



City of La Quinta

CITY / SA / HA / FA MEETING DATE: February 18, 2014

AGENDA CATEGORY:

ITEM TITLE: ADOPT RESOLUTION TO APPROVE TENTATIVE MAP 36539-R, A REVERSION TO ACREAGE CONSOLIDATING PARCEL MAP 29052

BUSINESS SESSION:

CONSENT CALENDAR:

STUDY SESSION:

PUBLIC HEARING: 2

RECOMMENDED ACTION:

Adopt City Council Resolution No. 2014-___ approving Tentative Map 36539-R, a reversion to acreage consolidating Parcel Map 29052, subject to the attached Findings and Conditions of Approval.

EXECUTIVE SUMMARY:

- Lundin Development Company, the owner and developer of the vacant lot at the northwest corner of Avenue 50 and Jefferson Street (Attachment 1), recorded Final Parcel Map 29052 (Attachment 2) in 1999 and entered into subdivision improvement agreements for the construction of on-site and off-site infrastructure.
- The project was originally to be anchored by a major supermarket; however, that has not happened and the time extensions for the agreements have now lapsed.
- The developer has requested that the parcel map be undone by reverting the property to its un-subdivided state, which would allow the City to release all obligations for the construction of future infrastructure.
- Staff supports this request since it will allow the developer to pursue other development options that may be better suited for this site.

FISCAL IMPACT:

This action will release the developer from existing bonds for: streets and storm drainage (\$207,000), water (\$306,000), sewer (\$110,000), perimeter and median

landscaping (\$385,000), underground electric and pole relocation (\$180,000), and traffic signal (\$32,500). The total bond amount including plan design and contingency is \$1.8 million. All off-site improvements have been made for Jefferson Street; however, Avenue 50 is not widened along this property's frontage. If the off-site bond is released, the City will have to fund these improvements if the widening is desired ahead of future development of this site.

BACKGROUND/ANALYSIS

On August 24, 1999, Lundin Development Company entered into subdivision improvement agreements, which expired on September 20, 2012. The developer had planned the property for a major supermarket-anchored retail shopping center. The major supermarket has abandoned these plans in their entirety and sold that parcel back to the original developer. No replacement project has been determined. The developer is not in a position to construct the on-site and off-site infrastructure that is an obligation of the final map, nor to pay the bond premiums associated with these obligations and is therefore requesting a reversion to acreage (Attachment 3) at this time. Reversion to acreage is a means of recombining land which was previously subdivided. It also nullifies the rights and/or obligations effected by the previous subdivision.

The construction of all public and private improvements will be conditioned as part of a future development of the site.

Public Agency Review

This request was sent to all applicable City departments and affected public agencies. All applicable comments have been incorporated in the recommended Conditions of Approval.

Public Notice

This project was advertised in *The Desert Sun* newspaper on January 7 and 14, 2014, and notices were mailed to all property owners within 500 feet of the site. To date, no comments have been received from adjacent property owners. Any written comments received will be handed out at the public hearing.

Environmental Review

The Planning Division has determined that this project is categorically exempt under the California Environmental Quality Act, Section 15301 – Class 1 (c).

ALTERNATIVES:

In order to facilitate future development of this site, staff does not recommend an alternative action.

Report prepared by: Edward J. Wimmer, P.E., Principal Engineer

Report approved for submission by: Timothy R. Jonasson, P.E.
Public Works Director/City Engineer

- Attachments:
1. Vicinity Map
 2. Parcel Map 29052
 3. Reversion to Acreage Map 36539R

RESOLUTION 2014 -

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LA QUINTA, CALIFORNIA, APPROVING TENTATIVE MAP
36539-R, A REVERSION TO ACREAGE TO
CONSOLIDATE PARCEL MAP 29052**

