

RESOLUTION NO. 2001-20

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LA QUINTA, CALIFORNIA, APPROVING THE SUBDIVISION
OF A 33 ACRE PARCEL INTO 16 PARCELS AND 17
LETTERED LOTS**

**CASE NO.: VESTING TRACT MAP 30043
APPLICANT: KSL DEVELOPMENT CORP.**

WHEREAS, the City Council of the City of La Quinta, California, did on the 6th day of March, 2001, hold a duly noticed Public Hearing for KSL Development Corp., in order to subdivide a 33 acre parcel into 16 numbered lots and 17 lettered lots, generally located at the northeast corner of Eisenhower Drive and Calle Tampico, more particularly described as:

APN 773-022-014 and 773-022-032

WHEREAS, the Planning Commission of the City of La Quinta, California, did on the 27th day of February, 2001, hold a duly noticed Public Hearing for KSL Development Corp., in order to subdivide a 33 acre parcel into 16 numbered lots and 17 lettered lots, generally located at the northeast corner of Eisenhower Drive and Calle Tampico and unanimously recommended approval under Planning Commission Resolution 2001-022; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all interested persons wanting to be heard, said City Council did make the following mandatory findings to approve said Vesting Tract Map 30043:

Finding Number 1 - Consistency with General Plan:

- A. The property is designated Village Commercial. The Land Use Element of the General Plan encourages mixed use development in this land use designation. The project is consistent with the goals, policies and intent of the La Quinta General Plan Land Use Element (Chapter 2) because mixed use land uses are proposed.

Finding Number 2 - Consistency with City Zoning Ordinance:

- A. The proposed retail development is consistent with the land uses specified in the Zoning Ordinance, as conditioned. Modifications to the City's standards, which are included in Specific Plan 2001-051, are justified.

Finding Number 3 - Compliance with the California Environmental Quality Act:

- A. Parcel Map 30043 is subject to the requirements of the California Environmental Quality Act per Public Resources Code Section 65457(a). An Environmental Assessment (EA 2000-411) has been prepared, and a mitigated Negative Declaration has been proposed.

Finding Number 4 - Site Design:

- A. The proposed design of the subdivision conforms with the development standards found in the General Plan and Zoning Ordinance, as modified in the Specific Plan.
- B. The site is physically suitable for the proposed land division, as the area is flat and without physical constraints, and the Vesting Tract map is consistent with other parcels surrounding the project site.

Finding Number 5 - Site Improvements:

- A. Storm water retention will be provided on-site, and conveyed to existing storm water systems adjacent to the site.
- B. Infrastructure improvements such as gas, electric, sewer and water will service the site in underground facilities as required. No adverse impacts have been identified based on letters of response from affected public agencies.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of La Quinta, California, as follows:

1. That the above recitations are true and constitute the findings of the City Council in this case;
2. That it does hereby confirm the conclusion that Environmental Assessment 2001-411 assessed the environmental concerns of this Vesting Tract Map; and,
3. That it does hereby approve Vesting Tract Map 30043 for the reasons set forth in this Resolution and subject to the attached conditions.

PASSED, APPROVED and ADOPTED at a regular meeting of the La Quinta City Council held on this 6th day of March, 2001, by the following vote, to wit:

AYES: Council Members Adolph, Henderson, Perkins, Sniff, Mayor Peña

NOES: None

ABSENT: None

ABSTAIN: None

JOHN J. PEÑA, Mayor
City of La Quinta, California

ATTEST:

JUNE S. GREEK, CMC, City Clerk
City of La Quinta, California
(City Seal)

APPROVED AS TO FORM:

M. KATHERINE JENSON, City Attorney
City of La Quinta, California

**CITY COUNCIL RESOLUTION 2001-20
CONDITIONS OF APPROVAL - FINAL
TENTATIVE TRACT MAP 30043 - VISTA MONTAÑA
MARCH 6, 2001**

GENERAL

1. Upon conditional approval by the City Council of this development application, the City Clerk shall prepare and record, with the Riverside County Recorder, a memorandum noting that conditions of approval for development of the property exist and are available for review at City Hall.
2. The subdivider agrees to defend, indemnify, and hold harmless the City of La Quinta (the "City"), its agents, officers and employees from any claim, action or proceeding to attack, set aside, void, or annul the approval of this tentative map or any final map thereunder. The City shall have sole discretion in selecting its defense counsel.

The City shall promptly notify the subdivider of any claim, action or proceeding and shall cooperate fully in the defense.

