

**CONDITIONS OF APPROVAL - FINAL  
TENTATIVE PARCEL MAP 36269  
KOMAR DESERT PROPERTIES, LLC  
MARCH 4, 2010**

**FINDINGS**

1. California Environmental Quality Act - The La Quinta Planning Director has determined that the proposed Tentative Parcel Map 36269 implements Specific Plan 2005-075, which was assessed under the Environmental Impact Report (SCH #2005081060) prepared for said Specific Plan, and certified on January 4, 2006. No changed circumstances or conditions are proposed which would trigger the preparation of subsequent analysis pursuant to Public Resources Code 21166, as this project implements Specific Plan 2005-075.
2. General Plan Consistency - The proposed Tentative Parcel Map conforms to the design guidelines and standards of the General Plan for Regional Commercial (RC) designated properties, as set forth in the Land Use Element, as it subdivides existing approved RC land uses.
3. Public Easements - The design of the proposed Tentative Parcel Map will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision, in that reciprocal access and fire suppression maintenance needs will be provided for within the project and to adjacent public streets.
4. Design of the Subdivision - The design of the proposed Tentative Parcel Map complies with the La Quinta General Plan and Specific Plan 2005-075, in that the proposed parcels are in conformance with applicable goals, policies, and development standards, as governed by the Specific Plan for the overall project. The average FAR of 0.22 for all buildings within the map boundaries is consistent with the average overall Specific Plan FAR of 0.35.
5. Suitability of the Site - The proposed design of the Tentative Parcel Map is physically compatible with the site with regards to level topography for the subject property, as the site is built out and no new development is proposed.
6. Public Health - The proposed Tentative Parcel Map will not result in any increased hazard to public health or welfare, as the design has been reviewed by the appropriate responsible agencies for health and safety issues, with none identified, and the subdivision will not result in any further development within its boundary.
7. Parcel Map Required - A Parcel Map and Final Map are required based on the

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Subdivision Map Act, Section 66426(f), and under authority of the City of La Quinta Subdivision Ordinance (Title 13, Section 13.20.020.A; La Quinta Municipal Code).

CONDITIONS OF APPROVAL

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 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 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"), Chapter 13 of the La Quinta Municipal Code ("LQMC") and Conditions of Approval for Specific Plan 2005-075, Parcel Map No. 33960 and Site Development Permit 2006-874.

The City of La Quinta's Municipal Code can be accessed on the City's Web Site at [www.la-quinta.org](http://www.la-quinta.org).

3. This Tentative Parcel Map shall expire on March 4, 2012, unless recorded or granted a time extension pursuant to the requirements of La Quinta Municipal Code 9.200.080 (Permit expiration and time extensions).
4. Approval of this Tentative Parcel Map shall not be construed as approval for any horizontal dimensions implied by any site plans or exhibits unless specifically identified in the following conditions of approval.
5. Developer shall reimburse the City, within thirty (30) days of presentment of the invoice, all costs and actual attorney's fees incurred by the City Attorney to review, negotiate and/or modify any documents or instruments required by these conditions, if Developer requests that the City modify or revise any documents or instruments prepared initially by the City to effect these conditions. This obligation shall be paid in the time noted above without deduction or offset and Developer's failure to make such payment shall be a

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material breach of the Conditions of Approval.

**PROPERTY RIGHTS**

6. Prior to acceptance of the final parcel map, the applicant shall acquire or confer easements and other property rights necessary for 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. Said conferred rights shall also include grant of access easement to the City of La Quinta for the purpose of graffiti removal by City staff or assigned agent in perpetuity and agreement to the method to remove graffiti and to paint over to best match existing. The applicant shall establish the aforementioned requirements in the CC&R's for the development or other agreements as approved by the City Engineer. Pursuant to the aforementioned, the applicant shall submit and execute an "AUTHORIZATION TO REMOVE GRAFFITI FROM PRIVATE PROPERTY" form located at the Public Works Department Counter prior to Certificate of Occupancy.

Specifically, the applicant shall ensure that fire suppression-related improvements are adequately maintained under private agreement(s) with the individual parcel owners and/or the common area maintenance association. The instrument(s) establishing the requirement for private maintenance shall be incorporated into the CC&R's, which shall be subject to review by Riverside County Fire Department, La Quinta Public Works, and the City Attorney.

7. Pursuant to the aforementioned condition, conferred rights shall include approvals from the master developer over easements and other property rights necessary for proper functioning of the proposed development not limited to access rights over proposed and/or existing private drive aisles that access public streets and open space/drainage facilities of the master development.
8. When the City Engineer determines that access rights to the proposed street rights-of-way shown on the approved Tentative Parcel Map are necessary prior to approval of the Final Map dedicating such rights-of-way, the applicant shall grant the necessary rights-of-way within 60 days of a written request by the City.
9. The perimeter landscaping setbacks along Highway 111 has been dedicated by Parcel Map 33960 and therefore is not required by this tentative parcel map.

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

10. The applicant shall offer for dedication those easements necessary for the placement of, and access to, utility lines and structures, drainage basins, mailbox clusters, park lands, and common areas on the Final Map.
11. Direct vehicular access to Highway 111 and drive aisles accessing Highway 111 from lots with frontage along Highway 111 and drive aisles accessing Highway 111 is restricted, except for those access points identified on the tentative Parcel map, or as otherwise conditioned in these conditions of approval. The vehicular access restriction shall be shown on the recorded final Parcel map.
12. 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 MAPS**

13. 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. The Final Map shall be 1" = 40' scale.

**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.

14. 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 LQMC Section 13.24.040 (Improvement Plans).
  - A. A Water Quality Management Plan (WQMP) Exemption Form was submitted to the Public Works Department by Komar Desert Properties, LLC.

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**IMPROVEMENT SECURITY AGREEMENTS**

15. Improvements conditioned under Parcel Map No. 33960 and SDP 2006-874 have been completed and security obligations have been released.

**PUBLIC SERVICES**

16. DELETED.
17. All fire suppression equipment shall be privately maintained by the respective property owner(s) of benefit, as per Condition #6 under PROPERTY RIGHTS.

**MAINTENANCE**

18. The applicant shall comply with the provisions of LQMC Section 13.24.160 (Maintenance).
19. The applicant shall maintain ongoing provisions for the continuous and perpetual maintenance of perimeter landscaping up to the curb, access drives, and sidewalks.

**FEES AND DEPOSITS**

20. The applicant shall comply with the provisions of LQMC Section 13.24.180 (Fees and Deposits). These fees include all deposits and fees required by the City for plan checking and construction inspection. Deposits and fee amounts shall be those in effect when the applicant makes application for plan check and permits.