director may refer an application to the Planning Commission where required by this Code or where the application involves an interpretation, policy issue, or unusual circumstance not adequately addressed by objective standards..
- N. Negotiate the components and provisions of development agreements for recommendation to the City Council.

- O. Serve as Staff of the Planning Commission.
- P. Investigate and make reports to the Planning Commission on violations of permit terms and conditions when the City has initiated revocation procedures.
- Q. Delegate administrative functions to members of the Planning Division as deemed necessary.
- R. Other duties and powers as may be assigned by the City Council or established by legislation.

§ 6.02.04. Summary of Review Authorities for Decisions and Appeals. [9-21-2022 by Ord. 1782]

Table 6.02.04-1 (Summary of Review Authorities for Decisions and Appeals) summarizes the powers and duties that each Review Authority has under this Code, except for procedures and applications related to the subdivision of land, which can be found in Chapter 5.03 (Review Authority) of Article 5. Where a land use project requires more than one type of application, all permit requests shall be reviewed and decided on by the highest Review Authority established for any of the applications. Numbers refer to notes at the bottom of the table.

TABLE 6.02.04-1: Summary of Review Authorities for Decisions and Appeals

PROCEDURE	PRE-APPLICATION COMMITTEE	REVIEW AND DECISION-MAKING BODIES		
		DIRECTOR OR DESIGNEE	PLANNING COMMISSION	CITY COUNCIL
R = Review, RC = Recommendation, D = Decision, A = Appeal				
GENERAL PLAN AND ZONING				
Annexation	R			D
General Plan Amendment (Text or Map or Text and Map)	R	R	RC	D
Development Code Text Amendment	R	R	RC	D
Zoning Map Amendment	R	R	RC	D
Specific Plan and Project Master Plans	R	R	RC	D
Planned Development	R	R	RC	D
ENTITLEMENTS				
Administrative Use Permit	R	D	A	
Administrative Variance	R	D	A	
Variance	R	R	D	A
Conditional Use Permit	R	R	D	A
Appeal of Administrative Decision		D	A	
Appeal of Planning Commission Decision		R		D
Planning Review - Ad-ministrative	R	D	A	
Planning Review — Ministerial (Residential and Mixed-Use)	R	R	D	A
Planning Review - Discretionary	R	R	D	A
Home Occupation Per-mit¹		D		
Temporary Use	R	D	A	

Permit				
Sign Permit ²		D	A	
Minor Modifications to Approved Permit		D	A	
Major Modifications to Approved Permit ³		R	D	A
Permit Revocation		R	D	A
Permit Extension		D	A	
OTHER PROCEDURES				

TABLE 6.02.04-1: Summary of Review Authorities for Decisions and Appeals

PROCEDURE	PRE-APPLICATION COMMITTEE	REVIEW AND DECISION-MAKING BODIES		
		DIRECTOR OR DESIGNEE	PLANNING COMMISSION	CITY COUNCIL
R = Review, RC = Recommendation, D = Decision, A = Appeal				
CEQA Environmental Review	R	R	D	D
Certificate of Public Convenience or Necessity		R		D
Development Agreement	R	R	R	D
Interpretations		D	A	
Pre-Application Conference	R	R		
Two-Unit Development ⁴		D	A	

1. See Section 4.15.03 (Home Occupation Permit; Issuance; Modification; and Revocation) for home occupation permit requirements and procedures.
2. See Section 3.05.09 (Sign Permits and Procedures) for sign permit requirements and procedures.
3. Major modifications are a Planning Commission action item only, not subject to public hearing.
4. See Chapter 4.28 (Two-Unit Developments) for regulations related to two-unit developments and Chapter 5.10 (Lot Splits) for additional regulations.

CHAPTER 6.03 COMMON PROCEDURES

§ 6.03.01. Purpose. [9-21-2022 by Ord. 1782]

This Chapter establishes procedures that are common to the application and processing of all permits and approvals provided for in this Code, unless superseded by specific requirement of

this Code or State law.

§ 6.03.02. Time Limits. [9-21-2022 by Ord. 1782]

Whenever a number of days is specified in the Code, or in any permit, condition of approval, or notice provided in this Article, the number of days shall be consecutive calendar days.

§ 6.03.03. Application Forms and Fees, and Reapplications. [9-21-2022 by Ord. 1782]

A. Applicant.

Applications shall be made by the owner of property or the owner's authorized agent. If the application is made by someone other than the owner or the owner's agent, proof, satisfactory to the Director, of the right to use and possess the property as applied for, shall accompany the application.

B. Application Forms and Materials.

1. Application Forms.
The Director shall prepare and issue application forms and lists that specify the information that will be required from applicants for projects subject to the provisions of this Code.
2. Supporting Materials.
The Director may require the submission of supporting materials as part of the application, including but not limited to statements, photographs, plans, drawings, renderings, models, material samples and other items necessary to describe existing conditions and the proposed project and to determine the level of environmental review pursuant to CEQA. Each permit application checklist lists the minimum necessary submittal materials for that particular type of permit.
3. Availability of Materials.
All material submitted becomes the property of the City, may be distributed to the public, and shall be made available for public inspection. At any time upon reasonable request, and during normal business hours, any person may examine an application and materials submitted in support of or in opposition to an application in the Planning Division offices. Unless prohibited by law, copies of such materials shall be made available at a reasonable cost.

C. Application Fees.

1. Schedule of Fees.
The City Council shall approve by resolution a Master Fee Schedule that establishes fees for permits, informational materials, penalties, copying, and other such items or applications authorized or required by this Code.
2. Payment of Fees.
All required fees shall be paid at the time an application is filed and no application shall be accepted as complete and processed without payment of a fee unless a fee waiver has been approved.

3. **Multiple Applications.**
The City's processing fees are cumulative. For example, if an application for Planning Review also includes a Conditional Use Permit, both fees shall be charged.
4. **Fee Waiver.**
No fee shall be required when the applicant is the City, or if it is waived under any other provision of the Municipal Code.
5. **Refund of Fees.**
Application fees are refundable at the discretion of the Director with good cause unless otherwise provided for in the Indio Municipal Code or by policy of the City Council.

D. Reapplication.

An application shall not be accepted or acted upon if within the past 12 months the City has denied an application for substantially the same project on substantially the same real property, unless the Director finds one or more of the following circumstances to exist:

1. **New Evidence.**
There is new evidence that would support approving the project that was not presented at the previous hearing and could not have been previously discovered in the exercise of reasonable diligence by the applicant.
2. **Substantial and Permanent Change of Circumstances.**
There has been a substantial and material change of circumstances since the previous hearing that affects the applicant's real property. A change in circumstances could include, but is not limited to, change in infrastructure conditions, change in project proposal, change in environmental conditions, etc.
3. **Mistake at Previous Hearing.**
A verified factual mistake was made at the previous hearing that was a material factor in the denial of the previous application.

§ 6.03.04. Pre-Application Review and Conferences. [9-21-2022 by Ord. 1782]

A. Purpose.

A Pre-Application Review is a review process and opportunity to:

1. Acquaint a potential application with information on relevant policies, code regulations, and other relevant criteria and procedures. This review is intended for large or complex projects and projects that are potentially controversial.
2. Provide a potential applicant with an early opportunity to meet with the City's Pre-Application Committee to identify possible major issues and discuss the City's review processes to help expedite permit processing and approvals.
3. To acquaint City staff with a potential applicant and application.

B. Scope and Limitations.

1. A Pre-Application Review does not:

- a. Vest an applicant under the existing rules and regulations adopted by the City in effect at the time of the pre-application conference meeting.
- b. Provide an exhaustive review of all potential issues.
- c. Bind or preclude the City from enforcing all applicable regulations or from applying regulations in a manner differently than may have been indicated in the pre-application meeting.
- d. Constitute an approval in any manner of a proposal as the pre-application meeting is intended to be informational only.

2. Exemption from Permit Streamlining Act.

Pre-application review is not subject to the requirements of the California Permit Streamlining Act (the Act). An application that is accepted for pre-application review shall not be considered complete pursuant to the requirements of the Act unless and until the Director has received an application for approval of a development project, reviewed it, and determined it to be complete under Section 6.03.07 (Review of Applications).

3. Recommendations Are Advisory.

Neither the pre-application review nor the provision of information and/or pertinent policies shall be construed as a recommendation for approval or denial of the application by City representatives. Any recommendations that result from pre-application review are considered advisory only and shall not be binding on either the applicant or the City.

C. Applicability and Requirements.

1. Applications for which Pre-Application Is Required.

A pre-application conference is required for all of the following before an application will be required for the processing of:

- a. Conditional Use Permits.
- b. Any project requiring Discretionary Planning Review.
- c. General Plan Text and/or Map Amendments.
- d. Specific Plans.
- e. Development Agreements.
- f. Amendments to existing Specific Plans or Project Master Plans.
- g. Tentative Maps (see Chapter 5.05 (Tentative Maps)).
- h. Variances.
- i. Development Code and/or Zoning Map Amendments.

2. Applications for which Pre-Application Is Optional.

An applicant for a project not requiring Pre-Application Review may request such

review. The Director may approve this optional review request provided that an application is filed and appropriate fee is paid.

D. Process and Procedures.

1. Review Procedure.
Planning staff shall facilitate the pre-application review process. The Director may consult with or request review by any City agency or official with interest in the application.
2. Application Submittal.
A request for Pre-Application Review shall be filed with the Community Development Department on a pre-established City form. The required fee shall be paid at the time of application.
3. Application Process.
A counter-completeness review shall be conducted at time of submittal. If all required information is present at time of submittal, the application shall be accepted for processing. An incomplete application shall not be accepted.
4. Pre-Application Meetings.
Following submittal of the Pre-Application Review application, the Community Development Department shall route the application to relevant review parties and schedule the pre-application conference meeting following consultation with the applicant regarding meeting availability. Staff from other City Departments and external agency service providers will meet with the applicant and representatives. Following the pre-application conference meeting, a written meeting summary may be prepared and distributed to the applicant and representatives, if applicable. The summary will be based upon the information that was presented to staff (i.e., what is submitted along with the Request form) and may identify applicable development regulations, policies, engineering design standards, key issues, requirements for special studies, and other information.

§ 6.03.05. (Reserved) [9-21-2022 by Ord. 1782]

§ 6.03.06. Environmental Review. [9-21-2022 by Ord. 1782]

A. Environmental Review.

All projects shall be reviewed for compliance with or exemption from the California Environmental Quality Act (CEQA). Environmental review will be conducted pursuant to Title 14 of the California Code of Regulations (CEQA Guidelines). If Title 14 of the California Code is amended, such amendments will govern City procedures.

1. Project Exempt from Environmental Review.
Within 30 days of the date the City has determined an application to be complete, a determination must be made whether the project is exempt from Environmental Review per State CEQA requirements.
2. Project for which a Negative Declaration or Mitigated Negative Declaration Is Prepared.

Within 60 days of the date a Negative Declaration or Mitigated Negative Declaration has been completed and adopted for project approval, the City shall take action on the accompanying discretionary project.

3. Project for which an EIR Is Prepared.

Within 180 days from the date the decision-making authority certifies a Final EIR, the City shall take action on the accompanying discretionary project.

B. AB 52 Consultation Requirement.

Per AB 52 (Native American Historic Resource Protection Act), Tribal Consultation requirements apply to all CEQA projects for which a Notice of Preparation, Notice of Mitigated Negative Declaration or Notice of Negative Declaration is filed on or after July 1, 2015. The following applies to all applicable projects:

1. The City authorized representative shall comply with the procedures specified in Public Resources Code (PRC) Sections 21080.3.1, 21080.3.2, 21082.3, and 21084.3 to notify, consult, and mitigate for any significant impacts to tribal cultural resources.
2. The City's authorized representative is the authorized representative of the City in all tribal consultation under State law.
3. The Community Development Department shall maintain a list of California Native American tribes, as defined in PRC Section 21073, which requested notification of discretionary projects under its jurisdiction pursuant to PRC Section 21080.3.1, subdivision (b)(1).
4. Within 14 days of determining that an application for a discretionary project is complete and the City is ready to undertake CEQA review, the City's authorized representative shall notify, by letter, all tribes that requested notification and afford them 30 calendar days to accept or decline consultation.
5. Within 30 days of receiving a written acceptance from a tribe, the City's authorized representative shall initiate consultation with the tribe.
6. The City's authorized representative shall take into consideration information provided by the tribe during consultation when making the required determinations of impact during the CEQA process, and shall conclude consultation as specified in Section 21080.3.2(b) of the PRC prior to adopting or certifying the CEQA document.

§ 6.03.07. Review of Applications. [9-21-2022 by Ord. 1782]

A. Review Process.

1. Application Completeness.
The Director shall determine whether an application is complete within 30 days of the date the application is filed with the required fee. For the purposes of this Section, completeness shall not include a substantive of the quality, content or merit of the submitted items that shall be analyzed as part of the subsequent application review process. The Director shall notify the applicant in writing of the determination that either all submittal requirements have been satisfied and the application is complete or additional information is necessary and the application is deemed

incomplete (see Subsection B below).

B. Incomplete Application.

If an application is incomplete, the Director shall provide written notification to the applicant listing the applications for permit(s), forms, information, and any additional fees that are necessary to complete the application.

1. **Zoning Ordinance Violations.**
An application shall not be found complete if conditions exist on the site in violation of this Code or any permit or other approval granted in compliance with this Code, unless the proposed project includes the correction of the violations.
2. **Appeal of Determination.**
Determinations of incompleteness are subject to the provisions of Section 6.03.13 (Appeals), except there shall be a final written determination on the appeal no later than 60 days after receipt of the appeal. The fact that an appeal is permitted to both the Planning Commission and the City Council does not extend the 60-day period.
3. **Submittal of Additional Information.**
The applicant shall provide the additional information within the time limit specified by the Director, which shall be no later than 30 days. The Director may grant one extension of up to 90 days.
4. **Resubmittal Review.**
Upon receipt and resubmittal of any incomplete application, a new 30-calendar day period shall begin during which the Director shall determine the completeness of the application.
5. **Expiration of Application.**
If an applicant fails to correct the specified deficiencies within the specified time limit, the application shall expire and be deemed withdrawn. Unexpended fees, as determined by the Director, will be returned to the applicant. After the expiration of an application, project review shall require the submittal of a new, complete application, along with all required fees.

C. Complete Application.

When an application is determined to be complete, the Director shall make a record of that date. If an application requires a public hearing, the Director shall schedule it in a timely manner and notify the applicant of the date and time.

D. Extensions.

The Director may, upon written request and for good cause, grant extensions of any time limit for review of applications imposed by this Code.

§ 6.03.08. Public Notice. [9-21-2022 by Ord. 1782]

Unless otherwise specified, whenever the provisions of this Code require public notice, the City shall provide notice in compliance with State law as follows. Application types that require a decision by or appeal to the Planning Commission or City Council require a public hearing, per Table 6.02.04-1 (Summary of Review Authorities for Decisions and Appeals). All projects

requiring an Administrative Permit or public hearing(s) require public noticing as follows.

A. Mailed Notice for Administrative Permits.

For projects requiring an Administrative Permit, a mailed notice shall be delivered by First Class mail 10 days before the date of action to:

1. The applicant, the owner or owner's duly authorized agent, and any occupant of the subject property;
2. All property owners within a 500-foot radius of the subject property as shown on the latest available assessment roll, or a larger radius if deemed necessary by the Director in order to provide adequate public notification.

B. Mailed Notice for Public Hearings.

At least 10 days before the date of the public hearing, the Director, or the City Clerk for hearings before Planning Commission and/or City Council, shall provide notice by First Class mail delivery to:

1. The applicant, the owner or owner's duly authorized agent, and any occupant of the subject property;
2. Each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected;
3. All property owners of record within a minimum 500-foot radius of the subject property as shown on the latest available assessment roll or a larger radius if deemed necessary by the Director in order to provide adequate public notification;
4. All neighborhood and community organizations that have previously filed a written request for notice of projects in the area where the site is located; and
5. Any person or group who has filed a written request for notice regarding the specific application.

C. Newspaper Notice.

At least 10 days before the date of the public hearing, the Director or the City Clerk, for hearings before the Planning Commission and/or City Council, shall publish a notice in at least one newspaper of general circulation in the city.

