

CC/RDA ACTION _____ MTG. DATE: 6-19-2008
APPROVED L _____ VIED _____ REC/FILE _____ CONT. _____
OTHER _____
VOTE: YES 5 NO 0 ABSTAIN _____
→ Certify the SEIR in Section 8 all three Resolutions

STAFF REPORT

DATE: June 19, 2008
TO: Honorable Chair and Members of the Planning Commission
FROM: Barbara Carson, Assistant Community Development Director
CASE NO.: General Plan Amendment 2005-06, Zoning Map Amendment 2006-02, Zoning Text Amendment 2005-05, Specific Plan No. 2007-01, Ordinance Bill 2008-09, Ordinance 2008-02, Conditional Use Permit 2005-04 (A,B,C), Supplemental Environmental Impact Report 2007-01, Parcel Map 33568, Parcel Map 35114, Tentative Tract Map 35669.
APPLICANT: Sanderson J Ray-Indian Wells, LLC

SUMMARY

Indian Wells Town Center is a mixed-use project encompassing approximately 79.26 acres of undeveloped land located west of Washington Street, and north and south of Miles Avenue.

The Architecture and Landscape Committee (ALC) reviewed the design criteria and development standards contained in the Specific Plan by which the development will proceed and recommended approval with a 4-1 vote with one abstention. All final designs for landscaping, signage and building elevations for the project are conditioned to be reviewed by the Architecture and Landscape Committee and City Council prior to building plan submittal.

At the June 5, 2008 Planning Commission meeting, the Planning Commission voted 4-0 to approve the commercial development in Planning Area I and voted 3-1 to approve Planning 2 and 3.

UPDATE OF THE JUNE 5, 2008 PLANNING COMMISSION MEETING:

The residents of La Quinta made several comments at the June 5, 2008 Planning Commission meeting: A letter in protest was submitted on behalf of the homeowners from Jeffrey French with a petition signed by 63 residents (see Attachment 16). The following is the summary of those comments raised at the meeting followed by a response:

1. Height of the Hotel:

Comment: The project will cause a fundamental change to views of the area, and will create impacts related to views of the Santa Rosa Mountain foothills for some of the homes located adjacent to Washington Street in the City of La Quinta.

- Response: The Recirculated SEIR included exhibits with photographs illustrating before project views and after project views that illustrate the impact but also depict view corridors. The project as it is designed and with large setbacks from residential areas facilitate the reduction of the view impact.

The architectural design of the hotel (building is terraced) to reduce mass and bulk;

The hotel is setback from 400 to 600 feet plus from the nearest homes adjacent to Washington Street (on Via Pavion);

View corridors are provided.

In addition, the City's architectural design and landscaping guidelines addressing building heights, setbacks, lighting standards, signage, and other design and aesthetic elements, will help to reduce the visual impacts of the proposed project.

2. Parking on Via Sevilla During Tennis Events

Comment: The La Quinta Del Oro Community Association expressed concerns about vehicles parking on Via Sevilla during tennis events.

Response: Ample parking areas are provided on-site during tennis events and if vehicles are parking illegally then that is a law enforcement issue and can be handled during the annual Indian Wells Tennis Garden event meeting with the City. It should also be noted that the City is constructing an additional parking lot adjacent to the Tennis Gardens that will provide an additional 1,632 permanent parking spaces.

3. Westbound Right-Turn Lane on Miles Avenue

Comment: The La Quinta Del Oro Community Association expressed concerns that the required westbound right turn lane proposed on Miles Avenue will take land from the La Quinta Del Oro Community Association.

Response: The proposed westbound right turn lane on Miles Avenue can be constructed completely within existing public right-of-way and will not require the need for any land owned by the La Quinta Del Oro Community Association.

4. Traffic Noise

Comment: Residents in the La Quinta Del Oro Community expressed concern about increased traffic noise on Washington Street.

