

RESOLUTION NO. 2022-44

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, APPROVING MODIFICATION NO. 3 TO CONDITIONAL USE PERMIT NO. 2-94-2 TO CONSTRUCT A NEW 30,029 SQUARE FOOT SPA AND FITNESS CENTER, POOL AREA AND ADMINISTRATIVE OFFICES AT THE ELDORADO COUNTRY CLUB IN INDIAN WELLS (APN:623-070-001,623-072-002,623-072-003) AND FINDING THE PROJECT EXEMPT FROM CEQA

WHEREAS, Eldorado Country Club (the "Applicant"), has filed applications with the City of Indian Wells (the "City") for approval of a Modification No. 3 of Conditional Use Permit No. 2-94-2 to demolish the existing spa, fitness center, and administrative offices and build new facilities, including a new 30,029 square foot spa and fitness center, pool area and administrative offices, in their place (the "Project"); and

WHEREAS, on November 16, 2022, the Planning Commission held a duly noticed public hearing on the Project and recommended approval to City Council; and

WHEREAS, notice of a public meeting of the City Council to consider the Applicant's request was given in accordance with applicable law; and

WHEREAS, on November 28, 2022, at a special meeting held by the City Council, the item was considered as part of the consent agenda; and

WHEREAS, pursuant to the Indian Wells Municipal Code Section 21.06.040(d), findings shall be made for consideration by the Planning Commission for any application for a conditional use permit, or for modification to an existing conditional use permit, to ensure conformance with the City's Zoning Code, the public health, safety, or welfare, and General Plan; and

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

Conditional Use Permit Findings:

1. The proposed location of the 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 maintains the approval of the original conditional use objectives of the Zoning Code as the Project does not deviate from the original approval or purpose of the designated zoning land use category. The proposed Project remains within the scope of existing General Plan as the project remains as the site designated for the country club facilities, operations, common building areas and open space that have served the county club since the issuance of the original permit. The predesignated service areas and proposed buildings augment the objective of the zoning land use entitlements for the existing club membership. The subject property is in Planning Area 3 (Eldorado County Club), within Subarea 3.1. This Planning Area has an active homeowners' association and is overlaid by the Golf Course Overlay Zone, which governs

uses within the golf course area as well as the areas within the boundaries of the country club.

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

Fact: The previously approved conditional use permit (CUP 2-94-2) was issued in compliance with the provisions of the Zoning Code at the time which allowed the construction and installation of the building spa, fitness and administrative office facilities that are currently in place.

The approved buildings were intended to allow for adequate and required floor space to provide daily operations and functioning of the spa, fitness center, and administrative offices services. While the modification via the application of a modification to the conditional use permit, the newly proposed buildings are a significant increase in size, the project substantially conforms to with the intent and purpose within the provisional aspects of the Zoning Code, because it continues to allow the country club to operate as a planned community as per compliance with the conditions of the conditional use permit as outlined within the Zoning Code.

3. 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: At the time of the original application in 1994, there were new buildings that were approved for installation at the Eldorado Country Club, these have since served as the spa, fitness, and administrative offices. At the time, these structures were once considered adequate for the day-to-day operation of the country club and to date now have become outdated. Therefore, a new Project has been designed and proposed to provide a more appropriate functioning design space to execute a mid-century modern aesthetic, to accommodate the long-term needs of the Eldorado Country Club members.

The implementation of the entirety of this newly proposed Project will allow for the provisional locations from which to sustain the daily operations and services of the club membership. The proposed location of the conditional use is in accord with the objectives of this Zoning Code and the purpose of the General Plan and zoning land use category in which the site is located (RVLD/Golf Overlay). These proposed changes are not detrimental to the public health, safety, or welfare or materially injurious to the properties in the vicinity as they allow the county club to remain fully operational and increase the value of the surrounding properties as new improvements and provide an increased number of features for the country club members.

Environmental Findings:

1. 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.

FACT: Modification No. 3 to Conditional Use Permit No. 2-94-2 would not create new significant impacts or substantially increase the severity of previously assessed impacts. Furthermore, the use proposed by this Modification No. 3 to Conditional Use Permit No. 2-94-2 qualifies as being Categorical Exempt from CEQA pursuant to Section 15302, Replacement and Reconstruction – Class 2, of the CEQA Guidelines.