D. Public Places.

At least 10 days before the date of the public hearing, the Director or the City Clerk, for hearings before the Planning Commission and/or City Council, shall publish a notice in at least three public places in the city including a minimum of one public notice sign on the property(ies) directly affected by the proceeding, per Subsection G (Standards and Specifications for Public Notice Signs).

E. Contents of Notice.

The notice shall include the following information:

1. The location of the real property, if any, that is the subject of the application;
2. A general description of the proposed project or action;
3. The date, time, location, and purpose of the public hearing or the date of action when no public hearing is required;
4. The identity of the hearing body or officer;
5. The names of the applicant and the owner of the property that is the subject of the application;
6. The location and times at which the complete application and project file, including any environmental impact assessment prepared in connection with the application, may be viewed by the public;
7. A statement that any interested person or authorized agent may appear and be heard;
8. A statement describing how to submit written comments;
9. For Council hearings, the Planning Commission recommendation; and
10. Other information required by specific provision of these regulations or which the City, through its Department Heads, may consider necessary or desirable.

F. Failure to Notify Individual Properties.

The validity of the proceedings shall not be affected by the failure of any property owner, resident or neighborhood or community organization to receive a mailed notice.

G. Standards and Specifications for Public Notice Signs.

1. Applicability.
All projects requiring an Administrative Permit or public hearings before the Planning Commission and/or City Council shall be required to post one or more public notice signs in accordance with the provisions herein.
2. Public Notice Sign Requirements.
 - a. Only public notice signs provided by the City of Indio shall be utilized. Any sign that is posted that is not provided by the City of Indio shall be deemed non-compliant with this Section. Each sign heretofore posted shall contain at a minimum a copy of the public notice, a copy of the submitted site plan, and for those projects requiring a public hearing, a copy of the public hearing notice.
 - b. A minimum of one non-illuminated sign shall be installed in accordance with the City of Indio Public Notice Sign Specifications published by the Community Development Department as amended. The sign(s) shall be erected on or near the subject property facing each public right-of-way adjacent to the subject property and private easement or tract road providing

primary vehicular access to the subject property and to any property that abuts the subject property. The Community Development Department shall approve the location of each sign.

- c. The sign shall be placed in an area of the property most visible to the public, not more than five feet from the front property line in residential areas, and not more than three feet from the front property line in commercial and industrial areas.
- d. At least one sign for every 500 feet of street frontage shall be displayed per street frontage of the subject property. The Director may reduce the number of signs, but the reduction shall be no less than one sign per street frontage.
- e. The Director may require the placement of notice boards in additional and/or alternative locations than the street frontage if, in his/her opinion, further public notice for the project will benefit the public safety, health and welfare and enhance the public's opportunity to be made aware and comment on a proposed land use action.

3. Sign Posting Acknowledgement.

A completed Sign Posting Acknowledgment form prepared and signed and dated by the applicant or an authorized representative of the applicant together with Photograph of Installed Signs form shall be submitted to the Community Development Department no later than three days following the pickup of the signs from the Department. This document shall be mailed or dropped off or emailed to the assigned Project Planner.

4. Timing of Installation.

- a. Signs must be installed no later than five calendar days from the date of pick-up from the Community Development Department.
- b. Posted signs are to physically remain on the property until the last decision-making action specified by Community Development Department. This shall include the timeframe for items that are required to obtain City Council approval.

5. Removal.

- a. Signs shall be removed from the property no later than 10 days following the final action by the City of Indio.
- b. A completed Sign Removal Acknowledgment form together with a completed Photograph of Removed Signs form prepared and signed and dated by the applicant or an authorized representative of the applicant shall be submitted to the Indio Community Development Department no later than three days following the physical removal of the signs. This document shall be mailed, dropped off or emailed to the assigned Project Planner.

6. Maintenance.

The applicant/owner shall be responsible for maintaining the notice board such that it is readable during the period of time it is required to be in place. If the board is damaged, defaced or otherwise made illegible, the applicant/owner shall replace the board with

another obtained from the City. The applicant shall pay the replacement cost of such board.

§ 6.03.09. Public Hearings. [9-21-2022 by Ord. 1782]

A. Hearing Time and Notice.

1. The Community Development Director shall set the time and place of hearings required by this Code to be held by the Planning Commission. The Planning Commission may, however, change the time or place of a hearing, if necessary.
2. The City Clerk shall set the time and place of public hearings required by this Code to be held by the City Council, however the Council may change the time or place of a hearing.

B. Conduct of Public Hearings.

Whenever the provisions of this Ordinance require a public hearing, the hearing shall be conducted in compliance with the requirements in Indio Municipal Code Title III (Administration).

§ 6.03.10. Timing and Notice of Decision and Findings Required. [9-21-2022 by Ord. 1782]

When making a decision to approve, approve with conditions, modify, revoke or deny any discretionary permit under this Code, the responsible authority shall issue a Notice of Decision and make findings of fact as required by this Code.

A. Date of Decision.

The responsible authority shall decide to approve, modify, revoke, or deny any administrative, ministerial, or discretionary permit following the close of the public hearing(s), or if no public hearing is required, within the time periods set by statutory requirements (e.g., Permit Streamlining Act, Housing Accountability Act). These deadlines do not apply to any action that has been called for review (per Section 6.03.12 (Calls for Review)) or appealed in accordance with Section 6.03.13 (Appeals). Time extensions may be granted pursuant to Section 6.03.15 (Expiration and Extension).

B. Notice of Decision.

After the Director or Planning Commission takes any action to approve, modify, or deny an application that is subject to appeal under the terms of this Code, and the Calls for Review has ended, the Director shall issue a Notice of Decision. The Notice shall describe the action taken, including any applicable conditions, shall list the findings that were the basis for the decision, and shall include the procedure for appealing the decision. The Director shall file the Notice with the City Clerk and mail the Notice to the applicant, to the members of the City Council and the Planning Commission, and to any other person or entity that has filed a written request for such notification with the Planning Division.

C. Findings.

Findings, when required by State law or this Code, shall be based upon consideration of the application, plans, testimony, reports, and other materials that constitute the administrative

record and shall be stated in writing in the resolution or record of the action on the permit.

§ 6.03.11. Scope of Approvals. [9-21-2022 by Ord. 1782]

A. Scope.

Any approval permits include only those uses and activities actually proposed in the application and exclude other uses and activities. Unless otherwise specified, the approval of a new use shall terminate all rights and approvals for previous uses no longer occupying the same site or location.

B. Conditions of Approval.

The site plan, floor plans, building elevations, and/or any additional information or representations, whether oral or written, indicating the proposed structure or manner of operation submitted with an application or submitted during the approval process, shall be deemed conditions of approval. Any approval may be subject to requirements that the applicant guarantees, warranties, or ensures compliance with the permit's plans and conditions in all respects.

C. Actions Voiding Approval.

If the construction of a building or structure or the use established is contrary to the description or illustration in the application, so as to either violate any provision of this Ordinance or require additional permits, then the approval shall be deemed null and void.

D. Periodic Review.

All approvals may be subject to periodic review to determine compliance with the permit and applicable conditions. If a condition specifies that activities or uses allowed under the permit are subject to periodic reporting, monitoring, or assessments, it shall be the responsibility of the permit holder, the property owner or successor property owners to comply with such conditions.

§ 6.03.12. Calls for Review. [9-21-2022 by Ord. 1782]

A. Applicability.

Decisions by the Director on administrative actions shall be communicated to the Planning Commission as part of a regularly agendaized item at the next meeting of the Planning Commission. Any calls for review shall be made as follows:

1. A majority of the Planning Commission may call for review of a decision of the Director.
2. A majority of the City Council may call for review of a decision of the Director or Planning Commission.
3. If a decision is called for review by both the Planning Commission and the City Council, the City Council shall conduct the review.
4. Such call for review shall not require any statement of reasons and shall not represent opposition to or support of a decision, application, or appeal.

B. Time Limits.

All administrative decisions made by the Director shall be placed on the agenda for the next meeting of the Planning Commission. Only after the Planning Commission has heard and agreed with any administrative decisions by the Director, and no call for review has been received, shall the Director issue a Notice of Decision to the applicant. A timely call for review shall stay the effectiveness of the Director's decision until the reviewing body acts. If no call for review is filed within the applicable period, the Director's decision shall become final.

C. Procedure.

1. Administrative Planning Review.

Where the call for review is regarding an Administrative Planning Review or other decision by the Director, the decision shall be communicated and any call for review shall be heard as part of a regular agenda item at the next meeting of the Planning Commission.

2. Use Permits and Other Discretionary Actions.

Where the call for review is regarding a Use Permit or other discretionary action, the call for review shall be processed in the same manner as an appeal by any other person.

§ 6.03.13. Appeals. [9-21-2022 by Ord. 1782]

A. Applicability.

Any action by the Director or Planning Commission in the administration or enforcement of the provisions of this Code may be appealed in accordance with this Section.

1. Appeals of Director Decisions.

Decisions of the Director may be appealed to the Planning Commission by filing a written appeal with the Planning Division.

2. Appeals of Planning Commission Decisions.

Decisions of the Planning Commission may be appealed to the City Council by filing a written appeal with the City Clerk.

B. Rights of Appeal.

Appeals may be filed by the applicant, by the owner of property, or by any other person aggrieved by a decision that is subject to appeal under the provisions of this Ordinance.

C. Time Limits.

Unless otherwise specified in State or Federal law, all appeals shall be filed in writing within 15 days of the date which the action was taken. In the event an appeal period ends on a Saturday, Sunday, or any other day the City is closed, the appeal period shall end at the close of business on the next consecutive business day.

D. Fee.

An appeal shall be accompanied by a fee established by resolution of the City Council to cover the cost of processing the appeal.

E. Procedures.

1. Filing.
The appeal shall identify the decision being appealed and shall clearly and concisely state the factual reasons for the appeal. The appeal shall be accompanied by the required fee.
2. Proceedings Stayed by Appeal.
The timely filing of an appeal shall stay all proceedings in the matter appealed including, but not limited to, the issuance of City building permits and business licenses.
3. Transmission of Record.
Within 30 days of receipt of the appeal, the Director shall transmit to the City Clerk the application of appeal and copies of the application and all other papers and documents constituting the record upon which the Planning Commission or Staff made their decision.
The Director, or in the case of appeals to the City Council, City Clerk, shall schedule the appeal for consideration by the authorized hearing body in a timely manner. The Director shall prepare a staff report that responds to the issues raised by the appeal and may include a recommendation for action.

F. Standards of Review.

When reviewing any decision on appeal, the appeal body shall use the same standards for decision-making required for the original decision. The appeal body may adopt the same decision and findings as were originally approved; it also may request or require changes to the application as a condition of approval.

G. Public Notice and Hearing.

Public notice shall be provided and the hearing conducted by the applicable appeal body pursuant to Chapter 6.03 (Common Procedures). Notice of the hearing shall also be given to the applicant and party filing the appeal and any other interested person who has filed with the City Clerk a written request for such notice. In the case of an appeal of a Planning Commission decision, notice of such appeal shall also be given to the Planning Commission. The Planning Commission may be represented at the hearing.

H. Action.

An action to grant an appeal shall require a majority vote of the hearing body members. A tie vote shall have the effect of affirming the decision from which the appeal was taken.

§ 6.03.14. Effective Dates. [9-21-2022 by Ord. 1782]

A final decision on an application for any approval subject to appeal shall become effective after the expiration of the 15-day appeal period following the date of decision, unless an appeal is filed pursuant to Section 6.03.13 (Appeals). No building permit or business license shall be issued until the 15th day following the date of the decision. If a different termination date is fixed at

the time of granting, or if actual construction or alteration has begun under valid building permits, the 15-day period may be waived.

§ 6.03.15. Expiration and Extension. [9-21-2022 by Ord. 1782]

A. Expiration.

The decision-maker, in the granting of any permit, may specify a time, consistent with the purposes of the use and necessary to safeguard the public safety, health and welfare, within which the proposed use must be undertaken and actively and continuously pursued. If no time period is specified, any permit granted under this Code shall automatically expire if it is not exercised or extended within two years of its approval.

B. Exercise of Use Permit.

A permit for the use of a building or a property is exercised when, if required, a valid City business license has been issued, and the permitted use has commenced on the site.

C. Exercise of Building Permit.

A permit for the construction of a building or structure is exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced.

D. Extensions.

The following applies to all development projects with the exception of projects that qualify for State Streamlined Ministerial Approval per Government Code Section 65913.4 (See Section 6.04.03E.6 (Permit Conditions)). The Director may approve a two-year extension of any permit or approval granted under this Code, as follows:

1. Process.
An application for extension shall be filed not less than 60 days prior to the expiration date of the permit or within two years of the date of approval, along with appropriate fees and application submittal materials.
2. Conditions.
The permit, as extended, may be conditioned to comply with any development standards that may have been enacted since the permit was initially approved.
3. Permit Extension Findings.
The extension may be granted only when the Director finds that the original permit findings can still be made and there are no changed circumstances, or there has been diligent pursuit to exercise the permit that warrants such extension.
4. Expiration.
If the time limits are reached with no extension requested, or a requested extension is denied or expires, the permit expires.

§ 6.03.16. Modification of Approved Plans. [9-21-2022 by Ord. 1782]

No change in the use or structure for which a permit or other approval has been issued is

permitted unless the permit is modified as provided for in this Code. For the purposes of this Section, the modification of a permit may include modification of a planning review approval.

A. Minor Modifications.

The Director may approve minor changes or modifications to approved plans provided that they meet the following:

1. They have no potential for significant offsite impacts and would not intensify any potentially detrimental effects of the project.
2. They are consistent with the original findings and conditions approved by the hearing body.
3. They do not change the use designated in the original use permit.
4. They are consistent with the development and design standards they were approved under.
5. They do not increase, reduce, or alter the size or shape of the premises beyond the following:
 - a. A five percent increase in building height;
 - b. A 10 percent increase in floor area or building coverage when calculated on a total, aggregate project basis; or
 - c. A 10 percent decrease in common open space.

B. Major Modifications.

The Planning Commission may approve major changes or modifications to approved plans provided that they meet the following. This is an action item only, not subject to public hearing.

1. They have no potential for significant offsite impacts and would not intensify any potentially detrimental effects of the project.
2. They are consistent with the original findings and conditions approved by the hearing body.
3. They do not change the use designated in the original use permit.
4. They are consistent with the development and design standards they were approved under.
5. They do not increase, reduce, or alter the size or shape of the premises beyond the following:
 - a. A 10 percent increase in building height;
 - b. A 15 percent increase in floor area or building coverage when calculated on a total, aggregate project basis; or
 - c. A 15 percent decrease in common open space.

C. New Application.

A request for changes in conditions of approval of a discretionary permit or a change in an

approved site plan or building plan beyond those allowed under the thresholds for major modifications above shall be treated as a new application.

§ 6.03.17. Revocation of Permits. [9-21-2022 by Ord. 1782]

Any permit granted under this Code may be revoked or modified for cause if any of the conditions or terms of the permit are violated or if any law or ordinance is violated. Notwithstanding this provision, no lawful residential use can lapse regardless of the length of time of the vacancy.

A. Initiation of Proceeding.

Revocation proceedings may be initiated by the City Council, Planning Commission, or Director.

B. Public Notice, Hearings and Action.

After conducting a duly-noticed public hearing, the Planning Commission shall act on the proposed revocation.

C. Required Findings.

The Planning Commission may revoke or modify the permit if it makes any of the following findings:

1. The approval was obtained by means of fraud or misrepresentation of a material fact;
2. The use, building, or structure has been substantially expanded beyond what is set forth in the permit or substantially changed in character;
3. The use in question has ceased to exist or has been suspended for six months or more (see also Chapter 6.07 (Nonconforming Provisions));
4. There is or has been a violation of or failure to observe the terms or conditions of the permit or Variance, or the use has been conducted in violation of the provisions of this Code, or any applicable law or regulation; or
5. The use to which the permit or Variance applies has been conducted in a manner detrimental to the public safety, health and welfare, or so as to be a nuisance.

