

ATTACHMENT #1
RESOLUTION NO. 2024-____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS,
CALIFORNIA, APPROVING TENTATIVE PARCEL MAP NO. 38976 TO
SUBDIVIDE A 1.06 ACRE RESIDENTIAL LOT INTO THREE NEW SINGLE-
FAMILY LOTS WITHIN THE VINTAGE CLUB FOR WHICH THE PROJECT
HAS BEEN FOUND TO BE EXEMPT FROM THE PROVISIONS OF CEQA
PURSUANT TO CEQA GUIDELINES SECTION 15315, MINOR LAND
DIVISIONS**

WHEREAS, VLMK Engineering + Design (the "Applicant") has filed an application with the City of Indian Wells (the "City") for approval of Tentative Parcel Map No. 38976 for the subdivision of an existing 1.06 acre residential parcel in the Vintage Club into three (3) separate residential parcels; and

WHEREAS, on April 25, 2024, the Planning Commission held a duly noticed public hearing and recommended City Council approve Tentative Parcel Map No. 38976; and

WHEREAS, on May 16, 2024, the City Council carefully considered all information pertaining to the Project, including Planning Commission's recommendation, the staff report, project plans and specifications, and approved the Project in accordance with Section 20.28.010(c) of its Municipal Code; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF INDIAN WELLS
RESOLVES AS FOLLOWS:**

SECTION 1. The Recitals above are true and correct and are hereby adopted as findings as if fully set forth herein.

SECTION 2. In accordance with Section 20.16.070(c) of the City of Indian Wells Municipal Code, the following findings for approving Tentative Parcel Map No. 38976 are made:

1. The proposed tentative parcel map complies with all the requirements of the zoning regulations and applicable general and specific plans.

FACT: The proposed tentative parcel map is consistent with The Vintage Club Master Plan and City's General Plan Land Use and Zoning designation for the site. The proposed tentative parcel map would effectively restore a 1.06-acre residential parcel back to its configuration of three (3) single-family residential lots as originally approved by Tract Map 14968-12 in 1984. Consistent with minimum lot area and size requirements for the City's RVLZ zoning, each resulting lot will be over 12,000 sq. ft. with lot depth and width exceeding 100-feet. The subdivision of the parcels as proposed by the tentative parcel map will not result in a change to the existing land use of the site or the type of residential development permitted on the site.

2. The requirements imposed upon the subdivision would not render infeasible the development of housing for all segments of the economic community and that the

effect of any actions on the map considers the housing needs of the region and is balanced against the public service needs of its residents and available fiscal and environmental resources.

FACT: The proposed tentative parcel map would not render infeasible the development of housing in the local community or region as it will facilitate the subdivision of an existing single residential lot into three (3) separate residential lots, resulting in a net gain of two (2) new residential lots available within The Vintage Club residential community.

3. The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

FACT: The subdivision of the parcels as proposed by Tentative Parcel Map 38976 will not result in a change to the existing residential use or character of the subject property or surrounding community. The resulting residential parcels will continue to permit natural heating and cooling opportunities for future single-family developments.

4. The subdivision site is physically suitable for the proposed development and all conditions of approval will ensure that the site is physically suitable for the type of development proposed.

FACT: The site is located within a residential neighborhood within The Vintage Club and meets minimum lot area and size requirements of the RVL zone. The conditions of approval attached as Exhibit "A" shall ensure the site continues to be physically suitable for future residential uses on site and compatible with the surrounding neighborhood.

5. The Tentative Parcel Map complies with all the requirements of Title 20, Subdivisions, of the Indian Wells Municipal Code.

FACT: Unless otherwise waived by the City, as part of the approval process, the Tentative Parcel Map, and any Final Map recorded thereunder, shall be made to comply with the requirements and standards of Government Code §§ 66410 through 66499.58 (the "Subdivision Map Act"), and the requirements of Title 20 of the Indian Wells Municipal Code (IWMC).

6. The subdivision design is not likely to cause serious public health problems as the improvements are consistent with General Plan and Zoning Designations.

FACT: Tentative Parcel Map 38976 will not result in a change to the existing residential development of the site and surrounding neighborhood. The new parcels have been designed in conformance with the minimum lot depth, width, and area requirements and future residential development shall conform to the City's RVL Zoning standards.

7. The proposed improvements for the subdivision will not conflict with any easement acquired by the public at large for access through the subdivision.

FACT: The subject property is within the private gated community of The Vintage Club. There is no public access or easements affecting the subject property or immediate surrounding properties. Utility easements exist along all front lot lines of

the proposed parcels and side lot lines of Parcel 3 and Parcel 1 that will remain in place as a dedication on Tentative Parcel Map 38976 and will continue in perpetuity.

SECTION 3. 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 City, acting as Lead Agency, has determined the Tentative Parcel Map qualifies as being Categorically Exempt from CEQA pursuant to Section 15315, Minor Land Divisions.

SECTION 4. The City Council **ADOPTS** the Resolution approving Tentative Parcel Map No. 38976 subject to the Conditions of Approval listed on Exhibit "A" attached hereto and by this reference incorporated herein.

SECTION 5. This Resolution shall take effect upon adoption.

SECTION 6. 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 16th day of May 2024.