Response: A Noise Study was prepared for the project using the Federal Highway Administration Traffic Noise Prediction Model. The results indicated that the project would increase traffic noise by 1dB or less above existing conditions. The California Department of Transportation considers a noise increase of 3dB

or more to be significant. Therefore, the increase of 1dB is not considered significant. When the City of La Quinta resurfaces Washington Street on their side of the median, it is standard practices to use rubberized asphalt. This will reduce the decibel level as well.

BACKGROUND

In 1998, the County of Riverside approved an entitlement for a world-class tennis complex known as the Indian Wells Tennis Garden (IWTG). The approved land uses included a sports complex with a variety of commercial and residential uses around the IWTG. The approved Indian Wells Tennis Garden project occupies approximately 180 acres and consists of a 50-acre tennis complex with 3 stadiums, 30 practice courts, two hotels, retail uses including restaurants.

In 1998, the property was located in an unincorporated area of the County of Riverside. Subsequently, the subject property was annexed into the City of Indian Wells. The Tennis complex was constructed; however, the commercial portion of the project was not completed. Since 1998, the tournament operators, landowner, and City representatives have discussed the overall goals and character of the complex, and have developed the proposed land plan based on current economic and tourist conditions.

The proposed project is divided into four planning areas described as follows:

- Planning Area 1: 390,000 square feet of retail, entertainment and commercial
- Planning Area 2: 300-unit resort condominium hotel complex
- Planning Area 3: 65 single family resort residential homes.
- Planning Area 4: 10,000 square feet of commercial uses.

ANALYSIS

Entitlement Process:

The existing land use designation on the City's General Plan is a combination of Sport Complex (SPX) and Resort Commercial (RC). The applications that apply to each planning area are listed as follows:

Planning Area 1- Commercial	
Zoning Text Amendment No. 2005-05	Add Planning Area No. 7.5
Specific Plan 2007-01	Development and Design Standards
Tentative Parcel Map 35114	Subdivide 25.52 acres into 13 lots
Conditional Use Permit No. 2005-04-A	To permit the commercial development
Environmental Assessment 2007-01	Environmental Assessment 2007-01 Supplemental Environmental Impact Report.

Planning Area 2- Condo Hotel	
Zoning Text Amendment No. 2005-05	Add Planning Area No. 7.5
Specific Plan 2007-01	Development and Design Standards
Tentative Parcel Map 35568	Subdivide 22.19 acres into 1 lot
Conditional Use Permit No. 2005-04-B	To permit a resort hotel development
Environmental Assessment 2007-01	Environmental Assessment 2007-01 Supplemental Environmental Impact Report.

Planning Area 3-Resort Residential	
General Plan Amendment No. 2005-06	Change General Plan Designation from Sports Complex (SPX) to Resort Residential (RC).
Zoning Map Amendment No. 2006-02:	Change Zoning Map Designation from Sports Complex (SPX) to Resort Residential (RC).
Zoning Text Amendment No. 2005-05	Add Planning Area No. 7.5
Specific Plan 2007-01	Development and Design Standards
Tentative Parcel Map 35569	Subdivide 25.21 acres into 65 lots
Conditional Use Permit No. 2005-04-C	To permit resort residential development
Environmental Assessment 2007-01	Environmental Assessment 2007-01 Supplemental Environmental Impact Report.

The site for Planning Area 4 is under separate ownership and is included in the Specific Plan for design and development criteria, but is not part of this development application. Separate applications will be processed for Planning Area 4 and will require public hearings.

Specific Plan:

A Specific Plan is similar to a zoning ordinance since it regulates land use through development standards; however, there is considerable flexibility to tailor the standards to a specific area. The purpose of Specific Plan No. 2007-01 is to establish design guidelines, and programs to facilitate the proposed development. The proposed specific plan contains the standards and development criteria for the Indian Wells Town Center for each Planning Area. Any standard not addressed in the Specific Plan or the project Conditions of Approval will be governed by the Indian Wells Municipal Code.