D. Notice of Decision.

Following Planning Commission action to revoke or modify a permit, the Director shall within 14 days issue a Notice of Decision describing the Commission's decision with its findings. The Director shall mail notice to the permit holder and to any person who requested the revocation proceeding.

§ 6.03.18. Interpretations and Determinations. [9-21-2022 by Ord. 1782]

Requests for interpretations of this Code and verifications relating to prior approvals or permits may be made to the Director. Requests shall be in writing. The decision of the Director on such requests may be appealed under Section 6.03.13 (Appeals).

CHAPTER 6.04 PERMITS AND APPROVALS

§ 6.04.01. Certificate of Occupancy. [9-21-2022 by Ord. 1782]

A. Purpose.

This Chapter establishes procedures for issuing a Certificate of Occupancy to verify that buildings and the proposed use of land comply with all applicable building and health laws and ordinances and with the requirements of this Code.

B. Certificate of Occupancy Required.

No structure erected, moved, altered or enlarged after the effective date of this Code shall be occupied or used, and no site shall be occupied or used until a Certificate of Occupancy has been issued by the Building Official or staff person designated by the Director to perform such actions.

C. Application.

Application for a Certificate of Occupancy shall be filed with the Building Official prior to the erection, moving, alteration or enlargement of any structure and prior to the commencement of a new use or a change in use of any structure or site.

D. Issuance.

The Building official shall issue a Certificate of Occupancy upon receipt of written notice that the structure or site is ready for occupancy or use and after inspection, provided that the structure or site and the intended use conform with all applicable building and health laws, all required screening, landscaping, off-street parking and loading facilities have been completed, and all other conditions attached to the use permit, variance, and/or planning review have been met.

§ 6.04.02. Zoning Clearance (as part of Building Plan Check). [9-21-2022 by Ord. 1782]

A. Purpose and Applicability.

The purpose of zoning clearance is to ensure that all new and modified uses and structures comply with applicable provisions of this Code, using simple administrative plan check procedures. Zoning clearance is required for all structures that require a building permit and for signs.

B. Review Authority.

The Community Development Director is the designated review authority for zoning clearance. The Director approves, conditionally approves, or denies the zoning clearance in accordance with the requirements of this title.

C. Process.

1. General.

No application form is necessary for zoning clearance. This process will be conducted

by the Community Development Department as part of the building permit application review. If there are any fees required for this, the fee(s) shall be paid prior to the commencement of the zoning clearance review. Zoning clearance shall be granted only when the Director or his/her designee finds the proposal to be in conformance with all applicable provisions of this Code. The Director may modify plans in whole or in part, apply conditions of approval, or require guarantees to ensure compliance with applicable provisions of this Code. Building permits shall not be issued without zoning clearance approval.

2. Signs.
Sign permit requirements and procedures can be found in Section 3.05.09 (Sign Permits and Procedures).

§ 6.04.03. Planning Review. [9-21-2022 by Ord. 1782]

A. Purpose.

This Section establishes the planning review procedure to ensure that new development supports the goals and objectives of the General Plan and other adopted plans and guidelines. The specific purposes of the planning review process are to:

1. Promote excellence in site planning and design and the harmonious appearance of buildings and sites;
2. Ensure that new and modified uses and development will be compatible with the existing and potential development of the surrounding area; and
3. Supplement other City regulations and standards in order to ensure control of aspects of design that are not otherwise addressed.

B. Applicability.

Planning review is required for all projects that require a permit for new construction, reconstruction, rehabilitation, alteration, or other improvements to the exterior of a structure, site, or a parking area except for:

1. Additions, construction, reconstruction, alterations, improvements, and landscaping for a project developed in compliance with a previous planning review approval;
2. Replacement of exterior materials, including openings, with the same materials; and Individual single-family homes and additions to single-family homes (see Section 6.04.02 (Zoning Clearance (as part of Building Plan Check))).

C. Procedures; Design Standards and Guidelines.

1. Forms and Fees.
Written applications for planning review applications shall be submitted to the Planning Division in compliance with the application procedures in Chapter 6.03 (Common Procedures).
2. Design Standards and Guidelines.
All projects shall be consistent with applicable design standards and/or guidelines.

- a. **Objective Design Standards.**
Objective Design Standards, pursuant to State law, are required for housing development projects (defined as projects which consists of residential units only, mixed-use projects with 2/3 of the square footage dedicated to residential units, and transitional or supportive housing projects) requesting streamlined approval (see Subsection E (Planning Review - Ministerial)). If a project does not qualify for streamlining under State law, or if an applicant seeks exceptions or modifications to standards contained in this Code, the project becomes subject to the Discretionary Planning Review process (see Subsection F (Planning Review — Discretionary)). Standards are written with "shall" statements or similar language imposing a requirement to which projects must adhere.
 - b. **Design Guidelines.**
Design guidelines provide recommendations to be used in the Discretionary Planning Review process. Guidelines are written with "should" statements. Project applicants may choose to forgo one or more design standards and instead meet the intent of the design standards and/or guidelines. Guidelines are design criteria subject to interpretation by the City during the Discretionary Planning Review process. The standards and any guidelines together are utilized during the City's Discretionary Planning Review process to encourage the highest level of design quality, while simultaneously providing the flexibility necessary to encourage creativity on the part of project designers. Projects are evaluated on the degree to which they comply with the intent of the standards and guidelines in this document, ultimately leading to Staff-level or Planning Commission decision and approval.
3. **Concurrent Processing.**
When a proposed project requires more than one permit application with more than one Review Authority, all project permits shall be processed concurrently as interrelated permits for a project and shall not be bifurcated. The highest designated Review Authority for all requested permits shall take final action on all permits. For example, the Planning Commission takes final action on a conditional use permit. However, when processed in conjunction with a Specific Plan, the conditional use permit shall be reviewed and acted upon by the City Council in conjunction with the other application request(s). The Planning Commission provides recommendations to the City Council on both entitlement requests.

D. Planning Review — Administrative.

1. **Applicability.**
Administrative planning review applies to the following proposed uses or buildings allowed as a matter of right or through an Administrative Use Permit by this Code, so long as they conform to all the applicable development and use standards:
 - a. Commercial development projects 5,000 square feet or less in size.
 - b. Industrial development projects 10,000 square feet or less in size.

2. **Review Authority.**
The Director shall be the review authority for administrative planning reviews. The Director may, at his/her discretion, refer any administrative application to the Planning Commission for a decision rather than acting on it himself/herself.
3. **Application Review and Approval Process.**
The Director will review the project against all applicable use, development, and design standards. If the Director determines that the proposed use or building is allowed as a matter of right by this Code, and conforms to all the applicable development and use standards, the Director shall issue an approval. Staff will draft a Findings and Notice of Decision document containing all relevant findings and conditions of approval.

E. Planning Review — Ministerial.

1. **Applicability.**
Ministerial planning review applies to the following types of proposed uses or buildings that qualify for streamlined ministerial planning review under California Government Code Sections 65650 et seq. ("State Supportive Housing Law"), 65660 et seq. ("State Low Barrier Navigation Centers Law"), and 65913.4 ("State Streamlined Ministerial Approval Process"):
 - a. Affordable housing developments (per SB 35).
 - b. Residential developments of two or more units and mixed-use developments in which two-thirds of the project's square footage is used for residential purposes (per Housing Crisis Act/SB 330).
 - c. Transitional or supportive housing (per SB 744/AB 2162).
 - d. Low Barrier Navigation Centers (per SB 48).
2. **Review Authority.**
The Planning Commission shall have the authority to conduct ministerial planning reviews to make sure that a project complies with all applicable objective plans, regulations, policies, development and design standards.
3. **Conditions for Approval.**
Before approving an application for Ministerial Planning Review approval, the Planning Commission must make the following findings based on evidence in the record, as applicable, that:
 - a. The housing development or Low Barrier Navigation Center is eligible for Ministerial Planning Review approval.
 - b. If the Ministerial Planning Review approval is based all or in part on the provision of Supportive Housing, a finding that all the requirements for a Supportive Housing development that are specified in the State Supportive Housing Law have been or will be met.
 - c. If the Ministerial Planning Review approval is for a Low Barrier Navigation Center, a finding that all the requirements for a Low Barrier Navigation Center that are specified in the State Low Barrier Navigation Centers Law have been or will be met.
 - d. If the Ministerial Planning Review approval request is based all or in part on

the State Streamlined Ministerial Approval process, a finding that all the requirements for a housing development approval that are specified in the State Ministerial Approval Process have been or will be met.

- e. If the application includes a request for a density bonus, incentive, waiver, or modification under the State Housing Density Bonuses and Incentives Law, a finding that all the requirements for density bonuses and/or other incentives that are specified in the State Housing Density Bonuses and Incentives Law have been or will be met.
- f. If the project complies with all applicable objective plans, regulations, policies, development standards and Objective Design Standards.

4. Conditions for Denial.

- a. The Planning Commission may deny an application for Ministerial Planning Review Approval if the findings required by Subsection E.3 above, as applicable, cannot be made.
- b. The Planning Commission may deny a Ministerial Planning Review Approval if doing so would be contrary to State and Federal law, and if this finding is made in writing.
- c. Nothing in this Section limits the City's right to deny an affordable housing project under Government Code Section 65589.5.

5. Application Review and Approval Process.

- a. Affordable Housing Streamlined Ministerial Approval (per SB 35).
If the project is an affordable housing development that qualifies for Streamlined Ministerial Planning Review under SB 35, then the project will be evaluated by Staff for compliance with all applicable objective plans, regulations, policies, development standards and Objective Design Standards. If the project is in compliance, the City will issue an approval within the required timeline.
- b. Streamlined Ministerial Approval.
If a project qualifies for streamlined ministerial approval, staff will review the application to determine compliance with all applicable and objective plans, regulations, policies, development standards and design standards.
 - i. If Staff determines the project to be in compliance with all applicable and objective plans, regulations, policies, development and design standards then the project goes to Planning Commission for its final consideration and approval. The Planning Commission may consider the entire project (site plan, floor plan, elevations, landscaping, context, etc.), but ultimately cannot impose conditions that would have the effect of "impacting the development's ability to provide housing," (i.e., precluding the applicant's ability to achieve the proposed density). The Planning Commission may make recommendations or impose subjective conditions if the condition does not impact the project's ability to provide housing, such as physically or financially impacting the proposed density. The applicant may submit justifications regarding how any such conditions may impact the density of

the project.

- ii. If Staff determines the project is not in compliance, they shall provide the applicant with written documentation identifying the specific provision(s) and an explanation of the reason for the inconsistency. The applicant then has several options for how to proceed:
 - a) The project applicant can make revisions to bring the project into compliance.
 - b) The project applicant can choose not to make revisions to the project, forfeits the benefits of Streamlined Ministerial Planning Review, and elects to follow the Discretionary Planning Review process.
 - c) The project applicant may appeal the determination of non-compliance to the Planning Commission (see Section 6.03.13 (Appeals)).

6. Permit Conditions.

a. Term.

Unless otherwise required by State law, Ministerial Planning Review approvals shall automatically expire three years from the date of the final action establishing that approval, unless otherwise provided in the permit, from and after the date of issuance of the development permit if within such three-year period, pursuant to and in accordance with the provisions of the Ministerial Planning Review approval (Government Code Section 65913.4). The duration of the approval may be extended as provided for in State law.

b. Modifications.

Modifications to the development subsequent to the approval of a Ministerial Planning Review approval but prior to issuance of a final building permit shall be granted in compliance with State law (Government Code Section 65913.4).

F.

Planning Review — Discretionary.

1. Applicability.

Discretionary planning review applies to all projects requiring Planning Commission approval (such as Conditional Use Permits and Variances) and all projects that do not qualify for administrative or ministerial planning review. If a project does qualify for streamlined ministerial approval under State law, but the applicant seeks exceptions or modifications to the City's standards, the project is subject to the Discretionary Planning Review process.

2. Review Authority.

The Planning Commission shall be the review authority for Discretionary Planning Reviews.

3. Reduction in Density or Floor Area Ratio Prohibited.

Planning review shall not result in a reduction in the residential density or the allowable

square footage of a proposed project.

4. Discretionary Planning Review Criteria/Conditions of Approval.

When conducting planning review, the review authority shall evaluate applications to ensure that they satisfy the following criteria, conform to the policies of the General Plan and any applicable specific plan, project master plan or development agreement, objective design standards, and any adopted design guidelines, and are consistent with any other policies or guidelines the City Council may adopt for this purpose. In addition, outside agencies may impose conditions of approval, as applicable. To obtain planning review approval, projects must satisfy the following criteria/findings to the extent they apply.

- a. General Plan Consistency.
Consistency with General Plan policies and any applicable specific plan, project master plan or development agreement.
- b. Standards Consistency.
Consistency with applicable objective development standards and design standards and/or design guidelines adopted by the City Council.
- c. Overall Function and Design.
The project design is appropriate to the function of the project and will provide an attractive and comfortable environment for occupants, visitors, and the general community. The overall design of the project, including its scale, massing, site plan, exterior design, and landscaping, will enhance the appearance and features of the project site and surrounding natural and built environment.
- d. Site Design.
Structures within the development and between the structures and the site relate to one another. Proposed structures and related site development improvements (e.g., access, parking, grading, etc.) relate and connect to existing development in the vicinity. The site is designed to promote efficient circulation and encourage a range of transportation modes by providing safe and convenient routes for pedestrians and cyclists. Projects incorporate necessary utilities and service areas (e.g., refuse and recycling enclosures) such that they are compatible with the overall design of the project and minimize visual impacts.
- e. Building Design.
Buildings are designed to mediate scale, massing, and bulk, reflect a human scale design, and enhance the pedestrian experience through building modulation and facade articulation treatments. The project architecture is harmoniously integrated internally and in relation to the architecture in the vicinity in terms of colors and materials, scale, and building design. The design is sensitive to and compatible with historic and low-density or sensitive uses in the vicinity.
- f. Streetscape.
The design of streetscapes, including street trees, lighting, and pedestrian furniture, is consistent with the intended character of the area.
- g. Parking.

Parking areas are designed and developed to provide adequate parking, buffer surrounding land uses, compliment pedestrian-oriented development, enhance the environmental quality of the site (e.g., by minimizing stormwater run-off and the heat-island effect), and achieve a safe, efficient, and harmonious development. Parking areas are properly sited, designed, and screened to minimize the impacts of parking and vehicles on the pedestrian experience.

- h. Screening and Fencing/Walls.
Fences, walls, and other visual screening elements are made of high-quality materials, add visual interest, are compatible with the character of surrounding development, and help community members differentiate between public and private property. Appropriate screening is provided between incompatible uses.
- i. Lighting.
Lighting and lighting fixtures are designed to complement buildings, be of appropriate scale, provide adequate light over walkways and parking areas to create a sense of pedestrian safety, and avoid creating glare.
- j. Landscaping.
Landscaping is designed to be compatible with and enhance the architectural character and features of the buildings on site, conserve water, provide buffers or screening, and help relate the building to the surrounding landscape.
- k. Consistency and Compatibility.
Project details, materials, signage, and landscaping, are internally consistent, fully integrated with one another, and used in a manner that is visually consistent with the proposed architectural design.
- l. Public Art Component.
Public art is provided in satisfaction of Chapter 3.06 Art in Public Places.
- m. The project will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare.

G.

Notice of Decision; Appeals; Expiration,
Extensions, and Modifications.

1. Notice of Decision.

- a. Planning Review by the Director.
Where Planning Review is conducted by the Director, Notice of Decision shall be provided pursuant to Section 6.03.10 (Timing and Notice of Decision and Findings Required). The Director shall provide a report at every regularly scheduled Planning Commission meeting of administrative decisions made by the Director or his/her designee.
- b. Planning Review by the Planning Commission.
Where Planning Review is conducted by the Planning Commission, Notice of Decision of Planning Review shall be provided concurrently with the

associated project approval (such as the Conditional Use Permit or Variance). See Section 6.03.10 (Timing and Notice of Decision and Findings Required).

2. Appeals.
Planning Review decisions are subject to the appeal provisions of Section 6.03.13 (Appeals).
3. Expiration, Extensions, and Modifications.
Planning Review approval is effective and may only be extended or modified as provided for in Chapter 6.03 (Common Procedures).

