City Council

Meeting Agenda

Thursday, April 16, 2015

1:30 PM

City Hall Council Chambers

44-950 Eldorado Drive, Indian Wells

Welcome to a meeting of the City Council. All persons wishing to address the City Council should fill out a blue public comment form before the meeting begins and give it to the Clerk. When the Mayor has recognized you, please come forward to the podium and state your name for the record. Council policy is a 3-minute time limit. Please note that you may address the City Council on an agenda item at the time it is discussed, but only after being recognized by the Mayor. Any public record, relating to an open session agenda item, that is distributed within 72 hours prior to the meeting is available for public inspection at City Hall reception, 44-950 Eldorado Drive, Indian Wells during normal business hours.

1. RECONVENE THE CITY COUNCIL, PLEDGE OF ALLEGIANCE AND ROLL CALL

MAYOR TY PEABODY
MAYOR PRO TEM DANA REED
COUNCIL MEMBER RICHARD BALOCCO
COUNCIL MEMBER DOUGLAS HANSON
COUNCIL MEMBER TED MERTENS

2. APPROVAL OF THE FINAL AGENDA

3. APPROVAL OF MEETING MINUTES

A. April 1, 2015 Special City Council Meeting Minutes

Attachments: 04-01-15 Special Meeting Minutes

4. PROCLAMATIONS AND PRESENTATIONS

A. Proclamation Recognizing May 2015 as Mental Health Month

B. Presentation by Douglas Gordon City Representative to the Palm Springs Airport Commission

C. Presentation by PS Cruisin' Regarding Dr. George Car Show

5. PUBLIC COMMENTS

All persons wishing to address the City Council should fill out a Blue Public Comment Request form in advance and hand it to the City Clerk. At the appropriate time, please come forward to the podium and state your name for the record. Speakers are limited to three minutes. Parties are encouraged to submit their comments in writing with any attachments or exhibits they wish for the Council to review, preferably 24 hours prior to the meeting. Speakers can then use their three-minutes to summarize the key points of their comments. Please note that you may address the City Council on an agenda item at the time it is discussed, but only after being recognized by the Mayor.

Under the Brown Act, the Council should not take action on or discuss matters raised during the public comment portion of the agenda which are not listed on the agenda. Council Members may refer such matters to staff for factual information or to be placed on a subsequent agenda for consideration. Notwithstanding the foregoing, Council Members and staff may briefly respond to statements made or questions posed during public comment, as long as such responses do not constitute any deliberation of the item.

A. PUBLIC COMMENTS

B. RESPONSE TO PRIOR PUBLIC COMMENTS

6. PUBLIC HEARINGS

Anyone who challenges any hearing matter in court may be limited to raising only those issues he/she or someone else raised at the Public Hearing described herein, or in written correspondence delivered to the City Council at, or prior to, the Public Hearing.

A. Introduce Ordinance Amending Municipal Code Chapter 5.20 Regarding Short-Term Residential Rentals and Adopt Interim Urgency Ordinance Extending Moratorium on Short-term Residential Rentals

RECOMMENDED ACTIONS:

Council INTRODUCES Ordinance Bill No. 2015-06 amending Indian Wells Municipal Code Chapter 5.20 regarding regulations for Short-term Residential Rentals in the City; and

OPENS the Public Hearing, takes any public testimony on the extension of the Moratorium on Short-term Residential rentals, CLOSES the Public Hearing; and

ADOPTS Interim Urgency Ordinance No. 2015-05 extending the Moratorium on Short-term Residential rentals for an additional one year through May 4, 2016 pending further study and adoption of final regulatory and zoning standards.

Attachments: Ordinance Bill No. 2015-06
Interim Urgency Ordinance No. 2015-05

B. Receive and File Report Describing Measures Taken to Alleviate the Condition Which Led to the Adoption of Urgency Ordinance No. 677 and Justification for Extension

RECOMMENDED ACTION:

Council RECIEVES and FILES compilation of staff reports describing measures taken to alleviate the condition which led to the adoption of Urgency Ordinance No. 677 and justification for extension.

Attachments: Prior Staff Reports

C. Adopt Resolution Approving Modification of Conditional Use Permit No. 2000-04 and Final EIR Addendum to Replace Existing Tennis Court Used as a Seasonal Temporary Bleacher-style Tennis Stadium with a New Permanent Bowl-style Tennis Stadium at the Indian Wells Tennis Garden Located at 78-200 Miles Avenue

RECOMMENDED ACTIONS:

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

FINDS the project to be consistent with the provisions of the California Environmental Quality Act ("CEQA") and ADOPTS the Indian Wells Tennis Garden Stadium 3 Project Addendum and associated Mitigation Monitoring Plan to the Final EIR for the Garden of Champions Tournament Center (SCH No. 1998041039) for the Modified Project pursuant CEQA Guideline 15164; and

ADOPTS Resolution Bill No. 2015-18 approving modification of Conditional Use Permit No. 2000-04 to replace an existing tennis court used as a seasonal temporary bleacher-style tennis stadium with a new permanent bowl-style tennis stadium at the Indian Wells Tennis Garden located at 78-200 Miles Avenue (the "Project").

Attachments: Resolution Bill No. 2015-18
Stadium 3 EIR Addendum No. 2
Vicinity Aerial Map
Site Plans
Stadium Elevations
Building Presepectives
Color & Material
Landscape Plan

D. Adopt Resolution Approving the Annual Levy of the Special Fire Tax Standby and Availability Charges for Fiscal Year 2015-16

RECOMMENDED ACTIONS:

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

ADOPTS Resolution Bill No. 2015-07 approving the annual levy of the Special Fire Tax Standby and Availability Charges for Fiscal Year 2015-16; and

ORDERS the Special Fire Tax levy to be placed on the Fiscal Year 2015-16 Riverside County tax roll.

Attachments: Resolution Bill No. 2015-07

E. Adopt Resolution Approving the Annual Levy and Collection of Assessments in the Fire Access Maintenance District No. 1 for Fiscal Year 2015-16

RECOMMENDED ACTIONS:

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

ADOPTS Resolution Bill No. 2015-06 approving the annual levy of the Fire Access Maintenance District No. 1 for Fiscal Year 2015-16; and

ORDERS the Fire Access Maintenance District No. 1 levy on the Fiscal Year 2015-16 Riverside County tax roll.

Attachments: Resolution Bill No. 2015-06

7. CONSENT CALENDAR

All matters listed on the Consent Calendar are considered to be routine and will be enacted by one vote. There will be no separate discussion of these items unless members of the City Council or audience request that specific items be removed from the Consent Calendar for separate discussion and action. If you wish to address the City Council, please fill out a Public Comment Request form in advance and hand it to the City Clerk. Please state your name for the public record. Financial matters will be indicated as budgeted or non-budgeted below.

A. Annual Review and Adoption of City's Investment Policy

RECOMMEND ACTION:

Finance Committee recommends the Council ADOPTS the City's Statement of Investment Policy.

Attachments: City's Statement of Investment Policy

B. Receive and File the City Treasurer's Report for February 2015

RECOMMENDED ACTION:

Council RECEIVES and FILES the City Treasurer's Report for the month of February 2015.

Attachments: February 2015 City Treasurer's Report

C. FAMD Warrants and Demands.

RECOMMENDED ACTION:

Council APPROVES April 16, 2015 FAMD Warrants and Demands.

Attachments: 04-16-15 FAMD Warrants and Demands

D. City Warrants and Demands.

RECOMMENDED ACTION:

Council APPROVES April 16, 2015 City Warrants and Demands.

Attachments: 04-16-15 City Warrants and Demands

8. GENERAL BUSINESS

A. Approve City Goals and Action Plans for Budget Years 2015-17

RECOMMENDED ACTION:
Council APPROVES the City Goals and Action Plans for budget years 2015-17.

Attachments: City Goals and Action Plans Budget Year 2015-17

9. CITY MANAGER'S REPORTS/COMMENTS AND MATTERS FROM STAFF

10. COUNCIL MEMBERS' REPORTS AND COMMENTS

A. Council Member Mertens

Cove Communities Services Commision
CVAG Public Safety
Indian Wells Golf Resort Advisory Committee
Indian Wells Finance and Legal Services Oversight Committee
Indian Wells Public Safety Committee
Tee Commitee

B. Council Member Hanson

California Joint Powers Insurance Authority
Riverside Local Agency Formation Commission
CVAG Transporation
Indian Wells Golf Resort Advisory Committee
Indian Wells Marketing Committee
Indian Wells Finance and Legal Services Oversight Committee
Tee Commitee

C. Council Member Balocco

Cove Communities Services Commission
CVAG Coachella Valley Conservation Commission
CVAG Energy
Greater Palm Springs Convention and Visitors Bureau
Indian Wells Public Safety Committee

D. Mayor Pro Tem Reed

Coachella Valley Mountains Conservancy
Jacueline Cochran Regional Airport Commssion
Riverside County Transportation Commission
CVAG Homelessness
Indian Wells Marketing Committee
Indian Wells Personnel Committee

E. Mayor Peabody

Coachella Valley Animal Campus
CVAG Executive Committee
Sunline Transit Agency
Indian Wells Community Activities Committee
Indian Wells Grants in Aid Committee
Indian Wells Personnel Committee

11. CITY ATTORNEY REPORTS AND COMMENTS

12. CLOSED SESSION

A. **Conference with Legal Counsel Regarding Anticipated Litigation Pursuant to Government Code Section 54956.9(b)(1): Claimant: Evelyn Narino.**

B. **Conference with Legal Counsel Regarding Existing Litigation, Pursuant to Government Code Section 54956.9(d)(1): City of Indian Wells v. Verizon California, Inc. (U1002C), Public Utilities Commission, Case No. (C.) 15-03-006.**

C. **Conference with Labor Negotiators Pursuant to Government Code Section 54957. Agency Designated Representative: Wade G. McKinney. Employee Organization: Indian Wells City Employee Association.**

13. ADJOURNMENT

To a special meeting of the City Council to be held at 10:00 a.m. on May 7, 2015 in the City Hall Council Chambers/Executive Conference Room; and thereafter to a regularly scheduled meeting of the City Council to be held at 1:30 p.m. on May 7, 2015 in the City Hall Council Chambers.

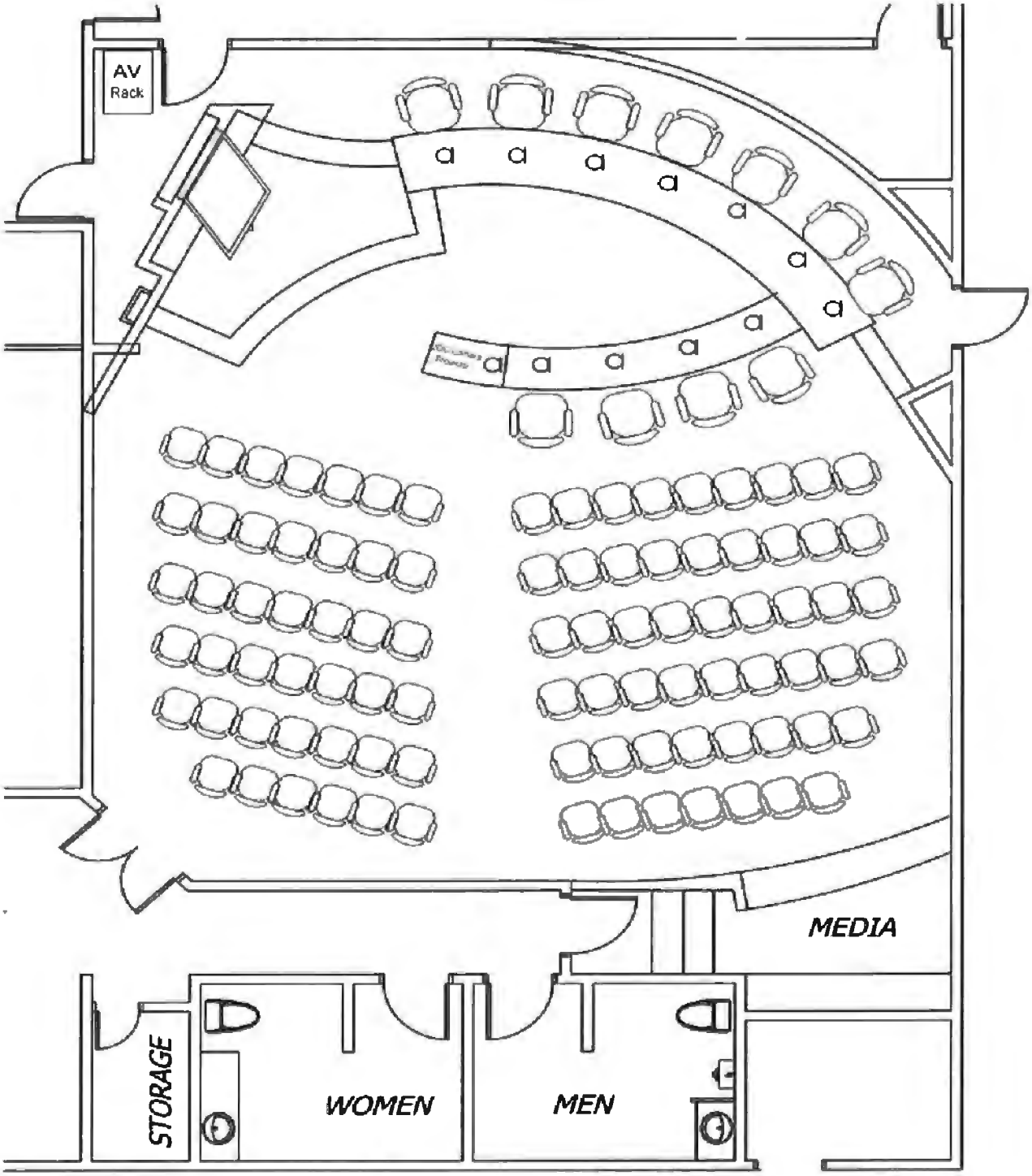
In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Chief Deputy City Clerk at (760) 346-2489. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. 128 CFR 35.102.35.104 ADA Title III

Affidavit of Posting

I, Anna Grandys, certify that on April 10, 2015, I caused to be posted a notice of a City Council Meeting to be held on April 16, 2015 at 1:30 p.m. in the City Hall Council Chambers.

Notices were posted at Indian Wells Civic Center, Village 1 [Ralph's], and Indian Wells Plaza [Indian Wells Chamber of Commerce].

Anna Grandys
Chief Deputy City Clerk


AV
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WOMEN
MEN

CITY COUNCIL MEMBERS ----------RESIDENTS AND VISITORS

MY NAME IS DEMOSTHENES JAMES BOOTH.

I RECOMMEND THAT TONIGHT AT THE STATE OF THE CITY MEETING YOU HAVE AN EMPTY CHAIR AND TABLE WITH A MICROPHONE. AND HAVE IT PLACED IN THE MIDDLE AISLE.

THEN WHEN COMMENTS AND QUESTIONS ARE WELCOMED FROM ATTENDING RESIDENTS AND VISTORS, THEY CAN SIT THERE WHEN THEY MAKE THEIR COMMENTS. AND ASK THEIR QUESTIONS. AND LISTEN TO YOUR REPLIES AND ANSWERS.

THANK YOU FOR YOUR TIME.

Special City Council Meeting Minutes

Wednesday, April 1, 2015
10:00 a.m.
Indian Wells Golf Resort, Celebrity Ballroom
44-500 Indian Wells Lane, Indian Wells

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WELCOME TO A SPECIAL MEETING OF THE CITY COUNCIL. ALL PERSONS WISHING TO ADDRESS THE CITY COUNCIL SHOULD FILL OUT A BLUE PUBLIC COMMENT FORM BEFORE THE MEETING BEGINS AND GIVE IT TO THE CLERK. WHEN THE MAYOR HAS RECOGNIZED YOU, PLEASE COME FORWARD TO THE PODIUM AND STATE YOUR NAME FOR THE RECORD. A 3-MINUTE TIME LIMIT IS CUSTOMARY. PLEASE NOTE THAT YOU MAY ADDRESS THE CITY COUNCIL ON AN AGENDA ITEM AT THE TIME IT IS DISCUSSED, BUT ONLY AFTER BEING RECOGNIZED BY THE MAYOR. ANY PUBLIC RECORD, RELATING TO AN OPEN SESSION AGENDA ITEM, THAT IS DISTRIBUTED WITHIN 72 HOURS PRIOR TO THE MEETING IS AVAILABLE FOR PUBLIC INSPECTION AT CITY HALL RECEPTION AREA 44-950 ELDORADO DRIVE, INDIAN WELLS DURING NORMAL BUSINESS HOURS.

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1. CONVENE THE CITY COUNCIL AND ROLL CALL

Mayor Peabody convened the Special Meeting of the City Council of the City of Indian Wells at 11:16 a.m. on April 1, 2015 in the Indian Wells Golf Resort, Celebrity Ballroom.

A motion was made by Mayor Pro Tem Reed, seconded by Council Member Hanson to Excuse Council Member Mertens from today's meeting. The motion passed by the following vote:

AYES: 4 – Peabody, Reed, Balocco, Hanson
NOES: 0
ABSENT: 1 - Mertens

PRESENT: 4 - Mayor Ty Peabody, Mayor Pro Tem Dana Reed, Council Member Richard Balocco, Council Member Douglas Hanson.
EXCUSED: 1 - Council Member Ted Mertens

2. APPROVAL OF THE FINAL AGENDA

A motion was made by Mayor Pro Tem Reed, seconded by Council Member Balocco, to Approve the Agenda as Submitted. The motion carried by the following vote:

AYES: 4 – Peabody, Reed, Balocco, Hanson
NOES: 0 – None
EXCUSED: 1 – Mertens

3. PUBLIC COMMENTS

A. Public comments concerning any matters within the subject matter jurisdiction of the Council.

It was the CONSENSUS of the City Council to allow public comments within the subject matter jurisdiction of the Council; and

to DIRECT Staff to bring back an amendment to the Policy Manual to incorporate public comments concerning any matters within the subject matter jurisdiction of the Council at all Special Meetings.

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Mr. Randy Nolen, resident, read a statement regarding Mayor Peabody's visit to his house concerning the 2012 election.

Mr. Andy Elchuck, resident, commented on the Highway 111 "green wall fencing" which surrounds a developer property located along Miles and Highway 111, stating it is an eyesore.

4. GENERAL BUSINESS

A. Discussion of City Goals and Action Plans for Budget Years 2015-17 and Council Direction for Any Revisions.

It was the CONSENSUS of the City Council to direct Staff to add the Indian Wells Golf Resort component to Goal 1 strategy; and provided Staff further comments regarding the beautification of the Highway 111 corridor.

C. Designation of Delegate to Southern California Association of Government General Assembly.

It was determined to DESIGNATE Mayor Pro Tem Dana Reed as the City's delegate for the Southern California Association of Government's General Assembly held in Palm Desert on May 7-8, 2015; and

AUTHORIZE any normal and reasonable reimbursement of expenses that may be incurred.

A motion was made by Council Member Hanson, seconded by Council Member Balocco, that this recommendation be Approved. The motion carried by the following vote:

AYES: 4 – Peabody, Reed, Balocco, Hanson
NOES: 0
EXCUSED: 1 – Mertens

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5. CONSENT CALENDAR

Council Member Hanson requested Consent Calendar Item #5B be pulled from the agenda.

A. Approve FAMD Warrants and Demands.

It was determined to APPROVE the April 2, 2015 FAMD Warrants and Demands.

A motion was made by Mayor Pro Tem Reed, seconded by Council Member Balocco, that the FAMD Warrants and Demands be Approved. The motion carried by the following vote:

AYES: 4 – Peabody, Reed, Balocco, Hanson
NOES: 0
EXCUSED: 1 – Mertens

At 12:03 p.m. Mayor Peabody recessed the Special City Council meeting for lunch break with the meeting reconvening at 1:00 p.m.

Mayor Peabody reconvened the Special City Council Meeting at 1:00 p.m.

Council Member Ted Mertens joined the meeting via teleconference location as noticed on the agenda.

PRESENT: 5 – Mayor Peabody, Mayor Pro Tem Reed, Council Member Balocco, Council Member Hanson and Council Member Mertens.

It was recommended that Consent Calendar Item #5B, City Warrants and Demands, be heard first.

A motion was made by Council Member Hanson, seconded by Council Member Balocco to APPROVE the Agenda as Amended. The motion was unanimously approved.

B. Approve City Warrants and Demands.

Mayor Pro Tem Reed stated he will recuse himself from voting on the City Warrants and Demands because one or more of the payees are clients of his law firm and therefore, are a source of income to him.

It was determined to APPROVE the April 2, 2015 City Warrants and Demands.

A motion was made by Council Member Balocco, seconded by Mayor Peabody, that the City Warrants and Demands be Approved. The motion carried by the following vote:

AYES: 3 – Peabody, Balocco, Mertens
NOES: 1 - Hanson
RECUSE: 1 - Reed

4. GENERAL BUSINESS

B. Discussion and Direction Relating to Short-term Residential Rental Standards and Requirements.

Mr. John Burton, resident, stated it is important to protect the property values in Indian Wells.

Ms. Gayle McQuary, resident, read an article stating that more money is made on short term rentals versus long term rentals referring to it as a cottage industry and stating it is a violation of zoning laws.

Mr. Joe Karas, resident, read a statement from a neighbor stating they purchased their property in 2009 as an investment and they will be affected by an under 30 day rental decision.

Ms. Pat Fredericks, resident, read a statement from the Rancho Palmeras Properties, stating this community is not a HOA and because of that cannot enforce rules as a HOA would be able to do.

Mr. Robert Beeney, resident, stated there should not be any restrictions on an individual renting their property remarking that in Aspen, Colorado property owners may rent for as short a period as one day.

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Ms. Jennifer Vorster, resident, stated the City should take care of the root of the problem and prohibit short term rentals and just allow 30 day rentals.

Ms. Margo Langdon, resident, stated she bought their property to retire in Indian Wells and further stated she supports a 7 day rental minimum.

Mr. John Roemer, resident, stated their property in Indian Wells is their second residence and remarked their property rights are under attack.

Mr. Michael Bertelli, resident, stated he bought this property 4 years ago and rents his property during the tennis tournament for a period of 7 day minimum but does prefer 30 days rental periods.

Mr. Marc Linkjendal, resident, stated he is a long term resident owner of his Indian Wells property, remarking that it appears to be a police state with all of the regulations on rental of property but commented that below 7 days for rentals will work.

Mr. Brad Wald, resident, stated he has lived in Indian Wells since 1999 and rents this second home to supplement his income remarking it is critical to have a 7 day maximum limit but prefers 3 day rental period.

Ms. Lynn Wallace, resident, stated she has resided in the cove area of Indian Wells since 1984 and rents out her properties remarking she has never had a problem with her renters.

Mr. Ross Martin, resident, stated he rents his property in Indian Wells and feels it is unfair that the City has changed the rules and the City should grandfather owners who bought prior to this issue.

Ms. Carolyn Romer, resident, stated eight years ago they purchased this home in Indian Wells as a second home stating if people cannot rent their home, they will sell their home and move to Palm Desert.

Mr. Larry Bonafide, resident, member of the FAMD #1 Board as well as Manitou Springs Homeowners Association, stated he supports individual's right to rent their properties and handed out to Council a "keep it simple" approach which is based on how often the property is rented within a 30 days period is the issue.

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A motion was made by Council Member Hanson, seconded for discussion purposes by Mayor Pro Tem Reed, to restrict rentals to 30 days throughout the City.

Mayor Peabody made a substitute motion, seconded by Council Member Mertens to set a 7 day minimum stay, require business licenses and permits, common interest developments can establish their own rules, not allow rentals during Coachella, adopt Council Member Balocco's recommendations as shown in the staff report, include the parking restrictions language in Ordinance No. 685, and the moratorium is in effect until a new ordinance is adopted.

Council Member Hanson stated he would amend his original motion to include grandfathering those who are currently registered to be allowed to rent for 7 days, with everyone else at 30 day minimum, Mayor Pro Tem Reed agreed to the amendment. Also to require the business licenses and permits, to eliminate the Coachella exclusion and include Balocco's recommendations.

Mayor Peabody stated his concern is that this is encouraging people to cheat, the City is eliminating any potential TOT revenue, and the City needs the revenue.

Council Member Hanson stated he would recommend a substitute to a substitute motion as follows: 30 day minimum with a carve out for existing licensees, everyone must have a business license and permit, exclusion for CID areas, and include Council Member Balocco's recommendations. Hanson corrected his substitute motion to be 29 days minimum not 30.

There was discussion regarding allowing open registration of rentals, and establishing a set registration period for new rentals.

City Manager Wade McKinney clarified the motion as: grandfather in the 47 plus those who sign up in the 45 day registration period after the adoption of a new ordinance to be a 7 day minimum, include Council Member Balocco's recommendations, all other rentals would be 29 days across the board, carve out tennis tournament period, and the exclusion of Community Interest Developments would can set their own stricter provisions.

The direction from the Council was to bring back the following amendments to Municipal Code Chapter 5.20:

- Owner's emergency contact complaint response increased from forty-five (45) minutes to one (1) hour;
- Remove the requirement to register renters in the City's secure online database providing renters contact information, the number of occupants, and the dates of stay to City law enforcement;
- Reduce penalties for property owners whose renters violate Chapter 5.20:
  - First Offense – no change – written warning;
  - Second Offense –reduction in administrative fine from $2,000 to $1,000 for second offense within twelve (12) month period;
  - Third Offense – reduction in administrative fine from $5,000 to $1,500 and possible revocation of the vacation rental permit;
  - Any Offense during suspension of license – reduction in administrative fine from $5,000 to $2,500;
- Eliminate City's authority to inspect properties for illegal Vacation Rental activities;
- Remove the requirement to notify neighbors within two-hundred (200) feet of a property registered as a Vacation Rental;
- Remove the limitation on maximum daytime occupants;
- Allow Common Interest Developments (CIDs) to set their own rules on Vacation Rentals, as already allowed by State law, as long as the CIDs provisions are more strict than the City's Chapter 5.20;

  For example, a CID can set a minimum stay period of 30 days, but is fully responsible for enforcement of such local provisions.
- Allow registration of Vacation Rentals within an amnesty registration period of forty-five (45) days. These properties, in addition to rentals already registered under the Moratorium, may operate year-round for a minimum stay duration of seven (7) days. Properties registered during this period shall be "grandfathered";
- Allow registration of Vacation Rentals after amnesty registration period, but subject to a year-round rental minimum stay duration of twenty-nine (29) days; and

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- Provide a "carve-out" during the tennis tournament to allow non-grandfathered Vacation Rentals, who are registered with a Business License and Permit, to rent their property for a seven (7) day minimum rental duration only during the month of March.

A motion was made by Council Member Hanson, seconded by Mayor Pro Tem Reed, to Approve this recommendation. The motion carried by the following vote:

AYES: 4 – Reed, Balocco, Hanson, Mertens
NOES: 1 - Peabody

6. ADJOURNMENT

At 3:00 p.m., Chair Peabody ADJOURNED to a regularly scheduled meeting of the City Council to be held at 1:30 p.m. on April 16, 2015 in the City Hall Council Chambers.

Respectfully submitted,

_____

Wade G. McKinney, City Manager/City Clerk

At Dais, Item 6A

4.16.15 – Honorable Mayor and Members of the Indian Wells City Council,

Now that the Council has effectively endorsed short term rentals in Indian Wells, I respectfully request you consider a minor, but very impactful, modification to the 7 day minimum stay provision. Replace the 7 days minimum stay with:

- ✓ No minimum number of days stay with a cap of no more than 1 or 2 rentals in a consecutive 30 day period.

Why Compromise?

- ✓ *Setting a 7 minimum days stay* eliminates a majority of short term rental opportunities and will cost the City TOT $$$! (See types of events below and how a 7 day minimum impact rental opportunities)
  - ❖ 7 Day Minimum Stay
    - Eliminates the market for most all type D,E&F rental opportunities.
    - Creates the potential for as many as, a very disruptive, 4 ea. 7 day rentals in a 30 consecutive day period of time.
- ✓ *Setting* No minimum number of days stay with a cap of no more than 1 or 2 rentals in a consecutive 30 day period is much less complicated, and probably less expensive to keep track of.
- ✓ It is much more difficult to document how long a renter is on property compared to how often the property is rented in a given period of time.
- ✓ No minimum days will all but eliminate the temptation for owners to dishonestly skirt the ordinance. For example: writing a 7 day rental agreement knowing the renters only will stay for 3 or 4 days!
  - ❖ no Minimum Stay with a maximum of 1 or 2 rentals per property in a consecutive 30 day period
    - Available market = all events A, B, C, D, E & F
    - Would be minimally disruptive
  - ❖ One or two rentals of any duration over a 30 consecutive day period is much less disruptive to a neighborhood than 4 ea. 7 day rentals in a 30 consecutive day period

TYPES OF EVENTS THAT CREATE A MARKET FOR SHORT TERM PROPERTY RENTALS:

A. Family Vacations – 1, 2 & 3 Weeks in duration
B. Tennis: 13 Days – Indian Wells BNP
C. Fairs 9 days – Riverside County Fair
D. Golf Tournaments: 3 to 5 days (Humana – Dinah Shore – ANA Inspiration)
E. National Holidays – 3 day weekends
F. Festivals –
   - ✓ 3 days – Stage Coach Music Festival
   - ✓ 3 days – Art Festivals – La Quinta & Indian Wells, Palm Desert, etc.
   - ✓ 2 x 2 days – Coachella Music Festival –
   - ✓ 1 to 2 days – Car Shows

CC/HA ACTION _____ MTG. DATE: 4-16-15
APPROVED X DENIED ___ REC/FILE ___ CONT. ___
OTHER _____
VOTE: YES 5 NO 0 ABSTAIN ___
extended moratorium for one year; no action taken re: amending Muni Code Chapter 5.20 re: short term rentals

Indian Wells City Council

April 16, 2015

Staff Report – City Manager's Office

Introduce Ordinance Amending Municipal Code Chapter 5.20 Regarding Short-Term Residential Rentals and Adopt Interim Urgency Ordinance Extending Moratorium on Short-term Residential Rentals

RECOMMENDED ACTIONS:

Council **INTRODUCES** Ordinance Bill No. 2015-06 amending Indian Wells Municipal Code Chapter 5.20 regarding regulations for Short-term Residential Rentals in the City; and

OPENS the Public Hearing, takes any public testimony on the extension of the Moratorium on Short-term Residential rentals, **CLOSES** the Public Hearing; and

ADOPTS Interim Urgency Ordinance No. 2015-05 extending the Moratorium on Short-term Residential rentals for an additional one year through May 4, 2016 pending further study and adoption of final regulatory and zoning standards.

DISCUSSION:

City Council adopted a Short-term Residential Rental ("Vacation Rentals") Ordinance No. 685 at the February 19, 2015 City Council regular meeting, which became effective March 21, 2015. That Ordinance provided a placeholder for further discussion on the minimum stay requirement.

At the April 1, 2015 special meeting, the City Council discussed the minimum stay requirement and directed Staff to return with an Ordinance amending Chapter 5.20 with a seven (7) day minimum stay for registered "grandfathered" rentals, and a twenty-nine (29) day minimum stay for non-grandfathered rentals. Additionally, other modifications to the recently adopted Ordinance No. 685 were directed.

Additional Changes to Ordinance No. 685:

Based on a Memorandum provided by Council Member Balocco at the April 1, 2015 special meeting, Council directed Staff to include in an Ordinance amendments to Chapter 5.20 modifying the following:

- Owner's emergency contact complaint response increased from forty-five (45) minutes to one (1) hour;
- Removal of the requirement to register renters in the City's secure online database providing renter(s) contact information, number of occupants, and dates of stay to City law enforcement;
- Reduce penalties for property owners whose renters violate Chapter 5.20:
    - First Offense – no change – written warning;
    - Second Offense –reduction in administrative fine from $2,000 to $1,000 for second offense within twelve (12) month period;
    - Third Offense – reduction in administrative fine from $5,000 to $1,500 and possible revocation of the vacation rental permit;
    - Any Offense during suspension of license – reduction in administrative fine from $5,000 to $2,500;
- Eliminate City's authority to inspect properties for illegal Vacation Rental activities;
- Removal of requirement to notify neighbors within two-hundred (200) feet of a property registered as a Vacation Rental;
- Remove the limitation on maximum daytime occupants;
- Allow Common Interest Developments (CIDs) to set their own rules on Vacation Rentals, as already allowed by State law, as long as the CIDs provisions are more strict than the City's Chapter 5.20;

    For example, a CID can set a minimum stay period of 30 days, but is solely responsible for enforcement of such local provisions.

Minimum Stay Provisions:

Council directed staff to eliminate rentals less than twenty-nine (29) days in length, except for those that are already registered, or who register during a date specific forty-five (45) day amnesty period. The group of registrants who are already registered under Urgency Ordinance No. 678, and any who register during the amnesty period, would be "grandfathered" into renting their property for a seven (7) day minimum.

A "carve-out" provision during the BNP Paribas Open tennis tournament allows any property with a valid Business License and Permit to rent for a seven (7) day minimum. This means properties may register beyond the forty-five (45) day amnesty period, but are limited to rentals for a minimum twenty-nine (29) day stay, except for during the tennis tournament when seven (7) day rentals are allowed.

Ordinance Bill No. 2015-06 (**Attachment 1**) adds two new Sections to Chapter 5.20 to administratively allow non-grandfathered properties to register for a Vacation Rental Business License and Permit, while making it illegal to rent less than twenty-nine (29) days in length, except for the month of March (effectively, the tennis tournament given floating annual dates). Ordinance No. 2016-06 creates Section 5.20.180 to implement what Staff believe is the intent of Council's direction on April 1st, as follows:

Section 5.20.180(a):

- Allows registration of Vacation Rentals within an amnesty period of forty-five (45) days between June 8, 2015 and July 24, 2015. These properties, in addition to rentals already registered under the Moratorium, may operate year-round for a minimum stay duration of seven (7) days. Properties registered during this period shall be "grandfathered."

Section 5.20.180(b):

- Allows registration of Vacation Rentals after July 24, 2015, but subject to a year-round rental minimum stay duration of twenty-nine (29) days.

Section 5.20.190:

- Provide a "carve-out" during the tennis tournament to allow non-grandfathered Vacation Rentals, who are registered with a Business License and Permit, to rent their property for a seven (7) day minimum rental duration <u>only</u> during the month of March.

This means property owners, or their agents acting on their behalf, may register their property(s) as a Vacation Rental after the forty-five (45) day amnesty period, but are only allowed to rent the property for a twenty-nine (29) day stay in any month other than March (when 7-day rentals are allowed).

Moratorium Extension:

Urgency Ordinances No. 677, further extended by Urgency Ordinance No. 678, will expire on May 5, 2015. If introduced at the April 16th City Council Meeting and adopted at the May 7th City Council Meeting, Ordinance No. 2015-06, further modifying and resolving Chapter 5.20 of the Indian Wells Municipal Code, will take effect June 8, 2015. Adoption of Interim Urgency Ordinance No. 2015-05 extends the current moratorium on Short-term Residential Rentals until the Ordinance No. 2015-06 takes effect.

ATTACHMENTS:

1. Ordinance Bill No. 2015-06
2. Urgency Ordinance No. 2015-05

ORDINANCE BILL NO. 2015-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, AMENDING CHAPTER 5.20 (TITLE 5 BUSINESS LICENSES AND REGULATIONS) OF THE INDIAN WELLS MUNICIPAL CODE, RELATING TO SHORT-TERM RESIDENTIAL RENTALS

WHEREAS, the City of Indian Wells ("City") has the authority under Article 11, Section 5 of the California Constitution and the City Charter to make and enforce all ordinances and regulations with respect to municipal affairs; and

WHEREAS, the City has the authority to regulate land uses and businesses operating within the City; and

WHEREAS, short-term rentals of private residences within the City are business ventures subject to the City's business licensing ordinance; and

WHEREAS, the City has authorized use of private residences for short-term rentals as a business consistent with the General Plan and Zoning Code; and

WHEREAS, short-term occupancies of private residences within the City are subject to the City's transient occupancy tax; and

WHEREAS, while the moratorium set forth in Urgency Ordinance No 678 remains in full force and effect, amendments to Chapter 5.20 of the Indian Wells Municipal Code specifically set forth in Ordinance No. 685 and this Ordinance supersede Ordinance No. 678; and

WHEREAS, the City wishes to enhance and maintain the residential character of its residential zones; and

WHEREAS, the City desires and intends to amend the Indian Wells Municipal Code to tighten and clarify provisions concerning short-term residential rentals, promote accurate collection of the transient occupancy tax, and enhance and maintain the residential character of its residential zones by providing regulations for short-term residential rentals within the City.

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

SECTION 1. The table of contents of Chapter 5.20 of Title 5 of the Indian Wells Municipal Code is amended to read as follows:

"Chapter 5.20
SHORT-TERM RESIDENTIAL RENTALS

Sections:

5.20.010 Violation; nuisance; applicability.
5.20.020 Short-term residential rental, definitions.
5.20.030 Conditions of operation.
5.20.040 Business license.
5.20.050 Registration.
5.20.060 Personal availability.
5.20.070 Notice to occupants.
5.20.080 Transient occupancy tax.
5.20.090 ~~Statement of occupancies.~~ [Intentionally Omitted]
5.20.100 Signs/Advertisement.
5.20.110 Noise.
5.20.120 Occupancy.
5.20.130 Maintenance of residential character.
5.20.140 Minimum duration of occupancy.
5.20.150 Parking.
5.20.160 Revocation of Short-term Vacation Rental Permit and business license.
5.20.170 Administrative citation.
5.20.180 Limited Registration Period.
5.20.190 Tennis Tournament Exception."

SECTION 2. Section 5.20.020 of the Indian Wells Municipal Code is amended to read as follows:

"5.20.020 Short-term residential rental, definitions.

"Local Contact Person" means the person designated by the Owner, or Owner's authorized agent, who shall be available twenty-four (24) hours per day, seven (7) days per week for the purpose of: (1) responding within one (1) hour ~~(45) minutes~~ to complaints regarding the condition, operation, or conduct of occupants of the Short-Term Residential Rental unit; and (2) taking any remedial action necessary to resolve any such complaints."

SECTION 3. Section 5.20.050 of the Indian Wells Municipal Code is amended to read as follows:

"5.20.050 Registration.

On a written form prepared by the Community Development Director of the City, the Owner shall register with the City as the point of contact for the Short-term Residential Rental Premises and shall be responsible for all requirements of this Chapter. However, such registration is deemed satisfied if accomplished by a Managing Agency or Agent on behalf of the Owner. The Owner of the Premises shall retain primary responsibility for all requirements of this Code related to Short-term Residential Rentals, notwithstanding registration by a Managing Agency or Agent. There shall be no subleasing of any Premises for short-term rental purposes; instead, only a rental agreement executed by the Owner shall be permitted for any Premises when used for Short-term Residential Rentals. A fee may be established by resolution of the City Council to cover costs of processing the registration. Either the Owner of the Premises or a Managing Agency or Agent shall provide all of the following information to the City at the time of registration, and shall promptly upon change of any such information update such information to maintain accuracy:

(a) Full legal name of the Owner of the Premises and if a business entity or trust, the individual who has responsibility to oversee its ownership of the Premises; and
(b) Street and mailing addresses of the Owner of the Premises; and
(c) Telephone number of the Owner of the Premises; and
(d) Email address of the Owner of the Premises; and
(e) Full legal name or business name of a Managing Agency or Agent, if any; and
(f) Street and mailing addresses of a Managing Agency or Agent, if any; and
(g) Telephone number of a Managing Agency or Agent, if any; and
(h) Street and mailing addresses of the Short-term Residential Rental Premises; and
(i) Telephone number of the Short-term Residential Rental Premises; and
(j) List of all online websites used to advertise Premises for Short-term Vacation Rental along with all listing numbers; and
(k) Full name and telephone number of 24 hour emergency Local Contact Person; and
(l) Submit a Transit Occupancy Tax (TOT) registration fee as set by Resolution of the Indian Wells City Council; and
(m) Submit a Short-term rental registration fee as set by Resolution of the Indian Wells City Council; and
(n) Any other contact information the City may reasonably require.

~~During the ongoing operation of the Short-term Residential Rental, the Owner or Managing Agency or Agent shall register the name and contact information for all responsible persons (as lessees) renting their Premises, through a City run online database, along with dates of stay, no later than forty-eight (48) hours prior to occupant arrival. The City shall have the authority to conduct random inspections of Premises to ensure compliance with provisions of this Chapter.~~

A current business license, TOT registration and Good Neighbor Brochure shall be hung and/or placed in a conspicuous location within the Premises at all times of the Short-term Residential Rental business operation. In addition, each Responsible Person for the Premises shall be provided with a copy of the City's Good Neighbor Brochure by the Owner or Managing Agency or Agent.

The Owner or Managing Agency or Agent shall provide language in their rental agreement allowing for immediate termination of the rental contract, and immediate eviction upon any violation of the Municipal Code by any occupant. The Responsible Person shall acknowledge understanding of all Indian Wells Short-term Residential Rental rules and their liability for any fines incurred by occupants."

SECTION 4. Section 5.20.060 of the Indian Wells Municipal Code is amended to read in it its entirety as follows:

"5.20.060 Personal availability.

(a) For each Short-term Residential Rental, a Local Contact Person shall be available by telephone on a seven (7) day per week, twenty-four (24) hour per day basis to respond to public safety calls, nuisances, or other complaints regarding the use, condition, operation, or conduct of occupants on the Premises. The Local Contact Person shall respond within one (1) hour~~45 minutes~~ to satisfactorily correct any alleged nuisance or violation of this Chapter by occupants occurring at the Premises. If the Local Contact Person does not respond within one (1) hour ~~45 minutes~~ or does not satisfactorily correct the alleged nuisance or violation pertaining to the call, the Owner shall be subject to citation pursuant to Section 5.20.170 of this Code.

(b) Local Contact Person shall be physically present within the geographical limits of the City during the term of the Short-term Residential Rental or be otherwise physically available to respond by visiting the Premises in person, at the request of the City or the City's police authority, within one (1) hour ~~45 minutes~~ of contact concerning any alleged nuisance or violation of this Chapter."

SECTION 5. Chapter 5.20 of the Indian Wells Municipal Code is amended by deleting Section 5.20.090

5.20.090 ~~Statement of occupancies.~~ [Intentionally Omitted]

~~The Owner or a Managing Agency or Agent shall register the name and contact information for all Responsible Persons renting their Premises, through a City run online database, along with dates of stay no later than forty-eight (48) hours prior to occupant arrival. The following information shall be provided:~~

~~(a) Dates of any Short-term Residential Rentals of the Premises; and~~

~~(b) Number of persons staying on the Premises during each Short-term Residential Rental; and~~

~~(c) Nightly rates collected for each Short-term Residential Rental; and~~

~~(d) Full name and telephone number of Responsible Person during each Short-term Residential Rental.~~

SECTION 6. Section 5.20.120 of the Indian Wells Municipal Code is amended to read in its entirety as follows:

"5.20.120 Occupancy.

The maximum overnight occupancy on the Premises of the Short-term Residential Rental, from the hours of 11:00 p.m. through 6:00 a.m. on the following morning, shall not exceed two (2) persons per bedroom with an exception for children under the age of six who may additionally occupy the Premises, and no additional occupants ~~on the Premises~~ shall be permitted on the Premises during such hours. ~~The maximum daytime occupancy on the Premises of the Short-term Residential Rental, from the hours of 6:00 a.m. through 11:00 p.m. on the same day, shall not exceed the maximum overnight occupancy, plus an additional one (1) person per bedroom.~~ The Owner or Managing Agency or Agent shall only advertise available maximum overnight occupancy up to the maximum occupancy set forth above."

SECTION 7. Section 5.20.140 of the Indian Wells Municipal Code is amended to read in its entirety as follows:

"5.20.140 Minimum duration of rental.

(a) ~~Upon the expiration of Ordinance No. 678 or any ordinance extending all or part of the moratorium thereunder, t~~The duration of any lease or rental of Premises as a Short-term Residential Rental registered per Section 5.20.180(a) shall be for a minimum of ~~three~~ six consecutive (~~3~~6) nights and seven (7) consecutive days during which time

there shall be no overlapping leases or rental of the Premises. The Owner or Managing Agency or Agent shall not advertise availability of the Premises for rent for less than the minimum number of rental nights set forth in this Section 5.20.140(a). ~~above.~~

(b) The duration of any lease or rental of Premises as a Short-term Residential Rental registered per Section 5.20.180(b) of this Code shall be for a minimum of twenty-eight (28) consecutive nights and twenty-nine (29) consecutive days during which time there shall be no overlapping leases or rental of the Premises. The Owner or Managing Agency or Agent shall not advertise availability of the Premises for rent less than the minimum number of rental nights set forth in this Section 5.20.140(b)."

SECTION 8. Section 5.20.170 of the Indian Wells Municipal Code is amended to read in its entirety as follows:

"5.20.170 Administrative citation.

(a) The City, or the City's police authority as that term is defined by Section 11.08.060 of this Code, may issue an administrative citation to any occupant, invitee, renter, lessee or Owner of the Premises, or Managing Agency or Agent, for a violation of any provision of this Chapter.

(b) All complaints against a Short-term Residential Rental for any violation of this Code may be handled by the City's police authority on a 24-hour basis. Any police report where the City's police authority has concluded that a violation of this Chapter has occurred, may be submitted to the City's Code Enforcement Department for review, processing and issuance of an administrative citation. Each and every day, or portion thereof, that a violation of this Chapter exists constitutes a separate and distinct violation for which an administrative citation may be issued. Such an administrative citation shall be issued, notice given, and any appeals heard by the processes and in the manner prescribed by Sections 8.08.040 through 8.08.190 of this Code, as amended from time to time.

In addition or in the alternative, any violation of this Chapter ~~shall~~ may constitute a misdemeanor which may be subject to the maximum punishment therefor as allowed by law.

Responsible Person (Renter):

The City may issue and the Responsible Person for each Short-term Vacation Rentals may receive an administrative citation for any violation of the short-term rental ordinance, including without limitation violation of the City's noise ordinance, as follows:

1. First offense – Warning by City's police authority;

2. Second offense within any sixty (60) day period - $500 fine;

3. Third and subsequent offenses within sixty (60) day period - $1,000 fine.

Owner:

The City may issue and the Owner may receive an administrative citation for any violation of the Municipal Code, including without limitation the City's noise ordinance, by the Owner or Short Term Vacation Rental occupant as follows:

4. First offense - Warning by City's police authority;

5. Second offense within any twelve (12) month period - $~~2~~1,000 fine;

6. Third and subsequent offences within any twelve (12) month period - $~~5,000~~1,500 fine and may have their license to operate revoked, per Chapter 5.20.160 of this Code, ~~revocation of the vacation rental permit~~ for a period of twelve (12) months effective immediately;

7. Any offense occurring during any permit revocation period - $~~5,000~~ 2,500 fine."

SECTION 9. Chapter 5.20 of the Indian Wells Municipal Code is amended by adding Section 5.20.180 to read as follows:

"5.20.180 Limited Registration Period

(a) Owner(s), or Managing Agency or Agent on behalf of Owner(s), may register their Premises for operation as a Short-term Residential Rental, pursuant to requirements of Section 5.20.050, between the dates of June 8, 2015 and July 24, 2015 (the "Limited Registration Period"). The Owner of a particular Premises, or the Managing Agency or Agent of that Owner for that Premises, who registers the Premises as described above during the Limited Registration Period, may rent the Premises for the minimum stay duration set forth in Section 5.20.140(a), and the same Owner of such Premises (or such Owner's Managing Agency or Agent thereof) shall be grandfathered into future renewals for registration of such Premises annually.

(b) Owner(s), or Managing Agency or Agent on behalf of Owner(s), may register their Premises for operation as a Short-term Residential Rental, pursuant to requirements of Section 5.20.050 after July 24, 2015, and shall then be subject to the minimum stay duration set forth in Section 5.20.140(b)."

SECTION 10. Chapter 5.20 of the Indian Wells Municipal Code is amended by adding Section 5.20.190 to read as follows:

"5.20.190 Tennis Tournament Exception

Owner(s), or Managing Agency or Agent on behalf of Owner(s), who register their Premises for operation as a Short-term Residential Rental pursuant to Chapter 5.20.180(b) may rent their property for a period of no less than six (6) consecutive nights and seven (7) consecutive days in accordance with Section 5.20.140(a), during the month of March to allow for rentals during the annual professional tennis players tournament conducted at the Indian Wells Tennis Garden."

SECTION 9. Ordinance No. 678. Ordinance No. 678, and any ordinance extending all or part of the moratorium set forth therein, shall remain in full force and effect except as superceded by amendments to Chapter 5.20 of the Code specifically set forth in Ordinance No. 685 and this Ordinance which conflict with specific provisions of Ordinance No. 678 or any such successor ordinance.

SECTION 10. CEQA. This Ordinance does not commit the City to any action that may have a significant effect on the environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act.

SECTION 11. SEVERABILITY. If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance, which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are hereby declared to be severable. This Ordinance amends, adds to and deletes (as applicable) sections of the Indian Wells Municipal Code.

SECTION 12. EFFECTIVE DATE. This Ordinance shall take effect and be in force 30 days after passage.

SECTION 13. PUBLICATION. The City Clerk is directed to publish this Ordinance within the manner and in the time prescribed by law.

PASSED APPROVED, AND ADOPTED by the City Council of the City of Indian Wells, California, at a regular meeting held on the 7th day of May 2015.

TY PEABODY
MAYOR

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF INDIAN WELLS)

CERTIFICATION FOR ORDINANCE NO. 685

I, Wade G. McKinney, City Clerk of the City Council of the City of Indian Wells, California, **DO HEREBY CERTIFY** that Ordinance No. 685, having been regularly introduced at the meeting of April 16, 2015 was again introduced, the reading in full thereafter unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on this 7th day of May, 2015 and said Ordinance was passed and adopted by the following stated vote, to wit:

AYES:
NOES:

and was thereafter on said day signed by the Mayor of said City of Indian Wells.

ATTEST:

WADE G. MCKINNEY
CITY MANAGER/CITY CLERK

APPROVED AS TO FORM:

STEPHEN P. DEITSCH
CITY ATTORNEY

URGENCY ORDINANCE NO. 2015-05

AN INTERIM URGENCY ORDINANCE OF THE CITY OF INDIAN WELLS, CALIFORNIA, MAKING FINDINGS AND EXTENDING THE MORATORIUM ON SHORT-TERM RESIDENTIAL RENTALS FOR AN ADDITIONAL ONE YEAR THROUGH MAY 4, 2016 PENDING FURTHER STUDY AND ADOPTION OF FINAL REGULATORY AND ZONING STANDARDS

WHEREAS, the Indian Wells Municipal Code, including the Indian Wells Zoning Code, permits short-term residential rentals in several zones subject to the requirements of Indian Wells Municipal Code Chapter 5.20; and

WHEREAS, the City has seen an increase in public nuisance complaints associated with properties used as short-term residential rentals; and

WHEREAS, in February 2014, the City Council discussed the issue extensively at a strategic planning workshop and asked City staff to prepare for a study session on the subject; and

WHEREAS, on May 1, 2014, the City Council held a study session on short-term residential rentals; and

WHEREAS, on May 5, 2014, the City Council adopted Urgency Ordinance No. 677 establishing a forty-five (45) day moratorium on the establishment or operation of short-term residential rentals in the City; and

WHEREAS, on June 5, 2014, the City Council adopted Urgency Ordinance No. 678 extending the moratorium by ten months and fifteen days through May 4, 2015 and narrowing the application of Urgency Ordinance No. 677 to apply only to short-term residential rentals of less than seven (7) days; and

WHEREAS, on February 19, 2015, the City Council adopted Ordinance No. 685 amending Chapter 5.20 of the Indian Wells Municipal Code to tighten and clarify provisions concerning short-term residential rentals, promote accurate collection of the City's transient occupancy tax, and enhance and maintain the residential character of the City's residential zones; and

WHEREAS, Ordinance No. 685 expressly left Urgency Ordinance No. 677, as extended by Urgency Ordinance No. 678, in full force and effect except as specifically set forth in Ordinance No. 685. Therefore, the moratorium on short-term residential rentals of less than seven (7) days remains in full force and effect; and

WHEREAS, to address the community's concerns regarding the negative impacts associated with the operation of short-term residential rentals, it is necessary for the City of Indian Wells to continue to study the potential impacts such facilities may have on the public health, safety and welfare; and

WHEREAS, while certain new regulations have been adopted through Ordinance No. 685, the City desires and intends to consider further amendments to the Indian Wells Municipal Code regarding short-term residential rentals within the City; and

WHEREAS, City staff, the Sheriff's Department and the City Attorney's office are continuing to conduct research into the possible and likely impacts of regulating or outlawing short-term residential rentals in the City in order to mitigate such impacts; and

WHEREAS, City staff is continuing to gather factual data regarding the adverse impacts experienced by other cities that permit residential rentals. This information is currently being processed as a tool to draft provisions for regulating residential rentals in the City; and

WHEREAS, City staff continues to conduct research into the City's options for regulating both short and long-term residential rentals. This research includes a review of many city ordinances in California that either prohibit or regulate residential rentals; and

WHEREAS, as a result, the City Council desires to further extend the moratorium as it applies to short-term rentals that are shorter than seven (7) days for a period of one (1) year through May 4, 2016 to allow staff and the City Council the opportunity to continue to research and select the best course of action for the City's citizens and the community at large; and

WHEREAS, in preparation for further extending Urgency Ordinance No. 677, and pursuant to Government Code Section 65858(d), the City has issued a written report describing the measures taken to alleviate the conditions which led to the adoption of Urgency Ordinance No. 677 and its extension through Urgency Ordinance No. 678; and

WHEREAS, based on the report, the City Council has determined that the circumstances and conditions that led to the adoption of Urgency Ordinance No. 677 and its extension through Urgency Ordinance No. 678, which are set in the recitals of those urgency ordinances, have not been alleviated as of the date of this Urgency Ordinance and continue to create the concerns described in those urgency ordinances; and

WHEREAS, the notice and public hearing required by Government Code Section 65858(a) of the California Government Code for the extension of Ordinance No. 677 have been provided in accordance with applicable law; and

WHEREAS, based on the foregoing, the City Council finds that issuing permits, business licenses, or other applicable entitlements to individuals wishing to use their property for the purposes of a short-term residential rental for less than seven (7) days, prior to the City's completion of its study of the potential impact of such short-term residential rentals, would pose a current and immediate threat to the public health, safety, and welfare, and that a temporary moratorium on the issuance of such permits, licenses, and entitlements is thus necessary; and

WHEREAS, based on the foregoing, the City Council finds that the use of property as a short-term residential rental for less than seven (7) days in any zone of the City prior to the City's completion of its study of the potential impact of such short-term residential rentals is a public nuisance and poses a current and immediate threat to the public health, safety, and welfare.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. Extension of Moratorium and Findings.

A. In accordance with the authority granted to the City of Indian Wells under Government Code Section 65858, from and after the date of this Urgency Ordinance, no use permit, variance, building permit, business license or other applicable entitlement for use shall be approved or issued for a short-term residential rental of less than seven (7) days for a period extending through and including May 4, 2016, pending the completion of zoning or other regulations that are needed to alleviate a current and actual threat to the public health, safety and welfare. Notwithstanding any provision herein to the contrary, no residential unit in the City shall be subject to more than one rental contract during any seven (7) day period.

B. In addition, no property in any zone of the City is to be used for purposes of a short-term residential rental of less than seven (7) days for a period extending through and including May 3, 2016. The use of any property for such purpose shall be deemed a public nuisance. Any violation of this provision shall be treated as a violation of Chapter 5.20 of the Indian Wells Municipal Code.

C. For purposes of this Ordinance, "short-term residential rental" shall have the same meaning as that term has in Indian Wells Municipal Code Section 21.08.437, and shall also mean the rental of any residential unit by use of more than one rental agreement within a thirty (30) day period.

D. Notwithstanding any provision in the Municipal Code to the contrary, each citation for a violation of this moratorium shall be deemed to be a misdemeanor, and the fines therefor shall be $2,000 for the first violation, $3,000 for the second violation within one year, and $5,000 for each violation of the same provision thereafter within one year of the first violation.

E. This Ordinance is an interim urgency ordinance adopted pursuant to the authority granted to the City of Indian Wells by Government Code Section 65858, and is for the immediate preservation of the public health, safety, and welfare. The City Council hereby **FINDS** and **DETERMINES** as follows:

(1) The City has received an increased number of public nuisance complaints emanating from short-term residential rentals in recent weeks, involving the following:

(i) Loud, unnecessary, and unusual noises, which have disturbed the peace and quiet of neighborhoods and caused discomfort and annoyance to residents of those neighborhoods; and

(ii) Apparent over-occupancy of units, which may pose a public health and safety risk; and

(iii) Excessive on-street parking affecting the ability of residents to park their vehicles within a reasonable distance from their homes; and

(iv) Parking of small 'party' buses on residential streets affecting the appearance and desirability of neighborhoods; and

(v) Unsightly appearance of short-term residential rentals caused by the strewing of sheets and mattresses in front of windows affecting the appearance and desirability of neighborhoods.

(2) After receiving complaints of this nature, the City has committed resources to study the impacts of short-term residential rentals on the surrounding community.

(3) Absent the adoption of Urgency Ordinance No. 677 and its extension through Urgency Ordinance No. 678, the continued existence of short-term residential rentals of less than seven (7) days in the City of Indian Wells could result in an even greater increase in nuisance conditions which negatively affect the well-being of the Community, thereby diminishing property values.

(4) As a result, it is necessary to extend the moratorium established pursuant to Urgency Ordinance No. 677 for a further one (1) year on the issuance of any entitlements permitting short-term residential rentals of less than seven (7) days in the City, pending completion of the City's final study of the potential impacts of short-term residential rentals, and possible further amendments to the City's zoning ordinances.

(5) In addition, it is necessary to prohibit, as a public nuisance, the use of property in any zone of the City for purposes of a short-term residential rental of less than seven (7) days for the duration of the ten months and fifteen days extension.

F. This moratorium shall not apply to short-term residential rental contracts of less than seven (7) days existing on May 5, 2014, the date the Interim Urgency Ordinance No. 677 was adopted ("Exempt Contracts"). Only existing, executed agreements between lessees and either the property owner or managing agency or agent may be considered Exempt Contracts. An agreement between a property owner and managing agency or agent is not exempt from this Ordinance. Exempt Contracts remain subject to the terms of the Indian Wells Municipal Code including, without limitation, Chapter 5.20. Notwithstanding the foregoing, no person shall be penalized for a violation of the requirement under Indian Wells Municipal Code Section 5.20.040 (a) that all operators of short-term residential rentals obtain a business license for an Exempt Contract so long as the following conditions have been met: (1) the operator of the short-term residential rental obtained a City business license and registered with the City for payment of transient occupancy tax by close of business on July 11, 2014; (2) the operator has paid all transient occupancy taxes applicable to the Exempt Contracts in accordance with Indian Wells Municipal Code Chapter 3.12; and (3) no citations or notices of violation for code violations relating to the property subject to the Exempt Contract shall have been issued since June 5, 2012. No Exempt Contract may be subleased.

SECTION 2. Compliance with California Environmental Quality Act. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly; it prevents changes in the environment pending the completion of the contemplated study of impacts.

SECTION 3. Severability. If any sentence, clause, or phrase of this Ordinance, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each sentence, clause, or phrase thereof, irrespective of the fact that any one or more sentence, clause, or phrase be declared unconstitutional.

SECTION 4. Effective Date. This Ordinance shall become effective immediately upon adoption if adopted by at a least four-fifths (4/5) vote of the City Council and shall be in effect for period of ten months and fifteen days, extending through and including May 3, 2016 unless extended by the City Council as provided for in the Government Code.

SECTION 5. Publication. The City Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published once in a newspaper of general circulation printed and published within the City of Indian Wells.

SECTION 6. Report. City staff is instructed to prepare the report required by Government Code Section 65858 (d) describing the measures taken to alleviate the condition which led to this Ordinance's adoption for presentation to the City Council no later than ten days prior to the expiration of this Ordinance.

PASSED, APPROVED and ADOPTED by the City Council of the City of Indian Wells, California, at a regular meeting held on this 16th day of April, 2015.

TY PEABODY
MAYOR

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)ss.
CITY OF INDIAN WELLS)

CERTIFICATION FOR URGENCY ORDINANCE NO. 2015-05

I, Wade G. McKinney, City Clerk of the City Council of the City of Indian Wells, California, **DO HEREBY CERTIFY** that Urgency Ordinance No. 2015-05, the reading in full thereof unanimously waived, was duly passed and adopted at a regular meeting of the City Council held on the 16th day of April, 2015, and said Ordinance was passed and adopted by the following stated vote, to wit:

AYES:
NOES:

and was thereafter on said day signed by the Mayor of the City of Indian Wells.

ATTEST:

WADE G. MCKINNEY
CITY MANAGER/CITY CLERK

APPROVED AS TO FORM:

STEPHEN P. DEITSCH
CITY ATTORNEY

CC/HA ACTION _____ MTG. DATE: 4-16-15
APPROVED X DENIED ___ REC/FILE ___ CONT. ___
OTHER _____
VOTE: YES 5 NO 0 ABSTAIN _____

Indian Wells City Council

April 16, 2015

Staff Report – City Attorney's Office

Receive and File Report Describing Measures Taken to Alleviate the Condition Which Led to the Adoption of Urgency Ordinance No. 677 and Justification for Extension

RECOMMENDED ACTIONS:

Council **RECIEVES** and **FILES** compilation of staff reports describing measures taken to alleviate the condition which led to the adoption of Urgency Ordinance No. 677 and justification for extension.

DISCUSSION:

Pursuant to California Government Code Section 65858(c)(3)(d), ten days prior to the expiration of a an interim ordinance, or any extension to an interim ordinance, the legislative body shall issue a written report describing the measures taken to alleviate the condition which led to the adoption of the ordinance.

Urgency Ordinance No. 677, adopted May 5, 2014, requires an extension in order to finalize legislation amending the Indian Wells Municipal Code Chapter 5.20 dealing with regulation of Short-term Residential Rentals.

Since May 5, 2014, Staff has researched municipal code provisions from cities through the state regarding Short-term Residential Rentals. Engagement efforts via online public polling and five (5) separate open public meetings of the City Council provided opportunity for public participation and feedback. On April 1, 2015, City Council directed the introduction of an ordinance modifying the Indian Wells Municipal Code Chapter 5.20 to finally alleviate the conditions which led to the adoption of Urgency Ordinance No. 677.

Given timeframes for adoption of ordinances pursuant to California Government Code, an extension of Urgency Ordinance No. 677 is required. **Attachment 1** provides all documents created to guide decisions to alleviate issues causing need for Urgency Ordinance No. 677.

ATTACHMENT:

1. Prior Staff Reports and Research Findings

September 18, 2014 Staff Report

So.
CC/HA ACTION _____ MTG. DATE: 9-18-14
APPROVED___ DENIED___ REC/FILE___ CONT.___
OTHER: Directed Staff to Research
VOTE: YES ___ NO ___ ABSTAIN ___
on issues mentioned at Council
mtg. & Report back to Council
w/findings in January 2015.

Indian Wells City Council *September 18, 2014*

Staff Report – City Manager's Office

Discussion and Direction Relating to Staff Findings Regarding Vacation Rentals and Provide Further Direction in Drafting an Ordinance Addressing Vacation Rentals

RECOMMENDED ACTION:

Council provides **DIRECTION** to Staff in drafting an ordinance addressing Vacation Rentals.

REPORT-IN-BRIEF:

Short-term vacation rentals ("vacation rentals"), defined as residential property rentals used for periods of less than 30-days in length under current Indian Wells Municipal Code, have grown in popularity in Indian Wells, the Coachella Valley, and worldwide. Due to increasing numbers and severity of complaints of problems with vacation rentals in some residential neighborhoods, and in response to City Council's desire to adequately review the topic, City Staff have conducted extensive research of how other jurisdictions throughout California are dealing with vacation rentals. Outreach to other communities throughout California has identified a number of alternatives being used to address challenges caused by vacation rentals. This report details Staff findings and presents alternatives for both the outright prohibition of vacation rentals as well as provisions for strengthening the City's Municipal Code should vacation rentals be allowed.

DISCUSSION:

This staff report presents the various approaches taken by other California cities to limit issues caused by short-term vacation rentals ("vacation rentals") in residential neighborhoods. The report is structured to provide a comprehensive overview to provide the City Council with sufficient data to make an informed decision in guiding City policy. With this in mind, the report was written with the following objectives in mind:

1. Protect the peaceful enjoyment of Indian Wells neighborhoods;
2. Provide clear, enforceable rules guiding the use of residential property as it relates to vacation rentals; and
3. Provide information for an informed decision making process.

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HISTORY

The use of residential property for use as vacation rentals, defined as rental use for periods less than 30-days in length under current Indian Wells Municipal Code, has been around for decades. Global destination cities such as Honolulu, New York, London, Paris, and others have for decades seen residential properties used for purposes of vacation rentals. However, the more recent explosion in popularity of vacation rentals has spawned from the use of the internet. Internet websites such as VRBO, HomeAway, VacationRentals, and AirBnB have provided convenient and inexpensive tools for connecting renters with property owners in what is best defined as the "sharing economy" (economic system built on the sharing of human and physical resources or assets between willing participants in order to reduce the capital cost that would otherwise be involved in owning such resources or assets outright as individuals).

Such easy access to vacation rentals has increased the popularity of this type of lodging in recent years. A 2013 TripAdvisor survey found that more than 20% of travelers plan to rent a vacation home for their vacation.[i] Vacation home rentals are attractive due to their size, affordability, and their ability to accommodate larger families at a lower cost than hotels.

Like most vacation destinations, the Coachella Valley has seen a rapid increase in the popularity of vacation rentals in recent years. According to a 2014 study conducted by TXP Economic Strategists[ii], the Coachella Valley vacation rental market now creates more than $272 million in economic activity annually and supports more than 2,500 jobs. The 53 currently sanctioned and licensed vacation rentals in Indian Wells are projected to generate as much as $74,000 in Transient Occupancy Tax ("TOT") in 2014 (the moratorium currently in place only prohibits new rental registrations; those operating within the provisions of Urgency Ordinance No. 678 are still operating, therefore generating TOT revenues.

The use of residential property as vacation rentals is not without controversy. Complaints of late night parties, over-crowded homes, and on-street parking is a common theme. Repetitive nuisances in neighborhoods surrounding two or three vacation rentals caused a tipping point this past April during and after the Coachella Valley Music and Arts Festival. The City received numerous complaints regarding problem vacation rentals being used excessively as "party houses," where loud, unruly, and disruptive activities of guests disturbed the quality of life in a few Indian Wells neighborhoods.

In response to the heightened number of complaints, the City responded to the vacation rental issue by adopting a temporary moratorium on vacation rentals on May 5, 2014 banning vacation rentals outright. Subsequently, on June 5, 2014 the City Council modified the strict prohibition in response to concerns raised by property owners in compliance with City regulations, who desired using their properties for vacation rentals. In response, the City Council extended the moratorium through May 4, 2015 to provide

City Staff time to research and bring to the City Council in-depth information about best practices for dealing with vacation rentals, or outright prohibition of them.

There were a number of causes to the problems that came from vacation rentals in Indian Wells. The City had a vacation rental ordinance, No. 653 adopted in 2011, which regulated vacation rentals. However, a lack of education with property owners, Staff, and police led to issues resulting in the moratorium.

MORATORIUM RESULTS

On June 5, 2014, City Council adopted Interim Urgency Ordinance No. 678 which placed a strict moratorium on vacation rentals shorter than 7-days in length. That Urgency Ordinance stipulated that a 30-day grace period would be provided to allow property owners to register their properties in compliance with existing vacation rental rules in the Municipal Code. It also allowed those who registered to legally operate vacation rentals under 7-days in length for contracts in existence prior to May 5, 2014.

Prior to the grace period for registration, as set by the moratorium, the City only had 22 properties registered through the vacation rental license program created in 2011. The grace period resulted in another 31 property registrants seeking to comply with the Urgency Ordinance. To assist with the processing and oversight of vacation rentals the City hired Cindy Gosselin of Vacation Rental Compliance, a firm who specializes in vacation rental compliance in the Coachella Valley. Ms. Gosselin worked to register the additional 31 properties and had conversations with approximately another 30-40 additional property owners who were interested in continuing to utilize their properties as vacation rentals, but decided to wait until a final City Council decision on the topic before registering.

RESEARCH OVERVIEW

In order to research best practices, Staff reviewed the municipal codes and vacation rental ordinances of 23 jurisdictions throughout California, each considered to be vacation destination communities (including all cities in the Coachella Valley). Staff had phone discussions/interviews with a number of jurisdictions, including in-person meetings with the Cove Communities, to better understand how cities were utilizing the provisions of their codes to prevent neighborhood issues.

Staff's review focused primarily on code provisions for minimum number of nights, noise disruptions caused by rental guests/tenants, over-occupancy of units, parking restrictions, property owner/manager emergency contact requirements, and the use of property management firms. Additionally, staff reviewed citation provisions to determine the fine amount charged to violators in those communities.

Prohibition of vacation Rentals

Out of the jurisdictions reviewed, only four cities have an outright prohibition of vacation rentals in residential neighborhoods (Santa Monica, Pasadena, Healdsburg, & Carmel-By-The-Sea). Most notably is the City of Carmel-By-The-Sea, who in 1991 set legal precedence for prohibiting the use of residential property for transient commercial purposes of less than 30-days in length. A court ruling in Ewing v. City of Carmel-By-The-Sea established that it is legal for a jurisdiction to limit property owners rights when it is "reasonably related to the governmental interest in maintaining the residential character of an area and because the diminution in the homeowner's ownership rights was outweighed by the public interest in maintaining the residential neighborhood." Additionally, the City of Del Mar does not allow vacation rentals. However, they have no code provisions outright prohibiting rentals. Rather, their zoning code does not mention this type of use and therefore disallows vacation rentals by requiring a conditional use permit, which the City does not grant.

Each of the four cities prohibiting vacation rentals had municipal code sections dealing with provisions for noise violations and violations of the prohibition. However, in conversations with the staff from each of these cities, similar comments were made regarding the prohibition of vacation rentals. Each considered the enforcement of the prohibition as difficult.

A review of vacation rental websites in each city revealed large numbers of advertised rentals. These cities emphasized that burden of proof was required to cite a property owner for renting their property as opposed to lending the property. Carmel-By-The-Sea claimed some belief that property owners might inform renters to state they are borrowing property from the owner as either family or friends. Both Healdsburg and Carmel-By-The-Sea claimed illegal rental of properties to currently be a low city priority, despite broad belief that properties were being rented.

Each city claimed to have had limited success with citing a property owner for renting their property in violation of rental prohibitions. Santa Monica, perhaps the most visited city on the list, referred to their inability to enforce their vacation rental prohibition as problematic and a hot topic within the community. They have previously conducted some undercover efforts to catch property owners offering their properties for rent. In this effort the city did not fine property owners, instead electing to provide strict warnings as a result of some legal concerns of self-incrimination. The City Attorney believes the City would have latitude to conduct similar "sting" operations and would have legal standing to administer citations for violations of offering property for rent.

Allowance of Vacation Rentals

Contrary to the similarities in code provisions and approach to enforcement with each of the cities that provides an outright prohibition of vacation rentals, those jurisdictions that allow for and regulate vacation rentals have far greater variation in their municipal code language, as well as approaches to enforcement and regulation of those provisions. This section discusses the common aspects of code provisions guiding the use of residential property as vacation rentals as well as some overview of methods in which other jurisdictions utilize to regulate vacation rentals in order to maintain residential neighborhood character.

Short-term Vacation Rental Permit/License

All cities which allow vacation rentals require a permit or license, issued by the city, in order to legally operate. In each of these cases the cities also collect transient occupancy tax (TOT) on the rentals. The type of permit or license does vary from city to city. Each has benefits and weaknesses as discussed below.

Business License Process Issuance – some cities utilize their existing business license process to register vacation rentals. The advantage of the business license are processes and procedures that already exist. Costs for issuance and oversight are built into the fee charged for business license servicing, and helps to streamline the setup of a vacation rental program.

The challenge to this use, as is being voiced in Palm Springs by a concerned neighborhood group, is that this type of property usage is more akin to a commercial business in a residential neighborhood, and should not be allowed under the general plan zoning definition of a residential neighborhood. The claim is that the operation of a commercial business in a residential neighborhood fundamentally changes the character of the neighborhood.

Vacation Rental Permit – another approach used by cities is to issue a special permit specific to vacation rentals. These permits are viewed as a special type of license to operate under a vacation rental ordinance. The issuance of permits may include a separate registration process and procedures from a business license. The use of special permits varied by city. For example, Palm Springs utilizes only a vacation rental permit for licensure of vacation rentals, whereas Big Bear Lake, Rancho Mirage and Palm Desert utilize both a business license and a vacation rental permit.

The additional fee for a vacation rental permit, either separately from a business license or in addition to, is generally charged in order to cover the additional costs associated with regulation of vacation rentals. These additional costs include increased coordination by city staff or contractors, increased code enforcement efforts, and a separate or additional process for issuance.

Minor or Conditional Use Permit – historically some cities researched had utilized a minor or conditional use permit as issued through a plot map or land use approval process. This has generally been suspended as a practice as cities found it to be more time consuming and costly given increasing number of requests for such use.

Minimum Night's Stay Restrictions

Table 1 – Minimum Stay

Number of Jurisdictions	Minimum Number of Nights Requirement
11	No Minimum
2	1
3	2
1	3
2*	7
*Includes the City of Indian Wells temporary moratorium per Urgency Ordinance No. 678	

11 of the cities reviewed had no provisions requiring a minimum number of night's stay in vacation rentals. The most common provision beyond no requirement was a two-night's stay minimum. These included Palm Desert, Dana Point, and Ventura. Ventura, however, had a most unique requirement for minimum number of nights where two nights are the minimum required for the time period of September through May, with seven-night's minimum required for the months of June through August (their 'season'). City of Anaheim was the only city requiring a three-night minimum, with Solana Beach and Indian Wells, under the current moratorium, being the only cities to require seven nights.

Generally, the rationale for having a requirement for minimum night's stay is that a longer time period brings with it a different rental clientele. The shorter the minimum, the higher the likelihood the renters are looking to have a party weekend, whereas the longer the rental the higher the likelihood the renters are looking for a relaxing vacation. Through the research, staff found nothing that quantifiably proves these assumptions to be correct nor incorrect.

Emergency Contact Restrictions

Table 2 – 24/7 Emergency Contact Response

Number of Jurisdictions	24/7 Emergency Contact Response Requirement
1	"Immediate Response"
3	30-minutes
4	45-minutes
2	60-minutes
1	4-hours
1	24-hours
6	No requirement

Of all of the jurisdictions that allowed vacation rentals, all required an emergency 24-hour per day, seven-day per week emergency contact. Where the cities differed was on the language requiring response by that emergency contact to issues arising at a rental property. Table 2 highlights the variance in provisions that exist. Indian Wells currently does not have any language that requires an emergency contact to respond within a time certain period. Best practices appear to require a response within a short time frame, generally from 30 to 60 minutes in length. In both Palm Desert and Rancho Mirage, an emergency contact who does not adequately respond within the time frame required (60-minutes and 45-minutes respectively) causes the property owner to be subject to an automatic administrative fine from City Code Enforcement.

Staff conversations with other cities revealed that requirements to have an emergency contact person respond within a time certain period was one of the most effective tools in preventing problems at vacation rentals. There were a number of different approaches to how emergency contacts were reached. Most Coachella Valley cities utilize a hotline phone number to forward complaints caused by vacation rentals to the provided emergency contact. Other cities have calls routed through their non-emergency police line and dispatch contacts the listed emergency contact. No matter the method, the intent is that the onus for resolving vacation rental issues be shifted from City resources to property owner.

Property Occupancy Restrictions

Table 3 – Property Occupancy Limits

Number of Jurisdictions	Maximum Nighttime Occupancy
2	Building Code = 1 person per 200 sq. ft.
3	2 persons per bedroom
8	2 person plus 2 person per bedroom
1	2 person plus 3 person per bedroom
1	2 person per bedroom plus 4 additional people
4	No limit listed
	Maximum Daytime Occupancy
8	Have daytime limit
15	Do not have daytime limit

Provisions limiting the number of occupants within a vacation rental varies greatly from city to city as can be seen by Table 3. The intent of the occupancy restrictions are to limit the number of occupants, generally in-line with California building and safety code, as well as prevent the use of property as party houses. California Building Code provides for a maximum nighttime occupancy of one person per 200 square feet of building space. This would limit a 2,000 square foot, four bedroom house to 10 people; whereas a limit of two person per bedroom would limit it to eight.

The most common provision is to allow for two persons, with an additional two persons per bedroom. Rancho Mirage allows for additional occupants if they are children under age 3. Big Bear Lake and Napa, in addition to an occupancy cap based on number of bedrooms (i.e. 2 persons per bedroom), places a hard cap on the total number occupants a vacation rental can house. Those limits were 16 and 10 respectively. The intent of the hard occupancy cap is to prevent large homes from used by large groups.

Daytime occupancy restrictions were less commonly included in codes than overnight occupancy limits. Only eight cities, mostly Coachella Valley cities, had daytime occupancy limits. All of those eight cities' provisions vary, with the most common formula to allow a number of guests per bedroom in addition to overnight occupants, up to a stated maximum cap (i.e. 2 additional daytime guests per bedroom up to a maximum of 18 total).

Parking Restrictions

Table 4 – Parking Restrictions

Number of Jurisdictions	Parking Restrictions
6	On-site parking restrictions
5	Only on-site parking
1	Parking permits required for on-street
1	Restricted number of on-street spaces allowed
6	No restrictions

Most cities reviewed have provisions guiding restrictions to parking. Most popular is to limit parking to only on-site space available (e.g. driveway, garage, carport, etc.), with the majority of those cities also providing limitation on number of cars allowed. Generally, the common provision for parking restrictions limits the number of cars allowed per bedroom, similar to occupancy limits. One car per bedroom, required to be parked on-site only, is the most common language. For a four bedroom house this would require that the property have enough parking spaces for four vehicles, with none being allowed on-street.

South Lake Tahoe included a unique provision whereby the rental contract and property must conspicuously post the maximum number of vehicles outside the property, visible from the street for law enforcement. This was a requirement that Lake Tahoe came up with as parking was identified by their staff to be a primary challenge with vacation rentals in that community (they also identified trash storage as a problem, but most other communities aren't too worried about bears).

Noise Restrictions

All cities researched had noise restriction code provisions. Not all cities provided for noise as a specific restriction of vacation rentals. This is because most cities provide for noise restrictions in residential neighborhoods to protect against any violations of noise, not just with vacation rentals. There was significant variation between the cities reviewed. The primary three categories in which codes could be broken down into are as follows:

Use of Noise Metering Equipment – a few cities provided for provisions that define maximum sound levels allowable, in decibels, with clear definitions of the type of equipment to be used for measurement. Staff found that of the cities that have provisions for use of sound metering equipment, most cities did not prefer the use of equipment as a means for enforcement of noise code provisions. This was because the noise equipment was generally costly, it required specialized training

for staff members, and was only used in a handful of instances. Generally, most staff we spoke with claimed that loud houses or parties typically quelled their noise upon contact by law or code enforcement personnel warning of violation of noise rules.

Subjective Authority for Determining Disturbance Given to Law/Code Enforcement Personnel – the most common option for enforcement of noise provisions was to provide both law and city code enforcement personnel with subjective authority to determine whether or not a property was causing a disturbance. Whereas State Penal Code section 415 describes it as against the law to disturb another person through loud and unreasonable noise, the courts have determined that a police officer's peace cannot be disturbed under this penal code provision. This prevents a police officer from arresting a party for loud noise unless the complaining party (usually a neighbor calling in the complaint) signs the complaint.

Most cities have found neighbors to be unwilling to sign such notices in fear of retaliation. This creates situations where loud houses go unpunished. By providing for subjective authority to law enforcement personnel to administer a city code misdemeanor citation to anybody violating a clearly described noise restriction, law enforcement personnel are able to utilize municipal code to cite a noise disturbance. Most cities claimed the contact and warning of a misdemeanor citation by police to be effective at stopping noisy houses.

Strict Noise Prohibition from Property Line – the third commonly found provision strictly prohibited any noise audible from the property line, typically tied to a time period limitation (i.e. no noise audible from the property line between 10:00 P.M. and 8:00 A.M.). These provisions, to some extent, fall under the prior category of providing subjective authority to law enforcement personnel. However, they go further in defining a threshold of noise allowed, which is none, at a distance certain, the property line. Similar to simple subjective authority, law enforcement can provide a misdemeanor citation for violation.

In addition to these common categories of noise restriction methods listed, five of the cities researched (Pasadena, Rancho Mirage, Palm Desert, La Quinta, and Palm Springs) had an outright ban on the use of noise amplification devices outside. Most commonly, this outright ban was for a time period generally considered to be night time (e.g. 10:00 P.M. to 8:00 A.M.).

It is important to highlight that any modification to Indian Wells' noise ordinance would apply evenly to property owners and vacation rentals. If a strict noise prohibition is put in place, then the code would apply evenly to all residential properties.

Citation Administration and Amounts

Like noise restrictions, all cities provided for citations upon violations of the Municipal Code relating to vacation rentals. The most common structure was a first violation warning, a second violation fine, and a third/subsequent fine of a larger dollar amount, typically double. Commonly both misdemeanor citations – given out by law enforcement to property occupants for violation of provisions limiting noise, occupancy, parking, etc. – and administrative fines – provided to property owners for their guests violating the same – were used in combination. This dual enforcement approach was regarded as an effective means to limiting the violation of vacation rental provisions given the effect on both renters and property owners/managers alike.

In addition to the common approaches listed above, the following is a list of additional, creative provisions found from various cities:

Suspension of License – a number of cities included provisions of suspension of a property owner's (or management company's) vacation rental license for a year upon a third violation of the vacation rental code provisions. Cities referred to this tool as the "hammer" that best prevented further issues with a property as it would prevent them from further renting their property.

Limit of Violations for Management Company – Big Bear Lake includes a provision that a management company representing vacation rentals who receives three citations on any properties within a year is fined. Five or more violations on any of the properties represented by the management company causes a revocation of the company's license for a period of one year. This provision is used to prevent problem companies from strategically rotating their problems between properties in an effort to prevent citations.

Police Cost Recovery – a couple of jurisdictions have provisions that require a property owner to cover any and all costs of law enforcement in response to a complaint of a vacation rental property after the initial warning. These costs are included in addition to a citation amount as a means of recovering the cost of law enforcement time spent attending to problem properties.

Order to Vacate – a number of cities including Rancho Mirage, Palm Desert, and Big Bear Lake include enforcement regulations that call for an immediate order to vacate, or eviction, for occupants who refuse to respond to complaints regarding violations of the vacation rental ordinance. This allows for a property owner, or 24-hour emergency contact, to immediately evict a short-term tenant, allowing for law enforcement to remove persons as trespassing, if necessary. Vacation rental contract language stipulating the right of owner or manager to immediately evict should be required in an ordinance.

It should be noted that the City of Indian Well's current urgency ordinance provisions call for the largest citation amounts ($1,000, $3,000, and $5,000) out of all cities reviewed. This was commonly four to five times higher than comparative cities.

Age Restrictions

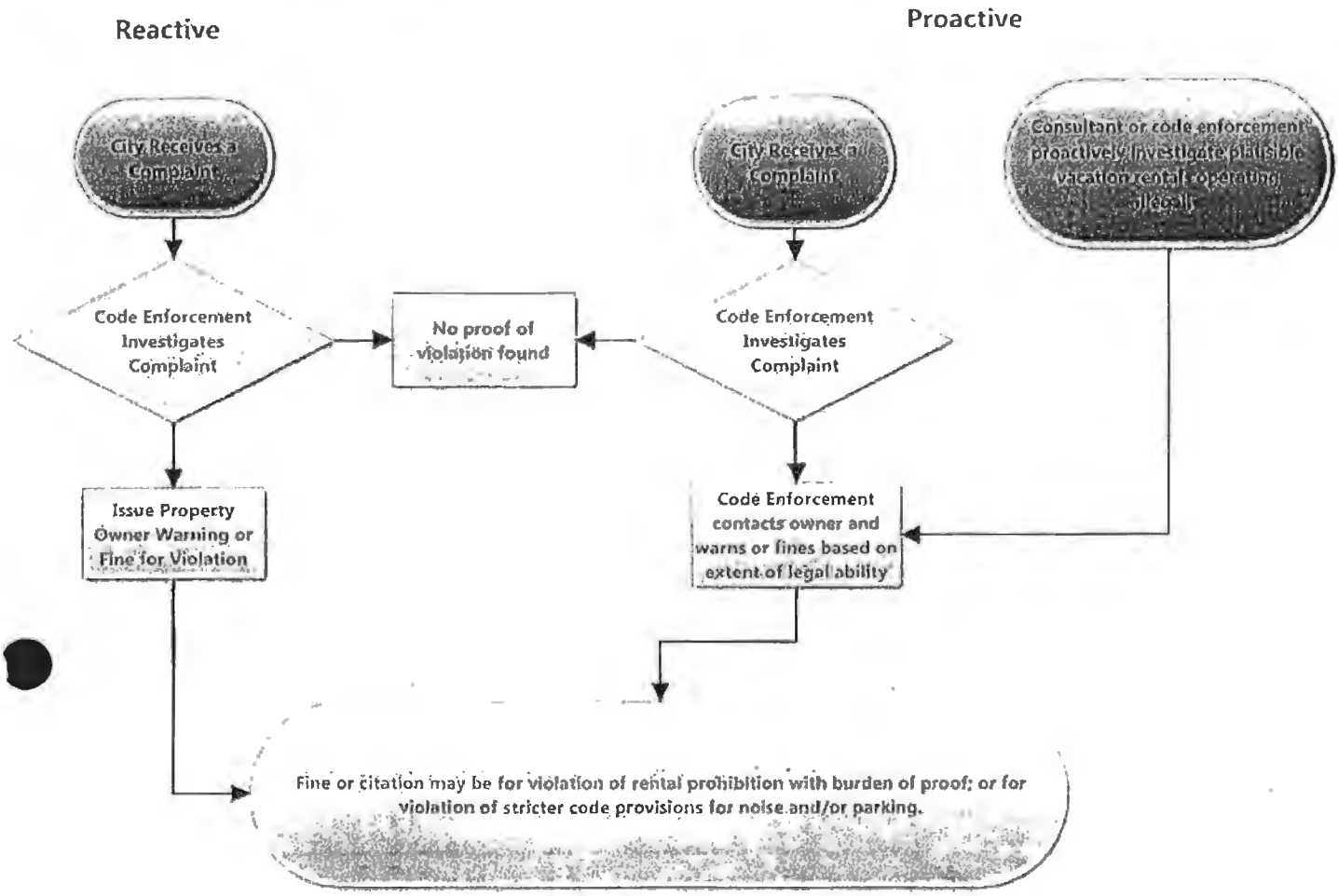
Most cities require a minimum age of the responsible renter for vacation rentals. Most commonly the age is 18 or 21 years of age. However, Palm Springs provides that a renter must be 25 years of age and Rancho Mirage recently made headlines for raising their age restriction to 30. The rationale behind higher age restrictions is that the older the renters, the less likely they are to be using the property as a party house. Generally older renters are more quiet and respectful of the residential neighborhood. In addition, with some emphasis on vacation rentals being popular for family gatherings, the older the renters the generally higher the likelihood of having children which lowers the likelihood of parties late into the night.

BEST PRACTICES ENFORCEMENT PROCEDURE

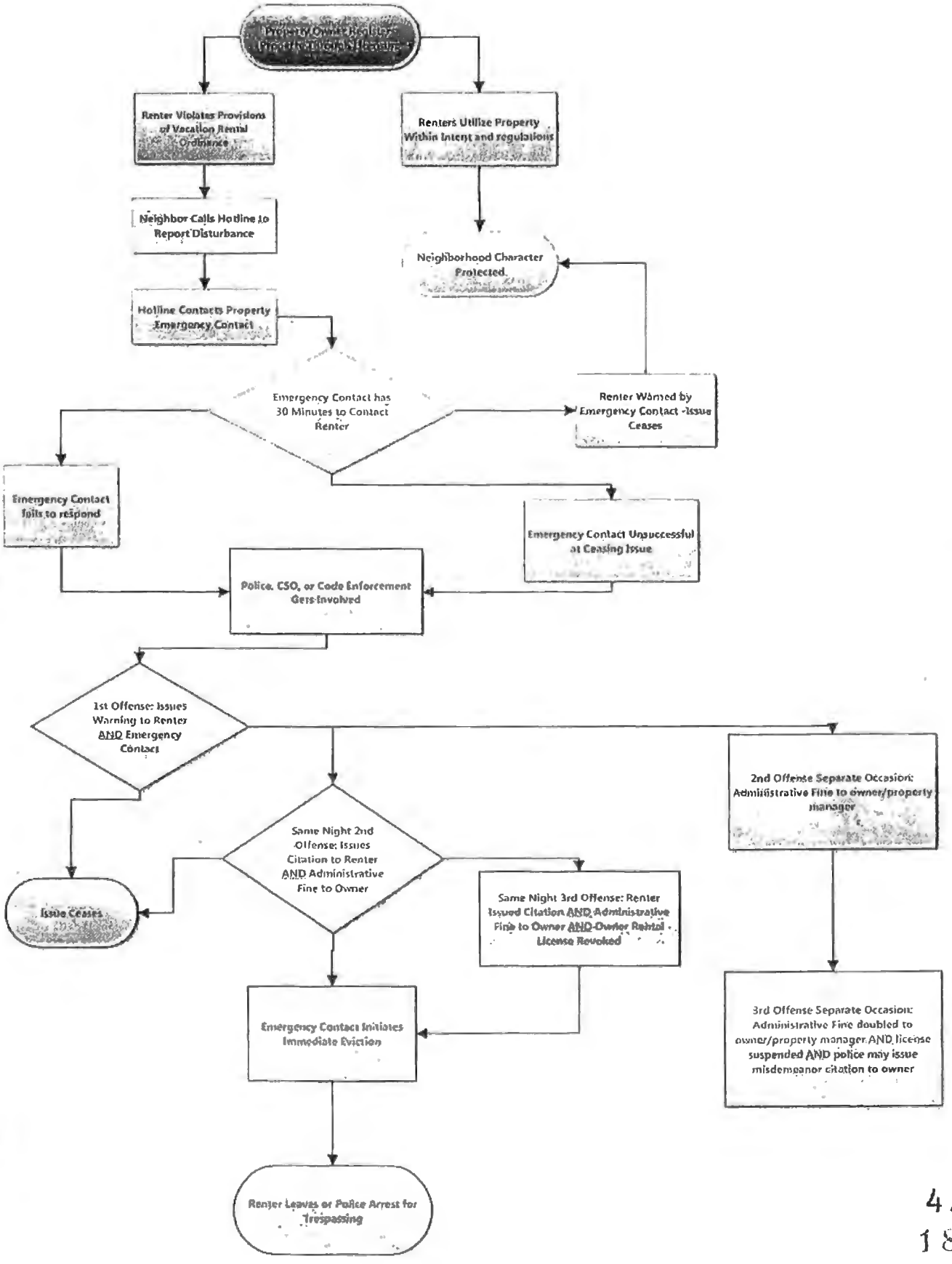
Any provisions considered for the prohibition or regulation of vacation rentals must take into account the enforcement abilities of the City. All cities reviewed in the research of this topic had larger law/code enforcement teams than does Indian Wells. Currently, the City contracts with the Sheriff for one patrol officer 24-hours per day, nearly 24/7 coverage from Community Service Officers (CSO), and one code enforcement officer. Given limited staffing, additionally enforcing any changes in municipal code will be challenging for Indian Wells. The need for staffing in the enforcement of a revised ordinance is discussed further in the Fiscal Analysis section of this report.

Out of all cities researched, a common pattern emerged as what could be considered a "best practice," in terms of vacation rental enforcement. The following pages detail two flow charts that diagram best practice approaches to regulating an outright prohibition or allowance of vacation rentals (allowance process culled from a combination of Big Bear Lake, Newport Beach, Palm Desert, Rancho Mirage, and South Lake Tahoe).

Prohibit Vacation Rentals



Allow Rentals



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INDIAN WELLS HOME OWNER'S ASSOCIATION OUTREACH

Many Covenants, Conditions and Restrictions ("CC&R's") as enacted by Home Owners' Associations ("HOA's") deal with the topic of property rental. Most commonly, CC&R's restrict the rental of properties to a minimum of 30-days, enforceable by the HOA. In order to understand how Indian Wells' 56 current HOA's dealt with rentals, staff contacted, or attempted to contact, all HOA's for detail of their CC&R's regarding vacation rentals.

40 of the HOA's in Indian Wells contain language requiring a 30-day minimum stay for property rentals. Those 40 HOA's represent more than 3,590 residential units in the City. Staff received no response from 15 of the HOA's who were generally smaller associations represented by non-professional communities. And one HOA, Manitou Springs, allows for vacation rentals within their CC&R's.

Though the vast majority of HOA's do not allow for rentals of less than 30-days, the practice of enforcement of such is broadly ignored unless there are properties that cause problems. Cindy Gosselin of Vacation Rental Compliance indicated that the majority of HOA's in the entire Coachella Valley also include CC&R's limiting rentals to 30-days or more, but that the most common practice is for the HOA to not enforce strictly that provision. Ms. Gosselin cites the lengthy, and generally costly, legal expense to enforcement of rental provisions that many smaller HOA's do not have. This is a primary reason for a lack of enforcement within HOA's of vacation rental properties unless they are disturbing the peace of the neighborhood.

If the City were to prohibit vacation rentals, it would be in-line with the vast majority of CC&R provisions that currently exist. If the City were to allow vacation rentals, then CC&R rules would trump City code as being the more restrictive provision. However, the onus of enforcement of violators of a 30-day minimum would fall on the HOA's. The City would only maintain the responsibility to enforce violations of provisions of the City's vacation rental ordinance, which would allow for this type of property use.

