

INDIAN WELLS CITY COUNCIL

November 28, 2022



To: City Council
From: Community Development Department
Prepared by: Jon Berg, Community Development Director

Subject: Modification to Conditional Use Permit No. 2014-03, including Zone Text Amendment No. 2022-02, and Environmental Assessment No. 2022-02 for the expansion of the special event parking lot/sod farm at the Indian Wells Tennis Garden generally located west of Washington and south of Miles Avenue (APN: 604-640-015)

RECOMMENDED ACTION:

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

ADOPTS Resolution to approve a modification to Conditional Use Permit No. 2014-03, Zoning Text Amendment No. 2022-22, and Adoption of the associated Initial Study/Mitigated Negative Declaration prepared in support of Environmental Assessment No. 2022-02 for expansion of the special event parking lot/sod farm uses at the Indian Wells Tennis Garden.

INTRODUCES Ordinance to be read by title only and further reading waived, amending Chapter 21.34.040 of the Indian Wells Zoning Code by modifying Section 21.34.040 to allow unpaved parking lots, agricultural uses, and sod farms as conditional uses within the City's Resort Commercial zone.

DISCUSSION:

BACKGROUND AND SETTING:

The Garden of Champions, LLC ("Applicant") owns approximately 17 acres of land (APN No. 604-640-015) on the south side of Miles Avenue directly across from the Indian Wells Tennis Garden (Attachment 5). The property was previously part of a 50-acre parcel owned by the City's Housing Authority, which was later subdivided into the 17-acre

subject parcel, a 10-acre parcel immediately to the east, and a remnant 23-acre parcel which lies within the CVWD flood control channel to the south. In 2014, the Housing Authority entered an agreement with the Applicant to lease the 17-acre subject property to allow an expansion of their special event parking and seasonal sod farming operations at the site. Per the agreement, the City started processing a Zone Text Amendment ("ZTA") and modification to the existing Conditional Use Permit ("CUP") to allow the special event parking and seasonal sod farming operations at the site in support of Tennis Garden's operations. On August 28, 2014, the Planning Commission reviewed the ZTA and CUP entitlements at a Public Hearing and recommended approval to City Council under Resolution No PC 2014-05. However, due to cultural concerns, which were subsequently raised by the Agua Caliente Band of Cahuilla Indians along the northwestern edge of the subject property, the project was not reviewed by City Council at that time.

The Applicant worked independently with the Agua Caliente Band of Cahuilla Indians to resolve their concerns and executed an agreement to develop the property (refer to Attachment 12) which included establishment of a conservation easement in perpetuity over the culturally sensitive area (approximately 2 acres). The Applicant subsequently purchased the 17-acre site from the City and fenced-off the culturally sensitive conservation area to ensure no future disturbance or trespass into the area. Now that the conservation area has been formally established and fenced, the Applicant is moving forward with the intent of the original Project as the property owner. The revised Project will include supporting uses to the originally proposed temporary parking lot/sod farm uses, including new permanent streetlights, and a designated rideshare pick-up and drop-off lane along Miles Avenue.

The property has been rough graded and planted with turf to stabilize dust blowing from the site. The contiguous property to the east has also been stabilized with turf and contains an underground tunnel allowing pedestrian access from the turf areas to the Tennis Garden stadiums north of Miles Avenue. CVWD's stormwater channel bounds the southern boarder of the subject property. The project site is zoned Resort Commercial (RC) which does not currently identify temporary parking lots/sod farms as allowable uses without a Temporary Use Permit.

The City of Indian Wells Planning Commission reviewed the Project at a Public Hearing on November 16, 2022 and recommended approval of the modification to Conditional Use Permit No. 2014-03, Zoning Text Amendment No. 2022-22, and Environmental Assessment No. 2022-02 (Attachment 4). The Planning Commission also reviewed and approved modifications to the Tennis Garden's existing Planned Sign Program at the November 16, 2022 Public Hearing per their review and approval authority under Section 17.20.010(c) of the City's Municipal Code.

DESCRIPTION AND ANALYSIS:

The Applicant is formally requesting approval of a modification to their existing CUP, along with a ZTA to expand their parking facilities and utilize the site for sod farming operations when not being used for event parking. Approval of the ZTA will allow these temporary uses in the RC zone subject to approval of a CUP. The conditionally allowable uses to be added to Section 21.34.040 of the Zoning Code include: unpaved parking lots, agricultural uses, sod farms and similar uses.

Approval of the ZTA and CUP will allow for year-round sod farm operations with seasonal event parking, without the need for a Temporary Use Permit. Development of the Project would include paved ingress/egress to the site, sidewalk and utility infrastructure improvements, and ride share drop-off and pick-up facilities located along the project frontage on Miles Avenue. Various gates and rail barriers will be provided throughout the site for safety and security purposes (Attachments 6 thru 11). Approximately 12.5 acres of the site will consist of the turf parking lot. The turf parking lot is intended to provide a stabilized surface in support of special event parking at the Tennis Garden, which reduces the amount of impermeable asphalt typically used for parking lots. The use of turf as a parking surface also provides a commercial benefit to the Tennis Garden by allowing seasonal sod farming operations.

The turf parking lot will be temporarily striped (with parking stalls and circulation lines) for events and can provide up to 1,420 parking spaces. Parking stall and circulation striping on the turf parking area may be adjusted as needed to accommodate specific event parking needs. As mentioned above, the Project also includes maintaining approximately 2 acres of land located on the northwest corner of the site as a cultural resource conservation area. This is a result of the agreement made between the Applicant and the Agua Caliente Band of Cahuilla Indians (Attachment 12).

ENVIRONMENTAL ASSESSMENT:

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, as lead agency, prepared an Initial Study to analyze the potential environmental impacts of the project. The Initial Study concluded that with applied mitigation the Project would result in less than significant impacts. Therefore, the City determined a Mitigated Negative Declaration (MND) was the appropriate CEQA document in support of the Project (Attachment 13).

A Notice of Intent for the draft Initial Study and Mitigated Negative Declaration (IS/MND) was circulated for a 20-day public comment period which officially concluded on November 22, 2022. The City received one (1) comment letter from the California Department of Fish and Wildlife ("CDFW") dated November 21, 2022. The Draft IS/MND along with CDFW's comment letter and the City's response (Attachment 14) comprises the Final MND for the Project.

ATTACHMENTS:

1. Resolution
2. Exhibit A- redline
3. Ordinance
4. PC Resolution 2022-14
5. Vicinity Map/Site Photographs
6. Site Plan
7. Off-Site Street Improvements Plan
8. Precise Grading Plan
9. Landscape Plan
10. Lighting Plan
11. Wall and Fence Plan
12. Agreement Regarding Cultural Conservation Easement
13. IS/MND
14. IS/MND Response to Comments