Design Standards:

The purpose of Design Guideline sections is to detail the design standards, colors, finishes, materials and details that will be specific to each of the four Planning Areas of Indian Wells Town Center and the landscape and common area design guidelines that will be common to the entire project. There will be

an architectural blending of all three planning areas with a consistent use of colors and materials.

The Design Guidelines are intended to establish a resort commercial development which is consistent with the City General Plan and this Specific Plan. The Design Guidelines for the Indian Wells Town Center have been developed to:

- ❖ Provide a consistent approach to building designs, streetscape treatments, entry treatments, signage, walls, color, lighting, landscaping and other design elements that will endure for the life of the Project; and
- ❖ Assist in implementing the intent of the Specific Plan by establishing Project design criteria; and
- ❖ To provide development that is in keeping with the desired character of the City; and
- ❖ To provide high quality architecture and landscape design.

The architectural design will have a background of building materials that are used throughout the entire project and a variety of details, finishes and colors that provide a distinct personality to each individual Planning Area. The Conceptual Design Illustrations exhibit this for the Planning Areas. Final building elevations and landscaping shall be reviewed by the Architecture and Landscape Committee (ALC) and the City Council as a general business item prior to building plan check submittal.

Detailed photographs displaying the conceptual architectural designs of each Planning Area (One, Two, Three and Four) are shown in Section 4.1 of the Specific Plan. The Conceptual Design Illustrations incorporate many of the elements of the Design Guideline photographs and represent a possible design solution based upon the Site Plan Alternative contained within the Specific Plan. All exhibits and photographs shown in this section are conceptual in nature. The Final Design for each of the Planning Areas will be prepared based upon the concepts and the elements incorporated here.

Signage:

The sign criteria are still conceptual in nature and will be processed as a Planned Sign Program at a later date.

Landscaping:

The landscaping common to all Planning Areas is shown in section 4.4 of the Specific Plan. The landscape design will utilize plant materials to define the different areas while providing connectivity between the areas. The established tree patterns along Miles Avenue will be continued and enhanced. Landscaped and lighted passageways through the parking areas will connect to the street

side pad buildings. The resort hotel landscape design will solidify the resort experience. Hardscape elements such as curbs, low walls, seat walls, planters and pilasters will compliment the landscaping. The landscape plant palette starts on page 4.4-5 of the Specific Plan. The final landscape designs will be reviewed and approved by both ALC and City Council.

Lighting:

All lighting for the project will be consistent with the goals and policies of the General Plan. High-pressure sodium light fixtures will be prohibited and exterior lighting will be fully shielded so as to direct light away from adjoining lots, buildings and streets. The conceptual lighting design will be required to be approved by ALC in addition to a photometric study for Staff review.

Service Areas:

Loading facilities are required to be concealed from public view by a combination of walls and landscaping. The design of the service areas will be required to be approved by the ALC.

Parking:

A shared parking study was prepared by Linscott Law & Greenspan which compared the calculated parking needs against the proposed parking supply for the entire site. The Study concluded that the number of parking spaces will be in balance with the parking demands of the project and the on-site supply could adequately serve the project. The study concluded the parking needs are considered to be "contained" within the site.

Green Building Conditions of Approval:

Even though the City of Indian Wells does not have a Green Building Ordinance in place at this time, the Developer has agreed to implement sustainable building practices to reduce the carbon footprint. An example of the Conditions of Approval that are included in the Resolution for Planning Area 1 are as follows:

- Provide on-site generation of renewable energy through the use of solar power.
- Utilize on-site generation of renewable energy through photovoltaic techniques and usage of photovoltaic cells.
- Natural, plentiful or renewable materials should be incorporated into the building construction.
- Low or non-toxic materials shall be utilized with minimal VOC-producing compounds.
- Energy efficiency should be maximized by utilizing materials, components and systems that help reduce energy consumption to buildings and facilities.
- All buildings shall exceed California's Title 24 energy efficiency

standards by at least 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.
- A percentage of covered parking.
- Electric vehicle charging stations.
- Utilize reclaimed water for landscape irrigation if available.
- Utilize energy-efficient and automated controls for air-conditioning units and lighting to reduce electricity consumption and associated emissions.