VIRTUAL TOWN HALL RESIDENT FEEDBACK

The City utilized a Virtual Town Hall in order to gain resident feedback on the topic of vacation rentals. The online tool was utilized to allow residents who may be away for the summer season to continue to participate in the process. The City mailed out postcards advertising the opportunity to participate in the Virtual Town Hall, sent out multiple eblasts, and worked on an article with the Desert Sun to make residents aware. The Virtual Town Hall was broken up into two separate formats, an open-ended forum discussion followed by a poll with more targeted information. The results of each format is intended to help inform Council of resident sentiments on the topic.

Open-Ended Forum Discussion – The forum generated three hundred and forty-seven (347) visitors to the question of "What are your thoughts on vacation rentals?" One hundred and sixteen (116) visitors posted comments on the forum. Fifty-four (54) of those comments were not viewable by the public (author kept them private). Sixty-two (62) of those comments were viewable by the public. Due to the volume of comments, we have not provided them in this staff report. However, they are available through the City Clerk if desired.

As was seen at both the May 5 and June 5 Council meetings, there were two distinct groups for this topic, with some being in favor of vacation rentals and some against. The forum responses as a whole seemed to mirror the sentiments of public comments seen at both of those Council meetings. Following is a general summarization of the conversations that came out of the forum.

The reoccurring themes for those opposed to vacation rentals were as follows:

- Vacation rentals may compromise the Indian Wells residential lifestyle.
- The accommodation of guests is the function of the resorts.
- Vacation rentals bring too many nuisances to the community; like noise.
- Vacation rentals jeopardize the security of Indian Wells residents.

The reoccurring themes for those in favor of vacation rentals were as follows:

- This is a resort destination and therefore needs to accommodate our visitors.
- Prohibiting vacation rentals is viewed as a limitation on property rights.
- A minimum stay requirement is necessary to not compete with the resorts.
- Stricter fines and punishments are needed for those few problem homes instead of penalizing all vacation rentals.

Overall, the forum indicated to staff that there was an unfamiliarity of what vacation rentals are and a misconception of the scope of enforcement capability of law enforcement. For example, a common comment was that the City should allow for vacation rentals, but limit them to a 30-day minimum stay. Anything 30-days or greater is would be considered a month-to-month rental, which is already an allowed use under City municipal code. As a Charter City there may be some leeway for modification of this definition, but is something that would require City Attorney research.

The forum, along with the ongoing research of other municipalities, helped staff to realize the subsequent poll would help to better define the topics raised in the forum, and to also help educate on the individual aspects of vacation rentals like stay duration, noise, occupancy limits, and parking.

Poll Results – the poll was not intended to provide statistically significant responses, rather, to give a better understanding to Council of general public sentiments. The result was 93 responses from the community.

1. What best describes your experience with vacation rentals (defined as rentals less than 30-days in length) in your neighborhood?

	Answer	Response %	Response Count
a.	No issues	49.5%	46
b.	Issues during seasonal events	28%	26
c.	Issues year-round	22.6%	21

2. If you have had experience in your neighborhood with short-term rentals, what have been your concerns?

	Answer	Response %	Response Count
a.	Noise	41.9%	39
b.	No concerns	39.8%	37
c.	Strangers in your community	31.2%	29
d.	Parking	31.2%	29
e.	Occupancy	25.8%	24
f.	Lack of enforceable muni code	25.8%	24
g.	Other	11.8%	11

Those answering "other" referenced degradation of property values, over-zealous complainers, potential for crime, slow/no police response, and non-compliance with HOA rules as those issues of concern with vacation rentals.

3. If vacation rentals were allowed, should there be a minimum number of nights required?

	Answer	Response %	Response Count
a.	Longer than a week	50.5%	47
b.	No minimum	19.4%	18
c.	3 nights stay (weekend)	15.1%	14
d.	6 nights/7 days (one week)	15.1%	14

4. If vacation rentals were allowed, should property owners renting their property be required to notify their neighbors, providing them with emergency contact information should an issue arise?

	Answer	Response %	Response Count
a.	Yes	71%	66
b.	No	29%	27

5. If the City of Indian Wells were to prohibit vacation rentals, should property owners be required to register guests who stay at their property without the owner present?

Answer	Response %	Response Count
a. No	72%	67
b. Yes	28%	26

6. Which noise enforcement options would be preferable?

Answer	Response %	Response Count
a. Provide law enforcement subjective discretion of a nuisance level	62.4%	58
b. Strict prohibition against any noise outside a residence audible from the property line	20.4%	19
c. Use of sound metering equipment	17.2%	16

7. In relation to noise issues, some other cities have prohibited any amplified noise outside (stereo, radio, etc.), mostly for the period of 10pm to 8am. These prohibitions apply equally to property owners and vacation renters. Would you be in favor of prohibition against outside, amplified noise?

Answer	Response %	Response Count
a. Yes – for limited periods of Time (e.g. 10pm to 8am)	58.1%	54
b. Yes – all the time	29%	27
c. No	12.9%	12

For the final question we provided a preface of information that other cities who have prohibited short-term rentals have had difficulty enforcing the prohibition and widely believe property owners to be renting anyways.

8. Given this information, would you prefer to see the City of Indian Wells:

Answer	Response %	Response Count
a. Allow vacation rentals with strict regulations that prohibit nuisance issues such as noise and over-occupancy through citations, fines, and an ability to immediately evict tenants	57%	53
b. Prohibit vacation rentals and adopt as strict of rules as possible to respond to nuisance issues such as noise through citations and fines, with limited ability to regulate use of property.	43%	40

MERITS OF COMPETING APPROACHES

This section takes an overview approach to advantages and disadvantages of whether or not to allow vacation rentals.

Prohibition of vacation rentals

Pros:

- Clear and easily understood rules regarding vacation rentals
- Eliminates need for additional staffing
- Maintains neighborhoods as strictly residential in nature
- Eliminates competition for resorts in Indian Wells

Cons:

- According to other cities, it is difficult to enforce prohibition of vacation rentals
- Does not allow for collection of transient occupancy tax
- May not solve the problem of problem properties without further municipal code changes
- Limits the tools for enforcement of vacation rentals
- Provides opportunity for proactive enforcement through undercover efforts, but at a cost to the City that may not be fully recoverable
- Limits property rights

Allowance of vacation rentals

Pros:

- City can set clear restrictions and oversight provisions on property use in residential neighborhoods
- Allows for the collection of transient occupancy tax
- Provides more tools for enforcement of vacation rentals – e.g. noise, occupancy limits, parking restrictions, contract provisions, emergency contact information, immediate eviction, and age restrictions
- Provides opportunity for proactive prevention as opposed to reactive enforcement
- Creates database of registered properties and management firms which helps in overall regulation

Cons:

- May cause disruptions in residential neighborhoods from time to time
- Creates a competition with resorts in Indian Wells
- Causes disconnect between City rules and those of most HOA's
- Would require additional staffing to oversee the increase in proactive enforcement (cost should be offset by fees for permit and TOT)

STAFFING AND COVE COMMUNITIES INTERESTS

In conversations with staff counterparts at both the cities of Rancho Mirage and Palm Desert, there was interest in reacting to vacation rentals in a uniform manner. This would include enacting similar ordinances with matching provisions guiding vacation rentals in all three cities. This would benefit all three cities in the area of enforcement. The Sheriff Department patrols for all three cities and would benefit greatly from greater uniformity in approach to enforcement of vacation rentals. Instead of having to train officers on three different methods of response, one uniform response protocol could be utilized, thereby streamlining the Sheriff's training with patrol personnel.

There was also some interest in partnering through the Cove Commission to spread the costs of added Code Enforcement amongst the three cities. Both Palm Desert and Rancho Mirage each have robust Code Enforcement programs, with one officer nearly fully dedicated to vacation rentals. Both cities have weekend officers and utilize a 'flex' schedule during the Coachella Festival, Stagecoach, and during other popular times like college graduation and spring break. This allows them to have Code Officers on duty during the late night hours when issues arise from vacation rentals disrupting neighborhood peace. Both cities felt this elevated focus on enforcement was necessary during the busy times, but were generally open to contracting for some combined services for the remainder of the year. No further details were discussed.

FISCAL IMPACT:

COST OF PROHIBITION OF VACATION RENTALS

If the City were to prohibit the use of residential property for vacation rentals there are a couple of variable fiscal impacts it could have. With a strict-prohibition, it is likely the City would still seek to bolster existing municipal code language for noise and parking violations. These sections of municipal code would be most appropriate to deal with any residential property that causes issues within a neighborhood.

Reactive Enforcement Effort – similar to other cities that have prohibited vacation rentals, Indian Wells could take a minimalist approach in oversight of the prohibition. This would include investigating allegations of vacation rentals, enforcing updated noise and parking ordinances, and otherwise operating under the current status-quo of reactive to complaints. This approach would have little to no additional fiscal impact to the City.

Proactive Enforcement Effort – the City could be more proactive in enforcement of a vacation rental prohibition and any modifications to the noise or parking ordinances. This may include "sting" operations during targeted periods of the busy season, such as Christmas time, spring break weeks, Coachella Fest/Stagecoach, and early summer. This would include investigating advertised vacation rentals, contacting owners, and attempting contact with probable renters. The City Attorney would need to produce a memo regarding ability of the City to administer fines based on covert operations leading to a property owner renting to City officials, which could impact City costs.

Assuming the City could administer fines based on proactive investigations of likely vacation rentals, this alternative would have an additional fiscal impact on the City. The City could utilize continued services from Vacation Rental Compliance (i.e. Cindy Gosselin), a vacation rental consultant, at a contract price of ranging anywhere from $10,000-$30,000 per year to provide a desired level of proactive investigation. The investigative efforts could then be turned over to City Code Enforcement. This would have an impact on existing Code Enforcement staff. It is unknown the level of impact may be seen.

Potential for Litigation – though the courts have established a precedence for a jurisdictions right to restrict property use for preservation of residential community character, it is possible the City could face potential litigation from homeowners upset with a restriction on their property rights. This is a variable with unknown costs.

Another alternative would be for the City to increase Code Enforcement staffing and reprioritize CSO enforcement efforts to focus on rental prohibition, noise, and parking violations. In this effort the City would conduct all investigative work in-house through expanded Code Enforcement staffing and effort. Staff estimates a half-time Code Enforcement Officer would likely be necessary at a cost of approximately $65,000 per year (includes 60% cost of benefits per City policy).

Finally, prohibition of rentals would require the City to incur added enforcement costs, if desired, without offsetting revenues. There would be no revenue through rental license fees and TOT collection. Therefore, prohibition of vacation rentals, if proactive enforcement is desired, would result in need for added General Fund budget.

COST OF ALLOWANCE OF VACATION RENTALS

As compared to prohibition, the allowance of vacation rentals has far more variables on how vacation rentals would impact the City financially. The City should, and likely would, increase the level of staffing to oversee a well-designed, robust vacation rental program. As compared to prohibition, these increase in costs would likely be fully offset by added revenues through rental license fees and TOT, and may even produce some surplus revenues to offset other general fund expenses.

Reactive Enforcement Effort – the City's recent issues with vacation rentals stemmed from a reactive enforcement effort from both City Code Enforcement and Police. If the City were to allow for vacation rentals, it is not recommended that the City continue with a reactive response process. This would mean that residents wishing to lodge a complaint against a rental would have limited effectiveness during the late-night hours, and staff would respond with administrative fines on Monday morning for any violation of the rental ordinance. This would have little to no additional fiscal impact to the City, but would likely result in a perpetuation of issues within neighborhoods.

Proactive Enforcement Effort – if the City were to allow for vacation rentals, it would be recommended to have a robust, proactive enforcement program to ensure that vacation rentals comply with any vacation rental ordinance provisions. A proactive program would include multiple facets:

- Vacation Rental Compliance Contract – the City would benefit from contracting with VRC (Cindy Gosselin) for proactive investigation, outreach, and education to property owners renting their properties. This would ensure that rentals who do not register through City licensing process are contacted, educated on the City's rental guidelines, and warned of possibility of administrative fines. This contract would also include access to the regional Vacation Rental Hotline, which dispatches rental property emergency contacts when residents call to report issues at a vacation rental

in their neighborhood. This service would be outside of City staffing and leverage the economies of scale of enforcement efforts already going on regionally. Such a contract would likely range anywhere from $20,000 to $35,000 per year depending on the Indian Wells volume of vacation rentals.

- Additional Code Enforcement Personnel – from research of other jurisdictions, the City would require an additional Code Enforcement Officer. Most cities studied who had robust vacation rental programs dedicated a full-time Code Officer to oversight and regulation of vacation rentals. A full-time Code Enforcement Officer would cost anywhere from $107,000 to $125,000 per year (including 100% cost for all benefits per City policy), depending on starting salary. This Officer would respond to complaints, investigate problem properties, issue administrative fines to property owners out of compliance, and work a flexible schedule during high-volume rental times such Christmas time, spring break weeks, Coachella Fest/Stagecoach, early summer, and Tennis Tournament. Based on rental volume within the City, an added full-time Code Officer could also augment current City code enforcement capacities.

- Specialized Training of Sheriff Personnel – part of an effective enforcement program for rentals would include the utilization of CSOs for investigation of violations of vacation rental codes (i.e. drive to a home with a complaint of noise violation and utilize noise metering equipment, subjective authority, or determine if noise could be heard from property line, or additional parking enforcement). Additionally, Patrol Officers would need training in updated City codes in order to make contact with renters for issuance of misdemeanor citations. The training required for Sheriff Personnel would likely be minimal to no additional cost.

- Marketing of Vacation Rental Program Guidelines – the City would likely focus some part of marketing and advertising efforts to educate the public on the vacation rental program. Though this expense may not be an indefinite cost, the first few years would likely see annual costs upwards of $5,000 per year to adequately educate the public on regulations and procedures for responding to issues.

- Rental License Issuance – as previously discussed, best practices are to issue a separate license or permit specific to vacation rentals. Such a program would increase staff costs for time issuing a secondary, special permit. However, prior to initiation of a vacation rental licensure program

staff would conduct a study to ensure that all costs are offset through an appropriate user fee.

- *Potential for Litigation* – though land use designations are one of the primary protections afforded to local government, it is possible the City could face potential litigation from residents who do not view vacation rentals as an appropriate use of residential property. This is a variable with unknown costs.

Taking into account the best practices and associated costs listed, a conservative estimate for proactively enforcing a robust vacation rental program would range anywhere from $125,000 to $170,000 per year. This does not take into account any additional costs for unknown litigation.

Potential vacation Rental Revenues – the City currently collects TOT on all 54 registered vacation rentals. Staff projects vacation rental TOT revenues in Fiscal Year 2014/15 to be as high as $74,000. This is based on the historical number of nights rented, average nights rent, year-to-date collections, and number of currently registered rentals (through the moratorium process) at the current TOT rate of 11.25%. This projection does not take into account any permanent prohibition, should Council make that decision this year, or any business licensing fees. Business license fees simply offset staff time costs for processing the license.

In order to estimate a future revenue projection from vacation rentals, staff utilized historical data to determine:

- Annual average night stay: 49
- Average nightly rent rate: $250
- Current TOT rate: 11.25%

Based on historical averages, staff extrapolated the following TOT estimates:

Est. # of Rental Properties	Est. TOT Collection
54	$74,000
100	$137,000
150	$206,000
200	$275,000

Taking into account the estimate of costs for administering a robust vacation rental program, the City would likely need a minimum of 100 vacation rentals operating at the historical average number of nights and rents in order to make a vacation rental enforcement program cost neutral. This estimate is considered plausible based on the additional number of 30-40 property owners Ms. Gosselin spoke to during the moratorium grace-period who decided to wait to register their vacation rentals in order to see City Council final direction on the topic.

Other Coachella Valley cities, upon adopting a vacation rental program, saw substantial increases in vacation rentals that previously operated underground, or from property owners taking advantage of the explosion in the market for vacation rentals. This leads staff to believe the City would likely offset all costs for enforcement and oversight, and could produce surplus revenues to offset other General Fund expenditures.

ALTERNATIVES:

Based on staff research the two primary alternatives appear to be:

1. Prohibit vacation Rentals and modify existing noise ordinance and/or parking ordinance provisions to provide additional enforceable rules for City Police and Code Enforcement; or

2. Allow vacation Rentals and adopt strict guidelines for the use of residential property to limit the negative issues that come with unrestricted, non-regulated vacation rental properties.

Any additional alternatives discussed by Council are welcomed.

End Notes

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[i] http://www.tripadvisor.com/PressCenter-c7-Survey_Insights.html

[ii] TXP study was commissioned by the Short Term Rental Advocacy Center, an interest-based organization founded by prominent online vacation rental websites with the goal of promoting best practices in rental regulations. Report available at http://www.stradvocacy.org/media/TXP-STRAC-Impact-Report-Coachella-0312141.pdf

At Dais, Item 4A

September 18, 2014

City of Indian Wells

Recommendations on Residential Rentals

1. City Staff continue to research this issue. Currently there are 214 distinct Indian Wells Properties listed for rent on VRBO and/or AirBnB. There is considerable work to do to document the extent of residential rentals in our City. Interesting that on the VRBO site, a number of homes which have licenses with the City to rent do not list a minimum of seven days.
2. Compliance with existing and the new Ordinance. Compliance with License Agreement. Who Monitors?
3. Fees for License plus TOT plus Fines. Do not hesitate to raise fees and fines as necessary. Might also be required to cover additional staffing costs and Police Cost Rescue.
4. TOT and other fees. I believe the City Staff has mistakenly felt that this can be a revenue positive for City. I do not believe this will happen due to need for additional staffing and other costs to monitor and enforce. This will be expensive to do correctly.
5. I like the suggestion to consider a joint program on residential rentals with our Cove Communities.
6. City Staff needs to have totally vetted Cindy Gosselin and her company – Vacation Rental Compliance. Please guarantee that there are no possible conflicts of interest especially as relates to private rental companies and realtors.
7. Enforcement – This is the key to the entire process. Rules need to make sense. Issues such as Occupancy limits, parking, noise hours, have to be adequately addressed. Code Enforcement staff will need to work flexible hours including weekends and holidays. The three weekends of Coachella and Stagecoach are easily the most problematic thus we need to pay to have extra city staff and police. We can anticipate now that these weekends will be challenging.
8. Procedures need to be simple and straightforward. I like the suggestion of a hotline for any IW resident to call that is easy to reach and that launches enforcement process.
9. Number of Days has been a "hot" topic. I still believe seven days is not adequate but would be willing to compromise between 7 days and 30 days.
10. Age of renter/ contract signer. This could have a positive impact. 30 years of age and older?

Submitted by John T. Schwarzlose

75309 Desert Park Drive gibbyfalcon@gmail.com

TO Ted Mertens

September 17, 2014

TO WHOM IT MAY CONCERN: RE: Short-term rentals vs. 30 days or more

While the City of Indian Wells and its residents are spending a great amount of time and energy in dealing with **short-term residental rentals vs. 30-days or more residential rentals,** and many of us are anticipating the structuring of a new "rental ordinance" that will include easlier solutions in dealing with noise violations, I share with you some of my thoughts based on 40 years of owning and renting out various residences in California.

Should the new ordinance be a "Residential **Occupancy** Ordinance" and not necessairly a "rental ordinance"?

While I oppose, like many of you, any City approvals of residental rentals for less than 30 days, let's look closer at how we might remedy the noise problems within our neighborhoods—especially during the Coachella and Stagecoach Festivals.

While the matter of short-term residental rentals vs. 30-days or more residential rentals is a very important one, what's just as important –if not more important--is how this City handles nuisance violations--violations by tenants and violations by property owners themselves.

You see...noise and other nuisances can come directly from not only a short or long-term tenant but also from a property owner and/or his/her invited guests (even uninvited guests). What if tenants and other occupants have NOT entered into short or long-term rental agreements? Would a new "residential **occupancy** ordinance" better serve us when it could be argued that the occupants are not "tenants" but just invited house guests?! An owner's grandson and his friends "just visiting" for the weekend would not be consider tenants. Would this type occupancy fall outside a new "rental ordinance" and put us in the same predicament as before? A new occupancy ordinance can contain requirements and penalties for both residential rentals and residences that have no tenants but do have noisy occupants like invited (or uninvited) weekend visitors.

Does the word **"RENTAL"** in any new ordinance seem limiting to you? Can it make a property owner believe that it's not in his/her best interest to read it—because, "Gee, I don't rent out my house, but I do have invited guests from time-to-time, so there's nothing in this that will affect me"?

Some of my thoughts for inclusion in a new occupancy ordinance:

1. As previously discussed at meetings, have a strong-to-severe penalty for all nuisance violations.

2. Penalize the property owner/landlord for violations, including "noise" nuisances. When complaints are validated by neighbors and/or the police, and once these complaints are of record with the City, the City then sends citations to the property owner requesting payment for said violations.

3. If the property owner fails to pay the penalty within a stated period of time, the City places a lien on that property for non-payment. Eventually the City will receive payment including the legal rate of interest. And, if it was a tenant causing the nuisance, he/she shall be responsible to the property owner for reimbursement of the fine/penalties paid by the owner. In the event the property owner him/herself violates the ordinance, or one of his/her guests causes a valid complaint of a nuisance, this property owner remains directly responsible to the City for payment of a fine/penalty, if cited.

Continued on page 2...

4. Regarding rental contracts: Obviously, with a new occupancy ordinance in place (short-term rentals, long-term rentals or otherwise) it will be prudent for all landlords within the City to incorporate into their residential rental agreements a provision whereby each tenant (or group of tenants) agrees to reimburse the owner/landlord for the exact amount of nuisance penalty assessed by the City if said penalty is a direct result of a noise (or other) nuisance by the tenants. While the City would not be involved in any landlord/tenant contracts, it would be the responsibility of each owner/landlord to seek counsel, if necessary, in the wording of and insertion of a "NUISANCE PENALTY REIMBURSEMENT TO LANDLORD" clause. And it would be the responsibility of owners/landlords (who use property managers) to insist that their professionals incorporate similar language into any pre-rental documents such as "on the top of" rental applications as well as within each rental contract.

5. Perhaps the City may wish to host a "workshop" with invited professionals versed in the area of property management and contract law, to assist owners who rent out their homes to understand the importance of incorporating "penalty reimbursement language" into rental documents and to better understand why owner/landlord oversight is imperative for good rental-property operations.

6. Speaking of "property management": While there are those absentee owners/landlords who depend totally on their property managers to deal with "all rental matters", this new ordinance could underline the fact that each and every property owner is responsible for his/her real property within the City. A good property manager should be responsible to the owner and tenant. A tenant is responsible to the owner. But, in many cases, tenants communicate ONLY with a property manager. However, this does not relieve the property owner from responsibility for his/her own property.

Regardless of how this "rental matter" turns out, the City will continue to collect licensing fees, permit fees, and transient occupany taxes.

It's imperative that the City notify each and every residential property owner and deliver to each owner the new ordinance regarding residential occupancy—with full explanation of nuisance violations, the citations and the fines/penalties--as well as the provisions that include rental property and "property not subject to written rental contracts but are occupied by owners and/or guests without occupancy agreements".

Again, in the event a property owner's tenant violates the noise (or other nuisance) ordinance **without** having executed a rental agreement, the property owner remains bound by the new ordinance and is subject to the citations, fees and penalties as if he/she as owners violated the ordinance him/herself.

Again, it's obvious that "noise and other nuisances" can come from other than actual short or long-term tenants, and the new ordinance and veribage therein should blanket ALL residential properties within our beautiful City.

There are owners/landlords who sincerely care—as well as tenants and other occupants who care—but this new ordinance needs to have strength and heavy penalities for those who care more for the dollar and less about their property and less about the City of Indian Wells.

Continued on page 3...

There may be some redundancies above, so please forgive me. I'm rushing to get this out for some of you who care about how future nuisance (noise) violations might be remedied.

I can tell you that if I ever rent out my Indian Wells home, and if any of my tenants violate any of the new ordinance provisions including nuisance (noise) violations, I shall promptly pay the City a fine/penalty, if cited, and immediately bill my tenants for remibursement of a like amount, using the court system if necessary.

If any of you feel this is worthy of presentation to the City Council meeting on Sept. 18Th, you have my permission to do so. I cannot be present due to geographical limitations. Or, if you feel others could beneift from any of the above, please share it with them.

Bob Lawson,

Indian Wells residential property owner.

Please read at the City Council Meeting 9/18/14 in the absence of Cathe and Chip Dyer.

9/15/14
To the Indian Wells Town Council,

Please make up your mind to protect our very special home as well as our Indian Wells neighborhood from short-term rentals.

We understand that you are hosting the most important meeting affecting our **quality of life** in Indian Wells. Interesting that you should plan the short-term home rentals discussion, when most second homeowners are away. **Who is standing up for homeowners who do not rent, but actually live in and care for our special community?**

Before we left in May the council voted clearly that nothing shorter than 30-day rentals would be allowed. We left proud of our new town's speedy and thoughtful vote to protect our **quality of life.**

Now this topic continues to be unresolved and we are puzzled as to why the town council members can be bought by short-term rental income ignoring the **quality of life** many of us homeowners counted on when buying in what was the prestigious community of Indian Wells.

We live at 45711 Indian Wells Lane. While we love our home (purchased in 2012) and hope to continue to live and get more involved here for years to come, we would **NEVER** have purchased in Indian Wells if we knew you allowed short-term rentals. **NEVER!**

Please know that I have written to each and every one of you through the town portal this summer and have not received one response. I did hear from the town lawyer.

Not one of you seems to have any idea what it would be like to live next door to a rental home. **The national trend is growing as VRBO and others are taking over hotel short stays.** We beg you not to make the wrong decision. Do come on over, visit a few different neighborhood homes before a final vote. There is a reason for our complaints.

The revolving doors of short-term rentals and all they bring is **NOT WHY WE BOUGHT IN INDIAN WELLS.**

Perhaps many of you live in neighborhoods with associations that protect you from short-term rentals. We do not and we are **COUNTING ON YOU TO PROTECT US FROM short-term rentals, which totally affect our quality of life. Thank you.**

Cathe and Chip Dyer – 970-270-7898 – cathedyer@me.com

life of adjacent property owners, they have a negative fiscal impact on our city. (Even if they generated money for the city, I would still hold that this issue is about the preservation of our community and not about generating revenue.)

The website, VRBO, lists 147 rental properties in Indian Wells but Indian Wells has only 53 sanctioned rentals. **Right now, we have 94 properties in violation!**

Urgency Ordinance No. 678 states the use of any property for short-term rental less than 7 days is a public nuisance and that this is a violation of Chapter 5.20 of the Indian Wells Municipal Code. **Attached are 46 listings for properties blatantly violating the ordinance.**

Anyone attending this meeting and touting the benefits of short-term rentals must be asked two questions.

#1. Do they have a financial interest in Indian Wells permitting short-term rentals?

AND

#2. If they are rental property managers or owners are they in compliance with the current ordinance?

BECAUSE

#1. This is NOT a financial issue. This is a quality of life issue.

AND

#2. If they are not currently in compliance, they are acting as a public nuisance and are contributing to the problem. This is like taking fire prevention advice from an arsonist.

In summary, based on the VRBO statistics, our city has 147 vacation rentals. Nearly half (66) advertise for at least 1 month. 46 advertise for less than 1 week and should be fined, if they haven't been already. Only 34 listings honor the 7-day minimum. **Prohibiting rentals less than 30 days would affect the 34 homeowners that are following the city's ordinance.**

Based on these findings, here's the math:

94 violations for running a hotel without a business license (94x$2000) $188,000

46 violations for advertising less than 1 week minimum (46x$2000) $92,000

That's **$280,000** in fines that the city should be collecting, assuming that all violations are first-time offenses. INDIAN WELLS MUST ENFORCE THEIR ORDINANCE! And Indian Wells must send a message to investors and prospective homebuyers that this is a community of residents, not transients.

TO BE READ AT THE 9.18.14 CITY COUNCIL MEETING REGARDING VACATION RENTALS ON MY BEHALF

Name: Jennifer Vorster

Address: 75306 Palm Shadow Dr.

As a full-time resident of Indian Wells for over the past ten years I am seeing the detrimental effect short-term rentals are having on our community and our peaceful quality of life. Indian Wells is unique. Our city is located in the heart of the Coachella Valley. We have the most beautiful and highly desirable un-gated neighborhoods. We are surrounded by hotels, restaurants, golf courses, and the Tennis Gardens. We are home to an abundance of music and art festivals, golf tournaments, car shows, and, of course, the tennis tournament. This area is extremely attractive to visitors looking to have a great vacation in one of our many hotels.

If short-term rentals were so desirable and benefitted the community in any way, why are they banned in so many HOAs? Indian Wells is a wonderful community to live and raise a family. Short-term renters entering our community for less than thirty days do not have the same sense of pride and respect for our neighborhoods. Our tranquility is being threatened by investors turning homes into money-making machines. This is at the direct expense of the neighbors who want nothing more than the private, peaceful enjoyment of their homes.

*Section 5.32.010 of the Riverside Municipal Code defines "**Hotel**" as "**any structure, which is occupied or intended or designed for use or occupancy by transients**, including ...any hotel, inn, tourist home or house....". Furthermore, "**Transient**" is defined as "**any person who exercises occupancy ... for a period of thirty consecutive calendar days or less...**"

People renting properties for less than 30 days are, according to our county, running a hotel in a residential neighborhood. We live in a RESIDENTIAL community, not a COMMERCIAL zone! These "hotels" are detrimental to the quality of life of the residents of Indian Wells.

Some may argue that our city needs these additional hotels, especially during the Tennis Tournament. Do you have any idea how many hotels are here? **Within less than a 10-mile radius of the Indian Wells Tennis Gardens I found 62 hotels!** I have personally called 48 of them and found a combined total of 8183 available rooms. As I write this, there are still 14 hotels I haven't had time to call. Within less than a 20 mile radius there are an additional 114 hotels. And this doesn't include the 1506 Marriott Desert Springs Villas and the Western Desert Willow Villas that are timeshares which are frequently rented to the public.

I have no doubt that if this issue was put to a vote in our next election, the majority of would vote to ban short-term rentals. However, since large amounts of money are involved, the people whose "hotels" would be shut down are protesting loudly. If there was any question about the root of this problem, one just has to follow the trail of dollars lining the pockets of people who have no regard for the best-interest of our community.

The City of Indian Wells Staff Report states there are currently 53 sanctioned and licensed rentals projected to generate $74,000 in revenue in 2014. The cost of effectively managing and enforcing them is estimated to cost $125,000-$170,000 per year. So, not only do vacation rentals reduce the quality of

January 22, 2015 Staff Report

01 20 '15 PM01 04 CITY OF IW

Public Comments

January 17,2015

City of Indian Wells Council Members

Mayor Ty Peabody
Mayor pro tem Dana Reed
Council Member Richard Balocco
Council Member Doug Hanson
Council Member Ted Mertem

RE: Meeting IW Club on January 22, 2015

Council Members

We are <u>not</u> in support to 3 day minimum.

We support the 30 (thirty) day minimum .

We are home owners on Nancy Court for the last eight years.

Sincerely,

Pete and Jennifer Iemcke

CC: David
Wade

Public Comments

MARGOT D. LANGDON
c/o #2400, 525 – 8th Avenue SW
Calgary, Alberta, Canada T2P 1G1
Phone: 403-260-0205

January 21, 2015

City of Indian Wells
44 - 950 Eldorado Drive
Indian Wells, CA 92210-7497

Attention: Wade McKinney, City Manager

Dear Mr. McKinney:

Re: Short Term Rentals in Indian Wells

We own a home in Indian Wells, which we purchased in the spring of 2013 with the ultimate intention of retiring there about two years from now. The house had fallen into very poor condition, and we were required to completely refurbish it and spent an enormous sum of money just to bring it back to a liveable condition. It now is one of the nicest homes on the street and raises the standards of the community as a whole and value of homes in the immediate neighborhood.

In investing in this property and these very expensive renovations, we relied on our ability to rent our home as permitted under the existing legislation and assumed that the legislative landscape would remain stable. We rely on the revenue generated by short term rental of our house to operate and maintain our home, and would intend to continue to rent responsibly during those periods when we cannot be there, even after we retire.

I have previously attended almost all of the meetings on the short term rental issue and have previously presented my views to those of the Council members who held their seats prior to the recent elections. Unfortunately I just found out about the Thursday meeting and will not be able to attend this one due to work commitments.

I sincerely hope that my absence or the absence of the many other homeowners who rent but may not know about this particular meeting, will not affect the outcome when we have had so many presentations at prior council meetings.

While we understand and truly sympathize with the concerns of residents who have had noise, occupancy, disturbance, parking and other issues, we strongly oppose any ban or material restriction on short term rentals in the City. There are better solutions which are more moderate and do not financially punish or confiscate property rights (the right to freely rent) from so many conscientious owners, most of whom rent exclusively to retirees.

In fact the actions that have been undertaken by the City to date have already made huge headway towards solving many of the problems in shutting down problem "party house" rentals and increasing TOT collection and adherence with licensing requirements, which the City should be commended upon.

As I confessed at the last meeting, my house was one of the houses that attracted numerous complaints from our neighbor backing onto the south side of our back yard on two particular days about just two instances of renters creating noise: (1) a family with young kids had taken a small speaker outside and played music in the pool area (which we now expressly prohibit under the lease); and (2) an older retiree who is a Plantation Club member was hosting another couple for the member/guest Plantation tournament and they purportedly used overly salty language while enjoying some wine with their wives in the backyard/pool seating area.

First let me say that we try to be extremely conscientious of our neighbors and don't want any issues with them whatsoever. We already had requirements in our lease that no excessive noise be permitted and that they could be evicted for breach of City rules and regs, however we now emphasize this even more with all renters. We have always vetted our tenants carefully and have always rented exclusively to retirees and occasionally families.

In another instance last year, the same back neighbor complained because our landscaper used a leaf blower, and they also complained that we had put in landscape lighting (which complies with City restrictions). As good neighbors and part of everyday living in a community, we are working through these minor issues as they arise and now enjoy a good relationship with them. We have encouraged them since the first spate of complaints (which we had initially not been aware of) to contact us directly if they have issues.

The issue of reasonableness of the complaining party also comes into play. I believe that our neighbor (who was used to absolutely no noise as the adjacent lots are both vacant and our house had been virtually unoccupied for many years) now realizes that they don't live in a vacuum, but rather a community that will occasionally make the usual noises of everyday life.

Some people complain an unreasonable amount, but we believe that notwithstanding this our neighbors are good people. We believe that we can satisfy these neighbors in the long term even though we feel that they are unreasonably sensitive and complain to the authorities excessively over every little sound. They could have full time resident neighbors that were much louder and more annoying than our renters are on average. As an aside, we query whether it is just that renters (or people who rent) should be subject to stricter limitations than full time residents.

My point is that we were viewed as a part of this problem that precipitated these ordinance changes, yet we are responsible, law-abiding owners and renters, we pay our TOT and try to be great neighbors.

<u>This, with the corrective actions already taken by the City, means that the vast majority of the issues which arose last March and April have already been addressed.</u>

We believe that disallowing or overly restricting short term rentals is unnecessary. It is like using a hammer to kill a fly.

Short term rentals are healthy for our City, keep our City vital and dynamic, support our local economy and reputation on the world stage and on average improve the quality and maintenance of homes.

There is a highly active contingent of extremely privileged, well spoken, but extremely single-minded individuals who would ban short term rentals all together. This approaches arrogance and doesn't balance the interests of the community stakeholders (which is the role of Council, admittedly). These people are not representative and should not have the right to deprive other property owners of their right to rent, especially when there are other effective methods to address their valid concerns.

A ban (or unreasonable restriction) of short term rentals would:

- Ignore less punitive but nonetheless effective and more progressive solutions
- Fail to directly address the specific problems of noise, occupancy, disturbance, parking and other issue
- Unfairly and unnecessarily conscientious property owners of the right to generate income from short term rentals in compliance with noise and other City by-laws

- Cause serious hardship, including the loss of homes by those who rely on revenue to own, operate and maintain their home

- Reduce property values across the board as houses will be forced on the market at the same time that potential purchasers will know that they can't cover any costs of an IW house from usual rentals to many retirees

- Significantly reduce long term rental rates across IW relative to other desert cities since there will be a huge over-abundance of houses for rent in IW for only over 30 days

- Deprive the City of overall revenue from TOT, including spending in local restaurants and businesses

- Create the reputation that IW is over-regulated and stodgy

- Reduce the number of potential buyers of IW homes since people tend to buy where they have previously stayed.

The staff recommendations are effective and intelligent in that they separate the issue of property owners' right to rent their properties responsibly from enforcement of noise, occupancy, parking and other disturbances as against both homeowners (renting and non-renting) and tenants alike.

The staff recommendations (including the proposed noise ordinance):

- Directly address the specific resident concerns of noise, occupancy maximums, disturbance, parking etc.

- Reflect stable, predictable and mature government which would strike the right balance and not create a black-eye for the City and its Council

- Reduce the polarization of the community and sense of arbitrariness and alienation, in favor of a balanced approach that addresses the real concerns of all stakeholders

- Respect property rights of owners, including the right of residents to quiet enjoyment of their property as well as the right of property owners to cover costs of ownership

- Do not cause serious hardship, including the loss of homes by those who rely on revenue to own operate and maintain their home

- Support the reputation of Indian Wells as a destination city, as well as supporting important major events such as the IW Tennis Tournament.

The staff recommendations are definitely on the right track and represent a balanced approach, but could be improved as follows:

- Maximum occupancy should not be limited to 2 people per bedroom but should remain at the current level of 2+2 people per bedroom. The vast majority of my rentals are to grandparents, but these couples want to be able to have their kids come to visit with their grandchildren occasionally, especially at Christmas and spring break. We have very large bedrooms and 2 queen beds in one bedroom such that a family of 2 adult children and their 2 kids could stay in that room, and this restriction is surely not aimed at preventing these short family vacations visiting grandma and

grandpa. Including the renters themselves, 6 people staying for a short vacation in a large house on a large property with grandma and grandpa should not be prohibited.

- The requirement that a representative arrive at the property within 45 minutes is too strict – especially if the issue has abated. Palm Springs allows 60 minutes, and inevitably ALL people "have lives". People work, golf (and are not supposed to have their phones on) and have innumerable other personal, business, family and other commitments. I don't object to having a representative contact person (or several people) on the ground, but there needs to be some flexibility, especially where the issue has been abated or no harm is really caused by the person not being able to arrive within this very short window. My property manager is excellent but he lives in Palm Springs for example, which is a 45 minute drive, and also works at the Plantation Club. But when I think of replacing him, I can't think of a more responsible and responsive person and I'm not sure anyone else could respond perfectly promptly in every circumstance.

In summary, restriction of homeowners' right to rent will create a material loss, a taking of property rights and is multiplied across hundreds of conscientious and civic-minded homeowners who just want a more balanced solution. I apologize that I can't be there in person, but trust that you will understand and cast your vote on a manner that reflects balance and the many people who have previously presented in favour of short term rentals, not just the people who happen to know about this meeting and are available on that particular day.

Thank you for your consideration!

Yours truly,

Margot Langdon

Margot Langdon

p.s. Hi Wade. Sorry I can't make it. Thanks for your excellent work on this. Margot

8.

CC/HA ACTION _____ MTG. DATE: 1-22-15
APPROVED X DENIED ___ REC/FILE ___ CONT. ___
OTHER _____
VOTE: YES 4 NO 1 ABSTAIN _____
Balocco

Indian Wells City Council

Staff Report – Indian Wells Police as amended: **January 22, 2015**
fines are $250 and $500; hours of 7PM-7AM except for commercially licensed businesses on non-residentially zoned property which will be subject to this restriction from 10PM to 7AM.

Introduce Ordinance Amending Municipal Code Chapter 9.06 Regarding Noise Violations and Enforcement

RECOMMENDED ACTIONS:

Council **INTRODUCES** Ordinance Bill No. 2015-01 amending Indian Wells Municipal Code sections 9.06.030, 9.06.050, and 9.06.080 and adding sections 9.06.051 and 9.06.075 regarding noise violations and enforcement.

REPORT-IN-BRIEF:

Currently Indian Wells Municipal Code is aligned with the California Penal Code relating to unreasonable noise, and does not allow for timely enforcement of noise violations. The proposed modifications to the Municipal Code give better tools to law and code enforcement to handle noise complaints, and give law and code enforcement personnel subjective authority to determine noise violations from the curb line.

DISCUSSION:

Background:

Disturbing the peace laws were first enacted in 1872, sometimes referred to as "breach of peace" laws, with these sections designed to protect the public against disorderly conduct. The section of the California Penal Code 415(2) (Disturbing the Peace) defines this as any person who willfully and maliciously disturbs another person by loud and unreasonable noise.

When a violation of Section 415(2) is noted, a citizen ("victim") calls the police and identifies themselves as a victim of the section. Under California law, peace officers cannot be a victim, nor can their peace be disturbed. Instead, once an officer identifies the offender ("suspect"), the victim is requested to sign a private person's arrest form (the officer cannot be the victim). Upon signing the form, the officer issues a misdemeanor citation to the suspect under Section 415(2), writes a report and forwards the misdemeanor violation to the Riverside County District Attorney's Office for review.

The District Attorney's office can file the misdemeanor charge or dismiss the case. Due to the large volume of more serious crimes submitted to the District Attorney's Office, the latter happens more often than not.

The main problem identified by law enforcement with the above process is that victims are often unwilling to sign a private person's arrest form. Citizens who call to complain want the offending noise to be stopped and for law enforcement personnel to handle the entire situation without their personal involvement.

Cities across Riverside County have found that adding specific municipal code sections for noise violations and enforcement proves to be a more effective for peace officers. It gives law enforcement greater latitude to stop nuisances caused by noise.

Analysis:

The table below shows the number noise complaint calls from Indian Wells residents for the last three years:

Month	2012	2013	2014
January	3	3	4
February	1	1	3
March	7	3	12
April	11	13	17
May	6	5	5
June	3	2	5
July	5	4	2
August	3	1	4
September	2	2	3
October	5	8	4
November	4	3	9
December	2	1	4
Totals:	**52**	**46**	**72**

The table reflects the public's concern with loud and unreasonable noise throughout the city. The current process does not stop the noise source, and deter it from restarting. In fact, of the 17 noise complaint calls in the month of April 2014, only 1 misdemeanor charge was filed by the District Attorney's Office. To better arrest noise nuisances, Staff is recommending changes to the Municipal Code to improve law enforcement effectiveness related to noise issues.

Proposed Code Changes:

Ordinance Bill No. 2015-01 (the "Ordinance") (**Attachment 1**) modifies the existing Indian Wells Municipal Code to incorporate best practices from other cities, and standardizes practices with other Coachella Valley cities served by Riverside County Sheriff's Department. The Ordinance broadens law enforcements authority by defining a distance limitation for audible amplified noise, establishing time of day limitations on noise, and aligning noise violations with the City's standard administrative citation fine amounts.

Definition of Audible Noise Distance

The current Municipal Code calls for use of a sound measurement device to determine loud or unreasonable noise. The proposed Ordinance would augment the use of sound measurement by additionally providing law enforcement personnel subjective authority to determine if a violation is warranted, based on their ability to hear amplified noise from the curb line.

Research of other cities found it common to establish a distance at which a noise must be audible by the human ear for issuance of a citation. Staff determined the curb line to be the most clearly identifiable marker for law enforcement personnel. Therefore, any law enforcement personnel who can stand at the curb line of a property and hear amplified noise can issue a citation for violation of the Municipal Code.

The definition of amplified noise is clearly stated in the Ordinance to cover most commonly found sound amplification devices.

Time of Day Restrictions

The current Municipal Code establishes noise standards through sound measurement decibel readings for the time periods of 7:01 a.m. to 10:00 p.m., and 10:01 p.m. to 7:00 a.m. The former having a higher threshold of sound established. Research of cities found the two most common standards to be set between 10:00 p.m. and 6:00 a.m., or to have no timeframes listed at all, effectively applying noise restrictions around the clock.

The Ordinance maintains the current 10:00 p.m. to 7:00 a.m. standard, thereby establishing that any amplified noise audible from the curb line between the hours of 10:00 p.m. and 7:00 a.m. is subject to administrative citation.

Penalty for violation

Municipal Code Section 8.08.060 sets administrative citation fines, within a one year timeframe, at:

First violation	**$100**
Second violation	**$200**
Third violation and beyond	**$500**

The Ordinance incorporates the standard fines as detailed in Section 8.08.060 of the Municipal Code. This causes all noise infractions to be subject to the City's current standard fine amount. These fine amounts will be applied evenly to residents and non-residents for any violation of the revised noise ordinance.

CEQA:

The adoption of the proposed ordinance changes do not fall within the definition of a "project" under the California Environmental Quality Act (CEQA) because it does not have the potential for resulting in a direct or indirect physical change in the environment (CEQA Guidelines 15378(a)) and is an administrative activity of the City that will not result in direct or indirect physical changes in the environment (CEQA Guidelines 15378(b)(5)). The only changes to the existing noise regulations applicable to the City of Indian Wells by the proposed ordinance changes are to add administrative citations and guidelines as an additional tool for the enforcement of the ordinance and clarify existing law.

ATTACHMENTS:

1. Ordinance Bill No. 2015-01
2. Municipal Code Section 8.08.060

ORDINANCE BILL NO. 2015-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, AMENDING CHAPTER 9.06 PERTAINING NOISE VIOLATIONS AND ENFORCEMENT

WHEREAS, excessive, unnecessary or offensive noise within the City is detrimental to the public health, safety, welfare and the peace and quiet of the inhabitants of the City; and

WHEREAS, the establishment or clarification of maximum permissible noise levels will further the public health, safety, welfare and peace and quiet of City inhabitants.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 9.06.030(a) of the Indian Wells Municipal Code is amended to read in its entirety as follows:

"9.06.030 Sound level measurement – General.

(a) Use of Sound Level Meter. Any noise level measurements made pursuant to the provisions of this Chapter shall be performed using a sound level meter as defined in Section 9.06.020. If the sound standard applied pursuant to this chapter is not measured in decibels, then sound level measurements are not required to establish a violation of this Chapter."

SECTION 2. Section 9.06.050(a) of Chapter 9.06 of the Indian Wells Municipal Code is amended to read in its entirety as follows:

"9.06.050 General noise regulations.

(a) General Prohibition. Notwithstanding any other provisions of this Chapter and in addition thereto, it is unlawful, between the hours of 10:01 p.m. and 7:00 a.m. for any person to make or continue, or cause to be made or continued, any loud, unnecessary or unusual noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of ~~normal sensitiveness residing in the area~~ ordinary sensibilities from any curb line, or behind the right of way, fronting the property from which the noise emanates."

SECTION 3. Section 9.06.051 is added to Chapter 9.06 of the Indian Wells Municipal Code to read in its entirety as follows:

"9.06.051 Declaration of certain acts constituting excessive noise.

The following activities are deemed to cause disturbing, excessive or offensive noises and any of the following shall constitute prima facie evidence of a violation.

A. Horns, Signaling Devices, Muffler Systems, Car Alarms, etc. Intentionally or negligently initiated and unnecessary use or operation of horns, signaling devices, uncontrolled muffler noises, car alarms on vehicles of all types including motorcycles, and other equipment.

B. The operation of any sound production or reproduction device, radio receiving set, musical instrument, drum, phonograph, television set, machine, loud speaker and sound amplifier or similar machine or device in such a manner as to be plainly audible from any curb line, or behind the right of way, fronting the property from which the noise emanates, including from any building, structure or vehicle in which it is located, or from the specific place on which the source is resting, or moving at any one moment.

C. The operation of any sound amplifier which is part of or connected to any radio, stereo receiver, compact disc player, cassette tape player, or other similar device when operated in such a manner as to be plainly audible from any curb line, or behind the right of way, of the specific place on which the source is resting, or moving at any one moment, or when operated in such a manner as to cause a person to be aware of vibration at any distance from the specific place on which the source is resting, or moving at any one moment.

D. The playing, use or operation, or permitting to be played, used or operated, any sound production or reproduction device, radio receiving set, musical instrument, drums, phonograph, television set, loudspeakers and sound amplifiers or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet, and comfort of any reasonable person of normal sensitiveness not located on the property or the public right of way on which the source of the noise is located."

SECTION 4. Section 9.06.075 is added to Chapter 9.06 of the Indian Wells Municipal Code to read in its entirety as follows:

"9.06.075 Duty to cooperate.

No person shall refuse to cooperate with, or obstruct, any authorized person charged with the enforcement of this Chapter when such authorized person is engaged in the performance of his/her duties."

SECTION 5. Section 9.06.080 of the Indian Wells Municipal Code is amended to read in its entirety as follows:

"9.06.080 Violations – Penalty.

Any person violating any of the provisions of this chapter is guilty of an infraction and shall be subject to the maximum punishment set forth in State Law or applicable City Code Section 8.08.060. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. The provisions of this Chapter shall not be construed as permitting conduct not proscribed herein and shall not affect the enforceability of any other applicable provisions of law."

SECTION 6. Severability. If any provision, clause, sentence or paragraph of this Ordinance, or the application thereof to any person or circumstances, shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 7. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after passage.

SECTION 8. Publication. The City Clerk is directed to publish this Ordinance, or a summary thereof, in the manner and in the time required by law.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Indian Wells, California, at a regular meeting of the City Council held on 5th day of February, 2015.

TY PEABODY
MAYOR

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)ss.
CITY OF INDIAN WELLS)

CERTIFICATION FOR ORDINANCE BILL NO. 2015-01

I, Wade G. McKinney, City Clerk of the City Council of the City of Indian Wells, California, **DO HEREBY CERTIFY** that Ordinance Bill No. 2015-01, having been regularly introduced at the meeting of January 22, 2015, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted at an adjourned regular meeting of the City Council held on this 5th day of February, 2015, and said Ordinance was passed and adopted by the following stated vote, to wit:

AYES:
NOES:

and was thereafter on said day signed by the Mayor of the City of Indian Wells

ATTEST:

WADE G. MCKINNEY
CITY MANAGER/CITY CLERK

APPROVED AS TO FORM:

STEPHEN P. DEITSCH
CITY ATTORNEY

8.08.060 Authority.

(a) A Compliance Officer may issue an administrative citation to any responsible party for a violation of the Code.

(b) Each and every day, or portion thereof, that a violation of the Code exists constitutes a separate and distinct offense.

(c) Any responsible party issued an administrative citation shall be responsible for payment of the administrative fine imposed, the amount of which shall be set forth in subsection (d). The City Council may amend the amount of fines from time to time by a separate resolution.

(d) When an administrative fine is imposed, it shall be imposed in the following amounts:

(1) Infractions. For the violation of the Code specified by the Code as an infraction, the amount of the administrative fine shall be the amounts set forth in Government Code Section 36900 as follows: (i) a fine not exceeding one hundred dollars ($100.00) for a first violation; (ii) a fine not exceeding two hundred dollars ($200.00) for a second violation of the same Code provision within one (1) year; (iii) a fine not exceeding five hundred dollars ($500.00) for each additional violation of the same Code provision within one (1) year. Notwithstanding the foregoing sentence, the administrative fine for a violation of a Building and Safety Code provision that is specified by the Code as an infraction shall be as follows: (i) a fine not exceeding one hundred dollars ($100.00) for a first violation; (ii) a fine not exceeding five hundred dollars ($500.00) for a second violation of the same Code provision within one (1) year; (iii) a fine not exceeding one thousand dollars ($1,000.00) for each additional violation of the same Code provision within one (1) year of the first violation.

(2) Misdemeanors. For the violation of the Code specified by the Code to be punishable as a misdemeanor or for which no fine is specifically provided, the amount of the administrative fine shall be one thousand dollars ($1,000.00). (Ord. 631 § 1, 2009)

View the mobile version.

Attachment #2

1-1

As Amended

ORDINANCE BILL NO. 2015-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, AMENDING CHAPTER 9.06 PERTAINING TO NOISE VIOLATIONS AND ENFORCEMENT

WHEREAS, excessive, unnecessary or offensive noise within the City is detrimental to the public health, safety, welfare and the peace and quiet of the inhabitants of the City; and

WHEREAS, the establishment or clarification of maximum permissible noise levels will further the public health, safety, welfare and peace and quiet of City inhabitants.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 9.06.030(a) of the Indian Wells Municipal Code is amended to read in its entirety as follows:

"9.06.030 Sound level measurement — General.

(a) Use of Sound Level Meter. Any noise level measurements made pursuant to the provisions of this Chapter shall be performed using a sound level meter as defined in Section 9.06.020. If the sound standard applied pursuant to this chapter is not measured in decibels, then sound level measurements are not required to establish a violation of this Chapter."

SECTION 2. Section 9.06.050(a) of Chapter 9.06 of the Indian Wells Municipal Code is amended to read in its entirety as follows:

"9.06.050 General noise regulations.

(a) General Prohibition. Notwithstanding any other provisions of this Chapter and in addition thereto, it is unlawful, between the hours of 10:01 p.m. and 7:00 a.m. for any person to make or continue, or cause to be made or continued, any loud, unnecessary or unusual noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of ~~normal sensitiveness residing in the area~~ ordinary sensibilities from any curb line, or behind the public right of way boundary, fronting the property from which the noise emanates."

SECTION 3. Section 9.06.051 is added to Chapter 9.06 of the Indian Wells Municipal Code to read in its entirety as follows:

"9.06.051 Declaration of certain acts constituting excessive noise.

The following activities are deemed to cause disturbing, excessive or offensive noises when they disturb the peace and quiet of any neighborhood or cause discomfort or annoyance to any reasonable person of ordinary sensibilities, and subject to the foregoing any of the following shall constitute prima fade evidence of a violation.

A. Horns, Signaling Devices, Muffler Systems, Car Alarms, etc. Intentionally or negligently initiated and unnecessary use or operation of horns, signaling devices, uncontrolled muffler noises car alarms on vehicles of all types including motorcycles, and other equipment.

B. The operation of any sound production or reproduction device, radio receiving set, musical instrument, drum, phonograph, television set, machine, loud speaker ~~and~~ or sound amplifier or similar machine or device in such a manner as to be plainly audible from any curb line, or behind the public right of way boundary. fronting the property from which the noise emanates, including without limitation emanating from any building, structure or vehicle in which it is located, or from the specific place on that property on which the source is resting, or moving at any one moment.

C. The operation of any sound amplifier which is part of or connected to any radio. stereo receiver, compact disc player, cassette tape player, or other similar device when operated in such a manner as to be plainly audible from any curb line, or behind the public right of way boundary, fronting the property from which the noise emanates, or ~~of~~ from the specific place on which the source is resting. or moving at any one moment, or when operated in such a manner as to cause a person to be aware of vibration at any distance from the specific place on which the source is resting, or moving at any one moment.

D. The playing, use or operation of, or permitting to be played, used or operated. any sound production or reproduction device, radio receiving set, musical instrument, drums, phonograph, television set, loudspeakers ~~and~~ or sound amplifiers or other machine or device for the producing or reproducing of sound ~~in such a manner as to disturb the peace, quiet, and comfort of any reasonable p rson of normal sensitiveness not located on the property or the public right of way on which the source of the noise is located~~."

SECTION 4. Section 9.06.075 is added to Chapter 9.06 of the Indian Wells Municipal Code to read in its entirety as follows:

"9.06.075 Duty to cooperate.

No person shall refuse to cooperate with, or obstruct, any authorized person charged with the enforcement of this Chapter when such authorized person is engaged in the performance of his/her duties."

SECTION 5. Section 9.06.080 of the Indian Wells Municipal Code is amended to read in its entirety as follows:

"9.06.080 Violations — Penalty.

Any person violating any of the provisions of this chapter is guilty of an infraction and shall be subject to the maximum punishment set forth in State Law or Municipal ~~applicable City~~ Code Section 8.08.060. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. The provisions of this Chapter shall not be construed as permitting conduct not proscribed herein and shall not affect the enforceability of any other applicable provisions of law."

SECTION 6. Severability. If any provision, clause, sentence or paragraph of this Ordinance, or the application thereof to any person or circumstances, shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 7. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after passage.

SECTION 8. Publication. The City Clerk is directed to publish this Ordinance, or a summary thereof, in the manner and in the time required by law.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Indian Wells, California, at a regular meeting of the City Council held on 5th day of February, 2015.

TY PEABODY
MAYOR

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)ss.
CITY OF INDIAN WELLS)

CERTIFICATION FOR ORDINANCE BILL NO. 2015-01

I, Wade G. McKinney, City Clerk of the City Council of the City of Indian Wells, California, **DO HEREBY CERTIFY** that Ordinance Bill No. 2015-01, having been regularly introduced at the meeting of January 22, 2015, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted at an adjourned regular meeting of the City Council held on this 5th day of February, 2015, and said Ordinance was passed and adopted by the following stated vote, to wit:

AYES:
NOES:

and was thereafter on said day signed by the Mayor of the City of Indian Wells

ATTEST:

WADE G. MCKINNEY
CITY MANAGER/CITY CLERK

APPROVED AS TO FORM:

STEPHEN P. DEITSCH
CITY ATTORNEY

ORDINANCE BILL NO. 2015-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, AMENDING CHAPTER 9.06 PERTAINING NOISE VIOLATIONS AND ENFORCEMENT

WHEREAS, excessive, unnecessary or offensive noise within the City is detrimental to the public health, safety, welfare and the peace and quiet of the inhabitants of the City; and

WHEREAS, the establishment or clarification of maximum permissible noise levels will further the public health, safety, welfare and peace and quiet of City inhabitants.

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SECTION 2. Section 9.06.050(a) of Chapter 9.06 of the Indian Wells Municipal Code is amended to read in its entirety as follows:

"9.06.050 General noise regulations.

(a) General Prohibition. Notwithstanding any other provisions of this Chapter and in addition thereto, it is unlawful, between the hours of 10:01 p.m. and 7:00 a.m. for any person to make or continue, or cause to be made or continued, any loud, unnecessary or unusual noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of ~~normal sensitiveness residing in the area~~ ordinary sensibilities from any curb line, or behind the right of way, fronting the property from which the noise emanates."

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C. The operation of any sound amplifier which is part of or connected to any radio, stereo receiver, compact disc player, cassette tape player, or other similar device when operated in such a manner as to be plainly audible from any curb line, or behind the right of way, of the specific place on which the source is resting, or moving at any one moment, or when operated in such a manner as to cause a person to be aware of vibration at any distance from the specific place on which the source is resting, or moving at any one moment.

D. The playing, use or operation, or permitting to be played, used or operated, any sound production or reproduction device, radio receiving set, musical instrument, drums, phonograph, television set, loudspeakers and sound amplifiers or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet, and comfort of any reasonable person of normal sensitiveness not located on the property or the public right of way on which the source of the noise is located."

SECTION 4. Section 9.06.075 is added to Chapter 9.06 of the Indian Wells Municipal Code to read in its entirety as follows:

"9.06.075 Duty to cooperate.

No person shall refuse to cooperate with, or obstruct, any authorized person charged with the enforcement of this Chapter when such authorized person is engaged in the performance of his/her duties."

SECTION 5. Section 9.06.080 of the Indian Wells Municipal Code is amended to read in its entirety as follows:

"9.06.080 Violations – Penalty.

Any person violating any of the provisions of this chapter is guilty of an infraction and shall be subject to the maximum punishment set forth in State Law or applicable City Code Section 8.08.060. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. The provisions of this Chapter shall not be construed as permitting conduct not proscribed herein and shall not affect the enforceability of any other applicable provisions of law."

SECTION 6. Severability. If any provision, clause, sentence or paragraph of this Ordinance, or the application thereof to any person or circumstances, shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 7. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after passage.

SECTION 8. Publication. The City Clerk is directed to publish this Ordinance, or a summary thereof, in the manner and in the time required by law.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Indian Wells, California, at a regular meeting of the City Council held on 5th day of February, 2015.

TY PEABODY
MAYOR

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)ss.
CITY OF INDIAN WELLS)

CERTIFICATION FOR ORDINANCE BILL NO. 2015-01

I, Wade G. McKinney, City Clerk of the City Council of the City of Indian Wells, California, **DO HEREBY CERTIFY** that Ordinance Bill No. 2015-01, having been regularly introduced at the meeting of January 22, 2015, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted at an adjourned regular meeting of the City Council held on this 5th day of February, 2015, and said Ordinance was passed and adopted by the following stated vote, to wit:

AYES:
NOES:

and was thereafter on said day signed by the Mayor of the City of Indian Wells

ATTEST:

WADE G. MCKINNEY
CITY MANAGER/CITY CLERK

APPROVED AS TO FORM:

STEPHEN P. DEITSCH
CITY ATTORNEY

8.08.060 Authority.

(a) A Compliance Officer may issue an administrative citation to any responsible party for a violation of the Code.

(b) Each and every day, or portion thereof, that a violation of the Code exists constitutes a separate and distinct offense.

(c) Any responsible party issued an administrative citation shall be responsible for payment of the administrative fine imposed, the amount of which shall be set forth in subsection (d). The City Council may amend the amount of fines from time to time by a separate resolution.

(d) When an administrative fine is imposed, it shall be imposed in the following amounts:

(1) Infractions. For the violation of the Code specified by the Code as an infraction, the amount of the administrative fine shall be the amounts set forth in Government Code Section 36900 as follows: (i) a fine not exceeding one hundred dollars ($100.00) for a first violation; (ii) a fine not exceeding two hundred dollars ($200.00) for a second violation of the same Code provision within one (1) year; (iii) a fine not exceeding five hundred dollars ($500.00) for each additional violation of the same Code provision within one (1) year. Notwithstanding the foregoing sentence, the administrative fine for a violation of a Building and Safety Code provision that is specified by the Code as an infraction shall be as follows: (i) a fine not exceeding one hundred dollars ($100.00) for a first violation; (ii) a fine not exceeding five hundred dollars ($500.00) for a second violation of the same Code provision within one (1) year; (iii) a fine not exceeding one thousand dollars ($1,000.00) for each additional violation of the same Code provision within one (1) year of the first violation.

(2) Misdemeanors. For the violation of the Code specified by the Code to be punishable as a misdemeanor or for which no fine is specifically provided, the amount of the administrative fine shall be one thousand dollars ($1,000.00). (Ord. 631 § 1, 2009)

View the mobile version.

Attachment #2

1-1

At Dais, Item 4A

INDIAN WELLS
CALIFORNIA

City of Indian Wells – Municipal Code 9.06 - Noise Ordinance & Amendments
January 22, 2015

A. Current City Standard - Disturbing the Peace:

The section of the California Penal Code 415(2) (Disturbing the Peace) defines this as any person who willfully and maliciously disturbs another person by loud and unreasonable noise.

B. Noise Calls for the City of Indian Wells:

The table below represents the number of noise complaint calls from Indian Wells residents over the last three years:

Month	2012	2013	2014
January	3	3	4
February	1	1	3
March	7	3	12
April	11	13	17
May	6	5	5
June	3	2	5
July	5	4	2
August	3	1	4
September	2	2	3
October	5	8	4
November	4	3	9
December	1	1	4
Totals:	**51**	**46**	**72**

C. Municipal Code Amendments and Additions:

Any law enforcement personnel who can stand at the curb line of a property and hear amplified noise can issue a citation for a violation of the Municipal Code. The ordinance maintains the current 10:00 p.m. to 7:00 a.m. standard, thereby establishing that any amplified noise audible from the curb line between the hours of 10:00 p.m. and 7:00 a.m. is subject to administrative citation.

(SP) CC/HA ACTION 4B MTG. DATE: 1-22-15

APPROVED___ DENIED___ REC/FILE___ CONT.___

OTHER incorporate 17 code provisions; & include max occupancy of (2) per bedroom (children 6yrs & under not counted); City notify neighbors w/in 200ft of Rental (include in B/R license fee; (1) car per bedroom w/cars parked in garage & driveway only.

VOTE: YES___ NO___ ABSTAIN___

Indian Wells City Council

Staff Report – City Manager's Office ***January 22, 2015***

Approve Recommended Code Provisions for Short-Term Vacation Rentals and Council Guidance on Ordinance Language

RECOMMENDED ACTION:

Council **APPROVES** Staff recommendations and provides guidance on specific Ordinance language to modify Indian Wells Municipal Code Chapter 5.20 placing more strict provisions on short-term vacation rentals.

REPORT-IN-BRIEF:

Staff recommends seventeen areas of increased regulations and highlights five areas for City Council discussion. Council direction will be used to draft an Ordinance with revised regulations for short-term vacation rentals.

As noise is the most common issue with short-term vacation rentals, Staff is recommending an amended Noise Ordinance for consideration as a separate item at today's special meeting.

DISCUSSION:

Summary:

The City has a moratorium on short-term vacation rentals ("vacation rentals") as established by Urgency Ordinances Nos. 677 and 678 (**Attachments 1 & 2**). These ordinances established a prohibition on the use of property as vacation rentals for periods of less than seven days for licensed properties, and 30 days for unlicensed properties. They also established fine amounts for violation of $2,000 for first offense, $3,000 for second offense, and $5,000 for each subsequent offense. Staff has enforced the Urgency Ordinance provisions since June, resulting in the issuance of 17 Notice of Violations, $8,000 in fines, and the revocation of one rental license.

A more permanent solution is needed to ensure the City has best practices in place to protect our neighborhoods. This staff report recommends provisions be added to Municipal Code Chapter 5.2 Short-Term Residential Rentals.

Council Questions:

Council raised a number of questions at the September meeting. Those questions and answers are as follows:

Question:	Answer:
Can we provide more subjective authority to the Police Department to proactively respond to noise violations at residential properties?	Yes. Law enforcement can have greater authority to issue violations. Staff introduced Ordinance Bill No. 2015-01 (presented separately) which provides law enforcement greater authority to issue violations under the Municipal Code as opposed to relying on State Law.
What is the definition of a "Hotel", who makes that definition, and how do we define a "Hotel?" Are vacation rentals in conflict with the definition of "Hotel?"	The City's Municipal Code defines "Hotel" as "...any building or group of buildings, or a portion thereof, containing twenty-five (25) or more guest room accommodations intended for use by guests for compensation and any incidental or accessory commercial uses providing additional guest services..." By this definition, a vacation rental, as defined in the City's Municipal Code Section 5.20.020, "...the rental of a residential dwelling unit by the owner thereof to another party for a continuous period of less than thirty (30) days in the aggregate, in exchange for any form of monetary or non-monetary consideration such as, but not limited to, trade, fee, swap or any other in lieu of cash payment," is not in conflict with the City's definition of "Hotel".
How does our Zoning Code deal with this type of use in a residential neighborhood? Do we need Zoning Code changes?	The City's Zoning Code Sections 21.23.030 and 21.24.030 permit in Very Low and Low Density Residential Zones "Short-term residential rental, subject to the requirements of Chapter 5.20..." Therefore, based on existing City Zoning Code language, short-term vacation rentals are permitted.

Question:	Answer:
How would the City deal with a corporation that owns a home and allows employees to use it for vacation purposes without any form of compensation for use of the house?	It is unlikely the City could prevent this type of use. However, other provisions could prevent disruptive behavior (revised noise ordinance, occupancy limits, parking restrictions, etc.).
Can the City prohibit vacation rentals for defined periods of time during the year, such as the Coachella Music Festival?	Yes. The City could prohibit this type of use during defined periods of time. Or, could modify the rules during specified periods to increase the strictness of Code provisions.
Do homes being rented have to comply with the Americans with Disabilities Act ("ADA")? Does the City have any liability with compliance of ADA?	There is no specific case law that guides whether or not ADA applies to the rental of residential property for vacation rentals. As such, based on the current provisions of the ADA, it would not appear to apply to vacation rentals and therefore the City would have no liability.
How might age restriction (such as the thirty (30) year old requirement in Rancho Mirage) for the "responsible party," be applied?	The Court upheld the Rancho Mirage Ordinance. Therefore, the City Council could decide to place an age restriction on vacation rentals in Indian Wells.
What is the impact of vacation rentals on the City's resort hotels?	The tourism industry in the Coachella Valley is a proponent of the economic benefits that vacation rentals provide. Data on the types of travelers that stay in hotels versus vacation rentals suggests that they each cater to a different tourism market segment, whereas hotels are advantageous for shorter stays and more pampered experiences, and vacation rentals are more desirable for family gatherings and longer stays.

City Goals:

Staff has two objectives as it relates to the January 22 Council work session on short-term vacation rentals:

1. Provide clear, enforceable rules guiding the use of residential property as short-term vacation rentals; and

2. Provide information to facilitate an informed decision making process.

Recommended Code Provisions:

Staff recommends adopting an Ordinance that modifies Section 5.20 of the Municipal Code to include the following:

1. Allows vacation rentals in Indian Wells only by fee-title property owners, or through an agent on behalf of a fee-title property owner.

2. Prohibits the subleasing of property for vacation rental purposes.

3. Requires property owners, wishing to rent their property as a vacation rental, to obtain a Short-term Rental Permit from the City for each property rented, and a business license for the owner and any managing agent, the fee for which is set by Council Resolution.

4. Requires owners to provide an emergency response contact who shall be required to respond to a nuisance complaint at a property within 45 minutes.

5. Requires property owners to register, through a City-run online database, the name and contact information for all responsible parties renting their property, along with dates of stay and number of occupants during stay, no later than forty-eight (48) hours prior to occupant arrival.

6. Requires each property to post a copy of the Rental Permit and City vacation rental rules in a conspicuous place, and provide each responsible party occupant with a copy of the City's Good Neighbor Brochure.

7. Prohibits the use of vacation rental property for commercial activities such as weddings, receptions, and large parties by rental occupants without obtaining a Temporary Use Permit (TUP) from the City.

8. Requires an agent representing property on behalf of fee-title owners to register for, and maintain, a City Business License.

9. Requires property owners, or managing agents, to include language in their rental agreement allowing for immediate termination of the rental contract, and immediate eviction upon any violation of the Municipal Code by any occupant.

10. Requires a responsible party acknowledgement in all property owner, or managing agent, rental agreements – responsible party will acknowledge understanding of all Indian Wells Vacation Rental rules and their liability for any fines incurred by occupants.

11. Establishes a two-tiered penalty for any violation of the Municipal Code for:

    - **Responsible Party for Vacation Rental -** may be cited with a misdemeanor fine upon any violation of the short-term rental ordinance, including violation of the noise ordinance, in the following manner:

        1. First Offense – Warning by Police or Code Enforcement;

        2. Second Offense within any sixty (60) days of posting a notice of warning (see paragraph below) - $500 misdemeanor citation;

        3. Third and Subsequent Offenses within sixty (60) days of posting a notice of warning - $1,000 misdemeanor citation.

    Responding law enforcement will issue the First Offense warning by making contact with occupants and posting a Notice of Violation warning on the front door. The warning will be required to remain on the front door for sixty (60) days, notifying all occupants (current and future 60 days) that a Second Offense, or subsequent offenses, automatically results in citation to responsible person and property owner. Additionally, it will make it an automatic offense to remove the warning within the sixty (60) day period.

    - **Property Owner** – will receive an administrative citation for any violation of the Municipal Code or noise ordinance by the owner or occupant in the following manner:

        1. First Offense - Warning by Police or Code Enforcement;

2. Second Offense within any twelve (12) month period - $2,000 administrative fine;

3. Third Offense within any twelve (12) month period - $5,000 administrative fine and revocation of the vacation rental permit for a period of twelve (12) months effective immediately;

4. Any Offense during permit revocation period - $5,000 misdemeanor violation for each offense and one additional year of permit revocation.

5. All City fines get processed through a third-party vendor who sends violators to collections. Unpaid collections fines will be a mark reported to credit agencies. If non-payment persists after collections, a lien is recorded with the County and fines are collected through property tax bills.

12. Establishes a multi-property ownership violation limitation of five (5) violations on any combination of owned properties within the City within any twelve (12) month period - upon five (5) violations, all owner Rental Permits will be revoked effective immediately.

13. Establishes a multi-property agent violation limitation of five (5) violations on any combination of represented properties within the City within any twelve (12) month period – upon five (5) violations, agent business license will be revoked immediately.

14. Requires owners to remit quarterly Transient Occupancy Tax collected for vacation rentals.

15. Provides City authority to conduct random inspections of Rental Permit properties to ensure compliance with provisions of the Vacation Rental code.

16. Requires a permit number to be listed on all rental advertisements.

17. Creates an administrative fine for any rental advertisement not in compliance with all vacation rental laws as established by City ordinance.

Council Policy Discussion Topics:

In addition to the recommended Code provisions, Staff requests direction on the following:

Minimum Nights Stay

Staff recommendation: Require minimum stay of three (3) nights for all vacation rentals.

Staff requests Council direction on the minimum stay for short-term rentals. Currently, the Municipal Code (Section 5.20.140) provides for three (3) consecutive days, with no overlapping leases, as the rental minimum. Urgency Ordinance No. 678 limits rentals to a minimum of seven (7) days for registered vacation rentals

Other cities' experience finds shorter minimum stays increase the property owner's adherence to the municipal code. Conversely, longer minimum stays encourage the property owner to illegally rent his/her property for less than the allowed minimum.

As Council discusses the minimum night's stay, two issues to keep in mind:

1) Should Council desire a 30-day minimum, staff recommends modifying Municipal Code (Section 5.20.020) to re-define short-term vacation rentals. Under current language, a vacation rental greater than thirty (30) days would not be subject to the recommended Code provisions discussed in this report.

2) Thirty (30) day rentals also complicate the collection of Transient Occupancy Taxes ("TOT") as the Municipal Code (Section 3.12.020) defines transient as "...a period of thirty (30) consecutive calendar days or less..." Therefore, vacation rentals of thirty (30) days or more, would not be required to pay TOT as currently written.

   A modification of the TOT Municipal Code section would require a vote of the electorate under Proposition 218 as it would be considered a new tax.

Age Restriction.

Staff recommendation: Require minimum thirty (30) years of age for responsible party.

Currently, there is no age requirement in our municipal code to rent vacation rentals in Indian Wells. Many other cities have implemented age requirements, most commonly twenty-one (21) years of age or older. The City of Rancho Mirage recently made news for enacting a law requiring the person legally responsible for a rental – person executing a rental agreement – be thirty (30) years of age or older.

Under the Rancho Mirage code, the responsible person is required to sign a formal acknowledgement of his/her responsibility to follow vacation rental laws. It further requires the responsible person to ensure all occupants follow the laws and clearly states his/her subjection to fines for any violations of any occupants.

The Rancho Mirage provision was challenged in court in September of 2014 on the basis of civil rights violation. It was dismissed by a Superior Court judge in November. An appeal is pending.

Maximum Occupancy Limits

Staff recommendation: Reduce maximum occupancy to two (2) occupants per bedroom.

The Municipal Code (Section 5.20.120) limits overnight occupants at "two (2) persons, plus an additional two (2) persons per bedroom" (ten (10) overnight occupants on a four bedroom property). The code also limits the number of daytime occupants to all overnight occupants, "plus an additional one (1) person per bedroom.".

If Council desired to make this provision more restrictive, the formula could be reduced to only two (2) occupants per bedroom (as opposed to 2+2). Both Rancho Mirage and Palm Desert have only two (2) per bedroom. Rancho Mirage allows for more if they are children under the age of three (3). Another option would be to place a hard maximum cap on the total number of occupants regardless of house size.

Parking Restriction

Staff recommendation: Maintain the current parking requirements.

The Municipal Code (Section 5.20.150) states "During the term of any short-term residential rental, a maximum of one (1) vehicle per bedroom shall be parked on the premises only in an approved driveway or garage." This is common provision in other vacation destination cities.

Council requested Staff investigate the possibility of creating a City-wide resident parking permit program. It is not currently illegal to park on Indian Wells public streets (may be different in gated, private road HOA's). A parking permit program would assist law enforcement to identify vacation rentals if there is a parking issue.

This parking permit program allows property owners and permanent residents to place a parking pass on their vehicles, or a pass for guests, to identify cars permitted to park on-street.

If Council chose to pursue a parking permit program, Staff recommends this component come back for separate discussion at a later date with proposed options of cost and implementation.

Neighbor Notification

Staff recommendation: Do not require neighbor notification.

The City of San Buenaventura ("Ventura") requires noticing neighbors of the emergency contact listed for a vacation rental. Through the Virtual Town Hall poll, residents overwhelmingly supported the concept of neighbor notification. However, there has been concern expressed about real estate disclosure requirements from some members of the public. Staff is seeking Council discussion and direction if neighbor notification should be required.

Enforcement:

Staff recommends a four-prong approach for enforcement:

1. **Education** – Send a direct mail piece to all Indian Wells property owners informing them of modifications to vacation rental rules. Communicate information and enforcement policy on City websites (both tourism and government sites), and City television channel. In addition, send out multiple e-blasts to inform residents of the changes. Staff will also contact Homeowners

Associations with the information. The first step to ensuring compliance is to educate property owners, agents, and guests concerning City regulations

2. **Registration** – City staff will issue Vacation Rental Permits through a process similar to the existing Business License program including collection of all necessary information on owners, agents and emergency contacts. Staff will manage and oversee the online rental registration database established as part of the ordinance. The list of registered "responsible party" renters will be routinely distributed to law enforcement personnel as a log of homes occupied by vacation renters.

3. **Law Enforcement** – Law enforcement is the combined effort of City Code Enforcement, Police Patrol, and Community Service Officers ("CSO"). Law enforcement will be available for contact by the public in two ways:

    i. A vacation rental hotline established specifically to report nuisances resulting from vacation rentals. Citizens may contact the hotline twenty-four (24) hours a day, seven (7) days a week. Upon receipt of a complaint, Hotline staff will first contact the property's registered emergency contact, followed by a call to the police. The emergency contact will have forty-five (45) minutes to resolve any nuisance. Police personnel will investigate nuisance abatement. If violation persists, on-site contact will be made and the offending party will be cited.

    Following any citation incident, Police Personnel will file a report with Code Enforcement to issue an administrative citation to the property owner the following business day; or

    ii. The City's non-emergency Police phone number. Once contact has been made with the non-emergency number, Police dispatch personnel will make contact with the hotline and the process detailed above will be followed.

In addition to complaint-driven contact, law enforcement will be authorized through the ordinance to make proactive contact with any property registered as a vacation rental. This will allow law enforcement to investigate any property exhibiting signs of violation of the vacation rental laws without a complaining party.

Staffing needs:

i. The executed 2014-2019 Riverside County Sheriff contract includes around the clock patrol, nearly 24/7 CSO coverage, and the addition of a "Utility Officer." The Utility Officer position is a hybrid traffic/patrol position that is flexible in use. This allows the City to provide twice the normal patrol on high activity weekends, such as the Coachella Music Festival or BNP Paribas Open tennis tournament, to enforce vacation rental and any other law enforcement needs.

ii. Code Enforcement consists of one half-time Officer and one Administrative Assistant. Once over 100 rentals are registered, the City may need to increase Code Enforcement staffing to one full-time, dedicated Code Enforcement Officer. All costs associated with vacation rental enforcement by Code Enforcement is recoverable through the permit registration fee collected. Non cost recoverable aspects would be funded from TOT collection.

4. **Review** – Continual review of vacation rental advertisements, responsible party registrations, and TOT will be an ongoing effort. City Staff will routinely research vacation rental advertising websites to ensure compliance of advertisements with the provisions of the ordinance. Any infraction will be an automatic violation. A routine review will be conducted to compare TOT collected to registered rentals. Code Enforcement may randomly inspect registered rentals for compliance with vacation rental provisions.

Ordinance Timing:

City Council has a couple of options in terms of the timing of an ordinance:

- Introduce the ordinance at the February 5, 2015 Council meeting. A second reading would be required at the February 19, 2015 Council meeting. Before becoming effective, the ordinance would require a thirty (30) day period, making March 19, 2015 the effective date of all new provisions; or

- Introduce an urgency ordinance at the February 5, 2015 Council meeting to become effective immediately upon a 4/5ths vote. California Government Code requires justification for an urgency ordinance.

Staff Recommendations:

1. Approve all Recommended Code Provisions; and
2. Introduce an Urgency Ordinance Feb. 5, 2015 to implement all provisions; and
3. Extend Urgency Ordinance for additional four (4) months at February 19, 2015 meeting; and
4. Staff presents results of recommendations in May 2015 to study further modifications, if necessary, to better protect quiet enjoyment of Indian Wells neighborhoods.

FISCAL IMPACT:

For a discussion of the potential fiscal impact please see the fiscal impact section of the September 18, 2014 City Council Staff Report (**Attachment 3**).

ATTACHMENTS:

1. Urgency Ordinance No. 677
2. Urgency Ordinance No. 678
3. September 18, 2014 Staff Report

INTERIM URGENCY ORDINANCE NO. 677

AN INTERIM URGENCY ORDINANCE OF THE CITY OF INDIAN WELLS, CALIFORNIA, MAKING FINDINGS AND ESTABLISHING A TEMPORARY MORATORIUM ON SHORT-TERM RESIDENTIAL RENTALS

WHEREAS, the Indian Wells Municipal Code, including the Indian Wells Zoning Code, permits short-term residential rentals in several zones subject to the requirements of Indian Wells Municipal Code Chapter 5.20; and

WHEREAS, in recent weeks, the City has seen an increase in public nuisance complaints associated with properties used as short-term residential rentals; and

WHEREAS, in February 2014, the City Council discussed the issue extensively at a strategic planning workshop and asked City staff to prepare for a study session on the subject; and

WHEREAS, as a result, on May 1, 2014, the City Council held a study session dedicated to the issues presented by short-term residential rentals, at which it requested City staff to prepare for its consideration a moratorium to give the City time to study the issue in more depth and to determine the potential impacts such short-term residential rentals may have on the public health, safety, and welfare; and

WHEREAS, based on the foregoing, the City Council finds that issuing permits, business licenses, or other applicable entitlements to individuals wishing to use their property for the purposes of a short-term residential rental, prior to the City's completion of its study of the potential impact of such short-term residential rentals, would pose a current and immediate threat to the public health, safety, and welfare, and that a temporary moratorium on the issuance of such permits, licenses, and entitlements is thus necessary; and

WHEREAS, based on the foregoing, the City Council finds that the use of property as a short-term residential rental in any zone of the City prior to the City's completion of its study of the potential impact of such short-term residential rentals is a public nuisance and poses a current and immediate threat to the public health, safety, and welfare.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. Imposition of Moratorium and Findings.

A. In accordance with the authority granted to the City of Indian Wells under Government Code Section 65858, from and after the date of this Ordinance, no use permit, variance, building permit, business license or other applicable entitlement for use shall be approved or issued for a short-term residential rental for a period of forty-five (45) days.

B. In addition, no property in any zone of the City is to be used for purposes of a short-term residential rental for a period of forty-five (45) days. The use of any property for such purpose shall be a public nuisance. Any violation of this provision shall be treated as a violation of Chapter 5.20 of the Indian Wells Municipal Code.

C. For purposes of this Ordinance, "short-term residential rental" shall have the same meaning as that term has in Indian Wells Municipal Code Section 21.08.437, and shall also mean the rental of any residential unit by use of more than one rental agreement within a thirty (30) day period.

D. Notwithstanding any provision in the Municipal Code Chapter 8.08 to the contrary, each citation for a violation of Municipal Code Chapter 5.20 shall be deemed to be a misdemeanor, and the fines therefor shall be $2,000 for the first violation, $3,000 for the second violation of the same Code provision within one year, and $5,000 for each violation of the same Code provision thereafter within one year of the first violation.

E. This Ordinance is an interim urgency ordinance adopted pursuant to the authority granted to the City of Indian Wells by Government Code Section 65858, and is for the immediate preservation of the public health, safety, and welfare. The facts constituting the urgency are:

(1) The City has received an increased number of public nuisance complaints emanating from short-term residential rentals in recent weeks, involving the following:

(i) Loud, unnecessary, and unusual noises, which have disturbed the peace and quiet of neighborhoods and caused discomfort and annoyance to residents of those neighborhoods;

(ii) Apparent over-occupancy of units, which may pose a public health and safety risk;

(iii) Excessive on-street parking affecting the ability of residents to park their vehicles within a reasonable distance from their homes;

(iv) Parking of small 'party' buses on residential streets affecting the appearance and desirability of neighborhoods; and

(v) Unsightly appearance of short-term residential rentals caused by the strewing of sheets and mattresses in front of windows affecting the appearance and desirability of neighborhoods.

(2) After receiving complaints of this nature, the City has committed resources to study the impacts of short-term residential rentals on the surrounding community;

(3) Absent the adoption of this Interim Urgency Ordinance, the continued existence of short-term residential rentals in the City of Indian Wells could result in an even greater increase in nuisance conditions which negatively affect the well-being of the Community, thereby diminishing property values; and

(4) As a result, it is necessary to establish a temporary, forty-five (45) day moratorium on the issuance of any entitlements permitting short-term residential rentals in the City, pending completion of the City's study of the potential impacts of short-term residential rentals, and possible amendments to the City's zoning ordinances.

(5) In addition, it is necessary to prohibit, as a public nuisance, the use of property in any zone of the City for purposes of a short-term residential rental for the duration of the forty-five (45) day moratorium.

F. This moratorium shall not apply to short-term residential rental contracts existing on the date this Interim Urgency Ordinance is adopted ("Exempt Contracts"). Only existing, executed agreements between lessees and either the property owner or managing agency or agent may be considered Exempt Contracts. An agreement between a property owner and managing agency or agent is not exempt from this Ordinance. Exempt Contracts remain subject to the terms of the Indian Wells Municipal Code including, without limitation, Chapter 5.20.

G. In order to avoid unnecessary citations for violations of this Interim Urgency Ordinance, property owners, managing agencies, and agents shall submit a list of Exempt Contracts to the City Clerk by close of business on Friday, May 9, 2014. The following information must be included in the list of Exempt Contracts: the parties to the agreement; the date the agreement was entered into; the property to which the agreement applies; and dates on which the property is leased under the agreement.

H. The City finds and declares that this moratorium is a reasonable and necessary measure designed to protect the important public purpose of the preservation of the public health, safety, and welfare.

SECTION 2. Compliance with California Environmental Quality Act. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly; it prevents changes in the environment pending the completion of the contemplated study of impacts.

SECTION 3. Severability. If any sentence, clause, or phrase of this Ordinance, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each sentence, clause, or phrase thereof, irrespective of the fact that any one or more sentence, clause, or phrase be declared unconstitutional.

SECTION 4. Effective Date. This Ordinance shall become effective immediately upon adoption if adopted by at a least four-fifths (4/5) vote of the City Council and shall be in effect for forty-five (45) days from the date of adoption unless extended by the City Council as provided for in the Government Code.

SECTION 5. Notice of Adoption. The City Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published once in a newspaper of general circulation printed and published within the City of Indian Wells.

SECTION 6. Report. City staff is instructed to prepare the report required by Government Code Section 65858 (d) describing the measures taken to alleviate the condition which led to this Ordinance's adoption for presentation to the City Council no later than ten days prior to the expiration of this Ordinance.

PASSED, APPROVED and ADOPTED by the City Council of the City of Indian Wells, California, at a special meeting held on this 5th day of May, 2014.

TED J. MERTENS
MAYOR

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)ss.
CITY OF INDIAN WELLS)

CERTIFICATION FOR INTERIM URGENCY ORDINANCE NO. 677

I, Wade G. McKinney, City Clerk of the City Council of the City of Indian Wells, California, **DO HEREBY CERTIFY** that Interim Urgency Ordinance No. 677, the reading in full thereof unanimously waived, was duly passed and adopted at a special meeting of the City Council held on the 5th day of May, 2014, and said Ordinance was passed and adopted by the following stated vote, to wit:

AYES: Hanson, Mullany, Peabody, Roche
NOES: None
ABSENT: Mertens

and was thereafter on said day signed by the Mayor of the City of Indian Wells.

ATTEST:

Chief Deputy

WADE G. MCKINNEY
CITY MANAGER/CITY CLERK

APPROVED AS TO FORM:

Stephen P. Deitsch

STEPHEN P. DEITSCH
CITY ATTORNEY

URGENCY ORDINANCE NO. 678

AN INTERIM URGENCY ORDINANCE OF THE CITY OF INDIAN WELLS, CALIFORNIA, MAKING FINDINGS AND EXTENDING THE MORATORIUM ON SHORT-TERM RESIDENTIAL RENTALS FOR AN ADDITIONAL TEN MONTHS AND FIFTEEN DAYS PENDING STUDY AND ADOPTION OF REGULATORY AND ZONING STANDARDS

WHEREAS, the Indian Wells Municipal Code, including the Indian Wells Zoning Code, permits short-term residential rentals in several zones subject to the requirements of Indian Wells Municipal Code Chapter 5.20; and

WHEREAS, in recent weeks, the City has seen an increase in public nuisance complaints associated with properties used as short-term residential rentals; and

WHEREAS, in February 2014, the City Council discussed the issue extensively at a strategic planning workshop and asked City staff to prepare for a study session on the subject; and

WHEREAS, on May 1, 2014, the City Council held a study session on short-term residential rentals; and

WHEREAS, on May 5, 2014, the City Council adopted Urgency Ordinance No. 677 establishing a forty-five (45) day moratorium on the establishment or operation of short-term residential rentals in the City; and

WHEREAS, the City Council directed staff to draft a residential rental ordinance that temporarily restricts the rental period in the City to minimum of seven (7) days; and

WHEREAS, to address the community's concerns regarding the negative impacts associated with the operation of short-term residential rentals, it is necessary for the City of Indian Wells to continue to study the potential impacts such facilities may have on the public health, safety and welfare; and

WHEREAS, while no new regulations have been formulated or proposed in the brief time since the adoption of the moratorium, much progress has been made toward identifying key stakeholders and logical next steps; and

WHEREAS, City staff, the Sheriff's Department and the City Attorney's office are continuing to conduct research into the possible and likely impacts of regulating or outlawing short-term residential rentals in the City in order to mitigate such impacts; and

WHEREAS, City staff is continuing to gather factual data regarding the adverse impacts experienced by other cities that permit residential rentals. This information is currently being processed to as a tool to draft provisions for regulating residential rentals in the City; and

WHEREAS, City staff continues to conduct research into the City's options for regulating both short and long-term residential rentals. This research includes a review of many City ordinances in California that either prohibit or regulate residential rentals; and

WHEREAS, as a result, the City Council desires to extend the moratorium as it applies to short-term rentals that are shorter than seven (7) days for a period of ten (10) months and fifteen (15) days to allow staff and the City Council the opportunity to continue to research and select the best course of action for the City's citizens and the community at large; and

WHEREAS, in preparation for further extending Ordinance No. 677, and pursuant to Government Code Section 65858(d), the City has issued a written report describing the measures taken to alleviate the conditions which led to the adoption of Ordinance No. 677; and

WHEREAS, based on the report, the City Council has determined that the circumstances and conditions that led to the adoption of Ordinance No. 677, which are set in the recitals of Ordinance No. 677, have not been alleviated as of the date of this Urgency Ordinance and continue to create the concerns described in Ordinance No. 677; and

WHEREAS, the notice and public hearing required by Government Code Section 65858(a) of the California Government Code for the extension of Ordinance No. 677 have been provided in accordance with applicable law; and

WHEREAS, based on the foregoing, the City Council finds that issuing permits, business licenses, or other applicable entitlements to individuals wishing to use their property for the purposes of a short-term residential rental for less than seven (7) days, prior to the City's completion of its study of the potential impact of such short-term residential rentals, would pose a current and immediate threat to the public health, safety, and welfare, and that a temporary moratorium on the issuance of such permits, licenses, and entitlements is thus necessary; and

WHEREAS, based on the foregoing, the City Council finds that the use of property as a short-term residential rental for less than seven (7) days in any zone of the City prior to the City's completion of its study of the potential impact of such short-term residential rentals is a public nuisance and poses a current and immediate threat to the public health, safety, and welfare.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. Extension of Moratorium and Findings.

A. In accordance with the authority granted to the City of Indian Wells under Government Code Section 65858, from and after the date of this Ordinance, no use permit, variance, building permit, business license or other applicable entitlement for use shall be approved or issued for a short-term residential rental of less than seven (7) days for a period extending through and including May 4, 2015, pending the completion of zoning or other regulations that are needed to alleviate a current and actual threat to the public health, safety and welfare. Notwithstanding any provision herein to the contrary, no residential unit in the City shall be subject to more than one rental contract during any seven (7) day period.

B. In addition, no property in any zone of the City is to be used for purposes of a short-term residential rental of less than seven (7) days for a period extending through and including May 4, 2015. The use of any property for such purpose shall be deemed a public nuisance. Any violation of this provision shall be treated as a violation of Chapter 5.20 of the Indian Wells Municipal Code.

C. For purposes of this Ordinance, "short-term residential rental" shall have the same meaning as that term has in Indian Wells Municipal Code Section 21.08.437, and shall also mean the rental of any residential unit by use of more than one rental agreement within a thirty (30) day period.

D. Notwithstanding any provision in the Municipal Code Chapter 8.08 to the contrary, each citation for a violation of Municipal Code Chapter 5.20 shall be deemed to be a misdemeanor, and the fines therefor shall be $2,000 for the first violation, $3,000 for the second violation of the same Code provision within one year, and $5,000 for each violation of the same Code provision thereafter within one year of the first violation.

E. This Ordinance is an interim urgency ordinance adopted pursuant to the authority granted to the City of Indian Wells by Government Code Section 65858, and is for the immediate preservation of the public health, safety, and welfare. The City Council hereby **FINDS** and **DETERMINES** as follows:

(1) The City has received an increased number of public nuisance complaints emanating from short-term residential rentals in recent weeks, involving the following:

(i) Loud, unnecessary, and unusual noises, which have disturbed the peace and quiet of neighborhoods and caused discomfort and annoyance to residents of those neighborhoods; and

(ii) Apparent over-occupancy of units, which may pose a public health and safety risk; and

(iii) Excessive on-street parking affecting the ability of residents to park their vehicles within a reasonable distance from their homes; and

(iv) Parking of small 'party' buses on residential streets affecting the appearance and desirability of neighborhoods; and

(v) Unsightly appearance of short-term residential rentals caused by the strewing of sheets and mattresses in front of windows affecting the appearance and desirability of neighborhoods.

(2) After receiving complaints of this nature, the City has committed resources to study the impacts of short-term residential rentals on the surrounding community.

(3) Absent the adoption of this extension of Urgency Ordinance No. 677, the continued existence of short-term residential rentals of less than seven (7) days in the City of Indian Wells could result in an even greater increase in nuisance conditions which negatively affect the well-being of the Community, thereby diminishing property values.

(4) As a result, it is necessary to extend the moratorium established pursuant to Urgency Ordinance No. 677 for ten months and fifteen days on the issuance of any entitlements permitting short-term residential rentals of less than seven (7) days in the City, pending completion of the City's study of the potential impacts of short-term residential rentals, and possible amendments to the City's zoning ordinances.