NOW, THEREFORE, the City Council of the City of Indian Wells **RESOLVES** as follows:

SECTION 1. The City Council **ADOPTS** Resolution No. 2022-44 approving Modification No. 3 of Conditional Use Permit No. 2-94-2 to allow for the improvements to the Eldorado Country Club (Spa, Fitness Center, Administration Offices), subject to the conditions listed on Exhibit "A" attached hereto and by this reference incorporated herein.

SECTION 2. This Resolution shall take effect upon adoption.

SECTION 3. 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 Applicant.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Indian Wells, California, at a special meeting held on this 28th day of November 2022.

**DANA REED
MAYOR**

CERTIFICATION FOR RESOLUTION NO. 2022-44

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 special meeting of the City Council of the City of Indian Wells on the 28th day of November 2022, by the following vote:

AYES:
NOES:

ATTEST:

APPROVED AS TO FORM:

**ANGELICA AVILA
CITY CLERK**

**TODD LEISHMAN
CITY ATTORNEY**

EXHIBIT "A"

**Conditions of Approval for
Modification No. 3 to Conditional Use Permit (CUP) No. 2-94-2
Resolution No. 2022-44
Eldorado Country Club (Spa, Fitness Center, Administrative Offices)
November 28, 2022**

General:

1. The Applicant shall defend, indemnify, and hold harmless the City of Indian Wells and its 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, 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 approval or condition of approval by the Planning Commission or City Council. The City shall promptly notify the applicant of any claim, action, or proceeding concerning the project and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officers, employees, and agents in the defense of the matter.
2. This approval of modification No.3 to CUP No. 2-94-2 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 and approval of required City approvals for the Eldorado Country Club (Spa, Fitness Center, Administration Offices).
3. All applicable Conditions of Approval adopted by the City Council for Conditional Use Permit No. 2-94-2 (Eldorado Country Club) either through Conditions of Approval or Meeting Minutes shall remain in full force and effect, except as modified herein.
4. Unless modified by a variance, all Residential Very Low Density with Golf Overlay (RVLD/GO) development standards shall be in effect.
5. All proposed exterior building elevation, landscape and hardscape design modifications within the center must obtain Architecture and Landscape Review approval prior to obtaining building permits in accordance with Chapter 21.60 of the Indian Wells Zoning Code.
6. All signage must be in compliance with the approved Eldorado Country Club Planned Sign Program pursuant to Indian Wells Municipal Code Chapter 17.20 and all other applicable Code sections. Proposed deviations from the approved Planned Sign Program shall be submitted for consideration as an application in compliance with Indian Wells Municipal Code Section 17.20.010(b).

7. Upon submittal of construction drawings to the Building Division 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 Division plan check review.
8. 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.
9. The applicant must obtain written verification from the City Community Development Director, Building Official and Fire Marshal, or designees, of compliance with all Conditions of Approval and Code requirements, prior to commencement of operations of the Eldorado Country Club (Spa, Fitness Center, Administration Buildings) as approved by this modification No. 3 to CUP No. 2-94-2.
10. Upon final approval by the City Council, the applicant shall agree in writing to these Conditions of Approval.

Conditionally Permitted Uses:

11. The following uses shall be conditionally permitted uses as allowed by CUP No. 2-94-2:
 - a. Residential Very Low Density with Golf Overlay.

Parking:

12. All vehicle and golf cart parking provided on site at the country club facilities shall be provided in order to meet City parking requirements. The Applicant must submit an approvable parking plan that meets the requirements of the Municipal Code Section 21.100 Parking Standard Design Requirements and Review Procedures.

SITE IMPROVEMENTS/ARCHITECTURE:

1. The Development shall conform to all the applicable development standards identified in Section 21.14.020(a) of the Indian Wells Zoning Code as appropriate and shall otherwise conform to the standards of the underlying zoning district when not specifically addressed in this Section.
2. A precise wall plan indicating the design, location and construction details of all new walls and fences shall be submitted to the Community Development Director for review and approval by the Planning and Building Departments. All perimeter and street-facing walls, including retaining walls, shall be decorative in nature and in substantial conformance to the approved conceptual landscape plans attached to the Project Staff Report.
3. Any roof mounted equipment including but not limited to heating, venting, cooling and radio/antenna shall be fully concealed from grade elevation view by architecturally

integrated means subject to review and approval by the Community Development Director, or designee.