§ 6.04.04. Use Permits [9-21-2022 by Ord. 1782]

A. Purpose.

The Use Permit review and approval process is intended to apply to uses that are generally consistent with the purposes of the zoning district where they are proposed but require special consideration to ensure that they can be designed, located, and operated in a manner that will not interfere with the use and enjoyment of surrounding properties.

B. Applicability.

Approval of a Use Permit is required for uses or developments specifically identified in Article 2 (Zone Regulations) and/or any other section of this Code which requires a Use Permit.

C. Review Authority.

1. **Administrative Use Permits.**
The Director shall approve, conditionally approve, or deny applications for Administrative Use Permits based on consideration of the requirements of this Chapter. The Director may, at his/her discretion, refer any application for an Administrative Use Permit for a project that may generate substantial public controversy or involve significant land use policy decisions to the Planning Commission for a decision rather than acting on it himself/herself. In that case, the application shall be processed as a Conditional Use Permit.
2. **Conditional Use Permits.**
The Planning Commission shall approve, conditionally approve, or deny applications for Conditional Use Permits based on consideration of the requirements of this Section.

D. Application Requirements.

Applications for Use Permits shall be filed with the Planning Division on the prescribed application forms. In addition to any other application requirements, the application for a Use Permit shall include data or other evidence in support of the applicable findings required by Subsection F (Required Findings), below.

E. Public Notice and Hearing.

1. Conditional Use Permits.
All applications for Conditional Use Permits shall require public notice and hearing before the Planning Commission pursuant to Chapter 6.03 (Common Procedures).
2. Administrative Use Permits.
Administrative Use Permit applications do not require public hearings, but do require public noticing per Section 6.03.08 (Public Notice).

F. Required Findings.

The decision-maker must make all of the following findings in order to approve or conditionally approve a Use Permit application. The inability to make one or more of the findings is grounds for denial of an application.

1. The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Code and all other titles of the Municipal Code;
2. The proposed use is consistent with the General Plan and any applicable Specific Plan;
3. The proposed use will not be adverse to the public health, safety, or general welfare of the community, nor detrimental to surrounding properties or improvements;
4. The proposed use complies with any design or development standards applicable to the zoning district or the use in question unless waived or modified pursuant to the provisions of this Code;
5. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and reasonably foreseeable future land uses in the vicinity; and
6. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints.

G. Conditions of Approval.

In approving a Use Permit, the decision-maker may impose reasonable conditions or restrictions deemed necessary to:

1. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies adopted by the City Council;
2. Achieve the general purposes of this Code or the specific purpose of the zone in which the project is located;
3. Achieve the findings for a Use Permit listed in Subsection F (Required Findings), above; or
4. Mitigate any potentially significant impacts identified as a result of environmental review conducted in compliance with CEQA.

In addition, the City may impose conditions or restrictions, as applicable, from external review agencies. The decision-maker may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

H. Notice of Decision; Appeals; Expiration, Extensions, and Modifications.

1. Notice of Decision.
Notice of Decision shall be provided pursuant to Section 6.03.10 (Timing and Notice of Decision and Findings Required).
2. Appeals.
A decision of the Director may be appealed to the Planning Commission and a decision of the Planning Commission may be appealed to the City Council, as provided in Section 6.03.13 (Appeals).
3. Expiration, Extensions and Modifications.
Use Permits are effective and may only be extended or modified as provided for in Chapter 6.03 (Common Procedures).

§ 6.04.05. Temporary Use Permits [[9-21-2022 by Ord. 1782]

A. Purpose and Applicability.

This Chapter establishes a process for review and approval of certain uses that are intended to be of limited duration of time and will not permanently alter the character or physical facilities of the site where they occur. A Temporary Use Permit is required prior to establishing, commencing, or engaging in any of the temporary uses specified in Section 4.27.04 (Allowed Temporary Uses and Associated Standards) and Article 2 (Zone Regulations).

B. Review Authority.

The Director shall act as the Review Authority for Temporary Use Permits based on consideration of the requirements of this Section.

C. Application.

Unless specified otherwise in Chapter 4.27 (Temporary Uses), an application for a Temporary Use Permit shall be submitted at least 30 days before the use is intended to begin, pursuant to Section 6.03.03 (Application Forms and Fees, and Reapplications).

D. Required Findings.

The Director must make the following findings to approve or conditionally approve a Temporary Use Permit application. The inability to make one or more of the findings is grounds for denial of an application.

1. The proposed use will not unreasonably affect adjacent properties, their owners and occupants, or the surrounding neighborhood, and will not in any other way constitute a nuisance or be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the area of such use or to the general welfare of the City;
2. The proposed use will not unreasonably interfere with pedestrian or vehicular traffic or circulation in the area surrounding the proposed use and will not create a demand for

additional parking that cannot be safely and efficiently accommodated by existing parking areas; and

3. The proposed use meets all of the standards specified in Section 4.27.04 (Allowed Temporary Uses and Associated Standards).

E. Conditions of Approval.

The Director may impose reasonable conditions deemed necessary to ensure compliance with the findings for a Temporary Use Permit listed in Subsection D (Required Findings) above, including, but not limited to:

1. Regulation of ingress, egress, and traffic circulation;
2. Regulation of fire protection and access for fire vehicles;
3. Regulation of lighting and signage;
4. Regulation of hours of operation, staffing, or other aspects of the use; and
5. Removal of all trash, debris, temporary structures, and electrical service.

In addition, the City may impose conditions or restrictions, as applicable, from external review agencies. The Director may also require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

§ 6.04.06. Administrative Variances and Variances [9-21-2022 by Ord. 1782]

A. Purpose.

This Chapter is intended to provide a mechanism for relief from the strict application of this Ordinance where this will deprive the property owner of privileges enjoyed by similar properties because of the subject property's unique and special conditions.

B. Applicability.

Variances may be granted to vary or modify dimensional and performance standards, but Variances may not be granted to allow uses or activities that this Ordinance does not authorize for a specific lot or site.

C. Application Requirements.

Applications for an Administrative Variance or Variance shall be filed with the Community Development Department on the prescribed application forms in accordance with the procedures in Chapter 6.03 (Common Procedures). In addition to any other application requirements, the application for an Administrative Variance or Variance shall include data or other evidence showing that the requested Administrative Variance or Variance conforms to the required findings set forth in this Section.

D. Administrative Variances.

This section sets forth the requirements for Administrative Variances, which are minor deviations from otherwise applicable standards when the small size of the modification

requested, and the unlikelihood of any adverse effects on nearby properties or the neighborhood, make it unnecessary to complete a regular Variance process.

1. Review Authority.

The Director shall approve, conditionally approve, or deny applications for Administrative Variances based on the requirements and considerations in the Section.

2. Applicability and Requirements.

The Director may grant an Administrative Variance for adjustments from the development standards in this Code where, in his/her opinion, the intent of the ordinance can be achieved and equal performance obtained by granting an Administrative Variance. The authority to grant such variances shall be limited to requests that do not exceed a 20 percent deviation in the development standards for the following:

- a. Lot area.
- b. Lot width.
- c. Required yards.
- d. Parking regulations.
- e. Encroachments into required yards.

3. Required Findings for Administrative Variances.

The Director may approve or approve with conditions an Administrative Variances application if all of the following findings are made.

- a. There are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to property in the vicinity and identical zone, and that the granting of an Administrative Variance will not constitute a granting of a special privilege inconsistent with the limitations on the property in the vicinity and identical zone;
- b. The granting of the application is necessary to prevent a physical hardship which is not of the applicant's own actions or the actions of a predecessor in interest;
- c. The granting of the application will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare or convenience; and
- d. The granting of the Administrative Variance will be consistent with the general purposes and objectives of this Code, any applicable specific plans, and of the General Plan.

4. Public Notice.

An application for an Administrative Variance shall require public noticing per Chapter 6.03 (Common Procedures). An Administrative Variance application does not require a public hearing.

E. Variances.

1. Review Authority.
All other Variances that do not qualify as an Administrative Variance shall be reviewed and approved or denied by the Planning Commission based on consideration of the requirements of this Section.
2. Applicability.
All variances that do not meet the requirements for an Administrative Variance shall go through the Variance review and approval process.
3. Public Notice and Hearing.
An application for an Administrative Variance or Variance shall require public noticing and hearings before the Planning Commission per Chapter 6.03 (Common Procedures).
4. Required Findings for Variances.
After conducting a public hearing, the Planning Commission may approve or conditionally approve a Variance application if all of the following findings are made. The Commission shall deny an application for a Variance if it is unable to make any of the required findings, in which case it shall state the reasons for that determination.
 - a. There are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to property in the vicinity and identical zone, and that the granting of a Variance will not constitute a granting of a special privilege inconsistent with the limitations on the property in the vicinity and identical zone;
 - b. The granting of the application is necessary to prevent a physical hardship which is not of the applicant's own actions or the actions of a predecessor in interest;
 - c. The granting of the application will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare or convenience; and
 - d. The granting of the Variance will be consistent with the general purposes and objectives of this Code, any applicable specific plans, and of the General Plan.
5. Conditions of Approval.
In approving a Variance, the Planning Commission may impose reasonable conditions deemed necessary to ensure compliance with the findings required in Subsection E.4 (Required Findings for Variances) above, and may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

F. Notice of Decision; Appeals; Expiration, Extensions, and Modifications.

1. Notice of Decision.
Notice of Decision shall be provided pursuant to Section 6.03.10 (Timing and Notice of Decision and Findings Required).

2. Appeals.
The applicant or any other aggrieved party may appeal a decision on an Administrative or Variance pursuant to the provisions of Section 6.03.13 (Appeals).

G. Expiration, Extensions and Modifications.

1. Variances are effective and may only be extended or modified as provided for in Chapter 6.03 (Common Procedures).

§ 6.04.07. Reasonable Accommodation [9-21-2022 by Ord. 1782]

A. Purpose.

This Chapter establishes the procedures to request Reasonable Accommodation for persons with disabilities seeking equal access to housing under the California Fair Employment and Housing Act, the Federal Fair Housing Act, and the Americans with Disabilities Act ("the Acts") in the application of zoning law and other land use regulations, policies, procedures, and conditions of approval.

B. Applicability.

1. A request for Reasonable Accommodation may be made by any person with a disability, their representative, or any other entity, when the application of zoning law or other land use regulation, policy, or procedure acts as a barrier to fair housing opportunities.
2. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having this type of impairment, or anyone who has a record of this type of impairment.
3. A request for Reasonable Accommodation may include a change or exception to the practices, rules, and standards for the development, siting, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

C. Review Authority.

The Director shall act as the Review Authority for Reasonable Accommodation applications based on consideration of the requirements of this Section. Requests submitted for concurrent review with another discretionary land use application shall be reviewed by the Review Authority for the discretionary land use application.

D. Application.

An application for a Reasonable Accommodation shall be prepared, filed, and processed in compliance with Section 6.03.03 (Application Forms and Fees, and Reapplications). No noticing or public hearing are required for a Reasonable Accommodation request. In addition to any other information required under the City of Indio Municipal Code, an applicant submitting a request for Reasonable Accommodation must provide the following information:

1. Description of the accommodation request;
2. The applicant's name, address, and telephone number;
3. Location of the subject property, including address and assessor's parcel numbers;
4. Name and address of the property owner and the owner's written consent to the application;
5. The current actual use of the subject property;
6. Verifiable documentation of the individual's disability status;
7. The regulation(s), policy, or procedure for which accommodation is sought;
8. Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling; and
9. Additional information necessary for Planning Division staff to facilitate proper consideration of the request, consistent with fair housing laws.

E. Procedures.

The Director shall make a written determination within 90 days for non-concurrent review requests of the application being deemed complete and either approve, modify, or deny a request for Reasonable Accommodation in compliance with Subsection F (Required Findings), below. For concurrent review requests, the decision to approve, modify, or deny a request shall be made at the same time as the decision for the discretionary land use application(s).

F. Required Findings.

The Review Authority must consider all of the following factors in order to approve or deny a request for Reasonable Accommodation that will be consistent with the Acts.

1. Whether the housing, which is the subject of the request, will be used by an individual defined as disabled under the Acts;
2. Whether the request for Reasonable Accommodation is necessary to make specific housing available to an individual with a disability under the Acts;
3. Whether the requested Reasonable Accommodation would impose an undue financial or administrative burden on the City; and
4. Whether the requested Reasonable Accommodation would require a fundamental alteration of a City program or law, including but not limited to land use and zoning.

G. Conditions of Approval.

In granting a request for Reasonable Accommodation, the Review Authority may impose any conditions of approval deemed reasonable and necessary to ensure that the Reasonable Accommodation would comply with the findings required herein. The conditions shall also state whether the accommodation granted shall terminate if the recipient of the accommodation was requested no longer resides on the property.

H. Appeals, Expiration, Extensions, and Revisions.

1. Appeals.
Reasonable Accommodation decisions may be appealed as provided for in Section 6.03.13 (Appeals).
2. Expiration, Extensions, and Revisions.
Reasonable Accommodations may only be expired, extended, or revised as provided for in Chapter 6.03 (Common Procedures). A Reasonable Accommodation shall terminate if the accommodation is no longer required, or if the recipient of the accommodation no longer resides at the property.

§ 6.04.08. Certificate of Public Convenience or Necessity [9-21-2022 by Ord. 1782]

A. Purpose.

1. Public convenience or necessity is a tool for local governments and communities to limit the issuance of new Alcoholic Beverage Control (ABC) licenses and alcohol outlets.
Current State law limits the issuance of new licenses in geographical areas defined as areas of "undue concentration." New alcohol outlets can be allowed in areas of undue concentration only if it is determined by the City of Indio that they would serve a "public convenience or necessity" (PCN).
2. State law defines "undue concentration" in an area if either of the following conditions exists:
 - a. The proposed site is located in a district where there is a 20 percent greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency; or
 - b. The ratio of off-sale/on-sale retail licenses to population in the census tract or census division in which the applicant's premises is located exceeds the ratio of off-sale/on-sale retail licenses to population in the county in which the applicant's premises is located.

B. Review and Consideration Process.

1. Once the ABC has determined that a specific location is in an area of "undue concentration" for alcohol licenses and has notified the City of such, an applicant shall make application to the City and pay all required fees for the processing of a Certificate of Public Convenience or Necessity.
2. Upon receipt of the application and fee, the Community Development Department will route the application to all pertinent parties for review and comment on the requested Certificate.
3. Following the end of the review period, the Community Development Department shall schedule a public hearing before the City Council and conduct required public noticing in accordance with Section 6.03.08 (Public Notice).

C. Decision-Making Criteria.

Following the close of the City Council public hearing, the City Council shall issue a decision approving, conditionally approving, or denying the Certificate of Public Convenience or Necessity. In reaching its decision, the City Council shall make findings and shall consider the following factors:

1. Whether or not the proposed use is consistent with the General Plan and Development Code.
2. Whether or not the proposed use is compatible with the nature, condition, and character of adjacent land uses.
3. Whether or not the proposed use would have an adverse effect on adjacent land uses.
4. Whether or not the proposed use would result in an excessive number of similar establishments in close proximity.

D. Conditions of Approval.

The City Council in issuing a decision to grant a Certificate may apply conditions of approval to address impacts resulting from alcohol related activities at the subject property.

**CHAPTER 6.05
OTHER TYPES OF PLANS**

§ 6.05.01. Planned Developments. [9-21-2022 by Ord. 1782]

A. Purpose and Applicability.

This Section establishes procedures and requirements for Planned Developments. Additional information on the Planned Development Overlay (PD) zone can be found in Section 2.07.04 (Planned Development Overlay (PD)) of Article 2.

B. Review Authority.

A Planned Development (PD) Overlay Zone must be adopted by the City Council. A public hearing before the Planning Commission is required prior to City Council review, and the Planning Commission shall make a recommendation to the City Council.

C. Procedures.

1. Initiation.
An application for a PD Overlay Zone shall be initiated by a property owner or authorized agent, or by the Director, Planning Commission, or City Council. If the property is not under a single ownership, all owners must jointly file the application, and a map showing the extent of ownership shall be submitted with the application.
2. Application Contents.
A qualified applicant shall apply for a PD Overlay Zone on a form prescribed by the Community Development Department accompanied by the required fee. The Director may require an applicant to submit additional information and supporting data as considered necessary to process the application.