(5) In addition, it is necessary to prohibit, as a public nuisance, the use of property in any zone of the City for purposes of a short-term residential rental of less than seven (7) days for the duration of the ten months and fifteen days extension.

F. This moratorium shall not apply to short-term residential rental contracts of less than seven (7) days existing on the date the Interim Urgency Ordinance No. 677 was adopted May 5, 2014 ("Exempt Contracts"). Only existing, executed agreements between lessees and either the property owner or managing agency or agent may be considered Exempt Contracts. An agreement between a property owner and managing agency or agent is not exempt from this Ordinance. Exempt Contracts remain subject to the terms of the Indian Wells Municipal Code including, without limitation, Chapter 5.20. Notwithstanding the foregoing, no person shall be penalized for a violation of the requirement under Indian Wells Municipal Code Section 5.20.040 (a) that all operators of short-term residential rentals obtain a business license for an Exempt Contract so long as the following conditions are met: (1) the operator of the short-term residential rental must obtain a City business license and register with the City for payment of transient occupancy tax between June 16, 2014 and close of business on July 11, 2014; (2) the operator must pay all transient occupancy taxes applicable to the Exempt Contracts in accordance with Indian Wells Municipal Code Chapter 3.12; and (3) no citations or notices of violation for code violations relating to the property subject to the Exempt Contract shall have been issued on or after June 5, 2012. No Exempt Contract may be subleased.

G. In order to avoid unnecessary citations for violations of the Interim Urgency Ordinance, a list of Exempt Contracts must be submitted to the City Clerk by close of business on Monday, June 23, 2014. The following information shall be provided: the parties to the agreement; the date the agreement was entered into; the property to which the agreement applies; and dates on which the property is leased under the agreement. Copies of all written Exempt Contracts shall be submitted to the City.

SECTION 2. Compliance with California Environmental Quality Act. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly; it prevents changes in the environment pending the completion of the contemplated study of impacts.

SECTION 3. Severability. If any sentence, clause, or phrase of this Ordinance, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each sentence, clause, or phrase thereof, irrespective of the fact that any one or more sentence, clause, or phrase be declared unconstitutional.

SECTION 4. Effective Date. This Ordinance shall become effective immediately upon adoption if adopted by at a least four-fifths (4/5) vote of the City Council and shall be in effect for period of ten months and fifteen days, extending through and including May 4, 2015 unless extended by the City Council as provided for in the Government Code.

SECTION 5. Publication. The City Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published once in a newspaper of general circulation printed and published within the City of Indian Wells.

SECTION 6. Report. City staff is instructed to prepare the report required by Government Code Section 65858 (d) describing the measures taken to alleviate the condition which led to this Ordinance's adoption for presentation to the City Council no later than ten days prior to the expiration of this Ordinance.

PASSED, APPROVED and ADOPTED by the City Council of the City of Indian Wells, California, at a regular meeting held on this 5th day of June, 2014.

TED J. MERTENS
MAYOR

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)ss.
CITY OF INDIAN WELLS)

CERTIFICATION FOR URGENCY ORDINANCE NO. 678

I, Wade G. McKinney, City Clerk of the City Council of the City of Indian Wells, California, **DO HEREBY CERTIFY** that Urgency Ordinance No. 678, the reading in full thereof unanimously waived, was duly passed and adopted at a regular meeting of the City Council held on the 5th day of June, 2014, and said Ordinance was passed and adopted by the following stated vote, to wit:

AYES: Hanson, Mertens, Mullany, Peabody, Roche
NOES: None

and was thereafter on said day signed by the Mayor of the City of Indian Wells.

ATTEST:

Chief Deputy

WADE G. MCKINNEY
CITY MANAGER/CITY CLERK

APPROVED AS TO FORM:

Stephen P. Deitsch

STEPHEN P. DEITSCH
CITY ATTORNEY

Discussion and Direction Relating to Staff Findings Regarding Vacation Rentals and Provide Further Direction in Drafting an Ordinance Addressing Vacation Rentals

RECOMMENDED ACTION:

Council provides **DIRECTION** to Staff in drafting an ordinance addressing Vacation Rentals.

REPORT-IN-BRIEF:

Short-term vacation rentals ("vacation rentals"), defined as residential property rentals used for periods of less than 30-days in length under current Indian Wells Municipal Code, have grown in popularity in Indian Wells, the Coachella Valley, and worldwide. Due to increasing numbers and severity of complaints of problems with vacation rentals in some residential neighborhoods, and in response to City Council's desire to adequately review the topic, City Staff have conducted extensive research of how other jurisdictions throughout California are dealing with vacation rentals. Outreach to other communities throughout California has identified a number of alternatives being used to address challenges caused by vacation rentals. This report details Staff findings and presents alternatives for both the outright prohibition of vacation rentals as well as provisions for strengthening the City's Municipal Code should vacation rentals be allowed.

DISCUSSION:

This staff report presents the various approaches taken by other California cities to limit issues caused by short-term vacation rentals ("vacation rentals") in residential neighborhoods. The report is structured to provide a comprehensive overview to provide the City Council with sufficient data to make an informed decision in guiding City policy. With this in mind, the report was written with the following objectives in mind:

1. Protect the peaceful enjoyment of Indian Wells neighborhoods;
2. Provide clear, enforceable rules guiding the use of residential property as it relates to vacation rentals; and
3. Provide information for an informed decision making process.

History

The use of residential property for use as vacation rentals, defined as rental use for periods less than 30-days in length under current Indian Wells Municipal Code, has been around for decades. Global destination cities such as Honolulu, New York, London, Paris, and others have for decades seen residential properties used for purposes of vacation rentals. However, the more recent explosion in popularity of vacation rentals has spawned from the use of the internet. Internet websites such as VRBO, HomeAway, VacationRentals, and AirBnB have provided convenient and inexpensive tools for connecting renters with property owners in what is best defined as the "sharing economy" (economic system built on the sharing of human and physical resources or assets between willing participants in order to reduce the capital cost that would otherwise be involved in owning such resources or assets outright as individuals).

Such easy access to vacation rentals has increased the popularity of this type of lodging in recent years. A 2013 TripAdvisor survey found that more than 20% of travelers plan to rent a vacation home for their vacation.[i] Vacation home rentals are attractive due to their size, affordability, and their ability to accommodate larger families at a lower cost than hotels.

Like most vacation destinations, the Coachella Valley has seen a rapid increase in the popularity of vacation rentals in recent years. According to a 2014 study conducted by TXP Economic Strategists[ii], the Coachella Valley vacation rental market now creates more than $272 million in economic activity annually and supports more than 2,500 jobs. The 53 currently sanctioned and licensed vacation rentals in Indian Wells are projected to generate as much as $74,000 in Transient Occupancy Tax ("TOT") in 2014 (the moratorium currently in place only prohibits new rental registrations; those operating within the provisions of Urgency Ordinance No. 678 are still operating, therefore generating TOT revenues.

The use of residential property as vacation rentals is not without controversy. Complaints of late night parties, over-crowded homes, and on-street parking is a common theme. Repetitive nuisances in neighborhoods surrounding two or three vacation rentals caused a tipping point this past April during and after the Coachella Valley Music and Arts Festival. The City received numerous complaints regarding problem vacation rentals being used excessively as "party houses," where loud, unruly, and disruptive activities of guests disturbed the quality of life in a few Indian Wells neighborhoods.

In response to the heightened number of complaints, the City responded to the vacation rental issue by adopting a temporary moratorium on vacation rentals on May 5, 2014 banning vacation rentals outright. Subsequently, on June 5, 2014 the City Council modified the strict prohibition in response to concerns raised by property owners in compliance with City regulations, who desired using their properties for vacation rentals. In response, the City Council extended the moratorium through May 4, 2015 to provide

City Staff time to research and bring to the City Council in-depth information about best practices for dealing with vacation rentals, or outright prohibition of them.

There were a number of causes to the problems that came from vacation rentals in Indian Wells. The City had a vacation rental ordinance, No. 653 adopted in 2011, which regulated vacation rentals. However, a lack of education with property owners, Staff, and police led to issues resulting in the moratorium.

Moratorium Results

On June 5, 2014, City Council adopted Interim Urgency Ordinance No. 678 which placed a strict moratorium on vacation rentals shorter than 7-days in length. That Urgency Ordinance stipulated that a 30-day grace period would be provided to allow property owners to register their properties in compliance with existing vacation rental rules in the Municipal Code. It also allowed those who registered to legally operate vacation rentals under 7-days in length for contracts in existence prior to May 5, 2014.

Prior to the grace period for registration, as set by the moratorium, the City only had 22 properties registered through the vacation rental license program created in 2011. The grace period resulted in another 31 property registrants seeking to comply with the Urgency Ordinance. To assist with the processing and oversight of vacation rentals the City hired Cindy Gosselin of Vacation Rental Compliance, a firm who specializes in vacation rental compliance in the Coachella Valley. Ms. Gosselin worked to register the additional 31 properties and had conversations with approximately another 30-40 additional property owners who were interested in continuing to utilize their properties as vacation rentals, but decided to wait until a final City Council decision on the topic before registering.

Research Overview

In order to research best practices, Staff reviewed the municipal codes and vacation rental ordinances of 23 jurisdictions throughout California, each considered to be vacation destination communities (including all cities in the Coachella Valley). Staff had phone discussions/interviews with a number of jurisdictions, including in-person meetings with the Cove Communities, to better understand how cities were utilizing the provisions of their codes to prevent neighborhood issues.

Staff's review focused primarily on code provisions for minimum number of nights, noise disruptions caused by rental guests/tenants, over-occupancy of units, parking restrictions, property owner/manager emergency contact requirements, and the use of property management firms. Additionally, staff reviewed citation provisions to determine the fine amount charged to violators in those communities.

Prohibition of vacation Rentals

Out of the jurisdictions reviewed, only four cities have an outright prohibition of vacation rentals in residential neighborhoods (Santa Monica, Pasadena, Healdsburg, & Carmel-By-The-Sea). Most notably is the City of Carmel-By-The-Sea, who in 1991 set legal precedence for prohibiting the use of residential property for transient commercial purposes of less than 30-days in length. A court ruling in Ewing v. City of Carmel-By-The-Sea established that it is legal for a jurisdiction to limit property owners rights when it is "reasonably related to the governmental interest in maintaining the residential character of an area and because the diminution in the homeowner's ownership rights was outweighed by the public interest in maintaining the residential neighborhood." Additionally, the City of Del Mar does not allow vacation rentals. However, they have no code provisions outright prohibiting rentals. Rather, their zoning code does not mention this type of use and therefore disallows vacation rentals by requiring a conditional use permit, which the City does not grant.

Each of the four cities prohibiting vacation rentals had municipal code sections dealing with provisions for noise violations and violations of the prohibition. However, in conversations with the staff from each of these cities, similar comments were made regarding the prohibition of vacation rentals. Each considered the enforcement of the prohibition as difficult.

A review of vacation rental websites in each city revealed large numbers of advertised rentals. These cities emphasized that burden of proof was required to cite a property owner for renting their property as opposed to lending the property. Carmel-By-The-Sea claimed some belief that property owners might inform renters to state they are borrowing property from the owner as either family or friends. Both Healdsburg and Carmel-By-The-Sea claimed illegal rental of properties to currently be a low city priority, despite broad belief that properties were being rented.

Each city claimed to have had limited success with citing a property owner for renting their property in violation of rental prohibitions. Santa Monica, perhaps the most visited city on the list, referred to their inability to enforce their vacation rental prohibition as problematic and a hot topic within the community. They have previously conducted some undercover efforts to catch property owners offering their properties for rent. In this effort the city did not fine property owners, instead electing to provide strict warnings as a result of some legal concerns of self-incrimination. The City Attorney believes the City would have latitude to conduct similar "sting" operations and would have legal standing to administer citations for violations of offering property for rent.

Allowance of Vacation Rentals

Contrary to the similarities in code provisions and approach to enforcement with each of the cities that provides an outright prohibition of vacation rentals, those jurisdictions that allow for and regulate vacation rentals have far greater variation in their municipal code language, as well as approaches to enforcement and regulation of those provisions. This section discusses the common aspects of code provisions guiding the use of residential property as vacation rentals as well as some overview of methods in which other jurisdictions utilize to regulate vacation rentals in order to maintain residential neighborhood character.

Short-term Vacation Rental Permit/License

All cities which allow vacation rentals require a permit or license, issued by the city, in order to legally operate. In each of these cases the cities also collect transient occupancy tax (TOT) on the rentals. The type of permit or license does vary from city to city. Each has benefits and weaknesses as discussed below.

Business License Process Issuance – some cities utilize their existing business license process to register vacation rentals. The advantage of the business license are processes and procedures that already exist. Costs for issuance and oversight are built into the fee charged for business license servicing, and helps to streamline the setup of a vacation rental program.

The challenge to this use, as is being voiced in Palm Springs by a concerned neighborhood group, is that this type of property usage is more akin to a commercial business in a residential neighborhood, and should not be allowed under the general plan zoning definition of a residential neighborhood. The claim is that the operation of a commercial business in a residential neighborhood fundamentally changes the character of the neighborhood.

Vacation Rental Permit – another approach used by cities is to issue a special permit specific to vacation rentals. These permits are viewed as a special type of license to operate under a vacation rental ordinance. The issuance of permits may include a separate registration process and procedures from a business license. The use of special permits varied by city. For example, Palm Springs utilizes only a vacation rental permit for licensure of vacation rentals, whereas Big Bear Lake, Rancho Mirage and Palm Desert utilize both a business license and a vacation rental permit.

The additional fee for a vacation rental permit, either separately from a business license or in addition to, is generally charged in order to cover the additional costs associated with regulation of vacation rentals. These additional costs include increased coordination by city staff or contractors, increased code enforcement efforts, and a separate or additional process for issuance.

Minor or Conditional Use Permit – historically some cities researched had utilized a minor or conditional use permit as issued through a plot map or land use approval process. This has generally been suspended as a practice as cities found it to be more time consuming and costly given increasing number of requests for such use.

Minimum Night's Stay Restrictions

Table 1 – Minimum Stay

Number of Jurisdictions	Minimum Number of Nights Requirement
11	No Minimum
2	1
3	2
1	3
2*	7

*Includes the City of Indian Wells temporary moratorium per Urgency Ordinance No. 678

11 of the cities reviewed had no provisions requiring a minimum number of night's stay in vacation rentals. The most common provision beyond no requirement was a two-night's stay minimum. These included Palm Desert, Dana Point, and Ventura. Ventura, however, had a most unique requirement for minimum number of nights where two nights are the minimum required for the time period of September through May, with seven-night's minimum required for the months of June through August (their 'season'). City of Anaheim was the only city requiring a three-night minimum, with Solana Beach and Indian Wells, under the current moratorium, being the only cities to require seven nights.

Generally, the rationale for having a requirement for minimum night's stay is that a longer time period brings with it a different rental clientele. The shorter the minimum, the higher the likelihood the renters are looking to have a party weekend, whereas the longer the rental the higher the likelihood the renters are looking for a relaxing vacation. Through the research, staff found nothing that quantifiably proves these assumptions to be correct nor incorrect.

Emergency Contact Restrictions

Table 2 – 24/7 Emergency Contact Response

Number of Jurisdictions	24/7 Emergency Contact Response Requirement
1	"Immediate Response"
3	30-minutes
4	45-minutes
2	60-minutes
1	4-hours
1	24-hours
6	No requirement

Of all of the jurisdictions that allowed vacation rentals, all required an emergency 24-hour per day, seven-day per week emergency contact. Where the cities differed was on the language requiring response by that emergency contact to issues arising at a rental property. Table 2 highlights the variance in provisions that exist. Indian Wells currently does not have any language that requires an emergency contact to respond within a time certain period. Best practices appear to require a response within a short time frame, generally from 30 to 60 minutes in length. In both Palm Desert and Rancho Mirage, an emergency contact who does not adequately respond within the time frame required (60-minutes and 45-minutes respectively) causes the property owner to be subject to an automatic administrative fine from City Code Enforcement.

Staff conversations with other cities revealed that requirements to have an emergency contact person respond within a time certain period was one of the most effective tools in preventing problems at vacation rentals. There were a number of different approaches to how emergency contacts were reached. Most Coachella Valley cities utilize a hotline phone number to forward complaints caused by vacation rentals to the provided emergency contact. Other cities have calls routed through their non-emergency police line and dispatch contacts the listed emergency contact. No matter the method, the intent is that the onus for resolving vacation rental issues be shifted from City resources to property owner.

Property Occupancy Restrictions

Table 3 – Property Occupancy Limits

Number of Jurisdictions	Maximum Nighttime Occupancy
2	Building Code = 1 person per 200 sq. ft.
3	2 persons per bedroom
8	2 person plus 2 person per bedroom
1	2 person plus 3 person per bedroom
1	2 person per bedroom plus 4 additional people
4	No limit listed
	Maximum Daytime Occupancy
8	Have daytime limit
15	Do not have daytime limit

Provisions limiting the number of occupants within a vacation rental varies greatly from city to city as can be seen by Table 3. The intent of the occupancy restrictions are to limit the number of occupants, generally in-line with California building and safety code, as well as prevent the use of property as party houses. California Building Code provides for a maximum nighttime occupancy of one person per 200 square feet of building space. This would limit a 2,000 square foot, four bedroom house to 10 people; whereas a limit of two person per bedroom would limit it to eight.

The most common provision is to allow for two persons, with an additional two persons per bedroom. Rancho Mirage allows for additional occupants if they are children under age 3. Big Bear Lake and Napa, in addition to an occupancy cap based on number of bedrooms (i.e. 2 persons per bedroom), places a hard cap on the total number occupants a vacation rental can house. Those limits were 16 and 10 respectively. The intent of the hard occupancy cap is to prevent large homes from used by large groups.

Daytime occupancy restrictions were less commonly included in codes than overnight occupancy limits. Only eight cities, mostly Coachella Valley cities, had daytime occupancy limits. All of those eight cities' provisions vary, with the most common formula to allow a number of guests per bedroom in addition to overnight occupants, up to a stated maximum cap (i.e. 2 additional daytime guests per bedroom up to a maximum of 18 total).

Parking Restrictions

Table 4 – Parking Restrictions

Number of Jurisdictions	Parking Restrictions
6	On-site parking restrictions
5	Only on-site parking
1	Parking permits required for on-street
1	Restricted number of on-street spaces allowed
6	No restrictions

Most cities reviewed have provisions guiding restrictions to parking. Most popular is to limit parking to only on-site space available (e.g. driveway, garage, carport, etc.), with the majority of those cities also providing limitation on number of cars allowed. Generally, the common provision for parking restrictions limits the number of cars allowed per bedroom, similar to occupancy limits. One car per bedroom, required to be parked on-site only, is the most common language. For a four bedroom house this would require that the property have enough parking spaces for four vehicles, with none being allowed on-street.

South Lake Tahoe included a unique provision whereby the rental contract and property must conspicuously post the maximum number of vehicles outside the property, visible from the street for law enforcement. This was a requirement that Lake Tahoe came up with as parking was identified by their staff to be a primary challenge with vacation rentals in that community (they also identified trash storage as a problem, but most other communities aren't too worried about bears).

Noise Restrictions

All cities researched had noise restriction code provisions. Not all cities provided for noise as a specific restriction of vacation rentals. This is because most cities provide for noise restrictions in residential neighborhoods to protect against any violations of noise, not just with vacation rentals. There was significant variation between the cities reviewed. The primary three categories in which codes could be broken down into are as follows:

> *Use of Noise Metering Equipment* – a few cities provided for provisions that define maximum sound levels allowable, in decibels, with clear definitions of the type of equipment to be used for measurement. Staff found that of the cities that have provisions for use of sound metering equipment, most cities did not prefer the use of equipment as a means for enforcement of noise code provisions. This was because the noise equipment was generally costly, it required specialized training

for staff members, and was only used in a handful of instances. Generally, most staff we spoke with claimed that loud houses or parties typically quelled their noise upon contact by law or code enforcement personnel warning of violation of noise rules.

Subjective Authority for Determining Disturbance Given to Law/Code Enforcement Personnel – the most common option for enforcement of noise provisions was to provide both law and city code enforcement personnel with subjective authority to determine whether or not a property was causing a disturbance. Whereas State Penal Code section 415 describes it as against the law to disturb another person through loud and unreasonable noise, the courts have determined that a police officer's peace cannot be disturbed under this penal code provision. This prevents a police officer from arresting a party for loud noise unless the complaining party (usually a neighbor calling in the complaint) signs the complaint.

Most cities have found neighbors to be unwilling to sign such notices in fear of retaliation. This creates situations where loud houses go unpunished. By providing for subjective authority to law enforcement personnel to administer a city code misdemeanor citation to anybody violating a clearly described noise restriction, law enforcement personnel are able to utilize municipal code to cite a noise disturbance. Most cities claimed the contact and warning of a misdemeanor citation by police to be effective at stopping noisy houses.

Strict Noise Prohibition from Property Line – the third commonly found provision strictly prohibited any noise audible from the property line, typically tied to a time period limitation (i.e. no noise audible from the property line between 10:00 P.M. and 8:00 A.M.). These provisions, to some extent, fall under the prior category of providing subjective authority to law enforcement personnel. However, they go further in defining a threshold of noise allowed, which is none, at a distance certain, the property line. Similar to simple subjective authority, law enforcement can provide a misdemeanor citation for violation.

In addition to these common categories of noise restriction methods listed, five of the cities researched (Pasadena, Rancho Mirage, Palm Desert, La Quinta, and Palm Springs) had an outright ban on the use of noise amplification devices outside. Most commonly, this outright ban was for a time period generally considered to be night time (e.g. 10:00 P.M. to 8:00 A.M.).

It is important to highlight that any modification to Indian Wells' noise ordinance would apply evenly to property owners and vacation rentals. If a strict noise prohibition is put in place, then the code would apply evenly to all residential properties.

Citation Administration and Amounts

Like noise restrictions, all cities provided for citations upon violations of the Municipal Code relating to vacation rentals. The most common structure was a first violation warning, a second violation fine, and a third/subsequent fine of a larger dollar amount, typically double. Commonly both misdemeanor citations – given out by law enforcement to property occupants for violation of provisions limiting noise, occupancy, parking, etc. – and administrative fines – provided to property owners for their guests violating the same – were used in combination. This dual enforcement approach was regarded as an effective means to limiting the violation of vacation rental provisions given the effect on both renters and property owners/managers alike.

In addition to the common approaches listed above, the following is a list of additional, creative provisions found from various cities:

Suspension of License – a number of cities included provisions of suspension of a property owner's (or management company's) vacation rental license for a year upon a third violation of the vacation rental code provisions. Cities referred to this tool as the "hammer" that best prevented further issues with a property as it would prevent them from further renting their property.

Limit of Violations for Management Company – Big Bear Lake includes a provision that a management company representing vacation rentals who receives three citations on any properties within a year is fined. Five or more violations on any of the properties represented by the management company causes a revocation of the company's license for a period of one year. This provision is used to prevent problem companies from strategically rotating their problems between properties in an effort to prevent citations.

Police Cost Recovery – a couple of jurisdictions have provisions that require a property owner to cover any and all costs of law enforcement in response to a complaint of a vacation rental property after the initial warning. These costs are included in addition to a citation amount as a means of recovering the cost of law enforcement time spent attending to problem properties.

Order to Vacate – a number of cities including Rancho Mirage, Palm Desert, and Big Bear Lake include enforcement regulations that call for an immediate order to vacate, or eviction, for occupants who refuse to respond to complaints regarding violations of the vacation rental ordinance. This allows for a property owner, or 24-hour emergency contact, to immediately evict a short-term tenant, allowing for law enforcement to remove persons as trespassing, if necessary. Vacation rental contract language stipulating the right of owner or manager to immediately evict should be required in an ordinance.

It should be noted that the City of Indian Well's current urgency ordinance provisions call for the largest citation amounts ($1,000, $3,000, and $5,000) out of all cities reviewed. This was commonly four to five times higher than comparative cities.

Age Restrictions

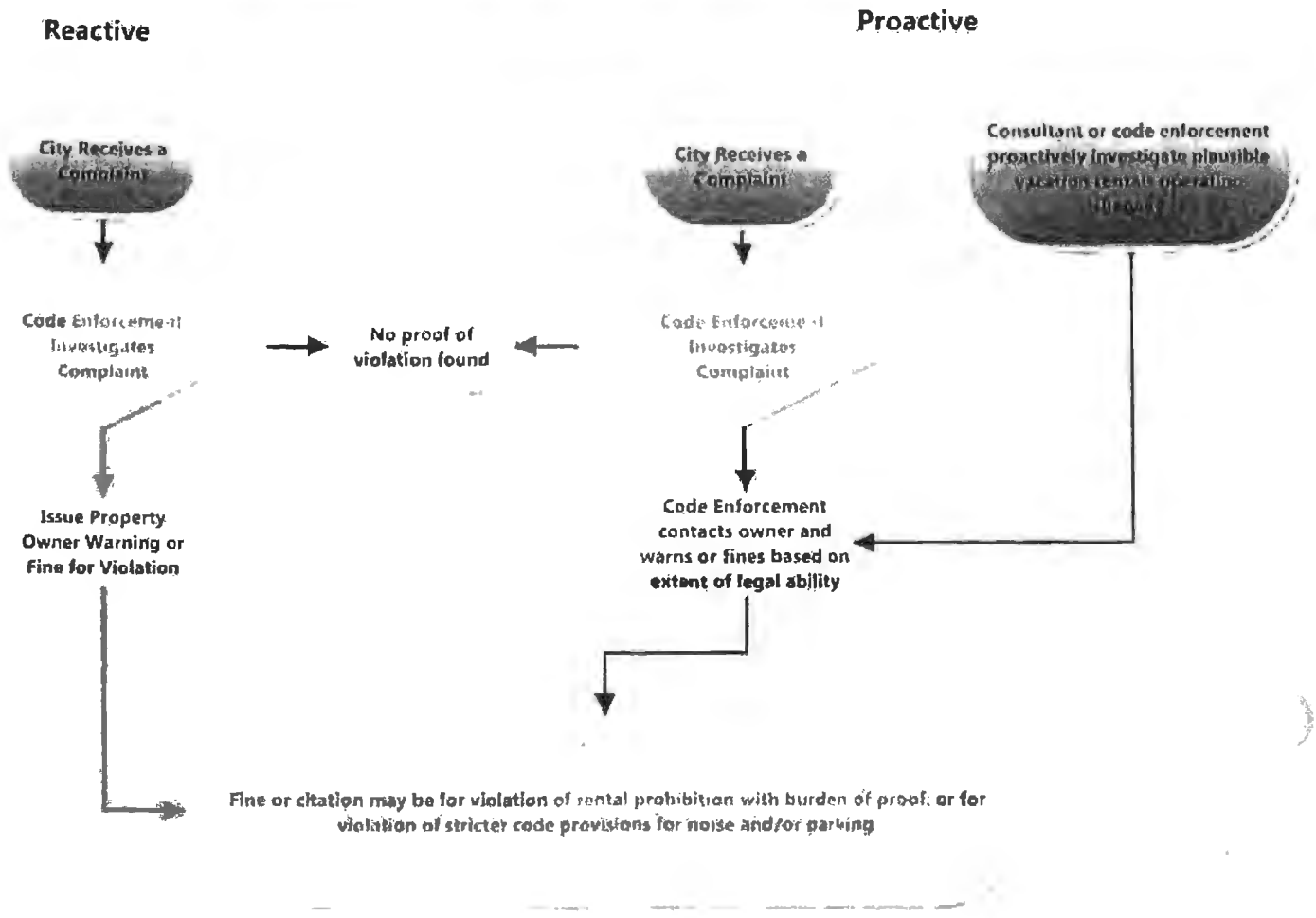
Most cities require a minimum age of the responsible renter for vacation rentals. Most commonly the age is 18 or 21 years of age. However, Palm Springs provides that a renter must be 25 years of age and Rancho Mirage recently made headlines for raising their age restriction to 30. The rationale behind higher age restrictions is that the older the renters, the less likely they are to be using the property as a party house. Generally older renters are more quiet and respectful of the residential neighborhood. In addition, with some emphasis on vacation rentals being popular for family gatherings, the older the renters the generally higher the likelihood of having children which lowers the likelihood of parties late into the night.

Best Practices Enforcement Procedure

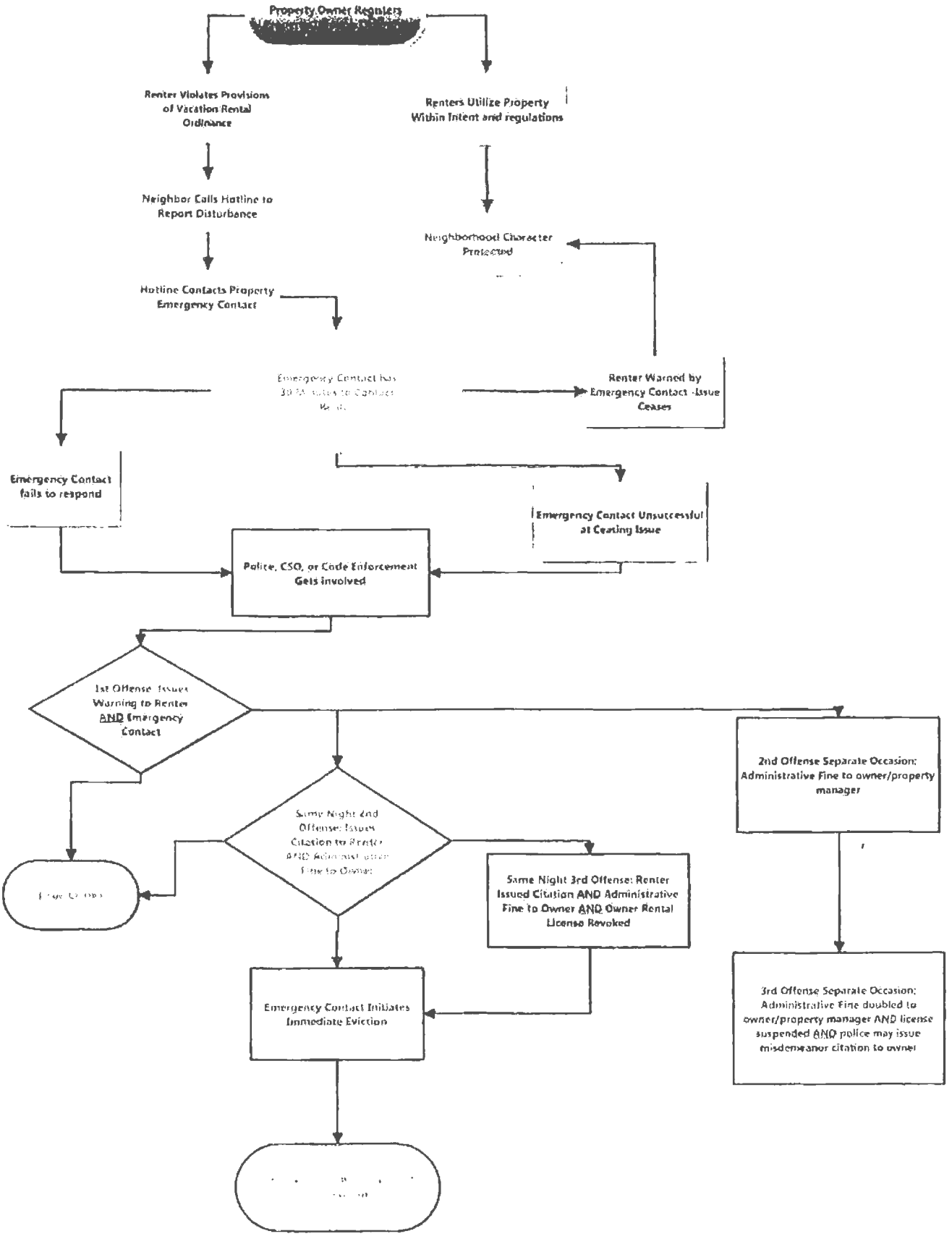
Any provisions considered for the prohibition or regulation of vacation rentals must take into account the enforcement abilities of the City. All cities reviewed in the research of this topic had larger law/code enforcement teams than does Indian Wells. Currently, the City contracts with the Sheriff for one patrol officer 24-hours per day, nearly 24/7 coverage from Community Service Officers (CSO), and one code enforcement officer. Given limited staffing, additionally enforcing any changes in municipal code will be challenging for Indian Wells. The need for staffing in the enforcement of a revised ordinance is discussed further in the Fiscal Analysis section of this report.

Out of all cities researched, a common pattern emerged as what could be considered a "best practice," in terms of vacation rental enforcement. The following pages detail two flow charts that diagram best practice approaches to regulating an outright prohibition or allowance of vacation rentals (allowance process culled from a combination of Big Bear Lake, Newport Beach, Palm Desert, Rancho Mirage, and South Lake Tahoe).

Prohibit Vacation Rentals



Allow Rentals



Indian Wells Home Owner's Association Outreach

Many Covenants, Conditions and Restrictions ("CC&R's") as enacted by Home Owners' Associations ("HOA's") deal with the topic of property rental. Most commonly, CC&R's restrict the rental of properties to a minimum of 30-days, enforceable by the HOA. In order to understand how Indian Wells' 56 current HOA's dealt with rentals, staff contacted, or attempted to contact, all HOA's for detail of their CC&R's regarding vacation rentals.

40 of the HOA's in Indian Wells contain language requiring a 30-day minimum stay for property rentals. Those 40 HOA's represent more than 3,590 residential units in the City. Staff received no response from 15 of the HOA's who were generally smaller associations represented by non-professional communities. And one HOA, Manitou Springs, allows for vacation rentals within their CC&R's.

Though the vast majority of HOA's do not allow for rentals of less than 30-days, the practice of enforcement of such is broadly ignored unless there are properties that cause problems. Cindy Gosselin of Vacation Rental Compliance indicated that the majority of HOA's in the entire Coachella Valley also include CC&R's limiting rentals to 30-days or more, but that the most common practice is for the HOA to not enforce strictly that provision. Ms. Gosselin cites the lengthy, and generally costly, legal expense to enforcement of rental provisions that many smaller HOA's do not have. This is a primary reason for a lack of enforcement within HOA's of vacation rental properties unless they are disturbing the peace of the neighborhood.

If the City were to prohibit vacation rentals, it would be in-line with the vast majority of CC&R provisions that currently exist. If the City were to allow vacation rentals, then CC&R rules would trump City code as being the more restrictive provision. However, the onus of enforcement of violators of a 30-day minimum would fall on the HOA's. The City would only maintain the responsibility to enforce violations of provisions of the City's vacation rental ordinance, which would allow for this type of property use.

Virtual Town Hall Resident Feedback

The City utilized a Virtual Town Hall in order to gain resident feedback on the topic of vacation rentals. The online tool was utilized to allow residents who may be away for the summer season to continue to participate in the process. The City mailed out postcards advertising the opportunity to participate in the Virtual Town Hall, sent out multiple eblasts, and worked on an article with the Desert Sun to make residents aware. The Virtual Town Hall was broken up into two separate formats, an open-ended forum discussion followed by a poll with more targeted information. The results of each format is intended to help inform Council of resident sentiments on the topic.

Open-Ended Forum Discussion – The forum generated three hundred and forty-seven (347) visitors to the question of "What are your thoughts on vacation rentals?" One hundred and sixteen (116) visitors posted comments on the forum. Fifty-four (54) of those comments were not viewable by the public (author kept them private). Sixty-two (62) of those comments were viewable by the public. Due to the volume of comments, we have not provided them in this staff report. However, they are available through the City Clerk if desired.

As was seen at both the May 5 and June 5 Council meetings, there were two distinct groups for this topic, with some being in favor of vacation rentals and some against. The forum responses as a whole seemed to mirror the sentiments of public comments seen at both of those Council meetings. Following is a general summarization of the conversations that came out of the forum.

The reoccurring themes for those opposed to vacation rentals were as follows:

- Vacation rentals may compromise the Indian Wells residential lifestyle.
- The accommodation of guests is the function of the resorts.
- Vacation rentals bring too many nuisances to the community; like noise.
- Vacation rentals jeopardize the security of Indian Wells residents.

The reoccurring themes for those in favor of vacation rentals were as follows:

- This is a resort destination and therefore needs to accommodate our visitors.
- Prohibiting vacation rentals is viewed as a limitation on property rights.
- A minimum stay requirement is necessary to not compete with the resorts.
- Stricter fines and punishments are needed for those few problem homes instead of penalizing all vacation rentals.

Overall, the forum indicated to staff that there was an unfamiliarity of what vacation rentals are and a misconception of the scope of enforcement capability of law enforcement. For example, a common comment was that the City should allow for vacation rentals, but limit them to a 30-day minimum stay. Anything 30-days or greater is would be considered a month-to-month rental, which is already an allowed use under City municipal code. As a Charter City there may be some leeway for modification of this definition, but is something that would require City Attorney research.

The forum, along with the ongoing research of other municipalities, helped staff to realize the subsequent poll would help to better define the topics raised in the forum, and to also help educate on the individual aspects of vacation rentals like stay duration, noise, occupancy limits, and parking.

Poll Results – the poll was not intended to provide statistically significant responses, rather, to give a better understanding to Council of general public sentiments. The result was 93 responses from the community.

1. What best describes your experience with vacation rentals (defined as rentals less than 30-days in length) in your neighborhood?

	Answer	Response %	Response Count
a.	No issues	49.5%	46
b.	Issues during seasonal events	28%	26
c.	Issues year-round	22.6%	21

2. If you have had experience in your neighborhood with short-term rentals, what have been your concerns?

	Answer	Response %	Response Count
a.	Noise	41.9%	39
b.	No concerns	39.8%	37
c.	Strangers in your community	31.2%	29
d.	Parking	31.2%	29
e.	Occupancy	25.8%	24
f.	Lack of enforceable muni code	25.8%	24
g.	Other	11.8%	11

Those answering "other" referenced degradation of property values, over-zealous complainers, potential for crime, slow/no police response, and non-compliance with HOA rules as those issues of concern with vacation rentals.

3. If vacation rentals were allowed, should there be a minimum number of nights required?

	Answer	Response %	Response Count
a.	Longer than a week	50.5%	47
b.	No minimum	19.4%	18
c.	3 nights stay (weekend)	15.1%	14
d.	6 nights/7 days (one week)	15.1%	14

4. If vacation rentals were allowed, should property owners renting their property be required to notify their neighbors, providing them with emergency contact information should an issue arise?

	Answer	Response %	Response Count
a.	Yes	71%	66
b.	No	29%	27

5. If the City of Indian Wells were to prohibit vacation rentals, should property owners be required to register guests who stay at their property without the owner present?

Answer	Response %	Response Count
a. No	72%	67
b. Yes	28%	26

6. Which noise enforcement options would be preferable?

Answer	Response %	Response Count
a. Provide law enforcement subjective discretion of a nuisance level	62.4%	58
b. Strict prohibition against any noise outside a residence audible from the property line	20.4%	19
c. Use of sound metering equipment	17.2%	16

7. In relation to noise issues, some other cities have prohibited any amplified noise outside (stereo, radio, etc.), mostly for the period of 10pm to 8am. These prohibitions apply equally to property owners and vacation renters. Would you be in favor of prohibition against outside, amplified noise?

Answer	Response %	Response Count
a. Yes – for limited periods of Time (e.g. 10pm to 8am)	58.1%	54
b. Yes – all the time	29%	27
c. No	12.9%	12

For the final question we provided a preface of information that other cities who have prohibited short-term rentals have had difficulty enforcing the prohibition and widely believe property owners to be renting anyways.

8. Given this information, would you prefer to see the City of Indian Wells:

Answer	Response %	Response Count
a. Allow vacation rentals with strict regulations that prohibit nuisance issues such as noise and over-occupancy through citations, fines, and an ability to immediately evict tenants	57%	53
b. Prohibit vacation rentals and adopt as strict of rules as possible to respond to nuisance issues such as noise through citations and fines, with limited ability to regulate use of property.	43%	40

MERITS OF COMPETING APPROACHES

This section takes an overview approach to advantages and disadvantages of whether or not to allow vacation rentals.

Prohibition of vacation rentals

Pros:

- Clear and easily understood rules regarding vacation rentals
- Eliminates need for additional staffing
- Maintains neighborhoods as strictly residential in nature
- Eliminates competition for resorts in Indian Wells

Cons:

- According to other cities, it is difficult to enforce prohibition of vacation rentals
- Does not allow for collection of transient occupancy tax
- May not solve the problem of problem properties without further municipal code changes
- Limits the tools for enforcement of vacation rentals
- Provides opportunity for proactive enforcement through undercover efforts, but at a cost to the City that may not be fully recoverable
- Limits property rights

Allowance of vacation rentals

Pros:

- City can set clear restrictions and oversight provisions on property use in residential neighborhoods
- Allows for the collection of transient occupancy tax
- Provides more tools for enforcement of vacation rentals – e.g. noise, occupancy limits, parking restrictions, contract provisions, emergency contact information, immediate eviction, and age restrictions
- Provides opportunity for proactive prevention as opposed to reactive enforcement
- Creates database of registered properties and management firms which helps in overall regulation

Cons:

- May cause disruptions in residential neighborhoods from time to time
- Creates a competition with resorts in Indian Wells
- Causes disconnect between City rules and those of most HOA's
- Would require additional staffing to oversee the increase in proactive enforcement (cost should be offset by fees for permit and TOT)

STAFFING AND COVE COMMUNITIES INTERESTS

In conversations with staff counterparts at both the cities of Rancho Mirage and Palm Desert, there was interest in reacting to vacation rentals in a uniform manner. This would include enacting similar ordinances with matching provisions guiding vacation rentals in all three cities. This would benefit all three cities in the area of enforcement. The Sheriff Department patrols for all three cities and would benefit greatly from greater uniformity in approach to enforcement of vacation rentals. Instead of having to train officers on three different methods of response, one uniform response protocol could be utilized, thereby streamlining the Sheriff's training with patrol personnel.

There was also some interest in partnering through the Cove Commission to spread the costs of added Code Enforcement amongst the three cities. Both Palm Desert and Rancho Mirage each have robust Code Enforcement programs, with one officer nearly fully dedicated to vacation rentals. Both cities have weekend officers and utilize a 'flex' schedule during the Coachella Festival, Stagecoach, and during other popular times like college graduation and spring break. This allows them to have Code Officers on duty during the late night hours when issues arise from vacation rentals disrupting neighborhood peace. Both cities felt this elevated focus on enforcement was necessary during the busy times, but were generally open to contracting for some combined services for the remainder of the year. No further details were discussed.

FISCAL IMPACT:

COST OF PROHIBITION OF VACATION RENTALS

If the City were to prohibit the use of residential property for vacation rentals there are a couple of variable fiscal impacts it could have. With a strict-prohibition, it is likely the City would still seek to bolster existing municipal code language for noise and parking violations. These sections of municipal code would be most appropriate to deal with any residential property that causes issues within a neighborhood.

Reactive Enforcement Effort – similar to other cities that have prohibited vacation rentals, Indian Wells could take a minimalist approach in oversight of the prohibition. This would include investigating allegations of vacation rentals, enforcing updated noise and parking ordinances, and otherwise operating under the current status-quo of reactive to complaints. This approach would have little to no additional fiscal impact to the City.

Proactive Enforcement Effort – the City could be more proactive in enforcement of a vacation rental prohibition and any modifications to the noise or parking ordinances. This may include "sting" operations during targeted periods of the busy season, such as Christmas time, spring break weeks, Coachella Fest/Stagecoach, and early summer. This would include investigating advertised vacation rentals, contacting owners, and attempting contact with probable renters. The City Attorney would need to produce a memo regarding ability of the City to administer fines based on covert operations leading to a property owner renting to City officials, which could impact City costs.

Assuming the City could administer fines based on proactive investigations of likely vacation rentals, this alternative would have an additional fiscal impact on the City. The City could utilize continued services from Vacation Rental Compliance (i.e. Cindy Gosselin), a vacation rental consultant, at a contract price of ranging anywhere from $10,000-$30,000 per year to provide a desired level of proactive investigation. The investigative efforts could then be turned over to City Code Enforcement. This would have an impact on existing Code Enforcement staff. It is unknown the level of impact may be seen.

Potential for Litigation – though the courts have established a precedence for a jurisdictions right to restrict property use for preservation of residential community character, it is possible the City could face potential litigation from homeowners upset with a restriction on their property rights. This is a variable with unknown costs.

Another alternative would be for the City to increase Code Enforcement staffing and reprioritize CSO enforcement efforts to focus on rental prohibition, noise, and parking violations. In this effort the City would conduct all investigative work in-house through expanded Code Enforcement staffing and effort. Staff estimates a half-time Code Enforcement Officer would likely be necessary at a cost of approximately $65,000 per year (Includes 60% cost of benefits per City policy).

Finally, prohibition of rentals would require the City to incur added enforcement costs, if desired, without offsetting revenues. There would be no revenue through rental license fees and TOT collection. Therefore, prohibition of vacation rentals, if proactive enforcement is desired, would result in need for added General Fund budget.

COST OF ALLOWANCE OF VACATION RENTALS

As compared to prohibition, the allowance of vacation rentals has far more variables on how vacation rentals would impact the City financially. The City should, and likely would, increase the level of staffing to oversee a well-designed, robust vacation rental program. As compared to prohibition, these increase in costs would likely be fully offset by added revenues through rental license fees and TOT, and may even produce some surplus revenues to offset other general fund expenses.

Reactive Enforcement Effort – the City's recent issues with vacation rentals stemmed from a reactive enforcement effort from both City Code Enforcement and Police. If the City were to allow for vacation rentals, it is not recommended that the City continue with a reactive response process. This would mean that residents wishing to lodge a complaint against a rental would have limited effectiveness during the late-night hours, and staff would respond with administrative fines on Monday morning for any violation of the rental ordinance. This would have little to no additional fiscal impact to the City, but would likely result in a perpetuation of issues within neighborhoods.

Proactive Enforcement Effort – if the City were to allow for vacation rentals, it would be recommended to have a robust, proactive enforcement program to ensure that vacation rentals comply with any vacation rental ordinance provisions. A proactive program would include multiple facets:

- Vacation Rental Compliance Contract – the City would benefit from contracting with VRC (Cindy Gosselin) for proactive investigation, outreach, and education to property owners renting their properties. This would ensure that rentals who do not register through City licensing process are contacted, educated on the City's rental guidelines, and warned of possibility of administrative fines. This contract would also include access to the regional Vacation Rental Hotline, which dispatches rental property emergency contacts when residents call to report issues at a vacation rental

in their neighborhood. This service would be outside of City staffing and leverage the economies of scale of enforcement efforts already going on regionally. Such a contract would likely range anywhere from $20,000 to $35,000 per year depending on the Indian Wells volume of vacation rentals.

- Additional Code Enforcement Personnel – from research of other jurisdictions, the City would require an additional Code Enforcement Officer. Most cities studied who had robust vacation rental programs dedicated a full-time Code Officer to oversight and regulation of vacation rentals. A full-time Code Enforcement Officer would cost anywhere from $107,000 to $125,000 per year (including 100% cost for all benefits per City policy), depending on starting salary. This Officer would respond to complaints, investigate problem properties, issue administrative fines to property owners out of compliance, and work a flexible schedule during high-volume rental times such Christmas time, spring break weeks, Coachella Fest/Stagecoach, early summer, and Tennis Tournament. Based on rental volume within the City, an added full-time Code Officer could also augment current City code enforcement capacities.

- Specialized Training of Sheriff Personnel – part of an effective enforcement program for rentals would include the utilization of CSOs for investigation of violations of vacation rental codes (i.e. drive to a home with a complaint of noise violation and utilize noise metering equipment, subjective authority, or determine if noise could be heard from property line, or additional parking enforcement). Additionally, Patrol Officers would need training in updated City codes in order to make contact with renters for issuance of misdemeanor citations. The training required for Sheriff Personnel would likely be minimal to no additional cost.

- Marketing of Vacation Rental Program Guidelines – the City would likely focus some part of marketing and advertising efforts to educate the public on the vacation rental program. Though this expense may not be an indefinite cost, the first few years would likely see annual costs upwards of $5,000 per year to adequately educate the public on regulations and procedures for responding to issues.

- Rental License Issuance – as previously discussed, best practices are to issue a separate license or permit specific to vacation rentals. Such a program would increase staff costs for time issuing a secondary, special permit. However, prior to initiation of a vacation rental licensure program

staff would conduct a study to ensure that all costs are offset through an appropriate user fee.

- *Potential for Litigation* – though land use designations are one of the primary protections afforded to local government, it is possible the City could face potential litigation from residents who do not view vacation rentals as an appropriate use of residential property. This is a variable with unknown costs.

Taking into account the best practices and associated costs listed, a conservative estimate for proactively enforcing a robust vacation rental program would range anywhere from $125,000 to $170,000 per year. This does not take into account any additional costs for unknown litigation.

Potential vacation Rental Revenues – the City currently collects TOT on all 54 registered vacation rentals. Staff projects vacation rental TOT revenues in Fiscal Year 2014/15 to be as high as $74,000. This is based on the historical number of nights rented, average nights rent, year-to-date collections, and number of currently registered rentals (through the moratorium process) at the current TOT rate of 11.25%. This projection does not take into account any permanent prohibition, should Council make that decision this year, or any business licensing fees. Business license fees simply offset staff time costs for processing the license.

In order to estimate a future revenue projection from vacation rentals, staff utilized historical data to determine:

- Annual average night stay: 49
- Average nightly rent rate: $250
- Current TOT rate: 11.25%

Based on historical averages, staff extrapolated the following TOT estimates:

Est. # of Rental Properties	Est. TOT Collection
54	$74,000
100	$137,000
150	$206,000
200	$275,000

Taking into account the estimate of costs for administering a robust vacation rental program, the City would likely need a minimum of 100 vacation rentals operating at the historical average number of nights and rents in order to make a vacation rental enforcement program cost neutral. This estimate is considered plausible based on the additional number of 30-40 property owners Ms. Gosselin spoke to during the moratorium grace-period who decided to wait to register their vacation rentals in order to see City Council final direction on the topic.

Other Coachella Valley cities, upon adopting a vacation rental program, saw substantial increases in vacation rentals that previously operated underground, or from property owners taking advantage of the explosion in the market for vacation rentals. This leads staff to believe the City would likely offset all costs for enforcement and oversight, and could produce surplus revenues to offset other General Fund expenditures.

ALTERNATIVES:

Based on staff research the two primary alternatives appear to be:

1. Prohibit vacation Rentals and modify existing noise ordinance and/or parking ordinance provisions to provide additional enforceable rules for City Police and Code Enforcement; or

2. Allow vacation Rentals and adopt strict guidelines for the use of residential property to limit the negative issues that come with unrestricted, non-regulated vacation rental properties.

Any additional alternatives discussed by Council are welcomed.

End Notes

[I] http://www.tripadvisor.com/PressCenter-c7-Survey_Insights.html

[II] TXP study was commissioned by the Short Term Rental Advocacy Center, an interest-based organization founded by prominent online vacation rental websites with the goal of promoting best practices in rental regulations. Report available at http://www.stradvocacy.org/media/TXP-STRAC-Impact-Report-Coachella-0312141.pdf

17 Recommended Code Provisions for Enforcement:

1. Allow vacation rentals in Indian Wells only by fee-title property owners, or through an agent on behalf of a fee-title property owner.

2. Prohibit the subleasing of property for vacation rental purposes.

3. Require property owners to obtain a Short-term Rental Permit from the City for each property rented, and a business license for the owner and any managing agent – fee set by Council Resolution.

4. Require owners to provide an Emergency Contact required to respond to a nuisance complaint at a property within 45 minutes.

5. Require property owners to register renters through a City-run online database providing the name and contact information for the responsible party renting the property, along with dates of stay and number of occupants during stay. Must register at least forty-eight (48) hours prior to arrival.

6. Require each property to post a copy of the Rental Permit and City vacation rental rules in a conspicuous place, and provide each renter with a copy of the City's Good Neighbor Brochure (available at www.cityofindianwells.org/rentals).

7. Prohibit vacation rentals from activities such as weddings, receptions, and large parties without obtaining a Temporary Use Permit (TUP) from the City.

8. Require all rental agents representing properties on behalf of fee-title owners to register for, and maintain, a City Business License.

9. Require property owners to include language in their rental agreement allowing for immediate termination of the rental contract, and immediate eviction upon any violation of the Municipal Code by any occupant.

10. Require rental agreements to include responsible party acknowledgment of the Indian Wells Vacation Rental rules and their liability for any fines incurred by occupants.

11. Establish a two-tiered penalty for any violation of the Municipal Code for:

    - **Responsible Party for Vacation Rental** - may be cited with a misdemeanor fine upon any violation of the short-term rental ordinance, including violation of the noise ordinance, in the following manner:

        1. First Offense – Warning by Police or Code Enforcement;

2. Second Offense within any sixty (60) days of posting a notice of warning (see paragraph below) - $500 misdemeanor citation;

3. Third and Subsequent Offenses within sixty (60) days of posting a notice of warning - $1,000 misdemeanor citation.

Responding law enforcement will issue the First Offense warning by making contact with occupants and posting a Notice of Violation warning on the front door. The warning will be required to remain on the front door for sixty (60) days, notifying all occupants (current and future 60 days) that a Second Offense, or subsequent offenses, automatically results in citation to responsible person and property owner. Additionally, it will make it an automatic offense to remove the warning within the sixty (60) day period.

- **Property Owner** – will receive an administrative citation for any violation of the Municipal Code or noise ordinance by the owner or occupant in the following manner:

  1. First Offense - Warning by Police or Code Enforcement;

  2. Second Offense within any twelve (12) month period - $2,000 administrative fine;

  3. Third Offense within any twelve (12) month period - $5,000 administrative fine and revocation of the vacation rental permit for a period of twelve (12) months effective immediately;

  4. Any Offense during permit revocation period - $5,000 misdemeanor violation for each offense and one additional year of permit revocation.

  5. All City fines get processed through a third-party vendor who sends violators to collections. Unpaid collections fines will be a mark reported to credit agencies. If non-payment persists after collections, a lien is recorded with the County and fines are collected through property tax bills.

12. Establish a multi-property ownership violation limitation of five (5) violations on any combination of owned properties within the City within any twelve (12) month period - upon five (5) violations, all owner Rental Permits will be revoked effective immediately.

13. Establish a multi-property agent violation limitation of five (5) violations on any combination of represented properties within the City within any twelve (12)

month period – upon five (5) violations, agent business license will be revoked immediately.

14. Require owners to remit quarterly Transient Occupancy Tax collected for vacation rentals.

15. Provide City authority to conduct random inspections of Vacation Rental properties to ensure compliance with provisions of the Vacation Rental code.

16. Require a permit number to be listed on all rental advertisements.

17. Create an administrative fine for any rental advertisement not in compliance with all vacation rental laws as established by City ordinance.

Policy Discussion Topics:

- **Neighbor Notification** – should property owners be required to notify all neighbors of intention to rent property short-term?

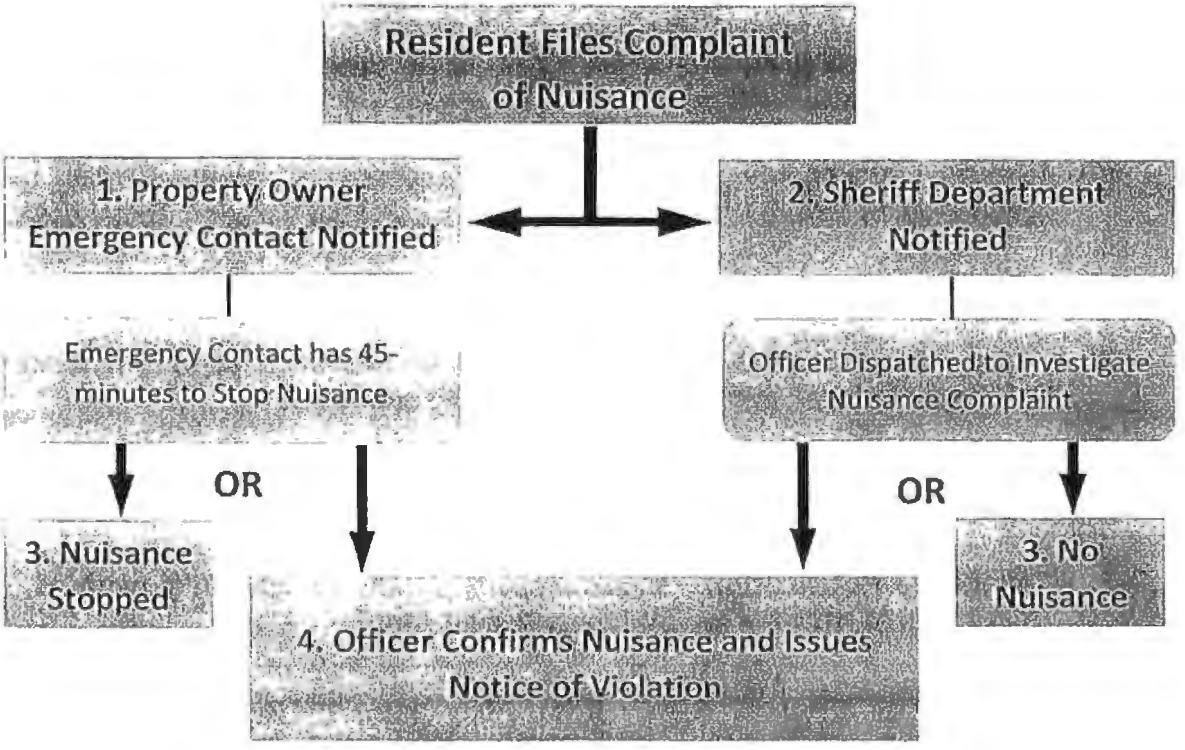
- **Age Restriction** – should the Responsible Party – person signing a rental agreement – be required to be a minimum age?

- **Occupancy Restriction** – should the current code of two occupants plus two per bedroom be reduced, or hard capped?

- **Parking Restriction** – should a City-wide parking restriction/permit program be created to prevent vacation renters from parking on the street?

- **Minimum Stay** – what should be the minimum stay in a vacation rental?

Vacation Rental Enforcement Procedure



The following procedure details the process of enforcement once a resident files a nuisance complaint through the Vacation Rental Hotline (hotline to be established).

1. Hotline staff's first contact is Property Owner's Registered 24/7 Emergency contact. Property Owner's Emergency Contact has 45-minutes to respond to the nuisance in an effort to quickly cease the issue. Lack of response by Emergency Contact results in automatic Notice of Violation.

2. Hotline staff's second contact is Sheriff's Department. Sheriff dispatches law enforcement personnel to investigate nuisance complaint at the property reported to the Hotline.

3. Emergency Contact will either stop the nuisance through interaction with renter or the Police investigation will find no nuisance at the property as reported. In this instance, a report will be filed with the City who will contact the Property Owner to inform them of complaint received. On a case-by-case basis, Code Enforcement may issue a Notice of Violation to Property Owner if deemed necessary.

   OR

4. Officer confirms nuisance and Emergency Contact is unable to stop nuisance through contact with renter. Officer then issues a Notice of Violation at the property. Officer will then file a report with Code Enforcement who issues Notice of Violation to Property Owner.

Vacation Rental Fact Sheet

- Indian Wells currently has 52 registered Vacation Rentals under the moratorium set in place by Urgency Ordinances No. 677 (May 5, 2014) & No. 678 (June 5, 2014).

- There were 72 noise complaints received by the Sheriff's Department in 2014. 25 of those (or 34.7%), were from nine known vacation rental properties. Nine of the complaints (or 12.5%) were for severe issues at one property on Mary Lane. The three worst properties received nearly 24% of the noise complaints.

- Eight currently registered vacation rental properties (of the 52 registered under the Moratorium) had noise complaints in 2014 – this represents 15% of currently registered vacation rentals having received at least one noise complaint.

- Three months (March, April, and May) produced nearly 50% of noise complaints in the prior three years (47% in 2012, 46% in 2013, and 47% in 2014).

- 36 of the 52 currently registered vacation rentals (or 69%) are in HOA's whose CC&R's restrict rentals to a 30-day minimum.

- 38 of the 52 currently registered vacation rentals (or 73%) are managed directly by owner.

- Four California Cities Prohibit Vacation Rentals (30-day minimum) – a review of one rental website found the following:
    - Carmel-by-the-Sea – Currently has 212 rentals advertised on VRBO
    - Del Mar – Currently has 220 rentals advertised on VRBO
    - Santa Monica – Currently has 346 rentals advertised on VRBO
    - Healdsburg – Currently has 183 rentals advertised on VRBO

  For Comparison:

    - Indian Wells – Currently has 163 rentals advertised on VRBO

- 121 property owners advertising their properties for vacation rentals have been contacted and brought into compliance with the current moratorium on vacation rentals. Staff monitors websites weekly and makes contact with property owners advertising rentals out of compliance with the Moratorium. Currently, 17 notice of violations and $12,000 in fines have been issued.

- As a tourist destination, one economic impact study showed that the Coachella Valley benefited from $272 million in economic activity resulting from short-term vacation rentals in 2013[1].

- Greater Palm Springs Convention and Visitors Bureau stated "Short-term vacation rentals are an important component of the Coachella Valley tourism industry driving additional visitation and revenue for the destination."

[1] The Local Economic Impact of Participating Coachella Valley Short Term Rentals by TXP, Inc. Study commissioned by Short Term Rental Advocacy Center http://www.stradvocacy.org/media/TXP-STRAC-Impact-Report-Coachella-0312141.pdf

February 5, 2015 Staff Report

CC/HA ACTION _____ MTG. DATE: 2-5-15
APPROVED X DENIED ___ REC/FILE ___ CONT. ___
OTHER _____
VOTE: YES 5 NO 0 ABSTAIN _____

Indian Wells City Council *As amended February 5, 2015*

Staff Report – City Manager's Office

Introduce Ordinance Amending Municipal Code Chapter 5.20 Regarding Short-Term Vacation Rentals, Provide Further Direction to Staff on Zoning Overlay for Establishing Minimum Stay Requirements, and Any Other Issues Related to Short-Term Vacation Rentals

RECOMMENDED ACTIONS:

Council **INTRODUCES** Ordinance Bill No. 2015-03 ("Ordinance") amending Indian Wells Municipal Code Chapter 5.20 regarding regulations for Short-term Vacation Rentals in the City; and

provides further **DIRECTION** to Staff on a Zoning Overlay to establish minimum stay in Short-term Vacation Rentals throughout the City and any other issues related to Short-term Vacation Rentals.

DISCUSSION:

Summary:

City Council discussed best practice provisions for establishing a Short-term Vacation Rental ("Vacation Rentals") Ordinance at the January 22, 2015 special meeting. Council directed Staff to bring back and introduce an Ordinance (**Attachment 1**) with provisions establishing a clear, enforceable regulatory process for Vacation Rentals.

Staff presented seventeen (17) recommended provisions (**Attachment 2**) to establish a strong regulatory process, found to be effective in other cities at stopping nuisance Vacation Rentals. City Council determined all provisions to be favorable and directed them to be included in the Ordinance.

Council additionally directed Staff to include two other provisions:

1. Modification to Municipal Code Section 5.20.120 Occupancy, reducing the number of overnight occupants in a Vacation Rental to two (2) persons per bedroom, with an exception for children under six (6) years of age; and

2. Addition of a requirement to notify neighboring properties (within 200 feet) that an owner has been issued a Vacation Rental license. The notification process will be implemented by City Staff with the cost for processing to be included in the Vacation Rental license fee.

The Council also discussed minimum stay for a vacation rental. Staff was directed to create a new Zoning Overlay process to provide:

- Thirty (30) day minimum stay in areas of the City with no Homeowners' Association (HOA);
- Provide a "carve-out" during the tennis tournament to allow for shorter stays in non-HOA areas;
- Stipulate three (3) day minimum stay in areas with HOA's and allow each HOA to determine its minimum stay if the HOA desired a longer than three (3) day minimum;
- Provide a mechanism that would allow property owners not in a HOA to request an exception to the 30-day minimum stay by following a notice and hearing process; and
- Investigate the impact of this zoning overlay structure on Transient Occupancy Tax collection.

Staff has begun the research for this type of zoning overlay, but will require until summer to develop the process and initiate conversations with all 58 HOA's in the City.

Staff requests Council confirm this understanding of developing the overlay process, or clarify and provide further direction to Staff.

Analysis:

In June of 2014 City Council adopted Urgency Ordinance No. 678 implementing a Moratorium on Vacation Rentals until May 5, 2015. The Moratorium modified the fines for violation of the Urgency Ordinance, provided a 30-day window to register Vacation Rentals with the City, and set the minimum stay at seven (7) days for registered Vacation Rentals and thirty (30) days for non-registered properties (a prohibition of short-term rentals not registered). How today's Ordinance effects the Moratorium provisions should be considered by Council.

Adoption of the Ordinance, as presented, would supersede certain provisions of the existing Vacation Rental Moratorium. Council will need to determine if the Ordinance No. 2015-03 should overrule language in the Moratorium. Specifically, three aspects:

1. Urgency Ordinance No. 678 set in place citation amounts for violation of the moratorium of:
    a. $2,000 for first violation;
    b. $3,000 for second violation;
    c. $5,000 for third and subsequent violations.

    This is incongruent with the recommended citation amounts and process presented to Council on January 22. Those amounts are as follows:

    a. Written warning for first violation with notice posted on property;
    b. $500 citation for renter and $2,000 citation for owner on second violation;
    c. $1,000 citation for renter and $5,000 and one year revocation of rental license for owner on third violation (any additional violations $5,000 and year extension of citation suspension).

    Staff's recommendation is Ordinance No. 2015-03 should supersede the moratorium language for aspect #1 as it puts in place more stringent regulations for Vacation Rental violations.

2. Urgency Ordinance No. 678 provided a 30-day window for property owners to register for a Vacation Rental license. That window closed on July 11, 2014. The moratorium no longer allows for registration of vacation rentals.

    Ordinance No. 2015-03 establishes that Property Owners shall apply for a Vacation Rental permit for each property they wish to rent, as well as a Vacation Rental Business License to operate. There are currently only 52 properties registered under the moratorium.

    Staff is seeking Council decision on whether the Moratorium prohibition on new Vacation Rental registrations should be removed or maintained? If the Moratorium prohibition maintains, only the 52 currently registered properties would be allowed to operate, and would be the only properties subject to the enforcement provisions in the Ordinance. Additionally, the decision on this aspect has ramifications on number three (3).

3. Urgency Ordinance No. 678 established a seven (7) day rental minimum for registered properties, and a thirty (30) day minimum for all others (prohibition on short-term rentals unless registered). The zoning overlay process will resolve length of stay later in 2015. However, until permanent resolution to length of minimum stay is adopted, the Moratorium length of stay needs discussion.

   If the Moratorium on new registrations is lifted, it will allow for new registrations and result in more properties rented for a seven (7) day minimum. If the Moratorium prohibition on new registrations is maintained, then all new registrations will be declined. This would cause the enforcement provisions adopted in the Ordinance to only apply to the 52 currently registered Vacation Rentals. All other properties would require 30-day minimum stay and would not be subject to the enforcement provisions.

   Council needs to direct whether the moratorium for minimum stay continues in place – maintaining a seven (7) day minimum for registered properties? This decision is in consideration of whether or not new properties are allowed to register. If Council allows new registrations, but maintains the Moratorium for minimum stay, then the City would be allowing seven (7) day Vacation Rentals.

FISCAL IMPACT:

Fee Assessment:

The Ordinance allows City Council to set, by resolution, the fee charged for issuance of Vacation Rental permits ("Permit"). Staff has begun analysis of the direct costs associated with issuance of the Permit. Preliminary estimates have the permit fee between $140 and $175 per property. Staff will finalize calculations and introduce a resolution to set the fee with the second reading of the Ordinance.

The Ordinance requires a first warning (as presented on January 22nd) stay posted on the front of a property for a sixty (60) period. The fine for removal of that warning within the sixty (60) day period is recommended at $250. This amount matches the fine for violation of the revised Noise Ordinance No. 2015-01. The fine for violation is also established through resolution. If Council approves of the $250 amount, it will be introduced with the second reading of Ordinance No. 2015-03.

Financial Estimates:

Council's decisions regarding continuance of the Moratorium, as detailed above, have varied financial impacts. The following two tables highlight estimates of revenues and expenditures. Table 1 lists financial estimates based on continuance of the Moratorium prohibition on new rentals. Table 2 shows estimates based on the removal of the prohibition of new rentals.

Table 1
If Moratorium Restrictions are Maintained

LINE ITEM REVENUES	Low	High
License Fee's Collected (52) existing properties	$7,280	$9,000
TOT Collection	$37,000	$71,000
Est. Revenues	$44,280	$80,000
LINE ITEM EXPENSES	Low	High
Vacation Rental Compliance Consultant & Hotline	$20,000	$35,000
Marketing of New Rules	$0	$5,000
Code Enforcement (10% time)	$13,000	$13,000
Permit/License Issuance Staff Time (2.5% time)	$2,700	$2,700
Est. Expense	$35,700	$55,700
Est. NET	$8,580	$24,300

Table 2
If New Properties are Allowed to Register

LINE ITEM EXPENSES	Low	High
Est. New Licenses (120 existing & new)	$16,800	$21,000
TOT Collection	$84,000	$165,000
Est. Revenues	$100,800	$186,000
LINE ITEM EXPENSES	Low	High
Vacation Rental Compliance Consultant & Hotline	$20,000	**$35,000**
Marketing of New Rules	$0	$5,000
Code Enforcement (50% time)	$54,000	$62,500
Permit/License Issuance Staff Time (6% time)	$6,200	**$6,200**
Est. Expense	$80,200	$108,700
Est. NET	$20,600	$77,300

All revenue estimates based on TOT collection averages from prior years. All expense estimates based on quoted consultant costs and fully loaded staffing costs as percentage of full-time equivalent.

Note: there are currently 163 Vacation Rentals listed on VRBO, considered the most widely used advertisement website for residential Vacation Rentals in Indian Wells. This number of rentals, based on historical annual average night's stay, average rental rate, and the 11.25% TOT rate, would generate as much as $225,000 in TOT.

ATTACHMENTS:

1. Ordinance No. 2015-03
2. 17 Recommended Code Provisions for Enforcement

ORDINANCE BILL NO. 2015-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, AMENDING CHAPTER 5.20 (TITLE 5 BUSINESS LICENSES AND REGULATIONS) OF THE INDIAN WELLS MUNICIPAL CODE, RELATING TO SHORT-TERM RESIDENTIAL RENTALS

WHEREAS, the City of Indian Wells ("City") has the authority under Article 11, Section 5 of the California Constitution and the City Charter to make and enforce all ordinances and regulations with respect to municipal affairs; and

WHEREAS, the City has the authority to regulate land uses and businesses operating within the City; and

WHEREAS, short-term rentals of private residences within the City are business ventures subject to the City's business licensing ordinance; and

WHEREAS, the City has authorized use of private residences for short-term rentals as a business consistent with the General Plan and Zoning Code; and

WHEREAS, short-term occupancies of private residences within the City are subject to the City's transient occupancy tax; and

WHEREAS, while the moratorium set forth in Urgency Ordinance No. 678 remains in full force and effect, except as superceded by amendments to Chapter 5.20 of the Indian Wells Municipal Code specifically set forth in this Ordinance which conflict with specific provisions of Ordinance No. 678; and

WHEREAS, the City wishes to enhance and maintain the residential character of its residential zones; and

WHEREAS, the City desires and intends to amend the Indian Wells Municipal Code to tighten and clarify provisions concerning short-term residential rentals, promote accurate collection of the transient occupancy tax, and enhance and maintain the residential character of its residential zones by providing regulations for short-term residential rentals within the City.

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

SECTION 1. Chapter 5.20 of Title 5 of the Indian Wells Municipal Code is amended to read in its entirety as follows:

"Chapter 5.20
SHORT-TERM RESIDENTIAL RENTALS

Sections:

5.20.010 Violation; nuisance; applicability.
5.20.020 Short-term residential rental, definitions.
5.20.030 Conditions of operation.
5.20.040 Business license.
5.20.050 Registration.
5.20.060 Personal availability.
5.20.070 Notice to occupants.
5.20.080 Transient occupancy tax.
5.20.090 Statement of occupancies.
5.20.100 Signs/Advertisement.
5.20.110 Noise.
5.20.120 Occupancy.
5.20.130 Maintenance of residential character.
5.20.140 Minimum duration of occupancy.
5.20.150 Parking.
5.20.160 ~~Suspension or r~~Revocation of Short-term Vacation Rental Permit and business license.
5.20.170 Administrative citation.

5.20.010 Violation; nuisance; applicability.

It is unlawful and a violation of this Chapter, and is hereby declared a public nuisance, for any person or entity owning, renting, leasing, occupying, or having charge, control or possession of any real or improved property within the City of Indian Wells to cause, permit, maintain or allow any violation of this Chapter to exist thereon. Any violation of this Chapter is punishable as a misdemeanor and/or as otherwise permitted by this Code. Each and every ~~day, or portion thereof, that a~~ violation of this Chapter that exists constitutes a separate and distinct violation as does each and every day, or portion thereof that any violation exists.

5.20.020 Short-term residential rental, definitions.

The following words and phrases, whenever used in this Chapter, shall have the meaning defined in this Section unless the context clearly requires otherwise:

"City" means the City of Indian Wells.

"Code" means the Indian Wells Municipal Code.

"Managing Agency or Agent" means a person, firm, or agency representing the Owner of the Short-term Residential Rental, or a person, firm, or agency owning or operating more than one Short-term Residential Rental.

"Owner" means any person or entity having fee-title ownership and/or appearing on the last equalized assessment roll of Riverside County showing controlling interest; ~~including any part owner and joint owner~~ of the Premises.

"Owner's Authorized Agent," or "Manager," or "Managing Agency" means an individual or business entity, or their representative, appointed by an Owner to solicit applications, execute agreements, or otherwise act on Owner's behalf in the rental of property as a Short-term Residential Rental.

"Premises" means the actual single-family house or other residential dwelling unit, including all of its improved real property, which is used as a Short-term Residential Rental.

"Short-term Residential Rental" means the rental of a residential dwelling unit by the Owner thereof to another party for a continuous period of less than thirty (30) days in the aggregate, in exchange for any form of monetary or non-monetary consideration such as but not limited to trade, fee, swap or any other in lieu of cash payment.

"Local Contact Person" means the person designated by the Owner, or Owner's authorized agent, who shall be available twenty-four (24) hours per day, seven (7) days per week for the purpose of: (1) responding within forty-five (45) minutes to complaints regarding the condition, operation, or conduct of occupants of the Short-Term Residential Rental unit; and (2) taking any remedial action necessary to resolve any such complaints.

"Responsible Person" means the signatory of a short-term rental agreement for the use and occupancy of a short-term rental unit, who shall be an occupant of the subject short-term rental unit, and is legally responsible for ensuring that all occupants of the short-term rental unit, and/or their guests, comply with all applicable laws, rules and regulations pertaining to the use and occupancy of subject short-term rental unit, and who may be held liable for any violation of all applicable laws, rules and regulations set forth in this Chapter.

"Good Neighbor Brochure" means a document prepared by the City, as may be revised from time to time, that summarizes the general rules of conduct, consideration and respect pertaining to the use and occupancy of the short-term rental units.

"Transient Occupancy Tax" means the tax levied by the City in accordance with Chapter 3.12 of the Municipal Code. This tax is levied upon individuals or businesses engaged in the sale of sleeping accommodations to the public.

5.20.030 Conditions of operation.

(a) Pursuant to this Chapter and any other applicable provisions of this Code, Short-term Residential Rentals are permitted in the Very Low Density, Low Density, Medium Density, and Medium High Density residential zones of the City only if all the requirements of this Chapter are met.

(b) The requirements of this Chapter shall be met before a Short-term Residential Rental of a Premises is permitted.

5.20.040 Business license.

(a) Business License Required for Short-term Residential Rentals. The Short-term Residential Rental of any Premises in the City is deemed to be a "Business" as defined in Chapter 5.01 of this Code. It shall be unlawful for any person or entity, including without limitation the Owner of a Premises and Managing Agency or Agent, to engage in the business of Short-term Residential Rentals without ~~both~~ first obtaining and maintaining both a valid business license from the City pursuant to Chapter 5.01 of this Code for the purpose of operating any number of Short-term Residential Rentals and an operating permit for each property to be used as a Short-term Residential Rental. The business license or copy thereof shall be prominently displayed in a visible location at the Short-term Residential Rental Premises during any periods of occupancy thereof by any person other than the Owner(s) of the Premises. At no time shall the Short-term Residential Rental be used for activities such as weddings, receptions, and large parties attended by more than the occupants of the Short Term Residential Rental without first obtaining a Temporary Use Permit from the City, pursuant to Chapter 21.06 (Temporary Uses) of this Code.

(b) Upon or promptly following the City's issuance of a business license for purpose of conducting Short-term Residential Rentals on the Owner's Premises, and promptly upon any change in the information pertaining to the Local Contact Person for the Premises, the City shall send written notification of issuance of such license to property owners within two hundred feet (200') of the Premises, whose names are shown on the property tax assessment roll. Such notice shall include the name and related information of the Local Contact Person for the Premises. The fee payable by the Owner to the City to cover the costs of such notification shall be set forth by resolution of the City Council.

(c) Penalty for Violation. Failure to obtain and maintain a business license or continuing to operate a Short-term Residential Rental business after suspension or revocation of a business license, knowingly or intentionally misrepresenting to any officer or employee of this City any material fact in procuring a business license for Short-term Residential Rentals, or failing to pay the full amount of any business license tax when due, shall be punishable in accordance with the provisions of Section 5.01.0~~5~~40 of this Code. An action against an Owner or any permittee of a business license for Short-term Residential Rentals who is in violation of any of the provisions of this Section may be

brought pursuant to Chapter 8.08 or Section 5.01.0450 of this Code, in addition to the business license suspension and revocation proceedings described Section 5.20.090.

5.20.050 Registration.

On a written form prepared by the Community Development Director of the City, the Owner shall register with the City as the point of contact for the Short-term Residential Rental Premises and shall be responsible for all requirements of this Chapter. However, such registration is deemed satisfied if accomplished by a Managing Agency or Agent on behalf of the Owner. The Owner of the Premises shall retain primary responsibility for all requirements of this Code related to Short-term Residential Rentals, notwithstanding registration by a Managing Agency or Agent. There shall be no subleasing of any Premises for short-term rental purposes; instead, only a rental agreement executed by the Owner shall be permitted for any Premises when used for Short-term Residential Rentals. A fee may be established by resolution of the City Council to cover ~~the reasonable~~ costs of processing the registration. Either the Owner of the Premises or a Managing Agency or Agent shall provide all of the following information to the City at the time of registration, and shall promptly upon change of any such information update such information to maintain accuracy:

(a) Full legal name of the Owner of the Premises and if a business entity or trust, the individual who has responsibility to oversee its ownership of the Premises; and
(b) Street and mailing addresses of the Owner of the Premises; and
(c) Telephone number of the Owner of the Premises; and
(d) Email address of the Owner of the Premises; and
(e) Full legal name or business name of a Managing Agency or Agent, if any; and
(f) Street and mailing addresses of a Managing Agency or Agent, if any; and
(g) Telephone number of a Managing Agency or Agent, if any; and
(h) Street and mailing addresses of the Short-term Residential Rental Premises; and
(i) Telephone number of the Short-term Residential Rental Premises; and
(j) List of all online websites used to advertise Premises for Short-term Vacation Rental along with all listing numbers; and
(k) Full name and telephone number of 24 hour emergency Local Contact Person; and
(l) Submit a Transit Occupancy Tax (TOT) registration fee as set by Resolution of the Indian Wells City Council; and
(m) Submit a Short-term rental registration fee as set by Resolution of the Indian Wells City Council; and
(n) Any other contact information the City may reasonably require~~; and~~.

During the ongoing operation of the Short-term Residential Rental, the Owner or Managing Agency or Agent shall register the name and contact information for all responsible persons (as lessees) renting their Premises, through a City run online database, along with dates of stay, no later than forty-eight (48) hours prior to occupant arrival. The City shall have the authority to conduct random inspections of Premises to ensure compliance with provisions of this Chapter.

A current business license, TOT registration and Good Neighbor Brochure shall be hung and/or placed in a conspicuous location within the Premises at all times of the Short-term Residential Rental business operation. In addition, each Responsible Person for the Premises shall be provided with a copy of the City's Good Neighbor Brochure by the Owner or Managing Agency or Agent.

The Owner or Managing Agency or Agent shall provide language in their rental agreement allowing for immediate termination of the rental contract, and immediate eviction upon any violation of the Municipal Code by any occupant. The Responsible Person shall acknowledge understanding of all Indian Wells Short-term Residential Rental rules and their liability for any fines incurred by occupants.

5.20.060 Personal availability.

(a) For each Short-term Residential Rental, a Local Contact Person ~~Either the Owner or a Managing Agency or Contact~~ shall be available by telephone on a seven (7) day per week, twenty-four (24) hour per day basis to respond ~~via telephone~~ to public safety calls, nuisances, or other complaints regarding the use, condition, operation, or conduct of occupants on the Premises. The Local Contact Person shall respond within 45 minutes to satisfactorily correct any alleged nuisance or violation of this Chapter by occupants occurring at the Premises. If the Local Contact Person does not respond within 45 minutes or does not satisfactorily correct the alleged nuisance or violation pertaining to the call, the Owner shall be subject to citation pursuant to Section 5.20.170 of this Code.

(b) Local Contact Person ~~Either the Owner or a Managing Agency or Contact~~ shall be physically present within the geographical limits of the City during the term of the Short-term Residential Rental or be otherwise physically available to respond by visiting the Premises in person, at the request of the City or the City's police authority, within 45 minutes of contact concerning any alleged nuisance or violation of this Chapter.

5.20.070 Notice to occupants.

The Owner or ~~a~~ Managing Agency or Agent ~~or Contact~~ shall provide the Responsible ~~Party~~ Person ~~each occupant~~ of a Short-term Residential Rental with the following information prior to occupancy of the Premises and ~~be required to/or~~ shall post such information in a conspicuous place within the dwelling on the Premises:

(a) The name of the Owner or ~~, the name of the~~ Managing Agency or Agent ~~, or Contact if any,~~ and a telephone number at which each may be reached on a seven (7) day per week, twenty-four (24) hour per day~~a twenty-four hour (24)~~ basis; and

(b) Notification of the maximum number of overnight and daytime occupants ~~and the maximum number of daytime occupants~~ permitted on the Premises pursuant to this Chapter; and

(c) Notification of the City's noise standards, as provided in Chapter 9.06 of this Code, as may be amended from time to time; and

(d) Notification of the parking standards of this Chapter; and

(e) A copy of this Chapter of the Indian Wells Municipal Code, as may be amended from time to time; and

(f) Notification that an occupant may be cited or fined by the City, in addition to any other remedies available at law, for violating any provisions of this Chapter; and

(g) A copy of the "Good Neighbor Brochure"; and ~~shall be given to the Responsible Person.~~

(h) Owner or Managing Agency or Agent shall keep on file a signed agreement acknowledging that the Responsible Person and occupants agree to the general rules summarized in the Good Neighbor Brochure and rental contract, including without limitation the immediate termination provision in the rental contract for any violation of the Municipal Code by any occupant.

5.20.080 Transient occupancy tax.

All Short-term Residential Rentals shall be subject to the City's Transient Occupancy Tax (TOT) as required by Chapter 3.12 of this Code. The Owner or Managing Agency or Agent shall remit TOT to the City, once per quarter, on or before March 31, June 30, September 30, and December 31 of each year, on a form prepared by the City or in a manner otherwise acceptable to the City.

5.20.090 Statement of occupancies.

~~Either t~~The Owner or a Managing Agency or Agent shall register the name and contact information for all Responsible Persons renting their Premises, through a City run online database, along with dates of stay no later than forty-eight (48) hours prior to occupant arrival,~~submit to the City, once per quarter, on or before March 31, June 30, September 30, December 31 of each year on a form prepared by the City or in a manner otherwise acceptable to the City, a statement of occupancies~~ The ~~containing all of the~~ following information shall be provided~~(whether or not the Premises has actually been occupied during the respective quarter)~~:

(a) Dates of any Short-term Residential Rentals of the Premises; and

(b) Number of persons staying on the Premises during each Short-term Residential Rental; and

(c) ~~Consideration~~ Nightly rates collected for each Short-term Residential Rental; and

~~(d) Amount of Transient Occupancy Tax due and paid or payable to the City~~

(d) Full name and telephone number of Responsible Person during each Short-term Residential Rental. The Responsible Person shall be at least thirty (30) years of age.

5.20.100 Signs/Advertisement.

No sign, as that term is defined in Section 17.04.030 of this Code, shall be posted on the Premises to advertise the availability of the Short-term Residential Rental unit to the public.

All advertisement, including online advertisement, shall include the following information:

(a) The assigned short-term rental permit number; and

(b) The number of occupants allowed to occupy the short-term rental. ~~; and~~

Any sign or advertisement ~~violations~~ in violation of this Chapter shall be subject to a citation pursuant to Section 5.20.170 of this Code.

5.20.110 Noise.

It shall be unlawful for any owner, occupant, renter, lessee, person present upon, or person having charge or possession of the Premises to make or continue or cause to be made or continued any loud, unnecessary or unusual noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area, or violates any provision of Chapter 9.06 (Noise) of this Code. For the purposes of determining whether a violation of this Section has occurred, the standards ~~of~~ set forth in Chapter~~Section~~ 9.06~~.050 (a) and (b)~~ of this Code shall apply. Fines for violation of the noise provisions in the Municipal Code, as applicable to Short-term Residential Rentals shall be those established pursuant to Section 5.20.170 of this Code

5.20.120 Occupancy.

The maximum overnight occupancy on the Premises of the Short-term Residential Rental, from the hours of 11:00 p.m. through 6:00 a.m. on the following morning, shall not exceed two (2) persons~~, plus an additional be two (2) persons~~ per bedroom with ~~the~~an exception for children under the age of six who may additionally occupy the Premises, and no additional occupants on the Premises shall be permitted. The maximum daytime occupancy on the Premises of the Short-term Residential Rental, from the hours of 6:00 a.m. through 11:00 p.m. on the same day, shall not exceed the maximum overnight occupancy, plus an additional one (1) person per bedroom. The Owner or Managing Agency or Agent shall only advertise available occupancy up to the maximum occupancy set forth above. ~~consistent with this ordinance.~~

5.20.130 Maintenance of residential character.

The appearance of the Premises shall not conflict with the residential character of the neighborhood, either by the use of colors, materials, lighting, landscaping, window coverings or otherwise. All applicable development, design, and landscaping standards, including but not limited to Chapter 21 of this Code, are expressly made applicable to a Premises used for Short-term Residential Rentals.

5.20.140 Minimum duration of rental.

Upon the expiration of Ordinance No. 678 or any ordinance extending all or part of the moratorium thereunder, ~~T~~the duration of any lease or rental of Premises as a Short-term Residential Rental shall be for a minimum of three consecutive (3) nights ~~days~~ during which time there shall be no overlapping leases ~~of~~ or rental of the Premises. The Owner or Managing Agency or Agent shall not advertise availability of the Premises for rent for less than the minimum number of rental nights set forth above.

5.20.150 Parking.

During the term of any Short-term Residential Rental, a maximum of one (1) vehicle per bedroom shall be permitted for the Premises, and no additional vehicles shall be permitted. All vehicles of occupants of the Short Term Residential Rental shall be parked ~~on the Premises~~ only in an approved driveway or garage on the Premises.

5.20.160 ~~Suspension or~~ Revocation of Short-term Vacation Rental Permit and business license.

(a) Grounds for ~~Suspension or~~ Revocation. In addition to any other penalty authorized by law, a permit and business license for a Short-term Residential Rental ~~shall~~ may be ~~suspended or~~ revoked by the City if the Community Development Director finds, after notice to the licensee and opportunity to be heard, that the licensee or his or her agents or employees has ~~or have~~ violated, or failed to fulfill, the requirements of this Chapter or this Code.

The Community Development Director, or his designee, shall immediately revoke all rental permits from the Owner and Managing Agency or Agent upon five (5) violations of this Chapter pertaining to any combination of Premises owned by the Owner or managed by the Owner's Managing Agency or Agent within the City within any twelve (12) month period.

~~(1) Upon a finding by the Community Development Director of a first violation within any twelve (12) month period, the business license shall be suspended for thirty (30) days and during said time the Premises shall not be utilized for a Short-term Residential Rental.~~

~~(2) Upon a finding by the Community Development Director of a third violation within any twelve (12) month period, the business license shall be revoked and the Owner or the Managing Agency or Agent who had been issued the business license shall not again be issued a business license for Short-term Residential Rental for a period of twenty-four (24) months and during said time the Premises shall not be utilized for a Short-term Residential Rental.~~

(b) Appeal from Denial or Suspension or Revocation of a Business License for Short-term Residential Rental. Any applicant for a business license for the Business of Short-term Residential Rentals whose application was denied by the Community Development Director, and any licensee whose business license for a Short-term Residential Rental is suspended or revoked by the Community Development Director, may, within ten (10) days following such decision, appeal such decision to the Planning Commission, in which event the decision of the Community Development Director shall be vacated and the Planning Commission shall determine whether to affirm, reverse, or modify the decision of the Community Development Director in accordance with the requirements for Short-term Residential Rentals set forth in this Chapter. At least fourteen (14) days prior to the Planning Commission's meeting to consider the appeal of

the applicant or licensee, the Community Development Director, City Clerk, or authorized designee, shall send, by United States mail, certified, return receipt requested, written notice to the applicant or licensee of the time and place at which the Planning Commission will consider the application, suspension or revocation, and the applicant or licensee shall be provided an opportunity to be heard by the Planning Commission prior to its decision being made. Subject to any appeal of the City Council as hereinafter permitted, the decision of the Planning Commission shall be final and the City Clerk shall notify the applicant or licensee, as applicable, in writing of the decision of the Planning Commission. If the Planning Commission affirms the decision of the Community Development Director denying an application or suspending or revoking a license, the applicant or licensee shall have the right to appeal the decision of the Planning Commission to the City Council in accordance with the provisions of Section 21.06.110 of this Code, as amended from time to time. The decision of the Planning Commission shall not be vacated during the pendency of any appeal to the City Council.

5.20.170 Administrative citation.

(a) The City, or the City's police authority~~,~~ as that term is defined by Section 11.08.060 of this Code, may issue an administrative citation to any occupant, invitee, renter, lessee or Owner of the Premises, or Managing Agency or Agent, for a violation of any provision of this Chapter.

(b) All complaints against a Short-term Residential Rental for any violation of this Code may be handled by the City's police authority on a 24-hour basis. Any police report where the City's police authority has concluded that a violation of this Chapter has occurred, may be submitted to the City's Code Enforcement Department for review, ~~and~~ processing and issuance of an administrative citation. Each and every day, or portion thereof, that a violation of this Chapter exists constitutes a separate and distinct violation for which an administrative citation may be issued. Such an administrative citation shall be issued, notice given, and any appeals heard by the processes and in the manner prescribed by Sections 8.08.040 through 8.08.190 of this Code, as amended from time to time.~~"~~

In addition or in the alternative, any violation of this Chapter shall constitute a misdemeanor which may be subject to the maximum punishment therefor as allowed by law.

Responsible Person:

The City may issue and the Responsible Person for Short-term Vacation Rentals may receive an administrative citation for any violation of the short-term rental ordinance, including without limitation violation of the City's noise ordinance, as follows:

1. First offense – Warning by City's police authority;

2. Second offense within any sixty (60) day period - $500 fine;

3. Third and subsequent offenses within sixty (60) day period - $1,000 fine.

Upon the first offense, the responding City's police authority will issue and post a notice of warning on the front door. The warning will be required to remain on the front door for sixty (60) days, notifying all occupants (current and future within said 60 days) that a second offense, or subsequent offenses, automatically result in citation(s) to the Owner, and Responsible Person of the Premises at that time. It is a violation of this Chapter to remove the warning within the sixty (60) day period, and the fine applicable to any citation issued for such violation shall be $200 or as otherwise established by resolution of the City Council. .

Owner:

The City may issue and the Owner may receive an administrative citation for any violation of the Municipal Code, including without limitation the City's noise ordinance, by the Owner or Short Term Vacation Rental occupant as follows:

4. First offense - Warning by City's police authority;

5. Second offense within any twelve (12) month period - $2,000 fine;

6. Third and subsequent offences within any twelve (12) month period - $5,000 fine and revocation of the vacation rental permit for a period of twelve (12) months effective immediately;

7. Any offense occurring during any permit revocation period - $5,000 fine."

SECTION 2. Ordinance No. 678. Ordinance No. 678, and any ordinance extending all or part of the moratorium set forth therein, shall remain in full force and effect except as superceded by amendments to Chapter 5.20 of the Code specifically set forth in this Ordinance which conflict with specific provisions of Ordinance No. 678 or any such successor ordinance.

SECTION 3. CEQA. This Ordinance does not commit the City to any action that may have a significant effect on the environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act.

SECTION 4. SEVERABILITY. If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance, which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are hereby declared to be severable. This Ordinance amends, adds to and deletes (as applicable) sections of the Indian Wells Municipal Code.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect and be in force 30 days after passage.

SECTION 6. PUBLICATION. The City Clerk is directed to publish this Ordinance within the manner and in the time prescribed by law.

PASSED APPROVED, AND ADOPTED by the City Council of the City of Indian Wells, California, at a regular meeting held on the 19th day of February 2015.

TY PEABODY
MAYOR

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF INDIAN WELLS)

CERTIFICATION FOR ORDINANCE BILL NO. 2015-03

I, Wade G. McKinney, City Clerk of the City Council of the City of Indian Wells, California, **DO HEREBY CERTIFY** that Ordinance Bill No. 2015-03, having been regularly introduced at the meeting of February 5, 2015 was again introduced, the reading in full thereafter unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on this 19th day of February, 2015 and said Ordinance was passed and adopted by the following stated vote, to wit:

AYES:
NOES:

and was thereafter on said day signed by the Mayor of said City of Indian Wells.

ATTEST:

WADE G. MCKINNEY
CITY MANAGER/CITY CLERK

APPROVED AS TO FORM:

STEPHEN P. DEITSCH
CITY ATTORNEY

17 Recommended Code Provisions for Enforcement:

1. Allow vacation rentals in Indian Wells only by fee-title property owners, or through an agent on behalf of a fee-title property owner.

