

ATTACHMENT #1
RESOLUTION NO. 2024-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, APPROVING MODIFICATION TO CONDITIONAL USE PERMIT NO. 2024-01 (RIVERSIDE COUNTY CUP 1382) TO CONSTRUCT A NEW 425 SQUARE FOOT COMFORT STATION WITHIN A PORTION OF IRONWOOD COUNTRY CLUB GOLF COURSE LOCATED WITHIN THE CITY OF INDIAN WELLS (APN: 771-070-027) AND FINDING THE PROJECT EXEMPT PURSUANT TO CEQA GUIDELINES SECTION 15303(c), NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES

WHEREAS, PVG Architects (the "Applicant"), on behalf of the Ironwood Country Club, has filed an application with the City of Indian Wells (the "City") for a modification to Conditional Use Permit ("CUP") No. 2024-01 (Riverside County CUP 1382) to construct a new 425 square foot comfort station (the "Project") within a portion of the City of Palm Desert's Ironwood Country Club Golf Course, located within the City of Indian Wells; and

WHEREAS, on June 27, 2024, a duly noticed public hearing on the Project was held by the Planning Commission where they unanimously recommended approval of the CUP modification to City Council; and

WHEREAS, on July 18, 2024, the City Council carefully considered all information pertaining to the Project, including Planning Commission's recommendation, the staff report, project plans and specifications, and approved the Project in accordance with Section 20.28.010(c) of its Municipal Code; and

WHEREAS, after careful consideration of the staff report and all the information, evidence, and testimony presented, the City Council finds as follows:

Modified Conditional Use Permit:

1. The proposed location of the modified conditional use is in accord with the objectives of the Zoning Code and the purpose of the General Plan and zoning land use category in which the site is located.

FACT: The proposed Project site is located within the Open Space designation and zoned Golf Course Overlay which governs the use and development of established and future golf courses. The Golf Course Overlay Zone permits uses directly related to the operation and maintenance of the subject golf course and has been developed consistent with standards found in the site's adjacent Residential Very Low-Density zoning district which includes mass, height, and size. The project remains in accord with the existing General Plan Open Space and Recreation Plan (Policy IIIA-1.1) by preserving the golf course open space resources. The Project does not deviate from the original approval and is considered an expansion to the amenities found within the Ironwood Country Club golf course.

2. The proposed conditional use will not be detrimental to the public health, safety, or welfare, or be materially injurious to properties or improvements in the vicinity.

FACT: The proposed Project will not adversely affect the public health, safety or welfare, or materially injure surrounding properties or improvements because the Project will adhere to all applicable sections of the California Building Code, California Fire Code and Municipal Code, thus precluding adverse impacts resulting from the facility's development. The structure has been designed to complement the surrounding uses and aligns with the standards of the adjacent Residential Very Low Density Zoning which are in place to protect neighboring views and aesthetics.

3. The proposed conditional use will comply with each of the applicable provisions of the Zoning Code except for approved Variances

FACT: The CUP as modified complies with each of the applicable provisions of the City's Zoning Code. Modifications to established golf courses exceeding \$5,000 may be authorized pursuant to a CUP (or CUP modification), if deemed the modifications proposed on a detailed site plan are consistent with the necessary operation and maintenance of the subject golf course. The proposed Project provides additional amenities to the patrons of the Ironwood Country Club golf course and conforms with the applicable provisions of the City's Zoning Code.

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF INDIAN WELLS RESOLVES AS FOLLOWS:

SECTION 1. The Recitals above are true and correct and are hereby adopted as findings as if fully set forth herein.

SECTION 2. 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 the modification to CUP 2024-01 (Riverside County CUP 1382) qualifies as being Categorically Exempt from CEQA pursuant to Section 15303(c), Construction or Conversion of Small Structures.

SECTION 3. The City Council **ADOPTS** the Resolution approving modification to CUP No. 2024-01 (Riverside County CUP 1382) subject to the Conditions of Approval listed on Exhibit "A" attached hereto and by this reference incorporated herein.

SECTION 4. This Resolution shall take effect upon adoption.

SECTION 5. The City Clerk shall certify to the adoption of this Resolution and shall mail by first class, prepaid, United States mail, a certified copy of this Resolution to the Applicant.

PASSED, APPROVED, AND ADOPTED by the City Council at a regular meeting held on this 18th day of July 2024.

