**RESOLUTION NO. 99-40**
**CONDITIONS OF APPROVAL - FINAL**
**TENTATIVE TRACT MAP 29122 - MSG ENTERPRISES, INC.**
**MARCH 2, 1999**

GENERAL

1. Upon their approval by the City Council, the City Clerk is directed to file these Conditions of Approval with the Riverside County Recorder for recordation against the properties to which they apply (Assessor Parcel Number 769-440-019).

2. The subdivider 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 tentative map or any final map thereunder. The City shall have sole discretion in selecting its defense counsel.

   The City shall promptly notify the subdivider of any claim, action or proceeding and shall cooperate fully in the defense.

3. Tentative Tract Map 29122 shall comply with the requirements and standards of §§ 66410 through 66499.58 of the California Government Code (the Subdivision Map Act) and Chapter 13 of the La Quinta Municipal Code (LQMC).

4. This map approval shall expire and become null and void on March 2, 2001, unless an extension of time is granted according to the requirements of Section 13.12.150 of the Subdivision Ordinance.

5. Prior to the issuance of a grading, construction or building permit, the applicant shall obtain permits and/or clearances from the following public agencies:

   - Fire Marshal
   - Public Works Department (Grading Permit, 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)

   The applicant is responsible for any requirements of the permits or clearances from those jurisdictions. If the requirements include approval of improvement plans, applicant shall furnish proof of said approvals prior to obtaining City approval of the plans.

The applicant shall comply with applicable provisions of the City's NPDES stormwater discharge permit. For projects requiring project-specific NPDES construction permits, the applicant shall submit a copy of the Notice of Intent received from the CWQCB prior to issuance of a grading or site construction permit. The applicant shall ensure that the required Storm Water Pollution Protection Plan is available for inspection at the project site.

PROPERTY RIGHTS

6. Prior to approval of a final map, the applicant shall acquire or confer easements and other property rights required of the tentative map or otherwise necessary for construction or proper functioning of the proposed development. Conferred rights shall include easements to the City for emergency services.

7. The applicant shall retain the ten-foot public utility easement along Laurel Valley. The easement may be reduced to five feet with the express concurrence of IID.

8. The applicant shall dedicate easements necessary for placement of and access to utility lines and structures.

9. The applicant shall furnish proof of easements or written permission, as appropriate, from owners of any abutting properties on which grading, retaining wall construction, permanent slopes, or other encroachments are to occur.

FINAL MAP(S) AND PARCEL MAP(S)

10. Prior to approval of a final map, the applicant shall furnish accurate AutoCad files of the complete map, as approved by the City's map checker, on storage media and in a program format acceptable to the City Engineer. The files shall utilize standard AutoCad menu items so they may be fully retrieved into a basic AutoCad program.

    If the map was not produced in AutoCad or a file format which can be converted to AutoCad, the City Engineer may accept raster-image files of the map.

IMPROVEMENT AGREEMENT

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.

11. Improvement plans shall be prepared by or under the direct supervision of qualified engineers and landscape architects, as appropriate. Plans shall be submitted on 24" x 36" media in the categories of "Rough Grading" and "Precise Grading." Rough grading plans shall have signature blocks for the City Engineer. Precise grading plans shall have signature blocks for Community Development Director and the Building Official. Plans are not approved for construction until they are signed.
Plans for improvements not listed above shall be in formats approved by the City Engineer.

12. The City may maintain standard plans, details and/or construction notes for elements of construction. For a fee established by City resolution, the applicant may acquire standard plan and/or detail sheets from the City.

13. When final plans are approved by the City, the applicant shall furnish accurate AutoCad files of the complete, approved plans on storage media acceptable to the City Engineer. The files shall utilize standard AutoCad menu items so they may be fully retrieved into a basic AutoCad program. At the completion of construction and prior to final acceptance of improvements, the applicant shall update the files to reflect as-constructed conditions.

    If the plans were not produced in AutoCad or a file format which can be converted to AutoCad, the City Engineer may accept raster-image files of the plans.

