



CITY OF PALM DESERT

73-510 FRED WARING DRIVE
PALM DESERT, CALIFORNIA 92260-2578
TEL: 760 346-0611
FAX: 760 340-0574
info@palm-desert.org

April 16, 2008

Michael LaMelza, President
Royce International Investment Company
73755 Country Club Drive
Palm Desert, CA 92260

Subject: Tract 29489 Villa Portofino

Dear Mr. LaMelza:

On March 31, 2008 a City Council subcommittee toured the Villa Portofino construction site in an effort to study the issues that have been raised recently. The subcommittee noted several items that require your immediate attention:

- There is a green waste stockpile located west of Phase I which lies within clear sight of Villa Portofino, Casa Blanca, and Sevilla residents. This stockpile is in violation of *Municipal Code Section 8.70.180 Stockpiling of Dirt, Other Materials* and must be removed and disposed of properly by April 25, 2008.
- Construction materials and equipment, which we understand to be your property, are being stored on the 13-acre parcel located adjacent to Portola Avenue in full view of the public. This is further violation of *Municipal Code Section 8.70.180 Stockpiling of Dirt, Other Materials* and must be corrected by April 25, 2008.
- The slope located directly south of the Country Club Drive perimeter wall is severely eroded and the wall appears to be in danger of collapsing. This is a violation of *Municipal Code Section 27.28.160 (D) Responsibility of Permittee* and must be repaired by May 2, 2008.
- The grading for the pads along the southerly perimeter of Villa Portofino was observed to be at a higher elevation than shown on the mass grading plan. As currently graded, these pads are significantly higher than the neighboring Casa Blanca properties, which is unacceptable. As indicated by our approval of the mass grading plan, the intent is to match building pad heights for adjacent properties as nearly as possible. At their current elevation, these pads were graded without a valid grading permit. Although the project was issued a borrow site grading permit, it was limited to 8,200 cubic yards of material. Our review of the site found that the approved quantity of earthwork has been significantly

Michael LaMelza, Royce International

April 16, 2008

Page two

exceeded. Since this grading was performed well beyond the limitations of the borrow site grading permit and is out of conformance with the pad elevations shown on the mass grading plan, this soil must be removed and the pads must be constructed in conformance with plans which are yet to be approved by the City Engineer.

Staff has reviewed the various plan submittals and has performed measurements of the sewer line for the proposed units. We have also reviewed the March 31, 2008 letter from Tetra Tech and your letter of the same date and we believe that the Villa Portofino pad heights can be reduced to the elevation shown on the mass grading plan approved on October 10, 2000. We note again here, that as explained to your representatives in a meeting on March 21, 2008, approval of the precise grading plan for Phase II work has been rescinded. The plan was approved in error and no permit was issued for the work depicted therein. Therefore, there are no "rights vested under the existing approved precise grading plan" as your March 31, 2008 letter states.

In order to receive a grading permit for Phase II work, revised precise grading plans with pad elevations in substantial conformance to the mass grading plans must be submitted, reviewed, and approved. The grading plans are to be preceded by submittal of revised site plans, indicating the footprints of existing and proposed buildings and the proposed phasing throughout the Villa Portofino project, for review and approval by the Planning Department. Further, all required bonds, fees, and deposits must be brought current prior to any further processing of the project.

We look forward to your prompt attention to the matters discussed in this letter. Questions may be directed to Mark Greenwood, Director of Public Works, at 760-776-6450.

Sincerely,


Carlos L. Ortega
City Manager

Cc: Mayor and City Council
David J. Erwin, City Attorney
Homer Croy, ACM for Development Services
Lauri Aylaian, Director of Community Development
Mark Greenwood, P.E., Director of Public Works
Bo Chen, P.E., City Engineer
Terry Cechin, Public Works Inspector

/dhl

CITY OF PALM DESERT