**CASE NO.: REVERSION TO ACREAGE RA 12-006 (36539-R)
APPLICANT: BLP DESERT, LP AND BL 2, LP**

WHEREAS, the City Council of the City of La Quinta, California, did on the 18th day of February 2014, hold a duly noticed Public Hearing to consider the request of BLP Desert, LP and BL 2, LP, a Reversion to Acreage to consolidate the land within Parcel Map 29052 by means of Tentative Map 36539-R, generally located at the northwest corner of Jefferson Street and Avenue 50, more particularly described as:

PARCEL MAP 29052

WHEREAS, the Planning Commission of the City of La Quinta, California, did on the 14th of January 2015, adopt Planning Commission Resolution 2014-001, recommending to the La Quinta City Council approval of Tentative Parcel Map 36539-R, a Reversion to Acreage (2012-006) of Parcel Map 29052; and,

WHEREAS, said Reversion to Acreage has complied with the requirements of the "Rules to Implement the California Environmental Quality Act of 1970" as amended (Resolution 83-63), in that the Planning Division has determined that the proposed Reversion to Acreage is exempt from CEQA review under Guidelines Section 15305 (Minor Alterations in Land Use Limitations); and,

WHEREAS, the Public Works Department published the public hearing notice in *The Desert Sun* newspaper on the 7st day of February 2014, as prescribed by the Municipal Code. Public hearing notices were also mailed to all property owners within 500 feet of the site; and

WHEREAS, at said public hearing, upon hearing and considering the staff report, staff presentation, all project exhibits, and testimony and arguments, if any, of all interested persons wanting to be heard, said City Council did make the following mandatory findings recommending approval of said Reversion to Acreage:

Finding A – All owners of an interest in the real property within the subdivision have consented to reversion.

The property owner, BLP Desert, LP and BL 2, LP are the sole owners of the real property in question and have requested this reversion to acreage.

Finding B – None of the improvements required have been made within two years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is the later.

Parcel Map 29052 was recorded by the County of Riverside on the 13th day of December, 1999. The applicant has not made any of the required improvements under Parcel Map 29052.

Finding C – No lots shown on the final or parcel map have been sold within five years from the date such map was filed for record.

BLP Desert, LP and BL 2, LP are the sole owners of the properties of Parcel Map 29052.

Finding D – The dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes.

No necessary prior dedications will be abandoned by the reversion to acreage.

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 grant approval of Tentative Map 36539-R, as referenced in the title of this Resolution, for the reasons set forth in this Resolution, and subject to the Conditions of Approval as attached.

PASSED, APPROVED and ADOPTED at a regular meeting of the La Quinta City Council held on this 18th day of February 2014, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DON ADOLPH, Mayor
City of La Quinta California

ATTEST:

SUSAN MAYSELS, City Clerk
City of La Quinta, California

(CITY SEAL)

APPROVED AS TO FORM:

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

RESOLUTION NO. 2014 -

**CONDITIONS OF APPROVAL
REVERSION TO ACREAGE RA 2012-006
TENTATIVE MAP 36539-R
BLP DESERT, LP AND BL2, LP
FEBRUARY 18, 2014**

GENERAL

1. The applicant agrees to defend, indemnify and hold harmless the City of La Quinta ("City"), its agents, officers and employees from any claim, action or proceeding to attack, set aside, void, or annul the approval of this Reversion to Acreage with associated Tentative Parcel Map, or any Final Map recorded thereunder. The City shall have sole discretion in selecting its defense counsel.

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

2. This Reversion to Acreage with associated Tentative Parcel Map 36539-R, and any Final Map recorded thereunder, shall comply with the requirements and standards of Government Code §§ 66410 through 66499.58 (the "Subdivision Map Act") and Chapter 13 of the La Quinta Municipal Code ("LQMC").

The City of La Quinta's Municipal Code can be accessed on the City's Web Site at www.la-quinta.org.

3. Prior to the issuance of any grading or construction permit by the City, the applicant shall obtain any necessary clearances and/or permits from the following agencies:

- Fire Marshal
- Public Works Department (Grading Permit, Improvement Permit)
- Planning Division
- Riverside Co. Environmental Health Department
- Desert Sands Unified School District
- Coachella Valley Water District (CVWD)
- Imperial Irrigation District (IID)
- California Regional Water Quality Control Board (CRWQCB)

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Tentative Map No. 36539-R
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- South Coast Air Quality Management District Coachella Valley

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, the applicant shall furnish proof of such approvals when submitting those improvements plans for City approval.

