

RESOLUTION NO. 2001-101

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LA QUINTA, CALIFORNIA, APPROVING MODIFICATION TO
VILLAGE USE PERMIT 2000-005, REDUCING THE
MAXIMUM HOTEL BUILDING HEIGHT**

**CASE NO.: MODIFICATION TO VILLAGE USE PERMIT 2000-005
APPLICANT: SANTA ROSA PLAZA, LLC**

WHEREAS, the City Council of the City of La Quinta, California, did on the 6th day of February 2001, consider and approve the application of Santa Rosa Plaza, LLC to develop a 145-room hotel and perimeter improvements on a portion of a 14.3 acre site by adopting the following four resolutions: (1) Resolution No. 2001-08, certifying a mitigated negative declaration of environmental impact for Environmental Assessment 2000-406 prepared for Specific Plan 2000-050, Village Use Permit 2000-005 and Tentative Parcel Map 29909; (2) Resolution No. 2001-09, approving design guidelines and development standards for development of a hotel, casitas and commercial retail/office space on 14.3 acres; (3) Resolution No. 2001-10, approving Village Use Permit 2000-005 to allow development of a 145-room hotel and perimeter improvements; and (4) Resolution No. 2001-11, approving Tentative Parcel Map 29909 to allow the subdivision of 14.3 acres into nine numbered lots and two lettered lots (collectively, the "Previously Approved Project"); and

WHEREAS, a lawsuit entitled *Conserve Our Village Environment v. City of La Quinta*, Riverside County Superior Court Case No. INC 021658 (the "COVE Lawsuit"), was filed subsequently by petitioners COVE and Kimberly Bird challenging the City's actions in certifying the Mitigated Negative Declaration for the Previously Approved Project; and

WHEREAS, prior to any determination by the Superior Court on the merits of the COVE Lawsuit, Santa Rosa Plaza, LLC and the petitioners reached a settlement, whereby the COVE Lawsuit was dismissed with prejudice, in exchange for the project applicant agreeing to certain design modifications of the Previously Approved Project, limiting the maximum height of the main hotel building to four stories and fifty-five feet, rather than the previously approved six stories and seventy-eight feet; and

WHEREAS, to implement the settlement agreement in the COVE Lawsuit, the project applicant filed a proposed modification of Village Use Permit 2000-005 with the City's Community Development Director, as required by Municipal Code Section 9.200.090. This modification maintains the same number of hotel rooms as previously approved, but reduces the maximum height of the hotel to four stories and fifty-five feet as required by the parties' settlement agreement (the "Revised Project");

and

WHEREAS, after reviewing the application, and in light of the prior litigation concerning the Previously Approved Project, the City's Community Development Director elected to refer the application to the original decision-making authority, the City Council, as provided for in Municipal Code Section 9.200.090; and

WHEREAS, the City has prepared an Addendum/Initial Study to examine the potential environmental effects of the proposed modification to Village Use Permit 2000-005 and to evaluate whether the Revised Project could have any new or more severe potential adverse environment effects beyond what was considered in the previously certified Mitigated Negative Declaration for the Previously Approved Project; and

WHEREAS, the City has complied with the requirements of the California Environmental Quality Act ("CEQA"), the CEQA Guidelines, and "The Rules to Implement the California Environmental Quality Act of 1970" (as amended; Resolution 83-68 adopted by the La Quinta City Council), in that: (1) the City has prepared an Addendum/Initial Study and determined that the Revised Project will not have any new or substantially more severe adverse environmental effects than the Previously Approved Project; (2) none of the circumstances permitting or warranting a subsequent environmental impact report or new mitigated negative declaration are present; and (3) the previously certified Negative Declaration for the Previously Approved Project, when considered with the Addendum/Initial Study, is adequate to fully address all potentially adverse environmental effects of the Revised Project; and

WHEREAS, upon hearing and considering all testimony and arguments of all interested persons desiring to be heard, said City Council did find the following facts, findings, and reasons to justify approval of the proposed modification to Village Use Permit 2000-005:

1. The proposed modification to the Village Use Permit is consistent with the City's General Plan in that the site is designated for Village Commercial. The use is consistent with the goals and policies and intent of the General Plan Land Use Element (Chapter 2) provided the previously imposed conditions are met.
2. The approval of this modification to the Village Use Permit is consistent with the Zoning Code and Specific Plan, in that construction of the hotel and perimeter improvements will conform to development standards outlined in Specific Plan 2000-050 namely parking, lighting, building height, setbacks and landscaping. The building height has been substantially reduced from the

maximum height permitted under Specific Plan 2000-005.

3. The application to modify Village Use Permit 2000-005 has been processed in compliance with CEQA.
4. The modification to Village Use Permit 2000-005 will not create conditions materially detrimental to the public health, safety and general welfare or injurious to, or incompatible with other land uses in that all potentially negative impacts of the modified hotel project have been mitigated to a level of insignificance through the previously adopted mitigation measures, including any potential impacts on aesthetics and visual resources, and the modification further reduces the potential for impacts by lowering the height of the structures.
5. The modification to Village Use Permit 2000-005 complies with the architectural design standards for Specific Plan 2000-050, and implements the architectural style, materials, colors, architectural details, and other architectural elements contained in that document, and in the Village Commercial Development Standards.
6. The design of the Revised Project is compatible with the surrounding development and the quality of design required in the Village at La Quinta Design Guidelines, in that it encourages pedestrian circulation, and provides site design elements which are compatible with surrounding properties and land uses.
7. The Revised Project is consistent with the landscaping standards and palette in Specific Plan 2000-050, and will provide plantings of sufficient size, variety and coverage to provide visual relief, screen undesirable views, and provide a harmonious transition to adjacent land uses, in conformance with the Village at La Quinta Design Guidelines.

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 the City Council does hereby approve the proposed modification to Village Use Permit 2000-005 to allow development and architectural design of a 145-room hotel and perimeter improvements, limited to a maximum height of four stories and fifty-five feet, and subject to the previously approved Conditions of

Approval which are incorporated by this reference, with the modification to Condition No. 69 attached hereto.

PASSED, APPROVED and ADOPTED at a regular meeting of the La Quinta City Council, held on this 7th day of August 2001, by the following vote, to wit:

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

NOES: Council Member Adolph

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 2001-101
CONDITIONS OF APPROVAL
VILLAGE USE PERMIT 2000-005
SANTA ROSA PLAZA
AUGUST 7, 2001**

Condition No. 69 shall be revised to read as follows:

69. Prior to the issuance of building permits the architectural plans shall be modified as follows:
- A. Windows throughout the building shall be recessed a minimum of 8 inches.
 - B. On the east, west and north elevations, on walls where no windows or other surface relief occur, the walls shall be embellished with either raised banding, medallions or other appropriate articulation at regular intervals.
 - C. No portion of the "ridgeline" of the main hotel building shall exceed 48 feet in height. No portion of the main hotel building shall exceed 48 feet in height except as follows: The center architectural tower/pediment shall have a maximum height of 55 feet. The main hotel building may have up to four additional architectural tower/pediments, two of which may have a maximum height of 52 feet, and two of which may have a maximum height of 50 feet. All height measurements shall be made from 42 feet above mean sea level.