3. **Zoning Amendment.**
An application for a PD Overlay Zone shall be processed as an amendment to the Zoning Map, according to the procedures of Chapter 6.06 (General Plan and Zoning Amendments), and shall include a PD Permit/Plan.
4. **PD Permit.**
A PD Permit is required and shall be processed in the same manner as a Conditional Use Permit application, pursuant to Section 6.04.04 (Use Permits).
5. **Tentative Subdivision Map.**
When a PD Permit requires the submission of a tentative subdivision map, this map and all supporting documents shall be prepared and submitted concurrently with the application of the PD.

D. Required Findings.

A PD Permit and subsequent PD Overlay Zoning Map Amendment shall only be approved if all of the following findings are made:

1. The proposed development is consistent with the General Plan and any applicable specific plan, including the density and intensity limitations that apply;
2. The subject site is physically suitable for the type and intensity of the land use(s) being proposed;
3. Adequate transportation facilities and public services exist or will be provided in accordance with the conditions of development plan approval, to serve the proposed development; and the approval of the proposed development will not result in an increase in traffic levels or a reduction of levels of public services so as to be a detriment to public health, safety, or welfare;
4. The proposed development will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area;
5. The development generally complies with applicable adopted design standards and guidelines; and
6. The proposed development will achieve superior community design, environmental preservation and/or substantial public benefit as compared to the development that would occur under the standards applicable to the underlying base zone.

E. Conditions of Approval.

In approving a PD Permit and PD Overlay Zone, the Review Authority may impose reasonable conditions deemed necessary to:

1. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies that the City has adopted;
2. Achieve the general purposes of this Code or the specific purpose of the zone in which the project is located;

3. Achieve the findings listed above; or
4. Mitigate any potentially significant impacts identified as a result of review conducted in compliance with the requirements of the California Environmental Quality Act.

F. Expiration and Extension.

1. Expiration.
 - a. PD Permit.

A PD Permit shall expire two years after the effective date unless actions specified in the conditions of approval have been taken, or a building permit has been issued and construction diligently pursued. An approved PD Permit may specify a development staging program exceeding two years.
 - b. Tentative Map.

Where a tentative map has been approved in conjunction with a PD Permit, the PD Permit shall expire upon the expiration of the tentative map.
 - c. Phased Development.

If the applicant intends to develop the project in phases, and the Review Authority approves phased development, the PD Permit shall remain in effect so long as not more than one year lapses between the end of one phase and the beginning of the next phase.
2. Extension.

The Director may approve extensions of time for PD Permits/Plans, including those approved by the Planning Commission or City Council, in accordance with the following:

 - a. Such extensions shall be approved only when it is found that the circumstances under which the permits were granted have not substantially changed.
 - b. At the discretion of the Director, such extensions shall be approved for not more than two years. Any requests for extensions beyond two years shall be reviewed by City Council.

G. Amendments of Approved Plans.

1. Amended Plans.

Amendments to a PD Overlay Zone or PD Permit/Plan may be requested by the applicant or its successors. Amendments to the approved Permit/Plan shall be classified as major or minor amendments. Upon receipt of an amendment application, the Director shall determine if the proposed amendment constitutes a major or minor amendment.
2. Major Amendments.

Major amendments to an approved PD Overlay zone or PD Permit/Plan shall be considered by the City Council at a duly noticed public hearing. An amendment will be deemed major if it involves one or more of the following changes.

- a. A change in the boundary of the PD Overlay Zone;
 - b. An increase or decrease in the number of dwelling units for the PD Overlay Zone that is greater than the maximum or less than the minimum stated in the PD Permit/ Plan;
 - c. An increase or decrease in the floor area for any non-residential land use that results in the floor area exceeding the minimum or maximum stated in the PD Permit/Plan;
 - d. Any change in land use or density that is likely to negatively impact or burden public facilities and utilities infrastructure as determined by the Public Works Director;
 - e. Any change in land use or density that is likely to negatively impact or burden circulation adjacent to the PD Overlay Zone or to the overall major street system, as determined by the Public Works Director; or
 - f. Any other proposed change to the PD Permit/Plan or the conditions of approval that substantively alters one or more of its components as determined by the Director.
3. Minor Amendments.
Amendments not meeting one or more of the criteria listed in this Section shall be considered minor if they are consistent with and would not change any original condition(s) of approval. Minor Amendments may be approved by the Director.

H. Project Review.

Plans for a project in a PD Overlay Zone shall be accepted for planning and building permits or subdivisions only if they are consistent with an approved PD Permit/Plan and any conditions of approval. No project may be approved and no building permit shall be issued unless the project, alteration or use is consistent with an approved PD Permit.

§ 6.05.02. Development Agreements. [9-21-2022 by Ord. 1782]

A. Purpose.

This Section establishes procedures and requirements for considering and entering into legally binding agreements with applicants for development projects, as provided for in State law. Such agreements provide a greater degree of certainty than the normal permit approval process by granting assurance that an applicant may proceed with development in accord with policies, rules, and regulations in effect at the time of the approval, subject to conditions to promote the orderly planning of public improvements and services, allocate costs to achieve maximum utilization of public and private resources in the development process, and ensure that appropriate measures to enhance and protect the environment are achieved.

B. Applicability.

- 1. The City incorporates by reference the provisions of Government Code Sections 65864 through 65869.5. In the event of any conflict between those statutory provisions and this Chapter, the statutes shall control.

2. A development agreement may be considered for a proposed development that will require a developer to make a substantial investment at the early stages of the project for planning and engineering for the entire project and for public facilities and services.

C. Review Authority.

1. The Director shall negotiate the specific components and provisions of the Development Agreement on behalf of the City for Planning Commission review (if applicable) and recommendation to the City Council. The Director may request input from other affected Departments as needed.
2. If the Development Agreement involves a land use matter, the Planning Commission shall act as the advisory body and review the Development Agreement to provide recommendation to the City Council. If the Development Agreement does not involve a land use matter, it shall go directly to the City Council for review and decision-making.
3. The City Council shall act as the Review Authority, and after receiving recommendations from the Planning Commission (if the development agreement involves a land use matter), may adopt, reject, or modify a Development Agreement based on consideration of the requirements of this Chapter.

D. Procedures.

An applicant for a development project may request that the City review the application as a Development Agreement application in accordance with the following procedures. The City incorporates by reference the provisions of Government Code Sections 65864 through 65869.5. In the event of any conflict between these statutory provisions and this Section, this Section shall control.

1. Application Requirements.
Applications for Development Agreements shall be filed with the Community Development Department in accordance with the provisions set forth in Section 6.03.03 (Application Forms and Fees, and Reapplications). In addition to any other application requirements, the application for a Development Agreement shall include data or other evidence in support of the applicable findings required by Subsection G (Required Findings) of this Section.
2. Contents of Development Agreements.
 - a. Required Contents.
A Development Agreement shall specify its duration, the permitted uses of the subject property, the general location and density or intensity of uses, the general location, maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes. It shall contain provisions concerning its transferability (assignment).
 - b. Additional Contents.
Development Agreements may also include the following:
 - i. Improvements and Fees.
A Development Agreement may include requirements for construction

and maintenance of onsite and offsite improvements or payment of fees in lieu of such dedications or improvements.

ii. Conditions.

A Development Agreement may also include conditions, terms, restrictions, and requirements for subsequent discretionary actions but does not eliminate the applicant's responsibility to obtain all required land use approvals.

iii. Phasing.

A Development Agreement may provide that the project be constructed in specified phases, that construction shall commence within a specified time, and that the project or any phase thereof be completed within a specified time.

iv. Financing.

If the Development Agreement requires applicant financing of necessary public facilities, it may include terms relating to subsequent reimbursement over time for such financing.

v. Indemnity.

A Development Agreement may contain an indemnity clause requiring the applicant to indemnify and hold the City harmless against claims arising out of or in any way related to the actions of applicant in connection with the application or the development process, including all legal fees and costs.

vi. Performance Obligation Fees.

A Development Agreement may include provisions to guarantee performance of obligations stated in the agreement.

vii. Other Items.

Other components and provisions as negotiated by the City.

3. Application Completeness.

The Director shall review the application to determine whether or not it is complete. If it is found that the application is complete, the Director shall accept it for filing. If the application is found to be incomplete, the Director shall refuse to accept the application for filing and shall inform the applicant in writing of the items necessary to properly complete the application.

4. Concurrent Processing.

It is the intent of this Section that the application for a Development Agreement will be made and considered simultaneously with the review of other necessary applications, including, but not limited to Development Code text amendments, rezoning, Planned Development permits, and Conditional Use Permits. If combined with an application for rezoning, Planned Development, or Conditional Use Permit, the application for a Development Agreement shall be submitted with said application and shall be processed, to the maximum extent possible, jointly to avoid duplication of hearings and repetition of information. A Development Agreement is not a substitute for, nor an alternative to, any other required permit or approval, and the qualified applicant or

developer must comply with all other required procedures for development approval.

E. Planning Commission Hearings and Recommendations.

1. Notice.
Public notice of hearings by the Planning Commission for a Development Agreement shall be given as specified in Section 6.03.08 (Public Notice). Notice of the hearing shall also be mailed or delivered to any other local agency expected to provide essential facilities or services to the property that is the subject of the Development Agreement.
2. Hearing.
The Planning Commission shall conduct a public hearing for making recommendations to the City Council in conformance with the provisions of Section 6.03.08 (Public Notice).
3. Recommendation to Council.
Following the public hearing, the Planning Commission shall make a written recommendation on the proposed Development Agreement. The Director shall transmit the Planning Commission's written recommendation and complete record of the application to the City Council for action.

F. City Council Hearings and Actions.

1. Applicant Execution of Agreement.
A proposed Development Agreement shall be executed by the Applicant before it is placed before City Council for consideration at a public hearing.
2. Notice.
Public notice of hearings by the City Council for a Development Agreement shall be given as specified in Section 6.03.08 (Public Notice). Notice of the hearing shall also be mailed or delivered to any other local agency expected to provide essential facilities or services to the property that is the subject of the Development Agreement.
3. Hearing.
After receiving the report from the Planning Commission but no later than the time specified by Section 65943 of the Government Code, the City Council shall hold a public hearing in conformance with the provisions of Section 6.03.09 (Public Hearings).
4. Decision.
After the City Council completes the public hearing, the City Council shall approve, modify, or deny the Development Agreement. Approval of a Development Agreement shall be by ordinance. The ordinance shall refer to and incorporate by reference the text of the Development Agreement. Matters not previously considered by the Planning Commission during its hearing may, but need not, be referred to the Planning Commission for report and recommendation. The Planning Commission may, but need not, hold a public hearing on matters referred to it by the City Council.

G. Required Findings.

After the public hearing, the City Council may approve, modify or disapprove the proposed

Development Agreement. The City Council shall make the following findings for the approval of a Development Agreement:

1. The proposed Development Agreement and its provisions are consistent with the objectives, policies, general land uses, and programs specified in the General Plan and any applicable specific plan. This requirement may be satisfied by a finding that the provisions of a proposed Development Agreement are consistent with proposed General Plan or specific plan provisions to be adopted concurrently with the approval of the proposed Development Agreement.
2. The proposed Development Agreement and its provisions will not adversely affect the orderly development of property or the preservation of property value.
3. The proposed Development Agreement and its provisions will not be detrimental to the health, safety and general welfare.

H. Execution and Recordation.

Within 10 days after the ordinance approving the Development Agreement takes effect, the City Manager or his/her designee shall execute the Development Agreement on behalf of the City. The City Clerk shall record the fully executed Development Agreement with the County Recorder.

I. Periodic Review.

The applicant shall be required to demonstrate compliance with the provisions of the Development Agreement at least once a year, at which time the City Manager or his/her designee shall review each approved Development Agreement. The City Manager shall provide a written report to the City Council on the status and performance of each Development Agreement.

1. **Finding of Compliance.**
If the City Manager or his/her designee, based on substantial evidence, finds compliance by the applicant with the provisions of the Development Agreement, no action is required.
2. **Finding of Noncompliance.**
If the City Manager or his/her designee finds the applicant has not complied with the provisions of the Development Agreement, the Director may issue a finding of noncompliance which may be recorded by the City with the County Recorder after it becomes final. The Director shall specify in writing to the applicant the respects in which the applicant has failed to comply and shall set forth terms of compliance and specify a reasonable time for the applicant to meet the terms of compliance. If the applicant does not comply with any terms of compliance within the prescribed time limits, the Development Agreement shall be subject to termination or revision pursuant to this Chapter.
3. **Appeal of Determination.**
Within 10 days after issuance of a finding of noncompliance, any interested person may file a written appeal of the finding with the City Council. The appellant shall pay

fees and charges for the filing and processing of the appeal in amounts established by resolution of the City Council. The appellant shall specify the reasons for the appeal. The issuance of a finding of compliance or finding of noncompliance and the expiration of the appeal period without appeal, or the confirmation by the City Council of the issuance of the finding on such appeal, shall conclude the review for the applicable period and such determination shall be final.

J. Amendment or Cancellation.

1. **Mutual Agreement.**
Any Development Agreement may be canceled or amended by mutual consent of the parties following compliance with the procedures specified in this Section. A Development Agreement may also specify procedures for administrative approval of minor amendments by mutual consent of the applicant and City Manager or his/her designee.
2. **After Finding of Noncompliance.**
If a finding of noncompliance does not include terms of compliance, or if the applicant does not comply with the terms of compliance within the prescribed time limits, the City Manager or his/her designee may refer the Development Agreement to the City Council for termination or revision. After the public hearing, the City Council may terminate the Development Agreement, modify the finding of noncompliance, or rescind the finding of noncompliance and issue a finding of compliance.
3. **Recordation.**
If the parties to the agreement or their successors in interest amend or cancel the Development Agreement, or if the City terminates or modifies the Development Agreement for failure of the applicant to fully comply with the provisions of the Development Agreement, the City Clerk shall record notice of such action with the County Recorder.
4. **Rights of the Parties After Cancellation or Termination.**
If a Development Agreement is cancelled or terminated, all rights of the applicant, property owner, or successors in interest under the Development Agreement shall terminate. If a Development Agreement is terminated following a finding of noncompliance, the City may, in its sole discretion, determine to return all benefits, including reservations or dedications of land and payments of fees received by the City.

K. Effect of Approved Agreement.

1. **Existing Rules and Regulations.**
Unless otherwise specified in the Development Agreement, the City's rules, regulations, and official policies governing permitted uses of the property, density and design, and improvement standards and specifications applicable to development of the property shall be those City rules, regulations, and official policies in force on the effective date of the Development Agreement.
2. **Future Rules and Regulations.**
A Development Agreement shall not prevent the City, in subsequent actions applicable to the property, from applying new rules, regulations and policies that do not conflict with those rules, regulations and policies applicable to the property as set

forth in the Development Agreement. A Development Agreement shall not prevent the City from denying or conditionally approving any subsequent land use project or authorization for the project on the basis of such rules, regulations, and policies. Unless otherwise specified in the Development Agreement, a Development Agreement shall not exempt the applicant from obtaining future discretionary land use approvals.

3. State and Federal Rules and Regulations.
In the event that any regulation or law of the State of California or the United States, enacted or interpreted after a Development Agreement has been entered into, prevents or precludes compliance with one or more provisions of the Development Agreement, then the Development Agreement may be modified or suspended in the manner and pursuant to the procedures specified in the Development Agreement, as may be necessary to comply with such regulation or law.

L. Enforcement.

The procedures for enforcement, revision, cancellation, or termination of a Development Agreement specified in this Section and in Government Code Section 65865.4 or any successor statute are non-exclusive. A Development Agreement may be enforced, revised, cancelled, or terminated by any manner otherwise provided by law or by the provisions of the Development Agreement.

§ 6.05.03. Specific Plans. [9-21-2022 by Ord. 1782]

A. Purpose.

The purpose of this chapter is to provide a process for preparing, processing, reviewing, adopting, and amending Specific Plans in compliance with State law (Government Code Section 65450 et seq. or as this subsection may be amended/replaced from time to time).