Planning Area I Development and Design Standards (Commercial):

The retail entertainment component of the Indian Wells Town Center will be developed with a movie theater, open air restaurants and shopping surrounding two large plazas. The uses listed in the Specific Plan are more restrictive than those uses allowed in the Community Commercial Zone.

Building Setbacks:

Setback from Washington Street

- ❖ Buildings less than 25' in height will have a minimum of 25' setback from the property line.
- ❖ Buildings more than 25' in height are required to be located 1 foot for every foot of the building height above 25' feet to a maximum required setback of 50'.
- ❖ With the right-of-way along Washington, the buildings will be setback an additional 12 feet totaling a setback from curb of 37 feet.

Setback from Miles Avenue:

- ❖ Buildings less than 25' in height will have a minimum of 25' setback from property line.
- ❖ Buildings greater than 25' in height to be located a minimum of 35' from property line.
- ❖ With the right-of-way from Miles Avenue, the buildings will be setback an additional 12 feet.

❖ **Building Height:**

- ❖ Office Building- four stories or fifty two feet
- ❖ Architectural elements such as tower elements, clock towers, cupolas up to 52'
- ❖ Pad buildings S and T one story or 24'
- ❖ Pad buildings C- one story or 24'

Architecture:

The buildings will be contrasted by utilizing smooth plaster and textured materials. The applicant proposes to utilize a combination of stone, tile and

textured masonry, pre-cast concrete and plaster. Accent elements such as shade structures will be painted steel and other materials as outlined in the Design Guidelines contained in the Specific Plan (starting on page 4.1-1).

Standards are provided in the Specific Plan to ensure a level of quality that must be complied with for the commercial development in Planning Areas 1 and 4. For instance, the following goals and policies outline the requirements of the final design of all buildings to enhance the quality of the proposed architecture and provide for building articulation.

- ❖ The use of simple plaster masses with openings, arched entryways, and sun control elements.
- ❖ Horizontal and vertical building offsets, and curved building elements to create articulated breaks, visual relief and promote pedestrian circulation.
- ❖ Architectural detailing, tile, stone, and strong colors shall be included at key places on the buildings and site features.
- ❖ Four-side architecture shall be provided for all buildings. Designs shall demonstrate a consistent use of colors, materials, and detailing throughout all elevations of the building.
- ❖ Courtyards and plazas with landscaping and pedestrian amenities shall be provided in the project. The unifying elements of a center are the site details. The details, when properly designed, will convey the sense of luxury and elegance that sets this development apart from other, similar types of centers.

Additionally, the project will incorporate water elements in the landscape and hardscape areas that provide the sense of cooling as well as the background sound. A variety of water features will be proposed depending on the location, desired effect, and the available space.

The project will also include distinctive canopies that will mark areas such as valet parking stations and shuttle bus pick up. These structures will integrate the building materials, site lighting and canopies to form a complementary vocabulary to other site elements such as pathway lighting.

The color palette for Planning Areas 1 and 4 are shown on Page 4.1-42 of the specific plan. The exhibit shows the field colors that are more muted for the buildings with the brighter accent colors.

Valet Parking:

The applicant is proposing a valet area between Pad S and T along Washington Avenue and Pads B and C along Miles Avenue. The tandem parking spaces would be allowed for valet parking only and would be located behind a paved parking space, within the setback area. The valet space would be separated from the paved space by a rolled concrete curb and would be turf. The parking would be screened with berms, slopes, hedges and/or low walls as determined by the ALC.

