

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: TLMA - Transportation Department

SUBMITTAL DATE:
October 27, 2009

SUBJECT: Approval of Tract Map 34305
A Schedule "A" Subdivision in the Palm Desert Area

RECOMMENDED MOTION: That the Board approve the attached Improvement Agreement and Securities as approved by County Counsel, approve the final map and authorize the Chairman to sign the Improvements Agreements and map for Tract 34305..

BACKGROUND: This map complies in all respects with the provisions of Division 3 of Title 15 of the Government Code and applicable local ordinances. The developer desires to enter into an Improvement Agreement to guarantee the construction of the required improvements and has submitted Improvement Agreement and Securities which have been approved by County Counsel.

Departmental Concurrence

Juan C. Perez
Director of Transportation

HS:lf
Submittals: Final Map
Improvement Agreement

REVIEWED BY EXECUTIVE OFFICE

DATE 11/13/09
VIEWED BY EXECUTIVE OFFICE
Tina Grande

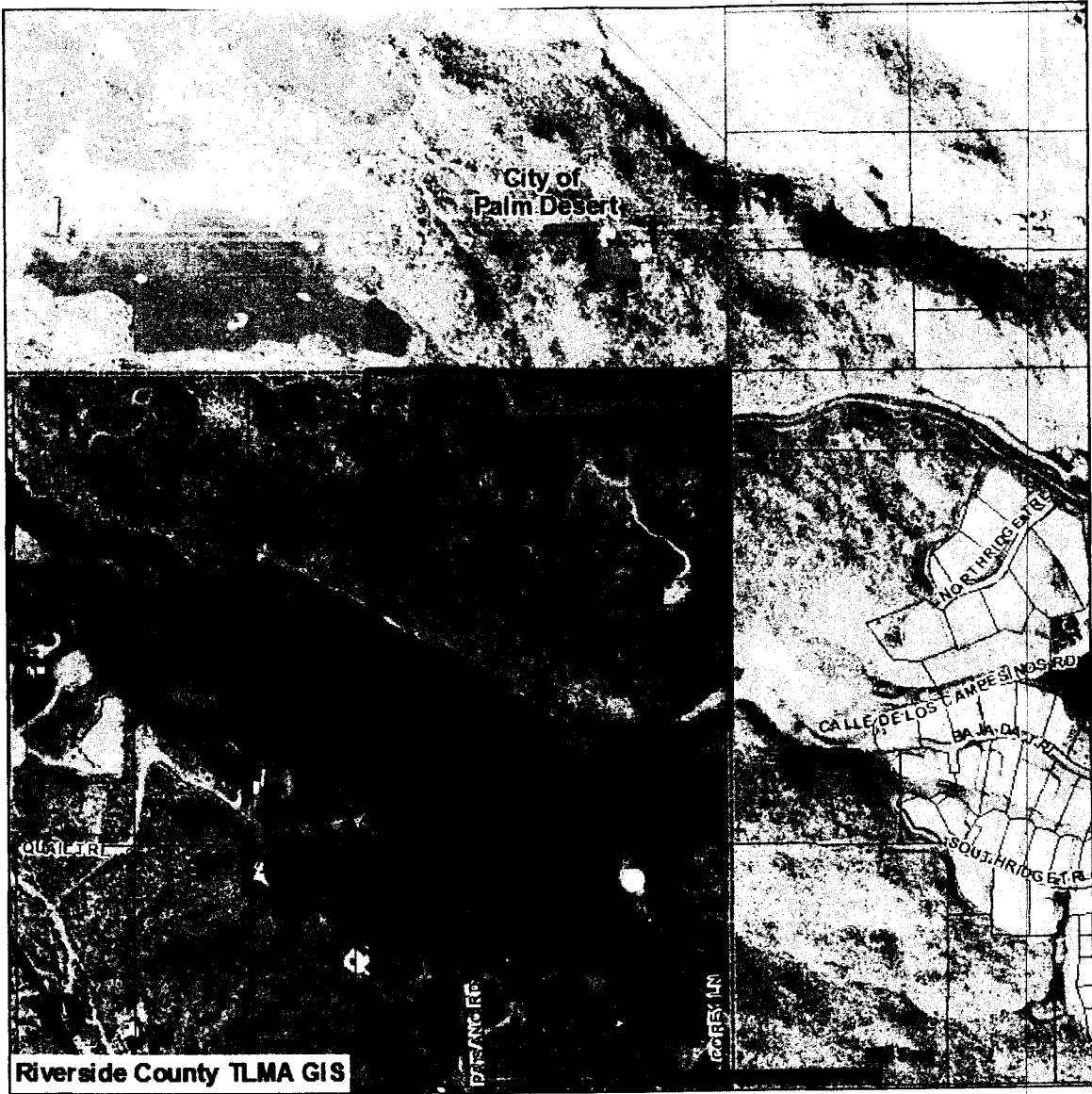
Dep't Recomm.: Consent Policy
Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.