A project-specific NPDES construction permit must be obtained by the applicant who then shall submit a copy of the Regional Water Quality Control Board's ("RWQCB") acknowledgment of the applicant's Notice of Intent ("NOI"), prior to the issuance of a grading or site construction permit by the City.

4. The applicant shall comply with applicable provisions of the City's NPDES stormwater discharge permit, Sections 8.70.010 et seq. (Stormwater Management and Discharge Controls), and 13.24.170 (Clean Air/Clean Water), LQMC; Riverside County Ordinance No. 457; and the State Water Resources Control Board's Order No. 99-08-DWQ.

- A. For construction activities including clearing, grading or excavation of land that disturbs one (1) acre or more of land, or that disturbs less than one (1) acre of land, but which is a part of a construction project that encompasses more than one (1) acre of land, the Permittee shall be required to submit a Storm Water Pollution Protection Plan ("SWPPP").

The applicant or design professional can obtain the California Stormwater Quality Association SWPPP template at www.cabmphandbooks.com for use in their SWPPP preparation.

- B. The applicant's SWPPP shall be approved by the City Engineer prior to any on or off-site grading being done in relation to this project.
- C. The applicant shall ensure that the required SWPPP is available for inspection at the project site at all times through and including acceptance of all improvements by the City.
- D. The applicant's SWPPP shall include provisions for all of the following Best Management Practices ("BMPs") (8.70.020 (Definitions), LQMC):
 - 1) Temporary Soil Stabilization (erosion control).

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- 2) Temporary Sediment Control.
 - 3) Wind Erosion Control.
 - 4) Tracking Control.
 - 5) Non-Storm Water Management.
 - 6) Waste Management and Materials Pollution Control.
- E. All erosion and sediment control BMPs proposed by the applicant shall be approved by the City Engineer prior to any onsite or offsite grading, pursuant to this project.
- F. The approved SWPPP and BMPs shall remain in effect for the entire duration of project construction until all improvements are completed and accepted by the City.

PROPERTY RIGHTS

5. Prior to issuance of any permit(s), the applicant shall acquire or confer easements and other property rights necessary for the 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 offer for dedication on the Final Map all public street rights-of-way in conformance with the City's General Plan, Municipal Code, applicable specific plans, and/or as required by the City Engineer.
7. The applicant shall offer for dedication those easements necessary for the placement of, and access to, utility lines and structures, and drainage basins on the Final Map.
8. 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.

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9. The applicant shall cause no easement to be granted, or recorded, over any portion of the subject property between the date of approval of the Tentative Parcel Map and the date of recording of any Final Map, unless such easement is approved by the City Engineer.

FINAL PARCEL MAP

10. Prior to the City's approval of a Final Map, the applicant shall furnish accurate mylars of the Final Map that were approved by the City's map checker on a storage media acceptable to the City Engineer.

IMPROVEMENT PLANS

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

11. If the City Engineer requires the developer to prepare improvement plans, the 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.
12. If the City Engineer requires the developer to prepare improvement plans, the applicant shall furnish a complete set of the mylars of all approved improvement plans.

