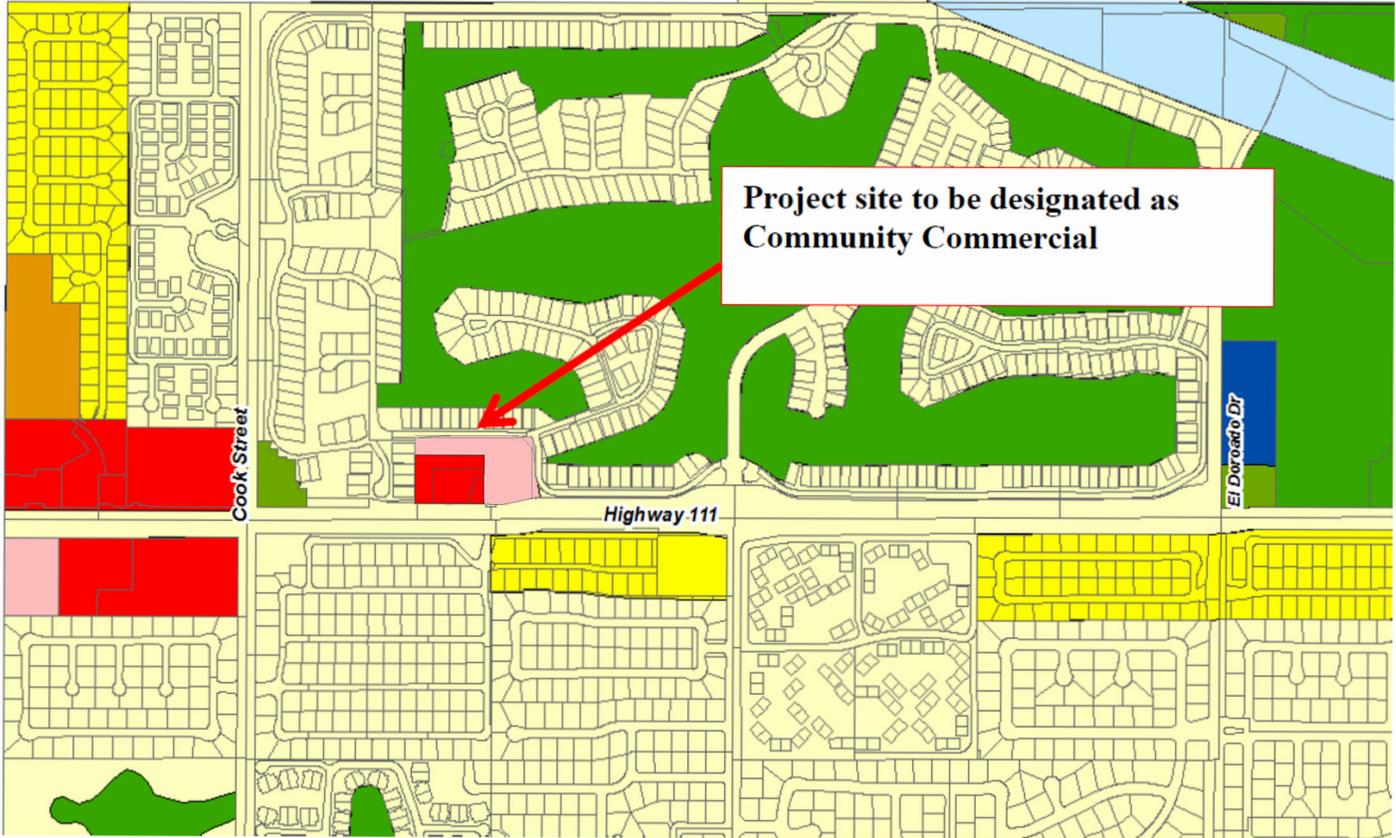


**Land Use/Zoning Exhibit (Proposed Plan)**



**Land Use Legend**

**LandUse**

**Residential**

- Residential, Very Low Density Residential
- Residential, Low Density Residential
- Residential, Medium Density Residential
- Residential, Medium High Density Residential

**Commercial**

- Commercial, Community Commercial
- Commercial, Professional Office
- Commercial, Resort Commercial
- Commercial, Sports Complex

**Open Space**

- Open Space, Golf and Recreation
- Open Space, Natural Preserve
- Open Space, Open Space
- Open Space, Public Park
- Open Space, Watercourse

