

INDIAN WELLS CITY COUNCIL

July 06, 2023



To: City Council
From: Community Development Department
Prepared by: Luis Rubalcava, Planner

Subject: **Resolution Approving Modification No. 2 of Conditional Use Permit No. 2-97-3 to construct a new 8,050 square foot Big Horn Café with a 2,310 square foot outdoor patio space, a 710 square foot storage building, and a recreational splash pad with retractable roof structure to operate as supporting uses within the existing education and conservation center known as The Living Desert Zoo and Gardens (APN:625-300-052)**

RECOMMENDED ACTIONS:

Council **OPENS** the Public Hearing, takes any public testimony, **CLOSES** the Public Hearing; and

FINDS the project exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15332, In-Fill Development Projects; and

ADOPTS Resolution approving Modification No. 2 to Conditional Use Permit No. 2-97-3 for the construction of a new 8,050 Big Horn Café with ancillary uses within the Living Desert Zoo and Gardens.

DISCUSSION:

The Living Desert Zoo and Gardens ("Applicant") has submitted plans to construct new café and splash pad amenities within the existing 77-acre park to enhance the services provided to their patrons. The existing park extends across two separate municipal jurisdictions. The City of Palm Desert maintains jurisdictional authority over an estimated 32-acre zoological territory located in the western section, while the eastern area, roughly 45 acres, falls under the jurisdiction of the City of Indian Wells (Attachment 2). The site is located at 47900 Portola Avenue within the Open Space land use designation zoned Watercourse.

The site's development within the City's jurisdiction was aided through approval of a series of Conditional Use Permits ("CUP") since its inception in 1970 as follows:

- CUP 2-90-6: Approved the construction of 30,000 square feet of animal exhibits and enclosures, and small accessory structures.
- CUP 2-97-1: Approved the construction of the African Trading Village
- CUP 2-97-3: Approving the construction of a 15,000 square foot Veterinary and Research Center.
- CUP 2-97-3 Modification 1: Approving the construction of the Discovery Center interactive exhibit.

The enhancements are designed to be entirely integrated within the existing Living Desert Zoo and Gardens campus. The aim is to expand the park's offerings with more dining and recreational services for its patrons. Given that these services are intended for the current zoo visitors, the project is not expected to cause substantial traffic or parking impacts.

Pursuant to Municipal Code Section 21.06.040(f)(2), modifications or expansions to an existing non-residential CUP which are determined to be major shall be heard before the Planning Commission who shall recommend approval, approval with conditions or denial of the CUP. The recommendation of the Planning Commission shall be forwarded to the City Council who shall hold at least one public hearing to approve, approve with conditions, or deny the major CUP modification by resolution.

On June 29, 2023, a public hearing on Modification No. 2 to CUP No. 2-97-3 for the Living Desert Café and ancillary uses was held by the Planning Commission who recommended approval to the City Council by a vote of 3 to 0, with 2 excused absences.

ANALYSIS:

The Applicant is requesting approval of a second modification to CUP 2-97-3 to construct and operate a new 8,050 square foot ("sf") Big Horn café with a 2,310sf outdoor patio space, a 710sf storage building, and a recreational splash pad with retractable roof structure ("Project") to modernize and improve the amenities for patrons of the Living Desert Zoo and Gardens (Attachment 3). The Project is designed to function as ancillary features to the existing primary education and conservation park use. The additional amenities are strategically situated at the core of the zoo, which will remain screened from the public right-of-way, and architecturally designed in the Desert Contemporary style that is compatible with the dominant theme of the park. Circulation enhancements include a fire access lane that's a minimum 16-foot-wide and additional hydrants to ensure public safety (Attachment 4).

The subject site is within the Open Space land use designation and zoned Watercourse encompassing approximately 3.5 acres of space within the 77-acre zoo (Attachment 5). The Applicant is conditionally permitted to operate an education and conservation center within the Watercourse zone by right through its existing conditional use permit. Property

development within the zone must be in keeping with the natural condition of the property, and submission of the CUP modification application for discretionary review is required. The following subsections will analyze each element of the Project and its conformance with established City regulations.