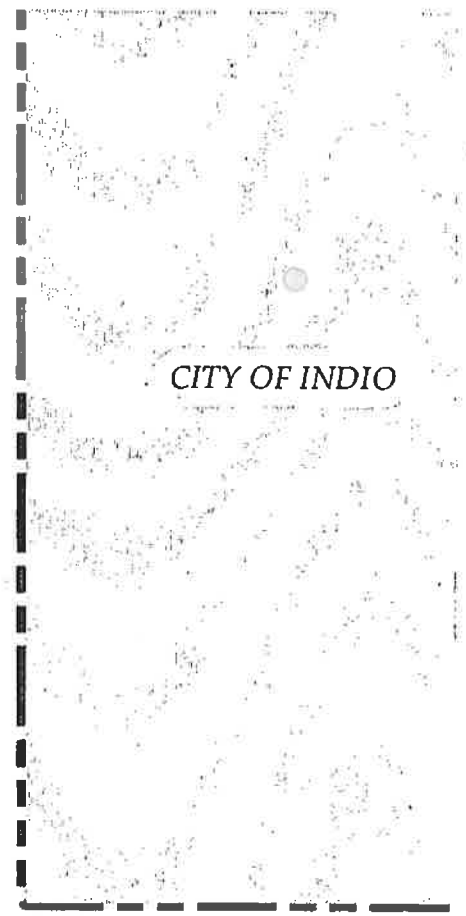
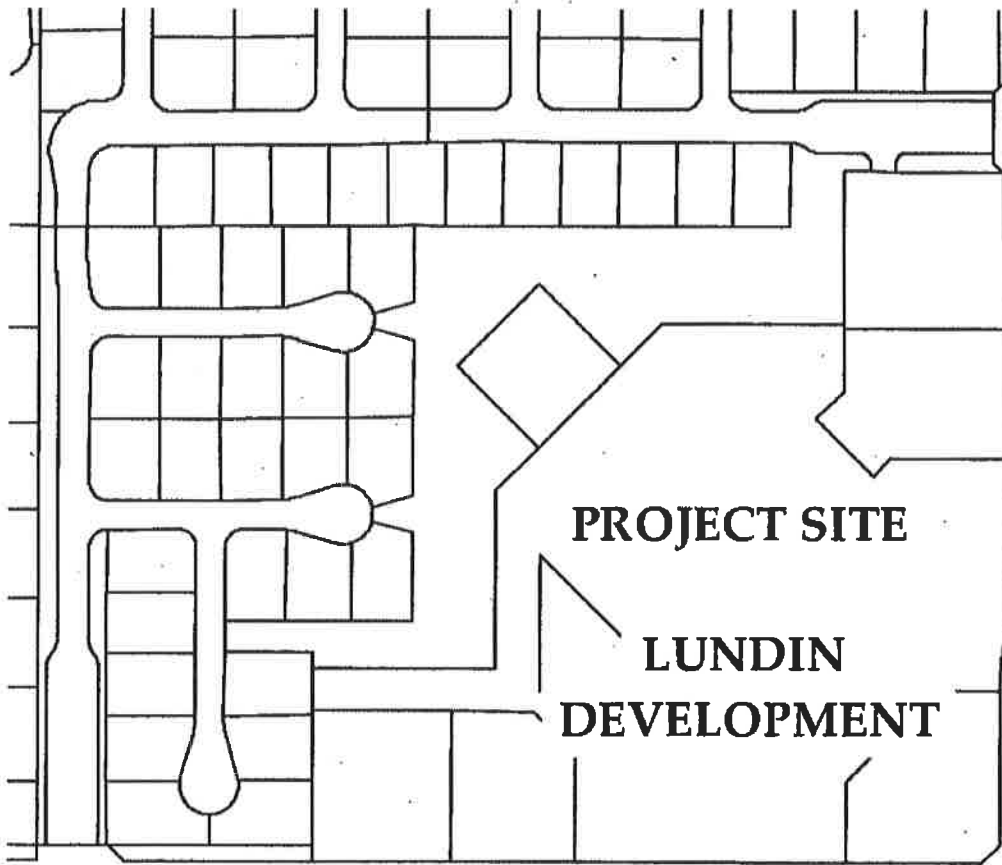
DRAINAGE

13. Stormwater handling shall be approved by the City Engineer to conform with the approved hydrology and drainage reports associated with the Grading Plan for this Reversion to Acreage and Tentative Parcel Map 36539-R.

MAINTENANCE

14. The applicant shall be responsible for the cleaning and removal of tracked out gravel and dirt on the adjacent public rights-of-way.