**Civic**

- Civic, Public Facility

RESOLUTION NO. 2016-\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT NO. 2016-01, ~~ZONING MAP AMENDMENT NO. 2016-01~~, AND MODIFICATION TO CONDITIONAL USE PERMIT NO. 2-80-12 FOR THE RENOVATION AND RECONFIGURATION OF THE SANDS HOTEL, FOR WHICH THE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA"), PURSUANT TO CEQA GUIDELINES SECTION 15303**

**WHEREAS**, PRG Sands, LLC (the "Applicant"), has filed an application with the City of Indian Wells (the "City") for approval of General Plan Amendment No. 2016-01, ~~Zone Map Amendment No. 2016-01~~, and modification to Conditional Use Permit No. 2-80-12 for the renovation and reconfiguration of The Sands Hotel located at 75188 Highway 111; and

**WHEREAS**, on October 27, 2016, the Planning Commission held a duly noticed public hearing on the Project in conformance with Government Code §65854 and Indian Wells Municipal Code Section 21.06.020(c) and 21.06.100, and adopted Resolution No. PC 2016-[[?]] recommending approval of the Project; and

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

**WHEREAS**, on November 17, 2016, a duly noticed public hearing on the Project was held by the City Council; and

**WHEREAS**, after careful consideration of the staff report, public testimony and all of the information presented at the hearing, including all associated documentation and exhibits, the City Council finds as follows:

**General Plan Amendment, ~~Zoning Map Amendment~~, and Modified Conditional Use Permit:**

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

FACT: The proposed GPA, ~~ZMA~~ and MCUP is consistent with the objectives of the Zoning Code and proposed Community Commercial General Plan and Zoning land use designation for the site. The subject property is currently designated Office Professional, and contains existing non-conforming uses which will be brought into conformance though adoption of the Community Commercial land use designation for the property.

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

FACT: The proposed Project will not adversely affect the public health, safety or welfare, or materially injure surrounding properties or improvements since the Project will bring existing non-conforming uses into conformance with the General Plan, and shall adhere to all applicable sections of the California Building Code, California Fire Code and Municipal Code thus precluding adverse impacts resulting from the Project.

3. The proposed Project will comply with each of the applicable provisions of the Zoning Code.

FACT: The proposed Project complies with each of the applicable provisions of the City's Municipal Zoning Code. Conditions of Approval are attached hereto as Exhibit "A" and incorporated herein by reference.

4. The proposed amendment to the General Plan complies with the City Municipal Code.

FACT: The proposed amendment is internally consistent with the General Plan, would not be detrimental to the public interest, health, safety, convenience, or welfare of the City, would maintain the appropriate balance of land uses within the City; and is physically suitable (including, but not limited to access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested land use designation and the proposed modifications to the existing use on-site. (Ord. 307 § 2, 1997)

### **Environmental Findings:**

5. The Project will have no significant effect on the environment and is consistent with the provisions of the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code and CEQA Guidelines.

FACT: This Project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State and local CEQA Guidelines, and the environmental regulations of the City. The proposed Project will have no significant effect on the environment and qualifies as being Categorical Exempt from the California Environmental Quality ("CEQA") pursuant to § 15303 (Class 3).

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

**SECTION 1.** The City Council **ADOPTS** Resolution No. 2016-\_\_\_\_ approving General Plan Amendment No. 2016-01, ~~Zone Map Amendment No. 2016-01~~, and modification to Conditional Use Permit No. 2-80-12 in support of the proposed Project subject to the Conditions of Approval listed on Exhibit "A" attached hereto and by this reference incorporated herein.

**SECTION 2.** This Resolution shall take effect upon adoption.

**SECTION 3.** The City Clerk shall certify to the adoption of this Resolution and shall mail by first class, prepaid, United States mail, a certified copy of this Resolution to the Applicant.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Indian Wells, California, at a regular meeting held on this 17<sup>th</sup> day of November, 2016.

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**RICHARD BALOCCO**  
**MAYOR**

**CERTIFICATION FOR RESOLUTION NO. 2016-\_\_**

I, Anna Grandys, City Clerk of the City of Indian Wells, California, **DO HEREBY CERTIFY** that the whole number of the members of the City Council is five (5); that the above and foregoing Resolution was duly and regularly passed and adopted at a regular meeting of the City Council of the City of Indian Wells on the 17<sup>th</sup> day of November, 2016, by the following vote:

AYES:  
NOES:

**ATTEST:**

**APPROVED AS TO FORM:**

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**ANNA GRANDYS  
CITY CLERK**

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**STEPHEN P. DEITSCH  
CITY ATTORNEY**