LANDSCAPING:

4. The irrigation system shall include provisions for design features that conserve water, such as controlled irrigation systems, which employ drip irrigation, soil moisture sensors, and automatic systems that minimize runoff and evaporation, supplemental hand watering, and the use of mulch on top of soil to improve water-holding capacity as approved by the Community Development Director.
5. Detailed landscaping and irrigation plans shall be submitted for approval by the Community Development Director and the Coachella Valley Water District. The plans shall be certified by a landscape architect and shall provide permanent, automatic irrigation systems, which shall be installed on all landscaped areas requiring irrigation and be in full compliance with the adopted Landscape Guidelines and Design Specifications. Final landscape, hardscape and lighting plans shall be subject to approval by the Community Development Director and Public Works Director or designees prior to installation of those improvements.
6. 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.
7. The 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.
8. 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.
9. All plant materials within landscaped areas, including areas within the Public Right-of-Way shall be maintained in a viable growth condition throughout the life of this project.
10. Landscaping shall be located so as not to interfere with sight distance from driveways and public rights of way.
11. All landscaping and irrigation shall be installed in accordance with plans on file with the Community Development Department, and irrigation systems fully operational. Furthermore, all landscaped areas shall be free of trash and debris.
12. The Applicant shall retain the project landscape architect to conduct a final field inspection and prepare a certificate of substantial completion, which shall be filed with the Community Development Director prior to certificate of occupancy. The certificate of completion shall specifically indicate that all plant material was installed as specified by the landscape design plan, that the irrigation system was installed as designed, and that the irrigation system is fully operational. The certificate shall also include a list of any identified installation deficiencies, or changes subject to review and approval by the Community Development Director or designee.

LIGHTING:

13. Prior to the issuance of building permits, the Applicant shall submit to the Community Development Director for approval, a detailed on-site lighting plan indicating the style, illumination, height and method of shielding for all permanent light fixtures proposed for the Project. The plan shall include a photometric diagram depicting illumination levels.
14. Project lighting shall, in general, be as subdued as possible, avoiding excessive light spillage outside the property boundary. Outdoor lighting shall be shielded sufficiently to not adversely impact surrounding uses but shall provide sufficient illumination for access and security purposes. Such lighting shall not blink, flash, or oscillate.
15. Landscape lighting shall be indirect; non-glare lights, positioned to light tree canopies, paths and walkways, or walls, as appropriate, and avoid light spillage outside of the Project area. Up-lights in turf areas shall be in light wells only. Up lights in planters must have j-boxes below grade (or screened as approved by the Community Development Department), light fixtures must be screened with landscaping, etc.
16. All exterior lighting fixtures shall be installed in accordance with plans on file with the Community Development Department and shall be fully operational prior to occupancy.
17. All building-mounted light fixtures within common areas shall be decorative in nature and architecturally compatible with the building. Building-mounted light fixtures shall be reviewed and approved by the Community Development Director, or designee prior to installation.

PUBLIC WORKS/ENGINEERING:

18. The developer shall submit for plan check review and approval a final map.
19. The final map shall be prepared by a licensed land surveyor or registered civil engineer, subject to all the requirements of the State of Californian Subdivision Map Act and City Municipal Code. Such a map shall show all existing easements, proposed easements, travel ways, and drainage courses.
20. The final map shall be recorded prior to the issuance of a building permit.
21. A Preliminary Geotechnical Investigation and Report shall be prepared by a California licensed Geotechnical Engineer and submitted to and reviewed by the City Public Works Department, prior to commencement of any rough or precise grading activities. Said report shall be referenced on Rough Grading and Precise Grading Plans. Said report shall comply with the City of Indian Wells Geotechnical Policy Guideline. 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.

