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PLANNING COMMISSION RESOLUTION 2004-020

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA QUINTA, CALIFORNIA, APPROVING A REQUEST TO CONSTRUCT A 2-STORY, 15,525 SQUARE FOOT OFFICE BUILDING ON A 0.30 ACRE SITE WITHIN THE VILLAGE COMMERCIAL ZONING DISTRICT.

**CASE NO.: VILLAGE USE PERMIT 2004-021
APPLICANT: CORONEL ENTERPRISES**

WHEREAS, the Planning Commission of the City of La Quinta, California, did, on the 9th day and 23rd day of March, 2004 hold duly noticed Public Hearings to consider a request by Coronel Enterprises to construct a two-story, 15,525 square foot office building on a 0.30 acre site at the southwest corner of Calle Tampico and Avenida Navarro, more particularly described as follows:

APNs: 773-076-005 & 007

WHEREAS, said Village Use Permit 2004-021 is Categorically Exempt from environmental review pursuant to provisions of Section 15332 (Class 32) of the California Environmental Quality Act (CEQA), in that the proposed project is an in-fill project less than five acres in size and meets all applicable General Plan and zoning requirements and, therefore, will have no permanent effects on the environment; and

WHEREAS, at said Public Hearing, upon hearing and considering all testimony and arguments, if any, of all interested persons desiring to be heard, said Planning Commission did make the following mandatory findings pursuant to Section 9.65.040 of the Zoning Code to justify approval of said Village Use Permit:

1. **Consistency with the General Plan:** The proposed project is consistent with the goals and policies of the General Plan in that the proposed use is an allowed use within the designated Village Commercial area.
2. **Consistency with the Zoning Code:** The proposed project is consistent with the Zoning Code in that the proposed use is a permitted use in the Village Commercial District with approval of a Village Use Permit by the Planning Commission.
3. **Compliance with CEQA:** The proposed use is Categorically Exempt from environmental review pursuant to provisions of Section 15332 (Class 32) of the California Environmental Quality Act (CEQA), in that the proposed project is an in-fill project less than five acres in size and meets all applicable General Plan and zoning requirements and, therefore, will have no permanent effects on the environment; and

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4. Surrounding Uses: Approval of the Village Use Permit will not create conditions materially detrimental to the public health, safety and general welfare or be injurious to, or incompatible with, other properties or land uses in the vicinity in that the proposed building will be compatible with existing office uses in the immediate area.
5. Architectural Design: The architectural design of the project, including, but not limited to, the architectural style, scale, building mass, materials, colors, architectural details, roof style, and other architectural elements are compatible with surrounding development in that the proposed building appears similar in nature to other structures in the immediate area and is in keeping with the character of the Village Design Guidelines.

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

1. That the above recitations are true and correct and constitute the findings of the Planning Commission for this Village Use Permit;
2. That it does hereby approve Village Use Permit 2004-021 for the reasons set forth in this Resolution and subject to the attached Conditions of Approval;

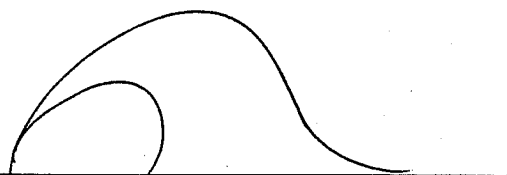
PASSED, APPROVED and ADOPTED at a regular meeting of the La Quinta Planning Commission held on this 23rd day of March, 2004, by the following vote, to wit:

AYES: Commissioners Abels, Daniels, Quill, Tyler, and Chairman Kirk

NOES: None

ABSENT: None

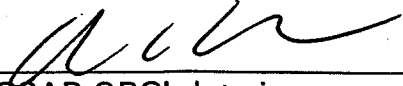
ABSTAIN: None



TOM KIRK, Chairman
City of La Quinta, California

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ATTEST:



OSCAR ORCI, Interim
Community Development Director
City of La Quinta, California

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GENERAL

1. The use of this site shall be in conformance with the approved exhibits contained in Village Use Permit 2004-021, unless otherwise amended by the following conditions.
2. This Village Use Permit allows the construction of a two-story, 15,525 square foot office building on a 0.30-acre site. The applicant shall comply with all building code requirements.
3. The applicant shall obtain approval of a Parcel Merger for the two lots associated with this project prior to obtaining a building permit.
4. The applicant shall comply with the City's Dark Sky ordinance. Any proposed lighting on the building or in the parking lot shall be shielded so that light is projected downward and not onto adjacent properties or the street.
5. Landscaping plans for the building shall comply the City's Water Efficient Landscaping Ordinance for this project, and as approved by the Planning Commission. Said landscaping plans shall include a complete irrigation system showing location and size of water lines, valves, clock timer, type of sprinkler, etc. Prior to the issuance of any building permits, the landscape plans shall also be approved by Coachella Valley Water District and Agricultural Commissioner before final approval by the Community Development Department.
6. The exterior materials and colors of the building shall match those approved by the Planning Commission.
7. The site shall be monitored during on- and off-site trenching and rough grading by qualified archaeological monitors. Proof of retention of monitors shall be given to the City prior to issuance of first trenching, earth-moving or clearing permit, whichever occurs first.
8. The final report on the monitoring shall be submitted to the Community Development Department prior to the final inspection for the project.
9. Collected archaeological resources shall be properly packaged for long term curation, in polyethylene self-seal bags, vials, or film cans as appropriate, all within acid-free, standard size, comprehensively labeled archive boxes and

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delivered to the City prior to issuance of first building permit for the property. Materials will be accompanied by descriptive catalogue, field notes and records, primary research data, and the original graphics.

10. The applicant 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 Village Use Permit. The City shall have sole discretion in selecting its defense counsel.

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

11. Prior to the issuance of any permit by the City, the applicant shall obtain the necessary permits and/or clearances from the following 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)
- SunLine Transit Agency

The applicant is responsible for all requirements of the permits and/or clearances from the above listed agencies. When the requirements include approval of improvement plans, applicant shall furnish proof of such approvals when submitting the improvement plans for City approval.

PROPERTY RIGHTS

12. Prior to the issuance of any permit(s), the applicant shall acquire, or confer, those easements, and other property rights necessary for the construction and/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 the maintenance, construction and reconstruction of essential improvements.

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13. The applicant shall offer for dedication those easements necessary for the placement of, and access to, utility lines and structures, drainage basins, mailbox clusters, parklands, and common areas shown on the Village Use Permit.
14. The applicant shall furnish proof of easements, or written permission, as appropriate, from those owners of all abutting properties on which grading, retaining wall construction, permanent slopes, or other encroachments will occur.
15. The applicant shall cause no easement to be granted, or recorded, over any portion of the subject property between the date of approval of this Village Use Permit and the date of final acceptance of the on-site and off-site improvements for this Village Use Permit, unless such easement is approved by the City Engineer.

IMPROVEMENT PLANS

As used throughout these Conditions of Approval, professional titles such as "engineer," "surveyor," and "architect" refer to persons currently certified or licensed to practice their respective professions in the State of California.

16. Improvement plans shall be prepared by or under the direct supervision of qualified engineers and/or architects, as appropriate, and shall comply with the provisions of Section 13.24.040 (Improvement Plans), LQMC.
17. The following improvement plans shall be prepared and submitted for review and approval by the City. A separate set of plans for each line item specified below shall be prepared. The plans shall utilize the minimum scale specified, unless otherwise authorized by the City Engineer in writing. Plans may be prepared at a larger scale if additional detail or plan clarity is desired. Note: the applicant may be required to prepare other improvement plans not listed here pursuant to improvements required by other agencies and utility purveyors.

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|----|----------------------------|---------------------|
| A. | On-Site Rough Grading Plan | 1" = 40' Horizontal |
| B. | Village Use Permit Plan | 1" = 30' Horizontal |

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Other engineered improvement plans prepared for City approval that are not listed above shall be prepared in formats approved by the City Engineer prior to commencing plan preparation.

"Village Use Permit" plans shall normally include all on-site surface improvements including but not necessarily limited to finish grades for curbs & gutters, sidewalks, building floor elevations, parking lot improvements and ADA requirements for the parking lot and access to the building; and showing the existing street improvements out to at least the center lines of adjacent existing streets including ADA accessibility route to parking facilities and public streets.