## EXHIBIT "A"

### Conditions of Approval

General Plan Amendment No. 2016-01, ~~Zoning Map Amendment No. 2016-01~~, and  
modification to Conditional Use Permit No. 2-80-12

November 17, 2016

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#### GENERAL:

1. The Applicant shall defend, indemnify, and hold harmless the City of Indian Wells and its officers, employees, and agents from and against any claim, action, or proceeding against the City of Indian Wells, its officers, employees, or agents to attack, set aside, void, or annul any approval or condition of approval of the City of Indian Wells concerning this Project, including but not limited to any approval or condition of approval by the Planning Commission. The City shall promptly notify the applicant of any claim, action, or proceeding concerning the Project and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officers, employees, and agents in the defense of the matter.
2. In the event that any condition contained herein is determined to be invalid or legally unenforceable, then all remaining conditions shall remain in force.
3. The Project shall be developed in accordance with the plans approved by the City, and failure to comply with any conditions of approval shall be deemed just cause for revocation of Project approval by the City Council. However, the Community Development Director or designee shall have the authority to approve minor deviations in the conditions of approval, and all plans including the construction drawings, if deemed necessary by both the Applicant and the City to implement the Project as approved.
4. Any electrical and communications facilities necessary to service the Project shall be installed underground.
5. All plans shall be coordinated for consistency.
6. The Applicant shall pay development impact fees at the established rates. Such fees may include, but not be limited to, new construction fees, park or open space fees, school fees, drainage fees, sewer fees, TUMF fee, local CVMSP development impact fee, building permit and plan check fees.

7. Approval of this request shall not waive compliance with, and the Applicant shall at all times comply with, all applicable sections of the Indian Wells Municipal Code, all other applicable City ordinances, applicable resolutions, and applicable overlay areas.
8. Construction of the Project 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.
9. Upon submittal of construction drawings to the Building Department for plan check review, all departmental conditions of approval for the Project shall be included on the sheet following the title sheet, or the first sheet of the plans. A site plan shall also be attached to all sets of construction drawings. This condition shall be a minimum requirement for acceptance of construction drawings for the Building Department plan check review.
10. 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 construction and occupancy of the Project.
11. Within fifteen (15) calendar 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.
12. Unless modified by variance to the Community Commercial (CC) zone, all CC development standards shall be in effect.
13. All activities shall adhere to applicable noise regulations pursuant to Chapter 9.06 of the Indian Wells Municipal Code.
14. The Applicant shall obtain all applicable and required alcohol licenses issued by the California Department of Alcoholic Beverage Control (ABC). Restaurant and bar uses shall comply with all applicable regulations of the ABC, as well as all relevant portions of the Indian Wells Municipal Code.

15. Restaurant and bar uses shall comply with all applicable regulations of the Riverside County Department of Environmental Health, as well as all relevant portions of the Indian Wells Municipal Code.
16. Fifty-seven (57) parking spaces shall be maintained on the subject site, or by agreement approved by the City, for exclusive use by the hotel and associated secondary uses (bar, spa, restaurant, etc).
17. Hotel occupancy, when combined with the related secondary uses, shall not create a parking demand that exceeds the 57 allocated parking spaces. unless the Applicant enters into a City approved written agreement with adjacent property owner to provide additional parking for an individual event on such adjacent property, a copy of which agreement shall be filed with the Community Development Director for approval prior to such special events.
18. Chapter 3.12 of the Indian Wells Municipal Code, as amended from time to time ("Chapter 3.12"), shall be applicable at all times to the subject hotel, and the Applicant/Owner shall comply at all times with Chapter 3.12. All persons or transients having occupancy rights in the subject hotel, as those terms are defined in Chapter 3.12, shall be subject to, and shall be required to pay to the operator (as defined in Chapter 3.12) of the subject hotel, the tax set forth in Chapter 3.12. The operator of the subject hotel shall be required to collect such taxes at the time rent (as defined in Chapter 3.12) is collected from such persons, and to remit such taxes to the City as set forth in Chapter 3.12.
19. Any new or existing roof mounted, exhaust, solar or air conditioning equipment shall be fully concealed from view of the public right of way and adjoining properties by architecturally integrated means, and shall be treated to reduce noise levels generated toward surrounding properties.
20. Any and all signage for the hotel and/or other uses in the Project shall meet the standards of the "Sands of Indian Wells Planned Sign Program" established in Section 17.20.049 of the Indian Wells Municipal Code, unless otherwise amended through the City's formal Planned Sign Program modification process.
21. A Lot Line Adjustment Application shall be submitted, reviewed, and approved by the Public Works Department prior to issuance of the first Certificate of Occupancy. The Lot Line Adjustment shall correct a potential existing property line conflict between the Sands Hotel (Parcel 2, Parcel Map 17335), and the Nest Restaurant (Parcel 1, Parcel Map 36408). In the event all owners of the subject parcels agree that no property line conflict exists, a Lot Line Adjustment Application need not be submitted to the Public Works Department; however, the Applicant shall submit to the City a topographical