3. Prior to the issuance of a grading, construction or building permit, the applicant shall obtain permits and/or clearances from the following public agencies:
 - Fire Marshal
 - Public Works Department (Grading Permit, Improvement Permit)
 - Community Development Department
 - Riverside Co. Environmental Health Department
 - Desert Sands Unified School District
 - Coachella Valley Water District (CVWD)
 - Imperial Irrigation District (IID)
 - State Water Quality Control Board (SWQCB)

The applicant is responsible for any requirements of the permits or clearances from those jurisdictions. If the requirements include approval of improvement plans, applicant shall furnish proof of said approvals prior to obtaining City approval of the plans.

The applicant shall comply with applicable provisions of the City's NPDES stormwater discharge permit. This project shall conform to the requirements of the NPDES General Permit. The applicant shall submit a copy of the SWQCB acknowledgment of the applicant's Notice of Intent prior to issuance of a grading or site construction permit. The applicant shall ensure that the required Storm Water Pollution Protection Plan is available for inspection at the project site.

4. Final maps under this tentative map shall be subject to the provisions of the Infrastructure Fee program and Development Impact Fee program in effect at the time of final map approval.

PROPERTY RIGHTS

5. Prior to final approval of the General Plan Amendment application, the applicant shall apply for and acquire a street vacation on the effected portion of Avenida Bermudas and acquire the property rights to that portion of Avenida Bermudas that will belong to the property owner on the east side of Bermudas following the vacation, comprising that portion of Bermudas east of the current roadway centerline as depicted on Tentative Tract Map 30043. Applicant shall also acquire or confer easements and other property rights required of future tentative map(s) or otherwise necessary for construction or proper functioning of the proposed development. Conferred rights shall include irrevocable offers to dedicate or grant access easements to the City for emergency services and for maintenance, construction, and reconstruction of essential improvements.
6. The applicant shall dedicate or grant public and private street right of way and utility easements in conformance with the City's General Plan, Municipal Code, applicable specific plans, and as required by the City Engineer.
7. Right of way dedications required of this development include:
 - A. PUBLIC STREETS
 1. Avenida Bermudas (Collector) - 44 foot of right of way, from centerline, up to the point of proposed street vacation. Note: Applicant shall submit application for proposed street vacation as a separate action. Street vacation application shall be compatible with Santa Rosa Plaza requirements (east side of Avenida Bermudas).
 2. Calle Tampico (Primary Arterial) - 50 foot half of 100 foot right of way.
 3. Eisenhower Drive (Primary Arterial) - 50 foot half of 100 foot right of way.

B. PRIVATE STREETS

1. Residential Entry Drive (off Calle Tampico): Minimum 40-foot width, back of curb to back of curb to a point past the first right hand turn available to in-bound traffic.
2. Residential Entry Drive (off Eisenhower Drive): Minimum 40 ft. width, back of curb to back of curb.
3. Residential: 31-foot minimum width back of curb to back of curb. On-street parking is prohibited and provisions shall be made for adequate off-street parking for residents and visitors. The CC&R's shall contain language requiring the Homeowner's Association to provide for ongoing enforcement of the restrictions.

C. CULS DE SAC

1. For culs de sac use Riverside County Standard 800 (symmetric) or 800A (offset) with 39.5-foot radius, or larger, or specific design as approved by the City Engineer. For non-standard culs de sac, right of way dedication shall be as required by the City Engineer.
8. Right of way geometry for knuckle turns and corner cut-backs shall conform with Riverside County Standard Drawings #801 and #805 respectively unless otherwise approved by the City Engineer.
9. Dedications shall include additional widths as necessary for dedicated right and left turn lanes, bus turnouts, and other features contained in the approved construction plans.
10. The applicant shall dedicate ten-foot public utility easements contiguous with and along both sides of all private streets. The easements may be reduced to five feet with the express concurrence of IID.
11. The applicant shall create perimeter setbacks along public rights of way as follows (listed setback depth is the average depth if meandering wall design is approved):

- A. Eisenhower Drive (Primary Arterial) - 20-feet
- B. Calle Tampico (Primary Arterial) - 20-feet
- C. Avenida Bermudas - 10-feet

The setback requirement applies to all frontage including, but not limited to, remainder parcels and sites dedicated for utility purposes.

Where public facilities (e.g., sidewalks) are placed on privately-owned setbacks, the applicant shall dedicate blanket easements for those purposes.