B. Intent and Relationship to Zoning.

3. A Specific Plan shall be utilized to provide more flexibility to encourage a more creative development approach that will result in a more efficient, aesthetically pleasing, and desirable use of land than might be normally allowed under the zone and associated development standards applied to the property(ies).
4. A Specific Plan shall not be an alternative to adopted development regulations of the City unless an applicant can demonstrate that the specific plan achieves one or more of the following:
5. Provides for community benefits beyond those normally required under existing development regulations.
6. Preserves open space, identified environmentally sensitive areas, natural vegetation and significant trees, watercourses, historic buildings and places and other features of value to the community.
7. Provides for efficient street and utility systems through the clustering of structures.
8. A Specific Plan adopted by ordinance shall replace the base zone for the subject property, and the development standards and guidelines identified in the Specific Plan

shall take precedence over the general standards and guidelines contained in this Code.

C. Applicability.

At the discretion of the Director, a Specific Plan may be required under the following circumstances:

1. If the General Plan requires preparation of a Specific Plan for a particular geographic area;
2. For areas included within the City's sphere of influence and proposed for annexation to the City to address unique biological resources or create fiscal benefits for the city or enhance infrastructure; and
3. As a tool to assist in the comprehensive master planning of non-residential project sites.

D. Review Authority.

1. The Director shall negotiate the specific components and regulations of the Specific Plan on behalf of the City for Planning Commission review and recommendation to the City Council. The Director may request input from other affected Departments as needed.
2. The Planning Commission shall act as the advisory body and review the Specific Plan to provide recommendation to the City Council.
3. The City Council shall act as the Review Authority, and after receiving recommendations from the Planning Commission, may adopt, reject, or modify a Specific Plan based on consideration of the requirements of this Section.

E. Minimum Project Area.

1. The minimum project area for a privately initiated Specific Plan shall be 100 acres. For publicly initiated Specific Plans, there shall be no minimum project area size.
2. The project area may be one parcel under single ownership or a combination of adjoining parcels subject to a unified planning concept with written concurrence of one or more applicable property owners.

F. Procedures.

1. Initiation and Pre-Submittal Requirements.
A Specific Plan may be initiated in the following manner:
 - a. By City Council minute order direction;
 - b. By an application being filed by or on behalf of the owner(s) of one or more parcels which would be the subject of the Specific Plan. If initiated by an applicant, the following should first occur:
9. A pre-application conference shall be conducted before the filing of a Specific Plan with

the City. Pre-application meetings shall be conducted in conformance with Section 6.03.04 (Pre-Application Review and Conferences).

2. Preparation and Content.

- a. The applicant shall prepare a draft Specific Plan for review by the City that includes detailed information in the form of text and diagram(s), organized in compliance with State law (Government Code Section 65451).
- b. The following information shall be provided:
 - i. The distribution, location, and extent of land uses proposed within the area covered by the Specific Plan, including open space areas;
 - ii. The proposed distribution, extent, intensity, and location of major components of public and private circulation/transportation, drainage, energy, sewers, solid waste disposal, water, and other essential facilities proposed to be located within the Specific Plan area and needed to support the proposed land uses;
 - iii. Standards, criteria, and guidelines by which development would proceed, and standards for the conservation, development, and utilization of natural resources, where applicable;
 - iv. A program of implementation measures, including financing, regulations, programs, and public works projects, necessary to carry out the proposed land uses, infrastructure, and development and conservation standards and criteria;
 - v. A discussion of the relationship of the Specific Plan to the actions, goals, objectives, and policies of the adopted General Plan inclusive of detailed analysis as to how the Specific Plan complies with the actions, goals, objectives, and policies;
 - vi. The Specific Plan shall contain additional information deemed to be necessary by the Director based on the characteristics of the area to be covered by the plan, applicable actions, goals, objectives, and policies of the General Plan, or any other issue(s) determined by the Director to be significant.
- a. The Specific Plan application shall be accompanied by a market study prepared by a qualified real estate professional and/or land use economist that analyzes the "highest and best use" land use considerations for the property(ies) being considered for the Specific Plan; and
- b. The Specific Plan application shall be accompanied by appropriate environmental analysis addressing compliance with the provisions of CEQA that assesses whether there will be no potential significant negative effects upon environmental quality and natural resources that would not be properly mitigated and monitored, unless findings are made in compliance with CEQA. This environmental analysis may be accompanied by one or more relevant supporting studies addressing environmental topical areas including but not limited to transportation, air quality, biological resources, water quality, noise,

aesthetics, and cultural resources.

3. Application Filing, Processing, and Review.

- a. A draft Specific Plan and application shall be filed with the Community Development Department and shall be accompanied by written and graphic documents intended to substantiate the request on a form provided by the Department. The draft plan shall be processed in the same manner as required for general plans by State law.
- b. The required fee established by the City's fee resolution shall be submitted at the same time as the application submittal.
- c. After the filing of an application draft Specific Plan, the Director or his/her designee shall review the draft plan and associated documents to determine whether it is in compliance with the provisions of the submittal requirements for the processing for a Specific Plan.
- d. If the application for the draft plan is not in compliance, a notice of incompleteness shall be issued to the applicant with written specification(s) as to why it does not comply and with suggested revisions to ensure compliance.
- e. When the applicant resubmits the required elements needed for a completeness determination to the department and the Director determines it is complete and in compliance with this Section, the proposed Specific Plan application shall be deemed to be accepted for processing.
- f. The draft Specific Plan shall be subject to environmental review pursuant to the provisions of the CEQA.

4. Concurrent Processing.

It is the intent of this Section that the application for a Specific Plan will be made and considered simultaneously with the review of other necessary applications, including, but not limited to rezoning, planning review applications, and Conditional Use Permits. If combined with an application for rezoning, planning review application, or Conditional Use Permit, the application for a Specific Plan shall be submitted with said application and shall be processed, to the maximum extent possible, jointly to avoid duplication of hearings and repetition of information. A Specific Plan is not a substitute for, nor an alternative to, any other required permit or approval, and the qualified applicant or developer must comply with all other required procedures for development approval. The applicant shall proceed at known risk and any decision for the other associated applications shall be contingent upon the City Council's approval of the Specific Plan.

G. Planning Commission Hearings and Recommendations.

1. Notice.

Public notice of hearings by the Planning Commission for a Specific Plan shall be given as specified in Section 6.03.08 (Public Notice). Notice of the hearing(s) shall also be mailed or delivered to any other local agency expected to provide essential facilities or

services to the property that is the subject of the Specific Plan.

2. **Hearing.**
The public hearing(s) shall be held after transmittal to and receipt of comments from other City Departments and external review agencies, required noticing, as applicable, to Native American Indian tribes, the conduct of required environmental analysis and associated noticing, as applicable, and the conduct of required public noticing. The Planning Commission shall conduct one or more public hearings for making recommendations to the City Council in conformance with the provisions of Section 6.03.09 (Public Hearings).
3. **Recommendation to City Council.**
Following the conclusion of the public hearing process, the Planning Commission shall recommend to the City Council the approval, approval in modified form or disapproval based on making required findings per Subsection I (Required Findings) of this Section. The Director shall transmit the Planning Commission's written recommendation and complete record of the application to the City Council for final action.

H. City Council Hearings and Actions.

1. **Notice.**
Public notice of hearings by the City Council for a Specific Plan shall be given as specified in Section 6.03.08 (Public Notice). Notice of the hearing(s) shall also be mailed or delivered to any other local agency expected to provide essential facilities or services to the property that is the subject of the Development Agreement.
2. **Hearing.**
After receiving the report from the Planning Commission but no later than the time specified in Section 65943 of the Government Code, the City Council shall hold a public hearing in conformance with the provisions of Section 6.03.09 (Public Hearings).
3. **Decision.**
After the City Council completes the public hearing(s), the City Council shall approve, modify, or deny the Specific Plan. Approval of a Specific Plan shall be by ordinance in compliance with State law (Government Code Section 65453). The ordinance shall refer to and incorporate by reference the text of the Specific Plan. If there are any substantial change(s) to the Specific Plan that were not considered by the Planning Commission at time of Council review and consideration, the Council may refer the Specific Plan back to the Commission for its recommendation on said changes, in compliance with State law (Government Code Section 65356). The failure of the Planning Commission to report within 45 days after the referral, or within the time set by the City Council, shall be deemed a recommendation for approval.

I. Required Findings.

After the public hearing, the City Council may approve, modify, or disapprove the Specific Plan. The City Council shall make the following findings for the approval of a Specific Plan:

1. The proposed Specific Plan is consistent with the General Plan and all relevant elements and is not inconsistent with any element thereof;

2. The proposed Specific Plan would not be detrimental to the public interest, health, safety, convenience, or welfare of the city;
3. The subject property(ies) proposed for the Specific Plan is physically suitable for the requested land uses and physical site development;
4. The Specific Plan provides for community benefits beyond those normally required under existing development regulations;
5. The Specific Plan preserves open space, identified environmentally sensitive areas, natural vegetation and significant trees, watercourses, historic buildings and places, and other features of value to the community;
6. The Specific Plan provides for efficient street and utility systems through the clustering of structures;
7. The Specific Plan utilizes innovative methods and concepts not readily available under traditional subdivision and zoning methods;
8. The Specific Plan prescribes reasonable controls and standards for affected land uses to ensure compatibility and integrity of those uses with other established uses;
9. The Specific Plan provides reasonable property development rights while protecting environmentally sensitive land uses and species;
10. The proposed Specific Plan ensures development of desirable character which would be harmonious with existing and proposed development in the surrounding neighborhood;
11. The Specific Plan has been designed to provide for flexibility, innovative use of land resources and development, a variety of housing and other development types, and an equitable method of transportation access;
12. The Specific Plan is not an alternate to adopted development regulations of the City because the applicant has substantively demonstrated that the Specific Plan achieves one or more of the following:
 - a. Provides for community benefits beyond those normally required under existing development regulations.
 - b. Preserves open space, identified environmentally sensitive areas, natural vegetation and significant trees, watercourses, historic buildings and places and other features of value to the community.
 - c. Provides for efficient street and utility systems through the clustering of structures.
13. There are existing or planned public and private infrastructure available to the subject property(ies) proposed for the Specific Plan. If one or more public or private infrastructure is not currently available to serve the project, the applicant shall bear the burden of proof in demonstrating how such service will be provided;
14. The Specific Plan is the "highest and best use" of the land relative to the requested change in allowable land uses, development intensity and/or density, and development standards as compared against the current zoning applied to the property(ies) being proposed for the application of the Specific Plan; and

15. The proposed project has been reviewed in compliance with the provisions of CEQA and there would be no potential significant negative effects upon environmental quality and natural resources that would not be properly mitigated and monitored, unless findings are made in compliance with CEQA.

J. Execution and Implementation.

1. After the adoption of a Specific Plan, a public works project, a tentative map or parcel map, or an amendment to this Code may be approved/adopted within an area covered by a Specific Plan only if it is first found consistent with the Specific Plan.
2. Implementation of development projects within an area covered by a Specific Plan shall require the filing and approval of all applicable development permits unless filed and reviewed concurrently with the Specific Plan application.
3. The Council may impose a Specific Plan fee surcharge on development permits and approvals within the Specific Plan area, in compliance with State law (Government Code Section 65456).

K. Amendments.

1. A Specific Plan may be amended through the same procedure specified by this Section for the approval of a Specific Plan.
2. The Specific Plan may be amended as often as deemed necessary by the Council, in compliance with State law (Government Code Section 65453).

**CHAPTER 6.06
GENERAL PLAN AND ZONING AMENDMENTS**

**§ 6.06.01. Amendments to the General Plan, Development Code, and Zoning Map.
[9-21-2022 by Ord. 1782]**

A. Purpose.

This Chapter establishes procedures for consideration and review of amendments to the General Plan, Development Code, and/or Official Zoning Map, when there are compelling reasons to do so. More specifically, this Chapter addresses:

1. Amendments to the General Plan, to address changes in State or Federal law and problems and opportunities that were unanticipated at the time of adoption or the last amendment; and
2. Amendments to the Development Code and Zoning Map, whenever the public necessity, convenience, general welfare, or good practice justify such amendment, consistent with the General Plan.

B. Applicability.

The procedures in this Chapter shall apply to:

1. All proposals to change the text of the General Plan and the maps that illustrate the

application of its provisions; and

2. All proposals to change the text of this Development Code or to revise a zone or boundary line shown on the Zoning Map.

C. Review Authority.

The Planning Commission shall act as the advisory body for all amendments to the General Plan, Development Code, and Zoning Map and provide recommendations to the City Council. The City Council shall act as the Review Authority, and after receiving recommendations from the Planning Commission, may adopt, reject, or modify all amendments to the General Plan, Development Code, and Zoning Map.

D. Initiation of Amendment.

An Amendment to the General Plan, Development Code, or Zoning Map may be initiated by any qualified applicant identified in Section 6.03.03 (Application Forms and Fees, and Reapplications), the Community Development Director, or by a motion of the City Council or Planning Commission.

E. Procedures.

1. Application.
A qualified applicant shall submit an application accompanied by the required fee, pursuant to Chapter 6.03 (Common Procedures). The Community Development Department may require an applicant to submit such additional information and supporting data as considered necessary to process the application. The Community Development Department may allow amendments to the General Plan, Development Code, and Zoning Map to be processed concurrently with other applications.
2. Staff Report.
The Director shall prepare a report and recommendation to the Planning Commission on any amendment application. The report shall include, but is not limited to, a discussion of how the proposed amendment meets the criteria in Subsection I (Criteria for Zoning Amendments) of this Section (if applicable), as well as an environmental document prepared in compliance with the CEQA. Applications involving projects for which an environmental document is required shall not be heard until the environmental assessment procedures required by CEQA are satisfied.
3. Public Hearing and Notice.
All Amendments to the General Plan, Development Code, and Zoning Map shall be referred to the Planning Commission, which shall conduct at least one public hearing on any proposed amendment. At least 10 days before the date of any public hearing, the Planning Division shall provide notice as provided for in Section 6.03.08 (Public Notice). Notice of the hearing also shall be mailed or delivered to any local agency expected to provide essential facilities or services to the property that is the subject of the proposed amendment.

F. Planning Commission Hearing and Recommendation.

1. Planning Commission Hearing.
Before submitting a recommendation report to the City Council, the Planning

Commission shall conduct at least one public hearing in accordance with Section 6.03.09 (Public Hearings).

2. Recommendation to City Council.
Following the public hearing, the Planning Commission shall make a recommendation on the proposed amendment to the City Council. Such recommendation shall include the reasons for the recommendation, findings related to Subsection I (Criteria for Zoning Amendments) of this Section, and the relationship of the proposed amendment to other adopted documents. The recommendation shall be transmitted in the form of a Council memo, prepared by the Community Development Department, with a copy of the approved minutes from the Planning Commission meeting.

G. City Council Hearing and Action.

1. City Council Hearing.
After receiving the recommendation from the Planning Commission, the City Council shall hold one or more hearings in accordance with Section 6.03.09 (Public Hearings). The notice for the hearing shall include a summary of the Planning Commission recommendation.
2. City Council Action.
After the conclusion of the hearing(s), the City Council may approve, modify, or deny the proposed amendment. If the Council proposes any substantial revision not previously considered by the Planning Commission during its hearings, the proposed revision shall first be referred to the Planning Commission for report and recommendation, but the Planning Commission shall not be required to hold a public hearing. The failure of the Planning Commission to report within 45 days after the referral shall be deemed a recommendation for approval and the amendment shall be returned to Council for adoption.

H. Criteria for General Plan Amendments.

The Planning Commission shall not recommend and the City Council shall not approve an amendment to the General Plan unless the proposed amendment meets the following criteria:

1. The proposed amendment is internally consistent with other applicable provisions of the General Plan;
2. The proposed amendment is in conformance with the goals, policies, and objectives of the General Plan;
3. The proposed amendment would maintain the appropriate balance of land uses within the city;
4. The proposed amendment is compatible with existing or proposed uses in the area, and would not create an "island" or spot land use designation inconsistent with the intent and policies of the General Plan, or with the density or land uses of surrounding properties;
5. In the case of an amendment to the General Plan Land Use Map, the subject parcels are physically suitable (including, but not limited to, access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints), for the

- requested land use designation and the anticipated land use developments;
6. The proposed amendment would not be detrimental to the public interest, health, safety, and general welfare; and
 7. The proposed amendment is in compliance with the provisions of CEQA.