Planning Area 2 Development and Design Standards (Resort Hotel):

The resort hotel shall maintain a theme carried out by quality materials and design consistent with these Design Guidelines. Building design shall be unique to the site in that the configuration will take advantage and preserves surrounding vistas and recreation areas and is consistent with the resort quality of the hotel.

The following goals outline the architectural elements that shall be incorporated into the building design to increase building articulation:

- ❖ The building shall have varying plate heights and staggered floor plates that create a layered roofline and helps to minimize the massing at the entry elevation.
- ❖ Horizontal and vertical building offsets and elements such as balconies shall be incorporated to create visual interest.
- ❖ Rich building materials and colors that compliment the desert setting shall be incorporated into the design.

The uses permitted in Planning Area 2 are as follows:

- Resort hotel, condo hotel
- Conference and convention facilities
- Restaurants
- Resort Residential

Building Setbacks:

- ❖ Buildings less than 25' in height shall be located a minimum of 25' from the property line or 37 feet from the public right-of-way.
- ❖ Buildings more than 25' in height are required to be setback an additional 1 foot for every foot of the building height above 25' feet to a maximum required setback of 50'.
- ❖ Buildings adjacent to residential lots shall be setback 50'.
- ❖ Accessory structures less than one story.

- ❖ Resort hotel- 90' from the center of the intersection of Miles Avenue and Washington Street.

Planning Area 3 Development and Design Standards (Residential):

Theme of the resort homes will be derived from the style of the resort hotel. The style will match in detailing, colors and materials. Due to the relationship of the homes to the resort as potential rental properties, the detailing and finishes will be commensurate with the quality and luxury of the hotel. Materials will include plaster and stone with clay tile roofs. The color palette will utilize deep earth tones.

The uses permitted in Planning Area 3 are residential, recreational facilities and resort hotel.

Building Setbacks

- ❖ Front Yard- 20'
- ❖ Rear Yard- 10'
- ❖ Interior Side Yard- 5' and 11'
- ❖ Street Side (corner lots) – 15'
- ❖ Building- 20'

Lot Size

The minimum lot size for the proposed Tract is 8,500 square feet. The proposed zoning designation for the subject site is Low Density Residential that allows a minimum lot size of 8,500 square feet. A General Plan Amendment and Zone Change will be required to change the existing zoning designation from Sports Complex to Resort Commercial to allow residential development that is connected to the condo hotel use. The designation is specific to this area only.

Although the minimum lot size for the proposed Tract is 8,500, the average lot size is 11,806. The lot sizes and configuration of the lots will be considered as part of the Tract Map and General Plan/Zone change approval.

Building Height

Building heights for the residential buildings are limited to one story above the approved pad elevation with an overall maximum height of twenty feet (20') for no greater than 30% of the roof area, and a maximum height of sixteen feet (16') for the balance of the area. Parapets around any flat roof areas are limited to not exceed twelve feet (12') in height at the minimum rear or side-yard setback line.

The City has approved Planning Area regulations to allow residential tracts to exceed the 18' height limit established in the Zoning Code. For instance, the Province, Reserve and Toscana developments were approved with tower

elements that exceed the building height requirement.

Planning Area 4 Development Standards (Commercial)

The uses permitted in Planning Area 4 are consistent with the uses allowed in Planning Area 1 except more restrictive. The uses are retail and service businesses, restaurants (sit down, administrative, business, medical and professional offices).

Building Setbacks

Washington Street and Miles Avenue- 25'

Environmental (CEQA):

After extensive consideration of the proposed project, the City has determined that a Supplemental Environmental Impact Report based on the previously adopted Environmental Impact Report approved for the original project (State Clearinghouse Number 1998121069) is the most appropriate CEQA document given the characteristics of the proposed project and its potential environmental impacts.

A supplemental EIR augments the previously certified EIR to the extent necessary to address conditions described in section 15163 and to examine mitigation and project alternatives accordingly. It is intended to revise the previous EIR through supplementation.

The City received comments from surrounding property owners as well as commenting agencies. The response to these comments are included in the Final Supplemental Environmental Impact Report.