2. Prohibit the subleasing of property for vacation rental purposes.

3. Require property owners to obtain a Short-term Rental Permit from the City for each property rented, and a business license for the owner and any managing agent – fee set by Council Resolution.

4. Require owners to provide an Emergency Contact required to respond to a nuisance complaint at a property within 45 minutes.

5. Require property owners to register renters through a City-run online database providing the name and contact information for the responsible party renting the property, along with dates of stay and number of occupants during stay. Must register at least forty-eight (48) hours prior to arrival.

6. Require each property to post a copy of the Rental Permit and City vacation rental rules in a conspicuous place, and provide each renter with a copy of the City's Good Neighbor Brochure (available at www.cityofindianwells.org/rentals).

7. Prohibit vacation rentals from activities such as weddings, receptions, and large parties without obtaining a Temporary Use Permit (TUP) from the City.

8. Require all rental agents representing properties on behalf of fee-title owners to register for, and maintain, a City Business License.

9. Require property owners to include language in their rental agreement allowing for immediate termination of the rental contract, and immediate eviction upon any violation of the Municipal Code by any occupant.

10. Require rental agreements to include responsible party acknowledgment of the Indian Wells Vacation Rental rules and their liability for any fines incurred by occupants.

11. Establish a two-tiered penalty for any violation of the Municipal Code for:

    - **Responsible Party for Vacation Rental** - may be cited with a misdemeanor fine upon any violation of the short-term rental ordinance, including violation of the noise ordinance, in the following manner:

        1. First Offense – Warning by Police or Code Enforcement;

2. Second Offense within any sixty (60) days of posting a notice of warning (see paragraph below) - $500 misdemeanor citation;

3. Third and Subsequent Offenses within sixty (60) days of posting a notice of warning - $1,000 misdemeanor citation.

Responding law enforcement will issue the First Offense warning by making contact with occupants and posting a Notice of Violation warning on the front door. The warning will be required to remain on the front door for sixty (60) days, notifying all occupants (current and future 60 days) that a Second Offense, or subsequent offenses, automatically results in citation to responsible person and property owner. Additionally, it will make it an automatic offense to remove the warning within the sixty (60) day period.

- **Property Owner** – will receive an administrative citation for any violation of the Municipal Code or noise ordinance by the owner or occupant in the following manner:

  1. First Offense - Warning by Police or Code Enforcement;

  2. Second Offense within any twelve (12) month period - $2,000 administrative fine;

  3. Third Offense within any twelve (12) month period - $5,000 administrative fine and revocation of the vacation rental permit for a period of twelve (12) months effective immediately;

  4. Any Offense during permit revocation period - $5,000 misdemeanor violation for each offense and one additional year of permit revocation.

  5. All City fines get processed through a third-party vendor who sends violators to collections. Unpaid collections fines will be a mark reported to credit agencies. If non-payment persists after collections, a lien is recorded with the County and fines are collected through property tax bills.

12. Establish a multi-property ownership violation limitation of five (5) violations on any combination of owned properties within the City within any twelve (12) month period - upon five (5) violations, all owner Rental Permits will be revoked effective immediately.

13. Establish a multi-property agent violation limitation of five (5) violations on any combination of represented properties within the City within any twelve (12)

month period – upon five (5) violations, agent business license will be revoked immediately.

14. Require owners to remit quarterly Transient Occupancy Tax collected for vacation rentals.

15. Provide City authority to conduct random inspections of Vacation Rental properties to ensure compliance with provisions of the Vacation Rental code.

16. Require a permit number to be listed on all rental advertisements.

17. Create an administrative fine for any rental advertisement not in compliance with all vacation rental laws as established by City ordinance.

Policy Discussion Topics:

- **Neighbor Notification** – should property owners be required to notify all neighbors of intention to rent property short-term?
- **Age Restriction** – should the Responsible Party – person signing a rental agreement – be required to be a minimum age?
- **Occupancy Restriction** – should the current code of two occupants plus two per bedroom be reduced, or hard capped?
- **Parking Restriction** – should a City-wide parking restriction/permit program be created to prevent vacation renters from parking on the street?
- **Minimum Stay** – what should be the minimum stay in a vacation rental?

5A. Introduce Ordinance Amending Municipal Code Chapter 5.20 Regarding Short-Term Vacation Rentals, Provide Further Direction to Staff on Zoning Overlay for Establishing Minimum Stay Requirements, and Any Other Issues Related to Short-Term Vacation Rentals

Staff Report will be provided under separate cover Monday, February 2, 2015.

CC/HA ACTION _____ MTG. DATE 2-5-15
APPROVED X DENIED ___ REC/FILE ___ CONT. ___
OTHER _____
VOTE: YES 5 NO 0 ABSTAIN _____

ORDINANCE BILL NO. 2015-01

as Revised - Intro Ordinance & adopt this amended ordinance on 2-19-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, AMENDING CHAPTER 9.06 PERTAINING TO NOISE VIOLATIONS AND ENFORCEMENT

WHEREAS, excessive, unnecessary or offensive noise within the City is detrimental to the public health, safety, welfare and the peace and quiet of the inhabitants of the City; and

WHEREAS, the establishment or clarification of maximum permissible noise levels will further the public health, safety, welfare and peace and quiet of City inhabitants.

Changed Time to 10 PM to 7AM

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 9.06.030(a) of the Indian Wells Municipal Code is amended to read in its entirety as follows:

"9.06.030 Sound level measurement – General.

(a) Use of Sound Level Meter. Any noise level measurements made pursuant to the provisions of this Chapter shall be performed using a sound level meter as defined in Section 9.06.020. If the sound standard applied pursuant to this chapter is not measured in decibels, then sound level measurements are not required to establish a violation of this Chapter."

SECTION 2. Section 9.06.050(a) of Chapter 9.06 of the Indian Wells Municipal Code is amended to read in its entirety as follows:

"9.06.050 General noise regulations.

(a) General Prohibition. Notwithstanding any other provisions of this Chapter and in addition thereto, it is unlawful, between the hours of ~~10~~7:00 p.m. ~~and~~to 7:00 a.m. (except for commercially licensed businesses on non-residentially zoned property which will be subject to this restriction from 10:00 p.m. to 7:00 a.m.) for any person to make or continue, or cause to be made or continued, any loud, unnecessary or unusual noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of ~~normal sensitiveness residing in the area~~ ordinary sensibilities from any curb line, or behind the public right of way boundary, fronting the property from which the noise emanates."

SECTION 3. Section 9.06.051 is added to Chapter 9.06 of the Indian Wells Municipal Code to read in its entirety as follows:

"9.06.051 Declaration of certain acts constituting excessive noise.

The following activities are deemed to cause disturbing, excessive or offensive noises when they disturb the peace and quiet of any neighborhood or cause discomfort or annoyance to any reasonable person of ordinary sensibilities, and subject to the foregoing any of the following shall constitute prima facie evidence of a violation.

A. Horns, signaling devices, muffler systems, car alarms, etc. intentionally or negligently initiated and unnecessary use or operation of horns, signaling devices, uncontrolled muffler noises, car alarms on vehicles of all types including motorcycles, and other equipment.

B. The operation of any sound production or reproduction device, radio receiving set, musical instrument, drum, phonograph, television set, machine, loud speaker ~~and~~ or sound amplifier or similar machine or device in such a manner as to be plainly audible from any curb line, or behind the public right of way boundary, fronting the property from which the noise emanates, including without limitation emanating from any building, structure or vehicle in which it is located, or from the specific place on that property on which the source is resting, or moving at any one moment.

C. The operation of any sound amplifier which is part of or connected to any radio, stereo receiver, compact disc player, cassette tape player, audible generating device or other similar device when operated in such a manner as to be plainly audible from any curb line, or behind the public right of way boundary, fronting the property from which the noise emanates, or ~~of~~ from the specific place on which the source is resting, or moving at any one moment, or when operated in such a manner as to cause a person to be aware of vibration at any distance from the specific place on which the source is resting, or moving at any one moment.

D. The playing, use or operation of, or permitting to be played, used or operated, any sound production or reproduction device, radio receiving set, musical instrument, drums, phonograph, television set, loudspeakers ~~and~~or sound amplifiers or other machine or device for the producing or reproducing of sound ~~in such a manner as to disturb the peace, quiet, and comfort of any reasonable person of normal sensitiveness not located on the property or the public right of way on which the source of the noise is located.~~"

SECTION 4. Section 9.06.075 is added to Chapter 9.06 of the Indian Wells Municipal Code to read in its entirety as follows:

"9.06.075 Duty to cooperate.

No person shall refuse to cooperate with, or obstruct, any authorized person charged with the enforcement of this Chapter when such authorized person is engaged in the performance of his/her duties."

SECTION 5. Section 9.06.080 of the Indian Wells Municipal Code is amended to read in its entirety as follows:

"9.06.080 Violations – Penalty.

Any person violating any of the provisions of this chapter is guilty of an infraction and shall be subject to the maximum punishment set forth in State Law or applicable City Code Section 8.08.060, provided that the first citation shall be a fine of $250 and each subsequent citation shall be a fine of $500. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. The provisions of this Chapter shall not be construed as permitting conduct not proscribed herein and shall not affect the enforceability of any other applicable provisions of law."

SECTION 6. Severability. If any provision, clause, sentence or paragraph of this Ordinance, or the application thereof to any person or circumstances, shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 7. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after passage.

SECTION 8. Publication. The City Clerk is directed to publish this Ordinance, or a summary thereof, in the manner and in the time required by law.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Indian Wells, California, at a regular meeting of the City Council held on 5th day of February, 2015.

TY PEABODY
MAYOR

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)ss.
CITY OF INDIAN WELLS)

CERTIFICATION FOR ORDINANCE BILL NO. 2015-01

I, Wade G. McKinney, City Clerk of the City Council of the City of Indian Wells, California, **DO HEREBY CERTIFY** that Ordinance Bill No. 2015-01, having been regularly introduced at the meeting of January 22, 2015, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted at an adjourned regular meeting of the City Council held on this 5th day of February, 2015, and said Ordinance was passed and adopted by the following stated vote, to wit:

AYES:
NOES:

and was thereafter on said day signed by the Mayor of the City of Indian Wells

ATTEST:

WADE G. MCKINNEY
CITY MANAGER/CITY CLERK

APPROVED AS TO FORM:

STEPHEN P. DEITSCH
CITY ATTORNEY

At Dais, Item 5A

We, the residents of Indian Wells, support a 29-night minimum stay for vacation rentals in the non-gated, non-HOA region of Indian Wells.

Name	Address	Phone Number	Signature
H. LE MANSEC	75570 Mary Lane	760 1363 1416	[illegible]
Cynthia Diaz	75235 Purple Hills	760 5788165	[illegible]
KURT CONRAD	75250 FAIRWAY	949 3002433	[illegible]
Cathe + Chip DYER	45711 Indian Wells Lane	970 270 7898	[illegible]
JOSH [illegible]	75231 Painted Desert	760 466 3799	[illegible]
Judy Scuro	75-465 Montecito	760-567-3774	Judy Scuro
[illegible]	75 288 Palm Shadow	567-7221	[illegible]
[illegible] Stewart	75288 Palm Shadow	346-6241	
[illegible] Landa	75-284 Skylark Ln	310 913 5913	[illegible]
MARK McGOWAN	76070 VIA CHIANTI IW	760 340 3339	[illegible]
Joann Royer	75-405 Stardust Lane	760-346-3553	Joann Royer
Paul + Jane Raimondi	75387 Stardust Ln	760-610-2426	[illegible]
Dave Mosner	75437 Montecito		Dave Mosner
Michael Scuro	75465 Montecito	760 408 6418	[illegible]
Judy Scuro	75465 Montecito	760-475-2031	Judy Scuro
RICK HOFELD	75289 PALM SHADOW	415 994 9902	[illegible]
PETER HUCKLE	75451 PALM SHADOW	206 883 5159	[illegible]
CAROL HUCKLE	75451 " "	" "	Carol E Huckle
Michael W. Clark	75475 Desert Park Dr.	(760) 346-1025	[illegible]
Richard A. Coste	" " " "		Richard A Coste
JOHN R Burton	75270 Desert Park Dr.	~~751 712~~	John R Burton
Lina C. White	75452 Desert Park Dr.		Lina C White
James Towers	75403 DESERT PARK DR.		JAMES TOWERS / Kathleen
DON MEAD	75340 " " "		Don Mead
Doreen Kent Mead	75-340 Desert Park Dr IW		

We, the residents of Indian Wells, support a 29-night minimum stay for vacation rentals in the non-gated, non-HOA region of Indian Wells.

Name	Address	Phone Number	Signature
[illegible]	75381 DSRT VIN	760 340-6319	[illegible]
John Schwarzlose	75309 Desert Park	760 340 1494	[illegible]
Tom + Dorna Lee	75391 Skylark trail	925-240-6008	[illegible]
Jim + Kathy Howe	45600 Cielito	760-610-2839	[illegible]
Tom McKay	75555 Mary Ln	562 889-5[illegible]	[illegible]
Rebecca Andelson	75545 Mary Ln	760-861-3742	[illegible]
Michael Andelson	75545 Mary Ln	760 4094917	[illegible]
Richard E. Cottrell MD	45575 Camino Del Rey	760-773-4357	[illegible]
Gene Vopsic	75206 Palm Shadow Dr	760 898-6910	[illegible]
Danuta Rejosic	75474 Palm Shadow Dr		Danuta Rejosic

Anna Grandys

To Council 02-05-15

Subject: FW: Concerning short term rentals

From: David Gassaway
Sent: Thursday, February 05, 2015 12:55 PM
To: Anna Grandys
Subject: FW: Concerning short term rentals

This resident called me and asked this be put in the record as she is unable to attend the meeting today.

From: Lunddl [mailto:lunddl@aol.com]
Sent: Thursday, February 05, 2015 12:33 PM
To: David Gassaway
Subject: Concerning short term rentals

Dear City Council members,

This letter is to inform you that we are in favor of short term rentals and oppose placing limits on how long the home owner can rent out their property for the following reasons:
We purchased our condo with the idea that we could rent it on occasion to allow us to be able to afford our home in the desert. We rent mostly to seniors who are so quite our neighbors have told us they do not even know someone is staying there. With the rent we receive we are able to maintain our home and offset some of the monthly expenses. We believe that it still looks better than other homes in the same area. We do not use real estate agents to rent our home and we carefully select who is coming into the home, and many of our friends rent from us. Right now, we pay the city tax of 11.25% on any rentals less than 30 days, and we are just barely making enough to keep our property. If we are not allowed short term rentals we will we will likely have to sell our home in the desert as we will not be able to afford it. How can you punish everyone for a very few who have made bad choices in renters? We believe that you should fine the people who are renting to bad tenants since it is not necessary to rent to people who are disturbing their neighbors. If you interview people and check them out before renting to them chances are very good that you can find out if they are going to be good people.
We have too much government control in our lives as it is, and people are feeling like the government is not on their side, so please show us it is different this time, and punish the bad landlords and not the good ones who need the income to survive.
If anything you might put a limit on the number of short term rentals to be no more than 12 annually, which would allow those of us who only have one or two rentals to survive. Also, February should be considered a 30 day month, since rentals are normally by the month.

Thank you for your consideration in this very important matter,

Dwayne & Mary Lund
Owners of 46835 Mountain Cove
Indian Wells, 92210
lunddl@aol.com

We, the residents of Indian Wells, support a 29-night minimum stay for vacation rentals in the non-gated, non-HOA region of Indian Wells.

Name	Address	Phone Number	Signature
[illegible]	75381 DSRT Vly	(760) 340-6319	[illegible]
John Schwardon	75304 Desert Park	760 340 1494	[illegible]
Tom + Donna Lee	75391 Skylark trail	925-240-6008	[illegible]
Jim + Kathy Lowe	45600 Cielito	760-610-2839	[illegible]
Tom McKay	75555 Mary Ln	562 889-5[illegible]	[illegible]
Rebecca Andelson	75545 Mary Ln	760-861-3742	[illegible]
Michael Andelson	75545 Mary Ln	760 4094917	[illegible]
Richard E. Cottrell MD	45575 Cerrito Del Rey	760-773-9357	[illegible]
Gene Vopsic	75206 Palm Shadow Dr	760 898-6916	[illegible]
Danuta Pejoni	75474 Palm Shadow Dr		Danuta Pejoni

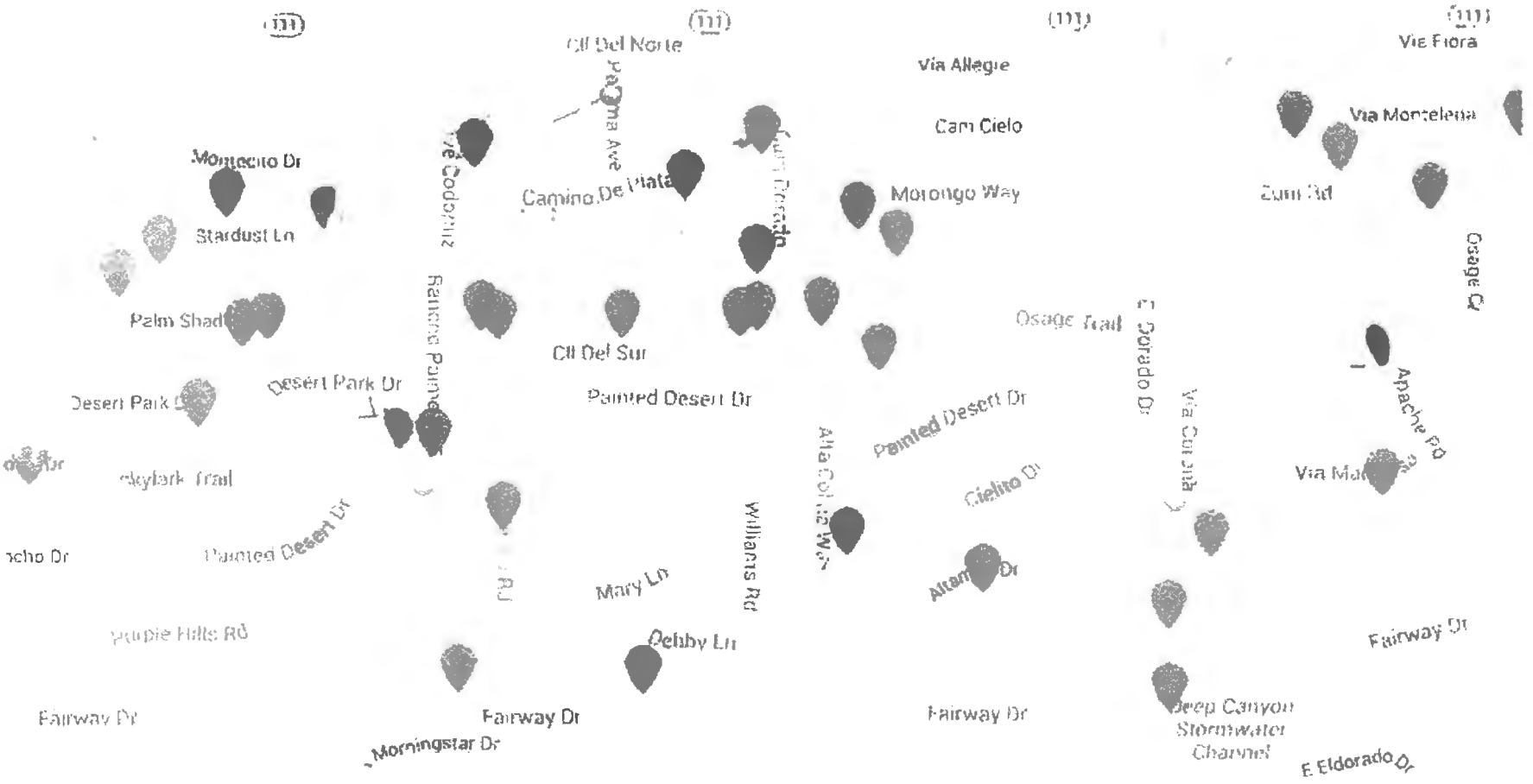
At Dais, Item 5A

Search by property number, keyword, or destination

Arrival Depart Sear

I don't have dates yet

Rate: Any Sleeps: Any Bedrooms: Any Booking: Edit All filters: Add+ List



Feedback

Map · Report a ma

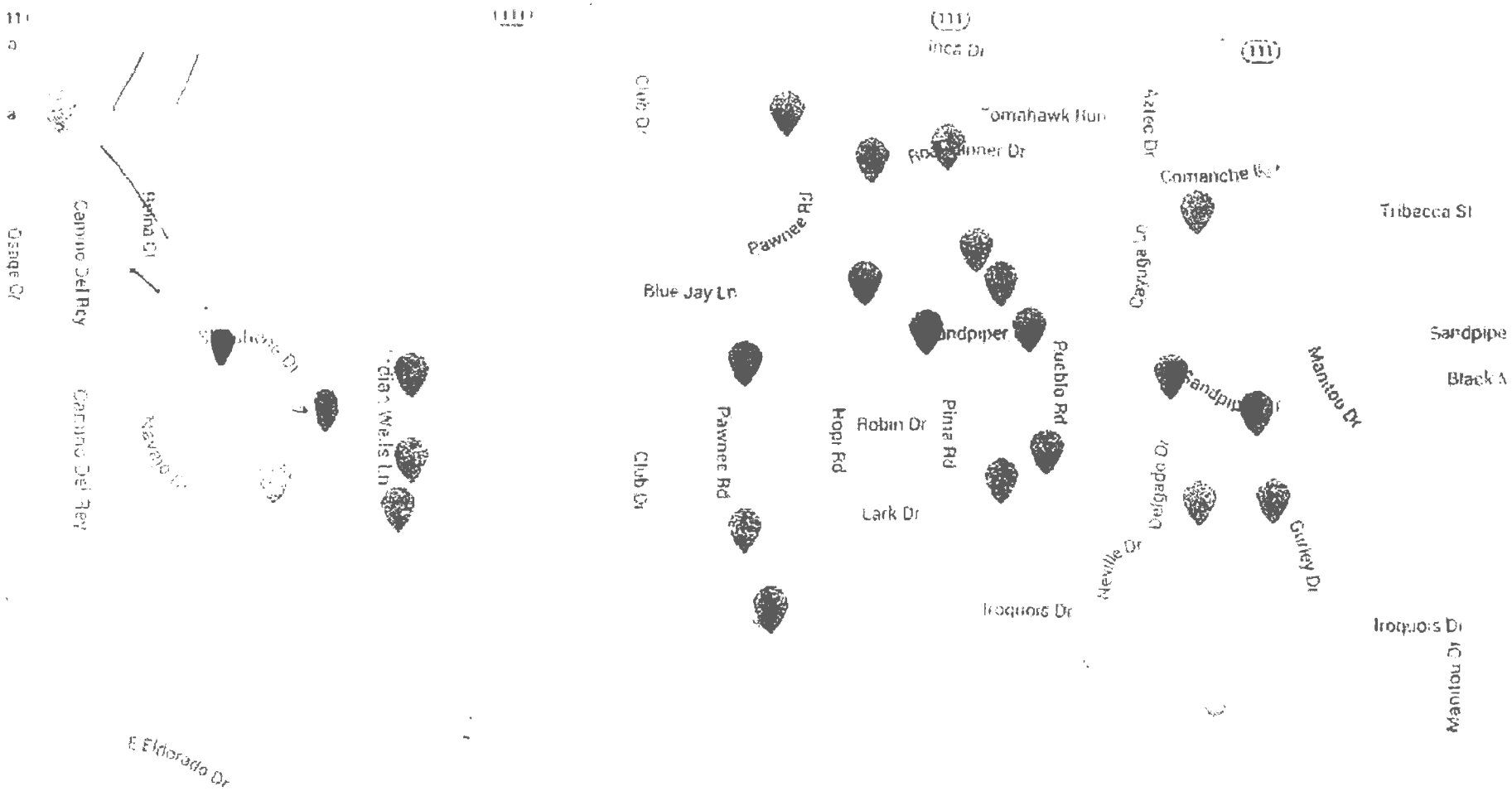
p://www.vrbo.com/map-search/usa/california/deserts/indian-wells?q=Indian+Wells%2c+Deserts%2c+California#search/{"minLat":33.71397305267047,"minLong":-116.35284608972165,"maxLat":3

Search by property number, keyword, or destination

Arrival Depart **Search**

I don't have dates yet

Rate: Any Sleeps: Any Bedrooms: Any Booking: Edit All filters: Add+ List Map



Feedback

Map · Report a map error

At Dais, Item 5A

Larry Bear Bonafide
Short Term Rental Policy Proposal
February 2, 2015 at 7:22 PM
tpeabody@indianwells.com, dreed@indianwells.com, tmertens@indianwells.com, rbalocco@indianwells.com, dhanson@indianwells.com
wmckinney@indianwells.com, City of Indian Wells , Warren Morellon
Stephen P Deitsch

Honorable Mayor and Members of the Indian Wells City Council,

With the pending passage of stronger ordinances covering residential noise, occupancy and parking limits, along with the 17 + 4 short term rental regulations agreed to at the last Council Meeting, the City is well on its way to putting in place a plan that will contribute to preserving the exceptional quality of life we enjoy in Indian Wells.

"Minimum Stay Requirements", which is scheduled to be addressed at the February 5, 2015 Council Meeting, is by far the most controversial of all of the short term rental regulations. I respectfully ask that you consider adopting the following proposals:

ORDINANCE AMENDING MUNICIPAL CODE CHAPTER 5.20 REGARDING SHORT-TERM VACATION RENTALS "MINIMUM STAY REQUIREMENTS"

- Any registered Indian Wells property owner may rent all or part of their single family residence, *hosted or not hosted*, as follows:
  1) No more than one rental contract/agreement per residence during any consecutive thirty (30) day time frame.
  2) The Minimum Stay Requirements of the rental contract /agreement must be at least seven (7) days.
  3) Exceptions:
     - A legal registered Home Owners Association that has a different length of Minimum Stay Requirements specifically defined in it's CC& R's or other HOA covenant would be exempt.
     - The City Council creates and approves, at it's discretion, a specific special area zoning exemption to the Minimum Stay Requirements.

PROPOSAL RATIONALE

- Provides for a fair and balanced short term rental ordinance for all residential property owners.
- Makes available some local controls of Minimum Stay Requirements by Homeowners Associations.
  - Home Owners Associations would have the option to strengthen or weaken their Minimum Stay Requirements to suit their needs as follows:
  - Choose to abide by the City's Minimum Stay Requirements Code/Ordinance and/or amend the provisions of their HOA's - CC&R's.
    - Note: should a HOA deviate their standards from the City's Minimum Stay Requirements, said HOA would be responsible for enforcement of those standards and administration of any punitive penalties they have agreed to.

- The City would not be responsible for and/or join in any enforcement of deviated standards and administration of any punitive penalties.

TYPES OF RENTALS THAT WOULD BE SUBJECT TO MUNICIPAL CODE CHAPTER 5.20 REGARDING SHORT-TERM VACATION RENTALS:

Because of the following property type descriptions, having a "one size fits all" Minimum Stay Requirements would be very complicated and most likely very unfair to those homeowners that are not a part of a Home Owners Association.

- Un-Hosted Single Family Home = owner and/or other custodian not present on the property during the term of the rental.
  - i.e. VRBO - http://www.vrbo.com/vacation-rentals/usa/california/deserts/indian-wells
- Hosted room only rentals in a single family home = owner and/or other custodian is present on the property during the term of the rental.
  - i.e. airbnb - https://www.airbnb.com/s/Indian-Wells--CA--United-States?checkin=03%2F03%2F2015&checkout=03%2F10%2F2015&guests=4&source=bb&ss_id=0ptippm2
    - There don't appear to be any short term hosted rental ads on airbnb for Indian Wells at this time, but it is likely given how much the concept is growing, as are our local major events such as the Tennis tournament, Coachella, Stagecoach, etc.
  - There have been several recent City Council decisions in other Cities that have taken this phenomena on and strengthened their codes where as the number of available hosted short term rentals (rooms) approach or exceed the number of hotel rooms in the City. San Francisco is one example that has been in the news recently.

TYPES OF RESIDENCES THAT ARE AND WOULD BE SUBJECT TO MUNICIPAL CODE CHAPTER 5.20 REGARDING SHORT-TERM VACATION RENTALS

- All single family Residences within the City Limits should be covered by a universal short term rental municipal ordinance's frequency of rental per 30 day period and "Minimum Stay Requirements".
  - Single Family Residences *in un-gated areas with no* Home Owners Association affiliation
  - Single Family Residences *in un-gated areas with a* Home Owners Association affiliation
  - Single Family Residences *in gated areas with no* Home Owners Association affiliation
  - Single Family Residences *in gated areas with a* Home Owners Association affiliation
  - HOA's with and without frequency of rental per 30 day period and "Minimum Stay Requirements" covenants in their CC & R's

ENFORCEMENT OF INFRACTIONS OF THE PROPOSED MUNICIPAL CODE CHAPTER 5.20 REGARDING SHORT-TERM VACATION RENTALS

- Residences that are represented by an HOA and/or CC & R's:
  - When an HOA's CC & R's and/or covenants are silent on Minimum Stay Requirements and/or frequency of rental per consecutive 30 day period, said HOA would have the option to either defer to the City's ordinance or adopt their own Minimum Stay Requirements.
    - If an HOA and/or Association decides to stay silent on Minimum Stay Requirements and/or frequency of rentals per 30 days standard, the City may be called on to enforce the City's Municipal Code standards.
    - Should the HOA and/or Association option for Minimum Stay Requirements that deviate from the City's Municipal Code, that Association would have to enforce their own policy and administer any and all penalties without help from the City.
- Residences inside or outside of a gated community that are not represented by an HOA and/or Association would subject to all of the City's Short Term Rental conditions and penalties for infractions.

I submit that issue under consideration is as much the frequency of rentals per 30 day period as it is the Minimum Stay Requirements.

Thank you for considering this proposal and I look forward to discussion of this matter at the next council meeting under Item 5 – Ordinances For Introduction.

Respectfully,

Larry "Bear" Bonafide

February 19, 2015 Staff Report

CC/HA ACTION _____ MTG. DATE: 2-19-15
APPROVED X DENIED __ REC/FILE __ CONT. __
OTHER _____
VOTE: YES 5 NO 0 ABSTAIN _____

ORDINANCE BILL NO. 2015-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, AMENDING CHAPTER 9.06 PERTAINING TO NOISE VIOLATIONS AND ENFORCEMENT

WHEREAS, excessive, unnecessary or offensive noise within the City is detrimental to the public health, safety, welfare and the peace and quiet of the inhabitants of the City; and

WHEREAS, the establishment or clarification of maximum permissible noise levels will further the public health, safety, welfare and peace and quiet of City inhabitants.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 9.06.030(a) of the Indian Wells Municipal Code is amended to read in its entirety as follows:

"9.06.030 Sound level measurement – General.

(a) Use of Sound Level Meter. Any noise level measurements made pursuant to the provisions of this Chapter shall be performed using a sound level meter as defined in Section 9.06.020. If the sound standard applied pursuant to this chapter is not measured in decibels, then sound level measurements are not required to establish a violation of this Chapter."

SECTION 2. Section 9.06.050(a) of Chapter 9.06 of the Indian Wells Municipal Code is amended to read in its entirety as follows:

"9.06.050 General noise regulations.

(a) General Prohibition. Notwithstanding any other provisions of this Chapter and in addition thereto, it is unlawful, between the hours of 10:00 p.m. to 7:00 a.m. for any person to make or continue, or cause to be made or continued, any loud, unnecessary or unusual noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of ordinary sensibilities from any curb line, or behind the public right of way boundary, fronting the property from which the noise emanates."

SECTION 3. Section 9.06.051 is added to Chapter 9.06 of the Indian Wells Municipal Code to read in its entirety as follows:

"9.06.051 Declaration of certain acts constituting excessive noise.

The following activities are deemed to cause disturbing, excessive or offensive noises when they disturb the peace and quiet of any neighborhood or cause discomfort or annoyance to any reasonable person of ordinary sensibilities, and subject to the foregoing any of the following shall constitute prima facie evidence of a violation.

A. Horns, signaling devices, muffler systems, car alarms, etc. intentionally or negligently initiated and unnecessary use or operation of horns, signaling devices, uncontrolled muffler noises, car alarms on vehicles of all types including motorcycles, and other equipment.

B. The operation of any sound production or reproduction device, radio receiving set, musical instrument, drum, phonograph, television set, machine, loud speaker or sound amplifier or similar machine or device in such a manner as to be plainly audible from any curb line, or behind the public right of way boundary, fronting the property from which the noise emanates, including without limitation emanating from any building, structure or vehicle in which it is located, or from the specific place on that property on which the source is resting, or moving at any one moment.

C. The operation of any sound amplifier which is part of or connected to any radio, stereo receiver, compact disc player, cassette tape player, audible generating device or other similar device when operated in such a manner as to be plainly audible from any curb line, or behind the public right of way boundary, fronting the property from which the noise emanates, or from the specific place on which the source is resting, or moving at any one moment, or when operated in such a manner as to cause a person to be aware of vibration at any distance from the specific place on which the source is resting, or moving at any one moment.

D. The playing, use or operation of, or permitting to be played, used or operated, any sound production or reproduction device, radio receiving set, musical instrument, drums, phonograph, television set, loudspeaker or sound amplifiers or other machine or device for the producing or reproducing of sound."

SECTION 4. Section 9.06.075 is added to Chapter 9.06 of the Indian Wells Municipal Code to read in its entirety as follows:

"9.06.075 Duty to cooperate.

No person shall refuse to cooperate with, or obstruct, any authorized person charged with the enforcement of this Chapter when such authorized person is engaged in the performance of his/her duties."

SECTION 5. Section 9.06.080 of the Indian Wells Municipal Code is amended to read in its entirety as follows:

"9.06.080 Violations – Penalty.

Any person violating any of the provisions of this chapter is guilty of an infraction and shall be subject to the maximum punishment set forth in State Law or applicable City Code Section 8.08.060, provided that the first citation shall be a fine of $250 and each subsequent citation shall be a fine of $500. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. The provisions of this Chapter shall not be construed as permitting conduct not proscribed herein and shall not affect the enforceability of any other applicable provisions of law."

SECTION 6. Severability. If any provision, clause, sentence or paragraph of this Ordinance, or the application thereof to any person or circumstances, shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 7. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after passage.

SECTION 8. Publication. The City Clerk is directed to publish this Ordinance, or a summary thereof, in the manner and in the time required by law.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Indian Wells, California, at a regular meeting of the City Council held on 19th day of February, 2015.

TY PEABODY
MAYOR

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)ss.
CITY OF INDIAN WELLS)

CERTIFICATION FOR ORDINANCE BILL NO. 2015-01

I, Wade G. McKinney, City Clerk of the City Council of the City of Indian Wells, California, **DO HEREBY CERTIFY** that Ordinance Bill No. 2015-01, having been regularly introduced at the meeting of January 22, 2015, was amended and introduced at the meeting of February 5, 2015, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on this 19th day of February, 2015, and said Ordinance was passed and adopted by the following stated vote, to wit:

AYES:
NOES:

and was thereafter on said day signed by the Mayor of the City of Indian Wells

ATTEST:

WADE G. MCKINNEY
CITY MANAGER/CITY CLERK

APPROVED AS TO FORM:

STEPHEN P. DEITSCH
CITY ATTORNEY

CC/HA ACTION _____ MTG. DATE: 2-19-15
APPROVED X DENIED ___ REC/FILE ___ CONT. ___
OTHER _____
VOTE: YES 4 NO 1 ABSTAIN ___
Balocco

ORDINANCE BILL NO. 2015-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, AMENDING CHAPTER 5.20 (TITLE 5 BUSINESS LICENSES AND REGULATIONS) OF THE INDIAN WELLS MUNICIPAL CODE, RELATING TO SHORT-TERM RESIDENTIAL RENTALS

WHEREAS, the City of Indian Wells ("City") has the authority under Article 11, Section 5 of the California Constitution and the City Charter to make and enforce all ordinances and regulations with respect to municipal affairs; and

WHEREAS, the City has the authority to regulate land uses and businesses operating within the City; and

WHEREAS, short-term rentals of private residences within the City are business ventures subject to the City's business licensing ordinance; and

WHEREAS, the City has authorized use of private residences for short-term rentals as a business consistent with the General Plan and Zoning Code; and

WHEREAS, short-term occupancies of private residences within the City are subject to the City's transient occupancy tax; and

WHEREAS, while the moratorium set forth in Urgency Ordinance No. 678 remains in full force and effect, except as superceded by amendments to Chapter 5.20 of the Indian Wells Municipal Code specifically set forth in this Ordinance which conflict with specific provisions of Ordinance No. 678; and

WHEREAS, the City wishes to enhance and maintain the residential character of its residential zones; and

WHEREAS, the City desires and intends to amend the Indian Wells Municipal Code to tighten and clarify provisions concerning short-term residential rentals, promote accurate collection of the transient occupancy tax, and enhance and maintain the residential character of its residential zones by providing regulations for short-term residential rentals within the City.

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

SECTION 1. Chapter 5.20 of Title 5 of the Indian Wells Municipal Code is amended to read in its entirety as follows:

"Chapter 5.20
SHORT-TERM RESIDENTIAL RENTALS

Sections:

5.20.010 Violation; nuisance; applicability.
5.20.020 Short-term residential rental, definitions.
5.20.030 Conditions of operation.
5.20.040 Business license.
5.20.050 Registration.
5.20.060 Personal availability.
5.20.070 Notice to occupants.
5.20.080 Transient occupancy tax.
5.20.090 Statement of occupancies.
5.20.100 Signs/Advertisement.
5.20.110 Noise.
5.20.120 Occupancy.
5.20.130 Maintenance of residential character.
5.20.140 Minimum duration of occupancy.
5.20.150 Parking.
5.20.160 Revocation of Short-term Vacation Rental Permit and business license.
5.20.170 Administrative citation.

5.20.010 Violation; nuisance; applicability.

It is unlawful and a violation of this Chapter, and is hereby declared a public nuisance, for any person or entity owning, renting, leasing, occupying, or having charge, control or possession of any real or improved property within the City of Indian Wells to cause, permit, maintain or allow any violation of this Chapter to exist thereon. Any violation of this Chapter is punishable as a misdemeanor and/or as otherwise permitted by this Code. Each and every violation of this Chapter that exists constitutes a separate and distinct violation as does each and every day, or portion thereof that any violation exists.

5.20.020 Short-term residential rental, definitions.

The following words and phrases, whenever used in this Chapter, shall have the meaning defined in this Section unless the context clearly requires otherwise:

"City" means the City of Indian Wells.

"Code" means the Indian Wells Municipal Code.

"Managing Agency or Agent" means a person, firm, or agency representing the Owner of the Short-term Residential Rental, or a person, firm, or agency owning or operating more than one Short-term Residential Rental.

"Owner" means any person or entity having fee-title ownership and/or appearing on the last equalized assessment roll of Riverside County showing controlling interest of the Premises.

"Owner's Authorized Agent," or "Manager," or "Managing Agency" means an individual or business entity, or their representative, appointed by an Owner to solicit applications, execute agreements, or otherwise act on Owner's behalf in the rental of property as a Short-term Residential Rental.

"Premises" means the actual single-family house or other residential dwelling unit, including all of its improved real property, which is used as a Short-term Residential Rental.

"Short-term Residential Rental" means the rental of a residential dwelling unit by the Owner thereof to another party for a continuous period of less than thirty (30) days in the aggregate, in exchange for any form of monetary or non-monetary consideration such as but not limited to trade, fee, swap or any other in lieu of cash payment.

"Local Contact Person" means the person designated by the Owner, or Owner's authorized agent, who shall be available twenty-four (24) hours per day, seven (7) days per week for the purpose of: (1) responding within forty-five (45) minutes to complaints regarding the condition, operation, or conduct of occupants of the Short-Term Residential Rental unit; and (2) taking any remedial action necessary to resolve any such complaints.

"Responsible Person" means the signatory of a short-term rental agreement for the use and occupancy of a short-term rental unit, who shall be an occupant of the subject short-term rental unit, and is legally responsible for ensuring that all occupants of the short-term rental unit, and/or their guests, comply with all applicable laws, rules and regulations pertaining to the use and occupancy of subject short-term rental unit, and who may be held liable for any violation of all applicable laws, rules and regulations set forth in this Chapter.

"Good Neighbor Brochure" means a document prepared by the City, as may be revised from time to time, that summarizes the general rules of conduct, consideration and respect pertaining to the use and occupancy of the short-term rental units.

"Transient Occupancy Tax" means the tax levied by the City in accordance with Chapter 3.12 of the Municipal Code. This tax is levied upon individuals or businesses engaged in the sale of sleeping accommodations to the public.

5.20.030 Conditions of operation.

(a) Pursuant to this Chapter and any other applicable provisions of this Code, Short-term Residential Rentals are permitted in the Very Low Density, Low Density, Medium Density, and Medium High Density residential zones of the City only if all the requirements of this Chapter are met.

(b) The requirements of this Chapter shall be met before a Short-term Residential Rental of a Premises is permitted.

5.20.040 Business license.

(a) Business License Required for Short-term Residential Rentals. The Short-term Residential Rental of any Premises in the City is deemed to be a "Business" as defined in Chapter 5.01 of this Code. It shall be unlawful for any person or entity, including without limitation the Owner of a Premises and Managing Agency or Agent, to engage in the business of Short-term Residential Rentals without first obtaining and maintaining both a valid business license from the City pursuant to Chapter 5.01 of this Code for the purpose of operating any number of Short-term Residential Rentals and an operating permit for each property to be used as a Short-term Residential Rental. The business license or copy thereof shall be prominently displayed in a visible location at the Short-term Residential Rental Premises during any periods of occupancy thereof by any person other than the Owner(s) of the Premises. At no time shall the Short-term Residential Rental be used for activities such as weddings, receptions, and large parties attended by more than the occupants of the Short Term Residential Rental without first obtaining a Temporary Use Permit from the City, pursuant to Chapter 21.06 (Temporary Uses) of this Code.

(b) Upon or promptly following the City's issuance of a business license for purpose of conducting Short-term Residential Rentals on the Owner's Premises, and promptly upon any change in the information pertaining to the Local Contact Person for the Premises, the City shall send written notification of issuance of such license to property owners within two hundred feet (200') of the Premises, whose names are shown on the property tax assessment roll. Such notice shall include the name and related information of the Local Contact Person for the Premises. The fee payable by the Owner to the City to cover the costs of such notification shall be set forth by resolution of the City Council.

(c) Penalty for Violation. Failure to obtain and maintain a business license or continuing to operate a Short-term Residential Rental business after suspension or revocation of a business license, knowingly or intentionally misrepresenting to any officer or employee of this City any material fact in procuring a business license for Short-term Residential Rentals, or failing to pay the full amount of any business license tax when due, shall be punishable in accordance with the provisions of Section 5.01.040 of this Code. An action against an Owner or any permittee of a business license for Short-term

Residential Rentals who is in violation of any of the provisions of this Section may be brought pursuant to Chapter 8.08 or Section 5.01.040 of this Code, in addition to the business license suspension and revocation proceedings described Section 5.20.090.

5.20.050 Registration.

On a written form prepared by the Community Development Director of the City, the Owner shall register with the City as the point of contact for the Short-term Residential Rental Premises and shall be responsible for all requirements of this Chapter. However, such registration is deemed satisfied if accomplished by a Managing Agency or Agent on behalf of the Owner. The Owner of the Premises shall retain primary responsibility for all requirements of this Code related to Short-term Residential Rentals, notwithstanding registration by a Managing Agency or Agent. There shall be no subleasing of any Premises for short-term rental purposes; instead, only a rental agreement executed by the Owner shall be permitted for any Premises when used for Short-term Residential Rentals. A fee may be established by resolution of the City Council to cover costs of processing the registration. Either the Owner of the Premises or a Managing Agency or Agent shall provide all of the following information to the City at the time of registration, and shall promptly upon change of any such information update such information to maintain accuracy:

(a) Full legal name of the Owner of the Premises and if a business entity or trust, the individual who has responsibility to oversee its ownership of the Premises; and
(b) Street and mailing addresses of the Owner of the Premises; and
(c) Telephone number of the Owner of the Premises; and
(d) Email address of the Owner of the Premises; and
(e) Full legal name or business name of a Managing Agency or Agent, if any; and
(f) Street and mailing addresses of a Managing Agency or Agent, if any; and
(g) Telephone number of a Managing Agency or Agent, if any; and
(h) Street and mailing addresses of the Short-term Residential Rental Premises; and
(i) Telephone number of the Short-term Residential Rental Premises; and
(j) List of all online websites used to advertise Premises for Short-term Vacation Rental along with all listing numbers; and
(k) Full name and telephone number of 24 hour emergency Local Contact Person; and
(l) Submit a Transit Occupancy Tax (TOT) registration fee as set by Resolution of the Indian Wells City Council; and
(m) Submit a Short-term rental registration fee as set by Resolution of the Indian Wells City Council; and
(n) Any other contact information the City may reasonably require.

During the ongoing operation of the Short-term Residential Rental, the Owner or Managing Agency or Agent shall register the name and contact information for all responsible persons (as lessees) renting their Premises, through a City run online database, along with dates of stay, no later than forty-eight (48) hours prior to occupant arrival. The City shall have the authority to conduct random inspections of Premises to ensure compliance with provisions of this Chapter.

A current business license, TOT registration and Good Neighbor Brochure shall be hung and/or placed in a conspicuous location within the Premises at all times of the Short-term Residential Rental business operation. In addition, each Responsible Person for the Premises shall be provided with a copy of the City's Good Neighbor Brochure by the Owner or Managing Agency or Agent.

The Owner or Managing Agency or Agent shall provide language in their rental agreement allowing for immediate termination of the rental contract, and immediate eviction upon any violation of the Municipal Code by any occupant. The Responsible Person shall acknowledge understanding of all Indian Wells Short-term Residential Rental rules and their liability for any fines incurred by occupants.

5.20.060 Personal availability.

(a) For each Short-term Residential Rental, a Local Contact Person shall be available by telephone on a seven (7) day per week, twenty-four (24) hour per day basis to respond to public safety calls, nuisances, or other complaints regarding the use, condition, operation, or conduct of occupants on the Premises. The Local Contact Person shall respond within 45 minutes to satisfactorily correct any alleged nuisance or violation of this Chapter by occupants occurring at the Premises. If the Local Contact Person does not respond within 45 minutes or does not satisfactorily correct the alleged nuisance or violation pertaining to the call, the Owner shall be subject to citation pursuant to Section 5.20.170 of this Code.

(b) Local Contact Person shall be physically present within the geographical limits of the City during the term of the Short-term Residential Rental or be otherwise physically available to respond by visiting the Premises in person, at the request of the City or the City's police authority, within 45 minutes of contact concerning any alleged nuisance or violation of this Chapter.

5.20.070 Notice to occupants.

The Owner or Managing Agency or Agent shall provide the Responsible Person of a Short-term Residential Rental with the following information prior to occupancy of the Premises and shall post such information in a conspicuous place within the dwelling on the Premises:

(a) The name of the Owner or Managing Agency or Agent and a telephone number at which each may be reached on a seven (7) day per week, twenty-four (24) hour per day basis; and

(b) Notification of the maximum number of overnight and daytime occupants permitted on the Premises pursuant to this Chapter; and

(c) Notification of the City's noise standards, as provided in Chapter 9.06 of this Code, as may be amended from time to time; and

(d) Notification of the parking standards of this Chapter; and

(e) A copy of this Chapter of the Indian Wells Municipal Code, as may be amended from time to time; and

(f) Notification that an occupant may be cited or fined by the City, in addition to any other remedies available at law, for violating any provisions of this Chapter; and

(g) A copy of the "Good Neighbor Brochure"; and

(h) Owner or Managing Agency or Agent shall keep on file a signed agreement acknowledging that the Responsible Person and occupants agree to the general rules summarized in the Good Neighbor Brochure and rental contract, including without limitation the immediate termination provision in the rental contract for any violation of the Municipal Code by any occupant.

5.20.080 Transient occupancy tax.

All Short-term Residential Rentals shall be subject to the City's Transient Occupancy Tax (TOT) as required by Chapter 3.12 of this Code. The Owner or Managing Agency or Agent shall remit TOT to the City, once per quarter, on or before the 30th day following the dates of March 31, June 30, September 30, and December 31 of each year, on a form prepared by the City or in a manner otherwise acceptable to the City.

5.20.090 Statement of occupancies.

The Owner or a Managing Agency or Agent shall register the name and contact information for all Responsible Persons renting their Premises, through a City run online database, along with dates of stay no later than forty-eight (48) hours prior to occupant arrival. The following information shall be provided:

(a) Dates of any Short-term Residential Rentals of the Premises; and

(b) Number of persons staying on the Premises during each Short-term Residential Rental; and

(c) Nightly rates collected for each Short-term Residential Rental; and

(d) Full name and telephone number of Responsible Person during each Short-term Residential Rental. ~~The Responsible Person shall be at least thirty (30) years of age.~~

5.20.100 Signs/Advertisement.

No sign, as that term is defined in Section 17.04.030 of this Code, shall be posted on the Premises to advertise the availability of the Short-term Residential Rental unit to the public.

All advertisement, including online advertisement, shall include the following information:

(a) The assigned short-term rental permit number; and

(b) The number of occupants allowed to occupy the short-term rental.

Any sign or advertisement in violation of this Chapter shall be subject to a citation pursuant to Section 5.20.170 of this Code.

5.20.110 Noise.

It shall be unlawful for any owner, occupant, renter, lessee, person present upon, or person having charge or possession of the Premises to make or continue or cause to be made or continued any loud, unnecessary or unusual noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area, or violates any provision of Chapter 9.06 (Noise) of this Code. For the purposes of determining whether a violation of this Section has occurred, the standards set forth in Chapter 9.06 of this Code shall apply. Fines for violation of the noise provisions in the Municipal Code, as applicable to Short-term Residential Rentals shall be those established pursuant to Section 5.20.170 of this Code.

5.20.120 Occupancy.

The maximum overnight occupancy on the Premises of the Short-term Residential Rental, from the hours of 11:00 p.m. through 6:00 a.m. on the following morning, shall not exceed two (2) persons per bedroom with an exception for children under the age of six who may additionally occupy the Premises, and no additional occupants on the Premises shall be permitted. The maximum daytime occupancy on the Premises of the Short-term Residential Rental, from the hours of 6:00 a.m. through 11:00 p.m. on the same day, shall not exceed the maximum overnight occupancy, plus an additional one (1) person per bedroom. The Owner or Managing Agency or Agent shall only advertise available occupancy up to the maximum occupancy set forth above.

5.20.130 Maintenance of residential character.

The appearance of the Premises shall not conflict with the residential character of the neighborhood, either by the use of colors, materials, lighting, landscaping, window coverings or otherwise. All applicable development, design, and landscaping standards, including but not limited to Chapter 21 of this Code, are expressly made applicable to a Premises used for Short-term Residential Rentals.

5.20.140 Minimum duration of rental.

Upon the expiration of Ordinance No. 678 or any ordinance extending all or part of the moratorium thereunder, the duration of any lease or rental of Premises as a Short-term Residential Rental shall be for a minimum of three consecutive (3) nights during which time there shall be no overlapping leases or rental of the Premises. The Owner or Managing Agency or Agent shall not advertise availability of the Premises for rent for less than the minimum number of rental nights set forth above.

5.20.150 Parking.

During the term of any Short-term Residential Rental, a maximum of one (1) vehicle per bedroom shall be permitted for the Premises, and no additional vehicles shall be permitted. All vehicles of occupants of the Short Term Residential Rental shall be parked only in an approved driveway or garage on the Premises.

5.20.160 Revocation of Short-term Vacation Rental Permit and business license.

(a) Grounds for Revocation. In addition to any other penalty authorized by law, a permit and business license for a Short-term Residential Rental may be revoked by the City if the Community Development Director finds, after notice to the licensee and opportunity to be heard, that the licensee or his or her agent or employee has violated, or failed to fulfill, the requirements of this Chapter or this Code.

The Community Development Director, or his designee, shall immediately revoke all rental permits from the Owner and Managing Agency or Agent upon five (5) violations of this Chapter pertaining to any combination of Premises owned by the Owner or managed by the Owner's Managing Agency or Agent within the City within any twelve (12) month period.

(b) Appeal from Denial or Suspension or Revocation of a Business License for Short-term Residential Rental. Any applicant for a business license for the Business of Short-term Residential Rentals whose application was denied by the Community Development Director, and any licensee whose business license for a Short-term Residential Rental is suspended or revoked by the Community Development Director, may, within ten (10) days following such decision, appeal such decision to the Planning Commission, in which event the decision of the Community Development Director shall be vacated and the Planning Commission shall determine whether to affirm, reverse, or modify the decision of the Community Development Director in accordance with the requirements for Short-term Residential Rentals set forth in this Chapter. At least fourteen (14) days prior to the Planning Commission's meeting to consider the appeal of the applicant or licensee, the Community Development Director, City Clerk, or authorized designee, shall send, by United States mail, certified, return receipt requested, written notice to the applicant or licensee of the time and place at which the Planning Commission will consider the application, suspension or revocation, and the applicant or licensee shall be provided an opportunity to be heard by the Planning Commission prior to its decision being made. Subject to any appeal of the City Council as hereinafter permitted, the decision of the Planning Commission shall be final and the City Clerk shall notify the applicant or licensee, as applicable, in writing of the decision of the Planning Commission. If the Planning Commission affirms the decision of the Community Development Director denying an application or suspending or revoking a license, the applicant or licensee shall have the right to appeal the decision of the Planning Commission to the City Council in accordance with the provisions of Section 21.06.110 of this Code, as amended from time to time. The decision of the Planning Commission shall not be vacated during the pendency of any appeal to the City Council.

5.20.170 Administrative citation.

(a) The City, or the City's police authority as that term is defined by Section 11.08.060 of this Code, may issue an administrative citation to any occupant, invitee, renter, lessee or Owner of the Premises, or Managing Agency or Agent, for a violation of any provision of this Chapter.

(b) All complaints against a Short-term Residential Rental for any violation of this Code may be handled by the City's police authority on a 24-hour basis. Any police report where the City's police authority has concluded that a violation of this Chapter has occurred, may be submitted to the City's Code Enforcement Department for review, processing and issuance of an administrative citation. Each and every day, or portion thereof, that a violation of this Chapter exists constitutes a separate and distinct violation

for which an administrative citation may be issued. Such an administrative citation shall be issued, notice given, and any appeals heard by the processes and in the manner prescribed by Sections 8.08.040 through 8.08.190 of this Code, as amended from time to time.

In addition or in the alternative, any violation of this Chapter shall constitute a misdemeanor which may be subject to the maximum punishment therefor as allowed by law.

Responsible Person:

The City may issue and the Responsible Person for each Short-term Vacation Rentals may receive an administrative citation for any violation of the short-term rental ordinance, including without limitation violation of the City's noise ordinance, as follows:

1. First offense – Warning by City's police authority;

2. Second offense within any sixty (60) day period - $500 fine;

3. Third and subsequent offenses within sixty (60) day period - $1,000 fine.

~~Upon the first offense, the responding City's police authority will issue and post a notice of warning on the front door. The warning will be required to remain on the front door for sixty (60) days, notifying all occupants (current and future within said 60 days) that a second offense, or subsequent offenses, automatically result in citation(s) to the Owner, and Responsible Person of the Premises at that time. It is a violation of this Chapter to remove the warning within the sixty (60) day period, and the fine applicable to any citation issued for such violation shall be $200 or as otherwise established by resolution of the City Council.~~

Owner:

The City may issue and the Owner may receive an administrative citation for any violation of the Municipal Code, including without limitation the City's noise ordinance, by the Owner or Short Term Vacation Rental occupant as follows:

4. First offense - Warning by City's police authority;

5. Second offense within any twelve (12) month period - $2,000 fine;

6. Third and subsequent offences within any twelve (12) month period - $5,000 fine and revocation of the vacation rental permit for a period of twelve (12) months effective immediately;

7. Any offense occurring during any permit revocation period - $5,000 fine."

SECTION 2. Ordinance No. 678. Ordinance No. 678, and any ordinance extending all or part of the moratorium set forth therein, shall remain in full force and effect except as superceded by amendments to Chapter 5.20 of the Code specifically set forth in this Ordinance which conflict with specific provisions of Ordinance No. 678 or any such successor ordinance.

SECTION 3. CEQA. This Ordinance does not commit the City to any action that may have a significant effect on the environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act.

SECTION 4. SEVERABILITY. If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance, which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are hereby declared to be severable. This Ordinance amends, adds to and deletes (as applicable) sections of the Indian Wells Municipal Code.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect and be in force 30 days after passage.

SECTION 6. PUBLICATION. The City Clerk is directed to publish this Ordinance within the manner and in the time prescribed by law.

PASSED APPROVED, AND ADOPTED by the City Council of the City of Indian Wells, California, at a regular meeting held on the 19th day of February 2015.

TY PEABODY
MAYOR

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF INDIAN WELLS)

CERTIFICATION FOR ORDINANCE BILL NO. 2015-03

I, Wade G. McKinney, City Clerk of the City Council of the City of Indian Wells, California, **DO HEREBY CERTIFY** that Ordinance Bill No. 2015-03, having been regularly introduced at the meeting of February 5, 2015 was again introduced, the reading in full thereafter unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on this 19th day of February, 2015 and said Ordinance was passed and adopted by the following stated vote, to wit:

AYES:
NOES:

and was thereafter on said day signed by the Mayor of said City of Indian Wells.

ATTEST:

WADE G. MCKINNEY
CITY MANAGER/CITY CLERK

APPROVED AS TO FORM:

STEPHEN P. DEITSCH
CITY ATTORNEY

April 1, 2015 Staff Report

CC/RA ACTION _____ MTG. DATE: 4-1-15
APPROVED ___ DENIED ___ REC/FILE ___ CONT. ___
OTHER Directed Staff to Return
VOTE: YES 4 NO 1 ABSTAIN ___
Peabody

Indian Wells City Council *April 1, 2015*

Staff Report – City Manager's Office To Council w/an ordinance to: allow min of 7 days; operators to register/license/pay grandfather existing rentals & 45 day app window for new property owners to apply, license & permit; non-registered prop. owners ineligible to rent for less than 29 days; carve out for tennis tournament period; Reduce fines previously imposed in Feb 2015, Remove neighbor notification & Remove daytime occupancy limit.

Discussion and Direction Relating to Short-term Residential Rental Standards and Requirements

RECOMMENDED ACTIONS:

Council discusses and provides **DIRECTION** to Staff relating to implementation of a minimum stay requirement for short-term residential rentals by zoning overlay or any other alternative approach as directed by the Council.

REPORT IN BRIEF:

Council previously directed staff to research a zoning overlay to allow Short-term Residential Rentals ("Vacation Rentals") in Home Owners Association neighborhoods, with a prohibition of Vacation Rentals in neighborhoods without a Home Owners Association. This report presents information and alternatives on a zoning overlay to meet Council's direction, details timeframes for implementation, and estimates fiscal impact.

At the April 1st Council Work Session, Staff's objective is to present and clarify information provided in this staff report, hear public input, and provide assistance to Council during discussion on implementation of a permanent solution to the minimum length of stay for Vacation Rentals. Staff is seeking Council direction to proceed with one of the recommendations presented in this report.

DISCUSSION:

Background

At the January 22, 2015 Council Work Session on Vacation Rentals, Council proposed and discussed a zoning overlay to allow for vacation rentals for a shorter minimum night stay in neighborhoods with Home Owners' Associations ("HOAs"), and prohibit them in non-HOA areas (prohibition through a 30-day minimum rental). The direction to Staff at that meeting was to look into the possibility of the idea and pursue it as an alternative.

On February 5, 2015, staff presented, and Council voted to introduce, Ordinance No. 685 modifying rules for Vacation Rentals. During Staff's presentation, Council confirmed interest in an overlay, or Municipal Code text amendment to Chapter5.20 (Short-Term Residential Rentals), that would allow rentals in HOAs and disallow them in non-HOA neighborhoods.

In both instances, Council also suggested some desire to pursue an exception to the non-HOA prohibition during the annual tennis tournament.

Attachment 5 provides all of the prior staff reports presenting Staff research into the topic of Vacation Rentals. This is provided as further background to the voluminous effort to date, and helps detail the progression of discussion that lead to Ordinance No. 685.

Objective

This report presents Staff's research and findings in creating a City policy that allows Vacation Rentals in HOAs and disallows them in non-HOA neighborhoods. Staff is seeking Council discussion of the overlay concept and direction on implementation of an overlay policy. Alternatives are additionally presented in this report to help facilitate Council discussion.

HOA Defined

For purposes of clarity, the definition of a Home Owners Association used herein comes from the California Civil Code Section 4080: "Association" means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.

A common interest development is further defined in California Civil Code Section 4100 as: "Common interest development" means any of the following:

a) A community apartment project.
b) A condominium project.
c) A planned development.
d) A stock cooperative.

The California State Library Research Bureau, in a report requested by the Legislature, help to further interpret California Civil Code to clarify common interest developments ("CIDs") as:

> [CIDs] are characterized by the individual ownership of a house or condominium coupled with the shared ownership or right to use common areas. These common areas can include streets, parks, and

> recreational facilities. CIDs are managed and maintained by an association, which all homeowners belong to by law. A board of directors, elected by the development's homeowners from their ranks, governs the association. The board is responsible for collecting monthly assessments to fund day-to-day expenses and for the upkeep and replacement of major infrastructure components over time.

The report goes on to further describe a CIDs power:

> A CIDs primary governing document is its covenants, conditions and restrictions (CC&Rs), but also includes by-laws. The board of directors is charged with enforcing the CC&Rs and maintaining property values. The CC&Rs state, with very little flexibility, the responsibilities, and the duties of the association and its directors. Homeowners can amend CC&Rs by following the procedures spelled out in their CIDs CC&Rs. If there is no provision in the CC&Rs, Davis-Sterling [,the common name for the Legislation creating Section 4000 of California Civil Code,] allows for the majority to change them.
>
> The rules and regulations are the other governing component of CIDs. The board [of directors] has more flexibility in the creation of rules. These are not part of the CC&Rs and may not require membership approval.

Using the definitions provided for in Section 4000 of California Civil Code, and the California Research Bureau's interpretation of CIDs, the City of Indian Wells currently has 56 CID's represented on the 2015 Homeowners Association list (**Attachment 1**). These 56 Homeowners Associations ("HOAs") are represented on the attached graphical map detailing the known boundaries of all listed HOAs in Indian Wells (**Attachment 2**).

Zoning Overlay vs. Municipal Code Text Amendment

The options for implementing an HOA/non-HOA policy can be completed through either a Zoning Map Overlay, or a Municipal Code text amendment to Chapter 5.20 of the Municipal Code. City Attorney's office provided the following information on which option is preferable. The decision comes down to legal defensibility of the policy.

Zoning Overlay

Although both of the approaches described in this report are legally defensible, adoption of an overlay provides an approach that is somewhat more defensible than a simple text amendment. This is due to a couple of factors:

- Zoning or re-zoning of property to include an overlay is a quasi-legislative act that, when reasonable in object and not arbitrary in operation, constitutes a justifiable exercise of police power. Under the City's police power (the promotion of public safety and welfare) it could be reasonably justified that the existence of an HOA, through the authority of CC&Rs or rules and regulations and the potential ability for localized security patrol, provides a neighborhood sufficient ability to address issues with Vacation Rentals, and therefore prevent nuisance conditions through local restriction.

  Conversely, non-HOA neighborhoods do not possess such ability to prevent nuisance issues through local restrictions. Therefore, the City's police power, through prohibition of rentals less than thirty (30) days in length, is justified to prevent nuisance situations that may be caused by the existence of Vacation Rentals and which are significantly less likely to be prevented by local homeowner control.

- Any legal attack or challenge to a zoning amendment to include an overlay is limited to ninety (90) days from adoption, and places burden of evidence of arbitrary or capricious action on the challenger.

A zoning overlay would allow the City to provide findings justifying the necessity for restrictions in non-HOA areas as it relates to Vacation Rentals. Plus, the limitations and burden of proof placed on any party that wishes to challenge the City's findings as arbitrary provides somewhat greater legal defensibility to the City's action.

Chapter 5.20 (Short-term Residential Rental) Text Amendment

In the Vacation Rental Chapter 5.20 of the Municipal Code, text could be modified describing prohibition of rentals of less than thirty (30) days in length in non-HOA areas of the City. Through the recitals of an Ordinance, or otherwise, the City could provide similar justification of police power as a zoning overlay, thereby justifying the necessity to differentiate non-HOA neighborhoods from HOAs.

A simple text amendment would arguably present somewhat greater opportunity for any legal challenge as arbitrary or capricious. Additionally, the limitations for filing action and burden of proof are not effectively present, therefore extending ability of a challenge. Finally, without a simple and clear overlay map, enforcement of just a text provision will be more difficult.

Stated more simply, the amount of court precedence citing a City's ability to modify zoning based on findings of police power would provide a greater level of legal defensibility through a zoning overlay than would a simple municipal code text amendment.

Zoning Overlay Procedure

To establish a zoning overlay, as recommended by the City Attorney, a Municipal Code Amendment, Zone Map, and Zone Text Amendment would be required. The Zone Map Amendment and Zone Text Amendment, per City policy, are required to go to Planning Commission for review, followed by final approval by City Council, both through public hearings.

Quickest Timeframe

Timing for a zoning overlay depends largely on the determination by Council as to how detailed the HOA vs. non-HOA areas will be. **Attachment 3** used the HOA definition presented in this report to highlight the neighborhoods that are not known to be HOAs. Only those highlighted neighborhoods would be subject to 30-day minimum rentals (prohibited) under this definition.

Utilizing this methodology to determine the neighborhoods where Vacation Rentals would be prohibited, Staff estimates the time necessary to complete a zoning overlay that meets City Attorney's determined requirements would be approximately four (4) months:

- One (1) month to draft language, create exhibits, and produce a staff report; and
- One (1) month to publish the notice of public hearing and present to Planning Commission; and
- Two (2) months to modify the report for public hearing before Council with two (2) readings of the ordinance and a required thirty (30) day adoption appeal period.

Longer Timeframe

Should Council desire to use a more complex definition of neighborhoods to determine where Vacation Rentals would be allowed or disallowed, based on findings of City's police power, staff estimates the process could take six (6) or more months.

- One (1) month to prepare for Council Work Session to determine criteria for justification of police power in differently defined boundaries for Vacation Rentals;
- One to two (1-2) month(s) to draft language, create exhibits, and produce a staff report; and
- One (1) month to publish the notice of public hearing and present to Planning Commission; and
- Two (2) months to modify the report for public hearing before Council with two (2) readings of the ordinance and a required thirty (30) day adoption appeal period.

The one to two (1-2) month(s) for staff preparation of documents is provided given the unknown nature of complexity that could result from a Council Work Session. More complex criteria used for determination of which neighborhoods would prohibit Vacation Rentals creates greater complexity to the language and mapping required. Staff has erred on the side of caution in order to not overpromise the timeframe.

Chapter 5.20 Text Amendment

An amendment to Chapter 5.20 of the Municipal Code would represent the quickest timeframe for implementation. Utilizing the HOA definition as presented here (**Attachment 3**), Staff anticipates the timeframe for completion to be two (2) months. This would include the Staff time necessary to prepare the ordinance language, as well as the two (2) readings of the ordinance and required thirty (30) day adoption appeal period given an ordinance.

This timeframe, too, would be extended should Council desire to conduct a more complex description of criteria determining police power for prohibition of Vacation Rentals. Staff anticipates an additional two months to allow adequate time for a Council Work Session to determine criteria.

Non-HOA Neighborhood Exceptions

Council's previous direction to Staff included the provision of a "carve-out" time period providing an exception for the allowance of Vacation Rentals during the annual BNP Paribas Tennis Tournament. If Council desired to make this exception through the zoning overlay process, it could be included in the amendment process. This would allow Vacation Rentals to operate legally during the tennis tournament in March, so long as the owner complied with all of the rules and regulations in Chapter 5.20 of the Municipal Code, as amended by the Vacation Rental Ordinance No. 685 or subsequent changes.

An additional suggestion by Council was to provide a process for making additional exceptions to allow for Vacation Rentals within non-HOA neighborhoods or allow currently registered rentals to be grandfathered in. The former would be possible through the standard Conditional Use Permit process currently reserved to approve certain uses as deemed appropriate for a particular area or zone in the City. As for grandfathering existing rentals, an exception in the zoning overlay can be include if Council desired.

It should be noted that Conditional Use Permits require City Council approval. Conditional Use Permits currently cost around $2,000 to process. Depending on the number of exception requests submitted, this option could be costly and time consuming to process.

FISCAL IMPACT:

Zoning Overlay Costs

Staff estimates costs to be around fifteen thousand dollars ($15,000) to cover staff time and materials for a zoning overlay based on the HOA definition provided. This is the cost that would be charged to any private entity submitting an entitlement application that includes a zoning change.

Chapter 5.20 Text Amendment Costs

Staff anticipates the cost for drafting an ordinance to modify Chapter 5.20 of the Municipal Code to be drastically cheaper than a zoning overlay. As this is not a standardized process, it is also more difficult to estimate exact costs. Staff's rough estimate is less than $4,000 in staff time.

Transient Occupancy Tax ("TOT") Impact

If Vacation Rentals are prohibited in non-HOA neighborhoods, there will be an impact to estimated TOT collection as compared to Citywide allowance of Vacation Rentals. **Table 1** estimates the TOT impact in non-HOA areas.

Table 1

Currently Registered Vacation Rentals	47	VRBO Advertised Vacation Rentals	161
Non-HOA Areas	14	Non-HOA Areas	36
Representation	30%	Representation	23%
Total Est. TOT Collection	$65,000	Total Est. TOT Collection	$222,000
Non-HOA Area TOT Share	$19,500	Non-HOA Area TOT Share	$51,000
Note: TOT collection estimates based on City's historical average of annual TOT collections per property of $1,378.			

The non-HOA neighborhoods have fourteen (14) of the forty seven (47) currently registered Vacation Rentals, or about thirty percent (30%). These neighborhoods additionally represent about twenty-three percent (23%), or thirty-six (36) of the vacation rentals currently advertised on VRBO.com (currently 161 total properties advertised).

ALTERNATIVES:

Adoption of a minimum stay requirement Citywide would be an alternative to a zoning overlay. Any uniform minimum stay less than thirty days in length (Staff maintains the shorter the better based on research conducted) would be the least complex, quickest, least expensive to implement, and most likely to maximize TOT revenues. Additionally, no cities that have attempted a thirty (30) day minimum stay have had success in keeping Vacation Rentals out of their community.

To do a uniform minimum stay, a revision to Chapter 5.20 of the Municipal Code would be required through the standard ordinance adoption process. The timeframe would be approximately two (2) months to draft an ordinance to present to Council for two (2) readings and a required thirty (30) day adoption appeal period.

Staff previously recommended a three (3) day minimum stay. Experiences from other cities researched revealed that the shorter the minimum stay, the greater the likelihood property owners participated and complied with city regulations. Council may consider a longer length of stay minimum.

One additional alternative would be to allow for any length of stay, but limit the total number of rentals allowed in a given period of time (i.e. two rentals per month maximum). This alternative was not found to be utilized by any other cities researched by Staff, but could present a viable alternative. The primary challenge identified with this alternative, similar to challenges presented with thirty (30) day minimums, would be the City's burden of proof for any rentals over the designated maximum.

RECOMMENDATION:

In order of preference, Staff recommends each alternative presented in the following order:

1. Direct Staff to introduce an ordinance adopting a uniform Citywide minimum stay requirement of three (3) days, allowing Vacation Rentals;

   IF NOT 1, THEN:

2. Direct Staff to draft and introduce a Zoning Overlay allowing Vacation Rentals in HOAs for a uniform minimum stay, and disallow Vacation Rentals in non-HOA neighborhoods through a thirty (30) day minimum stay requirement;

   IF NOT 2 THEN:

3. Direct Staff to prepare work on criteria necessary to justify the City's police powers for the creation of a more complex Zoning Overlay allowing Vacation Rentals in neighborhoods that meet detailed criteria. This option would require an additional work session for Council input into the criteria to determine which neighborhoods would allow Vacation Rentals vs. those that would not.

Council Member Balocco submitted to the City Manager for inclusion on this topic a memorandum detailing his thoughts on Vacation Rentals. It is provided in this report as **Attachment 4**.

Vacation Rental Moratorium

On February 5, during introduction of Vacation Rental Ordinance No. 685, Council voted to maintain the Moratorium on Vacation Rentals of less than thirty (30) days for unregistered properties, and maintain the prohibition on new property registrations, until the minimum length of stay issue was settled. Urgency Ordinance No. 677, and subsequently modified by Urgency Ordinance No. 678, established the moratorium on new Vacation Rentals. Urgency Ordinance No. 678 will expire on May 5, 2015. None of the alternatives presented here by Staff would settle the minimum length of stay issue prior to the May 5, 2015 expiration of the moratorium.

Staff recommends Council, at the next available regular meeting of the City Council, extend Urgency Ordinance No. 677 for an amount of time appropriate to implement Council's direction on the minimum length of stay. The Moratorium would be obsolete upon permanent action and will be removed as part of final resolution of minimum length of stay.

ATTACHMENTS:

1. 2015 Homeowners Associations list
2. HOA Boundary Map
3. Non-HOA Neighborhood Maps
4. Memo from Council Member Balocco
5. Prior Staff Reports on Vacation Rentals

INDIAN WELLS

CALIFORNIA

We promise exceptional experiences for our residents, guests, and colleagues by being pleasant, professional, and efficient. We are dedicated to enhancing the quality of life in Indian Wells.

HOMEOWNERS ASSOCIATIONS

City of Indian Wells
Planning Department

44-950 Eldorado Drive
Indian Wells, CA 92210
760-776-0229 (V)
760-346-0407 (F)
www.CityofIndianWells.org

March, 2015

(INFORMATION IS SUBJECT TO FREQUENT CHANGES. PLEASE CHECK WITH APPLICABLE HOMEOWNERS ASSOCIATION WITH QUESTIONS.)

CITY OF INDIAN WELLS HOMEOWNERS ASSOCIATIONS	HOA PRESIDENT OR REPRESENTATIVE	MANAGEMENT COMPANY
12TH FAIRWAY HOA **4 UNITS IWRC HOA #1**	Mr. Erwin Schulze, President 46-401 Mountain Cove Drive Indian Wells, CA 92210 760-345-2823 (TEL) anwebiwin@yahoo.com **Alternate Address:** 4410 Sequanota Club Lane North Charlevoix, MI 49720 231-547-4203 (TEL)	Ms. Sandy Daba 72-175 Painter's Path Palm Desert, CA 92260 760-346-1543 (TEL) **Alternate Contact** Mr. Bill Groeniger, VP 46-409 Mt. Cove Drive Indian Wells, CA 92210 760-345-9097 (TEL) 760-200-6218 (CELL)
CASA DORADO @ INDIAN WELLS ASSOCIATION **116 UNITS**		Albert Association Management Ms. Tiffany Goff 75-061 Mediterrean Avenue Palm Desert, CA 92260 760-346-9000 (TEL) 760-346-9997 (FAX) tgoff@albertmgt.com
CASA ROSADA **50 UNITS (SUN COVE HOA)**	Mr. John Aerts, President 45-315 Vista Santa Rosa Indian Wells, CA 92210 714-305-3222	Personalized Propety Management Mr. Mike Livingston 68-950 Adelina Road Cathedral City, CA 92234 760-325-9500 mlivingston@ppminternet.com
CLUB VIEW **186 UNITS**	Ms. Cate Austin 46-700 Mountain Cove #6 Indian Wells, CA 92210 760-218-5588	Personalized Property Management Mr. Ron Doerr 68-950 Adelina Road Cathedral City, CA 92234 760-325-9500 (TEL) rdoerr@ppminternet.com
COLONY COVE HOA **97 UNITS**	Mr. Ted Mertens, President 74-972 Saguaro Lane Indian Wells, CA 92210 760-776-8186 (TEL) 4tmjm@verizon.net	Albert Association Management Ms. Wendy Zumwalt 75-061 Mediterrean Avenue Palm Desert, CA 92260 760-346-9000 (TEL) 760-346-9997 (FAX) wendy@albertmgt.com

CITY OF INDIAN WELLS HOMEOWNERS ASSOCIATIONS	HOA PRESIDENT OR REPRESENTATIVE	MANAGEMENT COMPANY
THE COLONY AT INDIAN WELLS **65 UNITS**	Mr. Tony Trocino, President 76-863 Inca Drive Indian Wells, CA 92210 760-610-1761 (TEL)	Brentwood Management Services, Inc 4501 East Sunny Dunes Road, St B Palm Springs, CA 92264 760-778-5417 (TEL)
THE COVE AT INDIAN WELLS **64 UNITS**	Mr, Rodger Pilley, President 74-892 S Cove Drive Indian Wells, CA 92210 760-779-0114 (TEL)	Desert Management Ms. Carrey Gordon Derth PO Box 799 42-427 Rancho Mirage Lane Rancho Mirage, CA 92270 760-862-1202 (TEL) cgordon@desertmanagement.com
COVE POINTE HOA **17 UNITS**	Mr. Brooke Thrall, President 46-795 Mountain Cove Indian Wells, CA 92210 760-360-9105 (TEL)	Gold Coast Enterprises Mr. Ron Olson, Manager 34-400 Date Palm Dr., Suites A & B Cathedral City, CA 92234 760-202-9880 x233 (TEL) kent@goldcoastent.com
DESERT HORIZONS OWNERS ASSOCIATION **510 UNITS**	Mr. Jerome Jenko, President	Ms. Kay Ladner PO Box 12920 Palm Desert, CA 92255 760-340-5501 (TEL) 760-776-5544 (FAX)
DORADO VILLAS **120 UNITS**	Mr. John Burns, President Indian Wells, CA 92210 760-346-0331	Personalized Property Management 68-950 Adelina Road Cathedral City, Ca 92234 760-325-9500 (TEL)
ELDORADO BARRANCA PROPERTY OWNERS ASSOCIATION **24 UNITS**	Mr. Don Paradise, President 76-485 Fairway Drive Indian Wells, CA 92210 760-341-3204 (TEL)	Self Managed
ELDORADO COUNTRY CLUB PROPERTY OWNERS ASSOCIATION **296 UNITS**	Mr. Rich Mogan, President Property Owners Association 46-000 Fairway Drive Indian Wells, CA 92210 760-423-1540 Mr. Fredrick Green, President Cottage Owners Association 46-000 Fairway Drive Indian Wells, CA 92210 760-423-1587	**Architectural Review** Mr. Brian Akers Eldorado Country Club Cottage & Property Owners Assoc. 46-000 Fairway Drive Indian Wells, CA 92210 760-423-1540 (TEL) 760-776-1323 (FAX)
THE ESTATES AT INDIAN WELLS **3 HOMES PLUS 10 VACANT LOTS**	Ms. Barti Vaidya, Developer 8687 Grand Avenue Yucca Valley, CA 92284 760-365-1068 (TEL) barti.vaidya@yahoo.com	Self Managed

CITY OF INDIAN WELLS HOMEOWNERS ASSOCIATIONS	HOA PRESIDENT OR REPRESENTATIVE	MANAGEMENT COMPANY
FIRE ACCESS MAINTENANCE DISTRICT **FAMD**	Mr. Larry Bonafide Indian Wells, CA 92210 760-345-8316 (TEL) (H) larrybonafide@verizon.net	Desert Resort Management Ms. Dana Brown PO Box 14387 42635 Melanie Place #103 Palm Desert, CA 92211 760-346-1161 x124 (TEL)
INDIAN SPRINGS RACQUET CLUB **18 HOMES PLUS 1 VACANT LOT** **No Mail to Indian Wells Address** **Contact Ms. Monroe**	Mr. Les Jensen, President 45-492 Osage Court Indian Wells, CA 92210	Ms. Pamela S. Monroe, CPA PO Box 1857 Palm Desert, CA 92261-1857 760-346-2491 (TEL)
INDIAN WELLS VILLAGE #1 **20 UNITS**	Mr. Skip Kuhn 44652 Elkhorn Trail Indian Wells, CA 92210 overton.kuhn@macerich.com	J & W Management Mr. Jim McPherson PO Box 1398 Palm Desert, Ca 92261 760-568-0349 (TEL)
INDIAN WELLS VILLAGE #2 **20 UNITS**	Mr. Bill Brooks, President 77379 Blackfoot Drive Indian Wells, CA 92210 949-285-4244 (CELL)	Self Managed
INDIAN WELLS VILLAGE #3 **18 UNITS**	Mr. Mike Fullmer, President 44-220 Elkhorn Trail Indian Wells, CA 92210 253-344-9363 (TEL) 206-933-7891 (TEL) Mr. Robert Amos, Vice President 77-379 Arapahoe Vista Indian Wells, CA 92210 760-345-1970 (TEL)	Self Managed **ARCHITECTURAL REVIEW** Mr. Gary Buebel #5 Chandler Place Las Flores, CA 92688 949-709-2150 (TEL) **Business** Ms. Becky Fuhrman 18226 Bushard Street Fountain Valley, CA 92708 714-962-7070 (TEL)
INDIAN WELLS VILLAGE #4 **24 UNITS**	Mr. Ron Podojil, President 44-680 Dakota Trail Indian Wells, CA 92210 760-345-5842 (TEL) 760-413-3220 (CELL) pegpotts1@verizon.net	Self Managed
INDIAN WELLS VILLAGE #5 **20 UNITS**	Ms. Lynne Fishel 44-463 Warner Trail Indian Wells, CA 92210 760-469-2372 (TEL) lynne.fishel@gmail.com Mr. Goy Casillas, Co-President 44-551 Warner Trail Indian Wells, CA 92210 310-379-1192 (TEL)	Lordon Management Darelyn Kaufman (Manager) 1275 Center Court Covina, CA 91724 (616) 695-1438 (TEL)

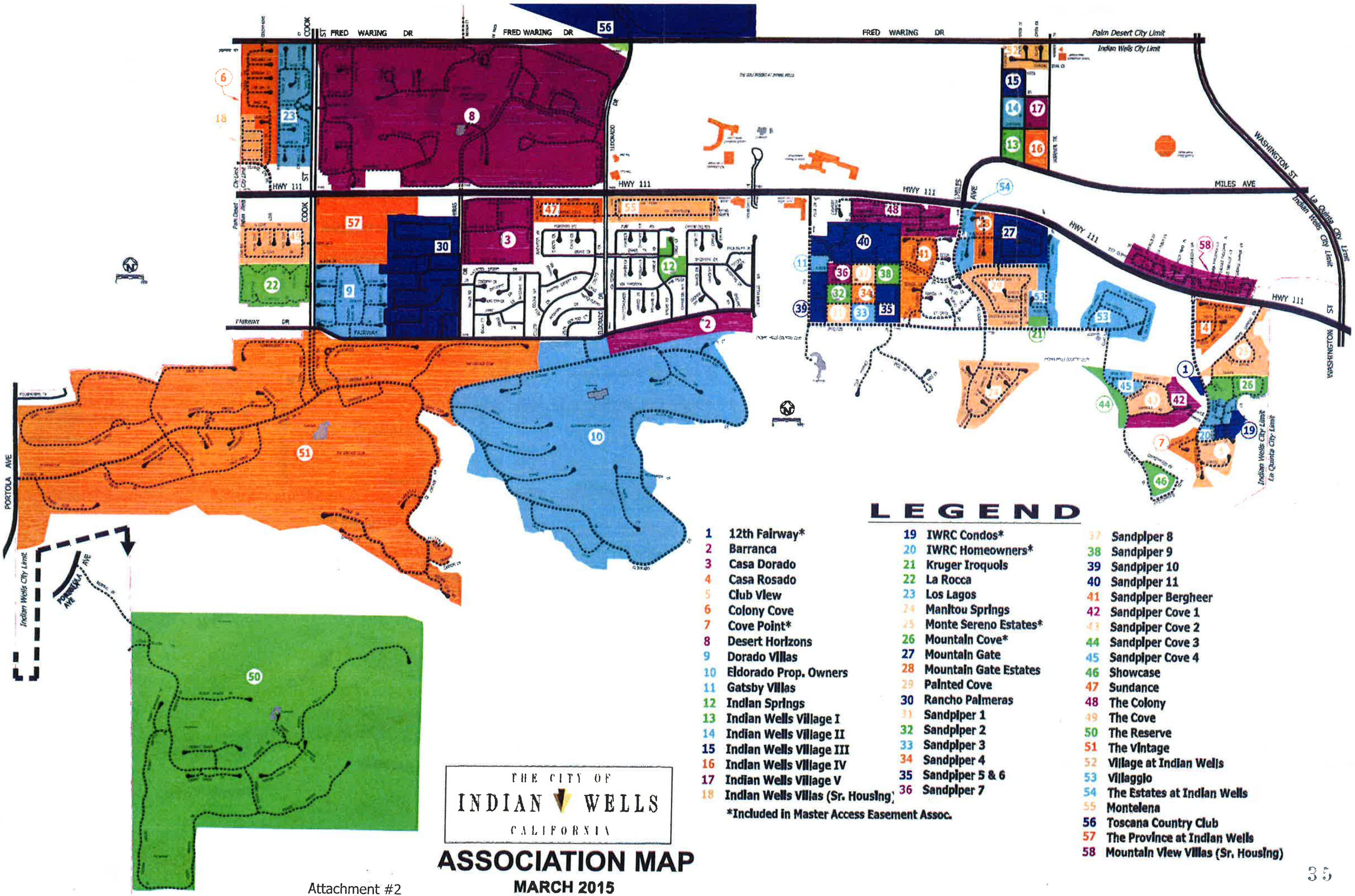
CITY OF INDIAN WELLS HOMEOWNERS ASSOCIATIONS	HOA PRESIDENT OR REPRESENTATIVE	MANAGEMENT COMPANY
INDIAN WELLS VILLAS **(SENIOR HOUSING)** **90 UNITS**	Hyder & Company (Interim Mgmnt) Michelle Pruitt, Director Phone: (760) 591-9737 Fax: (760) 591-9784	**Hyder & Company** Michelle Pruitt, Director 1649 Capalina Road, Suite 500 San Marcos, CA 92069-1226 Phone: (760) 591-9737 Fax: (760) 591-9784
IWRC CONDOS **40 UNITS**	Mr. Rick Lumsden, President 46-621 Arapahoe Lane Unit A Indian Wells, CA 92210 760-610-1367 (TEL)	Self-managed
IWRC HOA #1 **32 UNITS** **Send Mail to Management Co. Only**	Mr. John Witten, President Palm Desert, CA 92261 760-345-2209 (TEL) 760-568-0324 (TEL)	Avail Property Management Cam Anderson, Manager 47-350 Washington Street Suite 101 La Quinta Ca 92253 760-771-9546 (TEL)
KRUGER IROQUOIS **4 UNITS** **4 HOMEOWNERS SHARE EASEMENTS IN POOL/TENNIS COURT** **NO FORMAL HOMEOWNERS ASSOCIATION**		
LA ROCCA HOA **68 UNITS**	Mr. Robert Cordova, President 74-874 Via Royale Indian Wells, CA 92210 760-340-2575 (TEL)	Desert Resort Management Ms. Donna Gorton PO Box 4772 Palm Desert, CA 92261 760-346-1161 (TEL) dgorton@drminternet.com
LOS LAGOS HOA **90 UNITS**	Mr. Richard Bretz 74-977 Havasu Court Indian Wells, CA 92210 760.346.3001	Iyad Khoury, CMCA Avail Property Management 51350 Desert Club Drive, Ste 4 La Quinta, CA 92253-8905 760-771-9546 FAX 760-771-1655
MANITOU SPRINGS HOA **76 UNITS**	Mr. Dick Hedwall, President 46-065 Manitou Drive Indian Wells, CA 92210 760-360-6168 (TEL) iwrah@aol.com	Albert Association Management Mr. Tom Albert, Manager PO Box 12920 41865 Boardwalk, Suite 101 Palm Desert, CA 92255 760-346-9000 (TEL) tom@albertmgt.com
MASTER ACCESS EASEMENT ASSOC. **375 UNITS** ***COMPRISED OF THE FOLLOWING HOA'S*** ***CASA ROSADA/COVE POINTE*** ***MONTE SERENO/CLUB VIEW***	Mr. Stan White, President 78-505 Vista Del Sol Indian Wells,Ca 92210 760-341-3411 (TEL)	Gold Coast Enterprises Mr. Kent Robbins, Manager 34-400 Date Palm Drive Suites A/B Cathedral City, Ca 92234 760-202-9880 ext 223 (TEL) kent@goldcoastent.com

CITY OF INDIAN WELLS HOMEOWNERS ASSOCIATIONS	HOA PRESIDENT OR REPRESENTATIVE	MANAGEMENT COMPANY
MONTELENA **79 UNITS**	Mr. Steve Espinosa, President 76-047 Via Fiore Indian Wells, CA 92210 760-399-6887 (TEL)	
MONTE SERENO ESTATES **29 UNITS**	Ms. Mary Pinnow, President 46-375 Monte Sereno Drive Indian Wells, CA 92210 760-772-3745 (TEL) mpinnow@dc.rr.com **Alternate Address** 928 Leeward Court Oshkosh, WI 54901 920-233-8535	Personalized Property Management Mr. Mike Livingston 68-950 Adelina Road Cathedral City, CA 92234 760-325-9500 (TEL) mlivingstone@ppiminternet.com
MOUNTAIN COVE HOA **34 UNITS**	Mr. Bill Campbell, President 78-525 Yavapa Indian Wells, CA 92210 (No number listed at this time)	Self Managed
MOUNTAIN GATE **MOUNTAIN GATE ESTATES** **66 UNITS**	Mr. Gene Poma, President 45-483 Espinazo Street Indian Wells, CA 92210 760-360-2315 (TEL)	Personalized Property Mgn. Mr. Dayton Dicky 68-950 Adelina Road Cathedral City, CA 92234 760-325-9500 (TEL)
MOUNTAIN VIEW VILLAS **(SENIOR HOUSING)** **128 UNITS**	Hyder & Company (Interim Mgmnt) Michelle Pruitt, Director Phone: (760) 591-9737 Fax: (760) 591-9784	Hyder & Company 1649 Capalina Road, Suite 500 San Marcos, CA 92069-1226 Phone: (760) 591-9737 Fax: (760) 591-9784
PAINTED COVE HOA **62 UNITS**	Mr. David Rollo, President 45-770 Indian Canyon Road Indian Wells, CA 92210 760-772-3749 (TEL)	J & W Management Mr. Jim McPherson PO Box 1398 Palm Desert, CA 92261 760-568-0349 (TEL)
RANCHO PALMERAS PROPERTY OWNERS ASSOCIATION **188 HOMES**	Mrs. Pat Fredericks, (President) 75375 Painted Desert Dr. Indian Wells, CA 92210 760-702-0963 (TEL)	**Architectural Review** Mr. Dick Coste Architectural Board Chairman 75-475 Desert Park Drive Indian Wells, CA 92210 760-346-1025 (TEL) ccawells@aol.com **Accounting** Ms. Sheila Gill 75-365 Montecito Drive Indian Wells, CA 92210 760-340-4912 (TEL)

CITY OF INDIAN WELLS HOMEOWNERS ASSOCIATIONS	HOA PRESIDENT OR REPRESENTATIVE	MANAGEMENT COMPANY
THE RESERVE COMMUNITY ASSOCIATION **241 HOMES**	Mr. Bill Ebert, Manager 74-001 Reserve Drive Indian Wells, CA 92210 760-779-5680 (TEL) 760-836-0539 (FAX)	Self Managed **Architectural Review** Ms. Brook Marshall 760-219-8057 (TEL) brook@dc.rr.com **Landscape Review** Mr. Victor Horchor 714-747-6609 (TEL)
SANDPIPER #1 - NATIVE SPRINGS **16 UNITS**	Mr. Jay Andre, President 76-795 Lark Drive Indian Wells, CA 92210 760-772-6269 (TEL)	Personalized Property Management Mr. Mike Livingston 68-950 Adelina Road Cathedral City Ca 92234 mlivingston@ppminternet.com
SANDPIPER #2 - NATIVE OASIS **16 UNITS**	Mr. Scott Hunt, President 77760 Cherokee Road Indian Wells, CA 92210 760-834-8774 scott@fpsnet.com	Gold Coast Enterprises Mr. Kent Robbins, Manager 34-400 Date Palm Drive Suites A/B Cathedral City, Ca 92234 760-202-9880 ext 223 (TEL) kent@goldcoastent.com
SANDPIPER #3 - MOUNTAIN VIEW **16 UNITS**	Mr. Bob Gutschlag, President 76-870 Iroquois Rd Indian Wells, CA 92210 760-360-0998 (TEL)	Desert Management Ms. Bonnie Hagerman PO Box 799 42-427 Rancho Mirage Lane Rancho Mirage, CA 92270 760-862-1202 (TEL) bhagerman@desertmanagement.com
SANDPIPER #4 - DESERT VIEW **16 UNITS**	Chris Folkstead, President 76890 Lark Drive Indian Wells, CA 92210 760-341-2053 (TEL) 760-779-9396 (FAX)	Hutcheson Bookkeeping PO Box 4626 Palm Desert, CA 92261 760-341-2053 (TEL) 760-779-9396 (FAX) **Management Company:** Self Managed
SANDPIPER #5 and #6 - IROQUOIS **32 UNITS**	Mr. Jan Kubiak, Representative 45-700 Pima Road Indian Wells, Ca 92210 760-772-2281 (TEL)	Personalized Property Management Mr. Mike Livingstone 68-950 Adelina Road Cathedral City, Ca 92234 760-325-9500 (TEL)
SANDPIPER #7 - ROADRUNNER **16 UNITS**	Mr. Mark Longer, President 76-790 Robin Drive 760-405-3700 (TEL)	Sun Properties 42-800 Bob Hope Drive (Suite 207-K) Rancho Mirage CA 92270 760-837-1100

