

FILE COPY

FINDINGS

1. California Environmental Quality Act. The La Quinta Community Development Department has determined that this subdivision is exempt from environmental assessment pursuant to the criteria as listed in Section 15315 of the Guidelines to the California Environmental Quality Act.
2. General Plan Consistency. As conditioned, the proposed tentative parcel map conforms to the design guidelines and standards of the General Plan for Medium Density Residential designated properties, as set forth in the Land Use Element.
3. Public Easements - As conditioned, the design of the proposed subdivision and future improvements will not conflict with easements acquired by the public at large, for access through, or use of, property within the proposed parcel map since legal access is provided from Avenida Obregon. Utility and access easements have been provided for or required in the subdivision design.
4. Design of the Subdivision - As conditioned, the design of the subdivision complies with the requirements of the Residential Cove zoning district.
5. Suitability of the Site - As conditioned, the proposed design of the subdivision is physically compatible with the site with regards to level topography for the type of land use designation and potential development of the subject property, and in consideration of existing residential development in the surrounding area.
6. Public Health - As conditioned, the proposed subdivision 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.

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 Parcel 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, construction, demolition or building permit by the City, the applicant shall obtain the applicable clearances and/or permits 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
- Coachella Valley Unified School District
- Coachella Valley Water District (CVWD)
- Imperial Irrigation District (IID)
- California Water Quality Control Board (CWQCB)
- SunLine Transit Agency
- 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.

4. The applicant shall comply with applicable provisions of the City's NPDES storm water 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.

5. Permits issued under this approval shall be subject to the provisions of the Infrastructure Fee Program and Development Impact Fee program in effect at the time of issuance of building permit(s).

PROPERTY RIGHTS

6. 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.
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 on the Parcel Map.
8. Direct vehicular access to Avenida Orbegon is limited to a single access per parcel or as approved by the City Engineer.
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 Parcel Map, unless such easement is approved by the City Engineer.

PARCEL MAPS

10. Prior to the City's approval of a Parcel Map, the applicant shall furnish accurate AutoCAD files of the Parcel 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 Parcel 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.

IMPROVEMENT PLANS

11. 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.

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.

12. The following plans shall be submitted for each parcel to the Building and Safety Department for review and approval. The plans shall utilize the minimum scale specified, unless otherwise authorized by the Building and Safety Director 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 Residential Precise Grading Plan 1" = 30' Horizontal

Additionally, the applicant will be required to get Public Works/Engineering Department Clearance for Building Permit prior to issuance of any Building Permit.

IMPROVEMENT SECURITY AGREEMENTS

13. Should the applicant fail to construct the improvements for the development, or fail to satisfy its obligations for the development in a timely manner, the City shall have the right to halt issuance of building permits, and/or final building inspections, withhold other approvals related to the development of the project, or call upon the surety to complete the improvements.

GRADING

14. The applicant shall comply with the provisions of Section 13.24.050 (Grading Improvements), LQMC.

15. Prior to occupancy of the project site for any construction, or other purposes, the applicant shall obtain a grading permit approved by the City Engineer.
16. 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 for each parcel,
 - B. A preliminary geotechnical ("soils") report prepared by a qualified engineer,
 - C. A Fugitive Dust Control Plan prepared in accordance with Chapter 6.16, (Fugitive Dust Control), LQMC, and
 - D. A Best Management Practices report prepared in accordance with Sections 8.70.010 and 13.24.170 (NPDES stormwater discharge permit and Storm Management and Discharge Controls), LQMC.
 - E. A recorded final map showing proposed building locations are legal lots.

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.

A statement shall appear on the Final Map that a soils report has been prepared in accordance with the California Health & Safety Code § 17953.

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 as submitted with its application for a grading permit.

17. 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.

18. The applicant shall minimize the differences in elevation between the adjoining properties and the lots within this development.

Where compliance within the above stated limits is impractical, the City may consider alternatives that are shown to minimize safety concerns, maintenance difficulties and neighboring-owner dissatisfaction with the grade differential.

19. Prior to any site grading or regrading that will raise or lower any portion of the site by more than plus or minus three tenths of a foot from the elevations shown on the approved Rough Grading Plan for the Tentative Tract Map, the applicant shall submit the proposed grading changes to the City Staff for a substantial conformance finding review.
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.

Each pad certification shall list the pad elevation as shown on the approved grading plan, the actual pad elevation and the difference between the two, if any. Such pad certification shall also list the relative compaction of the pad soil. The data shall be organized by lot number, and listed cumulatively if submitted at different times. In addition, the applicant shall submit a geotechnical certification for grading plan compliance to the Public Works Department.

UTILITIES

21. The applicant shall comply with the provisions of Section 13.24.110 (Utilities), LQMC.
22. 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.
23. The applicant is required to provide all required connections for each parcel to existing utilities to include but not limited to water, sewer, and electrical.

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

STREET AND TRAFFIC IMPROVEMENTS

25. 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.
26. If applicable, the applicant shall remove all non functional existing driveway approaches on Avenida Obregon adjacent to Parcel 1 and 2 and install curb and gutter per City of La Quinta standards when required. Location of new driveway approaches for Parcels 1 and 2 shall be approved by the Engineering Department and prior to Public Works release for building permit.

QUALITY ASSURANCE

27. The applicant shall employ construction quality-assurance measures that meet with the approval of the City Engineer.
28. 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.
29. 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.

FEES AND DEPOSITS

30. The applicant shall comply with the provisions of Section 13.24.180 (Fees and Deposits), LQMC. 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.

31. Permits issued under this approval shall be subject to the provisions of the Infrastructure Fee Program and Development Impact Fee program in effect at the time of issuance of building permit(s).
32. 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.

COMMUNITY DEVELOPMENT

33. In order to accommodate the existing swimming pool during the interim period between demolition of the existing house and the construction of the new structure, the applicant shall meet the following requirements:
 - a. No more than a one year period may lapse between the date of permitting for the demolition of the existing residential structure and the date of securing a certificate of occupancy for the new residential structure on Parcel 2, as per the Zoning Ordinance, Section 9.270.030 (B).
 - b. In order to ensure compliance with City's non-conformance regulations, applicant shall secure assurances in the form of a \$10,000 bond to reimburse costs associated with the removal of the swimming pool and other code compliance measures, in the event that the completion of the proposed new residence lapses beyond the one-year timeframe as provided for in condition 33(a). The City of La Quinta shall reserve the right to claim this bond assurance at any time should the need to address any code compliance issues arise.
 - c. All existing plumbing, electrical, or other utility lines extending from the pool across the proposed property line must be capped or relocated prior to recordation of the parcel map.
 - d. During the interim period, the applicant shall secure the site with screened, security fencing, and the existing swimming pool shall be drained and capped with a secure, solid cover.

Findings and Conditions of Approval - Approved
Tentative Parcel Map 33991
Mark Green
December 1, 2005

Exhibit "A"

- e. Code Compliance shall conduct routine inspections of the property to ensure compliance with these conditions of approval.