GREG SANDERS
MAYOR

CERTIFICATION FOR RESOLUTION NO. 2024-__

I, Angelica Avila, City Clerk of the City of Indian Wells, California, **DO HEREBY CERTIFY** that the whole number of the members of the City Council is five (5); that the above and foregoing Resolution was duly and regularly passed and adopted at a regular meeting of the City Council of the City of Indian Wells on the 18th day of July 2024, by the following vote:

AYES:

NOES:

ATTEST:

APPROVED AS TO FORM:

ANGELICA AVILA
CITY CLERK

TODD LEISHMAN FOR
BEST BEST & KRIEGER LLP
CITY ATTORNEY

EXHIBIT "A"

Conditions of Approval

Modification to CUP 2024-01 (Riverside County CUP 1382)

June 27, 2024

GENERAL:

1. The Applicant shall defend, indemnify, and hold harmless the City of Indian Wells and its officials, officers, employees, and agents from and against any claim, action, or proceeding against the City of Indian Wells, its officers, employees, or agents to attack (including any judicial proceedings or an referendum), set aside, void, or annul any approval or condition of approval of the City of Indian Wells concerning this project, including but not limited to, any alleged act or failure to act related to the California Environmental Quality Act ("CEQA"), any approval or condition of approval by the Planning Commission or City Council. The City shall promptly notify the Applicant of any such claim, action, or proceeding concerning the project and the City shall cooperate fully in the defense of the matter. Applicant shall defend, with counsel mutually chosen by City and Applicant Applicant's own cost, expense and risk, any and all such aforesaid suits, actions or other proceedings of every kind that may be brought or instituted against City, its officials, officers, employees and agents. Applicant shall pay and satisfy any judgment, award or decree that may be rendered against City, its officials, officers, employees or agents in any such suits, actions or other proceedings. Applicant shall also reimburse City for the cost of any settlement paid by City arising out of any such claims, demands, causes of action, costs, expenses, liabilities, loses, damages, injuries, suits, actions, or other proceedings. Such reimbursement shall include payment for City's attorney's fees and costs, including expert witness fees. Applicant shall reimburse City, its officials, officers, employees and agents for any and all legal expenses and costs, including expert witness fees, incurred by each of them in connection therewith or in enforcing the indemnity herein provided. Applicant's obligation to indemnify shall not be restricted to insurance proceeds, if any, received by the City, its officials, officers, employees or agents. In all cases, the City reserves the right, at its own option and cost, to choose its own attorney to represent the City, its officials, officers, employees, and agents in the defense of the matter.
2. In the event that any condition contained herein is determined to be invalid or legally unenforceable, then all remaining conditions shall remain in force.
3. This approval of modification to CUP 2024-01 (Riverside County CUP 1382) shall be used within one (1) year after final approval or it shall become null and void unless the time limit is extended by the City Council per Municipal Code Section 21.06.040(e). The phrase "be used" above shall mean the application by the Applicant for, and approval and issuance by the City of, applicable building permits to start construction of the phased project.

4. All relevant Conditions of Approval from CUP 2024-01 (Riverside County CUP 1382), including any subsequent modifications, shall remain in effect for this modified CUP.
5. At any point, if continued operation of the existing restroom within the subject parcel ceases, the existing restroom facility shall be demolished and removed from the site immediately or as soon as practical thereafter. Notwithstanding the foregoing, in the event that the existing restroom is updated or remodeled, such modifications or updates shall match the architectural design of the new comfort station.
6. The project shall be developed in accordance with the approved plans, and failure to comply with any conditions of approval shall be deemed just cause for revocation of project approval by the City Council. However, the Community Development Director or designee shall have the authority to approve minor deviations in the conditions of approval, and all plans including the construction drawings, if deemed necessary by both the Applicant and the City to implement the project as approved.
7. Upon submittal of construction drawings to the Building Department for plan check review, all departmental conditions of approval for the project shall be included on the sheet following the title sheet, or the first sheet of the plans. A site plan shall also be attached to all sets of construction drawings. This condition shall be a minimum requirement for acceptance of construction drawings for the Building plan check review.
8. All plans shall be coordinated for consistency.
9. The Applicant shall pay development impact fees at the established rates. Such fees may include, but not be limited to, new construction fee, park or open space fees, school fees, drainage fees, sewer fees, TUMF fee, local CVMSHP development impact fee, building permit and plan check fees.
10. All signage must be in compliance with Indian Wells Municipal Code Title 17 and all other applicable Code sections. Proposed deviations from the Title 17 of the Indian Wells Municipal Code shall be submitted for consideration as an application in compliance with Indian Wells Municipal Code Section 21.06.050.
11. Approval of this modified conditional use permit shall not waive compliance with all applicable sections of the Indian Wells Municipal Code, all other applicable City ordinances, and applicable specific plans.
12. Construction shall occur between the hours of 7:00 am and 5:00 pm, Monday through Friday, 8:00 am and 5:00 pm, Saturday and no construction on Sunday or national holidays per Municipal Code Section 9.06.047. The Community Development Director may grant a temporary waiver from these hours in limited circumstances where a special need is demonstrated.
13. Within fifteen (15) days of final approval by the City Council, the Applicant shall submit in writing, a statement indicating that the Applicant has read and agrees to the conditions imposed herein. Approvals of land use and related applications hereunder

shall become void, and any privilege, permit, or other authorization granted shall be deemed to have terminated if compliance with this condition has not been completed within the specified time limits.

14. Prior to building permit issuance, the Applicant shall brandish a Riverside County Department of Environmental Health Permit for the installation and operation of all septic systems installed in conjunction with the comfort station.