I. Criteria for Zoning Amendments.

The Planning Commission shall not recommend and the City Council shall not approve an amendment to the Development Code and/or Zoning Map unless the proposed amendment meets the following criteria:

1. The amendment is consistent with the General Plan;
2. The proposed amendment is internally consistent with other applicable provisions of the Code;
3. Any change in zone boundaries is consistent with the General Plan and is necessary to achieve the balance of land uses desired by the City;
4. The amendment will promote the growth of the city in an orderly manner and promote and protect the public health, safety, peace, comfort, and general welfare; and
5. The proposed amendment is in compliance with the provisions of the CEQA.

§ 6.06.02. Pre-Zoning. [9-21-2022 by Ord. 1782]

A. Purpose.

The purpose of this Chapter is to establish a procedure for zoning property upon annexation.

B. Applicability.

Unincorporated territory adjoining the city may be pre-zoned for determining the zoning that will apply to such property upon annexation.

C. Procedure.

Zoning of property to be annexed shall be established through initiation and processing according to the procedures established in this Chapter.

D. Notification of the Board of Supervisors.

In addition to any other public notice required per Section 6.03.08 (Public Notice), the City shall, as a part of any rezoning request, notify the Board of Supervisors of the County of the proposed application of the pre-zoning process.

E. Effective Date of Zoning.

Territory annexed to the city, shall, upon the date that the annexation becomes effective, become a part of the study district, unless the City Council determines otherwise by ordinance.

The zoning shall be temporary and the Planning Commission shall recommend to the City Council within a period not to exceed one year a final zoning plan for the annexed territory.

F. Property Classification.

The pre-zoning designation as approved shall be shown on the Zoning Map with a "UA" prefix attached to the designation to indicate upon annexation, for example "SN-4 (UA)." Once the annexation is completed, the UA additive shall be removed.

G. Annexation Schedule and Time Limits.

Any pre-zoning classification may be subject to a specific timetable for annexation of all or part of the property to the city. The City reserves the right to review annually whether the pre-zoned property is being annexed to the city in conformity with the timetable, and the City Council may, and expressly reserves the right and power, to revoke the pre-zoned classification solely upon the ground that annexation has not taken place according to the timetable.

**CHAPTER 6.07
NON-CONFORMING PROVISIONS**

§ 6.07.01. Purpose. [9-21-2022 by Ord. 1782]

This Chapter is intended to permit continuation of uses and continued occupancy and maintenance of structures that were legally established but do not comply with all of the standards and requirements of this Title in a manner that does not conflict with the General Plan. To that end, this Chapter establishes the circumstances under which a non-conforming use or structure may be continued or changed and provides for the removal of non-conforming uses and structures when their continuation conflicts with the General Plan and public health, safety, and general welfare.

§ 6.07.02. Applicability. [9-21-2022 by Ord. 1782]

This Chapter applies to structures, land, and uses that have become non-conforming by initial adoption of or amendments to this Code. It also applies to nonconformities that were legal nonconformities under previously applicable ordinances, even if the type or extent of nonconformity is different. Regulations on non-conforming signs and sign enforcement can be found in Chapter 3.05 (Signs).

§ 6.07.03. Determination of Nonconformity Status. [9-21-2022 by Ord. 1782]

A. Burden of Proof.

The burden of establishing that any nonconformity is a legal nonconformity shall, in all cases, be solely upon the owner of such nonconformity.

B. Appeal of Determination.

Any person, firm, or corporation aggrieved by a decision of the Director's determination of nonconformity in interpreting, applying, or enforcing this Chapter, may file an appeal in compliance with Section 6.03.13 (Appeals).

§ 6.07.04. Nonconformities, Generally. [9-21-2022 by Ord. 1782]

Any lawfully established use or structure that is in existence on the Effective Date of this ordinance or any subsequent amendment thereto but does not comply with the standards and requirements of this Code shall be considered non-conforming.

- A. A nonconformity may result from any inconsistency with the requirements of this Code including, but not limited to, use, location, density, floor area, height, or setback.
- B. A lawfully existing use that was authorized by a previously approved permit or approval (e.g., Conditional or Administrative Use Permit, Variance, etc.), but is not allowed by this Code in its current location, may continue to exist in compliance with the original permit approval and shall be deemed non-conforming.
- C. A use lawfully existing without a permit that would require a permit under the current Code (e.g., a Conditional Use Permit was not required when the use was established, and the current Code now requires a Conditional Use Permit for that use) shall be allowed to operate to the extent that it previously operated (e.g., maintains the same site area boundaries, hours of operation, etc.) and shall be deemed non-conforming. Any use that is non-conforming solely by reason of the absence of a Use Permit may be changed to a conforming use by obtaining the appropriate Use Permit pursuant to the requirements in Section 6.04.04 (Use Permits).
- D. Non-conforming uses, structures, and/or physical improvements which lawfully exist on the date the property is annexed to the city, and which do not conform to this Code and any other relevant City document, may continue to exist and, upon annexation, shall be deemed non-conforming and subject to the provisions of this Chapter.
- E. Exceptions.

No existing use of land or existing structure shall be deemed non-conforming solely because it was previously used and/or developed without site improvements required by this Code, including but not limited to parking, paving, screening, landscaping, lighting, drainage, etc. Said use or structure shall retain conforming status for as long as the use or structure remains unmodified. If the use or structure is also non-conforming because a Use Permit is required, then the provisions of Subsection D above shall apply.

§ 6.07.05. Projects Under Construction. [9-21-2022 by Ord. 1782]

A non-conforming structure that began construction under an active building permit prior to a change in regulations in this Code, which would make the structure non-conforming once completed, may be completed per approved building permit and plans and shall be deemed a previously conforming structure.

§ 6.07.06. Right to Continue. [9-21-2022 by Ord. 1782]

Any use or structure that was lawfully established prior to the effective date of this Code or of any subsequent amendments to its text or to the Zoning Map may only be continued and maintained provided there is no alteration, enlargement, addition, or other change to any building or structure or use therein; or no substitution, expansion, or other change including an increase in occupant load or any enlargement of the area, space, or volume occupied by or devoted to such use, except as otherwise provided in this Chapter.

- A. Non-conforming uses must comply with applicable City, County, State, and Federal laws regarding their operations, including compliance with all performance standards set for this code (see Chapter 3.04 (Performance Standards)).
- B. The right to continue a non-conforming use or structure shall attach to the land and shall not be affected by a change in ownership, tenancy, or management.
- C. The right to continue a non-conforming use or structure shall not apply to uses or structures determined by the Planning Commission or City Council as described in this Chapter to be a public nuisance arising from conditions that constitute a threat to public health, safety, or general welfare.
- D. The right to continue a non-conforming use or re-occupy a non-conforming structure shall terminate if the non-conforming use has been abandoned or the non-conforming structure has been vacated for the relevant period described in Section 6.07.13 (Abandonment and Loss of Legal Non-conforming Status).

§ 6.07.07. Phasing of Compliance. [9-21-2022 by Ord. 1782]

Partial conversions of properties or structures to bring them into better compliance with this Code are permitted and encouraged. This applies to non-conforming outdoor activities such as product storage or parking. When a portion of a property, structure, or use is converted to bring it into conformance in phases, the owner does not waive the right to maintain previously allowed uses of other parts of the building or property under the conditions established in this Chapter.

§ 6.07.08. Ownership of Multiple Parcels. [9-21-2022 by Ord. 1782]

For the purposes of this Chapter, multiple contiguous parcels under the same or substantially the same ownership or control, shall be treated as if they were a single parcel or property, for enforcement of non-conforming use or building, including outdoor activities such as storage of product or parking. Ownership for the purposes of this Chapter is defined as the same or similar business ownership structure.

§ 6.07.09. Maintenance and Repairs. [9-21-2022 by Ord. 1782]

Incidental repairs, normal maintenance, and interior alterations of non-conforming structures shall be permitted if the changes and improvements do not increase the extent of the nonconformity, enlarge the structure, change the building footprint, or increase building height or roof pitch, and are not otherwise expressly prohibited by this Code. This excludes any improvements required to meet accessibility requirements. Nothing in this Chapter shall be construed to prevent structures from being structurally strengthened or restored to a safe condition, in accordance with an official order of a public official.

§ 6.07.10. Change of Use. [9-21-2022 by Ord. 1782]

A non-conforming use may only be changed to a use allowed in the zone in which it is located. A non-conforming use shall not be changed to another non-conforming use. Once a non-conforming use is converted to a conforming use, it shall not be changed back to a non-conforming use.

§ 6.07.11. Additions and Expansions to Non-Conforming Structures. [9-21-2022 by Ord. 1782]

Additions or expansions of a non-conforming structure or use are permitted subject to the approval of the Director through Zoning Clearance/building permit process, as provided below. The addition or enlargement shall not increase the extent of the nonconformity and shall comply with all applicable laws and requirements of this Code.

Alterations or expansions of any non-conforming use that bring the land use or structure into partial or full compliance shall be permitted if the proposed improvements comply with the design and development standards of this Code, and the requirements of this Chapter. Such improvements will not be subject to the one-time expansion limitation.

A non-conforming structure shall not be moved in whole or in part to any other location unless the move results in the entire structure being brought into compliance with all applicable zone regulations and development standards of this Code.

A. One-Time Expansion of Non-Conforming Structures.

A one-time expansion of up to 10 percent of the existing square footage is permitted, provided the following:

1. The expansion does not add residential units;
2. The expansion does not increase the number of stories; and
3. The expansion does not reduce the number of existing on-site parking spaces or access to the building.

B. Non-Conforming Setbacks, Residential Zones.

In Residential zones, a non-conforming setback may be maintained and extended, and shall not be considered an increase in the discrepancy, provided that:

1. A new encroachment into any other required setback is not created;
2. The height of the portion of the structure that is within the required setback is not increased; and
3. Any residential additions above the first floor shall conform to the setbacks in effect at the time the application for the addition is submitted.

§ 6.07.12. Repair and Replacement of Damaged or Destroyed Non-Conforming Structures. [9-21-2022 by Ord. 1782]

A non-conforming structure that is damaged or partially destroyed by fire, explosion, earthquake, or natural disaster that was not caused by an act or deliberate omission of a property owner, their agent, or person acting on their behalf or in concert with them, may be restored or rebuilt subject to the following provisions.

A. Restoration When Damage Is 50 Percent or Less of Value.

If the cost of repair or reconstruction is less than or equal to 50 percent of the appraised value of the structure, replacement of the damaged portions of the structure is allowed by right provided that the replaced portions are the same size, extent, and configuration as previously existed.

The determination of the appraised value shall be made by a professional appraiser selected by the City, whose fee shall be paid by the building or property owner.

B. Restoration When Damage Exceeds 50 Percent of Value.

If the cost of repair or reconstruction exceeds 50 percent of the appraised value of the structure, as determined pursuant to Subsection A above, the land and building shall be subject to the requirements of this Code, except as provided below.

1. Non-Residential Structures.

Any non-conforming use must permanently cease. The Director or Planning Commission may approve the structure, per the Planning Review process, to be rebuilt to the same size, extent, and configuration as previously existed provided that the use of the structure is permitted or conditionally permitted in the zone. In such cases, any expansion or change to the previous use must conform to the requirements of this Chapter.

2. Residential Structures.

Any non-conforming residential structure may be reconstructed, restored, or rebuilt up to the size and number of dwelling units prior to the damage and provided there is no increase in any other nonconformity. The non-conforming use, if any, may be resumed subject to a Zoning Clearance in the case of single-unit dwellings or Director/Planning Commission approval, per the Planning Review process, in the case of other residential uses, unless the review authority finds that the reconstruction, restoration, or rebuilding will be detrimental or injurious to the health, safety, or general welfare of persons residing or working in the neighborhood.

C. Timing.

Building permits must be obtained within two years of the date of the damage or destruction, and construction shall be completed within one year of issuance unless another time period is specified by the Director. Building permits must be maintained valid through the completion of the project.

§ 6.07.13. Abandonment and Loss of Legal Non-Conforming Status. [9-21-2022 by Ord. 1782]

Except for residential uses, if a non-conforming use ceases to operate for any reason for a period of more than one year, the use shall be considered abandoned. Once abandoned, the legal non-conforming status shall be lost, and the use shall not be resumed, reestablished, reopened, or replaced by any other non-conforming use, except as provided in this Chapter. It is the responsibility of the applicant to provide evidence demonstrating to the satisfaction of the Director that the use was legally established and has not been abandoned.

A. Abandonment.

The time period set forth above shall commence when the use ceases to operate, whether with the intent to abandon the use or not, and any one of the following occurs:

1. The site is vacated;

2. The business license expires or is revoked;
3. Utilities are terminated; or
4. The applicable lease is terminated.

B. Notification and Abatement.

The Director determines when land, structures, uses or outdoor activities have been abandoned and have lost their non-conforming status. The Director's determination is subject to appeal to the Planning Commission pursuant to Section 6.03.13 (Appeals) of this Code. The property owner(s) and lessee shall be notified in writing of the determination and abatement requirements within 10 days.

Any abandoned non-conforming use or structure shall be abated, including clearing of the land and any associated equipment or materials, within six months of notification by the Director and/or Planning Commission. All future use of such land shall conform to the applicable zone and use provisions of this Code.

C. Extension of Abandonment Period.

The Director may approve an additional one-year time period during which the use will not be considered abandoned, provided that the Director finds that economic conditions warrant the additional time. If such additional time period is approved, the total period during which the use will not be considered abandoned shall not exceed two years from the date the use ceased to operate.

§ 6.07.14. Non-Conforming Site Conditions and Improvements. [9-21-2022 by Ord. 1782]

A. Non-Conforming Parking.

No existing use of land or existing structure, where parking for said use or structure was conforming at the time of establishment or modification, shall be deemed to be non-conforming solely because of the lack of parking or loading facilities prescribed in Chapter 3.03 (Parking and Loading). Uses that have off-street parking or loading that do not meet the requirements of this Code may continue in operation and retain conforming status for as long as the use or structure remains unmodified. Implications for modifications are addressed in Subsections 1 and 2, below.

1. **Expansion of Multi-Family Residential and Non-Residential Structures.**
For additions or expansions of existing structures or buildings that would increase the number of parking spaces required, the additional parking shall be required only for the addition or expansion or new dwelling units, and not for the preexisting structure or building or preexisting dwelling units. However, the Review Authority may grant a waiver of the parking requirement for the addition, enlargement, or new dwelling units if it is determined that sufficient parking is available on or near the site, and the project is consistent with the General Plan, otherwise consistent with the Code, and the waiver would not create a negative impact for neighboring properties.
2. **Expansion of Single-Family Residential Structures.**
Existing non-conforming single-family dwellings whose off-street parking facilities do not conform to the provisions of this Code may be expanded or added to a

maximum of 20 percent of the existing structure without meeting current requirements for off-street parking. If the expansion or addition exceeds 20 percent of the existing structure, additional parking shall be required only for the addition or expansion.

3. **Change in Use.**
For any change of use or manner of operation that would increase the number of parking spaces required per Chapter 3.03 (Parking and Loading), no additional parking shall be required unless the change in use requires 15 percent or more parking spaces than currently exist. The number of parking spaces required for the change of use shall be the difference between the number required by Chapter 3.03 (Parking and Loading) and 115 percent of the number of spaces that currently exist.
4. **Changes to Parking Area.**
Any changes to a parking area layout, loading area, circulation aisles, access, lighting, or landscaping may only occur when the change reduces or corrects an existing substandard condition; changes shall be subject to applicable permitting of this Code.
5. **Major Renovations.**
If an application is filed for a building permit(s) for the renovation or remodeling of a structure(s) that has one or more non-conforming site features, and the value of the proposed improvements totals 75 percent or more of the current total appraised value of the existing property, the applicant shall be required to address the non-conforming site features, including parking and loading in compliance with Chapter 3.03 (Parking and Loading).