12. The applicant shall dedicate easements necessary for placement of and access to utility lines and structures, drainage basins, mailbox clusters, park lands, and common areas.
13. The applicant shall vacate abutter's rights of access to public streets and properties from all frontage along the streets and properties except access points shown on the approved Specific Plan.
14. The applicant shall furnish proof of easements or written permission, as appropriate, from owners of any abutting properties on which grading, retaining wall construction, permanent slopes, or other encroachments are to occur.
15. If the applicant proposes vacation or abandonment of any existing rights of way or access easements which will diminish access rights to any properties owned by others, the applicant shall provide approved alternate rights of way or access easements to those properties or notarized letters of consent from the property owners.
16. The applicant shall cause no easements to be granted or recorded over any portion of this property between the date of approval of this tentative map by the City Council and the date of recording of any final map(s) covering the same portion of the property unless such easements are approved by the City Engineer.

GRADING

17. A substantial portion of this project site is within the Special Flood Hazard Area inundated by a 100-year flood as identified by the Flood Insurance Rate Map. This development shall comply with Chapter 8.11 of the LQMC (Flood Hazard Regulations). The development shall be graded to ensure that all floors and exterior fill (at the foundation) are above the level of the project (100-year) flood and building pads are compacted to 95% Proctor Density as required in Title 44 of the Code of Federal Regulations, Section 65.5(a) (6). Prior to issuance of building permits for lots which are so located, the applicant shall furnish certifications as required by FEMA that the above conditions have been met.
18. Prior to issuance of any grading permit(s), the applicant shall furnish a preliminary geotechnical ("soils") report and an approved grading plan prepared by a qualified engineer. The grading plan shall conform with the recommendations of the soils report and be certified as adequate by a soils engineer or engineering geologist.
19. Slopes shall not exceed 5:1 within public rights of way and 3:1 in landscape areas outside the right of way unless otherwise approved by the City Engineer.
20. The applicant shall endeavor to minimize differences in elevation at abutting properties and between separate tracts and lots within this development. Building pad elevations on contiguous lots shall not differ by more than three feet except for lots within a tract or parcel map, but not sharing common street frontage, where the differential shall not exceed five feet.

The limits given in this condition and the previous condition are not entitlements and more restrictive limits may be imposed in the map approval or plan checking process. If compliance with the limits is impractical, however, the City will consider alternatives which minimize safety concerns, maintenance difficulties and neighboring-owner dissatisfaction with the grade differential.

21. Prior to issuance of a grading permit, the applicant shall submit and receive approval of a Fugitive Dust Control plan prepared in accordance with Chapter 6.16, LQMC. The applicant shall furnish security, in a form acceptable to the city, in an amount sufficient to guarantee compliance with the provisions of the permit.
22. The applicant shall maintain graded, undeveloped land to prevent wind and water erosion of soils. The land shall be planted with interim landscaping or provided with other erosion control measures approved by the Community

Development and Public Works Departments.

23. Prior to issuance of building permits, the applicant shall provide building pad certifications stamped and signed by qualified engineers or surveyors. For each pad, the certification shall list the approved elevation, the actual elevation, the difference between the two, if any, and pad compaction. The data shall be organized by lot number and listed cumulatively if submitted at different times.
24. Prior to any disturbance of the site, the applicant shall furnish verification from the Regional Water Quality Control Board that an NPDES Notice of Intent has been filed. Applicant shall also provide a copy of the Storm Water Pollution Prevention Plan for this development project.

DRAINAGE

The applicant shall comply with the provisions of Engineering Bulletin No. 97.03 and the following:

25. Applicant is required to file a Notice of Intent (NOI) with the State Water Quality Control Board comply with the terms of the NPDES General Permit. Provisions of the General Permit also require the applicant to prepare a Storm Water Pollution Prevention Plan (SWPPP).
26. Stormwater falling on site during the peak 24-hour period of a 100-year storm (the design storm) shall be retained within the development unless otherwise approved by the City Engineer.
27. Stormwater shall normally be retained in common retention basins. Individual-lot basins or other retention schemes may be approved by the City Engineer for lots 2_ acres in size or larger or where the use of common retention is impracticable. If individual-lot retention is approved, the applicant shall meet the individual-lot retention provisions of Chapter 13.24, LQMC.
28. Storm flow in excess of retention capacity shall be routed through a designated, unimpeded overflow outlet to the historic drainage relief route.
29. Storm drainage historically received from adjoining property shall be retained on site or passed through to the overflow outlet.