ENVIRONMENTAL:

15. Pursuant to Public Resources Code Section 21089 and Fish and Game Code Section 711.4, the Applicant shall pay those fees marked [X] below via electronic invoice within 5 days of City Council approval. Project approval shall not be complete until the required fee(s) is (are) paid:

- [X] \$ 51.14 - "Administrative Fee" to file the Notice of Exemption with Riverside County Clerk and Office of Planning and Research
- [] \$ 2,181.25 - "Fish & Game Filing Fee" (if applicable)

LANDSCAPING:

16. Detailed landscaping and irrigation plans shall be submitted for approval by either the Community Development Director and/or the Coachella Valley Water District.
17. Above ground-mounted utility locations shall require approval by the Community Development Director. All detector check and backflow assemblies shall be located in planting areas.
18. Any exposed detector check/backflow devices shall be painted a neutral/earth tone color and any pipes extending above ground shall be finished and painted to match the device.
19. All ground-mounted utility appurtenances shall be located out of public view and adequately screened through the use of a combination of concrete or masonry walls, berming and/or landscaping to the satisfaction of the Community Development Director.
20. All plant materials within landscaped areas shall be maintained in a viable growth condition throughout the life of this project.

BUILDING AND SAFETY

21. Prior to the issuance of a building permit, the Applicant shall submit plans demonstrating that the design of the proposed structure meets the design criteria for a Risk Category II structure as defined by the latest edition of the California Building

- Code. These plans must be reviewed and approved by the City's Building Department to ensure compliance with all applicable safety and structural standards.
22. A pre-construction meeting, scheduled with the Building Division, shall be held with all applicable City staff members, Applicant, contractor, superintendent, and all subcontractors prior to start of construction.
 23. Prior to the issuance of a building permit for construction, the Applicant shall first obtain and present to the Building Department permits and/or clearances from the following agencies/individuals:
 - a. City Fire Marshal
 - b. City Public Works Director
 - c. Community Development Director
 - d. CVWD
 24. Seismic design consideration shall be in accordance with the provisions of the current California Building Code and the seismic design parameters of the Structural Engineers Association of California.
 25. Building construction will be designed in accordance with the energy conservation requirements imposed by the California Energy Commission and Title 24 of the California Administrative Code.
 26. The Project shall comply with all applicable provisions of the Americans with Disabilities Act (ADA).
 27. The Project is to be built according to Building and Safety Standards and comply with any applicable City of Indian Wells Municipal Code Regulation.
 28. The Project site shall be clean and free of trash and construction debris, and all construction equipment shall be removed from the site prior to issuance of a certificate of occupancy.
 29. The developer or contractor is responsible for construction parking. To the extent feasible, all construction, visitor, and worker vehicles shall be parked on-site. Any construction, visitor, or worker vehicles not parked on-site, must be parked legally on the street within a 150-foot radius of the construction site.

Public Works/Engineering:

30. A Preliminary Geotechnical Investigation and Report shall be prepared by a competent Geotechnical Engineer, and submitted to and reviewed by the City, prior to commencement of any precise grading activities. Said Report(s) shall be referenced on the Precise Grading Plans. Said Report shall comply with the City of Indian Wells Geotechnical Policy Guidelines. All grading shall conform to the

recommendations contained in the Preliminary Geotechnical Investigation and Report and shall be observed by the Geotechnical Engineer of Record.

31. All projects disturbing less than one acre are not required to prepare a SWPPP or file an NOI, but shall manage storm water drainage during construction by complying with one or more of the measures described in the Green Building Standards Code (CGBC). Implementation of Best Management Practices (BMP's) in accordance with IWMC 16.52.020 shall satisfy CGBC requirements.
32. All projects disturbing 5,000 square feet or more shall be required to prepare and submit to the City for approval a Fugitive Dust Mitigation Application and Plan. Dust and vehicular track-out shall be controlled in accordance with an approved Plan, including but not limited to daily cleaning of dirt and debris from of all adjacent streets. Dirt and debris shall not be permitted to enter any storm drain system. During periods of high winds or wind gusts exceed 25 mph, all grading shall cease and the site shall be continuously watered to prevent fugitive dust.
33. Prior to issuance of a Building Permit for the new building, a Precise Grading Permit shall be obtained by the Applicant. Said permit may be issued after submittal, review, and approval of a Precise Grading Plan. The Precise Grading Plan shall comply with Chapter 18 of the Indian Wells Municipal Code and the Indian Wells Public Works Engineering Handbook.
34. Prior to issuance of a Precise Grading Permit, the Applicant shall submit and obtain approval of all of the following:
 - a. Precise Grading Plan that shall be prepared by a qualified Engineer, and shall conform to the recommendations contained in a Preliminary Geotechnical Report(s).
 - b. Fugitive Dust Control Application and Plan.
 - c. Refundable dust deposit in the amount of \$2,000 per acre.
 - d. Septic system approval from Riverside County Health.
35. Construction in the Special Flood Hazard Zone (AO) shall be per Indian Wells Municipal Code 16.36.120 Standards of Construction.
36. All compaction reports, grade certifications and as-built of the precise grading plan shall be submitted to the Engineering Division before final inspection of public works improvements will be scheduled and approved.

END OF CONDITIONS