

**PLANNING COMMISSION RESOLUTION 2006-005**

**A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF LA QUINTA, CALIFORNIA, APPROVING  
THE SUBDIVISION OF A 13,238 SQUARE FOOT LOT  
INTO THREE PARCELS**

**CASE NO.: TENTATIVE PARCEL MAP 33954  
F. H. LABRANCHE, JR.**

**WHEREAS**, The Planning Commission of the City of La Quinta, California, did on the 24<sup>th</sup> day of January, 2006, hold a duly noticed Public Hearing to consider the request of F. H. LaBranche, for the subdivision of a 13,238 square foot lot into three parcels, located on the north side of Calle Amigo, one lot east of Avenida Bermudas, more particularly described as:

**ASSESSOR'S PARCEL NUMBER 770-182-004**

**WHEREAS**, said Tentative Parcel Map 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 Community Development Department has determined that the proposed Village Use Permit is exempt from CEQA review under Guidelines Section 15332 (Infill Development); and,

**WHEREAS**, the Community Development Department published the public hearing notice in the Desert Sun newspaper on January 13, 2006, 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 all testimony and arguments, if any, of all interested persons wanting to be heard, said Planning Commission did make the following Mandatory Findings to justify approving Tentative Parcel Map 33954:

1. The Tentative Parcel Map with its improvements and design, is consistent with the General Plan in that its street design and parcels are in conformance with applicable goals, policies, and will provide adequate infrastructure and public utilities.
2. The design of the parcel map and its proposed improvements are not likely to create environmental damage or substantially and avoidably injure wildlife or their habitat because the site does not contain significant biological resources.
3. The design of the subdivision and subsequent improvements are not likely to cause serious public health problems because the construction of three live/work units at this location will not have considerable cumulative

Planning Commission Resolution 2006-005  
Tentative Parcel Map 33954  
F. H. LaBranche  
January 24, 2006

impacts. The project is consistent with the General Plan, and the potential impacts associated with General Plan buildout.

4. The design of the parcel map and the proposed types of improvements will not conflict with easements acquired by the public at large, for access through or use of the property within the subdivision in that none presently exist and access is provided within the project and to adjacent public streets.

**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 constitute the findings of the Planning Commission in this case;
2. That the Planning Commission does hereby approve Tentative Parcel Map 33954, subject to the attached Conditions of Approval.

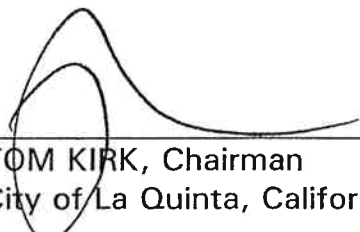
**PASSED, APPROVED, and ADOPTED** at a regular meeting of the La Quinta Planning Commission, held on this 24<sup>th</sup> day of January, 2006, by the following vote, to wit:

**AYES:** Commissioners Alderson, Daniels, Ladner, Quill, and Chairman Kirk

**NOES:** None


**ABSENT:** None

**ABSTAIN:** None



TOM KIRK, Chairman  
City of La Quinta, California

**ATTEST:**



DOUGLAS R. EVANS  
Community Development Director  
City of La Quinta, California

**PLANNING COMMISSION RESOLUTION 2006-005  
CONDITIONS OF APPROVAL - APPROVED  
TENTATIVE PARCEL MAP 33954 - F. H. LABRANCHE, JR.  
ADOPTED: JANUARY 24, 2006**

GENERAL

1. 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.
  
2. 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, Green Sheet (Public Works Clearance) for Building Permits, Improvement Permit)
  - Community Development Department
  - Riverside Co. Environmental Health Department
  - Desert Sands Unified School District
  - Coachella Valley Water District (CVWD)
  - Imperial Irrigation District (IID)
  - California Water Quality Control Board (CWQCB)
  - SunLine Transit Agency
  - SCAQMD 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, applicant shall furnish proof of such approvals when submitting the improvement plans for City approval.

3. 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.

PROPERTY RIGHTS

4. 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.

Planning Commission Resolution 2006-005  
Conditions of Approval - APPROVED  
Tentative Parcel Map 33954  
F. H. LaBranche, Jr.  
Adopted: January 24, 2006

5. The applicant shall offer for dedication on the Final Map all public street right-of-ways in conformance with the City's General Plan, Municipal Code, applicable specific plans, and/or as required by the City Engineer.
6. The public street right-of-way offers for dedication required for this development include:
  - A. PUBLIC STREETS
    - 1) Calle Amigo (Local Street, 50' ROW) – No additional right of way is required.
7. 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 shown on the Village Use Permit.
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.
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 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.
10. The applicant shall have prospective buyers of Parcels 1 through 3 of Tentative Parcel Map No. 33954 enter into reciprocal access and maintenance agreements to shared handicap parking stalls. Said access easements shall be shown on the recorded Final Parcel Map.