30. The property must continue to accept off-site storm water from Eisenhower Drive that currently drains to the property. Applicant shows an existing stormwater inlet on the east and west sides of Eisenhower Drive that drains to the southwest corner of the property. This stormwater utility does not appear to exist. Applicant shall provide drainage for this section of Eisenhower Drive in a manner approved by the City Engineer.
31. Retention facility design shall be based on site-specific percolation data which shall be submitted for checking with the retention facility plans. The design percolation rate shall not exceed two inches per hour.
32. Retention basin slopes shall not exceed 3:1. Maximum retention depth shall be six feet for common basins and two feet for individual-lot retention.
33. Nuisance water shall be retained on site and disposed of in an approved manner.
34. In developments for which security will be provided by public safety entities (e.g., the La Quinta Safety Department or the Riverside County Sheriff's Department), retention basins shall be visible from adjacent street(s). No fence or wall shall be constructed around basins unless approved by the Community Development Director and the City Engineer.
35. The applicant shall indemnify the City from the costs of any sampling and testing of the development's drainage discharge which may be required under the site specific, City, or regional NPDES Permit or other City- or area-wide pollution prevention program, and for any other obligations and/or expenses which may arise from such discharge. The indemnification shall be executed and furnished to the City prior to issuance of any grading, construction or building permit and shall be binding on all heirs, executors, administrators, assigns, and successors in interest in the land within this tentative map excepting therefrom those portions required to be dedicated or deeded for public use. The form of the indemnification shall be acceptable to the City Attorney. If such discharge is approved for this development, the applicant shall make provisions in the CC&Rs for meeting these potential obligations.
36. The project shall be designed to accommodate purging and blowoff water from any on-site or adjacent well sites granted or dedicated to the local water utility authority as a requirement for development of this property.

UTILITIES

37. The applicant shall obtain the approval of the City Engineer for the location of all utility lines within the right of way and all above-ground utility structures including, but not limited to, traffic signal cabinets, electrical vaults, water valves, and telephone stands, to ensure optimum placement for practical and aesthetic purposes.
38. Existing aerial lines within or adjacent to the proposed development and all proposed utilities shall be installed underground. Power lines exceeding 34.5 kv are exempt from this requirement.
39. Utilities shall be installed prior to overlying hardscape. For installation of utilities in existing, improved streets, the applicant shall comply with trench restoration requirements maintained or required by the City Engineer. The applicant shall provide certified reports of trench compaction for approval of the City Engineer.

STREET AND TRAFFIC IMPROVEMENTS

40. The applicant shall install the following street improvements to conform with the General Plan street type noted in parentheses. (Public street improvements shall conform with the City's General Plan in effect at the time of construction.)

A. OFF-SITE STREETS

1. Calle Tampico (Primary Arterial) - Construct modification to raised median to include a dedicated left turn lane to the site from eastbound Calle Tampico @ Ave. Mendoza.

Applicant shall bear the cost of roadway improvements on the outer twenty (20) feet of the roadway.

2. Eisenhower Drive (Major Arterial) - Construct 38-foot half of 76-foot improvement (travel width including bicycle lane, excluding curbs) plus 6 ft. meandering sidewalk. Applicant shall construct the full raised center median. Center median shall include turning pocket for left turn from southbound Eisenhower Drive. Applicant to design improvement to compliment the alignment of the future bridge.

3. Applicant shall bear the cost of roadway improvements on the outer twenty (20) feet of the roadway. The cost of the median modifications shall be reimbursed from the Development Impact Fee fund in an amount not to exceed the budgeted amount.
4. Avenida Bermudas - Reconstruct the northeast corner of Avenida Bermudas and Calle Tampico and install new curb at 32 feet west of centerline, widening Avenida Bermudas for 100 feet north of the curb return. Provide 15:1 taper from 32 feet to 20 feet. Provide additional lane on the west side of centerline to provide dedicated left turn lane and through/right turn lane. Provide additional paving as necessary on the east side of the centerline, if no paving exists, to provide a total of two 14 foot travel lanes.

B. PRIVATE STREETS -

1. On-site streets:
 - a. Two-Way Traffic: Construct 28-foot minimum wide full-width improvements (measured gutter flowline to gutter flowline) within the 31-foot right of way. All on-site streets shall be constructed with "wedge" type curb design as approved by the City Engineer.
 - b. Project Entry Streets: Construct 37-foot minimum wide full-width improvements (measured gutter flowline to gutter flowline) within the 40-foot right of way. All on-site streets shall be constructed with "wedge" type curb design as approved by the City Engineer.
 - c. Cul-de-Sacs: All private cul-de-sac bulbs which contain raised landscaped islands shall be designated as "One way" and applicant shall construct minimum 20-foot wide full-width improvements (measured from gutter flowline to gutter flowline). Design approval and right of way dedication shall be at the discretion of the City Engineer.