CITY OF INDIAN WELLS HOMEOWNERS ASSOCIATIONS	HOA PRESIDENT OR REPRESENTATIVE	MANAGEMENT COMPANY
SANDPIPER #8 - QUAIL **16 UNITS**	Mrs. Lovell Bonnie, President 45-660 Hopi Road Indian Wells, CA 92210 760-345-3759 (TEL) legal@bonniebros.com **Alternate Address:** 2743 Superior Drive Livermore, CA 94550 925-872-9129 (CELL)	J & W Management Mr. Jim McPherson PO Box 1398 Palm Desert, CA 92261 760-568-0349 (TEL)
SANDPIPER #9 **16 UNITS**	Mr. Charlie Reynolds, President 76-935 Sandpiper Drive Indian Wells, CA 92210 760-360-4098 (TEL)	
SANDPIPER #10 - THE INDIAN WELLS VILLAS HOA **16 UNITS**	Ms. Jeannie LoBue, President 76-675 Robin Lane Indian Wells, CA 92210 760-345-2529 (TEL)	Gold Coast Enterprises Mr. Kent Robbins, Manager 34-400 Date Palm Dr., Suites A & B Cathedral City, CA 92234 760-202-9880 x223 (TEL) kent@goldcoastent.com
SANDPIPER #11 **82 UNITS**	Mr. Richard Olson, President 76-843 Roadrunner Drive Indian Wells, CA 92210 760-345-5586 (TEL) govdick@aol.com **Alternate Address:C44** 2015 Oakmont Eugene, OR 97401 541-344-0507 (TEL)	The Monarch Group Mr. Steve Barrett PO Box 13710 Palm Desert, CA 92255 760-776-5100 ext 321 (TEL) 760-776-5111 (FAX)
SANDPIPER COVE ASSOCIATION #1 **30 UNITS**	Mr. Woody Woodcock, President 77-665 Seminole Road Indian Wells, CA 92210 760-345-6396 (TEL) barryent1@aol.com	Desert Management Ms. Bonnie Hagerman PO Box 799 42-427 Rancho Mirage Lane Rancho Mirage, CA 92270 760-862-1202 (TEL) bhagerman@desertmanagement.com
SANDPIPER COVE ASSOCIATION #2 **34 UNITS**	Mr. Scott Hunt, President 77760 Cherokee Road Indian Wells, CA 92210 760-834-8774 scott@fpsnet.com	Desert Management Ms. Bonnie Hagerman PO Box 799 42-427 Rancho Mirage Lane Rancho Mirage, CA 92270 760-862-1202 (TEL) bhagerman@desertmanagement.com
SANDPIPER COVE ASSOCIATION #3 **12 UNITS**	Mr. Bart Bruno, President 46-315 Quail Run Lane Indian Wells, CA 92210 831-626-8645 bbruno2000@aol.com	Self Managed

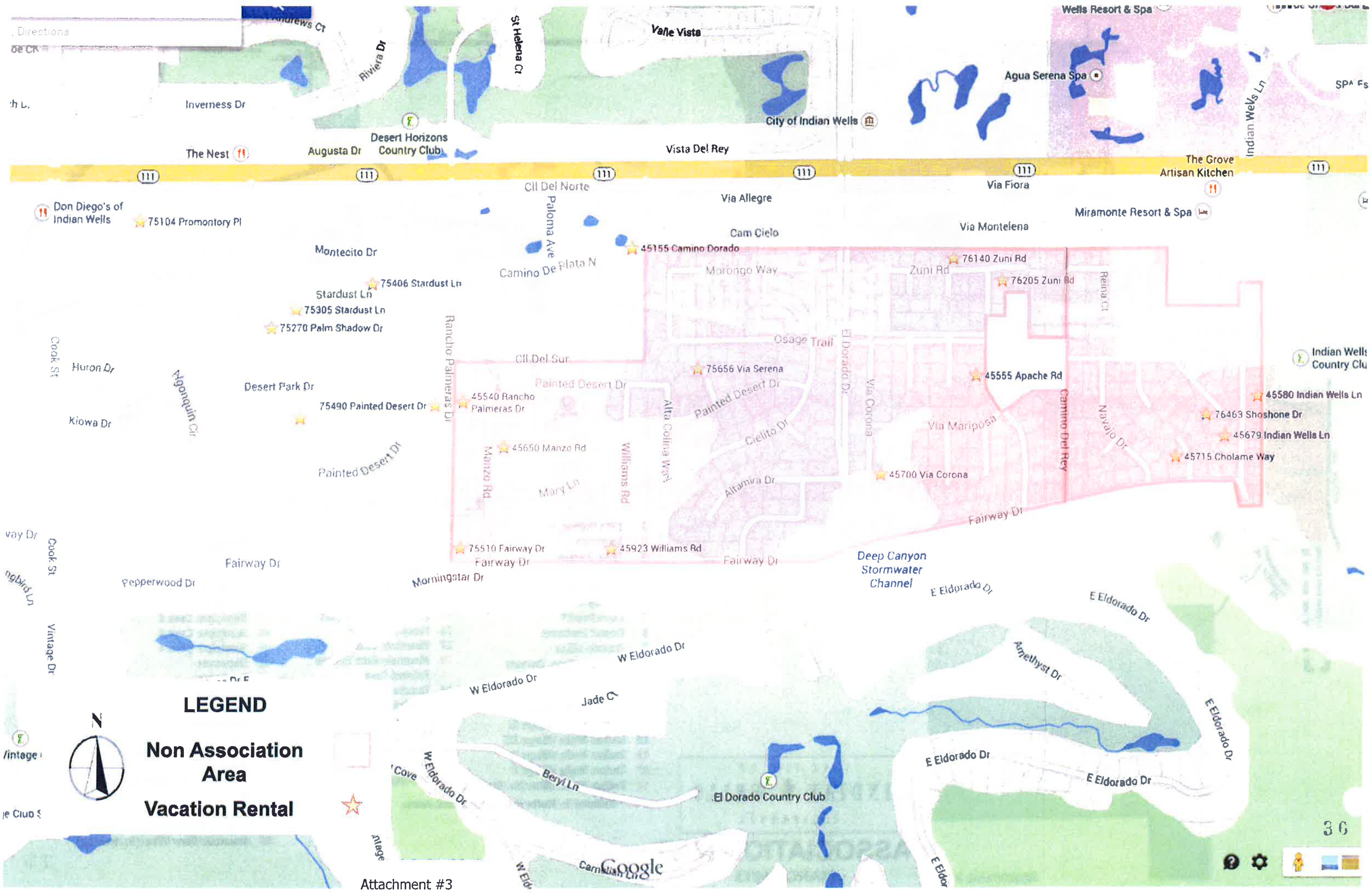
CITY OF INDIAN WELLS HOMEOWNERS ASSOCIATIONS	HOA PRESIDENT OR REPRESENTATIVE	MANAGEMENT COMPANY
SANDPIPER COVE ASSOCIATION #4 **14 UNITS**	Mr. Sam Boghosian, President 46-390 Dove Road Indian Wells, CA 92210 760-345-2901 (TEL)	Gold Coast Enterprises Mr. Kent Robbins, Manager 34-400 Date Palm Dr., Suites A & B Cathedral City, CA 92234 760-202-9880 x223 (TEL) kent@goldcoastent.com
SANDPIPER DRIVE HOA (BERGHEER) **59 UNITS**	Mr. Ivan Willingham, President 45-450 Delgato Drive Indian Wells, CA 92210 (No telephone number listed)	J&W Management Ms. Kate Alexander 73-320 El Paseo Drive Palm Desert, CA 92255-4387 760-568-0349 (TEL) kate@jandwmgmt.com
SHOWCASE HOA **18 UNITS**	Dr. Lewis Waldeisen, President 77-905 Cottonwood Cove Indian Wells, CA 92210 760-345-8284 (TEL)	Self Managed
SUNDANCE AT INDIAN WELLS **45 UNITS**	Mr.Michael Kruppe, President 75-797 Camino Cielo Indian Wells, CA 92210 760-776-1541 (TEL)	Albert Association Management Ms. Wendy Zumwalt, Manager PO Box 12920 41-865 Boardwalk, Suite 101 Palm Desert, CA 92255 760-346-9000 (TEL) 760-346-9997 (FAX) wendy@albertmgt.com
TOSCANA COUNTRY CLUB **312 HOMES PLUS 312 VACANT LOTS**	Mr. Kerry Leavitt, Manager 300 Eagle Dance Circle Palm Desert, CA 92211 760-772-7000 (TEL) 760-772-7259 (FAX)	Self Managed
TRACT 9847 - STREET MAINTENANCE ASSOCIATION - 110 UNITS TOTAL **IW CONDOS - 40 UNITS** **IW CLUB - 32 UNITS** **FINAL PHASE - 34 UNITS** **12TH FAIRWAY - 4 UNITS**	Mr. John Whitton, President 760-345-2209 (TEL)	Gold Coast Enterprises Mr. Kent Robbins, Manager 34-400 Date Palm Dr., Suites A & B Cathedral City, CA 92234 760-202-9880 x223 (TEL) kent@goldcoastent.com
THE VILLAGE AT INDIAN WELLS **31 HOMES**	Mr. Bob Thompson, President Indian Wells, CA 92210	Brentwood Management Services Inc 4501 East Sunny Dunes Road St B Palm Springs CA 92264
VILLAGGIO **85 HOMES**	Mrs. Victoria Boden, President 77-640 Iroquois Drive Indian Wells, CA 92210 760-345-6248 (TEL)	Monarch Mgmt Co. The Mgmt Trust Mrs. Jamie Hansen, Manager 39755 Berkey Dr, Suite A Palm Desert, CA 92255 760-776-5100
THE VINTAGE CLUB **475 HOMES**	Mr Thomas Hart General Manager 75-001 Vintage Drive West Indian Wells, CA 92210 760-862-2203 (TEL) thart@thevintageclub.com	Self Managed **Architectural Review** Mr. Dan Scott 75-001 Vintage Drive West Indian Wells, CA 92210 760-862-2885 (TEL) 760-862-2550 (FAX)



ASSOCIATION MAP

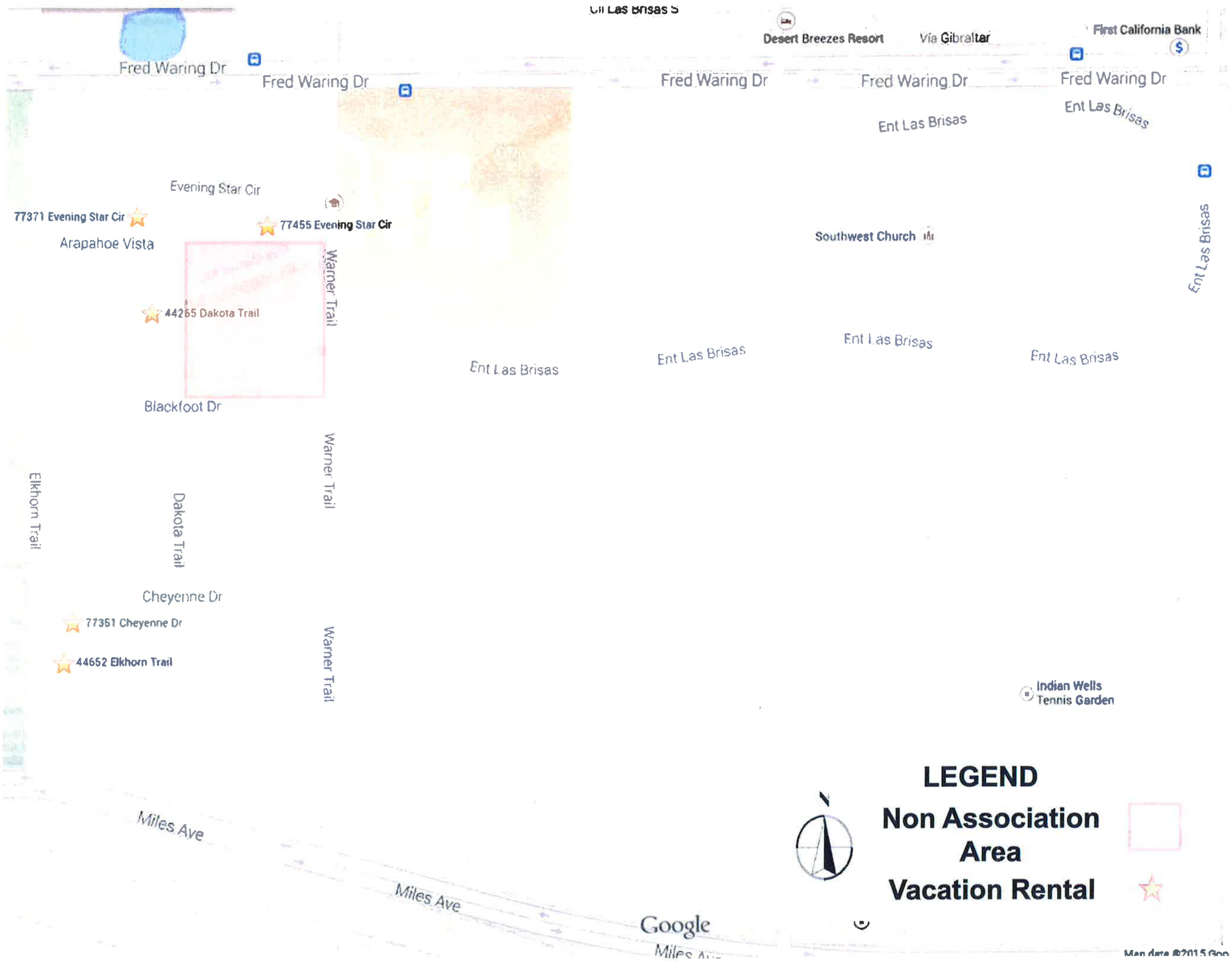
MARCH 2015

Attachment #2



Attachment #3

Vicky's of Santa Fe
Indian Wells Resort Hotel
Inca Dr
76900 Tomahawk Run
77288 Sky Mesa Ln
Sky Mesa Ln
Roadrunner Dr
Comanche Ln
Tribecca St
Box Mountain Rd
Box Ridge Pl
Pawnee Rd
Mallorca Ln
76830 Sandpiper Dr
Sandpiper Dr
76995 Sandpiper Dr
Sandpiper Dr
Black Mountain Trail
Dick Oliphant Way
Appian Way
Sandpiper Dr
77095 Sandpiper Dr
Robin Dr
Hopi Rd
Pima Rd
Pawnee Rd
Club Dr
45765 Pueblo Rd
Lark Dr
Indian Canyon Rd
Betty Barker Way
La Quinta Cliffhous
N Via Villaggio
Vista Del Sol
W Via Villaggio
Via Venito
Neville Dr
Gulley Dr
Iroquois Dr
77430 Iroquois Dr
Iroquois Dr
Cove Bar & Grille
Iroquois Dr
77337 Iroquois Dr
Manitou Dr
Vista Santa Rosa
Monte Sereno Dr
Club Terrace
Desi Dr
Doni Kendig, Artist
77312 Sioux Dr
46250 Manitou Dr
Yavapa
Yaqui
Arapahoe
Mountain Cove Dr
Cherokee Rd
46405 Quail Run Ln
46644 Arapahoe Cir, Indian Wells, CA 92210, USA
Quail Run Ln
Seminole Rd
46646 Arapahoe
78175 Cabrillo Ln #49, Indian Wells, CA 92210, USA
78175 Cabrillo Ln #48, Indian Wells, CA 92210, USA
78180 Cortez Ln
78205 Cortez Ln # 178, Indian Wells, CA 92210, USA
46750 Mountain Cove Dr #16, Indian Wells, CA 92210, USA
LEGEND
Non Association Area
Vacation Rental
Google
Map data ©2015 Google
Terms


Cir Las Brisas S
Desert Breezes Resort
Via Gibraltar
First California Bank
Fred Waring Dr
Fred Waring Dr
Fred Waring Dr
Fred Waring Dr
Fred Waring Dr
Ent Las Brisas
Ent Las Brisas
Evening Star Cir
77371 Evening Star Cir
77455 Evening Star Cir
Arapahoe Vista
Southwest Church
Warner Trail
Ent Las Brisas
44265 Dakota Trail
Ent Las Brisas
Ent Las Brisas
Ent Las Brisas
Ent Las Brisas
Blackfoot Dr
Warner Trail
Elkhorn Trail
Dakota Trail
Cheyenne Dr
77361 Cheyenne Dr
44652 Elkhorn Trail
Warner Trail
Indian Wells Tennis Garden
LEGEND
Non Association Area
Vacation Rental
Miles Ave
Miles Ave
Google
Miles Ave
Map data ©2015 Goo

DATE: April 1, 2015

TO: City Council

COPY: City Manager, City Attorney

FROM: Richard Balocco, Council Member

SUBJECT: Vacation Rental Regulations

Our community has struggled with the Vacation Rental issue for more than a year. I believe we must pursue a complete package solution and I am concerned that the steps we have taken do not provide for a smooth and effective process for the entire community. I propose that we consider:

1. 7 day minimum stay
2. Must have updated business license and registered permits.
3. HOA's make their own rules

To complete the solution, I believe we need to make the following changes to the Ordinance we have already considered.

1. Allow vacation rentals in Indian Wells only by fee-title property owners, or through an agent on behalf of a fee-title property owner.
2. Prohibit the subleasing of property for vacation rental purposes.
3. Require property owners to obtain a Short-term Rental Permit from the City for each property rented, and a business license for the owner and any managing agent – fee set by Council Resolution.
4. Require owners to provide an Emergency Contact required to respond to a complaint at a property within 1 hour.
5. Require each property to post a copy of the Rental Permit and City vacation rental rules in a conspicuous place, and provide each renter with a copy of the City's Good Neighbor Brochure (available at www.cityofindianwells.org/rentals).
6. Prohibit vacation rentals from activities such as weddings, receptions, and large parties without obtaining a Temporary Use Permit (TUP) from the City.
7. Require all rental agents representing properties on behalf of fee-title owners to register for, and maintain, a City Business License.

8. Require property owners to include language in their rental agreement allowing for immediate termination of the rental contract, and immediate eviction upon any violation of the Municipal Code by any occupant.

9. Require rental agreements to include responsible party acknowledgment of the Indian Wells Vacation Rental rules and their liability for any fines incurred by occupants.

10. Establish a two-tiered penalty for a violation of the Municipal Code for:

- **Responsible Party for Vacation Rental (Renter) -** may be cited with a fine upon any violation of the short-term rental ordinance, including violation of the noise ordinance, in the following manner:

    1. First Offense – Warning by Police or Code Enforcement;

    2. Second Offense during current occupancy - $500 misdemeanor citation;

    3. Third and Subsequent Offenses during current occupancy - $1,000 misdemeanor citation.

- **Property Owner** – will receive an administrative citation for a violation of the Municipal Code or noise ordinance by the owner or occupant in the following manner:

    1. First Offense - Warning by Police or Code Enforcement;

    2. Second Offense within any twelve (12) month period - $ $1,000 administrative fine;

    3. Third Offense within any twelve (12) month period - $1,500 administrative fine and possible revocation of the vacation rental permit for a period of twelve (12) months effective immediately;

    4. Any Offense during permit revocation period - $ 2,500 misdemeanor violation for each offense and possible revocation of vacation rental permit for an additional year.

    5. All City fines get processed through a third-party vendor who sends violators to collections. Unpaid collections fines will be a mark reported to credit agencies. If non-payment persists after collections, a lien is

recorded with the County and fines are collected through property tax bills.

11. Establish a multi-property ownership violation limitation of five (5) violations on any combination of owned properties within the City within any twelve (12) month period - upon five (5) violations, all owner Rental Permits will be revoked effective immediately.

12. Establish a multi-property agent violation limitation of five (5) violations on any combination of represented properties within the City within any twelve (12) month period – upon five (5) violations, agent business license will be revoked immediately.

13. Require owners to remit quarterly Transient Occupancy Tax collected for vacation rentals.

14. Require a permit number to be listed on all rental advertisements.

15. Create an administrative fine for any rental advertisement not in compliance with all vacation rental laws as established by City ordinance.

16. Code changed to allow for a maximum overnight occupancy of two occupants per bedroom (exception made for children 6 and under who do not count against maximum occupancy).

CC/HA ACTION _____ MTG. DATE: 4-16-15
APPROVED X DENIED ___ REC/FILE ___ CONT. ___
OTHER _____
VOTE: YES 5 NO 0 ABSTAIN _____

Indian Wells City Council

April 16, 2015

Staff Report – Community Development

Adopt Resolution Approving Modification of Conditional Use Permit No. 2000-04 and Final EIR Addendum to Replace Existing Tennis Court Used as a Seasonal Temporary Bleacher-style Tennis Stadium with a New Permanent Bowl-style Tennis Stadium at the Indian Wells Tennis Garden Located at 78-200 Miles Avenue

RECOMMENDED ACTIONS:

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

FINDS the project to be consistent with the provisions of the California Environmental Quality Act ("CEQA") and **ADOPTS** the Indian Wells Tennis Garden Stadium 3 Project Addendum and associated Mitigation Monitoring Plan to the Final EIR for the Garden of Champions Tournament Center (SCH No. 1998041039) for the Modified Project pursuant CEQA Guideline 15164; and

ADOPTS Resolution Bill No. 2015-18 approving modification of Conditional Use Permit No. 2000-04 to replace an existing tennis court used as a seasonal temporary bleacher-style tennis stadium with a new permanent bowl-style tennis stadium at the Indian Wells Tennis Garden located at 78-200 Miles Avenue (the "Project").

DISCUSSION:

Background:

The Indian Wells Tennis Garden (IWTG) master plan was originally approved by Riverside County under a Conditional Use Permit (CUP) in 1998. The CUP included three (3) permanent bowl-style tennis stadiums, a tennis Hall of Fame, additional parking areas, and a variety of commercial and tournament-related uses on the site. In late 2000, the IWTG was annexed into the City of Indian Wells. Following annexation of the IWTG, the City has approved various modifications to the original CUP, including a permanent shade canopy in 2011 and the construction of Stadium 2 and other site renovations in 2013.

The original master plan has almost been entirely constructed. To date, Stadium 1 and Stadium 2 have been constructed in addition to (4) four practice courts and large grass parking areas adjacent to Washington Street. The facility now features a full-service tennis club with 23 concrete tennis courts, 18 of which are lighted.

Following the success of the newly constructed Stadium 2 in 2013 and the growing popularity of the BNP Paribas tournament, IWTG requests approval to continue with construction of the master plan. The next phase is to replace the current temporary bleacher-style Stadium 3 with a permanent 4,500 seat bowl-style stadium to include a two story building design that will house a tennis museum, media dining area, concession stands and retail space. The new stadium will consolidate many uses currently operating out of temporary facilities throughout the site.

Aerial of Indian Wells Tennis Garden Stadiums 1 - 3

Both the Architecture and Landscape Committee and Planning Commission have reviewed the project and unanimously recommended approval at their March 3 and March 26, 2015, respective meetings.

Project Description:

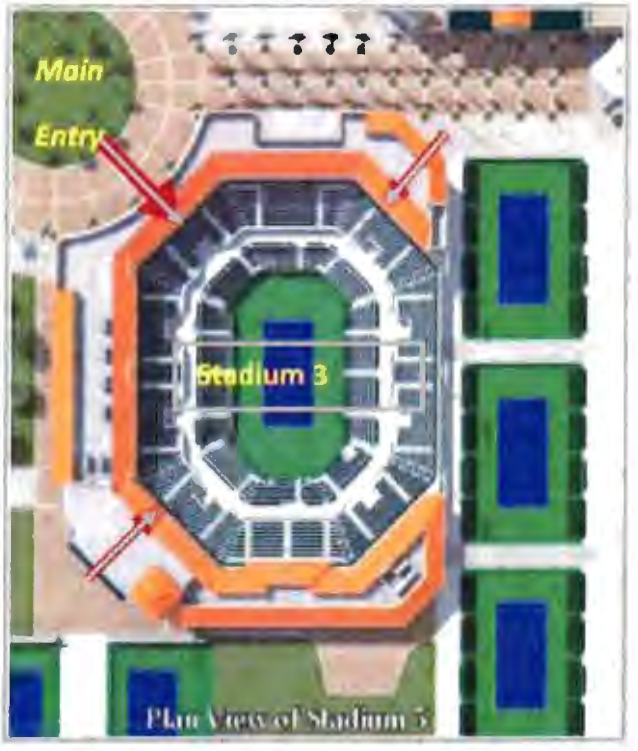
The Applicant (Tennis Garden, LLC) is requesting to amend the existing CUP to construct a permanent bowl-style stadium in the location of Stadium 3 that will provide 4,500 permanent seats, along with a two-story building to house the following:

Concession Stands	3,379 SF
Retail Space	8,231 SF
Media Dining Area	8,926 SF
Public Restrooms	2,778 SF
Tennis Museum	24,500 SF

The new Stadium 3 building will be 42-feet high with a tower element extending to 57-feet at the southwest corner. Court lighting will be reduce from 100 feet to 67 feet high (Attachment 5).

Analysis:

Proposed Stadium 3



The current Stadium 3 is an open court design with limited permanent seating. During the annual BNP Paribas tennis tournament in March, temporary bleachers are installed around the court that provide a seating capacity of 5,500.

The proposed Stadium 3 will function the same as the existing bleacher stadium in the same location. To construct a permanent 4,500 seat stadium, the existing court surface, which is already about 6 ½ feet below grade will be further excavated and "sunken" an additional seven feet. The lowering of the court surface will create the necessary interior seating configuration and capacity for optimal spectator viewing while also maintaining the appearance of a two-story stadium building when viewed from the outside, much like Stadium 2 (Attachment 6).

The proposed stadium building will also contain major sponsor/premium retail, concession, media dining, and museum uses to enhance the tournament experience for guests and the media when not viewing match play.

The proposed museum will occupy about 24,500 square feet of space to display a world-class tennis collection acquired by the IWTG Owner. The ground floor will include an entry/lobby, a museum shop, and an elevator and stairs leading to the upper level main exhibit space and attic storage areas. In addition to serving the tennis tournament guests, the museum will stay open year-round as an attraction for local residents and visitors. The Tennis Garden operator has projected 50-100 visitors per day visiting the museum outside of the BNP Paribas tournament.

Architecture/Site Improvements

The Stadium 3 architectural style mirrors the type of materials, architectural design, colors, and finishes currently in use on Stadiums 1 and 2 (Attachment 7).

The Stadium is situated on the south side of the "Walk of Palms", which is the primary pedestrian access into the IWTG complex. The museum, gift shop, and coffee/ice cream shop entries are located on the north end of the building, while the first floor retail shops with exterior access are situated on west side of the building.

Landscaping

Landscaping is a small part of the Stadium 3 Project, limited primarily to the pedestrian corridors along the building perimeter. Existing mature palm trees are retained with new ground level planters along the "Walk of Palms" north of the building. Large potted planters are added lining the western retail facade to soften the architecture and enhance the pedestrian experience bordering the Stadium. Existing pedestrian corridors on the south and west sides of the Stadium are proposed to be improved with interlocking pavers. (Attachment 8)

Lighting

The current sports-style lighting for Stadium 3 is suspended on 100-foot tall light standards above the existing bleacher-style court. By lowering the court level and situating the lighting on the Stadium building closer to the court surface, the proposed Stadium will reduce the height of court lighting to 66 feet. In addition, construction of the new stadium will create permanent raised seating, which will improve light containment. Essentially, the Project would exhibit the same number of lighting fixtures, the same light sources, a lower mounting height and enhanced light containment, resulting in lower levels of light spillage outside Stadium 3.

Parking

The number of parking stalls provided for the BNP Paribas tennis tournament will not change with the construction of Stadium 3 because the permanent stadium will reduce the number of seats by 1,000.

During the tournament off-season, approximately 70 parking spaces on the east side of Stadium 3 adjacent to the main drive aisle will be designated for the year-round museum use. Parking is already allowed is these areas and no new construction of parking is required as a result of the project. The traffic study completed for the project has determined year round traffic from the museum is minimal with no projected effect on surrounding roadways.

Community Outreach

Staff contacted the City of La Quinta on March 19, 2015 to discuss the proposed Project. La Quinta staff stated they have not identified any concerns, and are generally in support of the project.

In addition, the Tennis Garden has made numerous attempts to schedule a meeting with the La Quinta Del Oro (residential community located immediately east of Washington Street) Homeowner's Association Board of Directors to discuss the Stadium 3 project, similar to what they did for the Stadium 2 project in 2013. To date, a meeting has not occurred. The Tennis Garden plans to attend the next HOA meeting on April 21, 2015. The HOA is discussing whether to have a special meeting to meet with the Tennis Garden prior to the City Council hearing. The City Council will be given an update at the meeting.

Environmental:

A Program Environmental Impact Report (PEIR) was certified when the Garden of Champions project was approved on October 27, 1998. In June 2008, the City certified a Supplemental Environmental Impact Report (SEIR) for the Indian Wells Town Center project. Together these functioned as a single, combined PEIR, adequate for the purposes of developing both projects. On February 21, 2013, the City adopted an EIR Addendum to the combined PEIR to address the Stadium 2 Improvement Project. These documents, when taken together, constitute the Environmental Public Record for the Project.

For the Stadium 3 reconstruction, the City has prepared a second Addendum to be adopted as part of the Environmental Public Record (PEIR/SEIR/EIR Addendum No. 1). The EIR Addendum prepared for Stadium 3 (EIR Addendum No. 2) is included as Attachment 2, and confirms that the proposed project will not result in any new significant effects or a substantial increase in the severity of previously identified

significant effects, and provides a list of required mitigation measures. A traffic and lighting analysis was provided by qualified specialists in support of the Addendum.

ATTACHMENTS:

1. Resolution Bill No. 2015-18 (Conditions of Approval)
2. Stadium 3 EIR Addendum and Mitigation Monitoring & Reporting Program
3. Vicinity Aerial Map
4. Site Plan (2 sheets)
5. Stadium Elevations
6. 3D Building Perspectives
7. Color & Materials Exhibit
8. Landscape Plan

<u>On Disk</u>

9. Environmental Public Record (PEIR, SEIR, EIR Addendum No. 1)
10. Indian Wells Tennis Garden Stadium No. 3 Design Package

RESOLUTION BILL NO. 2015-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, APPROVING AN ADDENDUM TO THE CERTIFIED PROGRAM ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NO. 98041039) AND SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NO. 2006111097), AS AMENDED BY THE 2013 ADDENDUM, AND APPROVING THE MODIFICATION TO CONDITIONAL USE PERMIT (CUP) NO. 2000-04 CONCERNING THE INDIAN WELLS TENNIS GARDEN STADIUM 3 RECONSTRUCTION PROJECT LOCATED AT 78-200 MILES AVENUE, IN INDIAN WELLS, CALIFORNIA.

WHEREAS, on October 27, 1998, the Riverside County Board of Supervisors certified Program Environmental Impact Report, SCH #98041039 ("PEIR"), which disclosed, evaluated and mitigated environmental impacts associated with, among other entitlements, a Master Conditional Use Permit (CUP No. 3258) (the "Master CUP") which was issued to Garden of Champions LLC ("GOC") to allow the development of approximately 124 acres (the "GOC Land") with a tennis complex consisting of three stadiums tournament/practice courts, restaurant, outdoor exhibit, food service area, clubhouse, offices, and parking lots that accommodate r approximately 5,485 parking stalls and significant landscaping and walkways; and

WHEREAS, in 2000, the City of Indian Wells (the "City") annexed 387 acres of land, including the GOC Land, into the City and assumed the Master CUP; and

WHEREAS, in 2001, pursuant to a City-issued Conditional Use Permit CUP No. 2000-04 (the "2000 CUP Modification"), the City approved modifications to the Master CUP regarding the types of special events permitted to occur in the portion of the GOC Land known as the Indian Wells Tennis Garden ("Tennis Garden"); and

WHEREAS, the initial phase of the Tennis Garden was constructed in 2000. The initial phase included development of the 16,100 seat main stadium, 24 concrete tennis courts, a club house, associated parking and landscaped areas (the "Tennis Garden Project"); and

WHEREAS, other uses approved by the Master CUP and evaluated in the PEIR included an 8,050 seat area known as "Stadium 2" and a 3,000 seat area known as" Stadium 3"; and

WHEREAS, in 2006, the GOC Land, excluding the Tennis Garden, was purchased from GOC by Sanderson J. Ray-Indian Wells, LLC with the intent of constructing a regional commercial center, hotel, and residential housing (the "Town Center Project"), on the undeveloped portion of the GOC Land east and south of the Tennis Garden (the "SJR Land"); and

WHEREAS, in 2008, pursuant to the California Environmental Quality Act (Pub. Res. Code, § 21000 et seq.("CEQA"))", Title 14 of the California Code of Regulations section 15000 et seq. ("CEQA Guidelines"), and the City's Local Guidelines for Implementation of CEQA ("Local CEQA Guidelines"), the City prepared and certified a Supplemental Environmental Impact Report SCH #2006111097 ("SEIR") to the PEIR for the Town Center Project on the SJR Land. As approved, the Town Center Project included a new development proposal for the SJR Land (the "SJR Approvals"); and

WHEREAS, around the time of the SJR Approvals, the state and national economy experienced an unprecedented and rapid decline. Consequently, no portion of the Town Center Project was constructed; and

WHEREAS, GOC reacquired the SJR Land, including the portion north of Miles Avenue in Planning Area 1 of the Town Center Project with the intent of, among other things, constructing permanent-seat stadiums identified as "Stadium 2" and "Stadium 3" in the Master CUP; and

WHEREAS, in 2013, the City approved a General Plan Amendment (GPA) 2005-06, Specific Plan Amendment (SPA) 2007-01, Zone Map Amendment (ZMA) 2012-01, Zone Text Amendment (ZTA) No. 2012-01, Modification to Conditional Use Permit (CUP) 2000-04 (the "2013 CUP Modification"), Architectural & Landscape Committee Review (AC) 00-1248 and Sign Program Approval (PSP) 2012-01 to enable GOC to expand onto the remaining approximately 30 acres of vacant land immediately east of the Tennis Garden complex that it reacquired from SJR. This project expanded existing uses, improved circulation and parking, enhanced landscape elements, and created a new signalized grand entryway (the "Stadium 2 Project"). The Stadium 2 Project was evaluated pursuant to an approved addendum to the PEIR and SEIR (the "2013 Addendum"); and

WHEREAS, because the PEIR and the SEIR, as modified by the 2013 Addendum, and all associated underlying entitlements were not challenged, pursuant to Public Resources Code section 21167.2, the PEIR, the SEIR and the 2013 Addendum (collectively, the "Environmental Public Record") are presumed valid; and

WHEREAS, GOC (the "Applicant"), has filed applications with the City of Indian Wells (the "City") requesting **APPROVAL** of a Modification to Conditional Use Permit (CUP) No. 2000-04 (the "2015 CUP Modification") and addendum to the Environmental Public Record to allow reconstruction of Stadium 3 from a temporary bleacher-style stadium to a permanent 4,500 seat bowl-style stadium with 2-story building (the "Stadium 3 Project"); and

WHEREAS, the Stadium 3 Project would allow for reconstruction of Stadium 3 with 4,500 permanent stadium seats and a two-story building containing concessions, retail space, public bathrooms, media dining, broadcast booths, security offices and a tennis museum totaling approximately 67,537 square feet of interior space at the Tennis Garden; and

WHEREAS, pursuant to CEQA, when taking subsequent discretionary actions in furtherance of a project for which an EIR has been certified, the lead agency is required to review any changed circumstances to determine whether any of the circumstances under Public Resources Code section 21166 and State CEQA Guidelines section 15162 require additional environmental review; and

WHEREAS, staff evaluated the Stadium 3 Project in light of the standards for subsequent environmental review outlined in Public Resources Code section 21166 and State CEQA Guidelines section 15162 by preparing an Initial Study and accompanying technical letters; and

WHEREAS, based on that evaluation, staff concluded that the Environmental Public Record fully analyzed and mitigated all potentially significant environmental impacts, if any, that would result from the Stadium 3 Project, and therefore, no subsequent EIR or mitigated negative declaration is required; and

WHEREAS, based on that evaluation, staff also concluded that the Stadium 3 Project is consistent with the goals, policies, objectives and regulations of the City's General Plan, Municipal Code, the Environmental Public Record, and all applicable mitigation measures identified in the Environmental Public Record; and

WHEREAS, because the Stadium 3 Project requires the City to make some changes and additions to the PEIR and SEIR, as modified by the 2013 Addendum, the City has prepared an addendum to these documents pursuant to State CEQA Guidelines section 15164 (the "Stadium 3 Addendum"); and

WHEREAS, on March 26, 2015, the Planning Commission held a duly noticed public hearing on the Project in conformance with Government Code and Municipal Code sections and adopted by unanimous vote Resolution No. PC 2015-05 recommending that the City Council approve the Project; and

WHEREAS, the City Council has been provided the Stadium 3 Addendum and has reviewed it in connection with the PEIR, the SEIR, and the 2013 Addendum; and

WHEREAS, the Environmental Public Record is incorporated herein by this reference, and is available for inspection at City Hall at the Planning Department; and

WHEREAS, pursuant to State CEQA Guidelines section 15164, subdivision (c), the Stadium 3 Addendum is not required to be circulated for public review, but can be attached to the PEIR and SEIR, as amended by the 2013 Addendum; and

WHEREAS, the 2015 CUP Modification was properly noticed and notice of the public hearing by the Planning Commission was provided in accordance with applicable law; and

WHEREAS, on April 16, 2015, a duly noticed public hearing on the Stadium 3 Addendum and the Stadium 3 Project was held by the City Council and the Council considered the Stadium 3 Addendum together with the PEIR, the SEIR, and the 2013 Addendum, and accepted oral and written testimony from interested persons; and

WHEREAS, the City Council carefully considered all information pertaining to the Stadium 3 Project, including the staff report, the Stadium 3 Addendum together with the Environmental Public Record, and all of the information, evidence, and testimony presented at its public hearing; and

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. Recitals. The above recitals are incorporated herein by reference.

SECTION 2. Compliance with CEQA. State CEQA Guidelines section 15164 requires lead agencies to prepare an addendum to a previously certified EIR if some changes or additions to the project are necessary, but none of the conditions requiring preparation of a subsequent EIR are present. The City Council has reviewed and considered the Environmental Public Record and finds that those documents taken together contain a complete and accurate reporting of all of the environmental impacts associated with the proposed Stadium 3 Project. The City Council further finds that the Stadium 3 Addendum and administrative record have been completed in compliance with CEQA, the State CEQA Guidelines, and the City's Local Guidelines. The City Council further finds and determines that the Stadium 3 Addendum reflects the City's independent judgment.

SECTION 3. Findings Regarding Environmental Impacts. Based on the substantial evidence set forth in the record, including but not limited to the Environmental Public Record and the Stadium 3 Addendum, the City Council finds that an addendum is the appropriate document for disclosing the minor changes and additions that are necessary to account for the Stadium 3 Project. The City Council further finds that based on the whole record before it, including but not limited to the Initial Study, the technical letters, and the staff report, none of the conditions under State CEQA Guidelines section

15162 requiring subsequent environmental review have occurred because the modifications specified in the Stadium 3 Addendum:

a) Do not constitute substantial changes that would require major revisions of the Environmental Public Record due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

FACT: The Stadium 3 Project consists of reconstructing Stadium 3 with 4,500 permanent stadium seats and a two-story building containing concessions, retail space, public bathrooms, media dining, broadcast booths, security offices and a tennis museum consistent with the uses envisioned under the Master CUP.

The Stadium 3 Addendum examined all the potential impacts of the Stadium 3 Project, including Aesthetics, Agricultural Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation and Traffic, and Utilities and Service Systems.

Based on the analysis contained in the Stadium 3 Addendum, the changes proposed by the Stadium 3 Project have been evaluated against the analysis of environmental impacts in the Environmental Public Record to ensure the Stadium 3 Project will not result in any new significant impacts or substantially increase the severity of any previously analyzed impacts. The analysis in the Stadium 3 Addendum for the Stadium 3 Project concludes that the proposed changes would not create any new significant impacts, or impacts that are significantly different than those identified in the Environmental Public Record.

b) Do not constitute substantial changes with respect to the circumstances under which the Stadium 3 Project is developed that would require major revisions of the Environmental Public Record due to the involvement of new significant environmental effects or a substantial increase in the severity of the previously identified significant effects; and

FACT: Conditions remain similar to those under which the prior environmental documents were prepared. No new development has occurred in the vicinity of the Stadium 3 Project that would warrant major revisions to the Environmental Public Record.

c) Do not present new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the Environmental Public Record documents were certified or adopted, as applicable, showing any of the following: (i) that the modifications would have one or more significant effects not discussed in the earlier environmental documentation; (ii) that significant effects previously examined would be substantially more severe than shown in the earlier environmental documentation; (iii) that mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects, but the applicant declined to adopt such measures; or (iv) that mitigation measures or alternatives considerably different from those analyzed previously would substantially reduce one or more significant effects on the environment, but which the applicant declined to adopt.

FACT: The applicable mitigation measures identified in the Environmental Public Record have been incorporated into a specific mitigation monitoring program for the Stadium 3 Project and would ensure that any potential environmental impacts would be reduced to less than significant levels. Those impacts which were identified in the Environmental Public Record as significant and unavoidable remain significant and unavoidable. However, the proposed Stadium 3 Project would not add to or further exacerbate those previously identified significant impacts. No new mitigation measures are required to mitigate environmental impacts associated with the Stadium 3 Project. Therefore, the Stadium 3 Addendum supports the City's consideration of the Stadium 3 Project, as outlined in the State CEQA Guidelines Section 15162 and 15164.

SECTION 4. Mitigation Monitoring Program. The City Council **RE-ADOPTS** those mitigation measures identified in the Environmental Public Record that are relevant to the Stadium 3 Project as detailed specifically in the Mitigation Monitoring Program prepared for the Stadium 3 Addendum. The City Council further finds that those impacts identified in the Environmental Public Record as significant and unavoidable remain significant and unavoidable under the Stadium 3 Project but that the Stadium 3 Project does not increase those previously identified impacts in their severity. The City Council further finds that the CEQA Findings and Statements of Overriding Considerations adopted in support of the Tennis Garden Project, Town Center Project, and Stadium 2 Project remain valid and appropriate for purposes of the Stadium 3 Project.

SECTION 5. Approval of the Stadium 3 Addendum. The City Council herby **APPROVES** and **ADOPTS** the Stadium 3 Addendum to the PEIR and the SEIR, as modified by the 2013 Addendum, prepared for the Tennis Garden.

SECTION 6. Modification to CUP Findings. Based on the substantial evidence set forth in the administrative record, including but not limited to the staff report and the Stadium 3 Addendum, the City Council approves the proposed 2015 CUP Modification for the following reasons:

1. The proposed modification does not affect the required findings in Municipal Code Section 21.06.040(d).

   i. 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.

   FACT: The proposed 2015 CUP Modification would not affect the findings originally made for the Tennis Garden Project as to location because the proposed improvements do not alter the existing use, occur generally within the current footprint for Stadium 3, and occur within the Master CUP boundary for the Tennis Garden. The proposed 2015 CUP Modification would permit a new reconstructed Stadium 3, which is consistent with the Sports Complex (SPX) General Plan Land Use designation and Zoning classification.

   ii. 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 Stadium 3 Project would not affect the findings originally required for the Tennis Garden Project as to public health, safety or welfare or materially injure surrounding properties or improvements because the Stadium 3 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 development. Furthermore, the Stadium 3 Project does not introduce a new use to the Tennis Garden but merely renovates an existing use that serves to benefit commercial and hospitality uses as well as the residents of Indian Wells in the vicinity; and

   iii. The proposed Stadium 3 Project will comply with each of the applicable provisions of this Zoning Code except for approved Variances.

   FACT: The proposed 2015 CUP Modification has been conditioned to comply with each of the applicable provisions of the City's Zoning Code. Conditions of Approval for the 2015 CUP Modification are attached hereto as Exhibit "A" and incorporated herein by reference; and

2. The proposed Stadium 3 Project does not change the use designated in the Master CUP.

   FACT: The Master CUP authorized the construction of three (3) permanent tennis stadiums within the Tennis Garden campus. The proposed Stadium 3 Project is for a reconstructed Stadium 3 that is consistent with the existing use and the uses designated in the Master CUP. The Stadium 3 Project does not introduce a new use to the Tennis Garden but merely renovates an existing use; and

3. The proposed modification does not substantially alter the shape, acreage or location of the buildings or land for the Stadium 3 Project as envisioned in the Master CUP.

   FACT: The proposed Stadium 3 Project is entirely contained within the Master CUP boundary for the Tennis Garden. It generally occupies the footprint of the temporary bleacher-style stadium that it replaces and is generally at the location shown in the Master CUP"; and

4. The proposed Stadium 3 Project does not alter or affect any of the conditions placed on the Tennis Garden Project, as modified by the Stadium 2 Project.

   FACT: The applicable conditions originally placed on the Tennis Garden Project, as modified by the Stadium 2 Project, will be carried forward to the 2015 CUP Modification along with additional conditions specific to the Stadium 3 Project. The Conditions of Approval for the Stadium 3 Project are attached hereto as Exhibit "A" and incorporated by reference; and

5. The proposed 2015 CUP Modification is in substantial conformance with the intent and purpose of the Master CUP, as modified by the 2000 and 2013 CUP Modifications.

   FACT: The reconstruction of Stadium 3 as conditioned by the attached Condition of Approvals for the Stadium 3 Project will be in substantial conformance with the intent and purpose of the Master CUP, which envisioned a third permanent-seat stadium on-site, and further serves to implement and enhance the original vision of the Tennis Garden Project.

SECTION 7. City Council Approval. The City Council **ADOPTS** Resolution Bill No. 2015-18 adopting the Stadium 3 Addendum and approving Modification of Conditional Use Permit (CUP) No. 2000-04 concerning the proposed Stadium 3 Project, subject to the Conditions of Approval listed on Exhibit "A" and Mitigation Monitoring & Reporting Program listed on Exhibit "B", attached hereto and by this reference incorporated herein.

SECTION 8. Certified Copy of Resolution. 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.

SECTION 9. Notice of Determination. The City Council directs staff to prepare, execute and file a CEQA Notice of Determination with the Riverside County Clerk's Office within five (5) working days of the City Council's adoption of this Resolution.

SECTION 10. Custodian of Records and Location of Documents. The Environmental Public Record and the Stadium 3 Addendum are on file and available for public review at 44-950 Eldorado Drive, Indian Wells, CA 92210-7497. The Community Development Director of the Planning Department is the custodian of these documents.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Indian Wells, California, at a regular meeting held on this 16th day of April, 2015.

TY PEABODY
MAYOR

CERTIFICATION FOR RESOLUTION BILL NO. 2015-03

I, Wade G. McKinney, City Clerk of the City Council 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 16th day of April, 2015, by the following vote:

AYES:
NOES:

ATTEST:

WADE G. McKINNEY
CITY MANAGER/CITY CLERK

APPROVED AS TO FORM:

STEPHEN P. DEITSCH
CITY ATTORNEY

EXHIBIT "A"

Amended Conditions of Approval for

County Master Conditional Use Permit (CUP No. 3258), Conditional Use Permit (CUP) No. 2000-04 (2000 CUP Modification) and Modification to Conditional Use Permit (CUP) No. 2000-04 (2013 CUP Modification), as modified by the Modification to Conditional Use Permit (CUP) No. 2000-04 (2015 CUP Modification)

April 16, 2015

GENERAL:

1. In addition to conditions heretofore imposed upon approval of CUP No. 3258, the 2000 CUP modification, 2013 CUP Modification, and all other CUP heretofore approved applicable to the Tennis Garden site, the following conditions shall apply to the Tennis Garden project and in particular the 2015 CUP modification for Stadium 3. CUP No. 3258, the 2000 CUP Modification, the 2013 CUP Modification, and the 2015 CUP Modification will be collectively referred herein as "Modified CUP No. 2000-04."

2. The Applicant shall defend, indemnify, and hold harmless the City of Indian Wells (the "City") and its officers, employees, and agents from and against any claim, action, or proceeding against the City, its officers, employees, or agents to attack, set aside, void, or annul any approval, conditional approval or condition of approval of the City (or as applicable, The County) concerning (a) CUP No. 3258, (b) the 2000 CUP Modification, and (c) the City's General Plan Amendment No. 2005-06, Specific Plan Amendment No. 2007-01, Zone Map Amendment No. 2012-01, Zone Text Amendment No. 2012-01, 2013 CUP Modification, Architecture & Landscape Committee Review AC0-00-1248 and Planned Sign Program 2012-01, as approved by the City in 2013, and (d) the Stadium 3 Project (the "Project"), including but not limited to any approval, conditional approval or condition of approval by the Planning Commission. 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, provided that the Applicant pay all reasonable fees and costs incurred by the City in doing so. 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.

3. In the event that any condition contained herein is determined to be invalid or legally unenforceable, then all remaining conditions shall remain in force.

4. 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 in accordance with Indian Wells Municipal Code section 21.06.040(g). However, pursuant to Indian Wells Municipal Code section 21.06.040(f), 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.

5. All plans shall be coordinated for consistency.

6. The Applicant shall pay applicable development impact fees at the established rates. Such fees may include, but are not 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.

7. This approval of the 2015 CUP Modification 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 for the proposed Project shall mean the application and approval of all applicable building permits. In addition, the approval of the 2015 CUP Modification shall become null and void if any such building permit no longer remains in effect due to its lapse, if such occurs following the foregoing on year permit.

8. Permitted uses allowed pursuant to the 2015 CUP Modification include a permanent third tennis stadium.

9. The following events are permitted under Modified CUP No. 2000-04: Annual Tennis Tournament and all tennis related activities and functions (tennis camps, tennis clubs, other). All other events shall require issuance of a Temporary Use Permit (TUP) according to the provisions of Municipal Code Section 16.06.060. TUPs for outdoor events with attendance under 6,000 may be approved administratively by staff.

10. Approval of this request shall not waive compliance with all applicable sections of the Indian Wells Municipal Code, all other applicable City ordinances, and applicable specific plans.

11. 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 special need is demonstrated. Any such waiver request shall be made by the Applicant in advance.

12. All signage must be in compliance with the approved Indian Wells Town Center Sign Program (17.20.040) and Indian Wells Tennis Garden Sign Program (17.20.070), as appropriate, and all other applicable Municipal Code sections. Proposed deviations from the approved Planned Sign Program(s) shall be submitted for consideration as an application in compliance with Indian Wells Municipal Code Section 17.20.010(b).

13. Upon submittal of construction drawings to the Building D 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.

14. The Applicant must obtain written verification from the Community Development Director, Public Works Director, Building Official and Fire Marshal, or designees, of compliance with all Conditions of Approval and Code requirements, prior to commencement of operations at the new Stadium 3.

15. 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.

16. A Pre-event Traffic Meeting shall be held prior to the annual professional tennis tournament and all other events to discuss access points/median closures/event traffic circulation with participation by representatives from the City, Sheriff, Fire Department, Parking Concessionaire and Tournament Operator. Effective deployment of Changeable Message Signs (CMS) devices, as a means to encourage more attendees to use Cook Street, Jefferson Street and Fred Waring Drive to access Tennis Garden parking, will be addressed and resolved annually. An updated Traffic Management Plan (TMP) shall be developed at the first Pre-Event Traffic Meeting and submitted to the Community Development Director prior to the first professional tennis tournament following construction of Stadium 3. See also Condition 104.

ENVIRONMENTAL:

17. 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:

    [X] $ 50 - "Administrative Fee" to file the Notice of Determination

18. The Applicant is responsible for the cost of implementing required environmental Mitigation Measures, including monitoring and reporting (Exhibit "B"). The Addendum to the Environmental Public Record prepared for this Project (the "Addendum") includes a Mitigation Monitoring and Report Program. Said program identifies the reporter as an individual qualified to know whether the particular mitigation measure has been implemented.

19. The Applicant shall comply with the Mitigation Measures as set forth in the Addendum for the Project.

SITE IMPROVEMENTS:

ARCHITECTURE

20. 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.

21. 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.

PUBLIC WORKS

22. Any utilities requiring relocation to accommodate the improvements shall be coordinated and paid for by the Applicant.

23. Location of water transmission lines, pressure-reducing stations, well sites and water reservoirs shall be approved by Coachella Valley Water District prior to the City's approval of grading plans.

24. All accessibility requirements of state law (see the CalDAG—California Disabled Accessibility Guidebook), except those areas utilizing decorative concrete or pavers.

25. 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. R7-2008-0001) 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 "Water Quality Management Plan and Stormwater BMP Maintenance and Right of Entry Agreement" with the County-Clerk Recorder to enforce said WQMP and BMP's and to inform future property owners of the requirement to implement the approved project-specific WQMP.

LANDSCAPING:

26. 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.

27. The landscape plan shall include the reintroduction of desert-adapted native and non-native plants. The use of these low water-use plants would also conserve water and energy use in the built environment.

28. Detailed landscaping and irrigation plans shall be submitted for the Community Development Director approval. 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 approved by the Community Development Director and Public Works Director or designees.

29. 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.

30. 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.

31. All ground-mounted utility appurtenances shall be 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.

32. All plant materials within landscaped areas shall be maintained in a viable growth condition throughout the life of this approval.

33. 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 maintained free of trash and debris.

34. 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:

35. 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.

36. Project lighting shall, in general, be directed toward the interior of the new Stadium 3 and minimize light spillage outside the stadium, similar to the existing lighting levels for Stadiums 1 and 2. Exterior building and pedestrian lighting shall be shielded sufficiently to not adversely impact surrounding uses, but shall provide sufficient illumination for safe pedestrian access and security purposes. Such lighting shall not blink, flash or oscillate.

37. 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.

38. Temporary lighting associated with the annual professional tennis tournament and other special events shall be discussed in the Pre-event Meeting between the Applicant and the City held prior to each event. Temporary lighting shall be sufficient to properly serve access and security purposes while avoiding excessive light spillage outside the property boundary. The Applicant shall prepare and submit to the City Community Development Director a photometric analysis of temporary lighting prior to the first professional tennis tournament conducted after completion of Stadium 3 and at the City's discretion, as needed, thereafter.

39. 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.

40. All building-mounted light fixtures within public 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 prior to installation.

FIRE DEPARTMENT:

41. The fire department requires the following fire protection measures be provided by the Applicant in accordance with City Municipal Code, NFPA, CFC, and CBC or any recognized Fire Protection Standards. The Fire Department is required to set a minimum fire flow for the remodel or construction of all buildings per UFC article 87. As a result, the Applicant shall meet the following requirements:

42. A fire flow of 1500 gallons per minute (gpm) for a 1-hour duration at 20 psi residual pressure must be available before any combustible material is placed on the job site.

43. The Applicant shall provide or show there exists a water system capable of providing a flow of 3,000 gpm for commercial buildings.

44. The required fire flow shall be available from a wet barrel Super Hydrant(s) 4"x 2 1/2" x 2 1/2", located not less than 25' nor more than 150' from any portion of a commercial building measured via vehicular travelway.

45. Water plans must be approved by the Fire Marshal and include verification that the water system will produce the required fire flow.

46. 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 hydrant.

47. All valves controlling the water supply for automatic sprinkler systems and Water -flow switches shall be monitored and alarmed per CBC Chapter 9.

48. The Applicant shall install a fire alarm system as required by the NFPA 72.

49. The Applicant shall install portable fire extinguishers per UL 300, but not less than one 2A10BC extinguisher per 3,000 square feet and not over 75' walking distance. A "K" type fire extinguisher is required in all commercial kitchens.

50. Install a Hood/Duct automatic fire extinguishing system per NPFA 96 in all public and private cooking operations.

51. The new Stadium 3 building shall have address identification as approved by the Director of Community Development.

52. All fire sprinkler systems, fixed fire suppression systems and alarm plans must be submitted separately to the Fire Marshal for approval prior to construction.

53. All elevators shall be minimum gurney size.

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

POLICE DEPARTMENT:

55. A designated RV parking spot shall be reserved for use as a Command Post parking spot by public safety personnel during all special events.

56. The Applicant shall bear all costs associated with providing public safety services (including but not limited to police, security, traffic control, paramedic, and fire) during the annual professional tennis tournament and all music, sporting and other special events.

COACHELLA VALLEY WATER DISTRICT (CVWD):

57. As required by CVWD, prior to the issuance of building permit approval, the Applicant shall prepare detailed water system improvement plans 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.

58. The Applicant shall pay all fees required by CVWD.

SOUTHERN CALIFORNIA EDISON (SCE) OR IMPERIAL IRRIGATION DISTRICT (IID):

59. The Applicant shall contact SCE and/or IID 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 or IID 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, if any, prior to issuance of building occupancy permits.

SOUTHERN CALIFORNIA GAS COMPANY:

60. 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, if any, prior to issuance of building occupancy permits.

RECYCLING:

61. 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.

62. 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.

63. 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.

64. 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.

65. 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.

66. The Applicant shall furnish copies of the Construction & Demolition Debris Management Plan to all on-site supervisors, each subcontractor, the Owner and the Architect.

67. The Applicant shall minimize the creation of construction and demolition waste on the job site.

68. The Applicant shall reuse, salvage or recycle as much of the inevitable waste that is generated from the construction or demolition as is feasible.

69. 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 Applicant and Architect, a City of Indian Wells Construction and Demolition Debris Management Plan.

70. The contractor shall provide copies of the Indian Wells Construction & Demolition Debris Management Plan to the job site foreman, each subcontractor, the Applicant and the Architect.

71. Hazardous wastes shall be separated, stored and disposed of according to local regulations

72. 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:

73. 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.

74. If rooftop telecommunication arrays are proposed, they shall be screened from view or incorporated into building facade.

75. 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.

76. 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.

77. 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.

DRAINAGE:

78. A detailed drainage study must be submitted to the City Public Works Director for review and approval. The study shall be prepared by a registered civil engineer and shall include existing, interim and proposed conditions, including hydrology and hydraulic calculations.

79. On-site drainage improvements, necessary for de-watering and protecting the property, are to be installed prior to issuance of building permits for construction upon any portion of the property that may be subject to drainage flows entering or leaving the property.

80. In addition to the drainage requirements stated herein, other on-site or off-site improvements may be required which cannot be determined from tentative plans and would have to be reviewed after more detailed information has been submitted to the City Public Works Director.

81. The Applicant shall accept and properly dispose of all drainage flows onto or through common and parking areas and streets. Drainage quantities exceeding a streets capacity shall be maintained within adequate drainage facilities as approved by the City Public Works Director.

82. The Applicant shall provide adequate erosion control devices for any borrow sites at the completion of each phase of grading. This shall include landscaping and temporary irrigation systems on exposed slopes to be approved by the City Public Works Director.

83. A precise grading and drainage plan shall be submitted and approved by the City Public Works Director prior to issuance of Building Permits. It shall show the method of disposing surface water to assure that all sites will drain to approved facilities or as approved by the Public Works Director. The Public Works Director shall determine when a natural watercourse may be utilized for drainage purposes and when a drainage facility will be required. The Applicant shall dedicate land needed for drainage easements where required. All natural or earthen watercourses must be designed to ensure that water velocities are non-erosive. A soils engineer shall confirm that the soils within natural or earthen watercourses are suitable as channel linings.

UTILITIES:

84. Extension and related improvements to the natural gas system shall be installed as development occurs.

85. 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.

86. Utility transformers and other appurtenances shall be placed according to the requirements of the applicable utility purveyor.

87. Unless otherwise approved by the City and/or specified by the Southern California Edison Company and/or Imperial Irrigation District, 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 site. The Applicant shall dedicate and record any right-of-way and maintenance easements, as may be required by the Southern California Edison Company and/or Imperial Irrigation District, for the purpose of constructing and maintaining electrical system improvements.

88. All water system improvements shall be closely coordinated with, and shall be subject to review and final approval by the Coachella Valley Water District.

89. The Applicant in accordance with current district regulations shall incur fees for domestic water and sanitation service in accordance with current district regulations.

90. Prior to the issuance of building permits, the Applicant shall provide the City and the Coachella Valley Water District (CVWD), as required, and shall receive approval by the City and CVWD, information regarding the design of the water system servicing the Project, addressing facility sizing and location (e.g. primary mains, special facilities, storage, facilities and transmission mains), projected water demands based upon hydraulic analysis for the proposed system under average day, and maximum day and peak-hour demands.

91. 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.

92. 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 Edison or other agency with suitable replacement rights. Any costs and replacement rights are required prior to the performance of the relocation.

BUILDING AND SAFETY:

93. 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.

94. 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

95. 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.

96. Upon final building and planning inspection of site development, all building signage, as may be required by the City and/or recommended by the Riverside County Sheriff's Department and Fire Department, shall be installed in accordance with the City specifications.

97. Development within the Project site will be designed in accordance with the energy conservation requirements imposed by the California Energy Commission and Title 24 of the California Administrative Code.

98. The Project shall comply with all applicable provisions of the Americans with Disabilities Act (ADA).

99. The Project is to be built according to Building and Safety Standards and comply with any applicable City of Indian Wells Municipal Code Regulation.

100. Any temporary sales and/or construction office buildings/trailers shall be removed from the site prior to issuance of a certificate of occupancy.

101. 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.

SUPPLEMENTAL CONDITIONS (RELEVANT COUNTY CUP CONDITIONS RETAINED):

102. The Applicant shall conduct noise monitoring at locations determined by the Community Development Director during the first annual professional tennis tournament that uses the new Stadium 3. This is intended to provide a baseline assessment of noise levels after construction of Stadium 3 and to make sure the levels meet City standards, especially as they relate to surrounding residential neighborhoods. Although additional noise monitoring is not required, the City may at any time, require additional noise monitoring upon receipt of valid complaints or strong suspicion concerning violations of the City's noise ordinance.

103. The hours of operation for Stadium 3 shall be 7:00 am to 11:00 pm, except for use during the annual professional tennis tournament, which may extend outside these hours. Outdoor events are also allowed between 7:00 am to 11:00 pm except on Easter Sunday, when operations may begin one hour before sunrise to allow for traditional sunrise services, or as may be approved by the Community Development Director. These hours do not apply to normal crowd dispersal, standard cleanup and maintenance activities.

104. As noted in Condition 16, the original Traffic Management Plan (TMP) shall be updated to incorporate new facilities and site design features proposed for this Project. The TMP update shall address:

a) Traffic control strategies including proposed lane configurations, lane restrictions, traffic control personnel stationing, directional signage, barricades, emergency vehicle access, etc.

b) Parking lot entries, bus, taxi and vehicle stacking areas, fee collection areas, valet pick up and drop off areas.

c) Pre-event activities including the placement of temporary directional signage and parking prohibitions, pre-event advertising and publications that include directional maps and/or instructions. The plan should also afford the availability of prepaid parking, especially for the VIP lot. Any additional pre-event plans or activities that would assist with Traffic Management should also be noted in the plan.

d) Directional signage including both regional signs to direct patrons to the areas along major access routes, and guide signs closer to the Project providing visitors with advance notice of turning movements.

e) Temporary road closures or roads that may be open only to residents (i.e. Warner Trail).

f) Make a commitment to coordinate traffic management with the County Sheriff, City of Indian Wells, the parking concessionaire, and the Fire Department.

g) Demonstrate that the Project can satisfy the following standards:

- Ensure inbound vehicle stacking is designed to minimize any spill-over onto Miles Avenue or Washington Street.

- Outbound traffic peaks can be moderated to such an extent that the Level of Service (LOS) does not deteriorated below LOS "E" for more than 30 consecutive minutes per day.

h) The Applicant shall monitor major events and implement any adjustments deemed necessary by the Community Development Director and Public Works Director in order to achieve these standards, such as providing greater on-site storage and/or additional fee collection stations, and metering the outflow of vehicles from the event parking lots.

105. The Project site shall be kept in good repair and free of trash. Graffiti shall be removed from any structures within one week of observation and/or notification.

106. Any applicable temporary improvements, such as, but not necessarily limited to, ramps, paths, fences and grandstands, shall be subject to the approval of the Community Development Director and Public Works Director.

107. The Applicant shall comply with the following construction noise requirements to the satisfaction of the Community Development Director and Public Works Director:

a) All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers.

b) Stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers.

c) Stockpiling and vehicle staging areas shall be located as far as practical from noise sensitive receptors during construction activities.

d) Construction vehicles and construction workers shall not utilize Warner Trail, and shall access the site via Washington Street or Miles Avenue.

108. Outdoor trash and rubbish disposal areas shall be screened from view of public streets either by walls or enclosures prior to the issuance of occupancy permits. Additional screened area for collection of recyclable materials shall be located within, near or adjacent to each trash and rubbish disposal area. The design of trash and recyclable collection areas shall be coordinated with the City's waste collection contractor and approved by the Community Planning Director.

109. A minimum of 20 bicycle rack spaces or bicycle lockers shall be provided in convenient locations to facilitate bicycle access to Stadium 1 and an additional 10 bicycle racks in close proximity to Stadium 3. The bicycle racks shall be shown on Project final parking and landscaping and improvement plans submitted for approval by the Community Development Director and Public Works Director, and shall be installed in accordance with those plans.

END OF CONDITIONS

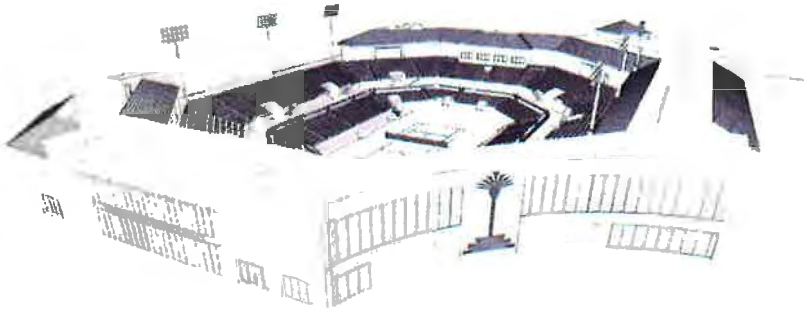
INDIAN WELLS TENNIS GARDEN
STADIUM 3 ADDENDUM NO. 2
TO ENVIRONMENTAL IMPACT REPORT

Garden of Champions
Program Environmental Impact Report
(State Clearinghouse No. 98041039)

Indian Wells Town Center
Supplemental Environmental Impact Report
(State Clearinghouse No. 2006111097)

Stadium 2 EIR Addendum No. 1

INDIAN WELLS, CALIFORNIA



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1.0 INTRODUCTION

The California Environmental Quality Act (CEQA) requires public agencies to analyze and consider the environmental consequences of their decisions to approve development projects over which they exercise discretion. CEQA achieves this objective by requiring agencies to prepare Environmental Impact Reports (EIR's) for projects with the potential to cause significant impacts on the physical environment. EIR's are public documents that assess environmental effects related to the planning, construction, and operation of a project, and indicate ways to mitigate possible environmental damage. An EIR also discloses growth inducing impacts, effects found not to be significant, significant cumulative impacts, and significant impacts that cannot be avoided, if any. The purpose of an EIR is to inform. EIR's are not policy documents and they do not make recommendations on project approval or denial.

1.1 Previous Environmental Documentation

The Indian Wells Tennis Garden (Tennis Garden) was built by Garden of Champions LLC (GOC) and opened in March 2000 and is home to the second largest Tennis Stadium in the world. The Tennis Garden has undergone various environmental reviews over the years; beginning with the Garden of Champions Program Environmental Impact Report (1998 PEIR) approved by County of Riverside and certified as State Clearinghouse No. 98041039, on October 27, 1998. The 1998 PEIR evaluated the development of 184 acres west of Washington Street both north and south of Miles Avenue (Tennis Garden Land), consisting of 32-acres within a Coachella Valley Water District (CVWD) easement along the Whitewater Wash and approximately 150-acres of developable land. On the developable land, a professional and recreational Tennis Complex (including three Stadiums, a Hall of Fame, and a variety of Tournament-related uses) was proposed on 61 acres, two hotels on 28 acres, 100,000 square feet of commercial uses on 9 acres, and Residential Village with up to 140 attached corporate "casitas" (not intended for permanent occupancy) on 12 acres and about 40 acres devoted to parking. The project design provided for 6,350 parking stalls and 800,000 square feet for landscaping and walkways.

Riverside County approved CUP No. 3258 and certified EIR No. 403 on October 27, 1998, which allowed for the construction and operation of the original Indian Wells Tennis Gardens facility (Original Tennis Garden Project), and set the stage for future use of the Indian Wells Town Center(defined below). The original Riverside County entitlements included approval of a General Plan Amendment (GPA), Change of Zone, two commercial Parcel Maps, and the abandonment of Bay Club Drive.

The City of Indian Wells subsequently annexed 387 acres of land within its Sphere of Influence (including the Tennis Garden Land and Project area) in 2000 and assumed CUP No. 3258 and EIR No. 403. In 2001, the City approved modifications to CUP No. 3258 regarding the types of special events permitted to occur at the Tennis Garden under City CUP No. 2000-04. The initial phase of the Tennis Garden was constructed in 2000 on an approximately 54 acre portion of

the Tennis Garden Land environmentally reviewed and certified under the 1998 PEIR. This included development of the 16,100 seat main stadium, 24 concrete tennis courts, a club house, along with associated parking and landscaped areas. Other uses addressed in the 1998 PEIR, included the approved 8,050 seat Stadium 2 and 3,000 seat Stadium 3. The 8,000 seat Stadium 2 was completed in 2014, and Stadium 3 yet to be constructed as a permanent structure, but is the subject of this Addendum.

In 2006, the portion of vacant land (approximately 92 acres) within the Tennis Garden Land that was not part of the contiguous Tennis Garden (SJR Land) was purchased from GOC by Sanderson J. Ray-Indian Wells, LLC, with the intent of constructing a regional commercial center. In 2008, the City prepared and certified a Supplemental Environmental Impact Report (2008 SEIR) for the Indian Wells Town Center Project (TCP). The 2008 SEIR was prepared as a supplement to the 1998 PEIR. As approved, the TCP included a new development on the SJR Land.

The TCP was situated east and south of the 54 acre Tennis Garden facility that had been constructed. The 2008 SEIR evaluated the following uses: 32 acres of mixed use consisting of retail, restaurants, offices, and a 2,400 seat theater, a 22 acres for condominium or resort hotel use, 25 acres for 65 single-family homes and 13 acres for additional parking. On June 19, 2008, the City approved the following entitlements in support of the TCP: including a GPA, No. 2005-06 to change the General Plan Designation for Sports Complex (SPX) to Resort Residential (RC); a Zoning Map Amendment (ZMA), No. 2006-02 to change the Zoning Map Designation from SPX to RC; a Zoning Text Amendment (ZTA), No. 2005-05 to add Planning Area No. 7.5; a Specific Plan, No. 2007-01 to establish design guidelines, and programs to facilitate the development of TCP; a CUP, No. 2005-04 (A, B & C) to permit commercial development and resort hotel development; and Supplemental EIR No. 2007-01, supplemental to the 1998 PEIR (County EIR No. 403).

However, around the time of these approvals, the state and national economy experienced an unprecedented and rapid decline and, consequently, no portion of the TCP was constructed. Subsequently, the SJR Land, including the vacant property north of Miles Avenue in Planning Area 1, was reacquired by GOC with the intent of, among other things, constructing permanent-seat stadiums identified as "Stadium 2" and Stadium 3" in the 1998 PEIR. In 2013, the City prepared and adopted the 2013 EIR Addendum to the 1998 PEIR/ 2008 SEIR for the construction of Stadium 2 as approved in the 1998 PEIR. This 2013 Addendum analyzed the construction of an 8,000 seat Stadium 2, a restaurant, four quick serve food venues, three concession stands, commissary, facilities management offices/shops, a ticket booth, bathrooms and storage. Improvements also included a new entrance off of Washington Street, a second 19,000 square foot shade structure and additional practice tennis courts.

GOC would now like to reconstruct the Tennis Garden's existing 5,500 seat temporary bleacher-style stadium to a 4,500 permanent-seat bowl-style stadium with two-story surrounding building, generally at the location specified in CUP No. 3258 and which has been used for

Stadium 3 purposes since the opening of the Tennis Garden (Stadium 3 Project). The two-story Stadium 3 building would also accommodate various ancillary, tournament related concession, retail, media dining, security and tennis museum. Other than the Museum, these facilities would merely relocate services already operating at other permanent and temporary locations on-site during the annual professional Tournament currently known as the BNP Paribas Open (Tournament). During Tournament times, none of these ancillary uses would create independent demand but rather serve attendees already on-site for the Tournament. Entitlements will include a modification to CUP 2000-04 accompanied by an EIR Addendum for CEQA compliance (2015 Addendum).

Demo of the existing Stadium 3 would include the current court surface, concrete risers on the west and east sides of the court (approximately 5 on each side), surrounding sidewalks and some sound walls between the parking and Stadiums 8 & 9. The light poles would be shortened, refashioned and reinstalled. The bleacher seating used is portable and would be removed and stored (or returned to the provider). All concrete, asphalt and other demolition materials would be properly disposed of at a permitted landfill.

Prior to approval of subsequent actions that constitute a "project" under CEQA, the City is required to determine whether the environmental effects of such actions are within the scope covered by prior environmental analysis, and whether additional environmental analysis is required. If the agency finds that, pursuant to Public Resources Code Section 21166 and Sections 15162, of the State CEQA Guidelines the project would not (1) result in new effects and would not substantially increase the severity of previously identified significant effects occur, then no supplemental or subsequent EIR is required.

Moreover, according to State CEQA Guidelines Section 15183, a project that is consistent with a development density in existing zoning, community plan, or general plan for which an EIR was certified, shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. According to State CEQA Guidelines Section 15164, the lead agency shall prepare an Addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions in State CEQA Guidelines 15162 have occurred.

1.2 Purpose of this Addendum

The Stadium 3 Project proposes to reconstruct the existing 5,500 seat temporary bleacher-style Stadium 3 into a 4,500 permanent seat bowl-style stadium with two story building located within the Tennis Garden. The two-story Stadium 3 building would also include accommodations for various ancillary, Tournament related concession, retail, media dining, security and Museum uses. Other than the tennis museum, these facilities would merely relocate services already operating at other permanent and temporary locations on-site during the Tournament. During Tournament times, none of these ancillary uses would create independent demand but rather would serve attendees already on-site for the Tournament.

The footprint of Stadium 3 improvements (structure and surrounding walkways) occupies approximately 2.7 acres of the much larger Tennis Garden campus.

The existing configuration of Stadium 3 is a full court with predominantly temporary bleacher-seating for approximately 5,500 spectators installed on concrete paving, used for match play during the Tournament. The existing court is depressed approximately 5 feet below the surrounding hardscape with a few rows of court-level permanent seats. The new configuration proposes to replace this with approximately 4,500 permanent seats, up to date accessibility, 4 large video displays, and full broadcast television setup including four broadcast booths. The project proposal would also lower the court surface about 7-feet and reduce the height of associated court lighting from 100-feet to 67-feet as measured from finish grade surrounding the stadium.

Surrounding the new stadium bowl would be a two-story, 67,537 SF building housing concession stands (3,379 SF), retail space (8,231 SF), media dining areas (8,926 SF), public restrooms (2,778 SF) and a tennis museum (24,523 SF). Currently, two food concessionaires and various retailers operate out of tents during the Tournament. Retail and concession space within the new building would accommodate major Tournament sponsors and relocate some existing vendors from temporary to permanent quarters during the Tournament. The on-site security office would also be relocated to the ground floor (436 SF). Other portions of the building would house broadcast booths (525 SF) and electrical, IT, and mechanical spaces (18,739 SF). The Stadium 3 roof would be about 42-feet high with a tower element reaching 57-feet at the southwest corner.

The proposed tennis museum ("Museum") would display a world-class tennis collection being acquired by the Tennis Garden Owner. The ground floor includes an entry/lobby (2,949 SF), a Museum Shop (1,868 SF), and an elevator and stairs leading to the main exhibit areas on the second floor (16,398 SF) along with attic storage (3,310 SF). The Museum would provide an enhanced experience for Tournament guests and would also stay open year-round for casual use by local residents, out-of-town visitors, and weddings. It is anticipated that approximately 50-100 visitors per day may use the Museum outside of Tournament times.

The new building also includes a dining room (3,719 SF) a servery (1,866 SF) and full kitchen (3,341 SF) to feed the media during the Tournament. These facilities would replace the existing media dining area in Stadium 1 that was recently remodeled for use by Tournament players exclusively. The Stadium 3 dining facilities will also be available to the Museum during non-Tournament times.

During non-Tournament times, approximately 70 parking spaces east of Stadium 3 will be designated for Museum use, consisting of curbside parallel parking (within the areas used for Tournament bus and taxi stacking), three existing handicapped spaces east of Stadium 1 and one row of 90-degree turf parking spaces, all of which comply with City design standards. Parking is an allowed use within these areas and no new construction is required. Of these, approximately 19 spaces lie within the CUP boundary and another 51 spaces extend slightly

outside the CUP into Planning Area 1 of the adjacent Town Center Specific Plan. Planning Area 1 is owned and operated as part of the Tennis Garden and has been designed and constructed to accommodate vehicular access and parking use. Year-round Museum parking is recognized as part of the project and the creation and use of this parking area was fully analyzed in the 2013 Stadium 2 Addendum.

1.3 Basis for an Addendum to an EIR

State CEQA Guidelines Section 15164 states that: *"The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for the preparation of an subsequent EIR have occurred."* Section 15162 of the State CEQA Guidelines states:

(a) *When an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:*

> *(1) Substantial changes are proposed in the project which would require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*
>
> *(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which would require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*
>
> *(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:*
>
> > *(A) The project would have one or more significant effects not discussed in the previous EIR;*
> >
> > *(B) Significant effects previously examined would be substantially more severe than shown in the previous EIR;*
> >
> > *(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative."

Based on the analysis contained in Section 2.0 of this 2015 Addendum, the City of Indian Wells has determined that a Supplemental or Subsequent EIR is not required. The changes associated with the existing Stadium 3 conversion are not substantial. There are no new significant impacts resulting from the Stadium's conversion and there would not be a substantial increase in the severity of previously identified environmental impacts. In addition, the changes with respect to the circumstances under which the project would be undertaken would not result in new or more severe environmental impacts.

1.4 Mitigation Measures

In accordance with Title 14, California Code of Regulations (State CEQA Guidelines), Chapter 3, §15162 through §15164, it has been determined that the proposed Stadium 3 Project would not result in any new significant effects or a substantial increase in the severity of previously identified significant effects. As such, no new mitigation measures are required for the Stadium 3 Project. The 2013 Addendum consolidated all mitigation measures from the prior 1998 PEIR and 2008 SEIR into one, comprehensive, updated set of mitigation measures applicable to all projects for the Tennis Garden. Table 1.1 below lists these in their entirety and addresses all aspects of developing a major tennis complex from site disturbance to final operations. From among these, a subset of relevant mitigations is identified for re-adoption and application to the Stadium 3 Project, which is more limited in size and scope than the three prior projects. The relevant mitigations include only those that would apply to stadium re-construction and operation at a previously disturbed site at an infill location. These applicable mitigation measures have not been grayed and struck out in the table. All mitigation measures would conform to the laws and regulations in effect at the time of project development.

Table 1.1
Applicable Mitigation Measures from the 1998 PEIR, 2008 SEIR and 2013 Addendum

Mitigation Measures
Aesthetics
~~MM 4.1-1: Equipment storage and soil stockpiling shall be at least 100 feet from adjacent property lines. (Ref. PEIR 5.9-1a, SEIR AES-2).~~
MM 4.1-2: Construction related rubbish and debris shall be removed as required by the City of Indian Wells Building and Safety Department Inspectors. (Ref. PEIR 5.9-1b, SEIR AES-3).

Mitigation Measures

MM 4.1-3: Construction and security lighting shall adhere to the City of Indian Wells Lighting Standards, which specifies the usage of low pressure sodium lighting for security purposes. (Ref. PEIR 5.10-1, SEIR AES-4)

MM 4.1-4: Prior to the issuance of building permits an outdoor lighting plan for the project shall be approved by the Community Development Director which contains the following provisions:

- Use of low pressure sodium lights or current appropriate lighting technology for parking areas;
- Exterior lighting shall be fully shielded and directed away from adjoining properties;
- Architectural and accent lighting shall be turned off between 11:00 PM and sunrise except for approved events;
- Glare free type opaque fixtures shall be provided for general lighting;
- Path lighting shall have concealed source post top fixtures, bollard fixtures, and surface mounted building fixtures; and
- Parking lot lighting shall not exceed 25 feet in height. (Ref. SEIR AES-5)

Air Quality

MM 4.3-1: The Proposed Project shall comply with City of Indian Wells conditions to prevent fugitive dust and blowsand as follows:

- Graded but undeveloped land shall be maintained in a condition so as to prevent a dust and/or blowsand nuisance, and shall be planted either with interim landscaping or provided with other wind and water erosion control measures as approved by the Director of Building and Safety and the state air quality management standards.
- Notwithstanding any section of the ordinance to the contrary, the permit holder(s) shall comply with the requirements of City of Indian Wells Municipal Code Section 8.20 (Fugitive Dust). (Ref. PEIR 5.7-1a, SEIR AQ-1).

MM 4.3-2: In accordance with City of Indian Wells conditions, all necessary measures to control dust shall be implemented during grading. Such measures shall include the following:

- The project shall comply with State, County and UBC dust control regulations, so as to prevent the soil from being eroded by wind, creating dust, or blowing onto a public road or roads or other public or private property.
- SCAQMD Rule 403.1 as amended shall be adhered to, ensuring the clean up on the construction related dirt on approach routes to the site, and the application of water and/or chemical dust retardants that solidify loose soils shall be implemented for construction vehicle access, as directed by the Community Development Director. This shall include covering, watering or otherwise stabilizing all inactive soil piles (left more than 10 days) and inactive graded areas (left more than 10 days).
- Any vegetative ground cover to be utilized onsite will be planted as soon as possible to reduce the amount of open space subject to wind erosion; irrigation will be installed as soon as possible to maintain the ground cover and minimize blowsand.
- Grading activity will be suspended when local winds exceed 25 miles per hour and during first and second state smog alerts.
- All trucks hauling dirt, soil or other loose dirt material will be covered.
- Pursuant to City of Indian Wells Municipal Code Section 8.24 (Blowing Sand and Dirt) blowsand shall be controlled by the measures contained in Section 8.24. Furthermore, pursuant to the Coachella Valley Fugitive Dust Control Handbook, measures to control PM 10 shall be approved by the Community of Development. (Ref. PEIR 5.7-1b, SEIR AQ-2).

MM 4.3-3: In order to reduce emissions from the power plant providing electricity to the site and from natural gas consumed by the projects users, on-site buildings shall at a minimum, be constructed to comply with State Energy Efficiency Standards (Title 24). (Ref. PEIR 5.7-2b, SEIR AQ-4).

~~MM 4.3-4: Reduce the maximum acreage graded on any one day to 20 acres. (Ref. SEIR AQ-5).~~

MM 4.3-5: During project construction, onsite electrical hook ups shall be provided for electric construction tools including saws, drills and compressors, to eliminate the need for diesel powered electric generators. (Ref. SEIR AQ-6).

MM 4.3-6: During project construction, the applicant shall require all contractors not to idle construction equipment onsite for more than 5 minutes. (Ref. SEIR AQ-7).

Biological Resources

MM 4.4-1: Prior to issuance of a grading permit, the applicant shall pay the CVMSHCP mitigation fee to the Coachella Valley Association of Governments (CVAG). (Ref. SEIR BIO-1).

~~MM 4.4-2: A pre-construction survey shall be conducted on the project site within 30 days prior to any ground disturbance to avoid a direct take of burrowing owls (BUOW). The biologist conducting the 30-day pre-construction BUOW survey must submit a letter report to the City of Indian Wells documenting the results of the survey. (Ref. SEIR BIO-2).~~

MM 4.4-3: If tree or shrub removal will occur during the bird nesting season (March 1 to September 15) a nesting bird survey shall be conducted by a qualified biologist prior to cutting trees or shrubs down. (Ref. SEIR BIO-4).

Cultural Resources

~~MM 4.5-1: Prior to issuance of grading permits, a qualified paleontologist shall be retained by the developer to monitor onsite grading, especially in the vicinity of CA-RIV- 5876. Any fossiliferous materials found during excavation shall be retained and curated in an appropriate manner at an appropriate facility. The recovery of any fossils shall be coordinated with the County Archaeological Information Center. This measure shall be implemented to the satisfaction of the Community Development Director. (Ref. SEIR CUL-1)~~

~~MM 4.5-2: Prior to the issuance of grading permits, a qualified archaeologist shall be retained by the applicant to monitor earth grading or any ground disturbance activities to ensure protection of significant cultural resources. A report of findings shall be prepared and the City shall require that the report have a peer review by an archaeologist qualified to meet the requirements established by the California Secretary of the Interior' Standards and Guidelines. The report and the peer review of the report shall be submitted to the Eastern Information Center, University of California Riverside and the Aqua Caliente Band of Cahuilla Indians or any other Native American Tribe identified during the SB 18 consultation if requested by said tribe(s). (Ref. SEIR CUL-2)~~

~~MM 4.5-3: During grading, a qualified archaeologist shall be retained by the applicant to monitor onsite grading. The monitor(s) shall have the authority to temporarily halt work until the artifacts can be surveyed, recovered, and/or handled in an appropriate manner. If archaeological resources are discovered, all work in that area shall be halted and qualified personnel shall be retained to examine, evaluate, and determine the most appropriate~~

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~~disposition of the resource(s). This measure shall be implemented to the satisfaction of the City's Community Development Director in consultation with the Archaeological Information Center (AIC) at UCR.~~

~~If artifacts of Native American (NA) origin are discovered, official representatives of the NA group shall be consulted to determine the most appropriate disposition of the artifacts, to the satisfaction of the AIC and the NA group. If fossils are found onsite, the AIC shall be contacted to determine disposition, to be funded by the applicant. (Ref. SEIR CUL-3)~~

~~MM 4.5-4: The project applicant shall enter into a PreExcavation Agreement with the most appropriate local Native American (NA) group to fund up to 2 NA representatives to have access to the site during grading activities. The designation of monitors shall be coordinated with the following Tribes: Augustine Band of Cahuilla Mission Indians, Aqua Caliente Band of Cahuilla Indians, Morongo Band of Mission Indians, and Soboba Band of Luiseno. It is the intent of this Mitigation Measure to avoid duplication of monitoring efforts and to designate the most appropriate Tribe to conduct the monitoring. (Ref. SEIR CUL-4)~~

MM 4.5-5: If human remains are found during excavation, work shall be halted and the appropriate local Native American (NA) group shall be contacted. If the County Coroner's office determines the remains to be Native American, and it is determined by the Native American Heritage Commission that member(s) of the local NA group is (are) the most likely descendants, the applicant shall allow reburial of the remains and associated goods at an appropriate offsite location which shall be "capped" to prevent further disturbances in the future. The site of such burial shall not be disclosed to the public, pursuant to Government Code §6254. Details of the reburial shall be negotiated between the applicant and the appropriate representatives of the local NA group.

If human remains are found, and not determined by the County Coroner's office to be Native American, but believed by the local NA group to be so, the applicant shall be required to pay reasonable costs to determine whether the remains are, Native American.

All NA cultural items and associated grave goods found on site, other than human remains, are to be avoided, relocated, salvaged, returned to the NA group, or any other option decided by the NA group to be appropriate, before development of the area in which the item was found is resumed.

The applicant shall provide for NA tribal archaeological monitors to be present during any Phase II and potential Phase III surveys of all sites within the project. (Ref. SEIR CUL-5).

Geology and Soils

MM 4.6-1: Geotechnical/soils reports shall be submitted to the Engineering Department for approval prior to issuance of a grading permit. All grading shall be in conformance with the recommendations of the geotechnical/soils reports as approved by the Engineering Department. Recommendations to be addressed within the geotechnical/soils report shall address, at minimum the following issue areas. The geotechnical study shall be approved by the Engineering Department, and applicable recommendations shall be incorporated into the final grading plan, including:

- Site Clearing and Preparation;
- Seismic Design Criteria;
- Over-excavation, Re-compaction and Fill Placement;
- Foundation Design, and

Retaining Walls, Utility Trench Backfill ad Drainage (Ref. PEIR 5.5-28, SEIR GEO-1).

~~MM 4.6-2: An Erosion Control Plan shall be submitted for approval to the City Engineer, prior to issuance of a grading permit. The Erosion Control Plan shall outline methods that shall be implemented to control erosion~~

Mitigation Measures

~~from graded or cleared portions of the site. The erosion control measures may include one or more of the following:~~

- ~~Placing sandbags along the perimeter of the project site prior to initial grading if grading is to be undertaken during the rainy season (October to March).~~
- ~~Minimizing the length of time that soils lie exposed after grading.~~

~~Landscaping, hydro seeding or any other method of providing soil stabilization to graded areas, in a manner approved by the City Engineer if determined to be required for erosion control in areas not planned for development until subsequent phases. Landscaping and hydro seeding should be under the direction of a licensed landscape architect and approved by the Community Development Director. (Ref. PEIR 5.5-2b, SEIR GEO-2).~~

MM 4.6-3: Prior to issuance of a grading permit, the project applicant shall comply with the City of Indian Wells Municipal Code to control erosion. (Ref. PEIR 5.5-2c, SEIR GEO-3).

MM 4.6-4: Due to the potential for ground shaking in a seismic event, the applicant shall comply with the standards set forth in the Uniform Building Code to assure seismic safety to the satisfaction of the Community Development Director. (Ref. PEIR 5.5- 3a, SEIR GEO-4).

MM 4.6-5: A structural engineer, civil engineer or architect experienced with earthquake-resistant design shall approve all building plans to determine the adequacy of seismic criteria for project structures, and to recommend appropriate design changes, if needed prior to issuance of building permits. The building plans shall incorporate design measures outlined within the Geotechnical/Soils Report prepared for the project site. (Ref. PEIR 5.5-3b, SEIR GEO-5).

Hazards and Hazardous Materials

MM 4.8-1: If waste materials are spilled during construction by the contractor and are believed to involve hazardous waste materials, the contractor shall:

- Immediately stop work in the vicinity of the suspected contaminant, remove workers and the public from the area;
- Notify the City of Indian Wells Building and Significant Safety Official;
- Secure the area as directed by the City of Indian Wells Building and Safety Official, and
- Notify the Director, Riverside County Environmental Health. Division (or designee) or appropriate approval authority. The Director shall follow procedures for site assessment, initiate coordination with local, State and regulatory agencies as required, and take remedial action as appropriate. (Ref. PEIR 5.1- 11, SEIR HAZ-1).

Hydrology and Water Quality

MM 4.9-1: Drainage improvements shall be required pursuant to Coachella Valley Water District and/or City of Indian Wells requirements, as appropriate. All required drainage improvements, including the retention basins, shall be designed by a California Registered Engineer and shall be submitted for approval to Coachella Valley Water District and/or City of Indian Wells as appropriate, prior to issuance of grading permits. (Ref. PEIR 5.3-2a, SEIR HWQ-3).

MM 4.9-2: Prior to grading permit issuance, drainage hydrology and hydraulic calculations shall be prepared in accordance with City of Indian Wells conditions, in order to ensure that post-project runoff does not exceed existing site runoff velocities. (Ref. PEIR 5.3-2b, SEIR HWQ-4).

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Mitigation Measures

MM 4.9-3: In order to prevent exposed soil from erosion during periods of heavy rainfall, the project applicant shall be required to meet all erosion control measures to the satisfaction of the City of Indian Wells Building and Safety Department. (Ref. PEIR 5.3-2c, SEIR HWQ-5).

MM 4.9-4: The project is required to meet Storm Water Management regulations. In accordance with City of Indian Wells conditions, prior to grading permit issuance, the project 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, and Monitoring Plan shall be submitted to the Engineering Department a minimum of thirty (30) days prior to commencing grading operations. (Ref. PEIR 5.3-3a, SEIR HWQ-6).

MM4.9-5: The project applicant shall be required to comply with the City of Indian Wells Engineering Director requirements contained in the conditions of approval on file in the Community Development Department with respect to urban and general construction stormwater management. (Ref. PEIR 5.3-3b, SEIR HWQ-7).

MM4.9-6: The project applicant shall be required to submit a final, project-specific Water Quality Management Plan (WQMP) in compliance with the requirements of the Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit (MS4 Permit) No. CAS617002 (Order No. R7-2008-0001) adopted on May 25, 2008 by the State Regional Water Quality Control Board. The WQMP shall be submitted 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 "Water Quality Management Plan and Stormwater BMP Maintenance and Right of Entry Agreement" with the County-Clerk Recorder to enforce said WQMP and BMP's and to inform future property owners of the requirement to implement the approved project-specific WQMP.

Noise

MM 4.12-1: Construction activities shall comply with City of Indian Wells Noise Chapter 9.06 relating to construction noise. If problems arise from construction noise, enforcement of the City's Municipal Code relating to construction-related noise discernible at residential boundaries will help minimize any potential noise impacts. Such noise is prohibited between the hours of Monday through Friday 7:00 am to 5:00 pm, Saturday 8:00 am to 5:00 p.m, and no Sundays or national holidays, unless a temporary waiver is granted by the Community Development Director. (Ref. PEIR 5.6-1 a, SEIR NOI-1).

MM 4.12-2: All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers, to the satisfaction of the Community Development Director (Ref. PEIR 5.6-1b, SEIR NOI-2).

MM 4.12-3: Stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers, to the satisfaction of the Community Development Director. (Ref. PEIR 5.6- 1b, SEIR NOI-3).

MM 4.12-4: Stockpiling and vehicle staging areas shall be located as far as practical from noise sensitive receptors during construction activities, to the satisfaction of the Community Development Director. (Ref. PEIR 5.6-1d, SEIR NOI-4).