PARCEL MAP NO. 29052



JEFFERSON ST



VICINITY MAP

PARCEL MAP NO. 29052

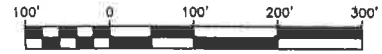
CITY OF LA QUINTA
Parcel Map No
99059

THE EAST HALF OF THE SOUTH FIVE-EIGHTHS OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 5 SOUTH, RANGE 7 EAST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF.



PALM DESERT, CALIFORNIA
MAY 1999

GRAPHIC SCALE



1 inch = 100 feet

BASIS FOR BEARINGS

THE BASIS FOR BEARINGS SHOWN ON THIS MAP IS THE EAST LINE OF SECTION 32, T 5 S, R 7 E, PER R.S. 73/83, BEING N00°02'42"W

THIS MAP CONTAINS 7 PARCELS AND 2 LETTERED LOTS.

GROSS AREA = 14.87 ACRES
NET AREA = 12.52 ACRES

NOTE:
THIS MAP IS EXEMPT FROM THE FINAL MAP REQUIREMENTS OF THE SUBDIVISION MAP ACT IN THAT THE AREA MAPPED IS ZONED COMMERCIAL.

FD. 1" I.P. W/TAG LS 4146 (FLUSH) PER CR 94-133 ACCEPTED AS NE COR. S 5/8, SE 1/4 SEC. 32 PER RS 73/83, CR 94-133

FD. 1" I.P. W/TAG RCE 23256 (DN. 0.8') ACCEPTED AS NW COR. S 5/8, SE 1/4 SEC. 32 PER CR 94-133

N89°25'01"W 1322.95' (N89°24'27"W 1322.91')
1262.95'