- B. All on street parking is prohibited and the applicant shall be required to provide for the perpetual enforcement of the restriction by the Homeowners' Association.

Entry drives, main interior circulation routes, turn knuckles, corner cutbacks, bus turnouts, dedicated turn lanes, and other features contained in the approved construction plans may warrant additional street widths as determined by the City Engineer.

41. Improvements shall include appurtenances such as traffic control signs, markings and other devices, raised medians if required, street name signs, and sidewalks. Mid-block street lighting is not required.
42. The applicant may be required to extend improvements beyond development boundaries to ensure they safely integrate with existing improvements (e.g., grading; traffic control devices and transitions in alignment, elevation or dimensions of streets and sidewalks).
43. Improvements shall be designed and constructed in accordance with the LQMC, adopted standards, supplemental drawings and specifications, and as approved by the City Engineer. Improvement plans for streets, access gates and parking areas shall be stamped and signed by qualified engineers.
44. Knuckle turns and corner cut-backs shall conform with Riverside County Standard Drawings #801 and #805 respectively unless otherwise approved by the City Engineer.
45. Public streets shall have vertical curbs or other approved curb configurations which convey water without ponding and provide lateral containment of dust and residue for street sweeping. On-site private streets shall have a wedge curb, the design of which shall be approved by the City Engineer. The lip of the wedge curb at the flowline shall be vertical (1/8" batter) and a minimum of 0.1' in height. Unused curb cuts on any lot shall be restored to normal curbing prior to final inspection of permanent building(s) on the lot.
46. The applicant shall design street pavement sections using Caltrans' design procedure (20-year life) and site-specific data for soil strength and anticipated traffic loading (including construction traffic). Minimum structural sections shall be as follows (or approved equivalents for alternate materials):

Residential & Parking Areas	3.0" a.c./4.50" c.a.b.
Collector	4.0"/5.00"
Secondary Arterial	4.0"/6.00"
Primary Arterial	4.5"/6.00"
Major Arterial	5.5"/6.50"

47. The applicant shall submit current mix designs (less than two years old at the time of construction) for base, asphalt concrete and Portland cement concrete. The submittal shall include test results for all specimens used in the mix design procedure. For mix designs over six months old, the submittal shall include recent (less than six months old at the time of construction) aggregate gradation test results confirming that design gradations can be achieved in current production. The applicant shall not schedule construction operations until mix designs are approved.
48. The City will conduct final inspections of homes and other habitable buildings only when the buildings have improved street and (if required) sidewalk access to publicly-maintained streets. The improvements shall include required traffic control devices, pavement markings and street name signs. If on-site streets are initially constructed with partial pavement thickness, the applicant shall complete the pavement prior to final inspections of the last ten percent of homes within the project or when directed by the City, whichever comes first.
49. General access points and turning movements of traffic are limited to the following:
 - A. Main project entry (Off Calle Tampico across from Avenida Mendoza). No restrictions applied to turning movements at this location.
 - B. Main project entry (Off Eisenhower Drive) - To be located approximately 645 feet north of the centerline of Calle Tampico along Eisenhower Drive. Access and egress will be restricted to right turn in, right turn out and left turn in.
 - C. Avenida Bermudas - No restrictions applied to turning movements at this location.

LANDSCAPING

50. The applicant shall provide landscaping in required setbacks, retention basins, common lots, and park areas.
51. Landscape and irrigation plans for landscaped lots and setbacks, medians, retention basins, and parks shall be signed and stamped by a licensed landscape architect.

The applicant shall submit plans for approval by the Community Development Department prior to plan checking by the Public Works Department. When plan checking is complete, the applicant shall obtain the signatures of CVWD and the Riverside County Agricultural Commissioner prior to submitting for signature by the City Engineer. Plans are not approved for construction until signed by the City Engineer.

52. Landscape areas shall have permanent irrigation improvements meeting the requirements of the City Engineer. Use of lawn shall be minimized with no lawn or spray irrigation within 18 inches of curbs along public streets.

PUBLIC SERVICES

53. The applicant shall provide public transit improvements as required by Sunline Transit and approved by the City Engineer.

MAINTENANCE

54. The applicant shall make provisions for continuous, perpetual maintenance of all on-site improvements, perimeter landscaping, access drives, and sidewalks. The applicant shall maintain required public improvements until expressly released from this responsibility by the appropriate public agency.

FEES AND DEPOSITS

55. The applicant shall pay the City's established fees for plan checking and construction inspection. Fee amounts shall be those in effect when the applicant makes application for plan checking and permits.