IMPROVEMENT AGREEMENT

14. The applicant shall construct improvements and/or satisfy obligations, or furnish an executed, secured agreement to construct improvements and/or satisfy obligations required by the City prior to approval of a final map. For secured agreements, security provided, and the release thereof, shall conform with Chapter 13, LQMC.

    Improvements to be made or agreed to shall include removal of any existing structures or obstructions which are not part of the proposed improvements.

15. If improvements are secured, the applicant shall provide estimates of improvement costs for checking and approval by the City Engineer. Estimates shall comply with the schedule of unit costs adopted by City resolution or ordinance. For items not listed in the City's schedule, estimates shall meet the approval of the City Engineer.

Estimates for utilities and other improvements under the jurisdiction of other agencies shall be approved by those agencies. Security is not required for telephone, gas, or T.V. cable improvements. However, tract improvements shall not be agendized for final acceptance until the City receives confirmation from the telephone authority that the applicant has met all requirements for telephone service to lots within the development.

16. If improvements are phased with multiple final maps or other administrative approvals (e.g., a Site Development Permit), off-site improvements and common improvements shall be constructed or secured prior to approval of the first phase unless otherwise approved by the City Engineer. Improvements and obligations required of each phase shall be completed and satisfied prior to completion of homes or occupancy of permanent buildings within the phase and subsequent phases unless a construction phasing plan is approved by the City Engineer.

17. If the applicant fails to construct improvements or satisfy obligations in a timely manner or as specified in an approved phasing plan, the City may halt issuance of building permits or final building inspections or otherwise withhold approvals related to the development of the project until the applicant makes satisfactory progress on the improvements or obligations or has made other arrangements satisfactory to the City.

18. The applicant shall pay cash or provide security for applicant's required share of improvements which have been or may be constructed by others (participatory improvements).

    Participatory improvements for this development include:

    A. Completion of off-site improvements associated with Specific Plan 83-002 - the applicant shall pay a fair share of the cost of the remaining off-site improvements based on this map's percentage of the remaining undeveloped residential and resort guest property within the specific plan.

    The applicant's obligations for all or a portion of the participatory improvements may, at the City's option, be satisfied by participation in a major thoroughfare improvement program if this development becomes subject to such a program.

GRADING

19. The applicant shall furnish a preliminary geotechnical ("soils") report and a grading plan prepared by a qualified engineer. The grading plan shall conform with the recommendations of the soils report and be certified as adequate by a soils engineer or engineering geologist. The plan must be approved by the City Engineer prior to issuance of a grading permit. A statement shall appear on final maps (if any are required of this development) that a soils report has been prepared pursuant to Section 17953 of the Health and Safety Code.

20. Slopes shall not exceed 5:1 within public rights of way and 3:1 in landscape areas outside the right of way unless otherwise approved by the City Engineer.

21. The applicant shall endeavor to minimize differences in elevation at abutting properties and between separate tracts and lots within this development. Building pad elevations on contiguous lots shall not differ by more than three feet except for lots within a tract, but not sharing common street frontage, where the differential shall not exceed five feet. If compliance with this requirement is impractical, the City will consider and may approve alternatives which minimize safety concerns, maintenance difficulties and neighboring-owner dissatisfaction with the grade differential.

22. Prior to occupation of the project site for construction purposes, the applicant shall submit and receive approval of a Fugitive Dust Control Plan prepared in accordance with Chapter 6.16, LQMC. The applicant shall furnish security, in a form acceptable to the City, in an amount sufficient to guarantee compliance with the provisions of the permit.

23. The applicant shall maintain graded, undeveloped land to prevent wind and water erosion of soils. The land shall be planted with interim landscaping or provided with other erosion control measures approved by the Community Development and Public Works Departments.

24. Prior to issuance of building permits, the applicant shall provide building pad certifications stamped and signed by a civil engineer or surveyor. The certifications shall list approved pad elevations, actual elevations, and the difference between the two, if any. The data shall be organized by lot number and shall be listed cumulatively if submitted at different times.