SIGNATURE OMISSIONS

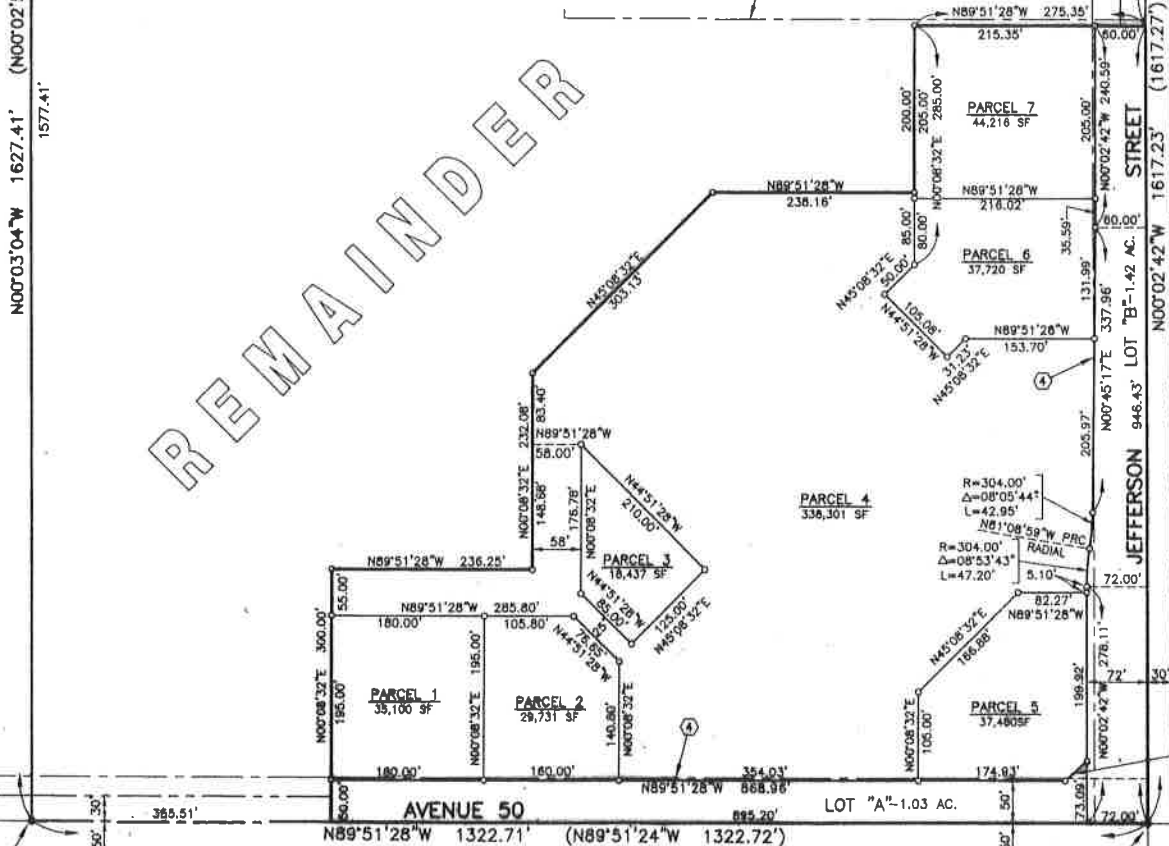
- ① A BLANKET EASEMENT IN FAVOR OF THE PUBLIC, HELD BY THE COACHELLA VALLEY WATER DISTRICT FOR PUBLIC ROADS, PRIVATE EASEMENTS AND RIGHTS-OF-WAY FOR ROADS, PIPELINES, DITCHES AND CONDUITS EXISTING FOR THE PURPOSE OF INGRESS AND EGRESS FROM OTHER LANDS BY MEANS OF SUCH ROADS AND FOR THE PURPOSE OF CONVEYING IRRIGATING AND DOMESTIC WATER TO SUCH OTHER LANDS BY MEANS OF SUCH PIPELINES, DITCHES, AND CONDUITS.
- ② 30-FOOT WIDE PUBLIC EASEMENTS ALONG THE EAST AND SOUTH LINES FOR PUBLIC HIGHWAYS PER INSTRUMENT NO. 32692 RECORDED APRIL 17, 1959, RIVERSIDE COUNTY OFFICIAL RECORDS.
- ③ CENTERLINE OF A 10-FOOT WIDE EASEMENT IN FAVOR OF GENERAL TELEPHONE COMPANY OF CALIFORNIA FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES PER INSTRUMENT NO. 72088 RECORDED JUNE 19, 1975, RIVERSIDE COUNTY OFFICIAL RECORDS.
- ④ CENTERLINE OF AN EASEMENT NOT TO EXCEED 8- FEET IN EITHER DIRECTION FROM THE CENTERLINE IN FAVOR OF IMPERIAL IRRIGATION DISTRICT FOR PUBLIC UTILITIES, INGRESS AND EGRESS, AND INCIDENTAL PURPOSES PER INSTRUMENT NO. 286824 RECORDED NOVEMBER 12, 1986, RIVERSIDE COUNTY OFFICIAL RECORDS.
- ⑤ EASEMENT FOR DITCHES OR CANALS IN FAVOR OF UNITED STATES PER BOOK 7, PAGE 210 OF PATENTS. (NOT PLOTTABLE)

LEGEND

- ✦ INDICATES MONUMENT FOUND AS NOTED
- ✧ INDICATES SET 1" IRON PIPE, 18" LONG, TAGGED R.C.E. 23256, FLUSH
- (-) INDICATES RECORD DATA PER R.S. 73/83
- ④ INDICATES EASEMENT REFERENCE NUMBER

N00°03'04"W 1627.41' (N00°02'57"W 1627.51')
1577.41'

REMAINDER PARCEL



FD. 1" I.P. W/TAG RCE 23256 (FLUSH) PER CR 94-133, ACCEPTED AS SW COR. S 5/8, SE 1/4, SEC. 32 PER RS 73/83, CR 94-133
FD. 3/4" I.P. (DN. 0.7')
0.2' E PER RS 73/83

FD. 1" I.P. W/TAG LS 3369 (DN. 0.2') NO REF. FOR TAG ACCEPTED AS SE COR. SEC. 32 PER RS 73/83, CR 94-133