22. A Rough Grading plan shall identify volume of cut and fill materials, Haul routes for import or export of materials shall be identified and measured for road condition monitoring and repair shall be approved by the Public Works Director.
23. A Precise Grading Permit shall be obtained prior to commencement of any improvement work. All work shall be inspected by the City. All appropriate fees for review of plans, issuance of a Precise Grading Permit, and inspection shall be submitted to the City. A Record (as-built) Precise Grading Plan shall be submitted to the City for review and approval prior to final acceptance of improvements.
24. Prior to issuance of a Precise Grading Permit, the Applicant shall submit and obtain approval of all 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. Final WQMP
25. The applicant 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 all adjacent streets. Dirt and debris shall not be permitted to enter any storm drain system. During periods of high winds or wind gusts exceeding 25 mph, all grading shall cease, and the site shall be continuously watered to prevent fugitive dust.
26. Prior to grading permit issuance, the Applicant shall file for a National Pollutant Discharge Elimination System (NPDES) permit with the California State Water Resources Control Board and abide by the conditions of the permit as issued. A copy of the NOI, Storm Water Pollution Prevention Plan (SWPPP), and Monitoring Plan shall be submitted to the Public Works Department a minimum of thirty (30) days prior to commencing grading operations. The WDID number shall be on the approved grading plan prior to grading permit issuance.
27. In accordance with the requirements of the Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit (MS4 Permit) No. CAS617002 (Order No. R7-2013-0011) adopted on May 25, 2008, by the State Regional Water Quality Control Board, a final, project-specific Water Quality Management Plan (WQMP) shall be submitted by the Applicant to the City for review and approval prior to issuance of any building or grading permits. The WQMP shall substantially conform to the requirements of the latest edition of the "Whitewater River Region Water Quality Management Plan for Urban Runoff". The property owner shall record a "Covenant and Agreement" with the County-Clerk Recorder or other instrument acceptable to the City on a standardized form to inform future property owners of the requirement to implement the approved project-specific WQMP.

28. Project shall comply with CVWD drainage standards including detention and de-siltation. All drainage plans shall be approved by the City prior to construction. Flows entering the any natural or earthen watercourse shall be non-erosive.
29. Prior to construction on the site, a six foot (6') temporary chain-link fence shall be erected on any portion of the property that is exposed to public access and connected to any block walls surrounding the property. This will deter theft of and vandalism to construction materials and equipment on the property during construction. All construction fencing shall have a screen mesh to conceal construction activity from public view.
30. Landscaping plans for trees, shrubs, walls, fences, or other structures at or near intersections must conform to Indian Wells Municipal Code sight distance standards and Public Works public street standards for areas accessing public rights-of-way. Plans for improvements that may impact sight distance must be submitted to and approved by the City Engineer prior to the issuance of building permits or implementation of landscape improvements.
31. Where proposed, improvements, including but not limited to streets, slopes, improvements, public utilities, and drainage facilities, are to be constructed by the Applicant at his own expense.
32. Any new utilities or those requiring relocation to service the Project shall be placed underground and coordinated and paid for by the applicant.
33. All existing improvements intended to be protected in place, including but not limited to monumentation, curb, sidewalk, and traffic appurtenances, shall be shown and labeled on the improvement plans as "protect in place". Any said existing improvements damaged or destroyed as a result of this Project shall be repaired or replaced.
34. All improvements shall be constructed per Indian Wells Standards and/or Greenbook.
35. Prior to grading or building permit close-out and/or the issuance of a certificate of use or a certificate of occupancy, developer shall:
 - o Demonstrate that all structural BMPs have been constructed, installed, and are functioning in conformance with approved plans and specifications and the WQMP;
 - o Demonstrate that they are prepared to implement all non-structural BMPs included in the conditions of approval or building/grading permit conditions;
 - o Demonstrate that an adequate number of copies of the approved project specific WQMP are available for the future owners/occupants; and
 - o The developer shall provide all education guidelines for Water Quality Management Practices to the tenants, operators, and owners of the businesses of the development, regarding the environmental awareness on good housekeeping practices that contribute to protection of storm water quality and meet the goals

of the approved WQMP in the Riverside County NPDES Drainage Area Management Plan.

36. The property owner (aka Legally Responsible Party) shall execute and cause to be recorded a "Covenant and Agreement" in the form provided by the City to inform future property owners of the requirement to implement the approved final project specific WQMP.

FIRE DEPARTMENT:

