

CONDITIONS OF APPROVAL - FINAL
TPM 31248 - EVERGREEN DEVCO, INC.
AUGUST 20, 2003

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 Parcel 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.

PROPERTY RIGHTS

3. Prior to the issuance of any permit(s), the applicant shall acquire, or confer, those easements, and other property rights necessary for the construction and/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 the maintenance, construction and reconstruction of essential improvements.
4. Unless the ultimate developed right-of-way can be documented, the public street right-of-way offers for dedication required for this development include:

1. PUBLIC STREETS

- A) Washington Street - Additional right-of-way shall be acquired and dedicated as follows:

- 1) The right of way dedication shall consist of providing additional right of way to conform with the General Plan classification of an Augmented Arterial roadway. The right of way dedication shall be 6 feet along the entire west property line for an ultimate developed right of way from the centerline of Washington Street of 66 feet. The 6-foot wide strip may be in the form of a recorded easement from the Commercial Property Owner's Association.
- 2) Avenue 48 - 30 feet.
- 3) Caleo Bay - None required.

5. The applicant shall create perimeter landscaping setbacks along all public right-of-ways as follows:

CONDITIONS OF APPROVAL - FINAL
TPM 31248 - EVERGREEN DEVCO, INC.
AUGUST 20, 2003

1. Washington Street – The existing landscape setback shall be reconfigured as needed to reflect the new right of way configuration.
2. Avenue 48 - 30 feet.
3. Caleo Bay - 10 feet from the street right-of-way.

The setback requirements shall apply to all frontages including, but not limited to, remainder parcels and sites dedicated for utility purposes.

6. Direct vehicular access to Washington Street, Avenue 48, and Caleo Bay from any portion of the site from frontage along Washington Street, Avenue 48, and Caleo Bay are restricted, except for those access points identified on the Parcel Map for this project, or as otherwise conditioned in these conditions of approval.

PARCEL MAPS

7. 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 Parcel Map.

IMPROVEMENT PLANS

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.

8. The following improvement plans shall be prepared and submitted for review and approval by the City. A separate set of plans for each line item specified below shall be prepared. The plans shall utilize the minimum scale specified, unless otherwise authorized by the City Engineer 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.

1. Off-Site Street Plan: 1" = 40' Horizontal
2. Perimeter Landscape Plan of Caleo Bay 1" = 20' Horizontal
3. On-Site Rough Grading Plan/Drainage Retention 1" = 40' Horizontal

CONDITIONS OF APPROVAL - FINAL
TPM 31248 - EVERGREEN DEVCO, INC.
AUGUST 20, 2003

9. 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.

Other engineered improvement plans prepared for City approval that are not listed above shall be prepared in formats approved by the City Engineer prior to commencing plan preparation.

The applicant shall prepare an accessibility assessment on a marked up print of the building floor plan identifying every building egress and notes the 2001 California Building Code accessibility requirements associated with each door. The assessment must comply with submittal requirements of the Building & Safety Department. A copy of the reviewed assessment shall be submitted to the Engineering Department in conjunction with the Site Development Plan when it is submitted for plan checking.

10. The City maintains standard plans, details and/or construction notes for elements of construction. For a fee, established by City resolution, the applicant may purchase such standard plans, detail sheets and/or construction notes from the City.
11. The applicant shall furnish a complete set of the AutoCAD files of all complete, approved improvement plans on a storage media acceptable to the City Engineer. The files shall be saved in a standard AutoCAD format so they may be fully retrievable through a basic AutoCAD program.

At the completion of construction, and prior to the final acceptance of the improvements by the City, the applicant shall update the AutoCAD files in order to reflect the as-built conditions.

Where the improvement plans were not produced in a standard AutoCAD format, or a file format, which can be converted to an AutoCAD format, the City Engineer will accept raster-image files of the plans.

IMPROVEMENT SECURITY AGREEMENTS

12. Improvements to be made, or agreed to be made, shall include the removal of any existing structures or other obstructions, which are not a part of the proposed improvements; and shall provide for the setting of the final survey monumentation.
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

CONDITIONS OF APPROVAL - FINAL
TPM 31248 - EVERGREEN DEVCO, INC.
AUGUST 20, 2003

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.