B. Non-Conforming Driveways.

Non-conforming residential and non-residential driveways may continue to be maintained and repaired until such a time that the driveway is reconstructed, fully or partially realigned, modified dimensionally, connected to a new structure, or a change is made to any structure on the parcel that would require that the structure be brought into compliance with current Code standards.

C. Non-Conforming Landscaping and Screening.

No existing use of land or existing structure, where landscaping or screening for said use or structure was conforming at the time of establishment or modification, shall be deemed to be non-conforming solely because of the lack of landscaping and screening required by this Code. Uses that have non-conforming landscaping and screening shall retain conforming status for as long as the use or structure remains unmodified. Implications for modifications are addressed through Subsections 1 and 2 below.

1. **Expansion of Structure.**
For additions or expansions of existing structures that would increase the amount or type of landscaping or screening required, the additional landscaping or screening shall be required only for such addition or enlargement and not for the preexisting structure.
2. **Change in Use.**
For any change of use or manner of operation that would increase the amount or type

of landscaping or screening required, such additional landscaping and/or screening shall be provided.

3. Major Renovations.

If an application is filed for a building permit(s) for the renovation or remodeling of a structure(s) that has one or more non-conforming site features, and the value of the proposed improvements totals 75 percent or more of the current total appraised value of the existing property, the applicant shall be required to address the non-conforming site features, including landscaping and screening in compliance with Chapter 3.03 (Parking and Loading).

D. Addition of Outdoor Storage Area Only.

When only outdoor operations/storage/display areas are being added or increased on a site, the percentage increase in outdoor operations area shall require 100 percent compliance with the screening and outdoor storage standards of this Code.

E. Exceptions.

Sites that are physically constrained (due to limited size, topography, or other environmental considerations) from complying with these provisions or where full compliance would negatively impact adjacent properties shall comply, to the maximum practical extent, as determined by the Director.

§ 6.07.15. Elimination and Abatement of Non-Conforming Uses and Structures. [9-21-2022 by Ord. 1782]

A. Elimination of Non-Conforming Uses and Structures.

1. Non-Conforming Uses Not Occupying a Structure or Occupying a Structure with Valuation Less Than \$2,500.

The following non-conforming uses shall be discontinued and removed from their sites within three years from the effective date of this Code:

- a. A non-conforming use which does not occupy a structure; or
- b. A non-conforming use occupying a structure having an appraised valuation of less than \$2,500.

2. Other Non-Conforming Uses.

The City Council may require other non-conforming uses to be discontinued and removed from their sites within a period determined pursuant to the process set forth in Subsection C.2 (Procedures) of this Section.

3. Elimination of Non-Conforming Structures.

Non-conforming structures may continue except that the City Council may establish amortization periods for specific structures pursuant to Subsection C.2 (Procedures) of this Section.

B. Time for Elimination When Use or Structure Becomes Non-Conforming.

Whenever a use or structure becomes non-conforming, the period of time prescribed in this Section for the elimination of the use or the removal of the structure is computed from the effective date of the change that results in the non-conforming status of the use or structure.

C. Revocation of Non-Conforming Use or Structure.

The City Council may revoke or modify the non-conforming status of the use or structure upon finding that the non-conforming use or structure has been or will be materially detrimental or injurious to the neighborhood or public health and welfare, as shown by substantive evidence, as follows:

1. Public Noticing.

Notice shall be mailed to the recorded owner and lessee of the property not less than 20 days before the date of the public hearing. The notice shall state the facts concerning the impending action and shall request appearance by said owner at the time and place specified for the hearing, to show cause why the non-conforming status should not be revoked.

2. Procedures.

Where a non-conforming uses or structure is recommended to be discontinued and removed from the site, such period shall be established as follows.

- a. The Director shall submit the non-conforming use or structure and a recommended amortization period, based on the criteria set forth in this Subsection to the Planning Commission for review.
- b. The Planning Commission shall hold a public hearing, noticed pursuant to Chapter 6.03 (Common Procedures), to consider the revocation and recommended amortization period. Following the public hearing, the Planning Commission shall make a recommendation on the proposed amortization period to the City Council.
- c. After receiving the recommendation from the Planning Commission, the City Council shall hold a public hearing, noticed pursuant to Chapter 6.03 (Common Procedures), to consider the revocation and recommended amortization period.
- d. The City Council may establish a maximum time for which the non-conforming use shall be permitted to continue after considering the following in relation to the use or structure. However, the time period established by the City Council shall be no less than two years in length.
 - i. The amount of investment or original cost of the use or structure;
 - ii. The present actual or depreciated value of the use or structure;
 - iii. The remaining useful life of the use or structure;
 - iv. The remaining term of the lease;
 - v. The date or dates of construction;
 - vi. Amortization of the business or structure for tax purposes;

- vii. The salvage value;
- viii. The threat to the public health, safety, and welfare posed by the continuance of the non-conforming use; and
- ix. Other factors as appropriate.

3. Notice of Decision.

Within 30 days after the public hearing, the Council may by resolution revoke or modify the non-conforming status of the use or structure. The property owner(s) and lessee shall be notified in writing of the decision within 10 days of the meeting. The notice shall include reasonable abatement and conformance requirement dates.

§ 6.07.16. Abatement. [9-21-2022 by Ord. 1782]

Any non-conforming use or structure that has been abandoned or revoked shall be abated, including clearing of the land and any associated equipment or materials, within the time period established by the Director or City Council. All future use of such land shall conform to the applicable zone and use provisions of this Code.

The provisions of this Chapter are in addition to existing State law authority to declare and abate a public nuisance pursuant to California law and other applicable provisions of the Indio Municipal Code. If a legal non-conforming structure or use is found to constitute a public nuisance, appropriate action may be taken by the City pursuant to the Chapter 95A: Public Nuisances of the Indio Municipal Code.

§ 6.07.17. Development on Substandard Lots. [9-21-2022 by Ord. 1782]

- A. Any lot or parcel of land that was legally created through a recorded deed may be used as a building site, even when consisting of less area, width, or depth than required by the regulations for the zone in which it is located, except as provided below.
 - 1. Two or More Adjoining Vacant Sites.
Two or more adjoining vacant sites with continuous frontage, each having an area, width or depth less than the minimum prescribed for the zone in which the sites are located, in the same ownership as of the date of adoption of this Section or subsequent thereto, is subject to all regulations for the zone in which the sites are located, including minimum area, width and depth requirements, as if the sites constituted a single parcel of real property.
- B. No substandard lot shall be further reduced in area, width, or depth, unless such reduction is required as part of a public improvement.
- C. A substandard lot shall be subject to the same yard and density requirements as a standard lot, provided that in no instance shall these provisions prevent the erection of a single-family dwelling on any substandard lot.
- D. An existing legal lot comprising a minimum size of 5,000 square feet or greater and a minimum width of 50 feet or greater shall not be considered substandard for the purposes of this Section.

CHAPTER 6.08

ENFORCEMENT AND ABATEMENT

§ 6.08.01. Enforcement and Abatement. [9-21-2022 by Ord. 1782]

See Chapter 10: General Provisions and Chapter 95A: Public Nuisances of the Indio Municipal Code for the procedures the City will use to identify, abate, remove, and enjoin uses, buildings, or structures that are deemed to be in violation of this Code and departments and officials responsible for enforcement.

CHAPTER 4.28 TWO-UNIT DEVELOPMENTS

§ 4.28.01 PURPOSE

The purpose of this section is to provide objective zoning standards for Two-Unit Developments within single-family residential zones, to implement the provisions of State law as reflected in Government Code Section 65852.21 et seq. and Section 66411.7 et seq., and to facilitate the development of new residential housing units consistent with the City of Indio General Plan and ensure sound standards of public health and safety.

§ 4.28.02 DEFINITIONS.

- A. **ADJACENT PARCEL.** Any parcel of land that is (1) touching the parcel at any point; (2) separated from the parcel at any point only by a public right-of-way, private street or way, or public or private utility, service, or access easement; or (3) separated from another parcel only by other real property which is in common ownership or control of the applicant.
- B. **CAR SHARE VEHICLE.** A motor vehicle that is operated as part of a regional fleet by a public or private car sharing company or organization and provides hourly or daily service.
- C. **COMMON OWNERSHIP OR CONTROL.** Property owned or controlled by the same person, persons, or entity, or by separate entities in which any shareholder, partner, member, or family member of an investor of the entity owns ten percent or more of the interest in the property.
- D. **SUFFICIENT FOR SEPARATE CONVEYANCE.** As used in Section 4.28.03(B)(8) below, means that each attached or adjacent dwelling unit is constructed in a manner adequate to allow for the separate sale of each unit in a common interest development as defined in Civil Code Section 4125 (including a residential condominium, planned development, stock cooperative, or community apartment project), or into any other ownership type in which the dwelling units may be sold individually.
- E. **TWO-UNIT DEVELOPMENT.** A development that proposes no more than two new units or proposes adding one new unit to one existing unit.

§ 4.28.03 TWO-UNIT DEVELOPMENT

- A. The Community Development Director shall ministerially review without a hearing an application for a Two-Unit Development, and shall approve the application if all the criteria in Government Code Section 65852.21 and this section are satisfied.
- B. **Qualifying Criteria.** The Community Development Director shall determine if the Two-Unit Development meets all the following requirements:
 - 1. The Two-Unit Development is located within one of the following single-family residential zones: Desert Estates - 1 (DE-1), Desert Estates Transition - 3 (DET-3), Suburban Neighborhoods - 4 (SN-4), and Suburban Neighborhoods - 8 (SN-8).

2. The Two-Unit Development is not located on a site that is any of the following:
- a. Either **prime farmland or farmland of statewide importance**, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation.
 - b. **Wetlands**, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).
 - c. Within a **very high fire hazard severity zone**, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178 of the Government Code, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by the City, pursuant to subdivision (b) of Section 51179 of the Government Code, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.
 - d. A **hazardous waste site** that is listed pursuant to Section 65962.5 of the Government Code or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.
 - e. Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2 of the Government Code.
 - f. Within a **special flood hazard area** subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph, the City of Indio shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by the City of Indio that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met (1) the site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the City of Indio; or (2) the site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of

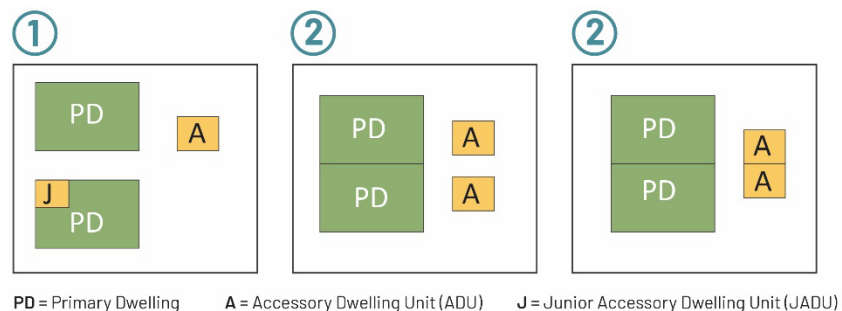
Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

- g. Within a **regulatory floodway** as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the City of Indio shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by the City of Indio that is applicable to that site.
 - h. **Lands identified for conservation** in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.
 - i. **Habitat for protected species** identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).
 - j. Lands under conservation easement.
- 3. Notwithstanding any provision of this section or any local law, the proposed Two-Unit Development would not require the demolition or alteration of any of the following types of housing:
 - a. Housing that is subject to recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate-, low-, or very low-income.
 - b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
 - c. Housing that has been occupied by a tenant in the last three years.
- 4. The parcel is not a parcel on which an owner of residential real property has exercised the owner's right under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the Government Code to withdraw accommodations from rent or lease within the last 15 years before the date that the development proponent submits an application.
- 5. The development is not located in either the following:
 - (i) A contributing structure within a historic district included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or historic property or district pursuant to a city ordinance.

(ii) A parcel individually listed as a historical resource included in the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a property individually designated or listed as a city landmark under a city ordinance.

6. The proposed Two-Unit Development complies with all objective zoning standards, objective subdivision standards, and objective design review standards as provided in this Code applicable to the parcel as provided in the zoning district in which the parcel is located; provided, however, that:
 - a. The Community Development Director, or their designee, shall waive or modify any standard if the standard would have the effect of physically precluding the construction of two primary units and two accessory dwelling units or junior accessory dwelling units on any parcel pursuant to this Chapter or would result in a unit size of less than 800 square feet. Any modifications of development standards shall be the minimum modification necessary to avoid physically precluding two units of 800 square feet each.
 - b. Notwithstanding Subsection 4.28.03.B.7.a above, required rear and side yard setbacks shall equal four feet, except that no setback shall be required for an existing legally created structure or a structure constructed in the same location and to the same dimensions as an existing legally created structure.
 - c. For a Two-Unit Development connected to an onsite wastewater treatment system, the applicant must provide a percolation test completed within the last five years, or if the percolation test has been recertified, within the last 10 years.

Figure 4.28.03-1 SB9 Development Options: Two Unit Development



7. Proposed adjacent or connected dwelling units shall be permitted if they meet building code safety standards and are designed to allow separate conveyance. The proposed Two-Unit Development shall provide a separate gas, electric, and water utility connection directly between each dwelling unit and the utility.
8. **Parking.** One uncovered parking space shall be required per unit constructed via the procedures set forth in this Section, except that the City shall not require any parking where:
 - a. The parcel is located within one-half mile walking distance of either a stop

located in a high-quality transit corridor, as defined in Public Resources Code Section 21155(b), or a major transit stop, as defined in Public Resources Code Section 21064.3; or

- b. There is a designated parking area for one or more car-share vehicles within one block of the parcel.
9. **Rental.** Dwelling units created by a Two-Unit Development may be used for residential uses only and may not be used for rentals of less than 30 days.
 10. **Replacement Housing.** If any existing dwelling unit is proposed to be demolished, the applicant will comply with the replacement housing provisions of Government Code Section 66300(d).
- C. **Declaration of Prior Tenancies.** If any existing housing is proposed to be altered or demolished, the owner of the property proposed for an Two-Unit Development shall sign an affidavit, in the form approved by the City Attorney, stating that none of the conditions listed in Subsections 4.28.03.B.3 and 4.28.03.B.4 above exist and shall provide a comprehensive history of the occupancy of the units to be altered or demolished for the past three years on a form approved by the City Attorney.
- D. **Recorded Covenant.** Prior to the issuance of a building permit, the applicant shall record a restrictive covenant and agreement in the form prescribed by the City Attorney, which shall run with the land and provide for the following:
1. A limitation restricting the property to residential uses only; and
 2. A requirement that any dwelling units on the property may be rented or leased only for a period of longer than thirty (30) days.
- The City Manager or his/her designee is authorized to enter into the covenant and agreement on behalf of the City and to deliver any approvals or consents required by the covenant.
- E. **Specific Adverse Impacts.** In addition to the criteria listed in this section, a proposed Two-Unit Development may be denied if the building official makes a written finding, based on a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined in Government Code section 65589.5, subdivision (d)(2), upon public health and safety or the physical environment, for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. A “specific adverse impact” is a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with this Code or general plan land use designation and eligibility to claim a welfare exemption are not specific health or safety impacts.
- F. **Enforcement.** The City Attorney shall be authorized to abate violations of this Chapter and to enforce the provisions of this Chapter and all implementing agreements and affidavits by civil action, injunctive relief, and any other proceeding or method permitted by law. Remedies provided for in this chapter shall not preclude the City of Indio from any other remedy or relief to which it otherwise would be entitled under law or equity.

CERTIFICATION

I, Sabdi Sanchez, Director of City Clerk Services of the City of Indio, California, hereby certify that **Ordinance No. 1834** was duly and regularly adopted at a meeting of the City Council of said City at its meeting held on the 3rd day of June 2026 by the following vote, to wit:

Ayes: Councilmember Miller, Guitron, Ortiz, Mayor Pro Tem Fermon, Mayor Holmes

Noes: None

1st Reading Publication Date: May 27, 2026

2nd Reading Publication Date: June 10, 2026

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Indio, California, this 4th day of June 2026.



Sabdi Sanchez, MMC
Director of City Clerk Services
City of Indio