MM 4.12-5: Noise related to the Tennis Garden shall be regulated by Indian Wells City Council Resolution No. 2001-38 which provides for noise monitoring through the temporary use permit process to ensure that noise

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from events does not exceed City Noise Standards. (Ref. SEIR NOI-5)
Public Service
MM 4.14-1: Prior to issuance of building permits, the applicant, and City of Indian Wells Police Department shall agree upon the procedures required to provide adequate police service to the project. (Ref. PEIR 5.4-1, SEIR PS-1).
MM 4.14-2: The applicant shall comply with the existing City of Indian Wells Development Impact Fees for fire protection prior to the issuance of building permits. These funds are to be used for the purchase of land and to build, equip, or remodel fire stations when necessary as development occurs. (Ref. PEIR 5.4-3a, SEIR PS-2).
MM 4.14-3: The project applicant shall comply with all applicable sections of the City of Indian Wells Municipal Code for construction, access, water mains, fire flows, and fire hydrants, as required, subject to approval by the Fire Department. (Ref. PEIR S.4-3b, SEIR PS-3).
MM 4.14-4: Prior to the issuance of occupancy permits, water improvement plans shall be submitted to and approved by the Fire Department for adequate fire protection and financial security posted for the installation. The adequacy and reliability of water system design, location of valves, and the distribution of fire hydrants is to be evaluated and approved by the Fire Department. (Ref. PEIR 5.4-3c, SEIR PS-4).
MM 4.14-5: Prior to the issuance of building permits, a construction phasing plan shall be submitted to and approved by the Fire Department. The purpose of this review is to evaluate the adequacy of emergency vehicle access for the type of land use served. (Ref. PEIR 5.4-3d, SEIR PS-5).
MM 4.14-6: Prior to the issuance of any certificates of use and occupancy, all fire hydrants shall have a "Blue Reflective Pavement Marker" indicating its location per Fire Department Standards. (Ref. PEIR 5.4-3e, SEIR PS-6).
MM 4.14-7: Prior to final building inspection, the applicant shall satisfy all Fire Department requirements regarding sprinkler systems, fire lanes and extinguishers. (Ref. PEIR 5.4-3f, SEIR PS-7).
MM 4.14-8: The Proposed Project shall be in compliance with the City requirements and Fire Department requirements regarding hazardous materials as contained in the conditions of approval on file in the Community Development Department. (Ref. PEIR 5.4-3g, SEIR PS-8).
Traffic and Transportation
MM 4.16-1: A Construction Traffic Management Plan (CTMP) shall be prepared and implemented to the satisfaction of the Community Development Director and Public Works Director. The TMP shall include, but not be limited to, the following measures: ▪ Provision of continued access to residential properties adjacent to the construction site. ▪ Provide alternate bicycle routes where existing bicycle routes are disrupted by construction activities. ▪ Submit a truck routing plan, for approval by the City of Indian Wells and other responsible public agencies in order to minimize impacts from truck traffic during material delivery and disposal. The CTMP will demonstrate that all inbound vehicle stacking is accommodated on-site with no spill-over onto Miles Avenue or Washington Street, and that outbound traffic peaks can be moderated to such an extent that the Level of Service LOS) does not deteriorate below LOS "E" for more than 30 consecutive minutes per day.

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(Ref. PEIR 5.2-1a, SEIR TT-2).
MM 4.16-2: Construction related activities will be subject to, and comply with, standard street use requirements imposed by the City of Indian Wells and other public agencies, including the use of flag men to assist with haul truck ingress and egress of construction areas and limiting of large size vehicles to off-peak commute traffic periods. (Ref. PEIR 5.2-1b, SEIR TT-3).
MM 4.16-3: During periods of heavy equipment access or truck hauling, the project contractor will provide construction traffic signage and a construction traffic flag man to control construction and general project traffic at points of ingress and egress. (Ref. PEIR 5.2- 1c, SEIR TT-4).
Utilities
MM 4.17-1: All final development plans shall be conditioned to require that all services and facilities shall be built in accordance with applicable Imperial Irrigation District (IID) and/or Southern California Edison (SCE) policies and extension rules on file with the California Public Utilities Commission. (Ref. PEIR 5.4-6a, SEIR UTL-1).
MM 4.17-2: All building plans shall comply with the Energy Conservation Standards set forth in Title 24 of the California Administrative Code and local building and safety codes. (Ref. PEIR 5.4-6b, SEIR UTL-2).
MM 4.17-3: The applicant shall consult with IID and SCE regarding participation in programs designed to increase the efficiency of operation and decrease energy costs. These programs may include new construction programs and off-peak cooling/thermal storage. Design criteria shall include the utilization of energy-efficient architectural and landscaping design concepts that would contribute to a reduction in the demand for energy. These concepts may include natural heating and/or cooling through sun and wind exposure and solar energy collection systems. (Ref. PEIR 5.4-6c, SEIR UTL-3).
MM 4.17-4: Water system design and all public water mains, meters, and appurtenances shall be installed and constructed in compliance with the applicable standards, specifications, policies, and regulations of the CVWD and a construction phasing plan shall be approved, prior to project final or occupancy permits. (Ref. PEIR 5.4-12a, SEIR UTL-4).
MM 4.17-5: All water mains shall be sized to convey peak hour demands or maximum day demands with fire flows, prior to occupancy permits. All public streets and easements must be capable of containing and conveying the design fire flow capacity, as determined by the Fire Department. (Ref. PEIR 5.4-12b, SEIR UTL-5).
MM 4.17-6: Prior to building permit issuance, signed plans from the Coachella Valley Water District shall be provided to the Community Development Director verifying compliance with the conditions as follows: water and sewer utility clearance, and low water efficient landscaping and irrigation. (Ref. PEIR 5.4-12c, SEIR UTL-6).
MM 4.17-7: Prior to the issuance of building permits, the applicant shall demonstrate use of low water use fixtures, plumbing fixtures and appliances, to the satisfaction of the Community Development Director and CVWD, which may include the following: Interior: ▪ Supply line pressure: Reduce water pressure greater than 60 psi to 60 psi or less by means of a pressure-reducing valve. ▪ Drinking fountains: Equip drinking fountains with self-closing valves. ▪ Ultra-low flush toilets: Install 1.6 gallon per flush toilets in al\ new construction.

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Exterior:

- Landscape with low water-consuming plants wherever feasible.
- Minimize use of lawn by limiting it to lawn-dependent uses.
- Group plants of similar water use to reduce over irrigation of tow-water-using plants.
- Use mulch extensively in all landscaped areas. Mulch applied on top of soil would improve the water-holding capacity of the soil by reducing evaporation and soil compaction.
- Install efficient irrigation systems which minimize runoff and evaporation, and maximize the water which would reach the plant roots. Drip irrigation, soil moisture sensors, and automatic irrigation systems are a few methods to consider in increasing irrigation efficiency and may be feasible for the project.
- Use pervious paving material whenever feasible to reduce surface water runoff.

Investigate the feasibility of utilizing reclaimed wastewater, stored rain water, or gray water for irrigation. (Ref. PEIR 5.4-12d, SEIR UTL-7).

MM 4.17-8: The project, applicant shall comply with the CVWD requirements for water service. (Ref. PEIR 5.4-12e, SEIR UTL-8).

MM 4.17-9: If phasing is proposed, the applicant shall submit a construction phasing plan for review and approval by the Community Development Department prior to final design plan approval. (Ref. PEIR 5.4-14a, SEIR UTL-9).

MM 4.17-10: Prior to issuance of occupancy permits the applicant shall comply with City of Indian Wells Municipal Code Chapter 14.04 (Sewage System) and CVWD requirements as contained within the conditions of approval on file in the Community Development Director for sewer service. (Ref. PEIR 5.4-14b, SEIR UTL-10).

MM 4.17-11: Prior to issuance of occupancy permits, the project applicant shall provide the Community Development Director with evidence of compliance with guidelines set forth by the State of California accordance with the California Integrated Waste Management Act of 1989 (AS 939), which requires jurisdictions to divert 50 percent of solid waste from landfills. This shall include consideration for offering marketable materials, such as concrete, asphalt and steel, to recyclables. (Ref. PEIR 5.4-16a, SEIR UTL-11).

MM 4.17-12: Prior to issuance of building permits, the applicant shall submit 3 copies of a site plan, which includes the final design for the recyclable collection and storage area to Community Development Director review and approval. The storage area for recyclable materials shall comply with the following standards:

- The design, construction and location of recycling areas shall not conflict with any applicable federal, state or local laws relating to fire, building access, transportation, circulation or safety and shall be designed to be architecturally compatible with affected structures and existing topography;
- The recycling storage areas shall be conveniently located at or near solid waste collection areas, where feasible, but maintain adequate separation, fencing and landscaping to ensure that adjacent areas are not impacted by any associated noise, odor, vectors or glare for the storage areas;
- The recycling storage areas, bins and containers shall be adequate in capacity number and distribution to achieve fifty-percent recycling of the total waste generated by the. project;
- The recycling storage areas shall be sufficiently protected from rain which might render the collected materials unmarketable and shall be secure from theft;
- Collection vehicles and personnel shall have unobstructed access to the storage area; and
- All recycling bins shall be labeled with the universal recycling symbol and with signage indicating to the users the type of material to be deposited in each bin. (Ref. PEIR S.4-16b, SEIR UTL-12).

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MM 4.17-13: Items to be collected for recycling from a residential or commercial establishment depend on the types of materials available for recycling and the hauler's collection system. The applicant should work with his permitted refuse hauler to identify which materials may be collected for recycling and on what schedule. (Ref. PEIR 5.4-16c, SEIR UTL-13).

1.5 Summary of Findings

Per the supplemental Environmental Checklist prepared for the Stadium 3 Project project and supporting environmental analysis (Section 2.0) and pursuant to Section 15162, 15164 and 15183 of the State CEQA Guidelines, the City of Indian Wells has determined that:

(a) The amended Stadium 3 Project does not propose substantial changes which would require major revisions to the prior certified CEQA analysis due to new or substantially more severe significant environmental effects than previously analyzed;

(b) There have been no substantial changes in circumstances under which the Stadium 3 Project would be undertaken that would require major revisions to prior certified CEQA analysis due to new or substantially more severe significant environmental effects than previously analyzed; and

(c) No new information of substantial importance as described in subsection (a)(3) of Section 151642 has been revealed that would require major revisions to the prior certified CEQA analysis or its conclusions.

Although there are no substantive changes to the Stadium 3 Project, an addendum is appropriate because the Stadium 3 Project involves minor changes and new information related to the use of Stadium 3 (State CEQA Guidelines §15165; 15183) and because the City wishes to disclose project-specific information that is site specific. This information does not constitute substantial changes to the project or the circumstances due to the involvement of significant environmental effects or a substantial increase in the severity of previously identified significant effects. Similarly, subsequent consideration does not constitute new information that would show new effects or substantially more severe effects. Likewise, there is no known mitigation measures that would in fact be feasible or that would substantially reduce significant effects, that the project proponent has declined to adopt. Furthermore, there have been no other changes, evidence or new information which would require revisions to the previous certified EIR. In accordance with State CEQA Guidelines Section 15164, this Addendum to the certified 1998 PEIR is the appropriate environmental documentation for the proposed Stadium 3 Project.

1.6 Cumulative Impacts

The type and extent of construction activities and the operational characteristics of the proposed Stadium 3 Project would not differ substantially from what was previously evaluated in the 1998 PEIR, 2008 SEIR and 2013 Addendum. Therefore, the proposed Stadium 3 Project would result in no change to the analysis or conclusions regarding cumulative impacts, and the finding of less than significant cumulative impacts made in the 1998 PEIR, 2008 SEIR and 2013 EIR Addendum would also apply to the 2015 EIR Addendum.

2.0 ENVIRONMENTAL CHECKLIST FOR SUPPLEMENTAL REVIEW

The following CEQA Checklist provides the supporting documentation demonstrating that the Stadium 3 conversion would not result in any new or more significant environmental effects, and that no new mitigation measures are needed. It further demonstrates that the Stadium 3 Project does not meet any of the criteria of Section 15162 and 15163 of the State CEQA Guidelines for preparation of a subsequent or supplemental EIR and meets the criteria of Section 15164 of the State CEQA Guidelines for the preparation of an EIR addendum.

The evaluation is provided in the form of a table identifying the issues relevant under CEQA as reflected in the most recent version of the State CEQA Guidelines Appendix G Checklist. A discussion of the elements of the checklist is provided under each environmental category to explain the answers. Additionally, a discussion of the conclusion relating to the analysis is contained in each section. Conclusions that identify the changes to the project involve no new significant impacts and/or no substantially more severe impacts, supports the use of this addendum as the appropriate level of environmental document for the proposed project refinements.

2.1 Aesthetics

Environmental Issues	Where Were Impacts Analyzed in 1998 PEIR, 2008 SEIR and 2013 EIR Addendum?	Do Proposed Changes Require Major Revisions to Certified 1998 PEIR, 2008 SEIR and 2013 EIR?	Do New Circumstances Require Major Revision to Certified 1998 and 2013 EIR?	Any Substantially Important New Information Requiring New Analysis or Verification?	Any Previously Infeasible or New Mitigation Measures to Address Impacts?
I. Aesthetics. Would the project:					
a) Have a substantial adverse effect on a scenic vista?	1998 PEIR Pg 5.9-1 thru 5.10-8 2008 SEIR Pg 3.1-1 2013 Addendum Pg34	No	No	No	No
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	1998 PEIR Pg 5.9-1 thru 5.10-8 2008 SEIR Pg 3.1-3 2013 Addendum Pg 35	No	No	No	No
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	1998 PEIR Pg 5.9-1 thru 5.10-8 2008 SEIR Pg 3.1-4 2013 Addendum Pg 35	No	No	No	No
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	1998 PEIR Pg 5.9-1 thru 5.10-8 2008 SEIR Pg 3.1-4 2013 Addendum Pg 35	No	No	No	No

Discussion: The 1998 EIR, prepared when the Tennis Garden was vacant land, found that project construction would create temporary aesthetic nuisances associated with site grading and construction activities and would alter the viewshed of neighboring properties after the proposed Tennis Garden, commercial and residential uses had been constructed. It further found these impacts to be less than significant with mitigation.

The 2008 SEIR, prepared after Stadium 1 and the main Tennis Garden campus had been constructed, concluded that the Town Center Project would affect views of the Santa Rosa Mountains from some homes on Via Pavilion east of Washington Street, would alter the visual character of the site during and after construction and would increase light and glare in the general area. It also concluded that these impacts would be less than significant with mitigation.

The 2013 EIR Addendum analyzed the construction of Stadium 2 along with various circulation and parking improvements. It concluded that the Stadium 2 Project would not exceed the level of visual impacts previously identified. Mitigation measures were updated and relevant mitigation measures re-adopted. With these, aesthetic impacts of the Stadium 2 project were determined to be less than significant.

The Stadium 3 Project is an infill project within the Indian Wells Tennis Garden campus. It is entirely surrounded by larger 2-3 story bowl-style stadiums, 26 fully lighted tennis courts with 90-100 foot tall freestanding sports lighting fixtures, two large single-story tension shade structures, hundreds of mature palm trees and a network of broad pedestrian hardscapes. The new Stadium 3 would be almost entirely screened by Stadium 2 from nearby residences across Washington Street to the northeast. Therefore, Stadium 3 would be appropriate to its surroundings and would not have an adverse effect on a scenic vista nor would it degrade the quality of character of its surroundings.

Stadium 3 would replace an existing stadium on land that is entirely covered in concrete. No trees, rock outcroppings, and historic buildings are present to affect nor is there a state scenic highway in the area.

The Stadium 3 Project would replace an existing temporary bleacher-style stadium inside the Tennis Garden campus with a permanent bowl-style stadium and two story, architecturally designed, stadium building along with perimeter hardscape and landscaping enhancements. Sports lighting, currently mounted on freestanding poles at a height of 100-feet surrounding the existing bleacher-style court, would be lowered and relocated nearer to the court and mounted on the new stadium building at a maximum height of 66-feet. In addition, the new stadium bowl would function as a more effective light containment structure than the existing bleachers. Therefore, the Stadium 3 Project would exhibit the same number of lighting fixtures, the same light sources, a lower mounting height and enhanced light containment, resulting in lower levels of light spillage outside the stadium bowl. Because of this, light spillage for the renovated Stadium 3 would fall within the combined 0.4 foot-candle photogrammetric lighting "footprint" for Stadiums 1, Stadium 2 and bleacher Stadium 3 shown in Appendix C of the certified 2013 EIR Addendum (Included in Appendix B of this document). As modelled, sports lighting levels for all stadiums were determined not to exceed residential lighting levels at the boundary of the Tennis Garden property.

Relevant mitigation measures would be readopted for the Stadium 3 Project, including MM 4.1-2, MM 4.1-3 and MM 4.1-4, pertaining to the removal of construction debris, standards for construction and security lighting, and standards for permanent outdoor lighting. Section 1.4 contains a list of these mitigation measures and their specific wording.

Conclusion: Implementation of the proposed Stadium 3 Project would result in the replacement of an existing temporary bleacher-style stadium with a permanent bowl-style stadium and two story stadium building in a campus-like infill setting. The stadium building would be of a similar height and architectural style to the existing Stadium 2 and would complement the overall Tennis Garden aesthetic. It would result in improved lighting containment, lower sports lighting and lower levels of light spillage. Because the Stadium 3 Project would replace one stadium with another stadium nestled among two other larger bowl-style tennis stadiums, lighted practice courts, paved walkways and manicured pedestrian corridors, it would result in no substantive change to a scenic vista, natural setting or scenic resource. Further, because the new stadium would replace a temporary bleacher-style stadium with an architecturally designed permanent tennis stadium, it would enhance the aesthetic character of the site. Finally, since the height of sports lighting would be lowered, the potential for light and glare would also be reduced. Re-adoption of mitigation measures 4.1-2, 4.1-3 and 4.1-4 would ensure that aesthetic impacts are addressed during project construction and operation. Therefore, impacts of the Stadium 3 Project related to aesthetics would remain less than significant.

2.2 AGRICULTURE AND FORESTRY RESOURCES

Environmental Issues	Where Were Impacts Analyzed in 1998 PEIR, 2008 SEIR and 2013 EIR Addendum?	Do Proposed Changes Require Major Revisions to Certified 1998 PEIR, 2008 SEIR and 2013 EIR?	Do New Circumstances Require Major Revision to Certified 1998 and 2013 EIR?	Any Substantially Important New Information Requiring New Analysis or Verification?	Any Previously Infeasible or New Mitigation Measures to Address Impacts?
II. Agriculture and Forestry Resources. Would the project:					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resource Agency, to non-agricultural use?	1998 EA Pg 13, 30-31 2008 SEIR Pg 3.2-1 thru 3.2-2 2013 Addendum Pg 38	No	No	No	No
b) Conflict with existing zoning for agricultural use or a Williamson Act contract?	1998 EA Pg 13, 30-31 2008 SEIR Pg 3.2-1 thru 3.2-2 2013 Addendum Pg 38	No	No	No	No
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resource Code 12220(g)), timberland (as defined by Public Resource Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104 (g))?	1998 EA Pg 13, 30-31 2008 SEIR Pg 3.2-1 thru 3.2-2 2013 Addendum Pg 38	No	No	No	No
d) Result in the loss or forest land or conversion of forest land to non-forest use?	1998 EA Pg 13, 30-31 2008 SEIR Pg 3.2-1 thru 3.2-2 2013 Addendum Pg 39	No	No	No	No
e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-	1998 EA Pg 13, 30-31 2008 SEIR Pg 3.2-1 thru	No	No	No	No

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agricultural use or conversion of forest land to non-forest use?	3.2-2 2013 Addendum Pg 39

Discussion: As previously analyzed in the 1998 PEIR, 2008 SEIR, and 2013 Addendum, there are no agricultural lands, forest land, or timberland resources present within the Stadium 3 Project site. During the 1998 EIR review, the Stadium 3 location and surroundings consisted of undeveloped land. By 2000, the Stadium 3 location had been developed as part of the 54-acre Indian Wells Tennis Gardens complex within the overall 184-acre master plan area, a condition observed in the previous CEQA review.

According to the Farmland Mapping and Monitoring Program (FMMP) 2012 map for Central Riverside County, prepared by the California Department of Conservation, the project site and existing complex are categorized as *Urban and Built-Up Land (D)*, a designation that applies to developed land uses. As a result, the proposed Stadium 3 Project would not result in the conversion of Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland) to non-agricultural uses.

The subject property is designated as Sports Complex and Resort Commercial by the Indian Wells General Plan. The proposed Stadium 3 Project would not conflict with the existing General Plan or zoning pertaining to agricultural uses. Additionally, the project area is not under an existing Williamson Act contract. Therefore, the proposed improvements would not conflict with existing zoning for agricultural use or a Williamson Act contract.

The proposed Stadium 3 Project is situated within an existing developed setting in a desert valley-floor region, which does not include forest land or timber land zones as defined by the Public Resources Code. The City of Indian Wells does not have applicable zoning supporting these types of resources. As a result, the implementation of Stadium 3 would not result in the loss or conversion of forest land or timber land to non-forest uses.

Absent of any on-site farmland or forest uses, the proposed Stadium 3 Project would not result in changes to the existing environment, which, due to their location or nature, could result in the conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use.

Conclusion: Pertaining to agricultural resources, Stadium 3 would not result in new or substantially more severe significant environmental effects than previously analyzed in the 1998 EIR, 2008 SEIR, and 2013 Addendum because the site is not, and has not been, zoned for agricultural use; the site is not, and has not been, subject to Williamson Act Contract; and, the site is not, and has not been, zoned as forest or timberland. Moreover, no new information of substantial importance, as described in subsection (a)(3) of Section 15164, has been revealed that would require major revisions to the FEIR or its conclusion. Therefore, impacts of the Stadium 3 Project related to agricultural and forestry resources would remain less than significant.

2.3 AIR QUALITY

Environmental Issues	Where Were Impacts Analyzed in 1998 PEIR, 2008 SEIR and 2013 EIR Addendum?	Do Proposed Changes Require Major Revisions to Certified 1998 PEIR, 2008 SEIR and 2013 EIR?	Do New Circumstances Require Major Revision to Certified 1998 and 2013 EIR?	Any Substantially Important New Information Requiring New Analysis or Verification?	Any Previously Infeasible or New Mitigation Measures to Address Impacts?
III. Air Quality. Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	2013 Addendum pgs 46-48	No	No	No	No
b) Violate any air quality standard of contribute substantially to an existing or projected air quality violation?	2013 Addendum pgs 46-48	No	No	No	No
c) Result in cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	2013 Addendum pgs 46-48	No	No	No	No
d) Expose sensitive receptors to substantial pollutant concerns?	2013 Addendum pgs 46-48	No	No	No	No
e) Create objectionable odor affecting a substantial number of people?	2013 Addendum pgs 46-48	No	No	No	No

Discussion: The proposed Stadium 3 Project would construct a permanent stadium with 4,500 available seats to replace the existing temporary bleacher style seating consisting of 5,500 available seats. The project includes the dismantling and removal of the existing temporary stadium and the demolition of existing hardscape and infrastructure that are within the estimated 2.7-acre footprint of disturbance. Following demolition and removal activities, excavation for the recessed stadium would occur followed by construction of the new structure, infrastructure and hardscape. The site grading is expected to balance, resulting in no export or import of soil. All demolition materials would be disposed of at an approved landfill or recycling facility. Improvements would function as an expansion of existing services available for ticket holders. Fewer seats within Stadium 3 would result from the improved

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accommodations. Additionally, the facility would provide more comfortable and secure indoor accommodations for vendors and food preparation facilities that exist as part of the yearly tennis even.

Also proposed with the project is a 24,000 square foot, year round tennis museum that is an improvement of the 5,000 square foot Hall of Fame envisioned in the 1998 PEIR. Daily non-Tournament visits associated with the new Museum facility are expected to be a maximum of 100 attendees per day with an average of 200 vehicle trips maximum (2 riders per vehicle in and out of facility.) It is anticipated that the Museum would be staffed by 10 employees. Vehicle trips associated with employees are assumed to be 20 vehicle trips per day.

Air quality impacts consist of mobile source emissions generated from Tournament-related traffic and stationary source emissions (generated directly from any natural gas consumed and indirectly from the power plant providing electricity to the tennis complex). Emission factors are determined by utilizing traffic data and traffic generation estimates

The traffic engineer for the Stadium 3 Project prepared the traffic analyses for both the 1998 PEIR and 2013 Addendum. The proposed Stadium 3 Project is anticipated to result in similar air quality impacts as those disclosed in the 1998 PEIR, the 2008 SEIR and the 2013 Addendum. As discussed in the 1998 PEIR for the Garden of Champions project, which included the Stadium 3 Project, short-term impacts on air quality are expected to occur during grading and construction activities, including fugitive dust, exhaust emissions and potential odors from construction equipment, and exhaust emissions from construction crew vehicles. Long-term emissions associated with the operation of the project would include the byproducts of fuel consumption associated with mobile and stationary sources (1998 PEIR page 5.6-4 through 5.7-6 and 5.7-15 through 5.7-19, 2013 EIR Addendum pages 47 and 48.)

The traffic analysis update prepared for the 2013 Addendum included the calculated maximum attendance for the entire yearly event. Impacts associated with the existing temporary 5,500 bleacher style stadium were included in the conservative estimates for max peak hour estimates in the 2013 Stadium 2 study. The traffic impacts associated with the yearly tennis event were determined to be less than significant in the 2013 study. Because air quality impacts are keyed off of traffic impacts, at least in part. Air quality impacts of the Stadium 3 Project would be similar to the impacts disclosed in the 2013 Addendum. Impacts associated with the yearly tennis event are temporary and only occur during a two week period once a year, air quality impacts are expected to be similar to the previously 2013 studies.

Although potential air quality impacts would still remain significant and unavoidable during operations as determined in previous CEQA analyses, no significant increase of impacts would occur. A reduction in impacts associated with individual vehicles and stationary sources can be expected due to motor vehicle emissions control programs and current building standards associated with energy efficiency. Current vehicle emission standards, such as those found in "The California Low-Emission Vehicle (LEV) Regulations (With Amendments Effective January 1, 2015)" would be implemented. These regulation are administered by the California Air

Resources Board (CARB) and are contained in various sections of chapter 1 (Motor Vehicle Pollution Control Devices) of the California Code of Regulations (CCR.) CARB has been phasing in improved emission standards since 1990 and the regulations are progressively restrictive relative to vehicles that range from passenger cars to those with heavy duty engines.

The California Building Standards Code (Title 24) is updated every three years and compliance with the energy efficiency regulations is required.

The level of impact would be reduced when compared to the potential effects analyzed in the 1998 PEIR and 2008 SEIR for a year-round regional mixed-use commercial development of the same area. The proposed stadium structure would replace the existing temporary facility in its current location therefore temporary impacts associated with construction emissions of PM10 are anticipated to be reduced. The site is currently surrounded by impervious surfaces, and the limit of disturbance of demolition and construction (2.8 ac) is relatively small. Impacts during construction are similar if not less than those analyzed in previous CEQA studies. The Original Tennis Garden Project encompassed approximately 184 acres which included the 2.7 acres of the Stadium 3 Project. The Stadium 2 Project consisted of approximately 30 acres. The Original Tennis Garden Project and the Stadium 2 Project were limited to 20 acres of disturbance per day to mitigate impacts during construction. The Stadium 3 Project's area of 2.7 acres is well below this threshold. The reduced footprint of ground disturbance minimizes the area exposed to wind erosion and equates to a reduced presence of heavy equipment used during construction. Additionally, site earthwork is expected to balance, further decreasing the potential for air quality impacts associated with import and export activities during construction.

Because the Stadium 3 Project can be considered a portion of the original analysis in the preceding CEQA Documents, and because the proposed project would be consistent with the City's General Plan, it would be consistent with the region's Air Quality Management Plan (AQMP). The Original Tennis Garden Project was determined to conform to SCAG goals to utilize existing utilities and urbanized areas as it would be located in an urban infill area which is currently accessed by existing utilities, and is in close proximity to Interstate 10 and Highway 111. The diverse mix of complementary land uses were also considered to result in an overall reduction in regional VMT. Therefore the Original Tennis Garden Project would be considered to be in conformance with the overall goals of the Regional Comprehensive Plan (RCP) Growth Management and Regional Mobility Chapters. In addition to conformity with the AQMP, the Original Tennis Garden Project and the Stadium 3 Project would be required to be in conformance with the State Implementation Plan for PM10 in the Coachella Valley.) It would not conflict with or obstruct implementation of the applicable air quality plan (1998 PEIR page 5.7-21.)

The Original Tennis Garden Project was expected to exceed SCAQMD operation emissions during construction and during the yearly two week tennis event, however the nature of the project was such that substantial unqualified emission reductions were likely to occur due to regional reduction in VMT (1998 PEIR, page 5.7-18.) The Stadium 3 Project is a portion of the Original Tennis Garden Project so it would be expected to contribute to cumulative significant

impacts from ozone exposure associated with emissions during construction and ozone and PM10 exposure during operations (2008 SEIR, page 3.3-10.)As mentioned in the 1998 PEIR and 2008 SEIR, impacts associated with a cumulatively considerable net increase of any criteria pollutant for which the region is non-attainment is significant and unavoidable.

As a portion of the Original Tennis Garden Project, Stadium 3 would contribute to cumulative impacts that were identified in the 1998 PEIR and 2008 SEIR. The Stadium 3 Project would not contribute new or substantially more to an existing or projected air quality violation. This 2.7 acre Stadium 3 Project was accounted for in the 1998 PEIR and 2008 SEIR analyses that examined impacts for the overall 184 acre of the Garden of Champions.

As noted in the 1998 PEIR and 2008 SEIR, impacts associated with exposure of sensitive receptors is less than significant considering the areas low ambient concentrations and distance to sensitive receptors (1998 PEIR, pages 5.7-21 and 5.7-22.) Short-term sources of odors associated with the use of heavy equipment and associated diesel exhausts would disperse rapidly with distance from the source and would be removed at the completion of the construction activities.

All building plans are required to comply with the most current Energy Conservation Standards set forth in Title 24 of the California Administrative Code and local building and safety codes at the time of construction. Consequently, although potential air quality impacts would still remain significant and unavoidable, the level of impact would not be expected to be increased significantly by the project in comparison with the previous CEQA analyses due to the required frequent periodic updated to these standards that become progressively restrictive in the interest of reaching long term State and Federal energy efficient goals.

Conclusion: Based on the analysis above, the impacts related to Air Quality as analyzed in this Addendum remain the same or would be reduced as compared to the air quality impacts and mitigation identified in the 1998 PEIR, 2008 SEIR and 2013 Addendum for the master planned facilities. The proposed Stadium 3 Project would not result in any additional significant environmental effects or a substantial increase in the severity of previously identified significant effects.

2.4 BIOLOGICAL RESOURCES

Environmental Issues	Where Were Impacts Analyzed in the 1998, 2008 and 2013 EIR Addendum?	Do Proposed Changes Require Major Revisions to Certified 1998 PEIR, 2008 SEIR and 2013 EIR?	Do New Circumstances Require Major Revision to Certified 1998 and 2013 EIR?	Any Substantially Important New Information Requiring New Analysis or Verification?	Any Previously Infeasible or New Mitigation Measures to Address Impacts?
IV. Biological Resources. Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service?	1998 PEIR Pg. 5.8-1 thru 5.8-13 2008 SEIR Pg. 3.4-1 thru 3.4-13 2013 EIR Pg. 42-45	No	No	No	No
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.	1998 PEIR Pg. 5.8-1 thru 5.8-13 2008 SEIR Pg. 3.4-1 thru 3.4-13 2013 EIR Pg. 42-45	No	No	No	No
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	1998 PEIR Pg. 5.8-1 thru 5.8-13 2008 SEIR Pg. 3.4-1 thru 3.4-13 2013 EIR Pg. 42-45	No	No	No	No
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impeded the use of native wildlife nursery sites?	1998 PEIR Pg. 5.8-1 thru 5.8-13 2008 SEIR Pg. 3.4-1 thru 3.4-13 2013 EIR Pg. 42-45	No	No	No	No
e) Conflict with any local polices or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	1998 PEIR Pg. 5.8-1 thru 5.8-13 2008 SEIR Pg. 3.4-1 thru	No	No	No	No

f) Conflict with the provisions of an adopted Habitat Conservation Plan, or other approved local, regional, or state habitat conservation plan?	3.4-13 2013 EIR Pg. 42-45 1998 PEIR Pg. 5.8-1 thru 5.8-13 2008 SEIR Pg. 3.4-1 thru 3.4-13 2013 EIR Pg. 42-45	No	No	No	No

Discussion: The project would convert the existing Stadium 3 into a 4,500 permanent seat bowl style stadium and two-story building within the existing Tennis Garden. The site has been heavily impacted by human activities, existing buildings, tennis courts and tennis stadiums. Additionally, there is extensive acreage of native plants, palms and grass areas. Biological surveys performed for the 1998 PEIR and 2008 SEIR when the site was undeveloped did not uncover any listed or unlisted special status for any plant or animal species. Moreover, the subject property is not located in a designated critical habitat area as identified by the U.S. Fish and Wildlife. The 2008 SEIR updated the biological analysis from the 1998 PEIR to reflect current regulatory requirements to address endangered species and species of concern.

As previously discussed the project site is heavily disturbed and completely developed with urban uses, it is not part of any riparian habitat or sensitive communities identified by U.S. Fish and Wildlife or CA Department of Fish and Wildlife. Biological analysis and review for the 1998 PEIR, 2008 SEIR and 2013 Addendum were performed in support of these documents and no riparian habitats or other sensitive communities were observed. There are no wetlands within the project area as defined by Section 404 of the Clean Water Act. The Tennis Garden campus is constrained by walls, fencing, buildings, tennis courts, and contains no water bodies or areas of native vegetation and is surrounded on the south and east by heavily travelled roads. Based on these physical conditions, and confirmed by previous review of biological surveys and site disturbance, the project site does not serve as a wildlife corridor for native or migratory species, or native wildlife nursery and does not conflict with any local policies. Additionally, the Stadium 3 Project does not have any trees that would be subject to a tree preservation policy or ordinance. The City of Indian Wells is a participant in the Coachella Valley Multi-Species Habitat Conservation Plan (CVMSHCP); the project site is not identified as a conservation area within this plan.

Conclusion: The proposed Stadium 3 Project site occurs entirely on existing paved surfaces and would not impact any area of native vegetation or habitat. Consequently, it is consistent with the analysis contained in the 1998 PEIR, 2008 SEIR and 2013 Addendum that biological impacts would remain less than significant. Mitigation Measures identified for Biological Resources as MM 4.4-1 through 4.4.-3 in the 2013 Addendum (See Table 1.1) would not apply since the project site would be replacing existing concrete surface with new concrete and there are no affected areas pf native land and trees/shrubs being removed by the Stadium 3 Project. The proposed improvements to the project would not result in new significant impacts or

substantially more severe impacts related to Biological Resources. Based on previous analysis, impacts remain the same or are reduced in comparison and no new mitigation measures are necessary.

2.5 CULTURAL RESOURCES

Environmental Issues	Where Were Impacts Analyzed in the 1998, 2008 and 2013 EIR Addendum?	Do Proposed Changes Require Major Revisions to Certified 1998 PEIR, 2008 SEIR and 2013 EIR?	Do New Circumstances Require Major Revision to Certified 1998 and 2013 EIR?	Any Substantially Important New Information Requiring New Analysis or Verification?	Any Previously Infeasible or New Mitigation Measures to Address Impacts?
V. Cultural Resources. Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	1998 PEIR Pg. 5.11-1 thru 5.11-11 2008 SEIR Pg. 3.5-1 thru 3.5-6 2013 EIR Pg. 45 thru 48	No	No	No	No
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	1998 PEIR Pg. 5.11-1 thru 5.11-11 2008 SEIR Pg. 3.5-1 thru 3.5-6 2013 EIR Pg. 45 thru 48	No	No	No	No
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	1998 PEIR Pg. 5.11-1 thru 5.11-11 2008 SEIR Pg. 3.5-1 thru 3.5-6 2013 EIR Pg. 45 thru 48	No	No	No	No
d) Disturb and human remains, including those interred outside of formal cemeteries?	1998 PEIR Pg. 5.11-1 thru 5.11-11 2008 SEIR Pg. 3.5-1 thru 3.5-6 2013 EIR Pg. 45 thru 48	No	No	No	No

Discussion: As previously mentioned in Section 2.4, the Stadium 3 Project site is entirely covered with paved surface and has been heavily disturbed by human activities, existing buildings, tennis courts and tennis stadiums. There are no open areas of land on or near the Stadium 3 Project site. Per records research prepared for the Cultural analysis for the 1998 PEIR, 2008 SEIR and 2013 Addendum; the Stadium 3 Project site does not contain any known

historic resources. The 1998 PEIR did identify three Archaeological resources within the Original Tennis Garden Project site, CA-RIV-3005, CA-RIV-3008 and a portion of the third site extended into the Tennis Garden land south of Miles Avenue CA-RIV-5876. These findings consisted of hand held tools, pottery, milling stone fragments and shards. In April of 1998, both CA-RIV-3005 and CA-RIV-3008 were relocated and reexamined. The 1998 PEIR recommended Phase 2 testing and Phase 3 recovery of artifacts where necessary prior to grading. A Cultural records search was conducted for the 2008 SEIR, noted that two of the cultural resources studies conducted within the project area involved field and laboratory investigation to evaluate the significance of archaeological resource sites CA-RIV 3005, CA-RIV-3008 and CA-RIV-5876. The results concluded that although the above sites did contain and yield important archaeological and cultural heritage information, further study of the cultural resources identified was not necessary. However, mitigation for monitoring during construction to ensure protection of any significant subsurface cultural resources was recommended in the 1998 PEIR and mitigation measures were updated in the 2008 SEIR and 2013 Addendum to continue to reduce impacts to archaeological resources to less than significant.

The original Tennis Garden Project site has low potential for Paleontological resources, due to the presence of deep underlying deposits of alluvian, fluvian and aeoloian formations on the valley floor. However, mitigation measures identified as MM 4.5-5 in Section 1.4 of this document would be followed to ensure impacts to Paleontological resources remain less than significant.

The Stadium 3 Project is located in the developed portion of the Tennis Garden. No vacant land would be disturbed with the improvements. Additionally, there are no known human remains or formal cemeteries identified on the Stadium 3 Project site. However, per California Health and Safety Code, Section 705.5, and the State CEQA Guidelines Section 15064.5 require that in the event of discovery or recognition of human remains in any location other than a dedicated cemetery, all site disturbance would be halted, until the County Coroner has examined the remains. Should the Coroner determine the remains to be those of Native American, the NAHC would be contacted.

Conclusion: The proposed stadium conversion is consistent with the analysis and impacts presented in the 1998 PEIR, 2008 SEIR and 2013 Addendum; the Stadium 3 Project would be replacing an existing bleacher style stadium into a 4,500 permanent seat bowl-style stadium consistent with the concept for Stadium 3 envisioned in the 1998 PEIR. Implementation of Mitigation Measures identified as MM 4.5-5 in Section 1.4 of this document shall be implemented to ensure that impacts remain less than significant. The proposed improvements to the project would not result in new significant impacts or substantially more severe impacts related to Cultural Resources. Based on previous analysis, impacts remain the same or are reduced in comparison and no new mitigation measures are necessary. Therefore, impacts of the Stadium 3 Project related to cultural resources would remain less than significant with mitigation incorporated.

2.6 GEOLOGY AND SOILS

Environmental Issues	Where Were Impacts Analyzed in 1998 PEIR, 2008 SEIR and 2013 EIR Addendum?	Do Proposed Changes Require Major Revisions to Certified 1998 PEIR, 2008 SEIR and 2013 EIR?	Do New Circumstances Require Major Revision to Certified 16998 and 2013 EIR?	Any Substantially Important New Information Requiring New Analysis or Verification?	Any Previously Infeasible or New Mitigation Measures to Address Impacts?
VI. GEOLOGY AND SOILS. Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to California Geological Survey Special Publication 42.)	1998 PEIR Pg 5.5-1 thru 5.5-9 2008 SEIR Pg 3.6-3 2013 Addendum Pg 49	No	No	No	No
ii. Strong seismic ground shaking?		No	No	No	No
iii. Seismic-related ground failure, including liquefaction?		No	No	No	No
iv. Landslides?		No	No	No	No
b) Result in substantial soil erosion or the loss of topsoil?	1998 PEIR Pg 5.5-1 thru 5.5-9 2008 SEIR Pg 3.6-4 2013 Addendum Pg 50	No	No	No	No
c) Be located on a geologic unit or soil that unstable, or the would become unstable as a result of the project, and potentially result in on-or-off-site landslide, lateral	1998 PEIR Pg 5.5-1 thru 5.5-9 2008 SEIR Pg 3.6-4	No	No	No	No

spreading, subsidence, liquefaction, or collapse?	2013 Addendum Pg 50				
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as updated), creating substantial risks to life or property?	1998 PEIR Pg 5.5-1 thru 5.5-9 2008 SEIR Pg 3.6-4 2013 Addendum Pg 51	No	No	No	No
e) Have Soil incapable of adequately supporting the use of septic tank or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	1998 PEIR Pg 5.5-1 thru 5.5-9 2008 SEIR Pg 3.6-5 2013 Addendum Pg 51	No	No	No	No

Discussion: The 1998 EIR (which included the Stadium 3 site) found that the Original Tennis Garden Project would cause modifications to the existing topography, resulting in impacts that would be less than significant with mitigation. The 1998 PEIR also determined that due to the proximity of the San Andreas fault zone to the project site, strong to very strong ground motion is anticipated on-site during near-field moderate to strong earthquakes, resulting in less than significant impacts with mitigation.

The 2008 SEIR found that the Town Center Project would result in a potentially significant impact from soil erosion and seismicity impacts, both of which would be reduced to less than significant with implementation of mitigation measures GEO-1 through GEO-5. The 2013 Addendum determined that impacts related to seismic and geotechnical constraints would remain the same or would be reduced compared to the impacts and mitigation identified in the prior assessments for the master planned facilities. Consequently, mitigation measures (MM) 4.6-1 through 4.6-5 were identified in the 2013 Addendum to continue minimizing the potential geotechnical and seismic concerns associated with construction and operation of the project.

A geotechnical study prepared in support of the 1998 PEIR determined that the project area soils have a "very low" expansive characteristics; therefore, less than significant impacts remain for Stadium 3 pertaining to those soil conditions. The proposed Stadium 3 would not rely on the use of septic systems; therefore, no impacts would result on project soils and the adequacy to support such systems.

The proposed Stadium 3 Project represents a substantially smaller scope compared to the larger project phases analyzed in the prior CEQA review and it occurs in a developed setting within the master planned complex. Geotechnical and seismic considerations are carried forward as MM 4.6-1 through 4.6-5. Measure MM 4.6-1 to help ensure that the proper geotechnical and soils reports are performed and submitted to the City for approval before any

grading for Stadium 3 takes place. Conformance with the recommendations established in these reports would ensure that the proper design and construction criteria are followed. Measures MM 4.6-2 and 4.6-3 would ensure that the proper erosion control plans are prepared to minimize erosion impacts during construction. Measures MM 4.6-4 and 4.6-5 would help ensure that the proper seismic and structural design criteria are implemented with Stadium 3.

Conclusion: The proposed modification of Stadium 3 from a bleacher-style structure to a 4500 permanent seat bowl-style stadium and two-story building, which building includes concession, retail, media dining, security and Museum, would be required to comply with the applicable standards for geotechnical design and building design, including those established in the California Code of Regulations (CCR), Title 24, Part 2, of the California Building Code.

The project would continue adhering to mitigation measures MM 4.6-1 through MM 4.6-5, which address the geotechnical, soil erosion, and seismic considerations pertaining to Stadium 3 Project. Therefore, with mitigation, the Stadium 3 Project would not result in new or substantially more severe significant geological impacts than previously analyzed in the 1998 EIR, 2008 SEIR, and 2013 Addendum. Moreover, no new information of substantial importance, as described in subsection (a) (3) of Section 15162, has been revealed that would require major revisions to the FEIR or its conclusion. Therefore, the impacts of the Stadium 3 Project related geology and soils would remain less than significant.

2.7 GREENHOUSE GAS EMISSIONS

Environmental Issues	Where Were Impacts Analyzed in 1998 PEIR, 2008 SEIR and 2013 EIR Addendum?	Do Proposed Changes Require Major Revisions to Certified 1998 PEIR, 2008 SEIR and 2013 EIR?	Do New Circumstances Require Major Revision to Certified 1998 and 2013 EIR?	Any Substantially Important New Information Requiring New Analysis or Verification?	Any Previously Infeasible or New Mitigation Measures to Address Impacts?
VII. Greenhouse Gas Emissions. Would the project:					
a) Generate greenhouse gas emission, either directly or indirectly, that may have a significant impact on the environment?	1998 PEIR pg5.7-13 thru pg5.7-24 2008 SEIR pg3.3-5 thru pg3.3-14 2013 Addendum pg60 thru pg62	No	No	No	No
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	1998 PEIR pg5.7-13 thru pg5.7-24 2008 SEIR pg3.3-5 thru pg3.3-14 2013 Addendum pg60 thru pg62	No	No	No	No

Discussion: This topic was discussed indirectly in the 1998 PEIR, and considered in the 2008 SEIR. The 2013 Addendum explained the then-current state of the law as follows : The Court of Appeal in *Citizens for Responsible Equitable Envt'l Dev. V. City of San Diego* (2011) 196 Cal.App.4th 515, 531, found that the effect of GHG emissions on climate change does not constitute "new information" with respect to a project that was evaluated in a prior EIR. There Court reasoned that information about GHG emissions was available when the EIR in question was certified in 1994. Here, given the absence of specific new information regarding GHG emissions that relates *directly* to the proposed project site, GHG emissions is not considered "new information of substantial importance". This case holding is still good law and fully supports the City's decision to not quantify greenhouse gas emissions.

The 2013 Addendum discussed the California Air Resources Board (CARB) approval of the Climate Change Scoping Plan (Scoping Plan) in December 2008. The Scoping Plan defines a range of programs and activities that would be implemented primarily by State agencies but also include actions by local government agencies. Primary strategies addressed in the Scoping Plan include new industrial and emission control technologies, alternative energy generation technologies, advanced energy conservation in lighting, heating, cooling and ventilation, reduced-carbon fuels, hybrid and electric vehicles, and other methods of improving vehicle mileage. Local government would have a part in implementing some of these strategies.

Primary strategies proposed for addressing Global Climate Change include new industrial and emission control technologies, alternative energy generation technologies, advanced energy conservation in lighting, heating, cooling and ventilation, reduced-carbon fuels, hybrid and electric vehicles, and other methods of improving vehicle mileage. Planning methodologies such as Smart Growth provide guidelines which are projected to result in reductions in vehicle miles traveled and concurrently reductions in vehicle-associated GHG emissions.

According to the First update to the Climate Change Scoping Plan (Pg 103) recently adopted regional sustainable community strategies (SCS) are designed to respond to shifts in the way future generations of Californians would live, work, recreate, and travel. Location-efficient, affordable transit-oriented development (TOD), for example, has been estimated to yield VMT reductions of 20 to 40 percent over households in non-TOD locations.

The Stadium 3 Project would incorporate several design features that reduce indirect emissions of GHGs by conserving energy and water that would otherwise be consumed. The Stadium 2 Project improved circulation designed for special event buses, taxi, and shuttles to promote more ride sharing opportunities for patrons who would otherwise take private vehicles. These measures reduce potential GHG emission associated with fewer vehicle trips to and from the events.

Sustainability features that would continue to be incorporated into the project include utilizing reclaimed water sources for turf irrigation, the use of low water usage landscaping materials and incorporating California Code Title 24 building standards for energy efficiency. These measures would help reduce natural gas and electrical usage and conserve water, all of which would reduce the proposed project's direct and indirect GHG emissions. Implementation of these design features would likely result in reductions in the GHG emissions that are the byproducts of the production and consumption of natural gas and electricity.

In addition, the Stadium 3 Project would comply with the utilities mitigation measures such as energy guidelines outlined in MM 4.17-3, found in Section 1.4, which require participation in IID and SCE programs designed to increase the efficiency of operation and decrease energy costs. Design criteria include energy efficient architectural concepts that contribute to reductions in the demand for energy through natural heating and or cooling through sun and wind exposure and solar energy collection systems which would further assist with the reduction of GHG emissions by reducing the energy requirements of buildings. MM 4.17-7, address water use guidelines and indicate that the developer shall use low water fixtures, plumbing fixtures and appliances to the satisfaction of the Community Development Department and CVWD which may include the following:

Interior:

- Supply line pressure: Reduce water pressure greater than 60 psi to 60 psi or less by means of a pressure-reducing valve.
- Drinking fountains: Equip drinking fountains with self-closing valves.
- Ultra-low flush toilets: Install 1.6 gallon per flush toilets in al\ new construction.

Exterior:

- Landscape with low water-consuming plants wherever feasible.
- Minimize use of lawn by limiting it to lawn-dependent uses.
- Group plants of similar water use to reduce over irrigation of tow-water-using plants.
- Use mulch extensively in all landscaped areas. Mulch applied on top of soil would improve the water-holding capacity of the soil by reducing evaporation and soil compaction.
- Install efficient irrigation systems which minimize runoff and evaporation, and maximize the water which would reach the plant roots. Drip irrigation, soil moisture sensors, and automatic irrigation systems are a few methods to consider in increasing irrigation efficiency and may be feasible for the project.
- Use pervious paving material whenever feasible to reduce surface water runoff.
- Investigate the feasibility of utilizing reclaimed wastewater, stored rain water, or gray water for irrigation. (Ref. PEIR 5.4-12d, SEIR UTL-7).

Therefore, the proposed improvement to Stadium 3 and the Tennis Museum would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Conclusion: Based on the analysis above, the impacts related to greenhouse gases would be consistent with the analysis of greenhouse gases provided in preceding CEQA documentation. The proposed project would not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

2.8 HAZARDS AND HAZARDOUS MATERIALS

Environmental Issues	Where Were Impacts Analyzed in 1998 PEIR, 2008 SEIR and 2013 EIR Addendum?	Do Proposed Changes Require Major Revisions to Certified 1998 PEIR, 2008 SEIR and 2013 EIR?	Do New Circumstances Require Major Revision to Certified 1998 and 2013 EIR?	Any Substantially Important New Information Requiring New Analysis or Verification?	Any Previously Infeasible or New Mitigation Measures to Address Impacts?
VIII. Hazards and Hazardous Materials. Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	1998 PEIR Pg. 5.1-8, 5.1-29, 5.1-30 2008 SEIR Pg. 3.7-1 thru 3.7-4 2013 EIR Pg. 54-58	No	No	No	No
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment?	1998 PEIR Pg. 5.1-8, 5.1-29, 5.1-30 2008 SEIR Pg. 3.7-1 thru 3.7-4 2013 EIR Pg. 54-58	No	No	No	No
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	1998 PEIR Pg. 5.1-8, 5.1-29, 5.1-30 2008 SEIR Pg. 3.7-1 thru 3.7-4 2013 EIR Pg. 54-58	No	No	No	No
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	1998 PEIR Pg. 5.1-8, 5.1-29, 5.1-30 2008 SEIR Pg. 3.7-1 thru 3.7-4 2013 EIR Pg. 54-58	No	No	No	No
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people	1998 PEIR Pg. 5.1-8, 5.1-29, 5.1-30 2008 SEIR Pg. 3.7-1 thru 3.7-4	No	No	No	No

residing or working in the project area?	2013 EIR Pg. 54-58				
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	1998 PEIR Pg. 5.1-8, 5.1-29, 5.1-30 2008 SEIR Pg. 3.7-1 thru 3.7-4 2013 EIR Pg. 54-58	No	No	No	No
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	1998 PEIR Pg. 5.1-8, 5.1-29, 5.1-30 2008 SEIR Pg. 3.7-1 thru 3.7-4 2013 EIR Pg. 54-58	No	No	No	No
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	1998 PEIR Pg. 5.1-8, 5.1-29, 5.1-30 2008 SEIR Pg. 3.7-1 thru 3.7-4 2013 EIR Pg. 54-58	No	No	No	No

Discussion: The Stadium 3 Project would not involve the routine transport, use or disposal of hazardous materials. The site would be used for tennis related activities to members of the Tennis Garden's tennis club and for Tournament events/ additionally, a tennis museum would be constructed as part of the project and open to the public. Hazardous materials may be present during project construction as well as fuel, batteries and hydraulic lubricants for construction vehicles. These impacts are considered short term as they will only occur during construction of Stadium 3. Primary use of hazardous materials after project construction would be associated with maintenance and landscaping of the overall Tennis Garden.

The Stadium 3 Project would not create a significant hazard to the public associated with the release of hazardous materials. All construction activities shall be conducted in compliance with standard regulations related to hazards and adherence to local, State and Federal agency policies including those of the South Coast Air Quality Management District, the State Water Resource Control Board and Colorado River Regional Water Quality Board. The aforementioned rules and regulations are designed to ensure that hazardous materials would not be released into the environment and if they are the appropriate manner for clean-up and treatment is in place. Additionally, the project would be required to comply with all previously approved Mitigation Measures identified as MM4.8-1in Section 1.4. Taken together, the existing regulations and the aforementioned Mitigation Measure would ensure that the Stadium 3 Project would not have impacts associated with the release of hazardous materials.

Gerald Ford Elementary is located less than a ¼ mile from the project site, potential project impacts could include air pollutants (hazardous emissions) resulting from site grading and construction activities. Pollutants of concern include fugitive dust, vehicular emissions, asbestos and architectural coating emissions. Impacts related to construction activities and potential contamination of air with hazardous materials would be mitigated by adherence to standard practices required by Federal, State and Local agencies. Best Management Practices (BMP's) would be followed during construction in addition to MM 4.8-1 to reduce impacts to less than significant.

The project is not located or identified as a hazardous materials site, or located within an airport land use or in the vicinity of a private airstrip.

The City of Indian Wells follows a Multifunction Hazard Plan (MHP) which details the City's planned response to emergency situations. General evacuation routes identified in the MHP are Highway 111, Washington Street, Fred Waring Drive and Cook Street. Stadium 3 is interior to the Tennis Garden and does not have any direct contact with any of these roads. Further, implementation of MM 4.16-1, MM 4.16-2 and MM 4.16-3 providing standards for construction traffic management would ensure the continued ability of Washington Street and Highway 111 to function effectively as designated emergency evacuation routes during construction.

The project is not located within a wildland fire hazard area.

Conclusion: The proposed Stadium 3 Project is within the existing Tennis Garden facility and impacts from the conversion are consistent with the analysis and impacts presented in the 1998 PEIR, 2008 SEIR and 2013 Addendum. Impacts would remain less than significant with the implementation of mitigation measure, MM 4.8-1 in Section 1.5, Table 1.1 of this document, to ensure that hazardous impacts remain less than significant. The proposed Stadium 3 improvements to the project would not result in new significant impacts or substantially more severe impacts related to Hazards and Hazardous Materials. Based on previous analysis, impacts remain the same or are reduced in comparison and no new mitigation measures are necessary.

2.9 HYDROLOGY AND WATER QUALITY

Environmental Issues	Where Were Impacts Analyzed in 1998 PEIR, 2008 SEIR and 2013EIR Addendum?	Do Proposed Changes Require Major Revisions to Certified 1998 PEIR, 2008 SEIR and 2013 EIR?	Do New Circumstances Require Major Revision to Certified 1998 and 2013 EIR?	Any Substantially Important New Information Requiring New Analysis or Verification?	Any Previously Infeasible or New Mitigation Measures to Address Impacts?
IX. Hydrology and Water Quality. Would the project:					
a) Violate any water quality standards or waste discharge requirements?	1998 PEIR Pg 5.3-1 thru 5.3-9 2008 SEIR Pg 3.8-2 2013 Addendum Pg 59	No	No	No	No
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate or pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	1998 PEIR Pg 5.3-1 thru 5.3-9 2008 SEIR Pg3.8-4 2013 Addendum Pg 60	No	No	No	No
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial on-or off-site erosion or siltation?	1998 PEIR Pg 5.3-1 thru 5.3-9 2008 SEIR Pg 3.8-4 2013 Addendum Pg 60	No	No	No	No
d) Substantially alter the existing drainage pattern of the site or areas, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in on- or off-site flooding?	1998 PEIR Pg 5.3-1 thru 5.3-9 2008 SEIR Pg 3.8-5 2013 Addendum Pg 60	No	No	No	No
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater	1998 PEIR Pg 5.3-1 thru 5.3-9	No	No	No	No

drainage systems or provide substantial additional sources of polluted runoff?	2008 SEIR Pg 3.8-5 2013 Addendum Pg 61				
f) Otherwise substantially degrade water quality?	1998 PEIR Pg 5.3-1 thru 5.3-9 2008 SEIR Pg3.8-5 2013 Addendum Pg 61	No	No	No	No
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	1998 PEIR Pg 5.3-1 thru 5.3-9 2008 SEIR Pg 3.8-6 2013 Addendum Pg 61	No	No	No	No
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	1998 PEIR Pg 5.3-1 thru 5.3-9 2008 SEIR Pg 3.8-6 2013 Addendum Pg 61	No	No	No	No
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	1998 PEIR Pg 5.3-1 thru 5.3-9 2008 SEIR Pg 3.8-6 2013 Addendum Pg 61	No	No	No	No
j) Result in inundation by seiche, tsunami, or mudflow?	1998 PEIR Pg 5.3-1 thru 5.3-9 2008 SEIR Pg 3.8-6 2013 Addendum Pg 62	No	No	No	No

Discussion: The previous CEQA analysis prepared in support of the 1998 PEIR found that the project would result in temporary impacts to hydrology and water quality during construction activities. The Original Tennis Garden Project would also result in an increase in urban runoff and potential associated pollutants during the life of the project due to the permanent conversion of vacant land to a developed condition. To reduce the potential impacts below levels of significance, the 1998 EIR included the adoption of mitigation measures 5.3-1 through

5.3-3. In the 2008 SEIR, after approximately 54 acres of the Original Tennis Garden Project had been constructed, similar mitigation measures (numbered HWQ-1 though HWQ-7) were adopted to reduce impacts to hydrology and water quality to less than significant levels. Implementation of Mitigation Measures (MM) 4.9-1 through 4.9-5, adopted with the 2013 Addendum, were found to maintain the potential impacts to hydrology and water quality at less than significant levels.

The location of Stadium 3 within the established master planned complex was developed in 2000 to its current condition and remains active. The Stadium 3 site does not contain natural drainage courses, flood hazard areas, levees, dams or other hydrologic features which would be disturbed or pose potential significant impacts. The Stadium 3 site is not located near a body of water which would have the potential to cause inundation impacts to seiche, tsunami, or mudflow. The permanent improvements within the existing master planned complex include a storm drain system with various catch basins throughout the property to properly manage urban runoff and intercept potential pollutants. The proposed Stadium 3 Project would maintain the active site use without resulting in significant changes to the hydrologic drainage and water quality conditions of the complex.

Construction of Stadium 3 would result in the temporary ground disturbance of approximately 2.7 acres. This area or exposed soils and construction activities would be subject to runoff during construction, warranting the need for project-specific best management practices and compliance measures. A State of California compliant Storm Water Pollution Prevention Plan (SWPPP) shall be prepared for Stadium 3 by a Qualified SWPPP Developer. The plan would involve an assessment of the planned construction activities to identify opportunities for incorporating best practices and compliance measures. The SWPPP shall identify specific best management practice to be implemented during and after construction in order to minimize the potential pollution of storm water runoff. Such practices would require proper waste management, vehicle and equipment cleaning, material handling and storage, soil stabilization, and permit recordkeeping practices. The construction best management practices are carried over to the post-construction phase (life of the project) through ground stabilization measures and the adequate stormwater conveyance to the existing storm drain facilities. Accordingly, the proposed Stadium 3 Project carries forward Mitigation Measures MM 4.9-1 through 4.9-5, which identify the project-specific short-term and permanent measures to necessary to reduce any potential drainage, erosion and stormwater pollution impacts below levels of significance.

The proposed Stadium 3 Project would occupy approximately 2.7 acres that are already developed primarily with impervious ground cover within the existing Tennis Garden. The future project conditions would maintain a relatively similar impervious composition and therefore would not result substantial change or interference with groundwater recharge. The water consumption needs of Stadium 3 would be served by existing infrastructure located within the Tennis Garden. The project will reduce impacts to groundwater resources by incorporating various design features that conserve water consumption, including the use of pressure reducing valves, drinking fountains equipped with self-closing valves, ultra-low flush toilets, efficient irrigation systems, and low water-consuming plant selection in landscaping. Mitigation Measure MM 4.17-7 outlines a series of facility requirements to achieve a reduced level of water consumption. Impacts would remain less than significant for this subject.

Conclusion: The potential hydrology and water quality impacts analyzed in the 1998 PEIR for the master planned tennis facility are expected to be proportionally reduced for the proposed conversion of Stadium 3 due to the smaller scale footprint of disturbance and the fact that the subject property is already improved with impervious surfaces and storm drain facilities. Therefore, the Stadium 3 Project would not result in new or substantially more severe significant environmental effects than previously analyzed. In fact, the Stadium 3 Project design would reduce impacts over what was originally disclosed in the 1998 PEIR. Moreover, no new information of substantial importance, as described in subsection (a)(3) of Section 15162 of the CEQA Guidelines, has been revealed that would require major revisions to the prior certified EIRs or their conclusion. Therefore, impacts of the Stadium 3 Project on hydrology and water quality would remain less than significant.

2.10 LAND USE AND PLANNING

Environmental Issues	Where Were Impacts Analyzed in 1998 PEIR, 2008 SEIR and 2013 EIR Addendum?	Do Proposed Changes Require Major Revisions to Certified 1998 PEIR, 2008 SEIR and 2013 EIR?	Do New Circumstances Require Major Revision to Certified 1998 and 2013 EIR?	Any Substantially Important New Information Requiring New Analysis or Verification?	Any Previously Infeasible or New Mitigation Measures to Address Impacts?
X. Land Use and Planning. Would the project:					
a) Physically divide an established community?	1998 PEIR Pg. 5.1-1 thru 5.1-31 2008 SEIR Pg. 3.9-1 thru 3.9-5 2013 Addendum Pg. 62-64	No	No	No	No
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	1998 PEIR Pg. 5.1-1 thru 5.1-31 2008 SEIR Pg. 3.9-1 thru 3.9-5 2013 Addendum Pg. 62-64	No	No	No	No
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	1998 PEIR Pg. 5.1-1 thru 5.1-31 2008 SEIR Pg. 3.9-1 thru 3.9-5 2013 Addendum Pg. 62-64	No	No	No	No

Discussion: The Stadium 3 Project would convert an existing 5,500 temporary-seat bowl-style stadium to a 4,500 permanent-seat bowl-style stadium and two story building within the existing Tennis Garden. The Land use would remain the same in an area master planned for tennis development in conformity with the City's General Plan and Zoning map. The 1998 PEIR analyzed impacts to 183.5 acres of vacant land prior to the construction of the tennis facility and found the project to be compatible with existing land uses, any disturbances related to

major Tournament events would be minimal due to the short duration and are anticipated for only 2-weeks out of the year. During the remainder of the year, the Tennis Garden is used by members for training and recreational purposes, and smaller sporting and entertainment events may take place at the Tennis Garden during certain times of the year. The Tennis Garden has been operating since 2000 and is a world class tennis facility and featured destination in the Coachella Valley, therefore, the Stadium 3 Project would not physically divide an established community.

The Stadium 3 Project is consistent with the analysis in the 1998 PEIR, 2008 SEIR and 2013 Addendum. It would convert the existing Stadium 3 into a 4,500 permanent-seat bowl-style stadium and the third permanent-seat stadium to be constructed as originally proposed in the 1998 PEIR. The Stadium 3 Project would not conflict with any applicable land use plan or regulations of any agency. The City of Indian Wells is a participant in the Coachella Valley Multi-Species Habitat Conservation Plan (CVMSHCP); the project site is not identified as a conservation area within this plan. The proposed Stadium 3 Project is consistent with impacts analyzed previously and would not result in any new significant environmental impacts or new mitigation.

Conclusion: The Stadium 3 conversion would replace the existing 5,500 temporary bleacher-seat bowl-styled stadium with a 4,500 permanent-seat bowl-style stadium and two story building within the existing Tennis Garden. The stadium is currently in use by tennis members of the Tennis Garden for recreational play and during the Tournament. Replacing the existing 5,500 temporary seat stadium with a 4,500 permanent-seat facility would not result in new significant impacts or substantially more severe impacts related to Land Use and Planning. Based on previous analysis impacts remain the same or are reduced and no new mitigation measures are necessary.

2.11 MINERAL RESOURCES

Environmental Issues	Where Were Impacts Analyzed in 1998 PEIR, 2008 SEIR and 2013 EIR Addendum?	Do Proposed Changes Require Major Revisions to Certified 1998 PEIR, 2008 SEIR and 2013 EIR?	Do New Circumstances Require Major Revision to Certified 1998, 2008 and 2013 EIR?	Any Substantially Important New Information Requiring New Analysis or Verification?	Any Previously Infeasible or New Mitigation Measures to Address Impacts?
XI. Mineral Resources Would the project:					
a) Result in the loss of availability of a known mineral resource that would be of value to a region and the residents of the state?	1998 PEIR: pg8-5, 2008 SEIR: pgES-2 2013 Addendum: pg74-pg75	No	No	No	No
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	1998 PEIR: pg8-5, 2008 SEIR: pgES-2 2013 Addendum: pg74 thru pg75	No	No	No	No

Discussion: The subject property is located within an area in the City that is zoned MZR-3, a mineral resource zone which contains mineral deposits but their significance cannot be determined based on the available data (IW General Plan, 2009).The subject property is not located on a site that is designated as a mineral resource recovery site. The subject property has not been used for mineral resource extraction presently or in the past nor is located in a locally important resource recovery site.

Conclusion: Based on the analysis of the preceding and current CEQA documentation, the Stadium 3 Project impacts related to mineral resources as analyzed in the 1998 EIR, 2008 SEIR and 2013 Addendum would remain the same. The proposed project would not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

2.12 NOISE

Environmental Issues	Where Were Impacts Analyzed in 1998 PEIR, 2008 SEIR and 2013 EIR Addendum?	Do Proposed Changes Require Major Revisions to Certified 1998 PEIR, 2008 SEIR and 2013 EIR?	Do New Circumstances Require Major Revision to Certified 1998 and 2013 EIR?	Any Substantially Important New Information Requiring New Analysis or Verification?	Any Previously Infeasible or New Mitigation Measures to Address Impacts?
XII. Noise. Would the project:					
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	1998 PEIR Pg 5.6-1 thru 5.6-28 2008 SEIR Pg 3.11-2 2013 Addendum Pg 66	No	No	No	No
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	1998 PEIR Pg 5.6-1 thru 5.6-28 2008 SEIR Pg 3.11-3 2013 Addendum Pg 67	No	No	No	No
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	1998 PEIR Pg 5.6-1 thru 5.6-28 2008 SEIR Pg 3.11-3 2013 Addendum Pg 67	No	No	No	No
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	1998 PEIR Pg 5.6-1 thru 5.6-28 2008 SEIR Pg 3.11-4 2013 Addendum Pg 67	No	No	No	No
e) For a project located within an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive	1998 PEIR Pg 5.6-1 thru 5.6-28 2008 SEIR Pg 3.11-4 2013 Addendum	No	No	No	No

noise levels?	Pg 67				
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	1998 PEIR Pg 5.6-1 thru 5.6-28 2008 SEIR Pg 3.11-5 2013 Addendum Pg 67	No	No	No	No

Discussion: The 1998 PEIR found that construction-related activities would result in short-term noise related impacts, while ongoing operations would cause an increase in stationary noise sources (e.g. mechanical equipment, loudspeakers, parking areas, stadia, and amphitheater uses). The 1998 PEIR also identified that the increase in traffic generated by the project would consequently increase noise levels along adjacent roadways. These impacts were determined in the context of an existing undeveloped setting which characterized project area at the time. To reduce these potential impacts below levels of significance, Mitigation Measures 5.6-1a through 5.6-5 were developed and implemented. Measures 5.6-1a through 5.6-1d applied to short-term construction noise by requiring compliance of activities with the local noise ordinances, including the specified operation hours. This range of measures also required construction management practices to ensure the proper siting of staging areas and the adequate maintenance of equipment and vehicles that would reduce or attenuate noise generation, minimizing exposure to noise receptors. Measures 5.6-2a through 5.6-5 involved a series of noise monitoring procedures to address long-term impacts.

The 2008 SEIR analysis found that the Town Center Project would similarly result in short-term construction noise and long-term operation noise to the surrounding properties. Such impacts would be reduced to below levels of significance with the implementation of mitigation measures NOI-1 through NOI-5, which were similar requirements to those previously established, but updated to reflect the City's current Community Development Department requirements. Subsequently, the 2013 Addendum found that impacts to noise would remain as those previously identified and mitigated in the 1998 PEIR and 2008 SEIR for the master planned facilities. Mitigation Measures (MM) 4.12-1 through 4.12-5 were adopted to ensure that construction and operational noise impacts would remain less than significant. These measures were consistent with the previously adopted Riverside County noise mitigation measures, but were updated to reflect the City of Indian Wells Noise Chapter 9.06 standards as the current Lead Agency of the Tennis Garden and Stadium 3 Project site.

Stadium 3 is presently situated in a developed and active setting within the Tennis Garden. The existing Stadium 3 facility is used for events that were previously analyzed and mitigated for noise impacts. Reconstruction of this stadium, along with the supporting facilities that are proposed, would not modify the nature of the sports complex or substantially increase the

intensity of its uses in a manner that would exacerbate noise level impacts or make the previously adopted mitigation measures ineffective.

As required with previous phases of the master planned facility, construction and operation of the converted Stadium 3 would be subject to mitigation measures MM 4.12-1 through 4.12-5 to address short-term and long-term noise impacts considering the specific scale of construction and level of operational activities. Measures MM 4.12-1 through 4.12-4 are short-term restrictions that apply to construction management for activities such as maintenance, staging, stockpiling, and circulation to reduce temporary noise generation impacts. Measures MM 4.12-5 address operational impacts by continuing to adhere to the ongoing noise monitoring that forms part of the temporary use permit process designed to ensure that noise levels from events do not exceed the City's Noise Standards (Indian Wells City Council Resolution 2001-38).

Conclusion: The proposed Stadium 3 Project would not result in more severe significant environmental effects than previously analyzed in the 1998 EIR, 2008 SEIR, and 2013 EIR Addendum. Moreover, no new information of substantial importance, as described in subsection (a)(3) of Section 151642, has been revealed that would require major revisions to the FEIR or its conclusion.

2.13 POPULATION AND HOUSING

Environmental Issues	Where Were Impacts Analyzed in 1998 PEIR, 2008 SEIR and 2013 EIR Addendum?	Do Proposed Changes Require Major Revisions to Certified 1998 PEIR, 2008 SEIR and 2013 EIR?	Do New Circumstances Require Major Revision to Certified 1998 and 2013 EIR?	Any Substantially Important New Information Requiring New Analysis or Verification?	Any Previously Infeasible or New Mitigation Measures to Address Impacts?
XII. Population and Housing. Would the project:					
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or infrastructure)?	1998 PEIR pg6-2 thru pg6-4, pg8-1 2008 SEIR pgES-2, pg3.9-1 thru pg3.9-5 2013 Addendum pg79 thru pg80	No	No	No	No
b) Displace substantial numbers of existing housing, necessitating he construction of replacement housing elsewhere?	1998 PEIR pg6-2 thru pg6-4, pg8-1 2008 SEIR pg ES-2, pg3.9-1 thru pg3.9-5 2013 Addendum pg79 thru pg80	No	No	No	No
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	1998 PEIR pg6-2 thru pg6-4, pg8-1 2008 SEIR pgES-2, pg3.9-1 thru pg3.9-5 2013 Addendum pg79 thru pg80	No	No	No	No

Discussion: The Stadium 3 Project does not include development of housing within the subject property. The Stadium 3 Project consists of upgrades to the existing Tennis Garden facility. The expansion area contains the existing bleacher seating stadium and contains no residential structures. According to the 1998 PEIR, the Original Tennis Garden Project would result in a zero percent (0%) permanent population as the "casitas" and hotels would only house temporary guests and would have no impact (1998 PEIR pg 6-2.) The 2008 SEIR (pg ES-2) concurred with this statement. The 2013 Addendum (pg 79 and pg 78) indicated that the annual Tournament lasts only 2 weeks so the potential to cause a permanent growth in population is reduced as compared to that of the year-round regional mixed use commercial center analyzed in the 2008 SEIR.

No persons or housing would be displaced, added or impacted by implementing the Stadium 3 Project because there is no existing residential structure found on the property. Conversion of Stadium 3 to permanent-seating and ancillary uses would not necessitate the construction of replacement housing elsewhere.

Conclusion: Based on the analysis of the preceding and current CEQA Documentation, the impacts related to population and housing as analyzed in this 2015 Addendum either remain the same or are reduced as compared to the impacts and mitigation identified in the 1998 PEIR, 2008 SEIR and the 2013 Addendum for the master planned facilities. The proposed project will not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Therefore, impacts of the Stadium 3 Project related to population and housing would remain less than significant.

2.14 PUBLIC SERVICES

Environmental Issues	Where Were Impacts Analyzed in 1998 PEIR, 2008 SEIR and 2013 EIR Addendum?	Do Proposed Changes Require Major Revisions to Certified 1998 PEIR, 2008 SEIR and 2013 EIR?	Do New Circumstances Require Major Revision to Certified 1998 and 2013 EIR?	Any Substantially Important New Information Requiring New Analysis or Verification?	Any Previously Infeasible or New Mitigation Measures to Address Impacts?
XIV. Public Services. Would the project:					
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	1998 PEIR Pg. 5.4-1 thru 5.4-22 2008 SEIR Pg. 3.13-1 thru 3.13-5 2013 Addendum Pg. 70-72	No	No	No	No
Fire protection?		No	No	No	No
Police protection?		No	No	No	No
Schools?		No	No	No	No
Parks?		No	No	No	No
Other public facilities?		No	No	No	No

Discussion: The 1998 PEIR, 2008 SEIR and 2013 EIR Addendum considered issues related to Public Services. Based on this analysis, impacts related to Police and Fire would result in an increase of demand to these services. However, implementation of mitigation measures identified as MM 4.14-1 thru 4.14-8 would reduce impacts to less than significant levels by requiring coordination with Police and Fire to review construction plans and continued service demands. The Stadium 3 Project does not include development of residential land uses that would result in increased population impacting existing schools, parks or other public facilities. The Stadium 3 Project would convert the existing Stadium 3 to a 4,500 permanent-seat bowl-style stadium that further enhances the available amenities and alternative uses available to the City residents and guests at the Tennis Garden.

Conclusion: The proposed Stadium 3 Project is consistent with the analysis and conclusions presented in the certified 1998 PEIR, 2008 SEIR and 2013 EIR Addendum and impacts related to

Public Services would remain less than significant with the implementation of mitigation measures, MM 4.14-1 thru 4.14 in Table 1.1. The proposed project would not result in any new significant impacts or substantially more severe impacts related to Public Services and no new mitigation measures are necessary. Therefore, impacts of the Stadium 3 Project related to public services would remain less than significant.

2.15 RECREATION

Environmental Issues	Where Were Impacts Analyzed in 1998 PEIR, 2008 SEIR and 2013 EIR Addendum?	Do Proposed Changes Require Major Revisions to Certified 1998 PEIR, 2008 SEIR and 2013 EIR?	Do New Circumstances Require Major Revision to Certified 1998 PEIR, 2008 SEIR and 2013 EIR?	Any Substantially Important New Information Requiring New Analysis or Verification?	Any Previously Infeasible or New Mitigation Measures to Address Impacts?
XV. Recreation Would the project:					
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	1998 PEIR Pg. 5.1-14 2008 SEIR Pg. 3-14-1 thru 3.14-2 2013 Addendum Pg. 72-73	No	No	No	No
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	2013 Addendum Pg. 84-85	No	No	No	No

Discussion: The Stadium 3 Project would not substantially change the potential impacts associated with increased use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. The Stadium 3 Project consists of replacing the existing 5,500 temporary bleacher seat bowl-style stadium with a 4,500 permanent-seat bowl-style stadium and two-story building. The 1998 PEIR, 2008 SEIR and 2013 EIR Addendum considered issues related to recreation and determined that the project would have a less than significant impacts on recreation. The 1998 PEIR analysis found that the project creates an additional recreational facility and enhances recreational opportunities to City residents and guests by providing a world class tennis facility to club members. Implementation of the Stadium 3 Project would not have adverse physical effects on the environment as it would be replacing an existing temporary bleacher stadium with a state of the art permanent stadium and would not change the overall footprint of the temporary-seat stadium currently in place.

Conclusion: No new circumstances have occurred since certification of the 1998 PEIR, 2008 SEIR and 2013 Addendum and no new information of substantial importance has arisen that would change the previous assessment of impacts to Recreational Resources. The proposed improvements to the Stadium 3 Project would not result in new significant impacts or substantially more severe impacts related to recreation. Based on this analysis impacts remain

the same or are reduced in comparison and no new mitigation measures are necessary. Therefore, impacts of the Stadium 3 Project related to recreation would remain less than significant.

2.16 TRANSPORTATION/TRAFFIC

Environmental Issues	Where Were Impacts Analyzed in 1998 PEIR, 2008 SEIR and 2013 EIR Addendum?	Do Proposed Changes Require Major Revisions to Certified 1998 PEIR, 2008 SEIR and 2013 EIR?	Do New Circumstances Require Major Revision to Certified 1998 and 2013 EIR?	Any Substantially Important New Information Requiring New Analysis or Verification?	Any Previously Infeasible or New Mitigation Measures to Address Impacts?
XVI. Transportation/Traffic. Would the project:					
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	1998 PEIR pg5.2-1 thru pg5.2-31 2008 SEIR pg3.15-1 thru pg3.15-13 2013 Addendum pg86 thru pg89	No	No	No	No
b) Conflict with an applicable congestion management program, including, but not limited to level of services standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	1998 PEIR pg5.2-1 thru pg5.2-31 2008 SEIR pg3.15-1 thru pg3.15-13 2013 Addendum pg86 thru pg89	No	No	No	No
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?	1998 PEIR pg5.2-1 thru pg5.2-31 2008 SEIR pg3.15-1 thru pg3.15-13 2013 Addendum pg86 thru pg89	No	No	No	No
d) Substantially increase hazardous due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	1998 PEIR pg5.2-1 thru pg5.2-31 2008 SEIR pg3.15-1 thru pg3.15-13 2013 Addendum pg86 thru pg89	No	No	No	No
e) Result in inadequate emergency access?	1998 PEIR pg5.2-1 thru pg5.2-31	No	No	No	No

	2008 SEIR pg3.15-1 thru pg3.15-13 2013 Addendum pg86 thru pg89				
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities , or otherwise decrease the performance of safety of such facilities?	1998 PEIR pg5.2-1 thru pg5.2-31 2008 SEIR pg3.15-1 thru pg3.15-13 2013 Addendum pg86 thru pg89	No	No	No	No

Discussion: A Traffic Impact Analysis (TIA) was prepared for the 2013 Addendum, by RBF Consulting, and included the attendance that occurred with the existing temporary-seat Stadium 3 facility in place. Per the Traffic Consultant, this analysis encompassed the attendance that utilized Stadium 1 (available for ticket holders,) Stadium 2 (available for ticket holders,) and Stadium 3 that is intended for distributive access with Stadia 1 and 2 ticket holders and other attendees of the Tournament. As proposed, the 5,500 temporary bleacher-seat bowl-style stadiums would be removed and replaced with the permeant structure providing the capacity of 4,500 seats. A subsequent Traffic Analysis Update Letter (Update Letter) was prepared on March 9, 2015 to explain how the methodology encompassed the total tennis event capacity including estimates for the available seating for Stadium 1, Stadium 2 and the existing 5,500 temporary-seat Stadium 3 as well as discussing traffic associated with the year round use of the proposed Museum. The Update Letter is attached as Appendix A.

According to the Update Letter, the 2013 TIA reflects a conservative analysis of traffic conditions. First, it is based on traffic counts taken during the morning, mid-day and evening peak hours of the Tournament to derive the most conservative peak baseline trip generation (Saturday March 10 and Saturday March 17, 2012). Second, the trips forecast for Stadium 2 used a very conservative per seat trip generation factor determined by dividing the measured trip generation by only the 16,100 seats in Stadium 1, rather than the total seats on site where matches could be viewed (Stadium 3, practice courts, etc.). Therefore, the future trips assigned to Stadium 2 were intentionally exaggerated to achieve a conservative estimate of the overall traffic impacts when added to the measured peak day volumes. Despite this, the TIA concluded that implementation of the Stadium 2 Project would not result in significant traffic impacts, as the study intersections would continue to operate at an acceptable LOS (LOS D or better.) It should also be noted that the number of seats in Stadium 3 and the practice courts require no traffic projection since their use was already reflected in the baseline traffic counts and since the number of people on site are based on ticket sales that occur in Stadia 1 and 2, rather than the ancillary courts, which generate no independent ticket sales.

The proposed Museum is an update to the 5,000 square foot Tennis Hall of Fame anticipated in the 1998 PEIR. The proposed 24,000 square foot Museum is expected to generate traffic volumes associated with 50-100 maximum visitors per day and 10 maximum employees per day who would visit the facility throughout the year. Assuming conservatively that each visitor and employee drives alone, the approximately 220 average daily trips generated would not adversely affect the surrounding street system, especially considering that existing capacities are sufficient to accommodate the much higher traffic volumes present during the yearly Tournament. According to the Update Letter, *"Since the results of the traffic analysis concluded no significant traffic impacts were forecast to occur based on applicable agency thresholds of significance with the addition of the new 8,000 seat tennis stadium (Stadium 2) when the surrounding roadway system is experiencing peak operating conditions during the annual tennis event, the addition of the relatively minor number of trips conservatively forecast to be generated by the proposed new museum outside of the tennis event is forecast to result in no significant traffic impact on the surrounding roadway system"*.

Because Stadium 3 was included in the peak hour analysis for the 2013 Stadium 2 Project, mitigation measures and standard conditions identified in the previous 1998 PEIR, 2008 SEIR and 2013 EIR Addendum would apply to the proposed Stadium 3 Project. Implementation of these Mitigation Measures would continue to ensure that traffic impacts remain less than significant for the Stadium 3 improvements and the new Museum. During the yearly Tournament, the Tennis Garden mitigates operational traffic impacts by implementing a comprehensive Traffic Management Plan for the annual Tournament as required by the Stadium 3 Conditions of Approval. During construction activities, MM 4.16-2 and MM4.16-3 would mitigate construction traffic impacts by requiring compliance with standard street use regulations and construction access signage and flagging.

Stadium 3 is an integral component of the Tennis Garden, consistent with both the City of Indian Wells General Plan Land Use and Circulation Elements. Therefore, the proposed Stadium 3 Project would not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system.

Existing airports are located more than two miles from the subject property. The Stadium 3 Project would not increase attendance at the yearly event since Stadium 3 already exists and functions in a support capacity to Stadia 1 and 2. Consequently, the project would not cause any change in air traffic patterns, increased air traffic levels or substantial safety risk.

The Stadium 3 Project would reconstruct an existing building in a master planned tennis complex. It proposes no site improvements that could exhibit sharp curves, hazardous design features, or incompatible uses or impact the existing vehicular circulation system.

The Stadium 3 Project does not propose to modify any emergency access routes on site and would comply with internal access requirements by adhering to current building and fire codes. During construction activities there may be some temporary restrictions on access. However, implementation of mitigation measures MM 4.16-1 through MM 4.16-3 (see Table 1.1) would

reduce impacts to less than significant levels. Therefore, no significant adverse change or effect will occur with respect to emergency access.

The Stadium 3 Project occurs within a master planned complex and would not alter any site circulation features. Replacing a temporary stadium with an upgraded stadium would not conflict with any policies regarding public transit, bicycle or pedestrian transportation facilities or otherwise decrease their performance. Therefore, no significant adverse change or effect would occur anticipated with respect to alternative transportation modes.

Conclusion: Based on the analysis above, potential transportation and traffic impacts as analyzed in this 2015 Addendum remain the same or would be reduced compared to transportation impacts and mitigation identified in the 1998 PEIR, 2008 SEIR and the 2013 Addendum for the master planned facilities. With continued implementation of mitigation measures and required Conditions of Approval, including the yearly traffic management plan for the tennis event, potential transportation and traffic impacts would remain less than significant. The proposed project would not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Therefore, impacts of the Stadium 3 Project related to traffic and transportation would remain less than significant.

2.17 UTILITIES AND SERVICE SYSTEMS

Environmental Issues	Where Were Impacts Analyzed in 1998 PEIR, 2008 SEIR and 2013 EIR Addendum?	Do Proposed Changes Require Major Revisions to Certified 1998 PEIR, 2008 SEIR and 2013 EIR?	Do New Circumstances Require Major Revision to Certified 1998 and 2013 EIR?	Any Substantially Important New Information Requiring New Analysis or Verification?	Any Previously Infeasible or New Mitigation Measures to Address Impacts?
XVII. Utilities and Service System. Would the project:					
a)Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	1998 PEIR pg5.4-1 thru pg5.4-22,2008 SEIR pgES-27 thru pgES-32, 2013 Addendum pg90 thru pg93	No	No	No	No
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	1998 PEIR pg5.4-1 thru pg5.4-22,2008 SEIR pgES-27 thru pgES-32, 2013 Addendum pg90 thru pg93	No	No	No	No
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	1998 PEIR pg5.4-1 thru pg5.4-22,2008 SEIR pgES-27 thru pgES-32, 2013 Addendum pg90 thru pg93	No	No	No	No
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	1998 PEIR pg5.4-1 thru pg5.4-22,2008 SEIR pgES-27 thru pgES-32, 2013 Addendum pg90 thru pg93	No	No	No	No
e) Result in the a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing communities?	1998 PEIR pg5.4-1 thru pg5.4-22,2008 SEIR pgES-27 thru pgES-32, 2013 Addendum pg90 thru pg93	No	No	No	No
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	1998 PEIR pg5.4-1 thru pg5.4-22,2008 SEIR pgES-27 thru pgES-32, 2013 Addendum	No	No	No	No

	pg90 thru pg93				
g) Comply with federal, state, and local statutes and regulations related to solid waste?	1998 PEIR pg5.4-1 thru pg5.4-22,2008 SEIR pgES-27 thru pgES-32, 2013 Addendum pg90 thru pg93	No	No	No	No

Discussion: The proposed Stadium 3 Project would replace existing seating currently provided by a temporary bleacher style stadium and would provide indoor space for existing exterior amenities. Construction and operation of the project is required to comply with mandatory requirements of Title 24 in regard to efficient building design and is required to utilize conservation measures during operations of the facilities within the project.

The proposed Museum is an expansion of the originally planned Hall of Fame and would operate year round, however the usage outside of the yearly tennis event would be relatively modest. A maximum usage by 100 visitors per day with 10 dedicated staff would not generate significant quantities of additional wastewater that would exceed the capacity considered in the previous CEQA analysis for the Garden of Champions and Town Center master planned facilities.

Wastewater service levels were estimated for the Original Tennis Garden Project utilizing peak hour wastewater generation conditions during major events (1998 PEIR pg5.4-11,) and thereby included demands associated with Stadium 3 as this facility would not attract additional ticket holders. A portion of the Museum usage would have been included in the Original Tennis Garden Project projections because a 5000sf facility was proposed rather than the currently proposed Museum of approximately 24,000sf. However, during the yearly two week Tournament, the Museum would be visited only by attendees of the Tournament and the Museum is not expected to generate sole visitors during this time. Because the peak hour generation calculations were used to estimate demands, use of the facility outside of the yearly Tournament would be well below the capacity of the wastewater facilities and system.

CVWD indicated that they would be able to furnish sanitation service to this project in the 1998 PEIR analysis. Furthermore, as stated this area shall be annexed to Improvement District Nos. 55 and 82 of the CVWD for sanitation service. (1998 PEIR, page 5.4-11.) The 2008 Project (page ES-28) supported these findings. Construction of new water and sewer lines on-site would be conducted in accordance with the current applicable standard and specifications for public works construction and City regulations. In addition, as required for the construction of the Original Tennis Garden Project and Town Center Project master planned facilities, the Stadium 3 Project would be required to implement mitigation measures including the use of low water use and plumbing fixtures (1998 PEIR page 1-16; 2008 SEIR UTL-7 and 2013 Addendum MM 4.17-4 thru MM 4.17-10.) Thus, with implementation of identified mitigation measures, no significant impacts would occur.

The Stadium 3 Project is not expected to generate additional wastewater beyond the quantities that were analyzed previously. Impacts would be less than significant relative to wastewater treatment requirements of the applicable Regional Water Quality Control Board considering the estimated quantities for the entire system were calculated utilizing the peak hour wastewater generation during the yearly tennis event.

The project's sewer and water needs would be served by the existing infrastructure currently located within the Tennis Garden and adjacent to the proposed Stadium 3 footprint. Onsite points of connection to the existing sewer and water system would be accessed. The proposed Stadium 3 water and sewer needs are not expected to require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities beyond those required to provide service to the proposed development.

Runoff from the Tennis Garden is conveyed via a storm drainage system that discharges into the Whitewater River south of Miles Avenue (PEIR). The proposed Stadium 3 Project would be constructed in the existing 100% impervious area which houses the temporary bleacher seating stadium and would connect to the onsite existing storm drain system; the Stadium 3 Project may alter some of the existing storm water drainage path immediately surrounding or associated with the structure however, similar to the existing system, all surface flows would be conveyed to onsite existing storm drain pipe that discharges into the Whitewater River as mentioned previously. The storm water drainage facilities would follow the requirements as outlined in the 1998 PEIR (page 5.3-3 thru 5.3-8) the 2008 SEIR (ES-14 and ES-15,) the 2013 Addendum (page 69; page 91- page 92) and would implement the existing conditions of approval and mitigation measures MM4.9-1 thru MM4.9-5 identified in the Hydrology and Water Quality section of this 2015 Addendum.

The measures and conditions include compliance with CVWD and the City of Indian Wells requirements for construction of storm drain systems utilizing runoff velocities, volumes and peak flows. The percentage of impervious surface would not change because the Stadium 3 location is currently 100% impervious surface. Proposed runoff calculations would be equal to those utilized to design the existing Tennis Garden storm drain system which would continue to function effectively.

The proposed Stadium 3 Project would enclose temporary amenities/vendors at the yearly Tournament that currently access temporary utility sources and replace sources such as portable generators and bottle water with permanent efficient electrical systems and water and plumbing fixtures built in compliance with the most recent Title 24 energy guidelines as well as the most current applicable standards, specifications and policies of the Imperial Irrigation District (IID)/Southern California Edison and Coachella Valley Water District. Mitigation measures MM 4.17-1, MM4.17-2 , MM 4.17-3, MM4.17-4, MM4.17-5, MM 4.17-6, 4.17-7, 4.17-8 and 4.17-9 describe these guidelines. Additionally, applicable City conservation measures including MM 4.17-10 combined with these agency guidelines would ensure that project's demand does not exceed the capacity of the provider's existing commitments.

Enclosure of existing facilities is not expected to result in a significant increase to the generation of solid waste or impacts to the permitted capacity of associated landfills. The Stadium 3 Project would comply with all relevant federal, state, and local statuses and regulations related to solid waste and recycling described in MM4.17-11, MM4.17-12 and MM4.17-13.

In addition, the proposed Stadium 3 Project would be required to implement the adopted mitigation measures and applicable City conservation guidelines. These would include the use of reclaimed water for onsite landscaping and recommended considerations for exterior water uses as referenced in MM 4.17-7. These measures would continue to ensure that the project's use of water would not significantly reduce available water supplies or create a need for new or expanded entitlements.

Conclusion: Based on the analysis above, the impacts related to utilities as analyzed in this 2015 Addendum remain the same as compared to the impacts and mitigation identified in the 1998 PEIR, 2008 SEIR and 2013 Addendum. The proposed project would not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Therefore, impacts of the Stadium 3 Project related to utility and service systems would remain less than significant.

2.18 MANDATORY FINDINGS OF SIGNIFICANCE

Environmental Issues	Where Were Impacts Analyzed in 1998 PEIR, 2008 SEIR and 2013 EIR Addendum?	Do Proposed Changes Require Major Revisions to Certified 1998 PEIR, 2008 SEIR and 2013 EIR?	Do New Circumstances Require Major Revision to Certified 1998 and 2013 EIR?	Any Substantially Important New Information Requiring New Analysis or Verification?	Any Previously Infeasible or New Mitigation Measures to Address Impacts?
XVIII. Mandatory Findings of Significance. Would the project:					
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of an endangered rare, or threatened species, or eliminate important examples of the major periods of Californian history or prehistory?	1998 EA Pg 16 and 34	No	No	No	No
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	1998 EA Pg 16 and 34	No	No	No	No
c) Does the project have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?	1998 EA Pg 16 and 34	No	No	No	No
d) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?		No	No	No	No

Discussion: The current Stadium 3 setting is a developed and active portion of the existing Tennis Garden complex. The site has been heavily disturbed by human related activities,

existing buildings, tennis courts and tennis stadiums. The proposed Stadium 3 includes the reconstruction of temporary Stadium 3 facility with permanent uses on approximately 2.7 acres.

Biological surveys performed for the undeveloped site in 1998 did not uncover any listed or unlisted special status for any plant or animal species. Moreover, the subject property is not located in a designated critical habitat area as identified by the U.S. Fish and Wildlife. The Stadium 3 Project site does not serve as a wildlife corridor for native or migratory species, or native wildlife nursery and does not conflict with any local policies. The City of Indian Wells is a participant in the Coachella Valley Multi-Species Habitat Conservation Plan (CVMSHCP); the project site is not identified as a conservation area within this plan. Therefore, the proposed Stadium 3 Project is not expected to significantly impact the movement of any native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites, or eliminate important examples of the major periods of California history or prehistory. The project is not expected to result in cumulatively considerable impacts that are not addressed through the range of proposed mitigation measures. Moreover, implementation of Stadium 3 is not expected to contribute to adverse environmental effects which could cause substantial adverse effects on human beings.

The Stadium 3 Project would reconstruct an existing stadium within a master planned tennis complex. Because this renovation is consistent with the larger master plan and City General Plan goals and would create no significant environmental impacts with mitigation, the project would not result in short-term goals to the disadvantage of long-term goals.

The analysis that has previously been performed for the 1998 PEIR, 2008 SEIR, 2013 Addendum and the proposed Stadium 3 Project on various environmental topics contribute to achieving short-term and long-term environmental goals. Examples of short-term environmental goals are those that are addressed to reduce impacts during construction, while long-term environmental goals are in part addressed through the analysis and mitigation pertaining to operations during the life of the project. The Stadium 3 Project would have less than significant impacts pertaining to the balance of these environmental considerations.

APPENDIX A

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March 9, 2015

Mr. Warren Morelion, AICP
Director of Community Development
CITY OF INDIAN WELLS
Planning Division
44950 Eldorado Drive
Indian Wells, CA 92210

Subject: Indian Wells Tennis Garden Master Plan Expansion Project Traffic Impact Analysis

Dear Warren:

The *Indian Wells Tennis Garden Master Plan Expansion Project Traffic Impact Analysis (January 22, 2013)* prepared by RBF Consulting analyzed peak hour traffic conditions during the annual tennis event in March assuming the following seating existed at the site shown in Table 1; note the designation of the onsite facilities as identified in the 2013 analysis has been changed in 2015 as shown in Table 1.