survey that verifies no conflict. Said topographical survey shall be prepared by a Licensed Surveyor or Registered Civil Engineer.

22. Deliveries to the uses within the Project (hotel, restaurants, shops, bar) shall be restricted to the following hours:
  - A. September 15<sup>th</sup> through June 14<sup>th</sup> – Monday through Friday, 7:00 am to 5:30 pm; Saturday and Sunday, 8:00 am to 5:00 pm.
  - B. June 15<sup>th</sup> through September 14<sup>th</sup> – Monday through Friday, 6:00 am to 7:00 pm; Saturday and Sunday, 6:00 am to 5:00 pm.

**BUILDING:**

23. Prior to the issuance of a building permit for construction, the Applicant shall first obtain permits and/or clearances from the following:

County Fire Marshal;  
Public Works Department;  
Planning Department;  
Coachella Valley Water District; and  
Riverside County Health Department

Evidence of said permit or clearance from the above agencies/individuals shall be presented to the Director of Community Development.

24. The Project shall comply with all applicable provisions of the Americans with Disabilities Act (ADA), including but not limited to modification of any existing vehicle parking spaces currently designated as ADA accessible parking spaces yet do not currently conform to California Building Code requirements. The Applicant shall provide an ADA Path of Travel from the ADA accessible parking spaces to building entrance(s). ADA Path of Travel may be shown on a separate plan, or combined with a Site Plan if deemed appropriate by the Building Department
25. The proposed Project shall be built according to Building and Safety Standards and shall comply with any and all applicable City of Indian Wells Municipal Code regulations.
26. Prior to issuance of any building permits, the Applicant shall provide to the City a "will serve letter" from Southern California Edison (SCE) that sufficient electrical supply is available to furnish said structures in that phase of development to be constructed.

27. Prior to issuance of any building permits, the Applicant shall provide to the City a "will serve letter" from Coachella Valley Water District (CVWD) that sufficient water supply is available to furnish said structures in that phase of development to be constructed.

**FIRE:**

28. Fire Department emergency vehicle apparatus access road locations and design shall be in accordance with the California Fire Code, City of Palm Desert Municipal Code, and Riverside County Fire Department Standards. Plans must be submitted to the Fire Department for review and approval prior to building permit issuance.
29. Fire Department water system(s) for fire protection shall be in accordance with the California Fire Code, City of Indian Wells Municipal and Riverside County Fire Department Standards. Plans must be submitted to the Fire Department for review and approval prior to building permit issuance.
30. Water Plans must be approved by the Fire Marshal and include verification that the water system will produce the required fire flow.
31. Fire protection measures shall be provided in accordance with Municipal Code, NFPA, CFC, and CBC or any recognized Fire Protection Standards.
32. The hotel building shall have illuminated addresses of a size and location approved by the City.
33. Conditions of approval are subject to change with adoption of new codes, ordinances, laws, or when building permits are not obtained within twelve months.

**ENVIRONMENTAL:**

34. 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

**LANDSCAPING:**

35. 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, the use of mulch on top of soil to improve water-holding capacity and the use of xeriscape (drought-tolerant species) for landscaping.
36. The landscape plan shall include the reintroduction of desert-adapted native and non-native plants. The use of potentially invasive plant species shall be avoided (see Table 4-113: Prohibited Invasive Ornamental Plants in the Coachella Valley Multiple Species Habitat Conservation Plan). The use of these low water-use plants would also conserve water and energy use in the built environment.
37. Detailed landscaping and irrigation plans shall be submitted for the Community Development Director's 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 prior to their installation and issuance of a certificate of occupancy.
38. 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.
39. 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.
40. All ground-mounted utility appurtenances shall be located out of public view and adequately screened through the use of a combination of concrete or masonry walls, berming and/or landscaping to the satisfaction of the Community Development Director.
41. All plant materials within landscaped areas shall be maintained in a viable growth condition throughout the life of this approval.
42. Landscaping shall be located so as not to interfere with sight distance from driveways or adjacent roadways.