#### FINAL MAPS

11. Prior to the City's approval of a Final Map, the applicant shall furnish accurate AutoCAD files of the Final Map that was approved by the City's map checker on a storage media acceptable to the City Engineer. Such files shall be in a standard AutoCAD format so as to be fully retrievable into a basic AutoCAD program.

Where a Final Map was not produced in an AutoCAD format, or produced in a file that can be converted to an AutoCAD format, the City Engineer will accept a raster-image file of such Final Map. The Final Map shall be of a 1" = 40' scale.

12. Prior to the City's approval of a Final Map, the applicant shall provide a covenant restricting the sale or transfer of the three parcels until conditions of occupancy have been issued for the live/work units. Said covenant shall be reviewed and approved by the Community Development Department. Upon approval, said covenant shall be recorded with the Final Map.

### 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.

13. 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.
14. 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.

A. On-Site Precise Grading Plan 1" = 20' Horizontal

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.

On-Site Precise Grading 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 surrounding buildings, parking facilities and public streets.

Planning Commission Resolution 2006-005  
Conditions of Approval - APPROVED  
Tentative Parcel Map 33954  
F. H. LaBranche, Jr.  
Adopted: January 24, 2006

15. The City maintains standard plans, detail sheets and/or construction notes for elements of construction which can be accessed via the Online Engineering Library at the City website ([www.la-quinta.org](http://www.la-quinta.org)). Navigate to the Public Works Department home page and look for the Online Engineering Library hyperlink.
16. 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.

#### GRADING

17. Prior to occupancy of the project site for any construction, or other purposes, the applicant shall obtain a precise grading permit approved by the City Engineer.
18. To obtain an approved grading permit, the applicant shall submit and obtain approval of all of the following:
  - A. A precise grading plan prepared by a qualified engineer or architect,
  - B. A preliminary geotechnical ("soils") report prepared by a qualified engineer, and
  - C. A Fugitive Dust Control Plan prepared in accordance with Chapter 6.16 (Fugitive Dust Control), LQMC.

All grading shall conform to the recommendations contained in the Preliminary Soils Report, and shall be certified as being adequate by a soils engineer, or by an engineering geologist.

The applicant shall furnish security, in a form acceptable to the City, and in an amount sufficient to guarantee compliance with the approved Fugitive Dust Control Plan provisions submitted with its application for a grading permit.

Planning Commission Resolution 2006-005  
Conditions of Approval - APPROVED  
Tentative Parcel Map 33954  
F. H. LaBranche, Jr.  
Adopted: January 24, 2006

19. The applicant shall maintain all open graded, undeveloped land in order to prevent wind and/or water erosion of such land. All open graded, undeveloped land shall either be planted with interim landscaping, or stabilized with such other erosion control measures, as were approved in the Fugitive Dust Control Plan.
20. Prior to the issuance of a building permit for any building lot, the applicant shall provide a lot pad certification stamped and signed by a qualified engineer or surveyor.
21. The driveway approach high point shall be a minimum of 9 inches above the gutter flow line per the Engineering Department requirements.

#### DRAINAGE

21. Nuisance water shall be retained on site and disposed of in an underground drainage system to a drywell system as approved by the City Engineer.

#### STREET AND TRAFFIC IMPROVEMENTS

22. The applicant shall comply with the provisions of Sections 13.24.060 (Street Improvements), 13.24.070 (Street Design - Generally) & 13.24.100 (Access For Individual Properties And Development), LQMC for public streets; and Section 13.24.080 (Street Design - Private Streets), where private streets are proposed.
23. No additional street improvements is required, except for:
  - A. Calle Amigo
    - 1) Construct a 6-foot wide sidewalk adjacent to curb along the Calle Amigo boundary. The sidewalk design shall be approved by the Public Works Department and Community Development Department. The sidewalk shall be constructed prior to occupancy of the first unit.

The applicant shall advise the prospective owners of its continuing obligation to maintain the sidewalk located in the public right of way adjacent to its property in a good state of repair pursuant to Streets & Highways Code Section 5610.

Planning Commission Resolution 2006-005  
Conditions of Approval - APPROVED  
Tentative Parcel Map 33954  
F. H. LaBranche, Jr.  
Adopted: January 24, 2006

24. The applicant shall design parking spaces fronting the proposed development to incorporate pavement material of a tumbled cobble stone design that are traffic bearing.
25. Improvements shall be designed and constructed in accordance with City adopted standards.