Recirculation

Based on comments received during the review period from the City of La Quinta (Aesthetics and Traffic), the Aqua Caliente Band of Cahuilla Indians (Cultural Resources), and the South Coast Air Quality Management District (SCAQMD), the City decided to revise and re-circulate portions of the SEIR for another 30-day review period, in accordance with State CEQA Guidelines. The Re-circulated Draft SEIR was available for public review from February 15, 2008 to March 17, 2008 (State Clearing House Number 200611097).

Statement of Overriding Considerations

In General, the Lead Agency (Indian Wells, in this case) must not approve a project if the project will have a significant effect on the environment after imposition of feasible mitigation or alternatives, unless the Lead Agency (Indian Wells) find that the benefits of a proposed project outweigh the unavoidable adverse environmental effects. When the City is approving a project with unavoidable significant environmental impacts, the City is required by CEQA to

prepare a Statement of Overriding Consideration explaining why the agency is willing to accept each significant effect (Pub. Res. Code sec. 21091). The Statement of Overriding Considerations is a written statement explaining why the agency is willing to accept each significant effect. CEQA requires the decision maker to balance the benefits of a proposed project against unavoidable environmental risks in determining whether to approve the project (see Attachment 4).

CEQA Guidelines Section 15093 (a) and (b) states that:

CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

Where the decision of the public agency allows the occurrence of significant effects which are identified in the Final SEIR but are not avoided or substantially lessened the agency shall state in writing the specific reasons to support its action based on the Final SEIR and/or other information in the record.

Project Significant Impacts

The project will create the following significant impacts that cannot be mitigated to less than significant levels even with implementation of all feasible mitigation measures:

Air Quality: The project will exceed SCAQMD significance thresholds for VOC (adhesives, solvents, paints) and NO_x (a byproduct of fuel combustion that reacts with oxygen to form nitrogen dioxide and contributes to the formation of ozone) during construction and VOC, NO_x and CO (produced by incomplete combustion of carbon-containing fuels such as gasoline or diesel fuel) during operation after implementation of all feasible mitigation measures. Exceeding these thresholds would not comply with the SCAQMD Air Quality Plan.

However, after construction, the project will not exceed SCAGMD air quality standards.

Transportation (Traffic Short-Term): Based on a meeting with City of La Quinta staff, the following intersections were determined to be most appropriate to evaluate for traffic impacts related to the project.

- Washington Street at Fred Waring Drive
- Washington Street at Via Sevilla (La Quinta)
- Washington Street at Miles Avenue
- Washington Street at Highway 111
- Washington Street at 48th Avenue (La Quinta)
- Adams Street at Highway 111 (La Quinta)

Even without the project, the Level of Service (LOS) at the following intersections is currently operating at unacceptable levels (greater than LOS D).

- Washington St. at Fred Waring (LOS E)
- Washington St. at Hwy. 111 (LOS F)
- Washington St. at Avenue 48 (LOS F)
- Adams St. at Hwy. 111 (LOS E at PM only)

This is indicative of the traffic resulting from area wide development that has occurred in the vicinity of the project site, primarily to the south and east in the City of La Quinta. The City of La Quinta has also adopted a Statement of Overriding Consideration and that they have found that their project out-ways the potentially significant impacts.

The project will incrementally add to traffic, but will mitigate its long-term impacts by payment of the Transportation Uniform Mitigation Fee (TUMF) so that LOS will be improved for Washington Street and Fred Waring Drive for both the AM and PM peak hour and Adams Street and Highway 111 in the PM peak hour (AM peak hour delay for Adams and Highway 111 will be essentially the same). Delays will be reduced for all other intersections for both the AM and PM peak hours. However, until improvements are constructed to the Coachella Valley Regional Arterial System with TUMF and Measure A funds, short-term impacts remain significant due to existing traffic congestion in the area.