18. The City maintains standard plans, details and/or construction notes for elements of construction. For a fee, established by City resolution, the applicant may purchase such standard plans, detail sheets and/or construction notes from the City.
19. The applicant shall furnish a complete set of the AutoCAD files of all complete, approved improvement plans on a storage media acceptable to the City Engineer. The files shall be saved in a standard AutoCAD format so they may be fully retrievable through a basic AutoCAD program.

At the completion of construction, and prior to the final acceptance of the improvements by the City, the applicant shall update the AutoCAD files in order to reflect the as-built conditions.

Where the improvement plans were not produced in a standard AutoCAD format, or a file format, which can be converted to an AutoCAD format, the City Engineer will accept raster-image files of the plans.

DRAINAGE

20. The applicant shall comply with the provisions of Section 13.24.120 (Drainage), LQMC, Engineering Bulletin No. 97.03. More specifically, stormwater falling on site during the 100-year storm shall be retained within the development, unless otherwise approved by the City Engineer. The tributary drainage area shall extend to the centerline of adjacent public streets. The design storm shall be either the 3-hour, 6 hour or 24 hour event producing the greatest total run off.

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21. In design of retention facilities, the maximum percolation rate shall be two inches per hour. The percolation rate will be considered to be zero unless the applicant provides site specific data indicating otherwise.
22. The project shall be designed to accommodate purging and blowoff water (through underground piping and/or retention facilities) 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.
23. No fence or wall shall be constructed around any retention basin unless approved by the Community Development Director and the City Engineer.
24. For on-site common retention basins, retention depth shall be according to Engineering Bulletin 97.03, and side slopes shall not exceed 3:1 and shall be planted with maintenance free ground cover. Nuisance water shall be retained on site.
25. Stormwater may not be retained in landscaped parkways or landscaped setback lots. Only incidental storm water (precipitation which directly falls onto the setback) will be permitted to be retained in the landscape setback areas. The perimeter setback and parkway areas in the street right-of-way shall be shaped with berms and mounds, pursuant to Section 9.100.040(B)(7), LQMC.
26. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development.
27. The development shall be graded to permit storm flow in excess of retention capacity to flow out of the development through a designated overflow and into the historic drainage relief route.
28. Storm drainage historically received from adjoining property shall be received and retained or passed through into the historic downstream drainage relief route.

UTILITIES

29. The applicant shall obtain the approval of the City Engineer for the location of all utility lines within any right-of-way, and all above-ground utility structures including, but not limited to, traffic signal cabinets, electric vaults, water

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valves, and telephone stands, to ensure optimum placement for practical and aesthetic purposes.

30. Underground 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 all utility trench compaction for approval by the City Engineer.

PARKING LOTS AND ACCESS DRIVEWAYS

31. The design of parking facilities shall conform to LQMC Chapter 9.150 (Parking) and the latest ADA standards and policies.
32. Direct vehicular access to Calle Tampico from frontage along Calle Tampico is restricted.
33. Direct vehicular access to Avenida Navarro from frontage along Avenida Navarro is restricted, except for the access point identified on the VUP 2004-021 Site Plan, or as otherwise conditioned in these conditions of approval.

34. The high point of the access driveway to the parking lot shall be at least one foot higher than the gutter flow line at the street.

QUALITY ASSURANCE

35. The applicant shall employ construction quality-assurance measures that meet with the approval of the City Engineer.
36. The applicant shall employ, or retain, qualified engineers, surveyors, and other appropriate professionals as are required to provide the expertise with which to prepare and sign accurate record drawings, and to provide adequate construction supervision.
37. The applicant shall arrange for, and bear the cost of, all measurements, sampling and testing procedures not included in the City's inspection program, but which may be required by the City, as evidence that the construction materials and methods employed comply with the plans, specifications and other applicable regulations.

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38. Upon completion of construction, the applicant shall furnish the City with reproducible record drawings of all improvement plans which, were approved by the City. Each sheet shall be clearly marked "Record Drawing," "As-Built" or "As-Constructed" and shall be stamped and signed by the engineer or surveyor certifying to the accuracy and completeness of the drawings. The applicant shall have all AutoCAD or raster-image files previously submitted to the City, revised to reflect the as-built conditions.

FEES AND DEPOSITS

39. Permits issued under this approval shall be subject to the provisions of the Development Impact Fee program in effect at the time of issuance of building permit(s).