### UTILITIES

26. 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 valves, and telephone stands, to ensure optimum placement for practical and aesthetic purposes.
27. 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.
28. The applicant shall design and construct water and sewer improvements within the Calle Amigo right of way as required by CVWD to provide service to the property. The applicant shall contact CVWD regarding said requirements and submit water and sewer improvement plans for their approval.

The applicant shall provide certified reports of all utility trench compaction for approval by the City Engineer.

### LANDSCAPING

29. The applicant shall comply with Sections 13.24.130 (Landscaping Setbacks) & 13.24.140 (Landscaping Plans), LQMC.
30. The applicant shall provide landscaping in the required setbacks and common lots and parkway areas.
31. Landscape and irrigation plans for landscaped lots and setbacks shall be signed and stamped by a licensed landscape architect.



Planning Commission Resolution 2006-005  
Conditions of Approval - APPROVED  
Tentative Parcel Map 33954  
F. H. LaBranche, Jr.  
Adopted: January 24, 2006

32. The applicant shall submit the landscape plans for approval to plan checking by the Public Works Department. When plan checking has been completed by the Public Works Department, the applicant shall obtain the signatures of CVWD and the Riverside County Agricultural Commissioner, prior to submittal for signature by the City Engineer.

NOTE: Plans are not approved for construction until signed by the City Engineer.

33. Landscape areas shall have permanent irrigation improvements meeting the requirements of the City Engineer. Use of lawn areas shall be minimized with no lawn, or spray irrigation, being placed within 18 inches of curbs along public streets.

#### QUALITY ASSURANCE

34. The applicant shall employ construction quality-assurance measures that meet with the approval of the City Engineer.
35. The applicant shall employ, or retain, qualified engineers, surveyors, and such 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.
36. 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.
37. 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

38. 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).

Planning Commission Resolution 2006-005  
Conditions of Approval - APPROVED  
Tentative Parcel Map 33954  
F. H. LaBranche, Jr.  
Adopted: January 24, 2006

39. Prior to completion of any approval process for modification of boundaries of the property or lots subject to these conditions, the applicant shall process a reapportionment of any bonded assessment(s) against the property and pay the cost of such reapportionment.
40. Tentative Tract 33954 shall provide for parks through payment of an in-lieu fee, as specified in Chapter 13.48, LQMC. The in-lieu fee shall be based on the fair market value of the land within the subdivision. Land value information shall be provided to the Community Development Director, via land sale information, a current fair market value of land appraisal, or other information on land value within the subdivision. The Community Development Director may consider any subdivider-provided or other land value information source for use in calculation of the parkland fee.

#### COMMUNITY DEVELOPMENT DEPARTMENT

41. Six foot high decorative block walls shall be provided on the northern property line, as well as on the east and west property line, from the northern site boundary to the courtyard gates.
42. Six foot block walls shall be provided between each of the units in the side yard area.
43. Prior to issuance of building permits, the applicant shall submit to the Community Development Director, for review and approval, landscaping plans for the rear yards which provides for a minimum of one shade tree, a planter area and groundcover.
44. The Architecture and Landscape Review Committee's recommendations for the following shall be maintained in the building plans to the same level as shown in the plans submitted for the Village Use Permit:
  - a. Exterior hand trowelled stucco finish
  - b. Wall cap detailing that can be cobblestone.
  - c. Window surround and doorway surround detailing.
  - d. Mullions for windows and doors
  - e. Bottle trees eliminated from the plant list and alternative trees shall be proposed.
  - f. Tumbled cobble stone for the driveway.
  - g. Mudded Spanish clay tile roof

Planning Commission Resolution 2006-005  
Conditions of Approval - APPROVED  
Tentative Parcel Map 33954  
F. H. LaBranche, Jr.  
Adopted: January 24, 2006

45. A Homeowners' Association (HOA) shall be established, to the satisfaction of the City Attorney, to assure long term maintenance of the parking area, perimeter wall, and front landscaping. The HOA shall be in place prior to the occupancy of any unit within the project.
46. Due to the limited number of on-site parking stalls and size of office space, each office shall be limited to not more than two employees on-site at any given time.
47. The CCR's shall have a disclosure statement regarding the location of the project adjacent to commercial development. Said disclosure shall inform prospective buyers about the noise, traffic, and other activities which may occur in this area.

OTHER AGENCY CONDITIONS

48. The project shall be annexed to Coachella Valley Water District Improvement District Numbers 55 and 82 for sanitation.
49. Plans for grading and landscaping shall be submitted to the Coachella Valley Water District for review.