37. The project will have a cumulative impact on the Fire Department's ability to provide an acceptable level of service. These impacts include an increased number of emergency and public service calls due to the increased presence of structures, traffic, and population. The project proponents/developers will be expected to provide for proportional mitigation to these impacts via capital improvements and/or impact fees.
38. Fire Department emergency vehicle apparatus access road location and design shall be in accordance with the current California Fire Code, City of Indian Wells municipal code, and Riverside County Fire Department Standards. Plans must be submitted to the Fire Department for review and approval prior to building permit issuance. Per the current Municipal Code and CFC, it will be necessary to have a 24 feet wide fire apparatus access road shall extend within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
39. Fire Department water systems(s) for fire protection shall be in accordance with the current California Fire Code, City of Indian Wells, and Riverside County Fire Department Standards. Plans must be submitted to the Fire Department for review and approval prior to building permit issuance. Per the current Municipal Code and CFC, fire hydrant(s) shall be located within 500 feet or less.
40. The Applicant shall install a complete NFPA 13 fire sprinkler system. This applies to all buildings with a 3,000 square foot total cumulative floor area. The Applicant shall obtain Fire Marshal approval of the locations of all post indicator valves and fire department connections. All valves and connections shall not be less than 25' from the building and within 50' of an approved hydrants.
41. All valves controlling the water supply for automatic sprinkler systems and Water -flow switches shall be monitored and alarmed per CBC Chapter 9.
42. The Applicant shall install a fire alarm system as required by the NFPA 72.
43. All fire sprinkler systems, fixed fire suppression systems and alarm plans must be submitted separately to the Fire Marshal for approval prior to construction.
44. All elevators shall be of minimum gurney size.

45. Conditions are subject to change with the adoption of new codes, ordinances, laws, or when building permits are not obtained within twelve months.

RECYCLING:

46. The Applicant shall comply with the provisions of the City of Indian Wells' Construction & Demolition Debris Management Plan and the Indian Wells Municipal Code Chapter 16.75.
47. Approval of the Construction & Demolition Debris Management Plan by the City is required before issuing a demolition and building permit and beginning of demolition and on-site mobilization work.
48. In accordance with the City's Franchise Agreement for waste disposal & recycling, the developer shall be required to contract with Burrtec for removal and disposal of all waste material, debris, vegetation, and other rubbish generated during cleaning, demolition, clear and grubbing or all other phases of construction.
49. Any recyclable materials shall be removed from the premises by a licensed contractor as an incidental part of a total construction, remodeling or demolition services offered by that contractor who will certify in writing that accepted construction and demolition debris will be diverted from that accepted construction and demolition debris will be diverted from landfill, not dumped illegally, or dumped at sea.
50. Any reusable materials removed from site by a not-for-profit organization shall certify in writing that the accepted construction and demolition debris will be diverted from landfill, not dumped illegally, or dumped at sea.
51. The Applicant shall develop a plan for diverting a minimum of fifty percent (50%) of construction and demolition debris from landfill and how it will be diverted from landfills.
52. The Applicant shall furnish copies of the Construction & Demolition Debris Management Plan to all on-site supervisors, each subcontractor, the Owner, and the Architect.
53. The Applicant shall minimize the creation of construction and demolition waste on the job site.
54. The Applicant shall reuse, salvage, or recycle as much of the inevitable waste that is generated from the construction or demolition as is feasible.
55. Within ten (10) calendar days after receipt of Notice of Award of Bid, or prior to any waste removal, whichever occurs sooner, the contractor shall submit to the Owner and Architect, a City of Indian Wells Construction and Demolition Debris Management Plan.

56. The contractor shall provide copies of the Indian Wells Construction & Demolition Debris Management Plan to the job site foreman, each subcontractor, the Owner, and the Architect.
57. Hazardous wastes shall be separated, stored, and disposed of according to local regulations
58. The contractor shall conduct Construction Waste Management meetings. Meetings shall include subcontractors affected by the Waste Reduction and Recycling Plan. At a minimum, waste management goals and issues shall be discussed at the following meetings:
 - Pre-bid meetings.
 - Pre-construction meeting.
 - Regularly scheduled job-site meetings.

CONSERVATION:

59. The Applicant shall use, to the extent practicable, native and water efficient landscaping. The installation of water conservation devices in development and irrigation systems shall be explored and used to the extent appropriate and reasonably feasible.
60. If rooftop telecommunication arrays are proposed, they shall be screened from view or incorporated into building facade.
61. The Applicant shall consider sustainable site and building design techniques, which may include, but are not limited to, the following:
 - On-site generation of renewable energy through the use of solar power.
 - On-site generation of renewable energy through photovoltaic techniques and usage of photovoltaic cells.
 - Use of natural, plentiful, or renewable materials in building construction.
 - Low or non-toxic materials shall be utilized with minimal VOC-producing compounds.
 - Use of materials, components and systems that help reduce energy consumption to buildings and facilities.
 - Where possible, design buildings that exceed California's Title 24 energy efficiency standards by at least fifteen percent (15%).
 - A weather-based satellite irrigation system.
 - Strategic orientation and configuration of buildings and shading elements to passively heat and cool spaces.
 - Designated carpool parking areas.
 - Use of energy-efficient and automated controls for air-conditioning units and lighting to reduce electricity consumption and associated emissions.

