

**RESOLUTION NO. 2001-45
CONDITIONS OF APPROVAL - FINAL
TENTATIVE PARCEL MAP 29889
McDERMOTT ENTERPRISES
APRIL 17, 2001**

EXHIBIT "A"

GENERAL CONDITIONS OF APPROVAL

1. 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.

2. This Tentative Parcel Map and any final maps thereunder 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).
3. Prior to the issuance of any grading, construction or building permit, the applicant shall obtain permits and/or clearances from the following public agencies:

- C Riverside County Fire Marshal
- C La Quinta Public Works Department (Grading/Improvement/Encroachment Permits)
- C La Quinta Community Development Department
- C Riverside County Environmental Health Department
- C Desert Sands Unified School District
- C Coachella Valley Water District (CVWD)
- C Imperial Irrigation District (IID)
- C California Water Quality Control Board (CWQCB)

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

4. Final maps under this tentative map shall be subject to the provisions of the Infrastructure Fee Program and Development Impact Fee program in effect at the time of final map approval.

PROPERTY RIGHTS

5. 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 irrevocable offers to dedicate or grant access easements to the City for emergency services and for maintenance, construction, and reconstruction of essential improvements.
6. Dedications shall include additional widths as necessary for dedicated right and left turn lanes, bus turnouts, and other features contained in the approved construction plans.
7. If the City Engineer determines that access rights to proposed street rights of way shown on the tentative map are necessary prior to approval of final maps dedicating the rights of way, the applicant shall grant the necessary rights of way within 60 days of written request by the City.
8. The applicant shall create perimeter setbacks along public rights of way as follows (listed setback depth is the average depth if meandering wall design is approved):
 - A. Washington Street (Major Arterial) - 20 foot.
 - B. 47th Avenue -10 foot.

The setback requirement applies to all frontage including, but not limited to, remainder parcels and sites dedicated for utility purposes.

Where public facilities (e.g., sidewalks) are placed on privately-owned setbacks, the applicant shall dedicate blanket easements for those purposes.

9. The applicant shall dedicate easements necessary for placement of and access to utility lines and structures, drainage basins, mailbox clusters, park lands, and common areas.

10. The applicant shall vacate abutter's rights of access to public streets and properties from all frontage along the streets and properties except access points shown on the approved tentative map.
11. 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.
12. If the applicant proposes vacation or abandonment of any existing rights of way or access easements which will diminish access rights to any properties owned by others, the applicant shall provide approved alternate rights of way or access easements to those properties or notarized letters of consent from the property owners
13. The applicant shall cause no easements to be granted or recorded over any portion of this property between the date of approval of this tentative map by the City Council and the date of recording of any final map(s) covering the same portion of the property unless such easements are approved by the City Engineer.

FINAL AND PARCEL MAP(S)

14. 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 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 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.

15. 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," "Precise Grading," "Streets & Drainage," and "Landscaping." Precise grading plans shall have signature blocks for Community Development Director and the Building Official. All other plans shall have signature blocks for the City Engineer. Plans are not approved for construction until they are signed.

"Streets and Drainage" plans shall normally include signals, sidewalks, bike paths, entry drives, gates, and parking lots. "Landscaping" plans shall normally include irrigation improvements, landscape lighting and entry monuments. "Precise Grading" plans shall normally include perimeter walls.

Plans for improvements not listed above shall be in formats approved by the City Engineer.

16. 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.
17. 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

18. Depending on the timing of development of the lots or parcels created by this map and the status of off-site improvements at that time, the subdivider may be required to construct improvements, to construct additional improvements subject to reimbursement by others, to reimburse others who construct improvements that are obligations of this map, to secure the cost of the improvements for future construction by others, or a combination of these methods.

In the event that any of the improvements required herein are constructed by the City, the applicant shall, at the time of approval of a map or other development or building permit, reimburse the City for the cost of those improvements.

19. 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 or parcel map or issuance of a certificate of compliance for a waived parcel 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.

20. 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 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, development-wide 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.

21. If improvements are phased with multiple final maps or other administrative approvals (e.g., Site Development Permits), off-site improvements and common improvements (e.g., retention basins, perimeter walls & landscaping, gates) 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.

22. If the applicant fails to construct improvements or satisfy obligations in a timely manner or as specified in an approved phasing plan or in an improvement agreement, the City shall have the right to halt issuance of building permits or final building inspections, withhold other approvals related to the development of the project or call upon the surety to complete the improvements.

GRADING

23. Prior to issuance of a grading permit, the applicant shall furnish a preliminary geotechnical ("soils") report and an approved 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.

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.

24. 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.
25. Prior to occupation of the project site for construction purposes, the applicant shall submit and receive approval of a Fugitive Dust Control Plan (FDCP) 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.
26. 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.
27. Prior to issuance of building permits, the applicant shall provide building pad certifications stamped and signed by qualified engineers or surveyors. For each pad, the certification shall list the approved elevation, the actual elevation, the difference between the two, if any, and pad compaction. The data shall be organized by lot number and listed cumulatively if submitted at different times.