Aesthetics (Scenic Vista): Although the hotel has been designed to reduce the impact of the hotel height to those residences most impacted (located immediately east of the site in the Palm Royale Country Club on Via Pavion in La Quinta), through the building design (terraced and stepped to reduce building mass), increasing the building setbacks, and providing a view corridor, some views of the mountains to southwest would still be wholly or partially blocked. This impact would remain significant and unavoidable.

The California Environmental Quality Act (CEQA) requires the City to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be

considered "acceptable" and a Statement of Overriding Considerations may be adopted where the City allows the occurrence of significant effects that are not avoided or substantially lessened. The City shall state in writing the specific reasons to support its action that the project will provide specific economic, social, and other benefits that outweigh the unavoidable adverse environmental impacts of the project, such that those impacts are considered acceptable. The justification for the City to adopt a Statement of Overriding Considerations is contained in the Findings to approve the project.

These benefits are described as follows:

- The project will provide retail/entertainment uses and Class "A" office space to create additional jobs to offset the City's jobs-housing imbalance.
- The project will provide a blend of resort, retail, and residential uses that will provide a single destination for tourist and resident enjoyment developed in a premier setting adjacent to the City's major tourist attraction (Indian Wells Tennis Garden).
- The project will implement the following City General Plan goals and policies:

IIA1.6 Encourage new commercial development that relates to the City's resort industry.

Facts: The resort or condominium hotel will provide additional hotel rooms for the Indian Wells Tennis Garden and other tourist attractions in the area. The commercial area, being developed into an entertainment/retail complex with restaurants and shopping will further support the resort industry.

IIA2.6 All development in the City will comply with approved design standards, including but not limited to, architecture, landscaping, site design, and other development related regulations intended to enhance and promote the image of Indian Wells.

Facts: The project is required to comply with all applicable sections of the City of Indian Wells Municipal Code in regard to architecture, landscaping, and site design. In addition, the Town Center Specific Plan is proposed to establish unique design standards and guidelines for the project to promote high quality development.

IIA3.2 Locate new development where infrastructure and community services are available or can be expanded without adverse effects on existing uses.

Facts: The site is located adjacent to the existing Indian Wells Tennis Garden facility and is at the intersection of two major roadways. All infrastructure facilities are adjacent to the site and do not need to be extended to serve the site.

IIA4.1 Maintain significant revenue-generating land uses in the City, particularly Resort Commercial uses, to assure a balance of costs and revenues over time.

Facts: Development of the site will provide sales tax revenue to the City. Sales tax revenue will assist in offsetting the costs to provide services citywide.

Pursuant to CEQA Guidelines §§ 15092 and 15093 and CEQA § 21081, the City Council will need to find that the foregoing benefits provided to the public through approval and implementation of the project outweigh the identified significant adverse environmental impacts of the Project which cannot be feasibly mitigated or avoided. Additionally, the City Council will need to further find that each of the Project benefits identified above outweighs the unavoidable adverse environmental effects identified in the Final SEIR and, therefore, the City Council finds those impacts to be acceptable. Each of the benefits listed above, standing alone, is sufficient justification for the City Council to override these unavoidable environmental impacts.

Development Agreement:

The City Council, Sanderson J. Ray-Indian Wells, LLC and Woodbridge, Indian Wells, LLC are preparing to enter into a Development Agreement (DA) for the Indian Wells Town Center Project. The DA is a document that sets forth the standards and timing for the development. The Zoning Code requires that the Development Agreement is adopted by Ordinance. Staff prepared Ordinance 2008-02 to comply with the Municipal Code.

The deal points of the agreement are listed as follows:

- Assignment and sale provisions for the development entitlements.
- Condo-Hotel benefits such as resident discounts and use of the gym facilities.
- Phasing clarification regarding the Condo-Hotel, Commercial component and the Resort Residential Development portion.
- Admission tax waiver for the movie theatre proposal.
- On-site security services.