Big Horn Café and Storage Structure

The 8,050sf Big Horn Café is sited interior to the zoo and adjacent to a new pedestrian plaza with enhanced walkways that will improve pedestrian circulation for the new establishment. The site lighting design will be consistent with the existing illumination maintained at the zoo which keeps light pollution to a minimum. The café consists of interior dining space for 150 guests, restrooms, a mother's room, a commercial kitchen, and a snack bar (Attachment 6). The 2,310sf outdoor patio immediately east of the café provides an additional 150 seats and is sited directly adjacent to the Bighorn animal exhibit that will provide guests with a unique, intimate dining experience with the animals.

The single-story Big Horn Café has been designed in a Desert Contemporary style that offers architectural interest with varying roof heights, upgraded finish materials, and desert color tones. The selected design is compatible with the overall natural desert theme the park is known for, and the color scheme will blend into the natural surroundings. The café's peak height is 35-feet from the finished floor, and all roof mounted mechanical equipment is screened from view (Attachment 7). The building's dramatic sloped roof, and use of floor to ceiling glazing promotes unobstructed views into the adjacent big horn sheep habitat from the interior dining area.

The 710sf supporting storage building is located behind the café and has a max height of 12' from finish floor with a typical flat roof system. Loading and refuse areas are also located behind the café and behind block walls of varying height sufficient to screen from public view (Attachment 8). A separate gated service entry off Portola Avenue will provide access to the loading and services areas via a back of house path for delivery and trash collection that is restricted to zoo staff. Waste will be temporarily placed in the café service area, screened from view, and taken to the central trash bin area via the restricted path.

Splash Pad with Retractable Roof Structure

The 2,510sf recreational splash pad is sited northwest of the proposed café adjacent to the pedestrian plaza. The amenity will be installed with a closed-loop system that promotes water conservation and will operate with no standing water. The splash pad amenity will consist of three individual family restrooms, equipment enclosures, and a shade structure with retractable awning feature (Attachment 9). The shade structure's peak height is 18-feet from finish floor, and finish materials will match those of the proposed café (Attachment 10)

Traffic and Parking Analysis

A brief technical memorandum was provided that estimates the anticipated traffic impacts and confirms that the on-site parking accommodates the increased demand produced by the site's additional amenities. The project's amenities are intended for current park visitors, and the additional traffic expected to be generated will come from the café employees only. The analysis suggests an additional 8-10 café employees will account for 16-20 daily trips on surrounding roadway networks. This minimal traffic increment doesn't necessitate further analysis and is exempt from Vehicle Miles Traveled (VMT) study.

The Applicant plans to boost the total parking capacity of the site from 709 to 937 spaces in the future within the Palm Desert jurisdiction. Peak parking demand was determined to be 642 during one of the busiest days of the year, which was adequately served by the 709 spaces existing onsite. The study concluded that, with the additional parking supply, the parking needs will be met, and exceeded (Attachment 11).

Landscape

The site showcases a desertscape design with drought-tolerant plants and decorative ground covers, promoting water conservation and aesthetic appeal. The planting palette is consistent with the existing landscaping found within the zoo, provides patrons with natural shaded areas, and fits the overall theme of a natural desert landscape within the zoo. The landscaping installation is consistent with the City's water efficient landscaping initiatives (Attachment 12).

Finally, the Project satisfies the findings necessary for major modifications to a CUP pursuant to Municipal Code Section 21.06.040(d), as detailed in the corresponding Resolution (Attachment 1).

FISCAL IMPACT:

The Living Desert Zoo and Garden management estimates the café will generate \$57,284,000 over the next ten years from food and beverage sales and evening rentals, of which the City will collect 1% from sales tax. The project is expected to have a positive fiscal impact on the City, with a net gain of \$572,840 over the next 10 years. Additionally, there is potential for positive incidental economic impact stemming from increased tourism and marketing opportunities at the Living Desert.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

This project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State and local CEQA Guidelines, and the environmental regulations of the City. The City acting as Lead Agency, has determined modification to this specific conditional use permit qualifies as being

categorically exempt from CEQA pursuant to Section 15332, In-Fill Development Projects, which allow for proposed development within City limits on a project site of no more than five acres substantially surrounded by urban uses, and will not result in any significant effects relating to traffic, noise, air quality, or water quality.

ATTACHMENTS:

1. Resolution
2. Vicinity Map
3. Site Plan
4. Fire Access Plan
5. Site Zoning Map
6. Café Floor Plan
7. Café Elevations, Roof Plan, and Material Board
8. Loading Dock Plan
9. Splash Pad Floor Plan
10. Splash Pad Elevations, Roof Plan, and Material Board
11. Parking Memo
12. Landscape Plans