DRAINAGE

25. Stormwater and nuisance water handling shall conform with the approved hydrology and drainage plan for Specific Plan 83-002.

UTILITIES

26. Underground utilities shall be installed prior to overlying hardscape. The applicant shall provide certified reports of trench compaction for approval of the City Engineer.

STREET AND TRAFFIC IMPROVEMENTS

27. If applicant desires to make cuts in the Laurel Valley street pavement for installation or abandonment of utility laterals or other reasons, the applicant shall obtain a permit for the work and shall comply with all provisions of the permit.

28. Unused curb cuts on any lot shall be restored to normal curbing prior to final inspection of permanent building(s) on the lot.

QUALITY ASSURANCE

29. The applicant shall employ construction quality-assurance measures which meet the approval of the City Engineer.

30. The applicant shall employ or retain qualified civil engineers, geotechnical engineers, surveyors, or other appropriate professionals to provide sufficient construction supervision to be able to furnish and sign accurate record drawings.

31. The applicant shall arrange and bear the cost of measurement, sampling and testing procedures not included in the City's inspection program but required by the City as evidence that construction materials and methods comply with plans and specifications.

32. Upon completion of construction, the applicant shall furnish the City reproducible record drawings of all public and street improvement plans which were signed by the City Engineer. Each sheet shall be clearly marked "Record Drawings," "As-Built" or "As-Constructed" and shall be stamped and signed by the engineer or surveyor certifying to the accuracy of the drawings. The applicant shall revise the CAD or raster-image files previously submitted to the City to reflect as-constructed conditions.

LANDSCAPING

33. The applicant shall provide landscaping in the front yard areas for each lot.

34. Prior to submitting the landscape and irrigation plans for approval by the Community Development Department, the applicant shall obtain the signatures of CVWD and the Riverside County Agricultural Commissioner. The plans shall comply with Chapter 8.13 of the Municipal Code.

35. The applicant shall ensure that landscaping plans and utility plans are coordinated to provide visual screening of aboveground utility structures.

36. The developer and subsequent property owner shall continuously maintain all required landscaping in a healthy and viable condition as required by Section 9.60.240 (E3) of the Zoning Ordinance.

FEES AND DEPOSITS

37. The applicant shall pay the City's established fees for plan checking and construction inspection. Fee amounts shall be those in effect when the applicant makes application for plan checking and permits.

38. Provisions shall be made to comply with the terms and requirements of the City's adopted Infrastructure Fee program in effect at the time of issuance of building permits.

39. Plan checking fees shall be paid to the Riverside County Fire Department when plans are submitted for review and approval.

40. Prior to building permit issuance, school impact fees shall be paid by the developer.

FIRE DEPARTMENT

41. Fire hydrants in accordance with Coachella Valley Water District Standard W-33 shall be located at each street intersection paced not more than 330 feet apart in any direction with no portion of any lot frontage more than 165 feet from a fire hydrant. Minimum fire flow shall be 1,500 g.p.m. for a 2-hour duration at 20 psi. Blue dot reflectors shall be mounted in the middle of streets directly in line with fire hydrants.

42. Applicant/developer will provide written certification from the appropriate water company that the required fire hydrant(s) are either existing or that financial arrangements have been made to provide them.

43. Prior to recordation of the final map, applicant/developer shall furnish one blueline copy of the water system plans to the Fire Department for review/approval. Plans shall conform to the fire hydrant types, location and spacing, and the system will meet the fire flow requirements. Plans will be signed and approved by the registered Civil Engineer and the local water company with the following certification: "*I certify that the design of the water system is in accordance with the requirements prescribed by the Riverside County Fire Department.*"

44. The required water system including fire hydrants will be installed and accepted by the appropriate water agency prior to any combustible building materials being placed on an individual lot.

MISCELLANEOUS

45. All public agency letters received for this case are made part of the case file documents for plan checking purposes.

46. Applicable conditions of Specific Plan 83-002 shall be met prior to building permit issuance.