- City Office Space.
- TOT provisions for the Condo-Hotel unit owner.
- 3,500 square feet available for public space.
- Resort golf rates for hotel guests as provided for with resorts in Indian Wells.
- Sale of a portion of City owned land to the developer

Conclusion:

The Specific Plan, as proposed, sets the development standards and design goals and policies that will guide the ultimate development of all four Planning Areas. Because the site plan and elevations are conceptual, there is still quality control mechanisms in place to allow ALC and City Council to approval all elements of the final designs of the Planning Areas.

RECOMMENDATION:

Planning Commission recommends that the City Council open the Public Hearing, take public testimony and take the following actions for each Planning Area:

Planning Area 1 (retail commercial):

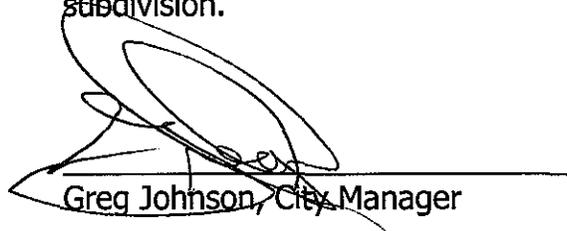
ADOPT Resolution No. 2008-32 with Conditions of Approval to recommend approval of the adoption of the Statement of Overriding Consideration, the Mitigation Monitoring and Reporting Program and the Statement of Facts and Findings, Ordinance Bill No. 2008-09, Ordinance 2008-02, Conditional Use Permit No. 2005-04-A, Environmental Assessment No. 2007-01 for Supplemental Environmental Impact Report , Zoning Text Amendment (ZTA) No. 2005-05, Zoning Map, Tentative Tract Map (TTM) 35114 and Specific Plan (SP) 2007-01, for a 400,000 square foot mixed use commercial shopping center; and

Planning Area 2 (condo-hotel):

ADOPT Resolution No. 2008-33 with Conditions of Approval to recommend approval of the adoption of the Statement of Overriding Consideration, the Mitigation Monitoring and Reporting Program and the Statement of Facts and Findings, Ordinance Bill No. 2008-09, Ordinance 2008-02, Zoning Text Amendment 2005-05 , Environmental Assessment No. 2007-01 for Supplemental Environmental Impact Report, Tentative Parcel Map (TPM) No. 35568, Conditional Use Permit 2005-04-B and Specific Plan (SP) 2007-01 for a 300 unit condo-hotel; and

Planning Area 3 (Resort Residential):

ADOPT Resolution No. 2008-34 with Conditions of Approval to recommend approval of the adoption of the Statement of Overriding Consideration, the Mitigation Monitoring and Reporting Program and the Statement of Facts and Findings, General Plan Amendment No. 2005-06, Zoning Map Amendment No. 2006-02, Ordinance Bill No. 2008-09, Ordinance 2008-02 Environmental Assessment No. 2007-01 for Supplemental Environmental Impact Report, Zoning Text Amendment No. 2005-05, Specific Plan 2007-01, Tentative Tract Map 35569, Conditional Use Permit 2005-04-C for a 65 lot Resort Residential subdivision.



Greg Johnson, City Manager

ATTACHMENTS:

1. Resolution No. 2008-32
2. Resolution 2008-33
3. Resolution No. 2008-34
4. Environmental Findings of Fact and Statement of Overriding Consideration
5. Ordinance Bill 2008-09
6. Ordinance Bill 2008-02
7. Development Agreement
8. Tentative Parcel Map No. 35114
9. Tentative Parcel Map 35568
10. Tentative Tract Map No. 35569
11. Draft Supplemental Environmental Impact Report (separate Binder)
12. Appendices (Separate Binder)
13. Re-circulated Supplemental Environmental Impact Report (Separate Binder)
14. Final Supplemental Environmental Impact Report (Separate Binder)
15. Specific Plan 2007-01 (Separate Binder)
16. letter from Jeffrey French and Petition