

**MINUTE MOTION 2008-002
CONDITIONS OF APPROVAL – FINAL
SITE DEVELOPMENT PERMIT 2007-895
K. HOVNANIAN HOMES
DATE: JANUARY 22, 2008**

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 development application or any application thereunder. 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. This approval is for the following model plans:

2. This approval is for the following model plans:
Plan 1 -- 2,514+ square feet
Plan 2 – 2,782+ square feet
Plan 3 – 2,974+ square feet
3. Prior to issuance of building permits for any of the units authorized by this approval, final working drawings shall be approved by the Planning Director.
4. This Site Development Permit is valid for two years, unless an extension is applied for and granted by the Planning Commission pursuant to Section 9.200.080 of the Zoning Code.
5. Site Development Permit 2007-895 shall comply with all applicable conditions and/or mitigation measures of EA 2001-417 (Revised), which are incorporated by reference herein for Tract 30092, Amendment #1.

In the event of any conflict(s) between the approved conditions and/or provisions of these approvals, the Planning Director shall determine precedence. No development permits will be issued until compliance with these conditions has been achieved.

6. Prior to the issuance of any grading, construction, or building permit by the City, the applicant shall obtain the necessary clearances and/or permits from the following agencies or departments, as required:
 - Fire Marshal
 - Public Works Department (Grading Permit, Improvement Permits)

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- Planning Department
- Building and Safety Department
- Riverside Co. Environmental Health Department
- Coachella Valley Unified School District
- Coachella Valley Water District (CVWD)
- Riverside County Agricultural Commissioner
- Imperial Irrigation District (IID)

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 improvement plans for City approval.

7. Air conditioning compressors pursuant to Zoning Code requirements cannot be placed in sideyards unless a minimum five foot clearance between compressor and side property line is provided.
8. Final landscaping and irrigation plans shall be prepared by a licensed landscape professional, shall be reviewed by the Architecture and Landscape Review Committee and Public Works Director, and approved by the Planning Director prior to issuance of the first building permit. An application for Final Landscape Plan Check shall be submitted to the Planning Department for final landscape plan review. Said plans shall include all landscaping associated with this project and be in compliance with Chapter 8.13 (Water Efficient Landscaping) of the Municipal Code. The landscape and irrigation plans shall be approved by the Coachella Valley Water District and Riverside County Agriculture Commissioner prior to submittal of the final plans to the Planning Department.
9. Turf for each front yard shall not exceed 50% of the front yard area unless further restricted by CVWD.
10. Replace *Prosopis chilensis* (Chilean Mesquite) tree with an alternate tree species subject to approval of the Planning Director.
11. Common areas including those areas abutting adjacent perimeter streets shall be properly maintained on a continuing basis including immediate replacement of all dead plants by the developer and shall be so maintained until such time the landscaping responsibilities are turned over to the Homeowners Association.

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The applicant shall retain an arborist to inspect all dormant-appearing trees and submit a report on their condition to the Planning Director. Any trees determined to be dead or in poor health shall be replaced immediately.

All dormant common area lawn areas not overseeded shall be immediately overseeded and adequately irrigated to grow.

Interiors of retention basins shall be planted in lawn or covered with other material to the satisfaction of the Planning Director upon completion of any revisions. If no revisions are determined to be needed, planting shall be completed prior to issuance of first building permit.

The above landscaping requirements, unless otherwise specified, shall be completed prior to issuance of first building permit.

12. The parking lot for the new model home complex shall be at least 100' away from the closest existing residential unit. A Minor Use Permit shall be obtained for the model home complex.
13. The depression area in the street asphalt adjacent to the gutter in the area of 57890 Resideza (Lot 34) shall be repaired prior to issuance of the first building permit.
14. Within 60 days of approval of this Site Development Permit, the applicant/developer shall obtain approval of plans to permanently repair, replace, revise and/or otherwise address the existing non-functioning retention basins to be fully functional, consistent with Engineering Bulletin #06-16 (Criteria for Storm Drain Systems) requirements to the satisfaction of the City Engineer. Any required repair, replacement, revision, etc. of the retention basins shall be completed prior to issuance of the 1st building permit allowed by approval of this Site Development Permit. Non-compliance with all provisions of this condition shall result in issuance of new building permits being stopped until the condition is complied with.
15. A decorative safety fence with a lockable gate shall be provided around the two open sides of Lot G retention basin to the satisfaction of the Planning Director.
16. The palm trees along the Avenue 58 perimeter frontage located under the existing utility lines shall be removed and replaced with a variety of trees a growth pattern more conducive to their location beneath the utility lines.

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Tree species, location, size and quantities shall be subject to the approval of the Planning Director. Removal and replacement of said trees shall be completed prior to issuance of first building permit allowed by this approval.

17. All costs to comply with these conditions of approval shall be borne by the applicant/developer