GREG SANDERS
MAYOR

CERTIFICATION FOR RESOLUTION NO. 2024-____

I, Angelica Avila, 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 16th day of May 2024, by the following vote:

AYES:

NOES:

ATTEST:

APPROVED AS TO FORM:

ANGELICA AVILA
CITY CLERK

TODD LEISHMAN FOR
BEST BEST & KRIEGER LLP
CITY ATTORNEY

EXHIBIT "A"

Conditions of Approval
Tentative Parcel Map No. 38976

May 16, 2024

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 approved plans, 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. 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 plan check review.
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 fee, park or open space fees, school fees, drainage fees, sewer fees, TUMF fee, local CVMSHP development impact fee, building permit and plan check fees.

7. Approval of Tentative Parcel Map No. 38976 shall be used within three (3) years after final approval, or it shall become null and void unless the time limit to record the parcel map is extended by the State or City Council per Municipal Code Section 20.16.111. The phrase "be used" above for the proposed Project is to mean the recordation of the subject final parcel map.
8. All applicable Covenants, Conditions and Restrictions (CC&Rs) recorded as part of The Vintage Club shall apply to each parcel in Tentative Parcel Map No. 38976.
9. Approval of this request shall not waive compliance with all applicable sections of the Indian Wells Municipal Code, all other applicable City ordinances, and applicable specific plans. The Applicant shall comply with all of the foregoing.
10. Within fifteen (15) 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.

ENVIRONMENTAL:

11. Pursuant to Public Resources Code Section 21089 and Fish and Game Code Section 711.4, the Applicant shall pay those fees marked [X] below via electronic invoice within 5 days of City Council approval. Project approval shall not be complete until the required fee(s) is (are) paid:
 - [X] \$ 51.14 - "Administrative Fee" to file the Notice of Exemption with Riverside County Clerk and Office of Planning and Research
 - [] \$ 2,181.25 - "Fish & Game Filing Fee" (if applicable)

TENTATIVE PARCEL MAP:

12. A Final Map shall be prepared by or under the supervision of a registered civil engineer or licensed land surveyor and must be processed through the City of Indian Wells Public Works Department and approved by the City Council prior to the Map being filed with the County Recorder.
13. The Tentative Parcel Map shall be based on a field survey in conformity with the Professional Land Surveyors Act.
14. Prior to the City's approval of a Final Map, the Applicant shall furnish accurate mylars of the Final Map that have been reviewed and approved by the City Surveyor. The Final Map shall be 1" = 40' scale.

15. This Tentative Parcel Map, 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 Title 20 of the Indian Wells Municipal Code (IWMC).
16. In accordance with Government Code 66436, prior to filing maps with the County Recorder, the Coachella Valley Water District (District) shall be provided the opportunity to review and comment on the Map if the District or the United States Bureau of Reclamation (USBR) has easements or other interests. Evidence of District review shall be provided to the Public Works Department in the form of a Subdivision Map Act and Non-Interference Clearance letter.
17. If required by the Subdivision Map Act, the District, the City of Indian Wells, or any other entity, the Final Map shall include signature(s) by authorized representative(s) of the District.

SITE IMPROVEMENTS

18. All Public Works requirements shall be complied with as a condition of development as specified in the Indian Wells Municipal Code (IWMC) prior to building permit.
19. Prior to permit applications, applicant shall apply for updated addresses for each new lot.
20. Apply and obtain a grading permit with appropriate security prior to building permit issuance. A grading plan signed and stamped by a Calif. Registered Civil Engineer is for each lot. A grading permit shall still be obtained so that a cursory drainage and flow pattern inspection can be conducted before grading begins.
21. Applicant to provide erosion control measures as part of their grading plan. The applicant shall contribute to protection of storm water quality and meet the goals of the BMP in the Whitewater River Region Stormwater Management Plan. (SWMP)
22. On-site drainage shall be conveyed to a public facility or accepted by adjacent property owners by a letter of drainage acceptance or conveyed to a drainage easement.
23. All natural drainage traversing the site shall be conveyed through the site, or shall be collected and conveyed by a method approved by the City Engineer.
24. Evidence of the existence of separate sewer and water service laterals serving proposed Parcels 1, 2 and 3 shall be provided to the Public Works Department prior to filing the Final Parcel Map with the County Recorder. Written certification of said existing service laterals by a Registered Civil Engineer of Licensed Land Surveyor shall be deemed to be in compliance with this requirement.
25. In accordance with the City's Franchise Agreement for waste disposal & recycling, the applicant shall be required to contract with Burrtec for removal and disposal of

- all waste material, debris, vegetation and other rubbish generated during cleaning, demolition, clear and grubbing or all other phases of construction.
26. The applicant shall implement NPDES Best Management Practices during and after construction to prevent discharge of pollutants into the storm drain system.
 27. For relocation 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.
 28. The Applicant shall, as applicable as determined by the Community Development Director, 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.
 29. Proposed pad elevations for Parcels 1, 2 and 3 shall comply with the previously established elevations as shown on the approved Grading Plan.
 30. In accordance with the City of Indian Wells Policy Guidelines for Geotechnical & Geologic Reports for Single-Family Residential Developments (latest revision), all proposed structures shall accommodate at least 1.25 inches of differential settlement over a 50 feet distance expressed as an angular distortion of 1:480.
 31. 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 connected to any block walls surrounding the property. This will 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.

END OF CONDITIONS