Table 1
Indian Wells Tennis Gardens Existing Stadium Capacity

Facility Designation (2015 / 2013)	Number of Seats
Stadium 1 / Main Stadium	16,100
Bleacher Stadium 3 / Stadium 2	5,500
Ancillary Courts / Stadium 3	3,000
Ancillary Courts / Court 4	1,500
Ancillary Courts / Court 5	800
Ancillary Courts / Court 6	1,000
Ancillary Courts / Court 7	2,200
Ancillary Courts / Court 8	1,700
Ancillary Courts / Practice Courts	1,500
Total	**33,300**
Note: *For comparative and clarification purposes, the terms used to refer to the various Tennis Garden stadiums in 2015 are listed alongside those that were in use during the 2013 traffic analysis.*	

Trips generated at the project site were measured during the morning, mid-day, and evening peak hours of the annual tennis event to derive the peak trip generation of the project site.

To calculate the trips forecast to be generated by the proposed new 8,000-seat tennis stadium (referred to as "Stadium 2" in 2015) at the Indian Wells Tennis Gardens campus, the traffic impact analysis very conservatively derived a trip generation rate per seat by dividing the measured trip generation at the site by only the 16,100 seats in the Main Stadium (referred to as "Stadium 1" in 2015), when in fact the measured trips at the site were generated by people who were also located elsewhere on site than the Main Stadium (i.e., bleacher stadiums, bleacher courts, practice courts, etc.).

Therefore, if the number of non-Main Stadium seats increases beyond the number shown in Table 1, the assumptions in the traffic analysis will become more conservative. Correspondingly, if the number of non-Main Stadium seats decreases, the traffic analysis will become less conservative, but will still be considered conservative as long as more than 16,100 seats are provided on the project site. This is under the assumption that tickets are sold only to fill the Main Stadium (referred to as "Stadium 1" in 2015) and the new 8,000-seat tennis stadium (referred to as "Stadium 2" in 2015).

The results of the traffic impact analysis indicated that based on applicable traffic thresholds of significance established by both the City of Indian Wells and the City of La Quinta, no significant traffic impacts were forecast to occur with the addition of the proposed new 8,000-seat tennis stadium (referred to as "Stadium 2" in 2015), and hence, no corresponding traffic mitigation measures were required.

The proposed new museum at the Indian Wells Tennis Garden campus is planned to stay open year-round and is anticipated to generate approximately 50 to 100 visitors per day and a maximum of ten employees per day outside of the peak annual tennis event. Conservatively assuming each of the 100 visitors and 10 employees drive alone in their own car to and from the project site, a maximum of 220 trips per day would be generated (110 inbound trips plus 110 outbound trips).

As documented in the *Indian Wells Tennis Garden Master Plan Expansion Project Traffic Impact Analysis (RBF Consulting, January 22, 2013,* the proposed new 8,000-seat tennis stadium (referred to as "Stadium 2" in 2015) was forecast to generate approximately 20,000 daily trips, of which approximately 900 trips occurred in the a.m. peak hour, approximately 800 trips occurred in the mid-day peak hour, and approximately 1,300 trips occurred in the p.m. peak hour.

Since the results of the traffic impact analysis concluded no significant traffic impacts were forecast to occur based on applicable agency thresholds of significance with the addition of the new 8,000-seat tennis stadium (referred to as "Stadium 2" in 2015) when the surrounding roadway system is experiencing peak operating conditions during the annual tennis event, the addition of the relatively minor number of trips conservatively forecast to be generated by the proposed new museum outside of the annual tennis event is forecast to result in no significant traffic impact on the surrounding roadway system.

Please contact me with any questions.

Sincerely,

Bob Matson
Vice President,
Transportation Planning
RBF Consulting

APPENDIX B

5670 Oberlin Drive
San Diego, CA 92024, USA
T: 858-597-0555 • www.exp.com

March 5, 2015

Mr. Richard Oliphant
Oliphant Enterprises
77-900 Avenue of the States
Palm Desert, CA 92211

Subject: Indian Wells Tennis Garden – Stadium #3

Dear Mr. Oliphant,

As requested, I have reviewed the renovations contemplated for the Indian Wells Tennis complex, (i.e., the conversion of court #3 to stadium #3) regarding nighttime spill lighting. Based on the geometry of the site, and the planned location of the new construction, it is my opinion that the visible light to nearby neighbors and vehicle traffic will be lessened rather than increased.

The current lighting fixtures are mounted on freestanding poles at a height of 100' surrounding the Stadium 3 bleacher-style court. The proposed project will excavate and lower the court surface. The existing lighting fixtures (the lights themselves) will be reused but they will now be brought nearer to the court by mounting on the new stadium building at a height of 67' above grade. The new stadium, which is a permanent concrete bowl will also serve to contain light spillage. Based on these facts, we would conclude that the same number of lighting fixtures, with the same light output, now mounted at a lower height and surrounded by an enhanced light containment from the stadium will result in lower levels of lighting around the stadium. These lower light levels for the new Stadium 3 would be within the combined Stadium 1, 2 and 3 sports lighting "footprint" shown in the photogrammetric analysis (attached) prepared as a part of the certified 2013 EIR Addendum.

The new lighting inside the stadium will be scrutinized and located in a manner that minimizes unnecessary light spillage from the building interiors. There will be incidental site walkway lighting that will be modified but this will be treated in the same fashion as the current site lighting, so the character of the facility grounds and light spill will be virtually unchanged.

As stated, based on the planned renovations to this site we feel that the campus will not increase lighting levels outside the project boundaries, and will not increase glare levels to the areas surrounding the tennis stadium facilities.

Thanks,

Jamie Schnick

Jamie Schnick, PE
Principal

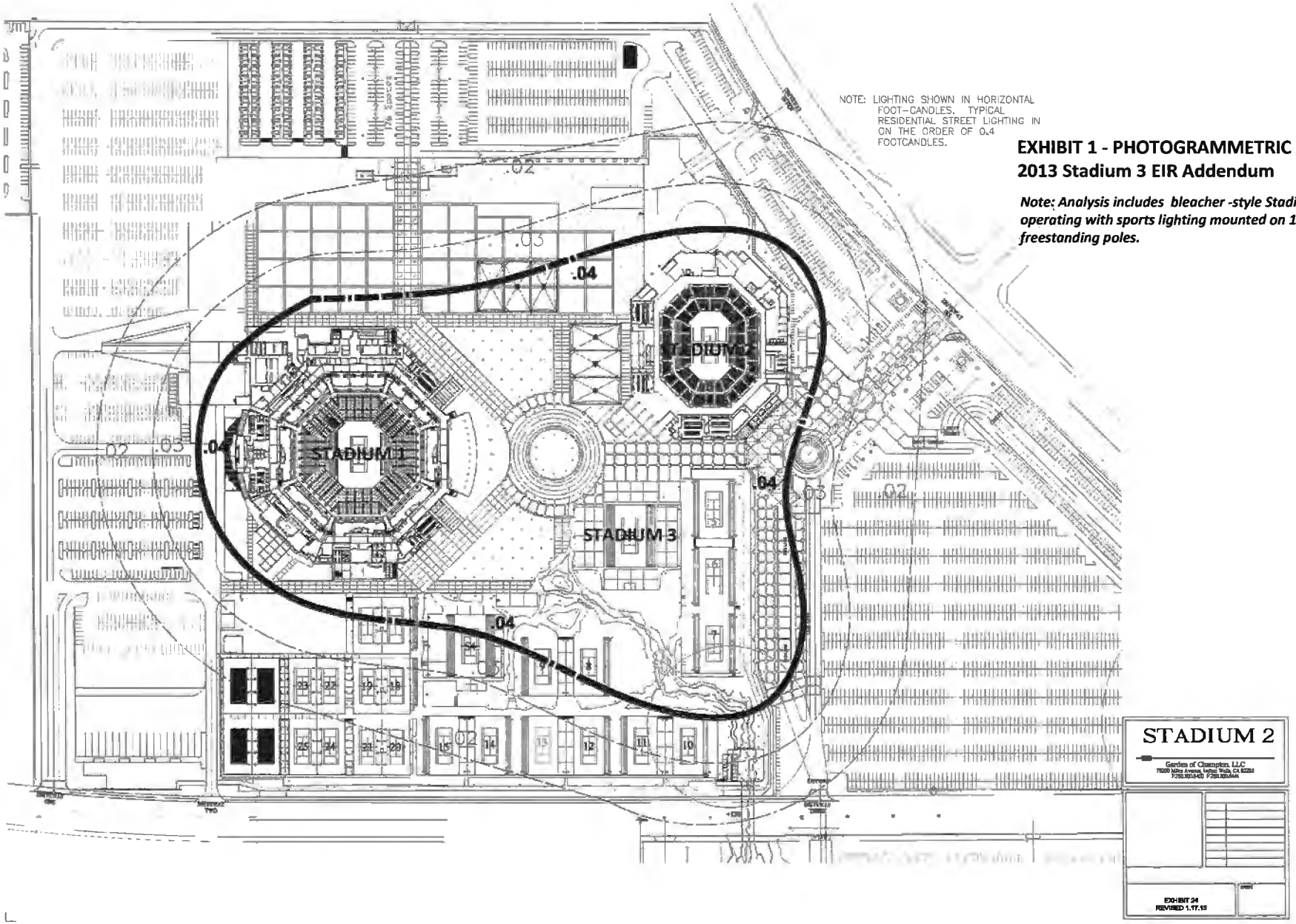

EXHIBIT 1 - PHOTOGRAMMETRIC ANALYSIS
2013 Stadium 3 EIR Addendum

Note: Analysis includes bleacher -style Stadium 3 operating with sports lighting mounted on 100' high freestanding poles.

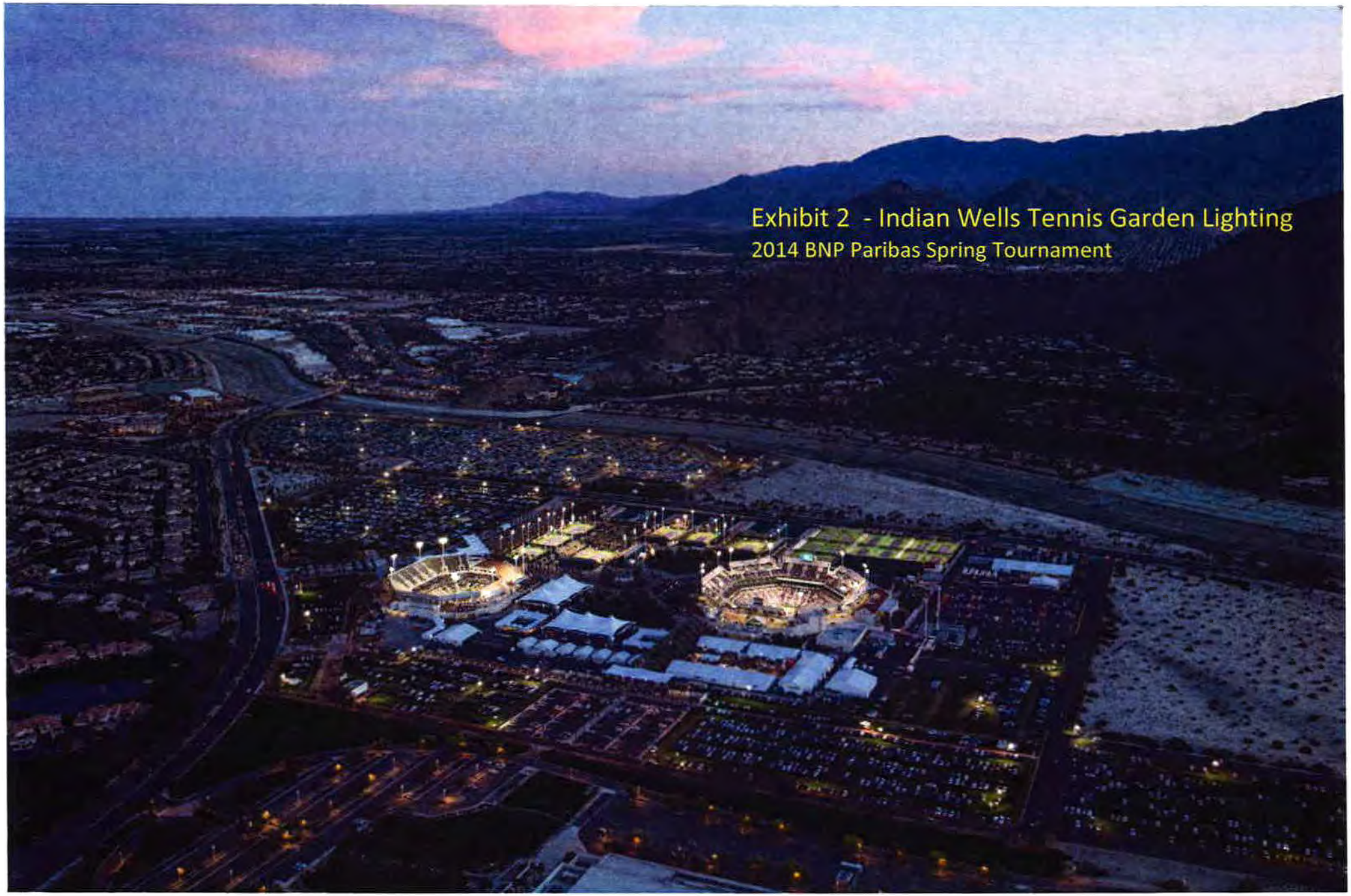
Exhibit 2 - Indian Wells Tennis Garden Lighting
2014 BNP Paribas Spring Tournament

MITIGATION MONITORING AND REPORTING PROGRAM

2015 Indian Wells Tennis Garden Stadium 3 EIR Addendum

MITIGATION MONITORING AND REPORTING PROGRAM

2015 Indian Wells Tennis Garden Stadium 3 EIR Addendum

The California Environmental Quality Act (CEQA) requires that agencies adopting environmental impact reports ascertain that feasible mitigation measures are implemented, subsequent to project approval. Specifically, the lead or responsible agency must adopt a reporting or monitoring program for mitigation measures incorporated into a project or imposed as conditions of approval. The program must be designed to ensure compliance during applicable project timing, e.g. design, construction, or operation (Public Resource Code Section 21081.6).

Mitigations were originally developed under three related CEQA documents that apply to the Indian Wells Tennis Garden. These include the 1998 Garden of Champions EIR, the 2008 Indian Wells Town Center EIR, and the 2013 Indian Wells Tennis Garden Improvement Project EIR Addendum (2013 Addendum). The 2013 Addendum for Stadium 2 consolidated all mitigation measures from the prior CEQA documents into one, comprehensive, updated set of relevant mitigation measures. The table below lists these in their entirety.

The 2015 Indian Wells Tennis Garden Stadium 3 EIR Addendum includes no new mitigation measures but readopts those mitigations relevant to the Stadium 3 project. To maintain consistency of numbering, all mitigations from the 2013 Addendum are included in the following table. The mitigation measures applicable to the Stadium 3 project are shown in black text. Those which do not apply have been grayed and ~~struck out~~.

MITIGATION MONITORING AND REPORTING PROGRAM - 2015 Indian Wells Tennis Garden Stadium 3 EIR Addendum – *DPW = Public Works Director / CDD = Community Development Director*				
Mitigation Measure	**Timing**	**Implementation Responsibility**	**Oversight Responsibility**	**Approval Date**
Aesthetics				
~~MM 4.1-1: Equipment storage and soil stockpiling shall be at least 100 feet from adjacent property lines. (Ref. PEIR 5.9-1a, SEIR AES-2).~~	Not Applicable	Not Applicable	Not Applicable	
MM 4.1-2: Construction related rubbish and debris shall be removed as required by the City of Indian Wells Building and Safety Department Inspectors. (Ref. PEIR 5.9-1b, SEIR AES-3).	Building Permit	Applicant	CDD	
MM 4.1-3: Construction and security lighting shall adhere to the City of Indian Wells Lighting Standards, which specifies the usage of low pressure sodium lighting for security purposes. (Ref. PEIR 5.10-1, SEIR AES-4)	Building Permit	Applicant	CDD	
MM 4.1-4: Prior to the issuance of building permits an outdoor lighting plan for the project shall be approved by the Community Development Director which contains the following provisions: ▪ Use of low pressure sodium lights or current appropriate lighting technology for parking areas; ▪ Exterior lighting shall be fully shielded and directed away from adjoining properties; ▪ Architectural and accent lighting shall be turned off between 11:00 PM and sunrise except for approved events; and Parking lot lighting shall not exceed 25 feet in height. (Ref. SEIR AES-5)	Building Permit	Applicant	CDD	

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Mitigation Measure	**Timing**	**Implementation Responsibility**	**Oversight Responsibility**	**Approval Date**
Air Quality				
MM 4.3-1: The Proposed Project shall comply with City of Indian Wells conditions to prevent fugitive dust and blowsand as follows: ▪ Graded but undeveloped land shall be maintained in a condition so as to prevent a dust and/or blowsand nuisance, and shall be planted either with interim landscaping or provided with other wind and water erosion control measures as approved by the Director of Building and Safety and the state air quality management standards. ▪ Notwithstanding any section of the ordinance to the contrary, the permit holder(s) shall comply with the requirements of City of Indian Wells Municipal Code Section 8.20 (Fugitive Dust). (Ref. PEIR 5.7-1a, SEIR AQ-1).	Building Permit	Applicant	PWD	
MM 4.3-2: In accordance with City of Indian Wells conditions, all necessary measures to control dust shall be implemented during grading. Such measures shall include the following: ▪ The project shall comply with State, County and UBC dust control regulations, so as to prevent the soil from being eroded by wind, creating dust, or blowing onto a public road or roads or other public or private property. ▪ SCAQMD Rule 403.1 as amended shall be adhered to, ensuring the clean up on the construction related dirt on approach routes to the site, and the application of water and/or chemical dust retardants that solidify loose soils shall be implemented for	Demolition Permit	Applicant	PWD	

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Mitigation Measure	**Timing**	**Implementation Responsibility**	**Oversight Responsibility**	**Approval Date**
construction vehicle access, as directed by the Community Development Director. This shall include covering, watering or otherwise stabilizing all inactive soil piles (left more than 10 days) and inactive graded areas (left more than 10 days). ▪ Any vegetative ground cover to be utilized onsite will be planted as soon as possible to reduce the amount of open space subject to wind erosion; irrigation will be installed as soon as possible to maintain the ground cover and minimize blowsand. ▪ Grading activity will be suspended when local winds exceed 25 miles per hour and during first and second state smog alerts. ▪ All trucks hauling dirt, soil or other loose dirt material will be covered. ▪ Pursuant to City of Indian Wells Municipal Code Section 8.24 (Blowing Sand and Dirt) blowsand shall be controlled by the measures contained in Section 8.24. Furthermore, pursuant to the Coachella Valley Fugitive Dust Control Handbook, measures to control PM 10 shall be approved by the Community of Development. (Ref. PEIR 5.7-1b, SEIR AQ-2).				
MM 4.3-3: In order to reduce emissions from the power plant providing electricity to the site and from natural gas consumed by the projects users, on-site buildings shall at a minimum, be constructed to comply with State Energy Efficiency Standards (Title 24). (Ref. PEIR 5.7-2b, SEIR AQ-4).	Building Permit	Applicant	CDD	

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Mitigation Measure	**Timing**	**Implementation Responsibility**	**Oversight Responsibility**	**Approval Date**
~~MM 4.3-4: Reduce the maximum acreage graded on any one day to 20 acres. (Ref. SEIR AQ-5).~~	Not Applicable	Not Applicable	Not Applicable	
MM 4.3-5: During project construction, onsite electrical hook ups shall be provided for electric construction tools including saws, drills and compressors, to eliminate the need for diesel powered electric generators. (Ref. SEIR AQ-6).	Building Permit	Applicant	CDD	
MM 4.3-6: During project construction, the applicant shall require all contractors not to idle construction equipment onsite for more than 5 minutes. (Ref. SEIR AQ-7).	Building Permit	Applicant	CDD	
Biological Resources				
MM 4.4-1: Prior to issuance of a grading permit, the applicant shall pay the CVMSHCP mitigation fee to the Coachella Valley Association of Governments (CVAG). (Ref. SEIR BIO-1).	Building Permit	Applicant	CDD	
~~MM 4.4-2: A pre-construction survey shall be conducted on the project site within 30 days prior to any ground disturbance to avoid a direct take of burrowing owls (BUOW). The biologist conducting the 30-day pre-construction BUOW survey must submit a letter report to the City of Indian Wells documenting the results of the survey. (Ref. SEIR BIO-2).~~	Not Applicable	Not Applicable	Not Applicable	
MM 4.4-3: If tree or shrub removal will occur during the bird nesting season (March 1 to September 15) a nesting bird survey shall be	Building Permit	Applicant	CDD	

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Mitigation Measure	**Timing**	**Implementation Responsibility**	**Oversight Responsibility**	**Approval Date**
conducted by a qualified biologist prior to cutting trees or shrubs down. (Ref. SEIR BIO-4).				
Cultural Resources				
~~MM 4.5-1: Prior to issuance of grading permits, a qualified paleontologist shall be retained by the developer to monitor onsite grading, especially in the vicinity of CA-RIV-5876. Any fossiliferous materials found during excavation shall be retained and curated in an appropriate manner at an appropriate facility. The recovery of any fossils shall be coordinated with the County Archaeological Information Center. This measure shall be implemented to the satisfaction of the Community Development Director. (Ref. SEIR CUL-1)~~	Not Applicable	Not Applicable	Not Applicable	
~~MM 4.5-2: Prior to the issuance of grading permits, a qualified archaeologist shall be retained by the applicant to monitor earth grading or any ground disturbance activities to ensure protection of significant cultural resources. A report of findings shall be prepared and the City shall require that the report have a peer review by an archaeologist qualified to meet the requirements established by the California Secretary of the Interior' Standards and Guidelines. The report and the peer review of the report shall be submitted to the Eastern Information Center, University of California Riverside and the Aqua Caliente Band of Cahuilla Indians or any other Native American Tribe identified during the SB 18 consultation if requested by said tribe(s). (Ref. SEIR CUL-2)~~	Not Applicable	Not Applicable	Not Applicable	

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Mitigation Measure	Timing	Implementation Responsibility	Oversight Responsibility	Approval Date
~~MM 4.5-3: During grading, a qualified archaeologist shall be retained by the applicant to monitor onsite grading. The monitor(s) shall have the authority to temporarily halt work until the artifacts can be surveyed, recovered, and/or handled in an appropriate manner. If archaeological resources are discovered, all work in that area shall be halted and qualified personnel shall be retained to examine, evaluate, and determine the most appropriate disposition of the resource(s). This measure shall be implemented to the satisfaction of the City's Community Development Director in consultation with the Archaeological Information Center (AIC) at UCR.~~ ~~If artifacts of Native American (NA) origin are discovered, official representatives of the NA group shall be consulted to determine the most appropriate disposition of the artifacts, to the satisfaction of the AIC and the NA group. If fossils are found onsite, the AIC shall be contacted to determine disposition, to be funded by the applicant. (Ref. SEIR CUL-3)~~	Not Applicable	Not Applicable	Not Applicable	
~~MM 4.5-4: The project applicant shall enter into a PreExcavation Agreement with the most appropriate local Native American (NA) group to fund up to 2 NA representatives to have access to the site during grading activities. The designation of monitors shall be coordinated with the following Tribes: Augustine Band of Cahuilla Mission Indians, Aqua Caliente Band of Cahuilla Indians, Morongo Band of Mission Indians, and Soboba Band of Luiseno. It is the intent of this Mitigation Measure to avoid duplication of monitoring efforts and to designate the most appropriate Tribe to conduct the monitoring. (Ref. SEIR CUL-4)~~	Not Applicable	Not Applicable	Not Applicable	

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Mitigation Measure	Timing	Implementation Responsibility	Oversight Responsibility	Approval Date
MM 4.5-5: If human remains are found during excavation, work shall be halted and the appropriate local Native American (NA) group shall be contacted. If the County Coroner's office determines the remains to be Native American, and it is determined by the Native American Heritage Commission that member(s) of the local NA group is (are) the most likely descendants, the applicant shall allow reburial of the remains and associated goods at an appropriate offsite location which shall be "capped" to prevent further disturbances in the future. The site of such burial shall not be disclosed to the public, pursuant to Government Code §6254. Details of the reburial shall be negotiated between the applicant and the appropriate representatives of the local NA group. If human remains are found, and not determined by the County Coroner's office to be Native American, but believed by the local NA group to be so, the applicant shall be required to pay reasonable costs to determine whether the remains are, Native American. All NA cultural items and associated grave goods found on site, other than human remains, are to be avoided, relocated, salvaged, returned to the NA group, or any other option decided by the NA group to be appropriate, before development of the area in which the item was found is resumed. The applicant shall provide for NA tribal archaeological monitors to be present during any Phase II and potential Phase III surveys of all sites within the project. (Ref. SEIR CUL-5).	Building Permit	Applicant	CDD	

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Mitigation Measure	Timing	Implementation Responsibility	Oversight Responsibility	Approval Date
Geology and Soils				
MM 4.6-1: Geotechnical/soils reports shall be submitted to the Engineering Department for approval prior to issuance of a grading permit. All grading shall be in conformance with the recommendations of the geotechnical/soils reports as approved by the Engineering Department. Recommendations to be addressed within the geotechnical/soils report shall address, at minimum the following issue areas. The geotechnical study shall be approved by the Engineering Department, and applicable recommendations shall be incorporated into the final grading plan, including: ▪ Site Clearing and Preparation; ▪ Seismic Design Criteria; ▪ Over-excavation, Re-compaction and Fill Placement; ▪ Foundation Design, and Retaining Walls, Utility Trench Backfill ad Drainage (Ref. PEIR 5.5-28, SEIR GEO-1).	Building Permit	Applicant	PWD	
~~MM 4.6-2: An Erosion Control Plan shall be submitted for approval to the City Engineer, prior to issuance of a grading permit. The Erosion Control Plan shall outline methods that shall be implemented to control erosion from graded or cleared portions of the site. The erosion control measures may include one or more of the following:~~	Not Applicable	Not Applicable	Not Applicable	

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~~• Placing sandbags along the perimeter of the project site prior to initial grading if grading is to be undertaken during the rainy season (October to March).~~ ~~• Minimizing the length of time that soils lie exposed after grading.~~ ~~Landscaping, hydro-seeding or any other method of providing soil stabilization to graded areas, in a manner approved by the City Engineer if determined to be required for erosion control in areas not planned for development until subsequent phases. Landscaping and hydro-seeding should be under the direction of a licensed landscape architect and approved by the Community Development Director. (Ref. PEIR 5.5-2b, SEIR GEO-2).~~				
MM 4.6-3: Prior to issuance of a grading permit, the project applicant shall comply with the City of Indian Wells Municipal Code to control erosion. (Ref. PEIR 5.5-2c, SEIR GEO-3).	Grading Permit	Applicant	PWD	
MM 4.6-4: Due to the potential for ground shaking in a seismic event, the applicant shall comply with the standards set forth in the Uniform Building Code to assure seismic safety to the satisfaction of the Community Development Director. (Ref. PEIR 5.5- 3a, SEIR GEO-4).	Building Permit	Applicant	CDD	
MM 4.6-5: A structural engineer, civil engineer or architect experienced with earthquake-resistant design shall approve all building plans to determine the adequacy of seismic criteria for project structures, and to recommend appropriate design changes, if needed prior to issuance of building permits. The building plans shall incorporate design measures	Building Permit	Applicant	CDD	

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Mitigation Measure	**Timing**	**Implementation Responsibility**	**Oversight Responsibility**	**Approval Date**
outlined within the Geotechnical/Soils Report prepared for the project site. (Ref. PEIR 5.5-3b, SEIR GEO-5).				
Hazards and Hazardous Materials				
MM 4.8-1: If waste materials are spilled during construction by the contractor and are believed to involve hazardous waste materials, the contractor shall: ▪ Immediately stop work in the vicinity of the suspected contaminant, remove workers and the public from the area; ▪ Notify the City of Indian Wells Building and Significant Safety Official; ▪ Secure the area as directed by the City of Indian Wells Building and Safety Official, and Notify the Director, Riverside County Environmental Health. Division (or designee) or appropriate approval authority. The Director shall follow procedures for site assessment, initiate coordination with local, State and regulatory agencies as required, and take remedial action as appropriate. (Ref. PEIR 5.1- 11, SEIR HAZ-1).	Building Permit	Applicant	CDD	

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Mitigation Measure	**Timing**	**Implementation Responsibility**	**Oversight Responsibility**	**Approval Date**
Hydrology and Water Quality				
MM 4.9-1: Drainage improvements shall be required pursuant to Coachella Valley Water District and/or City of Indian Wells requirements, as appropriate. All required drainage improvements, including the retention basins, shall be designed by a California Registered Engineer and shall be submitted for approval to Coachella Valley Water District and/or City of Indian Wells as appropriate, prior to issuance of grading permits. (Ref. PEIR 5.3-2a, SEIR HWQ-3).	Building Permit	Applicant	PWD	
MM 4.9-2: Prior to grading permit issuance, drainage hydrology and hydraulic calculations shall be prepared in accordance with City of Indian Wells conditions, in order to ensure that post-project runoff does not exceed existing site runoff velocities. (Ref. PEIR 5.3-2b, SEIR HWQ-4).	Grading Permit	Applicant	PWD	
MM 4.9-3: In order to prevent exposed soil from erosion during periods of heavy rainfall, the project applicant shall be required to meet all erosion control measures to the satisfaction of the City of Indian Wells Building and Safety Department. (Ref. PEIR 5.3-2c, SEIR HWQ-5).	Grading Permit	Applicant	PWD	
MM 4.9-4: The project is required to meet Storm Water Management regulations. In accordance with City of Indian Wells conditions, prior to grading permit issuance, the project 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, and Monitoring Plan shall be submitted to the	Grading Permit	Applicant	PWD	

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Mitigation Measure	**Timing**	**Implementation Responsibility**	**Oversight Responsibility**	**Approval Date**
Engineering Department a minimum of thirty (30) days prior to commencing grading operations. (Ref. PEIR 5.3-3a, SEIR HWQ-6).				
MM4.9-5: The project applicant shall be required to comply with the City of Indian Wells Engineering Director requirements contained in the conditions of approval on file in the Community Development Department with respect to urban and general construction stormwater management. (Ref. PEIR 5.3-3b, SEIR HWQ-7).	Grading Permit	Applicant	PWD	
MM4.9-6: The project applicant shall be required to submit a final, project-specific Water Quality Management Plan (WQMP) in compliance with the requirements of the Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit (MS4 Permit) No. CAS617002 (Order No. R7-2008-0001) adopted on May 25, 2008 by the State Regional Water Quality Control Board. The WQMP shall be submitted 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 "Water Quality Management Plan and Stormwater BMP Maintenance and Right of Entry Agreement" with the County-Clerk Recorder to enforce said WQMP and BMP's and to inform future property owners of the requirement to implement the approved project-specific WQMP.	Grading Permit	Applicant	PWD	

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Mitigation Measure	Timing	Implementation Responsibility	Oversight Responsibility	Approval Date
Noise				
MM 4.12-1: Construction activities shall comply with City of Indian Wells Noise Chapter 9.06 relating to construction noise. If problems arise from construction noise, enforcement of the City's Municipal Code relating to construction-related noise discernible at residential boundaries will help minimize any potential noise impacts. Such noise is prohibited between the hours of Monday through Friday 7:00 am to 5:00 pm, Saturday 8:00 am to 5:00 p.m, and no Sundays or national holidays, unless a temporary waiver is granted by the Community Development Director. (Ref. PEIR 5.6-1 a, SEIR NOI-1).	Building Permit	Applicant	CDD	
MM 4.12-2: All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers, to the satisfaction of the Community Development Director (Ref. PEIR 5.6-1b, SEIR NOI-2).	Demolition Permit Grading Permit Building Permit	Applicant	CDD	
MM 4.12-3: Stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers, to the satisfaction of the Community Development Director. (Ref. PEIR 5.6- 1b, SEIR NOI-3).	Demolition Permit Grading Permit Building Permit	Applicant	CDD	
MM 4.12-4: Stockpiling and vehicle staging areas shall be located as far as practical from noise sensitive receptors during construction activities, to the satisfaction of the Community Development Director. (Ref. PEIR 5.6-1d, SEIR NOI-4).	Demolition Permit Grading Permit Building Permit	Applicant	CDD	

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MM 4.12-5: Noise related to the Tennis Garden shall be regulated by Indian Wells City Council Resolution No. 2001-38 which provides for noise monitoring through the temporary use permit process to ensure that noise from events does not exceed City Noise Standards. (Ref. SEIR NOI-5)	Temporary Use Permit	Applicant	CDD	
Public Service				
MM 4.14-1: Prior to issuance of building permits, the applicant, and City of Indian Wells Police Department shall agree upon the procedures required to provide adequate police service to the project. (Ref. PEIR 5.4-1, SEIR PS-1).	Building Permit	Applicant	CDD	
MM 4.14-2: The applicant shall comply with the existing City of Indian Wells Development Impact Fees for fire protection prior to the issuance of building permits. These funds are to be used for the purchase of land and to build, equip, or remodel fire stations when necessary as development occurs. (Ref. PEIR 5.4-3a, SEIR PS-2).	Building Permit	Applicant	CDD	
MM 4.14-3: The project applicant shall comply with all applicable sections of the City of Indian Wells Municipal Code for construction, access, water mains, fire flows, and fire hydrants, as required, subject to approval by the Fire Department. (Ref. PEIR S.4-3b, SEIR PS-3).	Demolition Permit Grading Permit Building Permit	Applicant	PWD	
MM 4.14-4: Prior to the issuance of occupancy permits, water improvement plans shall be submitted to and approved by the Fire Department for adequate fire protection and financial security posted for	Occupancy Permit	Applicant	CDD,PWD	

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Mitigation Measure	**Timing**	**Implementation Responsibility**	**Oversight Responsibility**	**Approval Date**
the installation. The adequacy and reliability of water system design, location of valves, and the distribution of fire hydrants is to be evaluated and approved by the Fire Department. (Ref. PEIR 5.4-3c, SEIR PS-4).				
MM 4.14-5: Prior to the issuance of building permits, a construction phasing plan shall be submitted to and approved by the Fire Department. The purpose of this review is to evaluate the adequacy of emergency vehicle access for the type of land use served. (Ref. PEIR 5.4-3d, SEIR PS-5).	Building Permit	Applicant	CDD	
MM 4.14-6: Prior to the issuance of any certificates of use and occupancy, all fire hydrants shall have a "Blue Reflective Pavement Marker" indicating its location per Fire Department Standards. (Ref. PEIR 5.4-3e, SEIR PS-6).	Occupancy Permit	Applicant	CDD, PWD	
MM 4.14-7: Prior to final building inspection, the applicant shall satisfy all Fire Department requirements regarding sprinkler systems, fire lanes and extinguishers. (Ref. PEIR 5.4-3f, SEIR PS-7).	Building Permit	Applicant	CDD	
MM 4.14-8: The Proposed Project shall be in compliance with the City requirements and Fire Department requirements regarding hazardous materials as contained in the conditions of approval on file in the Community Development Department. (Ref. PEIR 5.4-3g, SEIR PS-8).	Demolition Permit Grading Permit Building Permit	Applicant	CDD	
Traffic and Transportation				

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MM 4.16-1: A Construction Traffic Management Plan (CTMP) shall be prepared and implemented to the satisfaction of the Community Development Director and Public Works Director. The TMP shall include, but not be limited to, the following measures: ▪ Provision of continued access to residential properties adjacent to the construction site. ▪ Provide alternate bicycle routes where existing bicycle routes are disrupted by construction activities. ▪ Submit a truck routing plan, for approval by the City of Indian Wells and other responsible public agencies in order to minimize impacts from truck traffic during material delivery and disposal. The CTMP will demonstrate that all inbound vehicle stacking is accommodated on-site with no spill-over onto Miles Avenue or Washington Street, and that outbound traffic peaks can be moderated to such an extent that the Level of Service LOS) does not deteriorate below LOS "E" for more than 30 consecutive minutes per day. (Ref. PEIR 5.2-1a, SEIR TT-2).	Demolition Permit Grading Permit Building Permit	Applicant	CDD, PWD	
MM 4.16-2: Construction related activities will be subject to, and comply with, standard street use requirements imposed by the City of Indian Wells and other public agencies, including the use of flag men to assist with haul truck ingress and egress of construction areas and limiting of large size vehicles to off-peak commute traffic periods. (Ref. PEIR 5.2-1b, SEIR TT-3).	Demolition Permit Grading Permit Building Permit	Applicant	CDD, PWD	

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MM 4.16-3: During periods of heavy equipment access or truck hauling, the project contractor will provide construction traffic signage and a construction traffic flag man to control construction and general project traffic at points of ingress and egress. (Ref. PEIR 5.2- 1c, SEIR TT-4).	Demolition Permit Grading Permit Building Permit	Applicant	CDD, PWD	
Utilities				
MM 4.17-1: All final development plans shall be conditioned to require that all services and facilities shall be built in accordance with applicable Imperial Irrigation District (IID) and/or Southern California Edison (SCE) policies and extension rules on file with the California Public Utilities Commission. (Ref. PEIR 5.4-6a, SEIR UTL-1).	Demolition Permit Grading Permit Building Permit	Applicant	CDD, PWD	
MM 4.17-2: All building plans shall comply with the Energy Conservation Standards set forth in Title 24 of the California Administrative Code and local building and safety codes. (Ref. PEIR 5.4-6b, SEIR UTL-2).	Building Permit	Applicant	CDD, PWD	
MM 4.17-3: The applicant shall consult with IID and SCE regarding participation in programs designed to increase the efficiency of operation and decrease energy costs. These programs may include new construction programs and off-peak cooling/thermal storage. Design criteria shall include the utilization of energy-efficient architectural and landscaping design concepts that would contribute to a reduction in the demand for energy. These concepts may include natural heating and/or cooling through sun and wind exposure and solar energy collection systems. (Ref. PEIR 5.4-6c, SEIR UTL-3).	Demolition Permit Grading Permit Building Permit	Applicant	CDD	

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MM 4.17-4: Water system design and all public water mains, meters, and appurtenances shall be installed and constructed in compliance with the applicable standards, specifications, policies, and regulations of the CVWD and a construction phasing plan shall be approved, prior to project final or occupancy permits. (Ref. PEIR 5.4-12a, SEIR UTL-4).	Occupancy Permit	Applicant	PWD	
MM 4.17-5: All water mains shall be sized to convey peak hour demands or maximum day demands with fire flows, prior to occupancy permits. All public streets and easements must be capable of containing and conveying the design fire flow capacity, as determined by the Fire Department. (Ref. PEIR 5.4-12b, SEIR UTL-5).	Grading Permit Building Permit	Applicant	PWD	
MM 4.17-6: Prior to building permit issuance, signed plans from the Coachella Valley Water District shall be provided to the Community Development Director verifying compliance with the conditions as follows: water and sewer utility clearance, and low water efficient landscaping and irrigation. (Ref. PEIR 5.4-12c, SEIR UTL-6).	Building Permit	Applicant	CDD	
MM 4.17-7: Prior to the issuance of building permits, the applicant shall demonstrate use of low water use fixtures, plumbing fixtures and appliances, to the satisfaction of the Community Development Director and CVWD, which may include the following: Interior: ▪ Supply line pressure: Reduce water pressure greater than 60 psi to 60 psi or less by means of a pressure-reducing valve.	Building Permit	Applicant	CDD	

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Mitigation Measure	Timing	Implementation Responsibility	Oversight Responsibility	Approval Date
▪ Drinking fountains: Equip drinking fountains with self-closing valves. ▪ Ultra-low flush toilets: Install 1.6 gallon per flush toilets in al\ new construction. Exterior: ▪ Landscape with low water-consuming plants wherever feasible. ▪ Minimize use of lawn by limiting it to lawn-dependent uses. ▪ Group plants of similar water use to reduce over irrigation of tow-water-using plants. ▪ Use mulch extensively in all landscaped areas. Mulch applied on top of soil would improve the water-holding capacity of the soil by reducing evaporation and soil compaction. ▪ Install efficient irrigation systems which minimize runoff and evaporation, and maximize the water which would reach the plant roots. Drip irrigation, soil moisture sensors, and automatic irrigation systems are a few methods to consider in increasing irrigation efficiency and may be feasible for the project. ▪ Use pervious paving material whenever feasible to reduce surface water runoff. Investigate the feasibility of utilizing reclaimed wastewater, stored rain water, or gray water for irrigation. (Ref. PEIR 5.4-12d, SEIR UTL-7).				
MM 4.17-8: The project applicant shall comply with the CVWD requirements for water service. (Ref. PEIR 5.4- 12e, SEIR UTL-8).	Demolition Permit Grading Permit Building Permit	Applicant	CDD, DPW	

MITIGATION MONITORING AND REPORTING PROGRAM - 2015 Indian Wells Tennis Garden Stadium 3 EIR Addendum – *DPW = Public Works Director / CDD = Community Development Director*				
Mitigation Measure	Timing	Implementation Responsibility	Oversight Responsibility	Approval Date
	Occupancy Permit			
MM 4.17-9: If phasing is proposed, the applicant shall submit a construction phasing plan for review and approval by the Community Development Department prior to final design plan approval. (Ref. PEIR 5.4-14a, SEIR UTL-9).	Grading Permit Building Permit	Applicant	CDD	
MM 4.17-10: Prior to issuance of occupancy permits the applicant shall comply with City of Indian Wells Municipal Code Chapter 14.04 (Sewage System) and CVWD requirements as contained within the conditions of approval on file in the Community Development Director for sewer service. (Ref. PEIR 5.4-14b, SEIR UTL-10).	Occupancy Permit	Applicant	CDD	
MM 4.17-11: Prior to issuance of occupancy permits, the project applicant shall provide the Community Development Director with evidence of compliance with guidelines set forth by the State of California accordance with the California Integrated Waste Management Act of 1989 (AS 939), which requires jurisdictions to divert 50 percent of solid waste from landfills. This shall include consideration for offering marketable materials, such as concrete, asphalt and steel, to recyclables. (Ref. PEIR 5.4-16a, SEIR UTL-11).	Occupancy Permit	Applicant	CDD	
MM 4.17-12: Prior to issuance of building permits, the applicant shall submit 3 copies of a site plan, which includes the final design for the recyclable collection and storage area to Community Development	Building Permit	Applicant	CDD	

Mitigation Measure	Timing	Implementation Responsibility	Oversight Responsibility	Approval Date
Director review and approval. The storage area for recyclable materials shall comply with the following standards: ▪ The design, construction and location of recycling areas shall not conflict with any applicable federal, state or local laws relating to fire, building access, transportation, circulation or safety and shall be designed to be architecturally compatible with affected structures and existing topography; ▪ The recycling storage areas shall be conveniently located at or near solid waste collection areas, where feasible, but maintain adequate separation, fencing and landscaping to ensure that adjacent areas are not impacted by any associated noise, odor, vectors or glare for the storage areas; ▪ The recycling storage areas, bins and containers shall be adequate in capacity number and distribution to achieve fifty-percent recycling of the total waste generated by the. project; ▪ The recycling storage areas shall be sufficiently protected from rain which might render the collected materials unmarketable and shall be secure from theft; ▪ Collection vehicles and personnel shall have unobstructed access to the storage area; and All recycling bins shall be labeled with the universal recycling symbol and with signage indicating to the users the type of material to be deposited in each bin. (Ref. PEIR S.4-16b, SEIR UTL-12).				

MITIGATION MONITORING AND REPORTING PROGRAM - 2015 Indian Wells Tennis Garden Stadium 3 EIR Addendum – *DPW = Public Works Director / CDD = Community Development Director*				
Mitigation Measure	**Timing**	**Implementation Responsibility**	**Oversight Responsibility**	**Approval Date**
MM 4.17-13: Items to be collected for recycling from a residential or commercial establishment depend on the types of materials available for recycling and the hauler's collection system. The applicant should work with his permitted refuse hauler to identify which materials may be collected for recycling and on what schedule. (Ref. PEIR 5.4-16c, SEIR UTL-13).	Occupancy Permit	Applicant	CDD	

Stadium 3 Aerial Image

MCUP 2000-04 APN 663-360-034, 035

Indian Wells Tennis Gardens
78-200 Miles Avenue Indian Wells CA, 92210

INDIAN WELLS
CALIFORNIA

NORTH
N.T.S.

CUP Boundary
Stadium 3 Reconstruction

CUP AMENDMENT SITE PLAN
FOR INDIAN WELLS TENNIS GARDENS, STADIUM 3
IN THE CITY OF INDIAN WELLS, CALIFORNIA

APPLICANT: GARDEN OF CHAMPIONS LLC
78-200 MILES AVENUE
INDIAN WELLS, CA 92210
760-200-8400

REPRESENTATIVE: KEISER AND RIGGLE ARCHITECTS, INC
26861 CAMINO DE ESTRELLA, SUITE 200
CAPISTRANO BEACH, CA 92624
949-388-1250

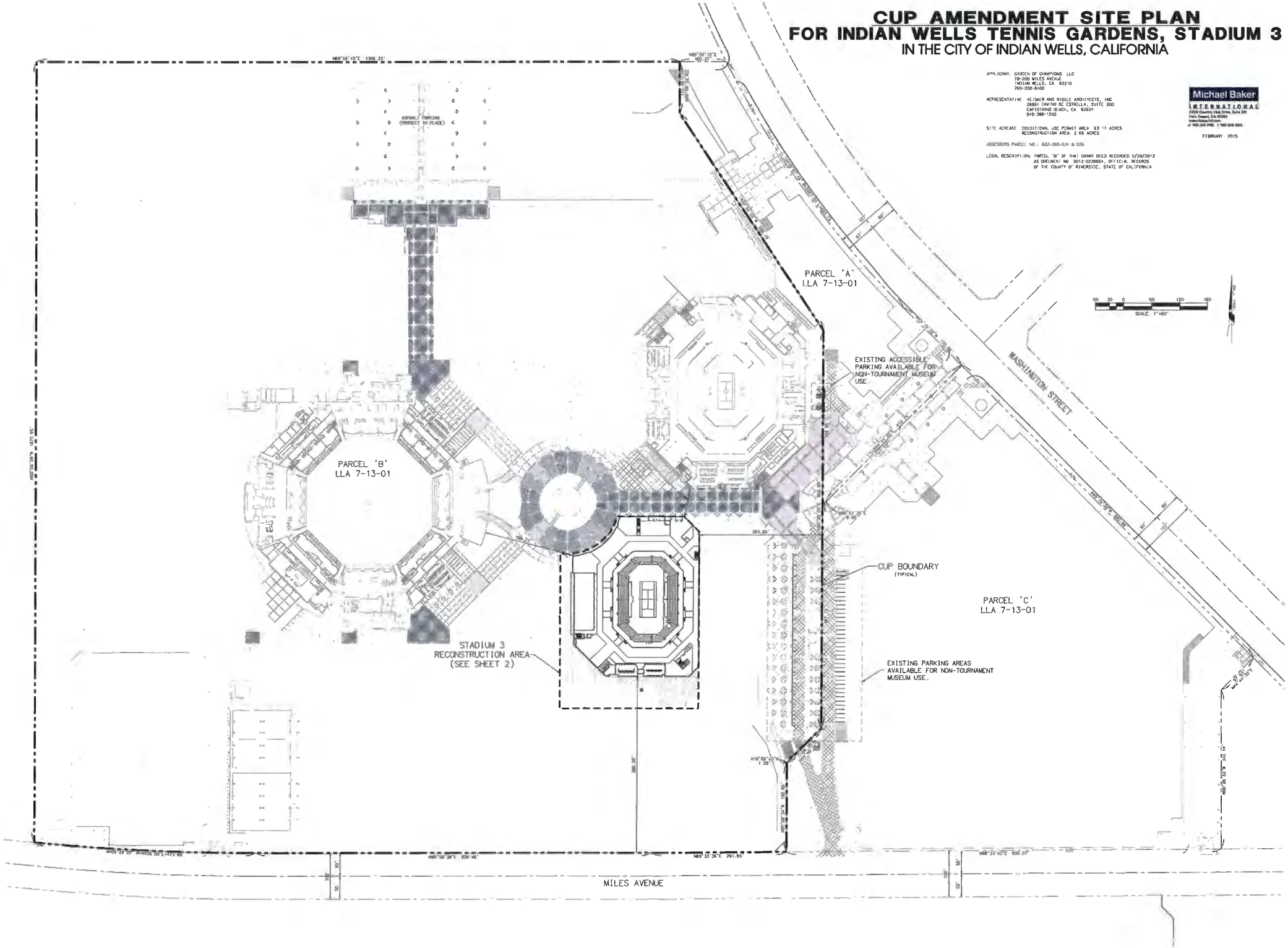
SITE ACREAGE: CONDITIONAL USE PERMIT AREA: 63 [illegible] ACRES
RECONSTRUCTION AREA: 2.66 ACRES

ASSESSORS PARCEL NO.: 633-360-014 & 036

LEGAL DESCRIPTION: PARCEL 'B' OF THAT GRANT DEED RECORDED 5/20/2013 AS DOCUMENT NO. 2013-0238564, OFFICIAL RECORDS OF THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

Michael Baker INTERNATIONAL
[illegible]

FEBRUARY 2015



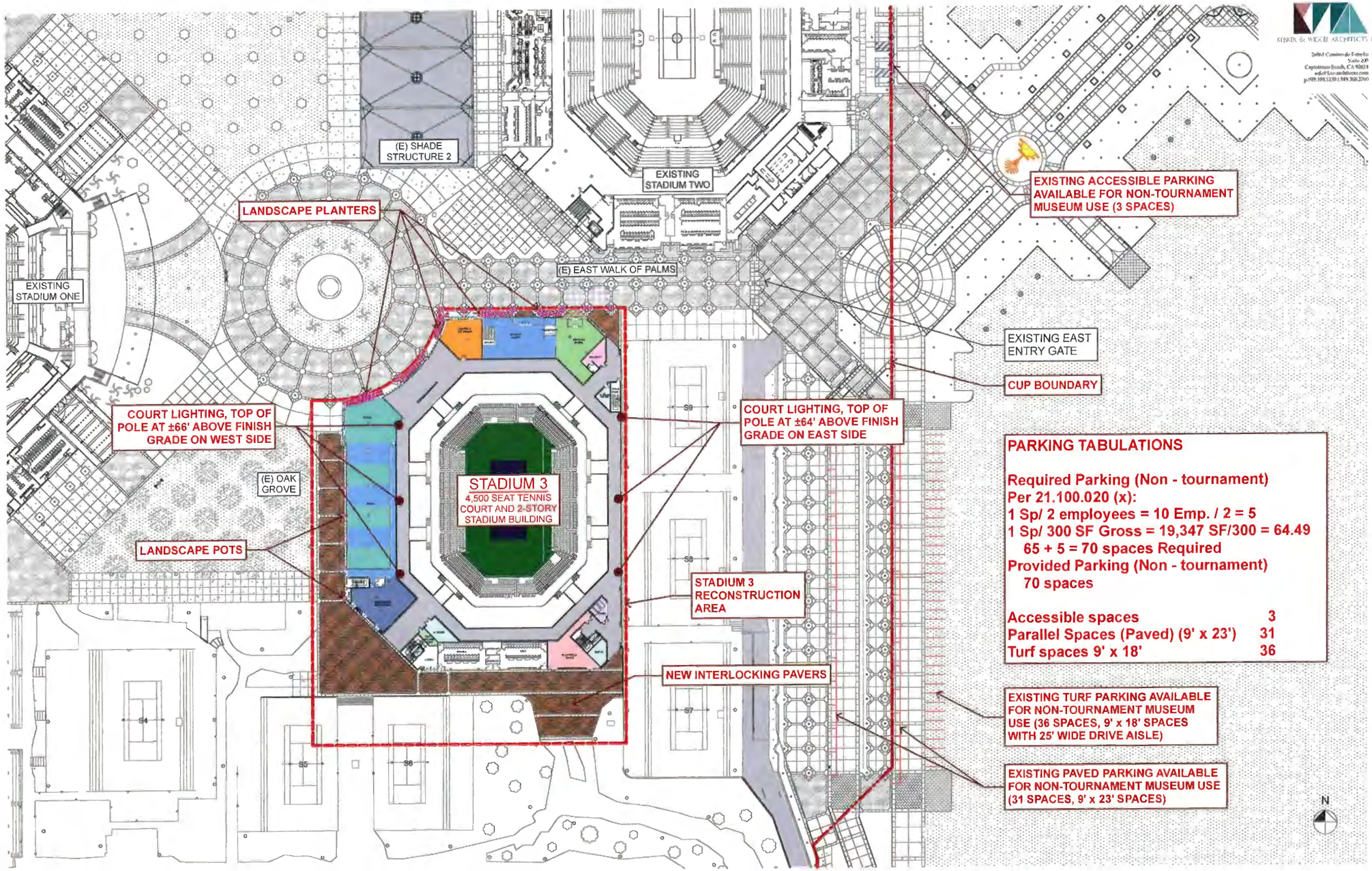
Attachment #4

CUP AMENDMENT
STADIUM 3 RECONSTRUCTION DETAIL SITE PLAN

APPLICANT
GARDEN OF CHAMPIONS LLC
78200 MILES AVENUE
INDIAN WELLS CA 92210
760 200 8400

REPRESENTATIVE
KERSKER & WIGGLE ARCHITECTS INC
26961 CAMINO DE ESTRELLA SUITE 200
CAPISTRANO BEACH CA 92624
949 388 1250

INDIAN WELLS TENNIS GARDEN



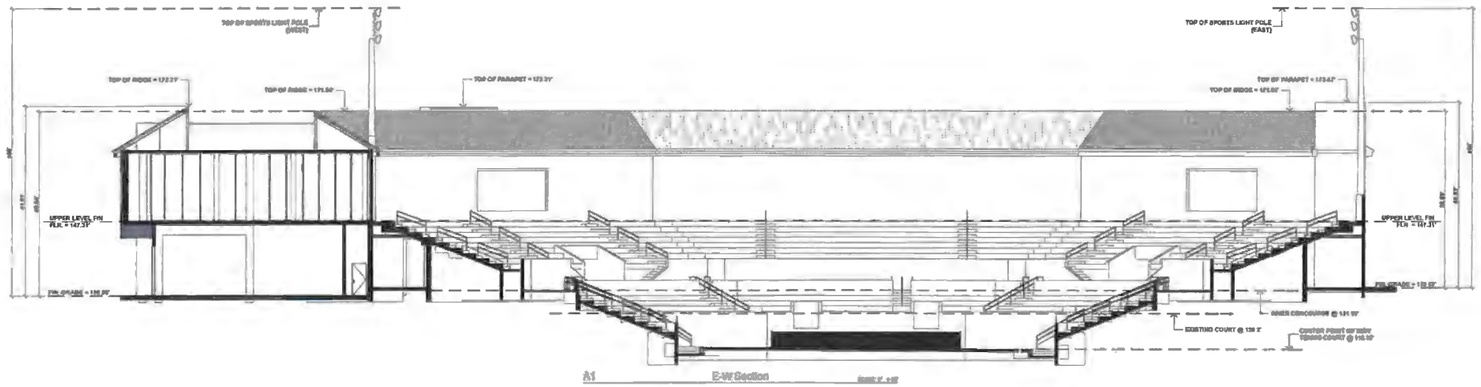
PARKING TABULATIONS

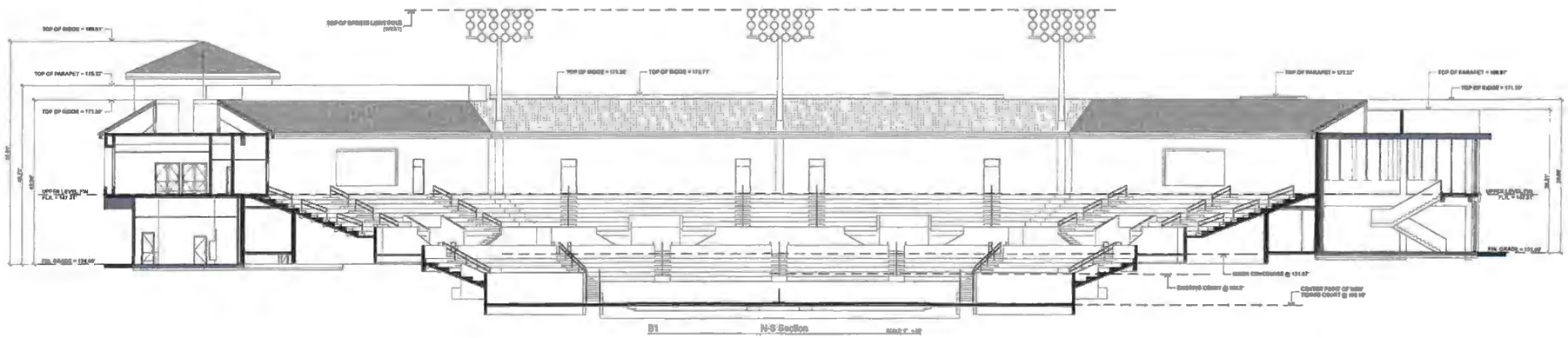
Required Parking (Non - tournament)
Per 21.100.020 (x):
1 Sp/ 2 employees = 10 Emp. / 2 = 5
1 Sp/ 300 SF Gross = 19,347 SF/300 = 64.49
65 + 5 = 70 spaces Required
Provided Parking (Non - tournament)
70 spaces

Accessible spaces	3
Parallel Spaces (Paved) (9' x 23')	31
Turf spaces 9' x 18'	36

2 STADIUM 3 RECONSTRUCTION DETAIL SITE PLAN

FEBRUARY 24, 2015
SHEET 2





INDIAN WELLS TENNIS GARDEN

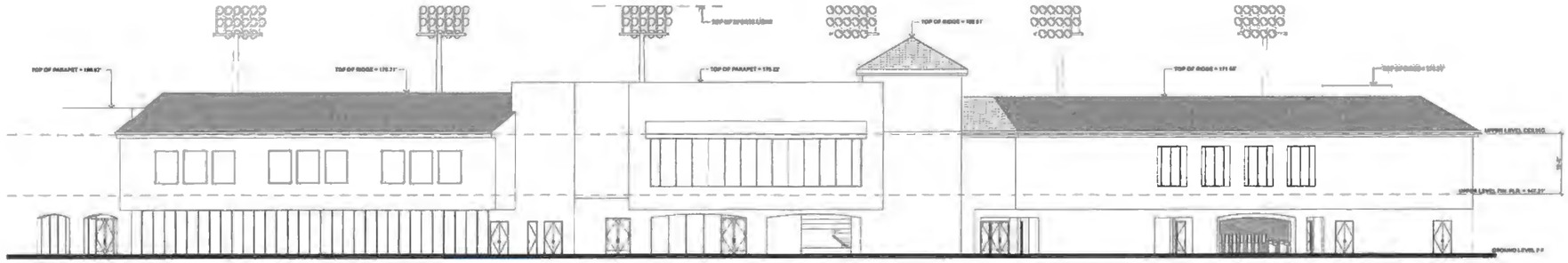
KEISER & WIGGLE ARCHITECTS, INC.

26061 Camino de Estrella
Suite 200
Capistrano Beach, CA 92624
info@kw-architects.com
p 949.248.8294 f 949.248.8290

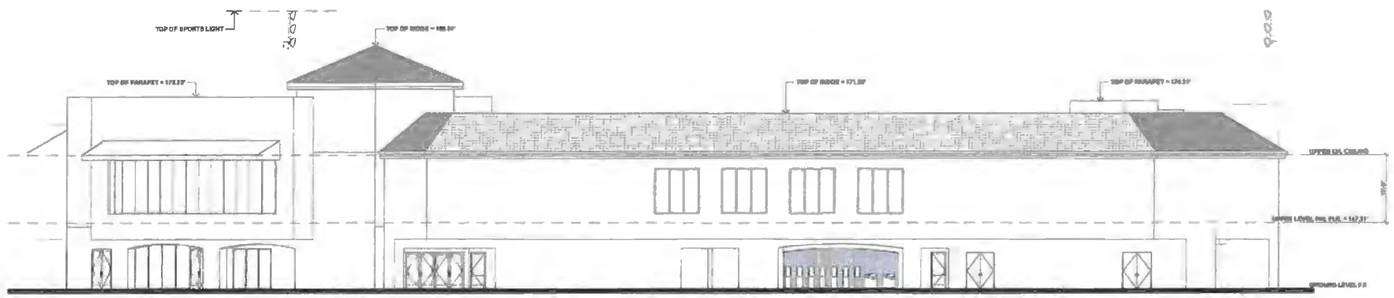
February 24, 2015

Building Sections

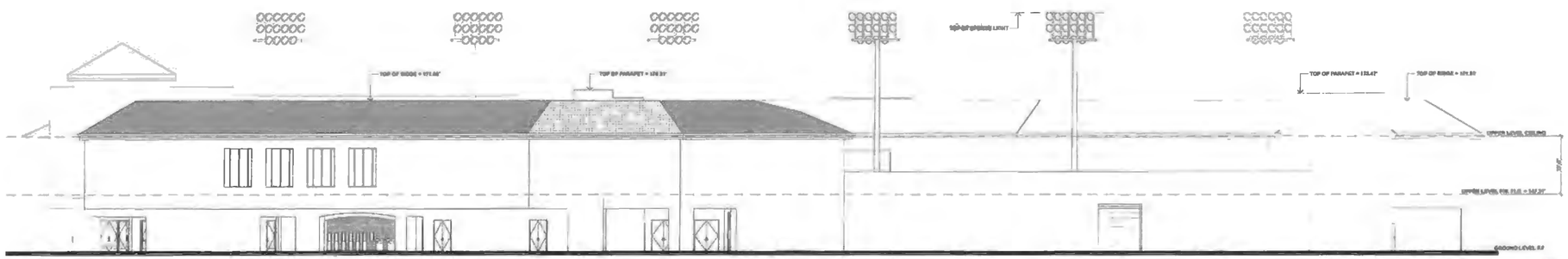
A.203



4 Exterior Elevation - Southwest



5 Exterior Elevation - South



6 Exterior Elevation - Southeast

INDIAN WELLS
TENNIS GARDEN

KEISER & WIGGLE ARCHITECTS, INC.
24866 Camino de Estrella
Suite 200
Capistrano Beach, CA 92624
info@kw-architects.com
p.949.388.8250 f.949.388.2760

February 17, 2015

Exterior Elevations

A.201

INDIAN WELLS
TENNIS GARDEN

View from the Circle of Palms looking South.
The Museum Entry shows at the left.

2-16-15

Keisker & Wiggle Architects INC.
949/388-1250

Stadium 3 and The Indian Wells Tennis Museum

Aerial View looking Southeast from the Circle of Palms

2-16-15

INDIAN WELLS TENNIS GARDEN

Stadium 3 and The Indian Wells Tennis Museum

Keisker & Wiggle Architects INC.
949/388-1250

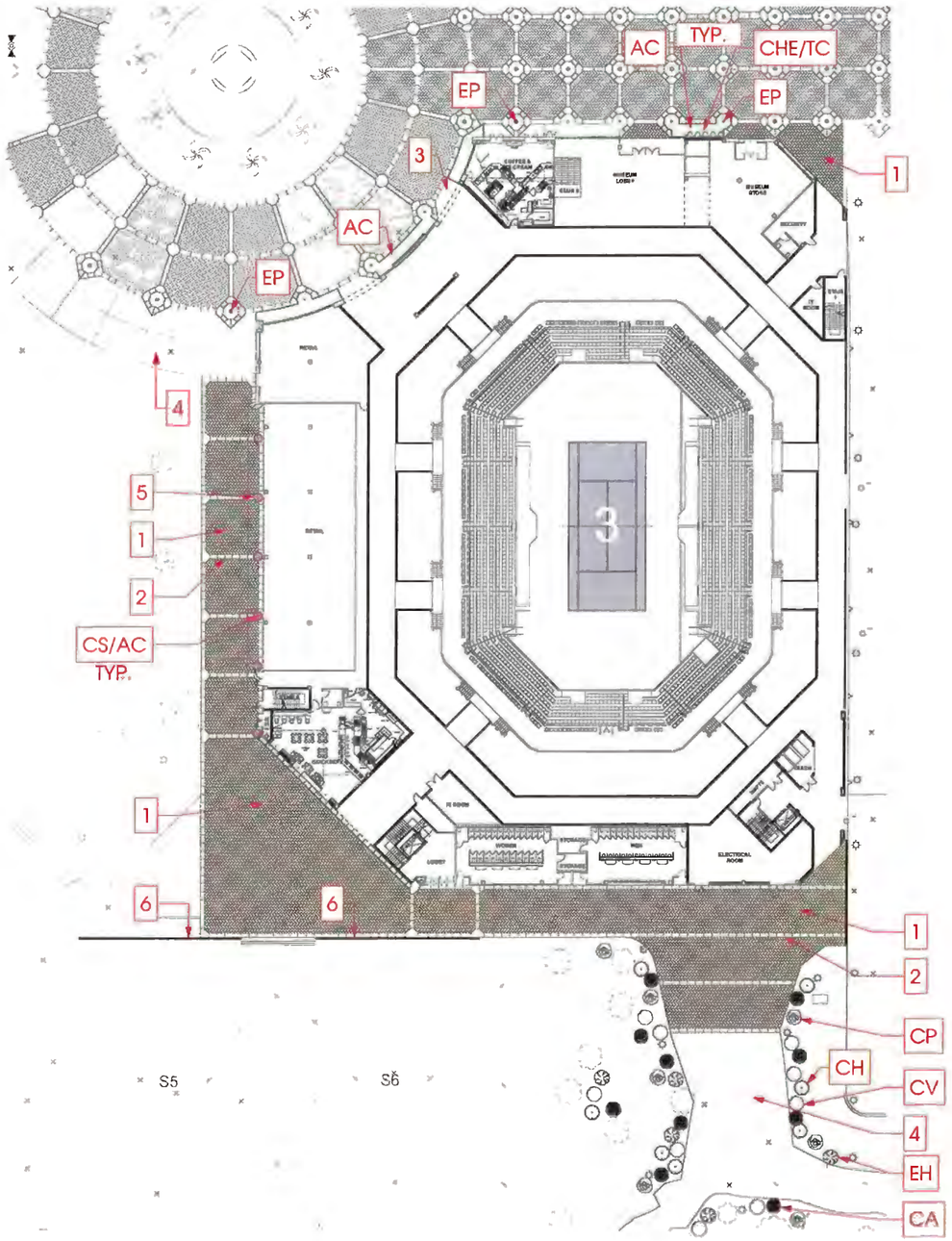
INDIAN WELLS TENNIS GARDEN

EXISTING COLORS AND MATERIALS - STADIUM 2

Stadium 3 and The Indian Wells Tennis Museum

Keisker & Wiggle Architects INC.
949/388-1250

2-16-15



PLANTING SPECIFICATIONS

Indicates New Planting Areas

Indicates Pots

CHE	Calliandra haemvatocephala, Pink Powder Puff (Espaliered), 15 gal.
TC	Tecomaria capensis, Cape Honeysuckle (Espaliered) 15 gal.
CS	Cupressus sempervirens, Italian Cypress, 24" Box
AC	Annual Color
CP	Caesalpinia pulcherrima, Red Bird of Paradise, 5 gal.
CA	Cassia artemisioides, Feathery Cassia, 5 gal.
EH	Eremophila hygrophana, Blue Bell, 5 gal.
CH	Tecomaria capensis, Cape Honeysuckle, 5 gal.
CV	Callistemon viminalis, Little John, 5 gal.
EP	Existing Palm Tree

HARDSCAPE SPECIFICATIONS

1. Interlocking Pavers, Match Existing
2. Concrete Banding, Natural Grey
3. Concrete Paving Natural Grey
4. Existing Paving
5. Decorative Architectural Pottery – 48" Ø x 36" tall w/water and drain
6. New Concrete Screen Walls - Height is Min. 8' Above Court Surface

NORTH

0 5 10 20 40

STADIUM 3 LANDSCAPE PLAN

INDIAN WELLS TENNIS GARDEN
78-200 MILES AVENUE
INDAIN WELLS, CA 92210

VINTAGE LANDSCAPE
PROFESSIONAL LANDSCAPE SERVICES
760-772-3673

Attachment #8

CC/HA ACTION _____ MTG. DATE: 4-16-15
APPROVED X DENIED ___ REC/FILE ___ CONT. ___
OTHER _____
VOTE: YES 5 NO 0 ABSTAIN _____

Indian Wells City Council

April 16, 2015

Staff Report – Finance

Adopt Resolution Approving the Annual Levy of the Special Fire Tax Standby and Availability Charges for Fiscal Year 2015-16

RECOMMENDED ACTIONS:

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

ADOPTS Resolution Bill No. 2015-07 approving the annual levy of the Special Fire Tax Standby and Availability Charges for Fiscal Year 2015-16; and

ORDERS the Special Fire Tax levy to be placed on the Fiscal Year 2015-16 Riverside County tax roll.

DISCUSSION:

Background

In 1980, Indian Wells voters approved a special tax of $10 per home per month for fire suppression and paramedic services. Collections of the Special Tax revenues are vital to the City's emergency services program contributing approximately $600,000 of the $3.3 million fire services budget.

The special tax is used for fire suppression and paramedic services, fire investigation, fire safety education, and capital replacements such as paramedic equipment, medic units and the City's share of the ladder truck. The City's fire station is fully staffed 24-hours a day, 365 days per year with five full-time personnel, three Firefighters on the Engine and two Paramedic Firefighters on an advanced life support ambulance.

Additionally, specialized rescue equipment for major accidents, confined space rescue, trench rescue, and swift water/flood rescue along with four highly trained personnel on a Ladder Truck shared with the cities of Palm Desert and Rancho Mirage.

FISCAL IMPACT:

The estimated collection of the levy in Fiscal Year 2015-16 is $600,000. The voter approved special tax rate remains at a constant $10 per house per month rate, and is not subject to any Consumer Price Index (CPI) increases.

ATTACHMENT:

1. Resolution Bill No. 2015-07

RESOLUTION BILL NO. 2015-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR THE CITY OF INDIAN WELLS FIRE TAX STANDBY AND AVAILABILITY CHARGES PURSUANT TO CITY ORDINANCE NO. 170

WHEREAS, the City Council of the City of Indian Wells, California (the "City Council") has prepared the annual assessment against parcels of land within the City of Indian Wells for the Fire Tax Standby and Availability Charges for the Fiscal Year commencing July 1, 2015 and ending June 30, 2016 pursuant to City Ordinance No. 170 to pay for the described standby costs; and

WHEREAS, the City Council has retained Willdan Financial (the "Engineer") for the purpose of assisting the City with the preparation of the annual assessment and collection of the Fire Tax Standby and Availability Charges; and

WHEREAS, the Engineer has prepared the proposed charge and collection upon eligible parcels of land within the City, and the City Council has approved such assessments; and

WHEREAS, the City Council desires to levy and collect assessments against parcels of land within the District for the Fiscal Year commencing July 1, 2015 and ending June 30, 2016 to pay for the Fire Tax Standby and Availability Charges; and

WHEREAS, a Public Hearing Notice was published in a newspaper of general circulation once at least fifteen (15) days before the public hearing on annual levies; and a copy of the Public Hearing Notice was posted in three (3) public places within the City.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL AS FOLLOWS:

SECTION 1. That the Special Fire Tax Standby and Availability charges be paid by the property owners to the City for the Fiscal Year commencing July 1, 2015 and ending June 30, 2016 and shall be as follows:

Land Use	Assessment
Residential Improved Lot	$120.00 per dwelling unit, per year
Residential Subdivided Vacant Lot	$ 60.00 per equivalent dwelling unit, per year

Land Use	Assessment
Vacant Acreage:	
Up to and including 1 acre	$39.00 per year
For size over 1 acre up to and including 50 acres	$39.00 for the first acre plus $6.50 per each additional acre or prorated portion of an acre, per year
For size over 50 acres up to and including 100 acres	$39.00 for the first acre plus $6.50 per each additional acre up to & including 50 acres plus $2.60 per acre or prorated portion of an acre over 50 acres, per year
For size over 100 acres	$39.00 for the first acre plus $6.50 per each additional acre up to & including 50 acres plus $2.60 per acre over 50 acres up to & including 100 acres plus $0.65 per acre or prorated portion of an acre over 100 acres, per year

SECTION 2. In accordance with City Ordinance No. 170, non-residential land shall be levied upon the class of improvements to property and the use of property basis utilizing estimated fire flow requirements determined in accordance with the formula contained in the Insurance Services Office guidelines in the Fire Prevention and Control Master Planning Guide distributed by the United States Department of Commerce.

SECTION 3. The document referenced in Section 2 is no longer in production and has been replaced by County of Riverside regulations for fire flow requirements. Those County regulations have been adopted by the City of Indian Wells through Ordinance Nos. 370 and 451. The rates for non-residential land will not exceed the maximum allowable charge.

SECTION 4. The above rates shall be effective July 1, 2015 through June 30, 2016.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Indian Wells, California, at a regular meeting held on this 16th day of April, 2015.

TY PEABODY
MAYOR

CERTIFICATION FOR RESOLUTION BILL NO. 2015-07

I, Wade G. McKinney, City Clerk of the City Council 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 the 16th day of April 2015, by the following vote:

AYES:
NOES:

ATTEST:

WADE G. MCKINNEY
CITY MANAGER/CITY CLERK

APPROVED AS TO FORM:

STEPHEN P. DEITSCH
CITY ATTORNEY

CC/HA ACTION _____ MTG. DATE: 4-16-15
APPROVED X DENIED___ REC/FILE___ CONT.___
OTHER _____
VOTE: YES 5 NO 0 ABSTAIN _____

Indian Wells City Council *April 16, 2015*

Staff Report – Finance

Adopt Resolution Approving the Annual Levy and Collection of Assessments in the Fire Access Maintenance District No. 1 for Fiscal Year 2015-16

RECOMMENDED ACTIONS:

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

ADOPTS Resolution Bill No. 2015-06 approving the annual levy of the Fire Access Maintenance District No. 1 for Fiscal Year 2015-16; and

ORDERS the Fire Access Maintenance District No. 1 levy on the Fiscal Year 2015-16 Riverside County tax roll.

DISCUSSION:

Background

In 1973, City Council considered a proposal to convert the public streets in the area known as the Indian Wells Country Club to a private status. The City Council implemented this proposal by abandoning all interest in the public streets within the identified area, and designating them within a Fire Access Maintenance District ("FAMD"). The FAMD was formed for maintaining and operating access roadways, rights of way and easements for fire protection purposes. The FAMD is a voter-approved special assessment benefiting the residents living behind the gates of the Indian Wells Country Club.

City Staff partners with the FAMD Board to ensure compliance with City policies. The Public Works Department acts as the City's liaison and attends FAMD Board meetings. The Finance Department assists in budget development and provides accounting management. The FAMD legal counsel reviews contracts for legal sufficiency.

FISCAL IMPACT:

The FAMD has two sources of annual revenues: (1) property taxes of approximately $295,000 and (2) a voter-approved special assessment approved by the voters in May 2005, which generates approximately $1,200,000. These property taxes and the special assessment generate the revenues necessary to operate and maintain the District. The FAMD is responsible for the annual maintenance and capital replacement of the roadways and infrastructure inside the District.

The City collects the FAMD levies in a special revenue fund, which limits expenditures to those associated within the purview of the District. This special assessment is not subject to any Consumer Price Index (CPI) increases, any increase to the special assessment amount requires voter approval.

The FAMD Special Parcel Tax is as follows:

Land Use	Approved Annual Tax
Residential Improved	$ 1,030.00
Residential Vacant Lot 1 Acre or less	700.00
Vacant Land greater than 1 acre	550.00
Golf Club / Golf Course	$ 190,000.00

ATTACHMENT:

1. Resolution Bill No. 2015-06

RESOLUTION BILL NO. 2015-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, ORDERING THE LEVY AND COLLECTION OF A SPECIAL TAX FOR THE CITY OF INDIAN WELLS FIRE ACCESS MAINTENANCE DISTRICT NO. 1

WHEREAS, the City Council of the City of Indian Wells, California (the "City Council") by Ordinance No. 572 and previous Resolutions has established procedures to replace in its entirety the parcel fee which has been levied annually against parcels of land within the Indian Wells Fire Access Maintenance District No. 1 (the "FAMD") to finance security, street maintenance and repair, and entrance landscape services within the District; and

WHEREAS, the City Council by Resolution No. 2005-02 and pursuant to the requirements of the laws of the State of California, held a Special Municipal Election on May 5, 2005, at which time the rates stated in Ordinance No. 572 were approved by the qualified electors of the District to finance security, street maintenance and repair, and entrance landscape services within the FAMD; and

WHEREAS, the City Council has retained Willdan Financial (the "Engineer") for the purpose of assisting the City with the preparation of the annual levy and collection of special taxes by the FAMD; and

WHEREAS, the Engineer has prepared the proposed levy and collection of special taxes upon eligible parcels of land within the FAMD, and the City Council has approved such special taxes; and

WHEREAS, the City Council desires to levy and collect special taxes against parcels of land within the FAMD for the Fiscal Year commencing July 1, 2015 and ending June 30, 2016 to finance security, street maintenance and repair, and entrance landscape services within the FAMD; and

WHEREAS, a Public Hearing Notice was published in a newspaper of general circulation once at least fifteen (15) days before the public hearing on annual levies; and a copy of the Public Hearing Notice was posted in three (3) public places within the City.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL FOR THE DISTRICT AS FOLLOWS:

SECTION 1. That the Fire Access Maintenance District No. 1 special taxes be paid by the property owners to the City for the Fiscal Year commencing July 1, 2015 and ending June 30, 2016 shall be placed on the tax rolls for the County of Riverside, and shall be as follows:

Residential

Land Use	Assessment
Residential Improved *	$1,030.00 per unit per year
Residential Vacant Lot 1 acre or less	$700.00 per unit per year
Vacant Land greater than 1 acre	$550.00 per acre per year
* Includes Indian Wells Country Club	

Golf Club / Golf Course

The amount of the tax imposed each fiscal year for the Golf Club / Golf Course shall be $190,000.00

SECTION 2. The above rates shall be effective July 1, 2015 through June 30, 2016.

SECTION 3. The County Auditor of the County of Riverside shall enter on the County Assessment Roll opposite each eligible parcel of land the amount of levy set forth herein, and such levies shall be collected at the same time and in the same manner as the County taxes are collected. After collection by the County, the net amount of the levy shall be paid to the City Treasurer.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Indian Wells, California, at a regular meeting held on this 16th day of April, 2015.

TY PEABODY
MAYOR

CERTIFICATION FOR RESOLUTION BILL NO. 2015-06

I, Wade G. McKinney, City Clerk of the City Council 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 the 16th day of April 2015, by the following vote:

AYES:
NOES:

ATTEST:

WADE G. MCKINNEY
CITY MANAGER/CITY CLERK

APPROVED AS TO FORM:

STEPHEN P. DEITSCH
CITY ATTORNEY

CC/HA ACTION _____ MTG. DATE: 4-16-15
APPROVED X DENIED ___ REC/FILE ___ CONT. ___
OTHER _____
VOTE: YES 5 NO 0 ABSTAIN _____

Indian Wells City Council *April 16, 2015*

Staff Report – Finance

Annual Review and Adoption of City's Investment Policy

RECOMMEND ACTION:

Finance Committee recommends the Council **ADOPTS** the City's Statement of Investment Policy.

DISCUSSION:

Summary

The Government Code requires the City Council to annually review and adopt the City investment policy. The City Treasurer verified compliance with Government Code and recommends maintaining the investment policy in its current form.

The Finance Committee met on March 17, 2015 to review the investment policy and recommends the City Council adopt the investment policy as presented.

Background:

The City Treasurer is required to review each section of the policy, verify compliance with the State code and make recommendations, which enhance investment policy standards and procedures. The City investment policy is designed in accordance with the recommended standards established by the Municipal Treasurers Association of the United States and Canada and the California Debt and Investment Advisory Commission. These public groups set the standards of care and prudent investment of public funds.

The City Treasurer prepares a monthly Treasurer Reports to demonstrate compliance with the investment policy subject to City Council approval and public review. The City's investment policy, procedures, and investments are subject to external auditor review and inspection during the audit. The investment policy and Treasurer Reports are available online at http://www.cityofindianwells.org/cityhall/depts/finance.

ATTACHMENT:

1. City's Statement of Investment Policy

City of Indian Wells
Statement of Investment Policy
Re-adopted on April 16, 2015

Policy

It is the policy of the City of Indian Wells to invest public funds in a manner, which will provide the maximum security of the City's capital while meeting the daily cash flow demands of the City. The policy conforms to all state and local statutes governing the investment of public funds; and beyond that, to maximize return within an acceptable and defined level of risk. The City's policy is to deposit and invest public funds in a manner that shall provide:

- Safety of principal
- Liquidity to meet all of the City's obligations and requirements that may be reasonably anticipated
- A risk-based market rate of return

This policy intends to provide guidelines for the prudent investment of the City's temporarily idle cash in all Funds, and outline the policies for maximizing the efficiency of the City's cash management system.

Scope

This Investment policy applies to all financial assets of the City of Indian Wells. These funds are accounted for in the City's Comprehensive Annual Financial Report and include:

- The General Fund
- Special Revenue Funds
- Debt Service Funds
- Capital Project Funds
- Agency Funds

Included in these funds are the following Component Units of the City of Indian Wells; and, accordingly are encompassed by this investment policy:

- The City of Indian Wells Successor Agency
- The City of Indian Wells Housing Authority
- The City of Indian Wells' Fire Access Maintenance District
- The City of Indian Wells Lighting and Landscaping District(s)
- The City of Indian Wells Assessment District(s)

Fiscal Prudence

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, direction and intelligence exercise in the management their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

It is the City's full intent, at the time of purchase, to hold all investments until maturity in order to ensure the return of all invested principal. Staff anticipates market prices of securities purchased will vary depending on economic conditions, interest rate fluctuations, or individual security credit factors. Such temporary variations in market value will inevitably result in measurable gains or losses at any specific point in time.

The City Treasurer is assigned to manage the investment portfolio, acting within the intent and scope of the investment policy and other written procedures and exercising due diligence. The City Treasurer shall be relieved of personal responsibility and liability for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely manner and appropriate action is taken to control adverse developments.

Objective

The principle factors of Safety, Credit Risk, Market Rate Risk, Liquidity and Return on Investment shall be taken into consideration, in the specific order listed, when making investment decisions.

1. **Safety of Principal** - Safety of principal is the foremost objective of the investment program. Investments of the City of Indian Wells seek to ensure the preservation of capital in the overall portfolio. To obtain this objective, the City will mitigate credit risk and interest rate risk.

2. **Credit Risk** - Credit risk is the risk of loss due to the failure of the issue of a security. Credit risk will be mitigated by:

    a. Limiting investments to the safest types of securities
    b. By pre-qualifying the financial institutions with which it will do business
    c. By diversifying the investment portfolio in order that potential losses on individual securities do not unduly harm the City's capital base and cash flow.

3. **Market Rate Risk** - Market Risk, defined as market value fluctuations due to overall changes in interest rates shall be mitigated by limiting the average maturity of the investment portfolio to less than 5years, with a maximum maturity of any one security of 10 years. The portfolio shall be structured based on liquidity needs so as to avoid the need to sell securities prior to maturity.

4. **Liquidity** - The investment portfolio will remain liquid to meet all operating requirements, which might be reasonably anticipated. This is accomplished by striving to have securities mature at the same time cash is needed to meet anticipated demands (static liquidity). Additionally, since all possible cash demands cannot be anticipated, the portfolio should consist largely of securities with active secondary or resale markets (dynamic liquidity).

5. **Return on Investment** - The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the City's investment risk constraints and the cash flow characteristics of the portfolio. Return on Investment is of secondary importance compared to the safety and liquidity objectives described above. Investments are limited to relatively low risk securities, as herein defined, in anticipation of earning a fair return relative to the risk assumed. While it occasionally may be necessary or strategically prudent of the City to sell a security prior to maturity to meet unanticipated cash needs or to restructure the portfolio, this policy specifically prohibits trading securities for the sole purpose of speculating on the future direction of interest rates.

Delegation of Authority

Authority to manage the investment program is derived from California Government Code Section 53600, et seq.; the City's Municipal Code; and City Council's Policy Manual.

Responsibilities of the Finance Department

The Finance Department is charged with the responsibility for maintaining custody of all public funds and securities belonging to or under the control of the City and for the deposit and investment of those funds in accordance with the principles of sound treasury management, applicable laws and ordinances, and this investment policy.

Responsibilities of the City Treasurer

The City Treasurer is responsible for investing all City Funds in accordance with the California Government Code, Sections 53600 et seq. and 53635 et seq. Investment practices shall conform to the prudent man rule (Civil Code Sect. 2261, et seq.).

The City Treasurer shall establish written procedures for the operation of the investment program consistent with this investment policy. Procedures should include reference to: safekeeping, repurchase agreements, wire transfer agreements, collateral/depository agreements and banking service contracts. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. The City Treasurer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the City Treasurer.

Ethics and Conflicts of Interests

Elected officials and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial decisions.

Employees and Elected officials shall disclose to the City Manager any material interests in financial institutions that conduct business with the City of Indian Wells, and they shall further disclose any large personal financial/investment positions that could be related to the performance of the City's portfolio. Employees and Elected officials shall subordinate their personal investment transactions to those of the City of Indian Wells particularly with regard to the time of purchases and sales.

Authorized Financial Dealers and Institutions

Authorized Financial Dealers and Institutions defined under California Government Code Section 53601.5 shall be allowed to conduct business with the City. Authorized Financial Dealers and Institutions defined under California Government Code Section 53601.5 shall be defined as an institution licensed by the State of California as a broker-dealer, as defined in Section 25004 of the California Corporations Code, or a member of a federally regulated securities exchange, a national or state-chartered bank, a savings association or federal association or a brokerage firm designated as a primary government dealer by the Federal Reserve Bank.

The City Treasurer will maintain a list of financial institutions authorized to provide investment services conforming to the California Government Code Section 53601.5. These may include "primary" dealers or regional dealers that qualify under Securities & Exchange Commission Rule 15C3-1 (uniform net Capital rule). No public deposit shall be made except in a qualified public depository as established by state laws.

All financial institutions and broker/dealers who desire to become qualified bidders for investment transactions must supply the City Treasurer with the following: audited financial statements, proof of National Association of Security Dealers certification, proof of State of California registration, and certification of having read the City's investment policy. A current (for the fiscal year most recently ended) audited financial statement is required to be on file for each financial institution and broker/dealer in which the City invests.

Safekeeping and Custody

To protect against fraud or embezzlement or losses caused by collapse of an individual securities dealer, all securities owned by the City shall be held in safekeeping by a third party bank trust department, acting as agent for the City under the terms of a custody agreement. All trades executed by a dealer will settle delivery vs. payment (DVP) through the City's safekeeping agent. Securities held in custody for the City shall be independently audited on an annual basis to verify investment holdings.

Investment Diversification and Percentage Limitations

Investments shall be diversified among institutions, types of securities and maturities to maximize safety and yield with changing market conditions. The City Treasurer will diversify investments by investment type and institution in accordance with the limitations of the authorized investments.

Diversification

- No more than 70% of the City's total investment portfolio will be invested in a single security type or with a single financial institution.

- The City Treasurer shall take great care not to exceed the maximum 70% diversification limit; however, due to routine fluctuations in the amount of cash held in Local Agency Investment Funds (LAIF) or other short term investments, the City may at times temporarily exceed the maximum 70% diversification limit.

Percentage Limitations

- The City Treasurer shall not exceed the maximum investment percentage of the portfolio by investment type at the time of purchase of the security. Due to routine fluctuations in the amount of cash held in LAIF or other short term investments, the City may at times temporally exceed the maximum investment percentage of the portfolio by investment type. The City Treasurer shall not be required to sell any investment type to maintain the maximum investment percentage of the portfolio by investment type limit.

Authorized and Suitable Investments

Investments of City funds are governed by the California Government Code Sections 53600 et seq, as amended from time to time.

Investment Type	Maximum Maturity	Maximum Percentage of Portfolio	Maximum par value per name	Credit/Minimum Quality Requirements
US Treasury Bills, Bonds and Notes	10 years – See Maximum Maturity requirements	0-70%	None	Full faith and credit of the United States Government
Federal Agency Securities	10 years – See Maximum Maturity requirements	0-70%	$15,000,000	Implied guarantee of the US Government. Federal Agency Securities have an AAA rating.
Local Agency Bonds	10 years – See Maximum Maturity requirements	0-20%	$5,000,000	Shall be rated in a rating category of "A" or its equivalent or better by a nationally recognized rating service such as S&P or Moodys.
State of California Obligations	10 years – See Maximum Maturity requirements	0-20%	$5,000,000	Shall be rated in a rating category of "A" or its equivalent or better by a nationally recognized rating service such as S&P or Moodys.
CA Local Agency Obligations	10 years – See Maximum Maturity requirements	0-20%	$5,000,000	Shall be rated in a rating category of "A" or its equivalent or better by a nationally recognized rating service such as S&P or Moodys.
Municipal Mutual Funds	N/A	0-20%	10% per single issue	Multiple requirements including highest ranking by two nationally recognized rating agencies, must have fund advisor registered with the SEC, have more than $500 million under management, etc.
Certificates of Deposit – Private Placement Certificate of Deposit Account Registry Service (CDARS) & Negotiable Certificates of Deposit	5 years	0-30%	$5,000,000 (Shall not exceed net worth of Issuing institution)	Only Senior Debt of domestic Banks, Savings & Loans, and Credit Unions with a rating of average or better by a recognized rating service; and pass a credit evaluation which may include such criteria as Community Reinvestment Act Rating, geographic location , market perception, loan diversity, management factors, and overall fiscal soundness.
Repurchase Agreements	30 days	0-10%	$2,000,000	Signed Security Loan Agreement in file. Reverse Repurchase Agreements are specifically not authorized under this investment policy.
Local Agency Investment Fund	N/A	0-60%	$20,000,000 (per entity)	Investment of funds in the California LAIF which allows the State Treasurer to invest through the Pooled Money Investment Account
Medium-term Corporate Bonds	5 years	0-20%	2,000,000	Shall be rated in a rating category of "A" or its equivalent or better by a nationally recognized rating service such as S&P or Moodys.

Prohibited Investments

Pursuant to California Government Code Section 53601.6, as amended from time to time, the City shall not invest any funds in inverse floaters, range notes, or interest only strips that are derived from a pool of mortgages. In addition, the City shall not invest funds in any security that could result in zero interest accrual if held to maturity.

Collateralization

Collateralization will be required on two types of investments: Certificates of Deposit and Repurchase Agreements.

- Negotiated Certificates of Deposit - Collateral for Negotiable Certificates of Deposit (NCD) must comply with Government Code, Chapter 4, Bank Deposit Law Section 16500 (et seq.) and the Savings and Loan Association and Credit Union Deposit Law Government Code Section 16600 (et seq.)

- Repurchase Agreements - In order to anticipate market changes and provide a level of security for all funds, the collateralization level for repurchase agreements will be 102% of market value of principal and accrued interest. The collateral cannot be mortgaged-backed securities.

Maximum Maturities

The City of Indian Wells will attempt to match its investments with anticipated cash flow requirements. To the extent possible, the City Treasurer shall maintain investments in the portfolio equal to the amount of two years current General Fund operating reserves maturing at no more than five (5) years from the date of purchase. Once this requirement is met, a maximum of 30% of the portfolio may be invested for more than five (5) years but not to exceed ten (10) years. Reserve funds from Bond proceeds may be invested in securities exceeding five (5) years if the maturity of such investments is made to coincide as nearly as practicable with the expected use of funds.

Internal Control

The City Treasurer is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the City are protected from loss, theft or misuse. The internal control structure is designed to provide reasonable, but not absolute, assurance that these objectives are met. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived; and, (2) the valuation of costs and benefits requires estimates and judgments by management. Accordingly, the City Treasurer shall establish an annual process of independent review by an external auditor. This review will provide internal control by assuring compliance with policies and procedures.

Maturity Structure and Performance

The weighted average maturity of the pooled portfolio shall not exceed four years. In addition to the four year maturity average, the portfolio shall be structured for liquidity purposes to maintain $5,000,000 of invested funds maturing within 360 days.

Reporting

The City Treasurer shall prepare monthly Treasurer's Report that provides a clear picture of the status of the current investments. The Treasurer's Report is prepared in a manner that will allow the City Manager and the City Council to ascertain whether investment activities during the reporting period have deviated from the City's investment policy. The monthly Treasurer's Report will include the City portfolio, Fiscal Agent portfolio, and Bond Proceeds portfolio(s).

The following information shall be required in each monthly investment portfolio report:

- A listing of individual securities held at the end of the reporting period
- Percentage of Portfolio by Investment Type
- Investments Stated Rate and Book Value
- Unrealized gains or losses resulting from appreciation depreciation by listing the cost and market value of securities over one-year in duration
- Average rate of return on City's investments
- Maturity aging by type of investment
- Market value of Securities

Financial Assets and Investment Activity Not Subject To This Policy

The City's Investment Policy does not apply to the following:

- Funds held in trust in the City's name in pension or other post-retirement benefit programs;
- Cash and Investments held in lieu of retention by banks or other financial institutions for construction projects;
- Short or long-term loans made to other entities by the City; and Short term (Due to/from) or long-term (Advances from/to) obligations made between the City and its funds.

Investment of Bond Proceeds

California Code Section 5922 (d) governs the investment of bond proceeds and reserve funds in accordance with bond indenture provisions.

- Arbitrage Requirement - The US Tax Reform Act of 1986 requires the City to perform arbitrage calculations as required and return excess earnings to the US Treasury from investments of proceeds of bond issues sold after the effective date of this law. These arbitrage calculations may be contracted with an outside source to provide the necessary technical assistance to comply with this regulation. Investable funds subject to the 1986 Tax Reform Act will be kept segregated from other funds and records will be kept in a fashion to facilitate the calculations.

The City's investment position relative to the new arbitrage restrictions is to continue pursuing the maximum yield on applicable investments while ensuring the safety of capital and liquidity. It is the City's position to continue maximization of yield and to rebate excess earnings, if necessary.

Investment Policy Adoption

The City of Indian Wells Investment Policy shall be adopted by minute order of the City Council of the City of Indian Wells. The Policy shall be reviewed annually by the City Council and any modifications made thereto must be approved by the City Council.