District: 4

Agenda Number:

2.5

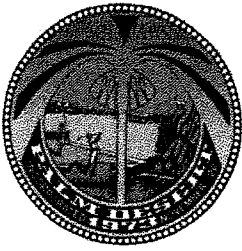


VICINITY MAP

TR 34305

SEC. 36 TWP. 5 S RNG. 5 E

Supervisory District: 4 (Roy Wilson)



CITY OF PALM DESERT

73-510 FRED WARING DRIVE
PALM DESERT, CALIFORNIA 92260-2578
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info@palm-desert.org

20 November 2009

County of Riverside Board of Supervisors
4080 Lemon Street, 1st Floor
Post Office Box 1147
Riverside, California 92502-1147

Honorable Chair and County Supervisors:

RE: Tract map ³⁴³⁰⁵30305 Night Hawk Estates / Stone Haven

The City of Palm Desert respectfully requests that approval of the subject map be continued from 24 November 2009 until such time as the City has had the opportunity to obtain and review materials associated with the project that is the subject of this map.

Consistent with the Conditions of Approval for the project, and with a recent meeting between Supervisor Ashley, Mayor Pro Tem Finerty, and County and City staff, Palm Desert is required to be given 30 days to review materials submitted by the developer before the County takes any action on them. Recordation of the final map is one such action. (A letter confirming the content of that meeting is attached for your information.)

The particular concerns with the map being considered on the 24 November 2009 agenda are as follows:


1. Notes 4, 6, and 10 on Sheet 2 of 6 refer to overhead and/or underground electrical lines. Condition 50.TRANS.31 approved by the Board of Supervisors and required to be met prior to recordation of the final map requires that all electrical, telephone, communication and cable TV lines be placed underground.
2. Condition 50.TRANS.33 requires that the subdivider provide an approval letter from the City of Palm Desert and comply with the recommendations in that letter prior to the recordation of the final map. That condition has not been met. Without access to the final design manual and the CC&Rs, we are unable to review the map meaningfully.
3. Condition 50.PLANNING.11 requires that the final design manual be submitted prior to recordation of the final map, and that the City of Palm Desert be given "a reasonable opportunity (not to exceed 30 days) to comment on the final design

Riverside County Board of Supervisors
Tract Map 34305
20 November 2009
Page Two

manual prior to approval by the Planning Department." This condition has not been met; the City has not been given the final manual or an opportunity to review it.

It is the City's understanding that County staff will provide the final design manual, the CC&Rs, and other relevant documents to the City of Palm Desert on the afternoon of 24 November 2009. The City will review these documents and offer comment promptly thereafter. However, until this opportunity to review and comment upon the final map is afforded, it is premature for the Board of Supervisors to take action on the map.