62. The Project shall include provisions for design features that conserve water including low-flush toilets, low-flow faucets, and inclusion of water conserving irrigation practices.
63. The Applicant shall incorporate energy conservation measures into building design in accordance with energy conservation requirements imposed by the California Energy Commission and Title 24 of the California Administrative Code. Architectural and landscape design plans shall promote, to the maximum extent feasible, design strategies to maximize shading and natural cooling.

UTILITIES:

64. The developer shall apply for, obtain, and submit a letter from Southern California Edison (SCE) indicating that the construction activity will not interfere with existing SCE facilities (SCE NIL).
65. The conduit system for any electrical service, with associated concrete manholes and vaults, shall be installed underground in accordance with utility company requirements and those that may be imposed by the City.
66. Utility transformers and other appurtenances shall be placed according to the requirements of the applicable utility purveyor.
67. Unless otherwise approved by the City and/or specified by the Southern California Edison Company, the Applicant shall be financially responsible for the design and construction of all on-site infrastructure improvements for power transmission lines necessary to serve the project. The Applicant shall dedicate and record any right-of-way and maintenance easements, as may be required by the Southern California Edison Company, for the purpose of constructing and maintaining electrical system improvements.

COACHELLA VALLEY WATER DISTRICT (CVWD):

68. As required by CVWD, prior to the issuance of building permit approval, the Applicant shall prepare detailed water system improvement plans for the project that shall be submitted and approved by CVWD. Improvements identified in the plans shall be installed by the Applicant and be in place prior to occupancy and permit issuance.
69. The Applicant shall pay all fees required by CVWD.
70. Prior to the issuance of building permits, the Applicant shall obtain approval from the Coachella Valley Water District indicating that adequate sewer capacity exists to service site development. The Coachella Valley Water District's approval of signed sewer plans for the Project shall suffice as such approval.
71. All water system improvements shall be closely coordinated with and shall be subject to review and final approval by the Coachella Valley Water District.
72. The Applicant in accordance with current district regulations shall incur fees for domestic water and sanitation service in accordance with current district regulations.

SOUTHERN CALIFORNIA EDISON (SCE):

73. The Applicant shall contact SCE to discuss energy conserving measures including day lighting, thermal storage, and passive solar applications. The Applicant shall provide the Community Development Director with a letter from SCE confirming that this discussion has occurred and listing any recommended measures. The Community Development Director shall evaluate the letter and determine the appropriate level of implementation prior to issuance of building occupancy permits.
74. Extension and related improvements to the natural gas system shall be installed as development occurs.

SOUTHERN CALIFORNIA GAS COMPANY:

75. The Applicant shall contact the Southern California Gas Company to discuss the most effective applications of energy conservation techniques for this Project. The Applicant shall provide the Community Development Director with a letter from SCG confirming that this discussion has occurred and listing any recommended techniques. The Community Development Director shall evaluate the letter and determine the appropriate level of implementation prior to issuance of building occupancy permits.
76. Relocation of facilities on the project site (if any), which facilities exist by right of easement or otherwise, the Owner/Applicant will provide Southern California Gas or other agency with suitable replacement rights. Any costs and replacement rights are required prior to the performance of the relocation.

BUILDING AND SAFETY:

77. 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.
78. 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:
 - City Fire Marshal
 - City Public Works Director
 - Community Development Director
 - CVWD
79. 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.

80. 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.
81. The Project shall comply with all applicable provisions of the Americans with Disabilities Act (ADA).
82. The Project is to be built according to Building and Safety Standards and comply with any applicable City of Indian Wells Municipal Code Regulation.
83. 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.

ENVIRONMENTAL:

84. Pursuant to Public Resources Code Section 21089 and Fish and Game Code Section 711.4, the Applicant shall provide those fees marked [X] below in the form of a check made payable to the *Riverside County Clerk* within 5 days of City Council approval. Project approval shall not be complete until the required fee(s) is (are) paid: \$ 50 - "Administrative Fee" to file the Notice of Exemption

END OF CONDITIONS