CC/HA ACTION _____ MTG. DATE: 4-16-15
APPROVED X DENIED ___ REC/FILE ___ CONT. ___
OTHER _____
VOTE: YES 5 NO 0 ABSTAIN _____

Indian Wells City Council *April 16, 2015*

Staff Report – Finance

Receive and File the City Treasurer's Report for February 2015

RECOMMENDATION:

Council **RECEIVES** and **FILES** the City Treasurer's Report for the month of February 2015.

DISCUSSION:

Background:

Staff provides Council with a monthly update to the Treasurer's Report. The Report presents the City's cash activity and investment portfolio and provides reconciliation between investment balances and the General Ledger. Specifically, the report provides information on the types of investments, dates of maturities, costs, updated market value of securities, and rates of interest earned in the portfolio.

Related to the Treasurer's report, the City maintains a written investment policy in compliance with legal requirements of Government Code section 53600 and governs the investments made by the City. The City invests in U.S. treasuries, federal agency securities, medium term corporate notes, municipal bonds, federally insured certificates of deposit, and overnight cash investments. Criteria for selecting investments in order of priority are: (1) safety, (2) liquidity and (3) yield.

Summary:

As of February 28, 2015:

- The City's cash and investments totaled $49,148,958.
- The City's portfolio earned a 1.272% rate of return.

ATTACHMENT:

1. February 2015 City Treasurer's Cash Balance and Investment Report

INDIAN WELLS
CALIFORNIA

The City of Indian Wells
Summary by Type
February 28, 2015

City of Indian Wells
44-950 Eldorado Drive
Indian Wells CA 92210
(760)346-2489

Security Type	Number of Investments	Par Value	Remaining Cost	% of Portfolio	Average YTM 365	Average Days to Maturity
Bank Certificates of Deposit	19	4,750,000.00	4,750,000.00	9.66	1.539	1,109
Managed Pool Accounts - LAIF	2	13,589,363.43	13,589,363.43	27.62	0.262	1
Money Market Sweep/Checking Account	5	791,298.79	791,298.79	1.61	0.250	1
Medium Term Corporate Notes	7	7,000,000.00	7,056,210.00	14.34	2.349	823
Federal Agency Issues - Callables	16	23,000,000.00	23,006,890.00	46.77	1.520	1,500
Total and Average	**49**	**49,130,662.22**	**49,193,762.22**	**100.00**	**1.272**	**927**

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NET CASH & INVESTMENT SUMMARY FEBRUARY, 2015

UNRESTRICTED FUNDS	February 2015	February 2014
GENERAL FUND		
101- GENERAL	$ 5,417,542.22	$ 5,044,929.50
TOTAL GENERAL FUND	**5,417,542.22**	**5,044,929.50**

RESTRICTED FUNDS		
SPECIAL REVENUE FUNDS		
202 - TRAFFIC SAFETY	0.46	20,905.12
203 - PUBLIC SAFETY 1/2 CENT SALES TAX	10,594.48	4,564.69
204 - MEASURE "A"	37,397.55	51,843.41
209 - F.A.M.D. #1	2,770,099.21	1,981,154.68
210 - SCAQMD (VEHICLE REG.)	1.04	2,027.03
211 - AB 3229 COPS FUNDING	0.81	26,304.83
214 - GAS TAX 2103 MAINTENANCE	31,052.05	53,140.53
215 - GAS TAX 2105 MAINTENANCE	9,601.82	0.37
216 - GAS TAX 2106 CONSTRUCT/MAINT	2,246.35	0.45
217 - GAS TAX 2107 MAINTENANCE	0.53	0.99
218 - GAS TAX 2107.5 ENG./ADMIN	4,190.16	1,485.16
228 - EMERG. UPGRADE SERVICES	3,311,508.67	3,371,419.47
247 - AB 939 RECYCLING FUND	240,233.46	140,949.98
248 - SOLID WASTE	210,345.26	205,772.42
251 - STREET LIGHTING DISTRICT 2000-1	4,662.34	3,810.10
253- INDIAN WELLS VILLAS OPERATIONS	973,905.31	306,059.12
254- MOUNTAIN VIEW VILLAS OPERATIONS	948,533.12	333,183.00
256- HOUSING AUTHORITY	3,024,468.54	0.00
260 - IWGR OPERATIONS	360,728.54	1,121,652.98
271 - ELDORADO DRIVE LLMD	87,779.77	80,987.87
272 - MONTECITO/STARDUST LLMD	216.78	6,747.52
273 - CASA DORADO LLMD	1,016.00	1,039.00
274 - THE COVE LLMD	1,013.00	1,046.00
275 - SH 111/IWGR (ENTRANCE) LLMD	275,830.11	302,867.03
276 - CLUB/IW LANE LLMD	52,257.77	49,967.22
277 - COLONY LLMD	29,160.58	37,802.75
278 - COLONY COV ESTATES LLMD	57,974.76	50,760.21
279 - DESERT HORIZONS LLMD	5,219.00	5,654.00
280 - MOUNTAIN GATE LLMD	73,834.65	76,958.69
281 - MOUNTAIN GATE ESTATES LLMD	39,692.40	31,916.65
282 - VILLAGIO LLMD	220,395.77	193,470.09
283 - VAIDYA LLMD	31,418.82	30,918.68
284 - CLUB, SOUTH OF 111 LLMD	11,298.03	9,321.94
285 - MONTELENA LLMD	14,211.04	19,966.09
286 - SUNDANCE LLMD	5,035.00	2,031.00
287 - PROVINCE LLMD	5,176.00	5,738.00
288 - PROVINCE DBAD	452,097.22	362,656.57
TOTAL SPECIAL REVENUE FUNDS	**13,303,196.40**	**8,894,123.64**
CAPITAL PROJECT FUNDS		
314 - PARK-IN-LIEU FEES	0.20	18,930.20
315 - CITYWIDE PUBLIC IMPROVEMENT FEE	0.26	101,065.26
316 - CAPITAL IMPROVEMENT	3,832,881.10	9,032,233.46
319 - ART IN PUBLIC PLACES	400,555.79	286,339.67
321 - HIGHWAY 111 CIRCULATION IMP FEE	0.70	9.70
TOTAL CAPITAL PROJECT FUNDS	**4,233,438.05**	**9,438,578.29**

CITY OF INDIAN WELLS
NET CASH & INVESTMENT SUMMARY FEBRUARY, 2015
PAGE 2

RESTRICTED FUNDS (Cont.)	**February 2015**	**February 2014**
REPLACEMENT FUNDS		
326 - INFRASTRUCTURE CAPITAL	7,075,215.00	7,001,795.00
327 - FF&E ROLLING STOCK CAPITAL	2,316,005.00	2,291,973.00
328 - GOLF RESORT CAPITAL	4,013,863.00	3,972,248.00
329 - HOUSING VILLAS CAPITAL	3,344,515.00	56,384.00
330 - FACILITIES CAPITAL	2,316,071.00	2,291,988.00
TOTAL REPLACEMENT FUNDS	**19,065,669.00**	**15,614,388.00**
SUCCESSOR AGENCY FUNDS		
453 - RDA (WHITEWATER)	4,387,084.98	1,095,714.20
456 - RDA OBLIGATION RETIREMENT	0.00	0.00
TOTAL SUCCESSOR AGENCY FUNDS	**4,387,084.98**	**1,095,714.20**
INTERNAL SERVICE FUNDS		
601 - OPEB BENEFIT FUND	1,272,118.20	247,140.18
TOTAL INTERNAL SERVICE FUNDS	**1,272,118.20**	**247,140.18**
RESERVE FUNDS		
602 - COMPENSATED ABSENCES	547,794.00	542,109.00
603 - SELF INSURANCE	0.00	763,992.00
TOTAL RESERVE FUNDS	**547,794.00**	**1,306,101.00**
TRUST & AGENCY FUNDS		
732 - SPECIAL DEPOSITS	583,236.05	309,557.28
760 - VISITOR COMMITTEE	160,393.84	383,159.09
TOTAL TRUST & AGENCY FUNDS	**743,629.89**	**692,716.37**
TOTAL ALL FUNDS	**48,970,472.74**	**42,333,691.18**
FISCAL AGENTS		
253 - INDIAN WELLS VILLAS	37,040.47	685,439.77
254 - MOUNTAIN VIEW VILLAS	214,399.56	560,061.80
260 - INDIAN WELLS GOLF RESORT	1,226,939.19	1,047,665.55
453 - UNION BANK OF CALIFORNIA TRUSTEE	2,992,761.26	3,573,103.58
TOTAL FISCAL AGENTS	**4,471,140.48**	**5,866,270.70**
TOTAL ALL FUNDS & FISCAL AGENTS	**$ 53,441,613.22**	**$ 48,199,961.88**
UNRESTRICTED FUNDS	**5,417,542.22**	**5,044,929.50**
RESTRICTED FUNDS	**48,024,071.00**	**43,155,032.38**
	$ 53,441,613.22	**$ 48,199,961.88**

City of Indian Wells

Bank Reconciliation Report - City Held Cash

Finance Department

MONTH: **February 28, 2015**

Investment #	Investment Type	Investment Description	Book Value	
	Bank Checking & Sweep			
1		Pacific Western Bank - Sweep 45-301117	$ 760,064.45	
2		Pacific Western Bank - Accts. Payable 45-523411	0.00	
3		Pacific Western Bank - Payroll 45-501752	0.00	
4		Union Bank of CA - Sweep Investment 217-0000121	29,834.34	
19		Petty Cash	1,400.00	
				791,298.79
	Managed Pool Accounts			
21		Local Agency Investment Fund - City 98-33-385	13,589,363.43	
23		Local Agency Investment Fund - RDA 65-33-007	0.00	
				13,589,363.43
	Bank Certificates of Deposit			
316		Certificate of Deposit-GE Capital Retail Bank 36161NYT9	250,000.00	
317		Certificate of Deposit-Ally Bank 02005QF65	250,000.00	
329		Certificate of Deposit-Sallie Mae	250,000.00	
330		Certificate of Deposit-SAFR National Bank	250,000.00	
336		Certificate of Deposit-Wells Fargo Bank 94986TLX3	250,000.00	
337		Certificate of Deposit-Am Ex Centurion 02587DKR8	250,000.00	
338		Certificate of Deposit-Goldman Sachs Bank 38143A5L5	250,000.00	
339		Certificate of Deposit-JP Morgan Chase 48124JSY5	250,000.00	
348		Certificate of Deposit-Citicorp Bank 17284CJG0	250,000.00	
349		Certificate of Deposit-Compass Bank 20451PBG0	250,000.00	
350		Certificate of Deposit-Am Ex Centurion 02587CAJ9	250,000.00	
351		Certificate of Deposit-Barklays Bank 06740KHK6	250,000.00	
353		Certificate of Deposit-People's United Bank 71270QGS9	250,000.00	
354		Certificate of Deposit-Capital One Bank 140420NX4	250,000.00	
355		Certificate of Deposit-State Bank of India NY, NY 8562847	250,000.00	
358		Certificate of Deposit-BMW Bank North America	250,000.00	
360		Certificate of Deposit-Security Federal 81423LBN1	250,000.00	
361		Certificate of Deposit-First Bank of Highland 319141CQ8	250,000.00	
362		Certificate of Deposit-Discover Bank 254672HV3	250,000.00	
				4,750,000.00
	Medium Term Corporate Notes			
278		Goldman Sachs Mid Term Corp Note 38141EA74	1,002,259.73	
280		Bank of America Mid Term Corp Note 06051GED	1,001,722.50	
296		Barclays Bank Corporate Note 06738JVS0	1,000,000.00	
322		AT&T Inc. 00206RBF8	1,002,156.97	
331		JP Morgan 46625HJG6	1,001,742.90	
346		General Electric Cap Corp 36962G6W9	1,005,206.83	
363		Merck & Co. Inc. 58933YAS4	1,000,000.00	
				7,013,088.93
	Federal Agency Issues			
323		Federal National Mortgage 3136G0PN5	2,000,000.00	
326		Federal Farm Credit 3133EAA81	2,000,000.00	
332		Federal Home Loan Bank 313381YG4	2,000,000.00	
333		Federal National Mortgage Assoc 3136G1AP4	1,000,000.00	
334		Freddie Mac 3134G33S7	1,000,000.00	
335		Fannie Mae 3136GICF4	1,000,000.00	
340		Federal Home Loan Bank 313381YN9	1,000,000.00	
341		Federal Farm Credit Bank 3133EC7L2	999,311.78	
342		Federal Farm Credit Bank 3133ECDX9	998,869.03	
344		Federal Home Loan Mtg Corp 3134G43H9	2,000,000.00	
345		Federal National Mortgage Assn 313G0WN9	2,000,000.00	
347		Federal National Mortgage Assn 3136G1FL8	1,007,025.61	
352		Fannie Mae 3136G26H5	2,000,000.00	
356		Fannie Mae 3136G26U6	2,000,000.00	
357		Fannie Mae 3136G26N2	1,000,000.00	
359		Federal Home Loan Bank 3130A2VJ2	1,000,000.00	
				23,005,206.42
		Total Pooled Cash and Investments		**$ 49,148,957.57**
		Fair Value Increase (over cost)		(111,400.85)
Outstanding Items				
		Outstanding Warrants/Wire Transfers	(57,273.06)	
		Reconciliation Item	(10,330.67)	
		Reconciliation Item	0.00	
		Reconciliation Item	0.00	
		Credit Card in Transit	519.75	
Total Outstanding Items				(67,083.98)
		Reconciled Bank Balance		**$ 48,970,472.74**
		General Ledger Balance		**$ 48,970,472.74**
				0.00

City of Indian Wells

Trustee Reconciliation Report - Cash and Investments with City Agents

Fi e Department

MONTH:	**February 28, 2015**		
Investment #	Investment Description		
	RDA Series 2006 A Bonds	$ 1,342,688.31	$ 1,342,688.31
	RDA Series 2010 A Bonds	$ 1,011,808.88	$ 1,011,808.88
	RDA Series 2014 A Bonds	$ 473,344.60	$ 473,344.60
	Other Trustees		
12 & 13	Series 2005 Tax Allocation Refunding Bonds - Escrow Fund	164,919.47	
6	Indian Wells Golf Resort	1,226,939.19	
7	Indian Wells Villas	37,040.47	
10	Mountain View Villas	$ 214,399.56	$ 1,643,298.69
	Total Cash and Investments with City Agents		**$ 4,471,140.48**
	Fair Value Increase (over cost)		
	Reconciled Bank Balance		**$ 4,471,140.48**
	General Ledger Balance		**$ 4,471,140.48**
			0.00

INDIAN WELLS
CALIFORNIA

The City of Indian Wells
Portfolio Management
Portfolio Summary
February 28, 2015

City of Indian Wells
44-950 Eldorado Drive
Indian Wells CA 92210
(760)346-2489

Investments	Par Value	Market Value	Book Value	% of Portfolio	Term	Days to Maturity	YTM 360 Equiv.	YTM 365 Equiv.
Bank Certificates of Deposit	4,750,000.00	4,752,260.75	4,750,000.00	9.66	1,604	1,109	1 518	1.539
Managed Pool Accounts - LAIF	13,589,363.43	13,589,363.43	13,589,363.43	27.65	1	1	0.258	0.262
Money Market Sweep/Checking Account	791,298.79	791,298.79	791,298.79	1.61	1	1	0.246	0.250
Medium Term Corporate Notes	7,000,000.00	7,057,290.00	7,013,088.93	14.27	1,768	823	2.317	2.349
Federal Agency Issues - Callables	23,000,000.00	22,931,020.00	23,005,206.42	46.81	2,109	1,500	1.499	1 520
Investments	**49,130,662.22**	**49,121,232.97**	**49,148,957.57**	**100.00%**	**1,395**	**927**	**1.255**	**1.272**

Total Earnings	February 28 Month Ending
Current Year	46,838.86
Average Daily Balance	**51,345,577.49**
Effective Rate of Return	**1.19%**

The above investments are consistant with the City's investment policy and allowable under current legislation of the State of California. Investments were purchased using safety, liquidity, and yield as criteria. In addition, cash flow from revenue and maturing investments will be sufficient to cover expenditures for the next six months. All securities are "Marked-to-Market" on a monthly basis.

Kevin McCarthy, Finance Director

2015

Reporting period 02/01/2015-02/28/2015

Run Date: 03/24/2015 - 15:24

No fiscal year history available

Portfolio CITY
AP
PM (PRF_PM1) 7 3 0
Report Ver 7 3 3

The City of Indian Wells
Portfolio Management
Portfolio Details - Investments
February 28, 2015

CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	S&P	YTM 360	Days to Maturity	Maturity Date
Bank Certificates of Deposit												
7865802B5	330	SAFR National Bank		08/28/2012	250,000.00	250,362.50	250,000.00	0.800		0.789	180	08/28/2015
SYS317	317	Ally Bank		05/23/2012	250,000.00	252,100.00	250,000.00	1.250		1.233	449	05/23/2016
795450NW1	329	Sallie Mae		08/15/2012	250,000.00	252,080.00	250,000.00	1.250		1.233	533	08/15/2016
38143A5L5	338	Goldman Sachs Bank		02/06/2013	250,000.00	250,080.00	250,000.00	1.050		1.036	708	02/06/2017
SYS316	316	GE Capital Retail Bank		05/25/2012	250,000.00	253,305.00	250,000.00	1.800		1.800	816	05/25/2017
17284CJG0	348	CIT BANK		07/24/2013	250,000.00	251,695.00	250,000.00	1.400		1.381	876	07/24/2017
02587DKR8	337	American Express Centurion		02/06/2013	250,000.00	251,527.50	250,000.00	1.700		1.677	885	08/02/2017
319141CQ8	361	FIRST BANK OF HIGHLAND		10/15/2014	250,000.00	248,995.00	250,000.00	1.250		1.233	960	10/16/2017
81423LBN1	360	SECURITY FEDERAL		10/15/2014	250,000.00	249,057.50	250,000.00	1.250		1.233	960	10/16/2017
94986TLX3	336	Wells Fargo Bank		01/30/2013	250,000.00	250,338.25	250,000.00	0.850		0.838	1,067	01/31/2018
48124JSY5	339	JP Morgan Chase		02/27/2013	250,000.00	247,010.00	250,000.00	1.125		1.110	1,086	02/19/2018
20451PBG0	349	Compass Bank		07/24/2013	250,000.00	252,627.50	250,000.00	1.700		1.677	1,241	07/24/2018
254672HV3	362	Discover Bank		02/25/2015	250,000.00	248,490.00	250,000.00	1.600		1.578	1,457	02/25/2019
06740KHK6	351	Barclays Bank PLC		07/23/2014	250,000.00	249,375.00	250,000.00	2.100		2.071	1,605	07/23/2019
02587CAJ9	350	American Express Bank FSB		07/24/2014	250,000.00	249,467.50	250,000.00	2.000		1.973	1,606	07/24/2019
140420NX4	354	Capital One Bank CD		09/10/2014	250,000.00	248,887.50	250,000.00	1.900		1.874	1,654	09/10/2019
71270QGS9	353	People's United Bank CD		09/10/2014	250,000.00	248,890.00	250,000.00	1.950	AAA	1.923	1,654	09/10/2019
856284Z98	355	State Bank of India NY, NY CD		09/11/2014	250,000.00	249,100.00	250,000.00	2.150		2.121	1,655	09/11/2019
05580AAW4	358	BMW BANK NORTH AMERICA		09/26/2014	250,000.00	248,872.50	250,000.00	2.100		2.071	1,670	09/26/2019
		Subtotal and Average	**4,741,071.43**		**4,750,000.00**	**4,752,260.75**	**4,750,000.00**			**1.518**	**1,109**	
Managed Pool Accounts - LAIF												
SYS21	21	LAIF - City			13,589,363.43	13,589,363.43	13,589,363.43	0.262		0.258	1	
SYS23	23	LAIF - Redevelopment			0.00	0.00	0.00	0.233		0.230	1	
		Subtotal and Average	**15,151,006.29**		**13,589,363.43**	**13,589,363.43**	**13,589,363.43**			**0.258**	**1**	
Money Market Sweep/Checking Account												
SYS1	1	Pacific Western Bank			760,064.45	760,064.45	760,064.45	0.250		0.247	1	
SYS2	2	Pacific Western - Acct Payable		07/01/2013	0.00	0.00	0.00			0.000	1	
SYS3	3	Pacific Western-Payroll		07/01/2013	0.00	0.00	0.00			0.000	1	
SYS4	4	Union Bank-Checking			29,834.34	29,834.34	29,834.34	0.250		0.247	1	
SYS19	19	Petty Cash		07/01/2013	1,400.00	1,400.00	1,400.00			0.000	1	
		Subtotal and Average	**1,434,645.41**		**791,298.79**	**791,298.79**	**791,298.79**			**0.246**	**1**	

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The City of Indian Wells
Portfolio Management
Portfolio Details - Investments
February 28, 2015

CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	S&P	YTM 360	Days to Maturity	Maturity Date
Medium Term Corporate Notes												
38141EA74	278	Goldman Sachs Group Inc		02/02/2011	1,000,000.00	1,011,900.00	1,002,259.73	3.700	AA	3.072	153	08/01/2015
06051GED	280	Bank of America		02/02/2011	1,000,000.00	1,014,250.00	1,001,722.50	3.700		3.254	184	09/01/2015
06738JVS0	296	Barclays Bank PLC		10/27/2011	1,000,000.00	1,018,150.00	1,000,000.00	3.500	AA	3.452	606	10/27/2016
00206RBF8	322	AT&T INC		06/21/2012	1,000,000.00	1,003,100.00	1,002,156.97	1.600		1.479	823	06/01/2017
46625HJG6	331	J P Morgan		01/28/2013	1,000,000.00	1,005,270.00	1,001,742.90	1.800		1.713	1,061	01/25/2018
36962G6W9	346	General Elec. Cap Crp		05/01/2013	1,000,000.00	1,007,420.00	1,005,206.83	1.625		1.430	1,128	04/02/2018
58933YAS4	363	MERCK & CO INC		02/24/2015	1,000,000.00	997,200.00	1,000,000.00	1.850	AA	1.825	1,807	02/10/2020
		Subtotal and Average	**7,013,608.15**		**7,000,000.00**	**7,057,290.00**	**7,013,088.93**			**2.317**	**823**	
Federal Agency Issues - Callables												
3133EAA81	326	Fed. Farm Credit Bank		07/30/2012	2,000,000.00	1,996,220.00	2,000,000.00	0.780		0.769	701	01/30/2017
3136G1AP4	333	Fed. Nat'l Mortgage Assoc		01/24/2013	1,000,000.00	995,230.00	1,000,000.00	0.750		1.094	1,058	01/22/2018
313381YG4	332	Fed. Home Loan Bank		02/20/2013	2,000,000.00	1,983,840.00	2,000,000.00	1.000		0.986	1,087	02/20/2018
3134G43H9	344	Fed. Home Loan Mtg Corp		04/30/2013	2,000,000.00	1,983,240.00	2,000,000.00	1.060		1.045	1,156	04/30/2018
3135G0WN9	345	Fed. Nat'l Mortgage Assoc		04/30/2013	2,000,000.00	1,977,340.00	2,000,000.00	1.000		0.986	1,156	04/30/2018
3134G33S7	334	Fed. Home Loan Mtg Corp		01/24/2013	1,000,000.00	991,900.00	1,000,000.00	1.000		0.986	1,233	07/16/2018
3136G1CF4	335	Fed. Nat'l Mortgage Assoc		01/30/2013	1,000,000.00	990,350.00	1,000,000.00	1 000	AAA	0.986	1,247	07/30/2018
3136G26N2	357	Fed. Home Loan Mtg Corp		09/26/2014	1,000,000.00	1,012,480.00	1,000,000.00	1.600		1.578	1,305	09/26/2018
3133EC7L2	341	Fed. Farm Credit Bank		03/22/2013	1,000,000.00	985,960.00	999,311.78	1.290		1.289	1,566	06/14/2019
3136G26H5	352	Fed. Nat'l Mortgage Assoc		09/30/2014	2,000,000.00	2,013,040.00	2,000,000.00	2.000		1.973	1,674	09/30/2019
3136G26U6	356	Fed. Nat'l Mortgage Assn (c)		10/07/2014	2,000,000.00	2,028,060.00	2,000,000.00	2.000	AAA	1.973	1,691	10/17/2019
3136G0PN5	323	Fed. Nat'l Mortgage Assoc		06/27/2012	2,000,000.00	2,001,360.00	2,000,000.00	1.250		2.219	1,762	12/27/2019
313381YN9	340	Fed. Home Loan Bank		03/21/2013	1,000,000.00	999,670.00	1,000,000.00	1.000		1.856	1,993	08/14/2020
3136G1FL8	347	Fed. Nat'l Mortgage Assoc		04/26/2013	1,000,000.00	982,410.00	1,007,025.61	1.820		1.660	2,006	08/27/2020
3133ECDX9	342	Fed. Farm Credit Bank		03/25/2013	1,000,000.00	988,730.00	998,869.03	1.840		1.835	2,167	02/04/2021
3130A2VJ2	359	Fed. Home Loan Bank		09/24/2014	1,000,000.00	1,001,190.00	1,000,000.00	1.000		3.292	3,468	08/28/2024
		Subtotal and Average	**23,005,246.21**		**23,000,000.00**	**22,931,020.00**	**23,005,206.42**			**1.499**	**1,500**	
		Total and Average	**51,345,577.49**		**49,130,662.22**	**49,121,232.97**	**49,148,957.57**			**1.255**	**927**	

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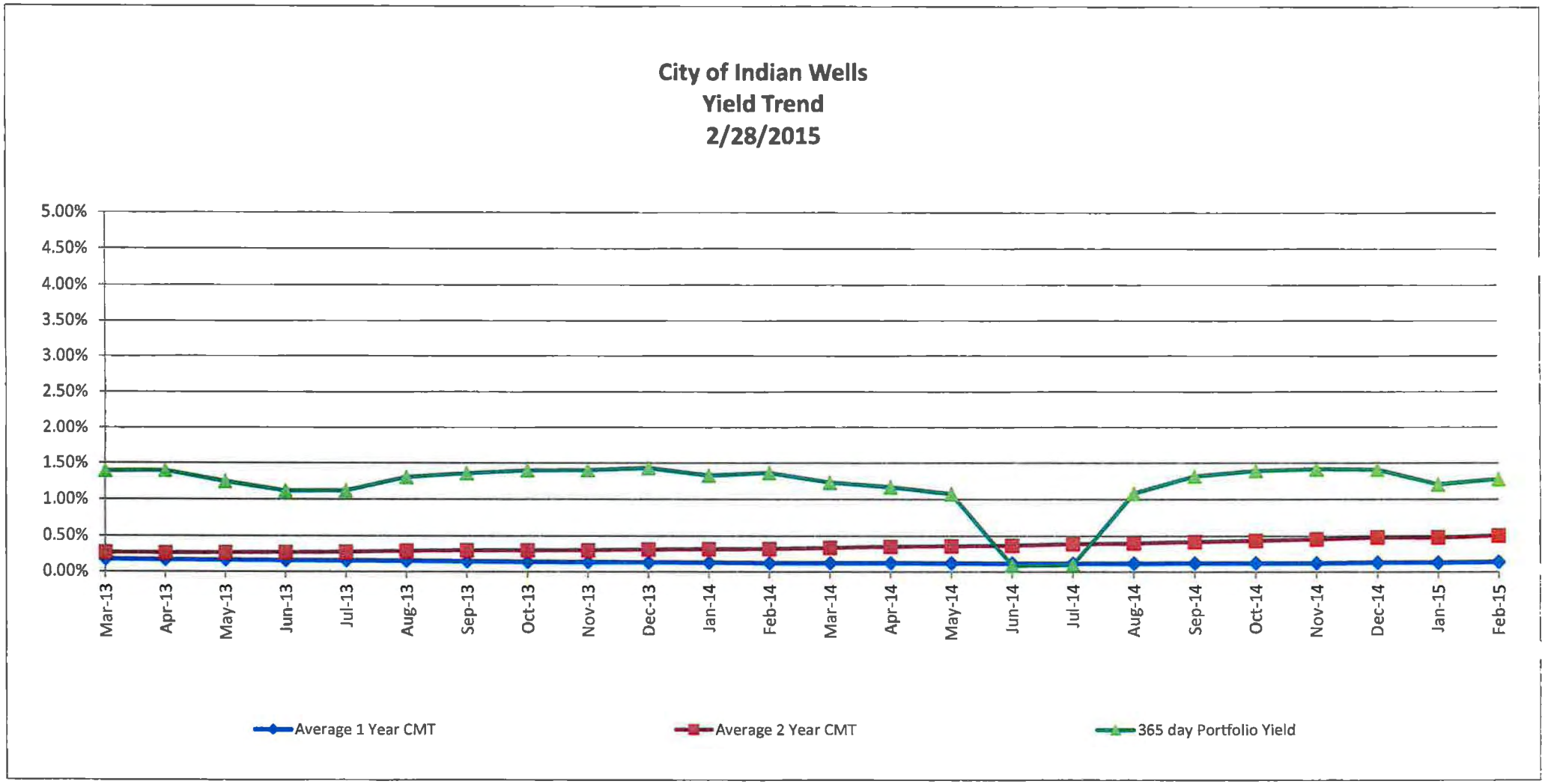
City of Indian Wells
Yield Trend
2/28/2015
5.00%
4.50%
4.00%
3.50%
3.00%
2.50%
2.00%
1.50%
1.00%
0.50%
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Mar-13
Apr-13
May-13
Jun-13
Jul-13
Aug-13
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Oct-13
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Jan-14
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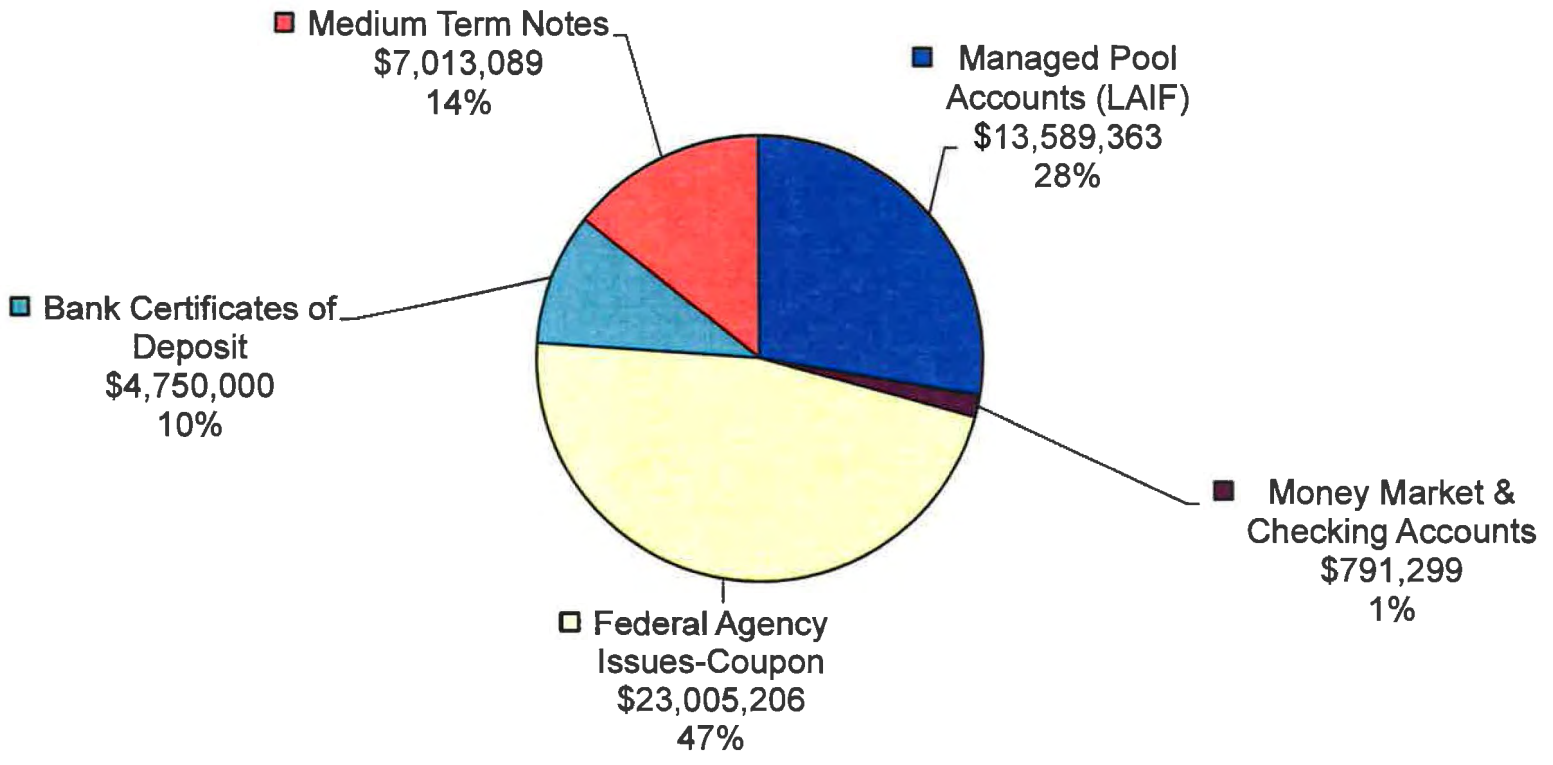
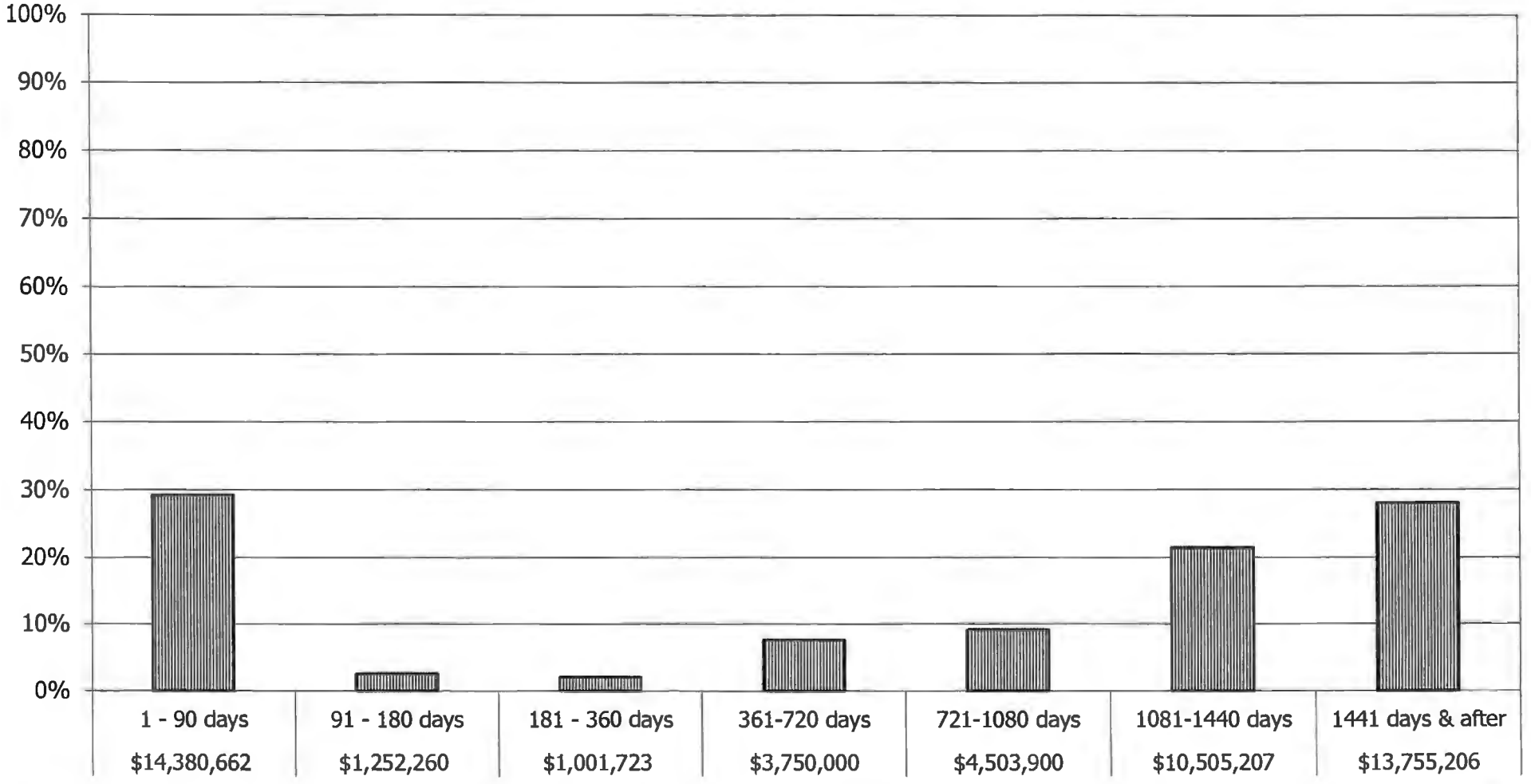
Mar-14
Apr-14
May-14
Jun-14
Jul-14
Aug-14
Sep-14
Oct-14
Nov-14
Dec-14
Jan-15
Feb-15
Average 1 Year CMT
Average 2 Year CMT
365 day Portfolio Yield

City of Indian Wells
Sector Diversification as of 2/28/2015



City of Indian Wells
Aging of Maturing Investments at 2/28/2015
$49,148,958



INDIAN WELLS
CALIFORNIA

2006 A Bonds
Portfolio Management
Portfolio Summary
February 28, 2015

City of Indian Wells
44-950 Eldorado Drive
Indian Wells CA 92210
(760)346-2489

Investments	Par Value	Market Value	Book Value	% of Portfolio	Term	Days to Maturity	YTM 360 Equiv.	YTM 365 Equiv.
Money Market Sweep/Checking Account	1,342,688.31	1,342,688.31	1,342,688.31	100.00	1	1	0.404	0.410
Investments	**1,342,688.31**	**1,342,688.31**	**1,342,688.31**	**100.00%**	**1**	**1**	**0.404**	**0.410**

Total Earnings	February 28 Month Ending
Current Year	15.09
Average Daily Balance	**47,959.79**
Effective Rate of Return	**0.41%**

Kevin McCarthy, Agency Treasurer

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Reporting period 02/01/2015-02/28/2015

Run Date: 03/24/2015 - 10:47

No fiscal year history available

Portfolio 06A
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2006 A Bonds
Portfolio Management
Portfolio Details - Investments
February 28, 2015

CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	S&P	YTM 365	Days to Maturity	Maturity Date
Money Market Sweep/Checking Account												
SYS13	13	2006A Good Faith Deposit			0.00	0.00	0.00	5.080		5.080	1	
SYS15	15	2006 A Bonds Reserve			1.00	1.00	1.00			0.000	1	
SYS14	14	2006 A Bonds Interest			1,342,685.39	1,342,685.39	1,342,685.39	0.410		0.410	1	
SYS12	12	UBC Cost Of Issuance Escrow			0.00	0.00	0.00	5.020		5.020	1	
SYS10	10	Fidelity Institutional Money M			0.00	0.00	0.00	5.360		5.360	1	
SYS17	17	Principal Account			1.92	1.92	1.92	0.410		0.410	1	
		Subtotal and Average	**47,959.79**		**1,342,688.31**	**1,342,688.31**	**1,342,688.31**			**0.410**	**1**	
		Total and Average	**47,959.79**		**1,342,688.31**	**1,342,688.31**	**1,342,688.31**			**0.410**	**1**	

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INDIAN WELLS
CALIFORNIA

RDA Series 2010 A Bonds
Portfolio Management
Portfolio Summary
February 28, 2015

City of Indian Wells
44-950 Eldorado Drive
Indian Wells CA 92210
(760)346-2489

Investments	Par Value	Market Value	Book Value	% of Portfolio	Term	Days to Maturity	YTM 360 Equiv.	YTM 365 Equiv.
Money Market Sweep/Checking Account	1,011,808.88	1,011,808.88	1,011,808.88	100.00	1	1	0.119	0.121
Investments	**1,011,808.88**	**1,011,808.88**	**1,011,808.88**	**100.00%**	**1**	**1**	**0.119**	**0.121**

Total Earnings	February 28 Month Ending
Current Year	3.35
Average Daily Balance	**788,970.11**
Effective Rate of Return	**0.01%**

Kevin McCarthy, Agency Treasuer

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Reporting period 02/01/2015-02/28/2015

Run Date: 03/24/2015 - 11:16

No fiscal year history available

Portfolio 010A
CP
PM (PRF_PM1) 7.3.0
Report Ver 7.3.3

RDA Series 2010 A Bonds
Portfolio Management
Portfolio Details - Investments
February 28, 2015

CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	S&P	YTM 365	Days to Maturity	Maturity Date
Money Market Sweep/Checking Account												
SYS1	1	2010 A Bonds Reserve		07/01/2013	780,680.82	780,680.82	780,680.82			0.000	1	
SYS14	13	2010 A Bonds Principal		07/01/2013	54.93	54.93	54.93			0.000	1	
SYS4	4	2010 A Bonds Interest			231,073.13	231,073.13	231,073.13	0.530		0.530	1	
SYS7	7	Local Agency Investment Fund			0.00	0.00	0.00	0.530		0.530	1	
SYS2	2	Blackrock Provident T-Fund		07/01/2013	0.00	0.00	0.00			0.000	1	
SYS3	3	UBC Cost Of Issuance Escrow		07/01/2013	0.00	0.00	0.00			0.000	1	
		Subtotal and Average	**788,970.11**		**1,011,808.88**	**1,011,808.88**	**1,011,808.88**			**0.121**	**1**	
		Total and Average	**788,970.11**		**1,011,808.88**	**1,011,808.88**	**1,011,808.88**			**0.121**	**1**	

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INDIAN WELLS
CALIFORNIA

Series 2014 A Bonds
Portfolio Management
Portfolio Summary
February 28, 2015

City of Indian Wells
44-950 Eldorado Drive
Indian Wells CA 92210
(760)346-2489

Investments	Par Value	Market Value	Book Value	% of Portfolio	Term	Days to Maturity	YTM 360 Equiv.	YTM 365 Equiv.
Money Market Sweep/Checking Account	473,344.60	473,344.60	473,344.60	100.00	1	1	0.000	0.000
Investments	**473,344.60**	**473,344.60**	**473,344.60**	**100.00%**	**1**	**1**	**0.000**	**0.000**

Total Earnings	February 28 Month Ending
Current Year	0.00
Average Daily Balance	**20,159.60**
Effective Rate of Return	**0.00%**

Kevin McCarthy, Agency Treasurer

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Reporting period 02/01/2015-02/28/2015

Run Date: 03/24/2015 - 11:45

No fiscal year history available

Portfolio 14A
CP
PM (PRF_PM1) 7.3.0
Report Ver. 7.3.3

Series 2014 A Bonds
Portfolio Management
Portfolio Details - Investments
February 28, 2015

CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	S&P	YTM 365	Days to Maturity	Maturity Date
Money Market Sweep/Checking Account												
SYS26	26	2014 A Bonds Principal		08/26/2014	5.88	5.88	5.88			0.000	1	
SYS25	25	2014 A Bonds Interest		08/26/2014	473,338.72	473,338.72	473,338.72			0.000	1	
SYS27	27	2014 Debt Service		09/08/2014	0.00	0.00	0.00			0.000	1	
SYS24	1	UBC Cost Of Issuance Escrow		05/28/2014	0.00	0.00	0.00			0.000	1	
		Subtotal and Average	**20,159.60**		**473,344.60**	**473,344.60**	**473,344.60**			**0.000**	**1**	
		Total and Average	**20,159.60**		**473,344.60**	**473,344.60**	**473,344.60**			**0.000**	**1**	

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INDIAN WELLS
CALIFORNIA

City of Indian Wells
Portfolio Management
Portfolio Summary
February 28, 2015

City of Indian Wells
44-950 Eldorado Drive
Indian Wells CA 92210
(760)346-2489

Investments	Par Value	Market Value	Book Value	% of Portfolio	Term	Days to Maturity	YTM 360 Equiv.	YTM 365 Equiv.
Managed Trustee Accounts	164,919.47	164,919.47	164,919.47	10.04	1	1	0.404	0.410
Checking Accounts with Fiscal Agent	1,478,379.22	1,478,379.22	1,478,379.22	89.96	1	1	0.168	0.170
Investments	**1,643,298.69**	**1,643,298.69**	**1,643,298.69**	**100.00%**	**1**	**1**	**0.191**	**0.194**

Total Earnings	February 28 Month Ending
Current Year	182.49
Average Daily Balance	**1,072,261.01**
Effective Rate of Return	**0.22%**

Kevin McCarthy, Finance Director

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Reporting period 02/01/2015-02/28/2015

Run Date: 03/27/2015 - 16:05

No fiscal year history available

Portfolio FA
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Report Ver 7.3.3

City of Indian Wells
Portfolio Management
Portfolio Details - Investments
February 28, 2015

CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	S&P	YTM 360	Days to Maturity	Maturity Date
Managed Trustee Accounts												
SYS1	1	Union Bank of California			0.00	0.00	0.00	5.110		5.040	1	
SYS11	11	Union Bank of California			1.00	1.00	1.00	5.110		5.040	1	
SYS12	12	Union Bank of California			1.84	1.84	1.84	0.420		0.414	1	
SYS13	13	Union Bank of California			164,916.63	164,916.63	164,916.63	0.410		0.404	1	
SYS14	14	Union Bank of California		07/01/2013	0.00	0.00	0.00	5.110		5.040	1	
SYS15	15	Union Bank of California		07/01/2013	0.00	0.00	0.00	5.110		5.040	1	
SYS16	16	Union Bank of California		07/01/2013	0.00	0.00	0.00	5.110		5.040	1	
SYS2	2	Union Bank of California			0.00	0.00	0.00	5.110		5.040	1	
SYS3	3	Union Bank of California			0.00	0.00	0.00	4.950		4.882	1	
SYS4	4	Union Bank of California			0.00	0.00	0.00	4.950		4.882	1	
SYS5	5	Union Bank of California			0.00	0.00	0.00	4.950		4.882	1	
SYS8	8	Union Bank of California			0.00	0.00	0.00	4.950		4.882	1	
		Subtotal and Average	**5,894.07**		**164,919.47**	**164,919.47**	**164,919.47**			**0.404**	**1**	
Checking Accounts with Fiscal Agent												
SYS6	6	The Golf Resort at Indian Well		07/01/2013	1,226,939.19	1,226,939.19	1,226,939.19			0.000	1	
SYS7	7	Indian Wells Villas			37,040.47	37,040.47	37,040.47	1.000		0.986	1	
SYS10	10	Mountain View Villas			214,399.56	214,399.56	214,399.56	1.000		0.986	1	
		Subtotal and Average	**1,066,366.94**		**1,478,379.22**	**1,478,379.22**	**1,478,379.22**			**0.168**	**1**	
		Total and Average	**1,072,261.01**		**1,643,298.69**	**1,643,298.69**	**1,643,298.69**			**0.191**	**1**	

FIRE ACCESS MAINTE CE DISTRICT (FAMD)
04/16/2015 MEETING WARRANT LIST

CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
47141	4/16/2015		UNIVERSAL PROTECTION SERVICE		
		1432540	FAMD SECURITY SVCS CYCOP & VEHICLES FOR FEB 27-MAR 26, 2015	59,110.65	**59,110.65**
47046	4/3/2015		F & F CONSTRUCTION INC		
		102514	FAMD CLUB GATE FOUNTAIN REMODEL RENOVATION PROJECT	47,915.00	**47,915.00**
47132	4/16/2015		AGUILAR CONSULTING, INC.		
		461	FAMD PRELIMINARY DRAINAGE STUDY PHASE 1 FOR FEB, 2015	14,616.00	**14,616.00**
47136	4/16/2015		DESERT PROPERTIES LIGHT MAINT.		
		14752	FAMD REMOVE (8) FIXTURES AND REPLACE WITH (6) NEW LED FLOOD FIXTURES AT CLUB DR.	1,532.93	**1,532.93**
47138	4/16/2015		SIGN A RAMA		
		66284	(8) FAMD PEDESTRIAN ENTRANCE SIGNS & (8) SIGN POSTS FOR MANITOU DRIVE	1,398.74	
		70099	(1) FAMD NAME BADGE & ENGRAVING FOR BEN DOBBS DISTRICT 7	24.25	**1,422.99**
47142	4/16/2015		VERIZON CALIFORNIA		
		345-1307	FAMD MANITOU GUARDGATE PHONE SVC FOR MAR 19 TO APR 18, 2015	562.20	
		345-1306	FAMD CLUB GUARDGATE PHONE SERVICE FOR FEB 16-MAR 15, 2015	222.54	
		345-1306	FAMD CLUB GUARDGATE PHONE SERVICE FOR MAR 16-APR 15, 2014	213.95	**998.69**
47133	4/16/2015		APPLICATIONS BY DESIGN, INC.		
		26977	FAMD ACESS CONTROL SYSTEM HOSTING FOR APR, 2015	625.00	**625.00**
47140	4/16/2015		STAPLES		
		1276917511	FAMD TOILET SEAT COVERS, FLASH DRIVES, COLORED PAPER, TRASH BAGS, PAPER TOWELS	396.61	
		1276603271	FAMD (1) MR CLEAN BUTTERFLY MOP	10.57	**407.18**
47139	4/16/2015		SPARKLETTS DRINKING WATER		
		8380597110114	FAMD CLUB/MANITOU GATEHOUSE FILTRATION SYSTEM RENTALS FOR NOV, 2014	134.48	
		8380597120114	FAMD CLUB/MANITOU GATEHOUSE FILTRATION SYSTEM RENTALS FOR DEC, 2014	124.48	**258.96**

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FIRE ACCESS MAINTENANCE DISTRICT (FAMD)
04/16/2015 MEETING WARRANT LIST

CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
47137	4/16/2015		ROTA, RANDI		
		REIMB	FAMD (1) 60,000-PAGE IMAGING DRUM FOR GUARD HOUSE COMPUTER & CAUTION TAPE SUPPLY	138.84	**138.84**
47134	4/16/2015		COACHELLA VALLEY WATER DIST.		
		152597-419098	FAMD 45-301 CLUB DR UTILITIES FOR MAR, 2015	131.64	**131.64**
47135	4/16/2015		CONSERVE LANDCARE		
		9585	FAMD REPAIR AND REPLACE (2) SPRINKLERS AT MANITOU	105.00	**105.00**

12 checks in this report

TOTAL FAMD WARRANTS: 47046 & 47132-47142 **127,262.88**

CC/HA ACTION ____ MTG. DATE: 4-16-15
APPROVED X DENIED ____ REC/FILE ____ CONT. ____
OTHER ____
VOTE: YES 5 NO 0 ABSTAIN ____

Note: Warrant 47046 was issued prior to City Council approval.

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CITY OF IN .N WELLS
04/16/2015 MEETING WARRANT LIST

CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
47114	4/16/2015		RIVERSIDE COUNTY SHERIFF DEPT		
		SH0000025686	SHERIFF DEPUTIES, MILEAGE, FORENSIC TECH, LIEUTENANT,CSO FOR JAN 8-FEB 4, 2015	240,660.79	
	4/16/2015		RIVERSIDE COUNTY SHERIFF DEPT		
		SH0000025669	SHERIFF DEPUTIES, MILEAGE, FORENSIC TECH, LIEUTENANT,CSO DEC 11, 14-JAN 7, 15	230,355.40	**471,016.19**
47076	4/16/2015		GREATER PALM SPRINGS		
		0013154-IN	TOT FUNDING CONTRIBUTION FOR APR-JUN, 2015	52,529.00	**52,529.00**
47092	4/16/2015		LEVY RESTAURANTS		
		CIW2122015	BNP PARIBAS OPEN FOOD AND BEVERAGE AT SUITE 212 FOR MAR 9 TO MAR 22, 2015	12,191.80	
		CIW3322015	BNP PARIBAS OPEN FOOD AND BEVERAGE AT SUITE 332 FOR MAR 9 TO MAR 22, 2015	7,499.86	**19,691.66**
47122	4/16/2015		TROON RESTAURANT HOLDINGS, LLC		
		03002979	RESIDENT MARDI GRAS EVENT SET-UP FEES, FOOD & BEVERAGE COST FOR FEB 17, 2015	15,578.35	
		03002963	STRATEGIC PLANNING MEETING SET-UP, FOOD & BEVERAGE CHARGES FOR FEB 11, 2015	1,146.31	
		03002964	STRATEGIC PLANNING MEETING FOOD & BEVERAGES FOR FEB 12, 2015	428.68	**17,153.34**
47049	3/30/2015		PLATINUM PLUS FOR BUSINESS		
		1566	EVENT BRANDING SPACE FOR THE BNP PARIBAS OPEN VENDOR BOOTH AND PUTTING AREA	7,212.50	
		2000	(1) TABLE SPONSORSHIP FOR 6TH ANNUAL JOSLYN CENTER ANNUAL FUNDRAISER ON MAR 26	1,500.00	
		1566	RESIDENT GALEN ART TOUR LUNCHEON FOOD & BEVERAGE ON FEB 27.2015	1,358.59	
		1864	(6) BOXES OF 9X11 BLANK TABS BACK ORDERED SUPPLY	839.81	
		1864	109TH ANNUAL GFOA CONFERENCE REGISTRATION FOR K.MCCARTHY ON MAR 31-JUN 3	575.00	
		1864	(4) BOXES OF 9X11 BLANK TABS FOR CITY SUPPLY	559.87	
		5493	2015 LCC PLANNING COMMISSIONERS ACADEMY REGISTRATION STEVE KLEEMAN	525.00	
		1566	(1) 40" HDTV FOR 2015 BNP PARIBAS OPEN IW BOOTH	410.33	
		1566	UPDATED IWTV IMAGES, COUNCIL MEMBERS INFORMATION & SCALA SYSTEM	375.00	
		4964	AMAZON WEB OFFSITE BACKUP SERVICES FOR FEB, 2015	366.06	
		2000	CITY COUNCIL LUNCH FOR MAR 5, 2015 MEETING	237.06	
		2000	CITY COUNCIL LUNCH FOR MAR 19, 2015 MEETING	237.05	
		1566	(1) 32"-47" TV STAND WITH WHEELES FOR BNP PARIBAS OPEN IW BOOTH	223.27	
		7384	ANNUAL SHRM PROFESSIONAL MEMBERSHIP REGISTRATION FOR K.SEUMALO	190.00	
		7384	CITY GENERATOR REPAIR PARTS FOR PUBLIC WORKS DEPT	148.43	
		1864	(1) COMPACT REFRIGERATOR FOR FINANCE DEPT	144.72	
		5493	PERMIT TECHNICIAN INSTITUTE HOTEL EXPENSE FOR T.BATISTE ON FEB 10, 2015	138.59	
		2000	CITY MANAGER ROUND TABLE STAFF MEETING LUNCH ON FEB 23, 2015	137.26	
		7384	(1) REALTIME LANDSCAPING PRO 2014 COMPUTER SOFTWARE PROGRAM FOR R.BOWEN	109.95	
		7384	CALIFORNIA NOTARY BOND & 4-YEARS/$15,000 CALIFORNIA NOTARY ERRORS & OMISSIONS	94.60	
		1566	DIRECTORS STRATEGIC PLANNING LUNCH ON FEB 12, 2015	83.97	
		5493	2015 LCC PLANNING COMMISSIONERS ACADEMY MEAL EXPENSE FOR W.MORELION ON MAR 3	78.00	
		4964	(1) PST PRO EMAIL VIEWER FOR TECHNOLOGY DEPT	69.99	
		1566	EXECUTIVE MANAGEMENT STRATEGIC PLANNING RETREAT HOME RENTAL EARLY CHECK IN FEE	50.00	
		4964	ADOBE CREATIVE CLOUD MONTHLY FEE FOR FEB, 2015	49.99	

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CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
		5493	2015 LCC PLANNING COMMISSIONERS ACADEMY MEAL EXPENSE FOR W.MORELION ON MAR 4	49.04	
		4964	(1) WIRELESS COMBO KEYBOARD FOR TECHNOLOGY DEPT	43.19	
		4964	(2) 10' MONITOR EXTENSION CABLES FOR TECHNOLOGY DEPT	43.18	
		1566	EMPLOYEE MARCH SHAMROCK LUNCHEON PARTY BRACELETS FOR STAFF ON MAR 13, 2015	32.74	
		2000	CITY COUNCIL MEETING ASSORTED COOKIES FOR FEB 19, 2015	18.44	
		4964	(1) 2-YEAR COIW.ORG DOMAIN NAME RENEWAL	18.34	
		5061	DIGITAL ACCESS OF THE DESERT SUN FOR FEB, 2015	10.00	
		2000	CITY COUNCIL MEETING ASSORTED COOKIES FOR MAR 5, 2015	7.98	
		7384	CREDIT (5) WORK PANTS FOR R.BOWEN	-191.21	**15,746.74**
47129	4/16/2015		WIDE ANGLE GROUP, INC.		
		2583	BNP PARIBAS OPEN BOOTH EXPERIENCE & PUTTING GREEN FOR MAR 11 TO MAR 22, 2015	13,440.00	**13,440.00**
47117	4/16/2015		SOUTHERN CALIFORNIA EDISON CO.		
		2-10-345-9178	ELDORADO/HWY 111/COOK/FRED WARING/CIELITO/OSAGE/PALMERAS UTILITIES FOR MAR, 2015	5,383.36	
		2-32-228-7590	45-200 CLUB DR & CLUB DR STE B UTILITIES FOR MAR, 2015	290.85	
		2-19-200-4638	74812 1/2 HWY 111 UTILITIES FOR MAR, 2015	37.85	**5,712.06**
47128	4/16/2015		VINTAGE ASSOCIATES		
		SI-156050	EXTRA LANDSCAPE SERVICES PLANT REPLACEMENT ON HWY 111	3,222.99	
		SI-154733	EXTRA LANDSCAPE MAINTENANCE HWY 111 MAIN LINE TIE INS	1,040.00	
		SI-158131	EXTRA LANDSCAPE MAINTENANCE OF HWY 111 MEDIANS	450.00	
		SI-157856	EXTRA LANDSCAPE MAINTENANCE TREE REMOVAL SERVICE ON COOK & HWY 111	250.00	**4,962.99**
47130	4/16/2015		WILLDAN FINANCIAL SERVICES		
		010-26402	2005A, 2006A, 2003A & A-T TABS ANNUAL CONTINUING DISCLOSURE SVCS FOR FY 2013/14	3,410.00	
		010-26664	2010A TABS, 2014A & A-T TABS ANNUAL CONTINUING DISCLOSURE SVCS FOR FY 2013/14	1,200.00	**4,610.00**
47063	4/16/2015		COACHELLA VALLEY ASSOC OF GOVT		
		MAR15	TUMF FEES COLLECTED FOR MAR, 2015	3,674.88	
		CV 15134-15	SOUTHERN CALIFORNIA AIR QUALITY MGMT DISTRICT FUNDS (AB2766) FOR OCT-DEC 2014	868.18	**4,543.06**
47105	4/16/2015		PAULL, MARVIN J.		
		DTD 3/20/15	POST-RETIREMENT MEDICAL BENEFITS CITY ACTUARIAL VALUATION SERVICES (OPEB	4,320.00	**4,320.00**
47074	4/16/2015		GRAPHTEK INTERACTIVE		
		9644-1	NEWSLETTER DESIGN, LAYOUT & PROJECT MANAGEMENT SERVICES FOR APR, 2015 ISSUE	2,500.00	
		9634-1	DESIGN OF VACATION RENTAL POSTCARD, PRINTING & MAILING SERVICES	930.40	
		9631-1	DESIGN AND LAYOUT FOR TENNIS MAGAZINE ADVERTISEMENT	350.00	**3,780.40**
47077	4/16/2015		HIGH TECH MAILING SERVICES		
		30594	NEWSLETTER MAILING, UPDATING MAILING LIST, IMPRINT ADDRESSES FOR APR, 2015	3,432.68	**3,432.68**
47041	3/27/2015		DELTA DENTAL		
		BE001131823	DENTAL INSURANCE FOR APR 2015	3,382.11	**3,382.11**

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CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
47087	4/16/2015		JOE A. GONSALVES & SON		
		25138	LEGISLATIVE ADVOCACY SERVICES FOR APR, 2015	3,000.00	**3,000.00**
47121	4/16/2015		TRAFFEX ENGINEERS INC		
		3	CITY TRAFFIC ENGINEERING SERVICES FOR JAN 1-MAR 31, 2015	2,530.00	**2,530.00**
47052	4/16/2015		B.G. STRUCTURAL ENGINEERING		
		917.524	45-751 RANCHO PALMERAS DR PLAN CHECK SVCS-ENGINEER, ARCHITECTURE, ADMINISTRATION	862.50	
		917.525	75497 PALM SHADOW DRIVE PLAN CHECK SVCS-ENGINEER, ARCHITECTURE, ADMINISTRATION	762.50	
		917.544	47130 CRYSTAL LOOP PLAN CHECK SVCS-ENGINEER, ARCHITECTURE, ADMINISTRATION	425.00	
		917.586	45-715 SUGARLOAF MOUNTAIN PLAN CHECK SVCS-ENGINEER, ARCHITECTURE, ADMINISTRATION	237.50	
		917.587	44950 ELDORADO DRIVE PLAN CHECK SVCS-ENGINEER, ARCHITECTURE, ADMINISTRATION	237.50	**2,525.00**
47053	4/16/2015		BATISTE, TANA		
		SCHOOL REIMB	EDUCATION REIMBURSEMENT FOR WINTER TERM 2015	2,497.19	**2,497.19**
47127	4/16/2015		VERMILLION ENVIRONMENTAL		
		15-03-18	APPLICATION OF ENVIROTACH ACRYLIC POLYMER ON EMPTY LOT AT WARNER TRL & BLACKFOOT	2,425.00	**2,425.00**
47124	4/16/2015		UNION BANK OF CALIFORNIA		
		910899	ANNUAL ADMINISTRATIVE CUSTODIAL FEES FOR DEC 1, 2014-FEB 28, 2015	2,191.00	**2,191.00**
47069	4/16/2015		DON MARUSKA & COMPANY, INC.		
		2665	STRATEGIC PLANNING PREPARATION & DEVELOPMENT CONSULTANT SVCS MEETING EXPENSES	1,890.48	**1,890.48**
47064	4/16/2015		COACHELLA VALLEY WATER DIST.		
		281269-740542	OSAGE TRL LOT 30 UTILITIES FOR MAR, 2015	200.30	
		313547-845300	MILES AVE EAST OF WARNER TRL UTILITIES FOR MAR, 2015	181.26	
		153215-419808	MILES AVE/WARNER TRL UTILITIES FOR MAR, 2015	149.90	
		281271-740546	45-410 COOK ST UTILITIES FOR MAR, 2015	141.64	
		155581-422504	COOK ST CENTER MEDIAN UTILITIES FOR MAR, 2015	111.96	
		324083-740422	SANDPIPER DR/MANITOU UTILITIES FOR MAR, 2015	106.36	
		155805-422752	HWY 111 EAST OF CLUB DR UTILITIES FOR MAR, 2015	89.56	
		314309-846198	75420 MANSFIELD DR UTILITIES FOR MAR, 2015	68.14	
		152073-418442	44-950 ELDORADO DRIVE UTILITIES FOR MAR, 2015	65.76	
		152067-418436	44-860 ELDORADO DRIVE UTILITIES FOR MAR, 2015	61.44	
		542759-418520	SANDPIPER DR/MANITOU UTILITIES FOR MAR, 2015	57.08	
		152071-418440	44-500 INDIAN WELLS LANE UTILITIES FOR MAR, 2015	50.22	
		314511-846428	44500 INDIAN WELLS LN UTILITIES FOR MAR, 2015	49.10	
		152069-418438	FIRE STATION #55 UTILITIES FOR MAR, 2015	46.86	
		152175-418598	44502 ELDORADO DR UTILITIES FOR MAR, 2015	45.88	
		152599-419102	45318 INDIAN WELLS LN UTILITIES FOR MAR, 2015	40.28	
		314329-846220	45585 ELDORADO DR UTILITIES FOR MAR, 2015	38.04	

CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
		152575-419066	45200 CLUB DR UTILITIES FOR MAR, 2015	32.30	
		314503-846420	OSAGE TRL MEDIAN WEST OF PAWNEE UTILITIES FOR MAR, 2015	30.20	
		155761-422706	INCA DRIVE UTILITIES FOR MAR, 2015	30.20	
		155641-422578	44980 COOK ST UTILITIES FOR MAR, 2015	30.20	
		152173-418596	ELDORADO DR SE CORNER OF OSAGE TRL UTILITIES FOR MAR, 2015	29.08	
		134443-394192	44010 SUPERIOR COURT UTILITIES FOR MAR, 2015	28.28	
		314499-846416	OSAGE TRL LOT 4 UTILITIES FOR MAR, 2015	26.84	
		156361-423526	HWY 111 LANDSCAPE UTILITIES FOR MAR, 2015	23.50	
		281233-740500	76625 HWY 111 UTILITIES FOR MAR, 2015	23.50	
		152991-419528	HWY 111 UTILITIES FOR MAR, 2015	23.50	
		308623-839674	INDIAN WELLS LANE MEDIANS UTILITIES FOR MAR, 2015	19.00	
		281261-740534	44-860 ELDORADO DR UTILITIES FOR MAR, 2015	15.00	
		281263-740536	44-950 ELDORADO DRIVE UTILITIES FOR MAR, 2015	10.00	**1,825.38**
47107	4/16/2015		PRINTING PLACE		
		150579	PRINT (5,000) 8-PAGE APRIL, 2015 NEWSLETTERS	1,695.00	**1,695.00**
47112	4/16/2015		RENAISSANCE ESMERALDA RESORT		
		31514	2015 BNP PARIBAS OPEN IW BOOTH MASSAGE THERAPIST SVC FEES FOR MAR 9-22, 2015	1,645.00	**1,645.00**
47043	3/27/2015		UNION SECURITY INSURANCE CO.		
		4015595	SHORT/LONG TERM DISABILITY FOR APR 2015	1,624.64	**1,624.64**
47093	4/16/2015		LUMPKIN, RUSSELL L.		
		DTD 3/27/15	BLDG INSPECTION,PLAN REVIEW,PERMIT ISSUANCE & CODE ENFORCEMENT FOR MAR 16-MAR 27	1,560.00	**1,560.00**
47051	4/16/2015		ART WORKS GALLERY		
		19162	(10) CITY CUSTOM PROCLAMATION FRAMES	1,331.42	**1,331.42**
47111	4/16/2015		RA STRUCTURAL ENGINEERING		
		B00-012-132-1	78-200 MILES AVENUE BNP TENTS PLAN CHECK SERVICES FOR FEB 7, 2015	1,170.00	
		IW-M110	BUILDING DEPT PLAN CHECK DROP-OFF SVC MILEAGE REIMB FOR JUN 17, 14-MAR 12, 15	121.20	**1,291.20**
47096	4/16/2015		MIRAMONTE RESORT		
		32215	2015 BNP PARIBAS OPEN IW BOOTH MASSAGE THERAPIST SVC FEES ON MAR 9-22, 2015	1,280.00	**1,280.00**
47084	4/16/2015		INNOVATIVE DOCUMENT SOLUTIONS		
		151326	CANON IR5075 & IRC5051 COPIERS MAINTENANCE FOR JAN, 2015	1,235.36	**1,235.36**
47108	4/16/2015		PROPER SOLUTIONS		
		2588	CITY CLERK/COMMUNITY DEVELOPMENT TEMP SVCS FOR MAR 11-12, 2015	316.80	
		2650	CITY CLERK/COMMUNITY DEVELOPMENT TEMP SVCS FOR MAR 25-26, 2015	316.80	
		2621	CITY CLERK/COMMUNITY DEVELOPMENT TEMP SVCS FOR MAR 18-19, 2015	316.80	**950.40**

CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
47045	3/27/2015		VISION SERVICE PLAN - (CA)		
		121858900001	VISION INSURANCE FOR APR 2015	834.44	**834.44**
47065	4/16/2015		CORELOGIC INFORMATION		
		81440562	REALQUEST ONLINE REAL ESTATE DATA FOR MAR, 2015	825.00	**825.00**
47097	4/16/2015		MOTOPORT USA		
		142753	LINED JACKET W/MIC LOOPS, PEN HOLDER POCKET & PATCHES FOR MOTORCYCLE OFFICER	789.40	**789.40**
47094	4/16/2015		MARK CIESLIKOWSKI PHOTOGRAPHY		
		5625	RESIDENTS TENNIS DAY PHOTOGRAPHY SHOOTING FEE & DVD BURNING SVCS ON MAR 12, 2015	518.40	
		5630	DESERT TOWN HALL PHOTOGRAPHY SHOOTING FEE & DVD BURNING SVCS ON MAR 25, 2015	248.40	**766.80**
47095	4/16/2015		MCKINNEY, WADE G.		
		DTD 3/18/15	CA CONTRACT CITIES ASSOC. MUNICIPAL SEMINAR REGISTRATION REIMB MAY 14-17, 2015	575.00	
		DTD 3/31/15	INDIAN WELLS ROTARY CLUB MEETING & ANNUAL GALA TICKET REIMB	170.00	**745.00**
47075	4/16/2015		GREAT AMERICA FINANCIAL SVCS		
		16758775	CANON IRA6265 & IRAC7270 COPIER LEASES FOR APR, 2015	696.33	**696.33**
47080	4/16/2015		IMAGE SALES, INC.		
		41270	(5) RETRANSFER FILM CARTRIDGES FOR PROPERTY OWNER ID CARD PRINTER	674.47	**674.47**
47067	4/16/2015		DESERT BUSINESS INTERIORS		
		18916	(2) WALL MOUNTED OVERHAD LOCKING CABINETS FOR S.HAPNER 50% DEPOSIT	316.44	
		18201	(2) WALL MOUNTED OVERHAD LOCKING CABINETS FOR S.HAPNER BALANCE DUE	316.44	**632.88**
47057	4/16/2015		BLUERIDGE SOFTWARE INC.		
		8531	ANNUAL CONTRACT ASSISTANCE SUPPORT & MAINT SOFTWARE MAY 11, 2015-MAY 10, 2016	629.82	**629.82**
47058	4/16/2015		CALIF. DEPT OF CONSERVATION		
		JAN-MAR15	STRONG MOTION INSTRUMENTATION (SMI) FEES COLLECTED FOR JAN-MAR 2015	600.94	**600.94**
47050	4/16/2015		ACT ENTERPRISES, LLC		
		DTD 3/16/15	COMMITTEE/COMMISSIONER RECOGNITION DINNER MUSICAL ENTERTAINMENT FOR APR 15, 2015	600.00	**600.00**
47103	4/16/2015		PATTON DOOR & GATE		
		54685	ROLLING DOOR REPAIR SERVICE FOR CITY MAINTENANCE BUILDING	475.00	
		54687	ROLLING DOOR REPAIR SERVICE CALL FEE FOR CITY MAINT BUILDING	125.00	**600.00**
47098	4/16/2015		N.E.A.D., INC.		
		1153	IPHONE MUNICIPAL APP SUPPORT FOR APR-JUN, 2015	600.00	**600.00**
47104	4/16/2015		PAUL BLATT ENTERPRISES, INC.		
		1016	(10,000) DOGGIE DISPOSAL BAGS	561.60	**561.60**

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47042	3/27/2015		STANDARD INSURANCE COMPANY		
		643033	LIFE INSURANCE/AD&D FOR APR 2015	551.27	**551.27**
47088	4/16/2015		JOHN DEERE LANDSCAPES		
		70938482	PVC NIPPLES, COUPLINGS, & BARBED ELBOW OUTLETS FOR CITY GENERAL FUND LANDSCAPE	333.74	
		71008684	ELECTRIC IRRIGATION VALVES & MALE ADAPTERS FOR AREA ZONE-A23	198.91	**532.65**
47102	4/16/2015		PALMER, GEORGE		
		DTD 3/27/15	TIP FOR SECURITY SERVICES AT 2015 BNP PARIBAS OPEN CITY SUITE 212	500.00	**500.00**
47106	4/16/2015		POWERS AWARDS		
		127895	CHAMBER OF COMMERCE CAR SHOW CUSTOM TROPHY & ENGRAVING SERVICE	474.28	**474.28**
47086	4/16/2015		JAM SERVICES INC.		
		68271	(1) STREET SIGN REPLACEMENT PANEL WITH LOGO FOR CLUB DRIVE	474.09	**474.09**
47060	4/16/2015		CANON FINANCIAL SERVICES, INC		
		14770665	CW300 & SCEXPN WIDE FORMAT COPIER/SCANNER LEASE FOR APR, 2015	447.12	**447.12**
47071	4/16/2015		FULTON DISTRIBUTING		
		348439	CLEAR CUPS, 45-GALLON LINERS & (2) HAND SOAP DISPENSERS FOR CITY RESTROOMS	443.60	**443.60**
47079	4/16/2015		HYATT REGENCY INDIAN WELLS		
		28457	HOTEL ROOM EXPENSE FOR MENTAL MARKETING CEO STRATEGIC PLANNING MEETING	442.74	**442.74**
47120	4/16/2015		THARP, STEVEN G.		
		DTD 4/2/15	IWTV MONTHLY RETAINER & RADIO SPOT MIX FOR MARCH, 2015	420.00	**420.00**
47070	4/16/2015		FEDERAL EXPRESS CORP.		
		2-966-84065	EXPRESS MAIL SERVICE FOR FINANCE & MARKETING DEPTS ON FEB 13-MAR 5, 2015	417.73	**417.73**
47066	4/16/2015		COSTCO-HSBC BANK USA		
		7003-7311-0002-5370	FOOD & GIVEAWAYS FOR EMPLOYEE LUNCH & CANDY SUPPLY FOR BNP TENNIS BOOTH	411.30	**411.30**
47059	4/16/2015		CALIFORNIA BUILDING STANDARDS		
		JAN-MAR15	CBSC FEES COLLECTED FOR JAN-MAR 2015	300.60	**300.60**
47110	4/16/2015		PUBLIC RECORD		
		16877	CITY CLERK DEPT LEGAL NOTICES ORDIANCE NO. 687 ON MAR 10, 2015	300.00	**300.00**
47125	4/16/2015		VERIZON CALIFORNIA		
		341-3179	CITY HALL FIRE/ALARM PHONE LINE SERVICE FOR MAR 25-APR 24, 2015	169.60	
		346-0407	CITY HALL FAX SERVICE FOR MAR 19 TO APR 18, 2015	115.40	**285.00**

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CITY OF INDIAN WELLS
04/16/2015 MEETING WARRANT LIST

CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
47061	4/16/2015		CANON SOLUTIONS AMERICA, INC.		
		902300578	CW300 WIDE FORMAT PRINTER/SCANNER CYAN CARTRIDGES & COLOR BOND PAPER SUPPLY	256.93	
		988423674	COLORWAVE 300 COLOR PRINTER USAGE & MAINTENANCE FOR FEB, 2015	26.73	**283.66**
47082	4/16/2015		INDIAN WELLS RESORT HOTEL		
		421	INDIAN WELLS ART FESTIVAL ARTIST ROOM EXPENSE FOR FEB 17-18, 2015	283.42	**283.42**
47047	4/3/2015		NATIONAL NOTARY ASSOCIATION		
		A.AVILA	CALIFORNIA NOTARY TRAINING, LIVESCAN FINGERPRINTING & PHOTO APP FOR A.AVILA	279.00	**279.00**
47055	4/16/2015		BIO-TOX LABORATORIES		
		30167	IW POLICE DRUG TESTING SVCS FOR FEB 17, 2015	258.00	**258.00**
47109	4/16/2015		PRUDENTIAL OVERALL SUPPLY		
		22023180	CITY TOWEL, MATS & AIR FRESHENER SUPPLIES FOR MAR 18, 2015	140.71	
		22026727	CITY TOWEL, MATS & AIR FRESHENER SUPPLIES FOR MAR 25, 2015	112.63	**253.34**
47131	4/16/2015		YELLOW MART STORES		
		11304	(1) PAIR OF REDWING BOOTS & (2) PAIR OF PANTS FOR C.WIGGINS	241.88	**241.88**
47113	4/16/2015		RIVERSIDE COUNTY INFORMATION		
		9990116000-1502	SHERIFF MOTORCYCLE RADIO OPERATIONAL COSTS FOR FEB, 2015	214.34	**214.34**
47123	4/16/2015		TROPICAL PLANT SERVICES		
		21440	INDOOR PLANT MAINTENANCE SERVICE FOR MAR, 2015	205.00	**205.00**
47083	4/16/2015		INLAND LIGHTING SUPPLIES, INC.		
		182899	IW LANE FOUNTAIN FLOURESCENT TUBE BULBS STOCK SUPPLY	201.96	**201.96**
47068	4/16/2015		DIVISION OF STATE ARCHITECT		
		JAN-MAR15	DISABILITY ACCESS AND EDUCATION FEES (SB 1186) COLLECTED FOR JAN-MAR 2015	189.90	**189.90**
47116	4/16/2015		SIMPLOT PARTNERS		
		208046257	(5) 25-POUND BAGS OF ALL PURPOSE FERTILIZER FOR CITY FLOWERS	187.65	**187.65**
47073	4/16/2015		GOVERNMENT FINANCE OFFICERS		
		0154835	GFOA MEMBERSHIP RENEWAL FOR S.LEONG FOR MAY 1, 2015-APR 30, 2016	150.00	**150.00**
47091	4/16/2015		LASR-INK		
		11996	(1) LASER PRINTER INK CARTRIDGE FOR CITY HALL	149.77	**149.77**
47126	4/16/2015		VERIZON WIRELESS		
		9742920194	CITY, CSO & BURGLARY SUPPRESSION UNIT CELLULAR PHONES FOR FEB 26-MAR 25, 2015	91.16	
		9742010406	MOTOR OFFICER MOBILE TICKET WRITER CELLULAR SERVICE FOR FEB 11-MAR 10, 2015	25.09	
		9740320517	MOTOR OFFICER MOBILE TICKET WRITER CELLULAR SVC FOR DEC 11, 2014-FEB 10, 2015	21.62	**137.87**

CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
47054	4/16/2015		BEST IN THE WEST		
		1421801-1 0007	PARTIAL REFUND OF DUPLICATE BUILDING PERMIT B00-011-671 78515 YAVAPA	131.50	**131.50**
47085	4/16/2015		INTERNATIONAL INSTITUTE OF		
		DTD 3/19/14	2014-2015 ANNUAL ASSOCIATE MEMBERSHIP REGISTRATION FOR A.AVILA	95.00	**95.00**
47118	4/16/2015		SOUTHERN CALIFORNIA GAS CO.		
		04162524872	45200 CLUB DRIVE UTILITIES FOR JAN 7-FEB 22, 2015	93.43	**93.43**
47048	4/3/2015		VERIZON WIRELESS		
		9741223319	CITY, CSO & BURGLARY SUPPRESSION UNIT CELLULAR PHONES FOR JAN 26-FEB 25, 2015	91.41	**91.41**
47090	4/16/2015		JONES, TERRY		
		1500501-1 0006	2015 SHORT-TERM RENTAL BUSINESS LICENSE & STATE FEE REFUND	86.00	**86.00**
47072	4/16/2015		GOOD, JULIE		
		1500801-1 0024	2015 SHORT TERM BUSINESS LICENSE REFUND FOR 75104 PROMONTORY PLACE	86.00	**86.00**
47100	4/16/2015		PALM DESERT ACE HARDWARE		
		191232	BLACK SPRAY PAINT FOR SPEED LIMIT SIGNAGE ON MILES	23.27	
		187502	(1) SET OF DRILL BITS FOR PUBLIC WORKS DEPT	21.05	
		191569	MEASURING TAPE FOR PUBLIC WORKS DEPT	20.51	
		191518	DRILL BITS FOR PUBLIC WORKS STOCK SUPPLY	9.71	
		191271	NUTS & BOLTS SUPPLY FOR PUBLIC WORKS DEPT	9.18	**83.72**
47115	4/16/2015		RIVERSIDE COUNTY SHERIFF DEPT.		
		SH0000025745	TRAFFIC MOTORCYCLE FUEL FOR JAN 27-FEB 19, 2015	82.66	**82.66**
47089	4/16/2015		JOHNSTONE SUPPLY		
		281700	45300 CLUB DRIVE A/C REPAIR SUPPLY	61.64	**61.64**
47062	4/16/2015		CISLO & THOMAS LLP		
		490665	TRADEMARK CITY LOGO LEGAL SERVICES FOR FEB, 2015	55.00	**55.00**
47081	4/16/2015		IMPERIAL IRRIGATION DISTRICT		
		50579115	78560 VISTA DEL SOL #A BRIDGE LIGHTING UTILITIES FOR FEB 24-MAR 23, 2015	53.31	**53.31**
47099	4/16/2015		NAPA AUTO PARTS		
		242339	(1) KEY FOR FIRESTATION ROLL UP DOOR	32.38	**32.38**
47044	3/27/2015		UNITED WAY OF THE DESERT		
		352000006506	PAYROLL EMPLOYEE CONTRIBUTIONS FOR MAR 27, 2015	27.00	**27.00**

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CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
47101	4/16/2015		PALM DESERT VACATION		
		1505001-2 0001	2015 PROFESSIONAL BUSINESS LICENSE REFUND DUE TO DUPLICATE PAYMENT	22.25	**22.25**
47078	4/16/2015		HOME DEPOT		
		3011892	LUMP CHARCOAL FOR CITY STAFF LUNCHEON ON MAR 13, 2015	20.27	**20.27**
47119	4/16/2015		TCC SALES		
		17846	PINT OF OLD MASTERS GEL STAIN FOR EMPLOYEE BREAKROOM TOE KICKER	17.65	**17.65**
47056	4/16/2015		BIRCH COMMUNICATIONS, INC.		
		17908496	TOLL-FREE/LONG DISTANCE PHONE SERVICE FOR MAR 21-APR 20, 2015	7.05	**7.05**

90 checks in this report

TOTAL CITY WARRANTS 47041-47045 & 47047-47131: 675,456.42

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CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
Wires :					
1542	3/27/2015		CALIFORNIA PUBLIC EMPLOYEES	65,614.81	**65,614.81**
		100000014496623	MEDICAL INSURANCE FOR APR 2015		
1541	3/31/2015		INTERNAL REVENUE SERVICE	35,879.54	**35,879.54**
		95-2489139	FWT, FICA & MEDICARE FOR MAR 27, 2015		
1543	3/27/2015		CALPERS RETIREMENT SYSTEM	8,839.49	**8,839.49**
		6392517834	PAYROLL CONTRIBUTIONS FOR MAR 27, 2015		
1540	3/27/2015		ICMA	8,640.65	**8,640.65**
		CONTRIBUTIONS	401A, 457 & ROTH IRA FOR MAR 27, 2015		
1544	3/27/2015		CALIFORNIA, STATE OF	7,262.64	**7,262.64**
		925-0060-2	SDI & SWT DEPOSIT FOR MAR 27, 2015		
2889	3/26/2015		INDIAN WELLS EMPLOYEE ASSOC.	210.00	**210.00**
		2379795	PAYROLL EE DUES FOR MAR 27, 2015		

TOTAL PAYROLL WIRE DISBURSEMENTS 1540-1544 & 2889: 126,447.13

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CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
			EFT 13844-13877		81,560.54
			2891		851.50
			Total Net Payroll 04/10/15		**82,412.04**
			TOTAL CITY DISBURSEMENTS:		**884,315.59**

Note: Warrants 47041-47045 & 47047-47049 were issued prior to City Council approval.
Note: Warrant 46530 was voided on 3/31/15.

CC/HA ACTION ____ MTG. DATE 4-16-15
APPROVED X DENIED ____ REC/FILE ____ CONT. ____
OTHER ____
VOTE: YES 3 NO 1 ABSTAIN 1
Hanson Reed

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CC/HA ACTION _____ MTG. DATE: 4-16-15
APPROVED X DENIED ___ REC/FILE ___ CONT. ___
OTHER _____
VOTE: YES 5 NO 0 ABSTAIN _____

Indian Wells City Council

April 16, 2015

Staff Report – City Manager's Office

Approve City Goals and Action Plans for Budget Years 2015-17

RECOMMENDED ACTION:

Council **APPROVES** the City Goals and Action Plans for budget years 2015-17.

DISCUSSION:

The purpose of strategic planning is to anticipate the future, envision what the organization must become in order to operate effectively with that future, and make plans for moving the organization from what it is to what it needs to become to be successful. The Strategic Plan identifies strategic issues, establishes broad goals, and states general priorities.

The Indian Wells the strategic planning effort coordinates organizational priorities on a citywide basis. The City Council annually reviews and updates the City's Strategic Plan.

The City's Mission Statement is:

> *Create an unsurpassed quality of life for our residents and guests by providing superior public safety, exceptional service and outstanding amenities that will further enhance our image as a prestigious community and international resort destination.*

The City Council Strategic Planning Workshops:

Don Maruska facilitated the Strategic Planning workshop held February 11-12, 2015. The City Council discussed shared hopes for the future and community priorities. The Council identified a list of issues facing the City and worked to prioritize the list to focus the City's efforts for the upcoming two-year budget cycle.

The City's Goals for Budget Years 2015-17 are:

Create a Ten Year Financial Strategy

Encourage and Expand Economic Development Opportunities

Create a Flood Mitigation Plan with Community Partners

Beautify the Highway 111 Corridor

Create a City Communications Plan

The City Council also identified two specific Action Plans for the 2015-16 year:

- Strengthen Contract Administration
- Provide Property Owner privileges to Lessee's through a Resident Identification Card

Staff has prepared action plans for each of the City's five goals to accomplish in the two year, 2015-17 budget period. The plan may be amended from time to time by the City Council replacing a new goal with one stated here or redirecting certain efforts which will come through ongoing conversations and quarterly reports at regular City Council Meetings. Naturally some of the action plans will implement multiple goals, for clarity they re listed in only one section.

ATTACHMENT:

1. City Goals and Action Plans for Budget Year 2015-17

Goal 1:

Create a Financial Strategy

Co-Champions: Kevin McCarthy, Finance Director
David Gassaway, Assistant to the City Manager

Desired Outcomes: Council and community have understanding of the City's long-term financial position in order to identify the revenue necessary to maintain the high quality standards of Indian Wells.

Action Items

1. Prepare a comprehensive long-term expenditure analysis
2. Prepare a comprehensive long-term revenue analysis
3. Describe funding gaps
4. Build strategies for funding gaps

Cost Estimate	Stage of Progress	Priority
Budgeted in FY 2015-17: $75,000 Specialized consultants and analytical firms to assess costs and revenues.	Planning Stages	

1. Comprehensive long-term expenditure analysis — February 2016

Actions Steps	
a.	Capital replacement and reserve needs study
b.	Contract services study and trend analysis
c.	Special revenue sources expenses (Enterprise funds)

2. Comprehensive long-term revenue analysis — February 2016

Actions Steps	
a.	Review of special revenue funds
b.	Analysis of major general fund revenues and trends
c.	Review project billing and accounting costs

3. Describe funding gaps — June 2016

Actions Steps	
a.	Compare bottom line revenue and expenditure outcomes
b.	Review variance in revenue sources vs. operating expenses
c.	Review variance in reserve fund growth vs. capital replacement needs

4. Build strategies for funding gaps June 2016

	Actions Steps
a.	Pursue targeted grant opportunities
b.	Explore strategic economic development projects
c.	Review fees and cost recovery

INDIAN WELLS

Goal 2:

Encourage and Expand Economic Development Opportunities

Champion: Warren Morelion, Community Development Director

Desired Outcomes: Refine development process and partner with developers where projects offer desirable benefits for the City.

Action Items

1. Continue to improve the development review process
2. Develop a Comprehensive Economic Development Plan
3. Process Indian Wells Tennis Garden Stadium 3 project
4. Coordinate Renaissance Esmeralda Villas and Waterpark development

Cost Estimate	Stage of Progress	Priority
Budgeted in FY 2015-17: $10,000 Economic development research assistance	Planning Stages	Top

Goal 2: Economic Development Opportunities

1. Continue to improve the development review process — December 2015

Actions Steps	
a.	Update building permit checklist to assist with submittal of a complete packet to expedite processing.
b.	Update development submittal checklist to assist with submittal of entitlements.
c.	Investigate Municipal Code amendment options to streamline the entitlement process.

2. Develop a Comprehensive Economic Development Plan — December 2016

Actions Steps	
a.	Research community demographic and psychographics information to influence future economic development.
b.	Identify optimal types of development and complementary infrastructure to promote long term economic sustainability.
c.	Develop priorities and standards for business and development incentive decisions.
d.	Identify and pursue high priority, target markets for new development.

3. Process Indian Wells Tennis Garden Stadium 3 project — December 2015

Actions Steps	
a.	Fast track the entitlement and permit process.
b.	Expedite inspections to meet December 2015 completion date.

4. Coordinate Renaissance Esmeralda Villas and Waterpark development — July 2016

Actions Steps	
a.	Assist in establishment of a public engagement process for the project.
b.	Analyze the potential for developer incentives based on project design, quality and potential TOT revenue.

INDIAN WELLS

Goal 3:

Create a Flood Mitigation Plan With Community Partners

Champion: Ken Seumalo, Public Works Director

Desired Outcomes: Facilitate the process for stakeholders to reach a community solution for flood control.

Action Items

1. Identify the City's role in facilitating the process and develop communication plan
2. Research existing conditions
3. Develop a City analysis report

Cost Estimate	Stage of Progress	Priority
Budgeted in FY 2015-16: $40,000 Consultants to analyze storm drain system and coordinate public engagement.	Planning Stage	Top

1. Identify the City's role in facilitating the process and develop communication plan — July 2015

	Actions Steps
a.	Develop a communication plan.
b.	Coordinate the engagement process with community stakeholders.
c.	Foster engagement process to include viewpoints of the affected community stakeholders.
d.	Coordinate information flow to community stakeholders including key milestones, meetings, and announcements.

2. Research existing conditions — August 2015

	Actions Steps
a.	Develop legal understanding of local requirements for flood control.
b.	Review existing City and regional storm drainage system.
c.	Engage with drainage experts to address issues with existing system.
d.	Cooperate with CVWD in identifying flood trouble spots.
e.	Assemble Flood Inundation (FEMA) maps.

3. Develop a City analysis report — September 2015

	Actions Steps
a.	Prepare analysis report including history, existing system, and legal obligation.
b.	Prepare exhibits such as existing system, jurisdiction boundaries, and cross section of 100-year flood.
c.	Present information report to City Council, FAMD and stakeholders.

INDIAN WELLS

Goal 4:

Beautify the Highway 111 Corridor

Co-Champions: Warren Morelion, Community Development Director
Ken Seumalo, Public Works Director

Desired Outcomes: Beatify Highway 111 corridor retaining the unique character of Indian Wells.

Action Items

1. Define Cook Street and Highway 111 improvements
1. Improve frontage appearance of commercial properties
2. Determine use of Arts in Public Places funds

Cost Estimate	Stage of Progress	Priority
Budgeted in FY 2015-17: Arts in Public Places funds	Planning Stages	Mid

Goal 4: Beautify Highway 111

1. Define Cook Street and Highway 111 improvements — July 2016

	Actions Steps
a.	Develop design alternatives based on City Council direction, to include no art alternative, cleanup site and replacement of palm trees.

2. Improve frontage of commercial properties — December 2015

	Actions Steps
a.	Require property owners to clean and maintain their property frontages by removing unsightly vegetation and installing new screen fencing and mulch and/or landscaping.

3. Determine use of Arts in Public Places funds — April 2016

	Actions Steps
a.	Identify amount in the fund upon completion of the Carl Bray project.
b.	Identify possible art projects and locations in the City.
c.	Establish review and approval process.

INDIAN WELLS

Goal 5:

Create a City Communications Plan

Champion: Nancy Samuelson, Marketing/Community Relations Director

Desired Outcomes: Continue to engage the community through effective communication and education on community issues. Implement a plan to bridge any gaps between citizens and government.

Action Items

1. Create a Communication Plan
2. Enhance and Update Website

Cost Estimate	Stage of Progress	Priority
Budgeted in FY 2015-17. $ 55,000 Consultants for website redesign and creative services.	Planning Stage	

1. Create a Communication Plan that includes: October 2015

Actions Steps	
a.	Update of Indian Wells Brand guidelines.
b.	"Best Practices" strategies.
c.	Robust outbound communication programs.
d.	Media outreach and engagement.
e.	Citizen engagement approaches and tactics.
f.	Process where citizens can connect with Council and staff.
g.	Ways to boost participation in local government and the public process.

2. Enhance and upgrade website December 2015

Actions Steps	
a.	Consolidate the City's two websites (City and tourism).
b.	Create new cutting edge design on city site to enhance use and citizen engagement.
c.	Bring events and sign-up forms to forefront for residents to find easily.
d.	Enhance the availability of public documents on website.

Action Plans for Fiscal Year 2015-16:

1. Strengthen Contract Administration June 2016

Co-Champions: Anna Grandys, Chief Deputy City Clerk
Wade McKinney, City Manager

Desired Outcomes: Council and residents have a clear understanding of the life cycle of a contract, and the internal management of contracts. Enhance web-based accessibility of City contracts by the public.

	Objectives
a.	Written report to Council on types of contracts, number of, and outline how departments manage said contracts.
b.	Expand financial software (Eden) module pilot program to include contracts over $25,000.
c.	Expand financial software (Eden) module pilot program to include contracts over $25,000.
d.	Add to City website "Contracts approved within last 60 days" section to include a link to the contract, short description of contract, contract amount and contract administrator information.
e.	Expand existing availability of contracts on City website and establish a user friendly contract organization structure.
f.	Quarterly report outlining City Attorney's Office work product to include: code enforcement activity, costs and reimbursements; any reimbursable work product for third party; personnel matters; litigations; and major work projects.

Action Plans for Fiscal Year 2015-16:

2. Provide Property Owner Privileges to Lessee's Through a Resident Identification Card — October 2015

Champion: Kevin McCarthy, Finance Director

Desired Outcome: Extend property owner privileges to long-term lessees.

	Objective
a.	Draft policy for Council consideration providing a Resident Identification Card to long-term lessees. Policy will include: Minimum 1-year lease. Lessees shall have same privileges as Property Owner Identification Card holders. The property owner shall relinquish Property Owner Identification Card for subject property.