DRAINAGE

28. Stormwater handling shall conform with the approved hydrology and drainage plan for Lake La Quinta. Nuisance water shall be retained on-site and disposed of in dry wells or as approved by the City Engineer.

UTILITIES

29. The applicant shall obtain the approval of the City Engineer for the location of all utility lines within the right of way and all above-ground utility structures including, but not limited to, traffic signal cabinets, electrical vaults, water valves, and telephone stands, to ensure optimum placement for practical and aesthetic purposes.
30. Existing aerial lines within or adjacent to the proposed development and all proposed utilities shall be installed underground. Power lines exceeding 34.5 kv are exempt from this requirement.
31. Utilities shall be installed prior to overlying hardscape. For installation of utilities in existing, improved streets, the applicant shall comply with trench restoration requirements maintained or required by the City Engineer. The applicant shall provide certified reports of trench compaction for approval of the City Engineer.

STREET AND TRAFFIC IMPROVEMENTS

32. The applicant shall install the following street improvements to conform with the General Plan street type noted in parentheses. (Public street improvements shall conform with the City's General Plan in effect at the time of construction.)
 - A. OFF-SITE STREETS
 1. Construct deceleration lane with conforming geometric layout at the access on Washington Street.
 2. Extend 8-foot sidewalk in a meandering fashion along the Washington Street frontage.

3. Following removal of the temporary bank facilities on the southwest portion of the property, remove the concrete drive approach and repair curb and sidewalk to City standards.
4. Applicant shall participate to the extent of 25% of the cost of a traffic signal for the intersection of Caleo Bay and 47th Avenue to be installed at such time as warrants are met.

Entry drives, main interior circulation routes, turn knuckles, corner cutbacks, bus turnouts, dedicated turn lanes, and other features contained in the approved construction plans may warrant additional street widths as determined by the City Engineer.

33. Improvements shall include appurtenances such as traffic control signs, markings and other devices, raised medians if required, street name signs, and sidewalks. Mid-block street lighting is not required.
34. The applicant may be required to extend improvements beyond development boundaries to ensure they safely integrate with existing improvements (e.g., grading; traffic control devices and transitions in alignment, elevation or dimensions of streets and sidewalks).
35. 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.
36. Knuckle turns and corner cut-backs shall conform with Riverside County Standard Drawings #801 and #805 respectively unless otherwise approved by the City Engineer.
37. Streets shall have vertical curbs or other approved curb configurations which convey water without ponding and provide lateral containment of dust and residue for street sweeping. If a wedge or rolled curb design is approved, the lip at the flow line shall be vertical (1/8" batter) and a minimum of 0.1' in height. Unused curb cuts on any lot shall be restored to normal curbing prior to final inspection of permanent building(s) on the lot.
38. Parking lot design shall conform to the requirements of LQMC Chapter 12.32.

39. 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.
40. The City will conduct final inspections of homes and other habitable buildings only when the buildings have improved street and (if required) sidewalk access to publicly-maintained streets. The improvements shall include required traffic control devices, pavement markings and street name signs. If on-site streets are initially constructed with partial pavement thickness, the applicant shall complete the pavement prior to final inspections of the last ten percent of homes within the tract or when directed by the City, whichever comes first.
41. General access points and turning movements of traffic are limited to the following:
 - A. Washington Street (Major Arterial) - Right turn in, right turn out only.
 - B. 47th Avenue - No turning restrictions.
 - C. Caleo Bay (Local Street) - No turning restrictions.

LANDSCAPING

42. The applicant shall provide landscaping in required setbacks, common lots, and park areas.
43. Landscape and irrigation plans shall be signed and stamped by a licensed landscape architect.

The applicant shall submit plans for approval by the Community Development Department prior to plan checking by the Public Works Department. When plan

checking is complete, the applicant shall obtain the signatures of CVWD and the Riverside County Agricultural Commissioner prior to submitting for signature by the City Engineer. Plans are not approved for construction until signed by the City Engineer.

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

PUBLIC SERVICES

45. The applicant shall provide public transit improvements as required by Sunline Transit and approved by the City Engineer.

QUALITY ASSURANCE

46. The applicant shall employ construction quality-assurance measures which meet the approval of the City Engineer.
47. 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.
48. 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, specifications and applicable regulations.
49. Upon completion of construction, the applicant shall furnish the City reproducible record drawings of all improvement plans which were signed by the City. 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.

MAINTENANCE

50. The applicant shall make provisions for continuous, perpetual maintenance of all on-site improvements, perimeter landscaping, access drives, and sidewalks. The applicant shall maintain required public improvements until expressly released from this responsibility by the appropriate public agency.

FEES AND DEPOSITS

51. 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.
52. Prior to approval of a final map or completion of any approval process for modification of boundaries of the property or lots subject to these conditions, the applicant shall process a reapportionment of any bonded assessment(s) against the property and pay the cost of the reapportionment.