Sincerely,



JOHN M. WOHLMUTH
CITY MANAGER

/la

Attachment: November 16, 2009 Letter to Supervisor Marion Ashley

cc: City Council Members
Dave Erwin, City Attorney
Ron Goldman
Bob Lyman
John Benoit
Lauri Aylaian
Brian Harnik



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November 16, 2009

Supervisor Marion Ashley
Riverside County Board of Supervisors
4080 Lemon Street, 5th Floor
Riverside, California 92501

Dear Supervisor Ashley:

RE: Tract Map 34305 Night Hawk Estates / Stone Haven

Thank you for making the time to meet with representatives from Palm Desert to discuss our concerns regarding the subject development in Cahuilla Hills. As articulated so well by Mayor Pro Tem Cindy Finerty, the Cahuilla Hills area of Riverside County is surrounded on three sides by the city of Palm Desert, so its development is of utmost concern to us.

This letter is intended to summarize and reaffirm the agreements reached during our meeting on Thursday, November 5, 2009. It will also help to bring incoming Supervisor John Benoit up to speed on the relevant issues, since he will be stepping into the role that you have filled since Supervisor Roy Wilson's resignation in August.

Our meeting with Ron Goldman, Bob Lyman, Jaime Hurtado, Lauri Aylaian, Nancy DeLuna, and Mayor Pro Tem Cindy Finerty established and reaffirmed the following points:


1. The County entered into a settlement agreement with Peter Scheer and Gerhard Befeld that is inconsistent with the final conditions of approval approved by the Riverside County Board of Supervisors approved on January 23, 2009. Chief among the differences are the maximum allowable pad areas.
2. Grading plans were submitted and approved by the County, and grading permits were issued. Lots 1 through 10, plus Lot 12 - a community recreation lot - now have graded pads constructed on them. The engineer of record has produced as-built drawings that depict these completed pads.
3. The as-built drawings show that the size of all pads is consistent with the approved Conditions of Approval. Therefore, the City of Palm Desert takes no exception to the size of the pads. The County represents that no new or enlarged pads are planned for, or will be permitted on, these lots.
4. The City of Palm Desert does not have final jurisdiction on the subject development. However, it is the intent of the County to require that Cahuilla Hills development conform to the highest standards, mirroring though not duplicating, the Palm Desert ordinances governing hillside development.

SUPERVISOR MARION AYLEY
TRACT MAP 34305 NIGHT HAWK ESTATES / STONE HAVEN
NOVEMBER 16, 2009
PAGE 2

5. The final design manual for this project has been submitted to the County by the developer. As required by the Conditions of Approval, the County will submit a copy of the final design manual to the City of Palm Desert for review and comments. The City will be allowed a 30-day review period for the manual.
6. The County has received the proposed Conditions, Covenants and Restrictions (CC&Rs) for the subject project, and will provide a full set to the City for their review and comment. A reasonable period of time, not to exceed 30 days, will be allowed for the City to complete their review.
7. All future grading plans, precise plans, landscaping plans, and building plans for dwellings and accessory structures will be submitted to the City of Palm Desert, as required in the Conditions of Approval, to allow the City an opportunity to review and comment upon them. A 30-day review period shall be afforded the City before public hearings, permit issuance, or any other County approval is granted.
8. Bob Lyman will meet with Lauri Aylaian to share the County files on the subject project in the immediate future. Ms. Aylaian will identify any information that the City would like to copy at the City's expense at that time.
9. Bob Lyman will be the City's point of contact with Riverside County for issues relative to this project.
10. A bonding agreement is the last item that the County needs from the developer before the final map will be presented to the Board of Supervisors for approval and recordation. This final map will not be on the Supervisors' agenda before November 24, 2009.

Thank you once again for your time and interest in this matter. I am providing copies of this letter to all attendees of our meeting, and asking that anyone who believes that it doesn't accurately reflect our agreement notify me within five business days.

Best wishes,


John M. Wohlmut
City Manager

cc: Mayor Pro Tem Cindy Finerty
Planning Commissioner Nancy DeLuna
Ron Goldman, Riverside County Planning Director
Bob Lyman, T.L.M.A. Regional Office Manager
✓ Lauri Aylaian, Director of Community Development
Jaime Hurtado, Legislative Assistant
John Benoit, Incoming County Supervisor