43. All landscaping and irrigation shall be installed in accordance with plans on file with the Community Development Department, and irrigation systems fully operational. Furthermore, all landscaped areas shall be free of trash and debris.
44. 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 issuance of a 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:**

45. Landscaping, consistent with the City's Highway 111 Beautification and Improvement Planning Area 12, shall be installed and maintained in perpetuity within the first 55-feet between the existing curb along Highway 111 and the hotel property.
46. Decorative lighting shall be provided within landscaped areas fronting Highway 111.
47. Landscape lighting shall be indirect, and shall include 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. Up-lights shall be placed on new palm trees fronting Highway 111 in similar manner as those existing within the City's public Right-of-Way (ROW) along Highway 111.

#### **SITE IMPROVEMENTS**

48. All improvements proposed on Parcels 1, 2, and 3 of Parcel Map 36408 shall comply with the terms of that Reciprocal Easement Agreement (REA), Document No. 2016-0348788. All improvements proposed on said Parcels 1, 2, and 3 shall be approved in writing in advance by the owners of said parcels regardless of the terms of the REA. Evidence of approval shall be submitted in writing to the City. Said proposed improvements requiring approval by owners of said Parcels 1, 2, and 3 shall include, but not be limited to carport removal, parking modifications, and landscaping.

49. Prior to issuance of a Building Permit for the new Spa building, a Precise Grading Permit shall be obtained by the Applicant. Said permit may be issued after submittal, review, and approval of a Precise Grading Plan. The Precise Grading Plan shall comply with Chapter 18 of the Indian Wells Municipal Code.
50. A Preliminary Geotechnical Investigation and Report shall be prepared by a competent Geotechnical Engineer, and submitted to and reviewed by the City, prior to commencement of any rough or precise grading activities. Said Report(s) shall be referenced on Rough Grading and Precise Grading Plans. Said Report shall comply with the City of Indian Wells Geotechnical Policy Guidelines. All grading shall conform to the recommendations contained in the Preliminary Geotechnical Investigation and Report, and shall be observed by the Geotechnical Engineer of Record.
51. Prior to construction on the site, a six foot (6') temporary chain-link fence shall be erected on any portion of the property that is exposed to public access and shall be connected to any block walls surrounding the property. This shall be installed so as to deter theft of and vandalism to construction materials and equipment on the property during construction. All construction fencing shall have a screen mesh so as to conceal construction activity from public view.
52. In the event this Project disturbs a total of one acre or more, the Applicant shall be required to prepare a Storm Water Pollution Prevention Plan (SWPPP) in compliance with the National Pollution Discharge Elimination System (NPDES) regulations. Said SWPPP shall be submitted to the Regional Water Quality Control Board (RWQCB) along with submittal of a Notice of Intent (NOI). Copies of said SWPPP and NOI (including WDID number assigned by RWQCB) shall be submitted to the City prior to issuance of a Grading Permit. All projects disturbing less than one acre are not required to prepare a SWPPP or file an NOI, but shall manage storm water drainage during construction by complying with one or more of the measures described in the Green Building Standards Code (CGBC). Implementation of Best Management Practices (BMP's) in accordance with IWMC 16.52.020 shall satisfy CGBC requirements.

53. All projects disturbing 5,000 square feet or more shall be required to prepare and submit to the City for approval a Fugitive Dust Mitigation Application and Plan. Dust and vehicular track-out shall be controlled in accordance with an approved Plan, including but not limited to daily cleaning of dirt and debris from of all adjacent streets. Dirt and debris shall not be permitted to enter any storm drain system. During periods of high winds or wind gusts exceed 25 mph, all grading shall cease and the site shall be continuously watered to prevent fugitive dust.
54. Separate Encroachment Permits from the City of Indian Wells Public Works Department shall be required for any improvement work within the public right-of-way of the City.

**END OF CONDITIONS**

## Item #6A - Additional Material

November 11, 2016

RE: **Sands Hotel Project (Indian Wells, CA)**

To Whom It May Concern:

As the owners of the neighboring professional center and the Nest Restaurant building, the purpose of this letter is to express my support for the Sands Hotel project. We are excited for the renovation to begin and we believe this will be a very attractive addition to the City of Indian Wells.

Sincerely,

Ted

June

The image shows two handwritten signatures in cursive. The first signature is 'Ted' and the second is 'June'. Both are written in dark ink on a light-colored background.