STREET AND TRAFFIC IMPROVEMENTS

16. Improvements shall be designed and constructed in accordance with the LQMC, adopted standards, supplemental drawings and specifications, and as approved by the City Engineer. Improvement plans for streets, access gates and parking areas shall be stamped and signed by qualified engineers.
 1. Washington Street - No additional widening of Washington Street is required at this time, except at locations where additional street width is needed to accommodate:
 - a) A deceleration/right turn only lane at the Primary Entry. The east curb face shall be located fifty seven feet (57') east of the centerline and 150 feet long, plus a variable width dedication of an additional 50 feet to accommodate the curb transition.
 2. Caleo Bay - The applicant shall enter into a secured agreement with the City of La Quinta for fair share cost to implement a two-way left turn lane on Caleo Bay between Avenue 47 and Avenue 48.
17. The applicant shall design street pavement sections using CalTrans' design procedure for 20-year life pavement, and the site-specific data for soil strength and anticipated traffic loading (including construction traffic). Minimum structural sections shall be as follows:

Major Arterial	5.5" a.c./6.50" c.a.b.
----------------	------------------------

or the approved equivalents of alternate materials.
18. The applicant shall submit current mix designs (less than two years old at the time of construction) for base, asphalt concrete and Portland cement concrete. The submittal shall include test results for all specimens used in the mix design procedure. For mix designs over six months old, the submittal shall include recent (less than six months old at the time of construction) aggregate gradation test results confirming that design gradations can be achieved in current production. The applicant shall not schedule construction operations until mix designs are approved.

PARKING LOTS and ACCESS POINTS

19. The design of parking facilities shall conform to LQMC Chapter 9.150 (Parking).

CONDITIONS OF APPROVAL - FINAL
TPM 31248 - EVERGREEN DEVCO, INC.
AUGUST 20, 2003

Entry drives, main interior circulation routes, corner cutbacks, bus turnouts, dedicated turn lanes and other features shown on the approved construction plans, may require additional street widths as may be determined by the City Engineer.

LANDSCAPING

20. The applicant shall comply with Sections 13.24.130 (Landscaping Setbacks) & 13.24.140 (Landscaping Plans), LQMC, with exception of the overriding conditions in the letter dated June 9, 2003, from Jerry Herman to the Honorable Mayor and City Council, which requires a 30 foot landscape setback on Avenue 48.
21. The applicant shall provide landscaping in the required setbacks, retention basins, common lots and park areas.
22. Landscape and irrigation plans for landscaped lots and setbacks, medians, retention basins, and parks shall be signed and stamped by a licensed landscape architect.

The applicant shall submit the landscape plans for approval by the Community Development Department (CDD), prior to plan checking by the Public Works Department. When plan checking has been completed by CDD, the applicant shall obtain the signatures of CVWD and the Riverside County Agricultural Commissioner, prior to submittal for signature by the City Engineer.

NOTE: Plans are not approved for construction until signed by the City Engineer.

23. Landscape areas shall have permanent irrigation improvements meeting the requirements of the City Engineer. Use of lawn areas shall be minimized with no lawn, or spray irrigation, being placed within 18 inches of curbs along public streets.

PUBLIC SERVICES

24. The applicant shall provide public transit improvements as required by SunLine Transit Agency and approved by the City Engineer.

An existing bus turnout is located approximately 100-feet north to the applicant's Washington Street entry drive.

If it is determined by the City or Sunline Transit Agency that the existing bus turnout will be adversely impacted by the Washington Street entry way, Then the applicant shall relocate the existing bus turnout as required by Sunline Transit Agency and approved by the City Engineer.

QUALITY ASSURANCE

CONDITIONS OF APPROVAL - FINAL
TPM 31248 - EVERGREEN DEVCO, INC.
AUGUST 20, 2003

25. The applicant shall employ construction quality-assurance measures that meet with the approval of the City Engineer.
26. 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.
27. 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.
28. Upon completion of construction, the applicant shall furnish the City with reproducible record drawings of all improvement plans, which were approved by the City. Each sheet shall be clearly marked "Record Drawing," "As-Built" or "As-Constructed" and shall be stamped and signed by the engineer or surveyor certifying to the accuracy and completeness of the drawings. The applicant shall have all AutoCAD or raster-image files previously submitted to the City, revised to reflect the as-built conditions.

MAINTENANCE

29. The applicant shall comply with the provisions of Section 13.24.160 (Maintenance), LQMC.
30. The applicant shall make provisions for the continuous and perpetual maintenance of all private on-site improvements, perimeter landscaping, access drives, and sidewalks.

FEES AND DEPOSITS

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