

RESOLUTION NO. 2001-62
CONDITIONS OF APPROVAL - FINAL
TENTATIVE PARCEL MAP 28617 - AGIOTAGE LIMITED
JUNE 5, 2001

Exhibit "A"

GENERAL

1. This Map approval shall expire and become null and void on June 5, 2003, unless an extension of time is granted according to the requirements of Section 13.12.150 of the Subdivision Ordinance. Tentative Parcel Map 28617, dated April 5, 2001, shall comply with the requirements and standards of the State Subdivision Map Act and the City of La Quinta Land Division Ordinance, unless otherwise modified by the following conditions.
2. The developer/property owner agrees to indemnify, defend and hold harmless the City of La Quinta in the event of any legal claim or litigation arising out of the City's approval of this project including but not limited to indemnifying and holding harmless the City from any challenge regarding SP 94-025 (Amendment #1), FEIR 94-287 Addendum, CUP 99-047 and TPM 28617 and any other challenge pertaining to this project. This indemnification shall include any award toward attorney's fees. The City of La Quinta shall have the right to select its defense counsel in its sole discretion.
3. The development shall comply with Exhibit "A" of Specific Plan 94-025 (Amendment #1) and those exhibits contained in the Final EIR and the following conditions, which shall take precedence in the event of any conflicts with the provisions of the Specific Plan.
4. If the applicant desires to phase improvements and obligations required by the Conditions of Approval, phasing plans shall be submitted to the Public Works Department for review and approval by the City Engineer. The phasing plans are not approved until they are signed by the City Engineer.

The applicant shall complete required improvements and satisfy obligations in the order of the approved phasing plan. Improvements and obligations required of each phase shall be complete and satisfied prior to completion of homes or occupancy of permanent buildings within the phase unless a sub-phasing plan is approved by the City Engineer.

5. Prior to the issuance of a grading or building permit for construction of any building or use contemplated by this approval, the applicant shall obtain permits and/or clearances from the following Departments and/or agencies:
 - * Fire Marshal
 - * Public Works Department (Grading Permit, Improvement Permit)
 - * Community Development Department

- * Riverside County Environmental Health Department
- * Desert Sands and Coachella Valley Unified School Districts
- * Coachella Valley Water District (CVWD)
- * Imperial Irrigation District (IID)
- * Verizon
- * California Regional Water Quality Control Board (NPDES Permit)
- * Time Warner
- * Sunline Transit

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 approvals and signatures on the plans.

Evidence of permits or clearances from the above jurisdictions shall be presented to the Building and Safety Department at the time of the application for a building permit for the use contemplated herewith.

6. The Specific Plan EIR shall be used in the review of all project proposals in the Specific Plan 94-025 area. Said mitigation measures are hereby incorporated into these conditions by reference.
7. Prior to issuance of the final map the applicant shall make the following lot designations:
 - A. The "Open Space" portions of Parcels 1 and 2 shall be designated as separate lettered "Open Space" lots (i.e., Lots C and D);
 - B. The private street providing access to Parcel 3 shall be designated as a lettered lot (Lot "B"); and
 - C. Parcel 2 shall show a 29-foot wide access easement extending from Jefferson Street to the private street.

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.

The applicant shall dedicate an easement or reserve unto themselves, their successors, and assigns an undevelopable natural open space easement over lettered lots "C" through "D" (designated as "Open Space" lots on the Final

Map) and Parcel 4 for preservation of natural open space in perpetuity.

This tentative 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)

PROPERTY RIGHTS

8. All easements, rights-of-way and other property rights necessary to facilitate the ultimate use of the subdivision and functioning of improvements shall be dedicated, granted or otherwise conferred, or the process of said dedication, granting, or conferral shall be ensured, prior to approval of a final map or filing of a Certificate of Compliance for waiver of a final map. The conferral shall include irrevocable offers to dedicate or grant easements to the City for access to and maintenance, construction, and reconstruction of all required improvements which are located on privately-held lots or parcels.
9. 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 to those properties alternate rights-of-way or access easements on alignments approved by the City Council.
10. The applicant shall dedicate public street right-of-way and utility easements in conformance with the City's General Plan, Municipal Code, applicable specific plans, and as required by the City Engineer.

Dedication required of this development include:

- A. Jefferson Street (Lot "A") - Full-width right-of-way pursuant to the Jefferson Street Alignment Plan made part of/or adopted with General Plan Amendment 95-048.

Dedications shall include additional widths as necessary for dedicated right and left turn lanes, bus turnouts, etc.

The applicant shall dedicate street rights-of-way prior to required approvals of any proposed subdivision or improvements to land within the specific plan boundaries.

If the City Engineer determines that public 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, then developer shall grant temporary

public access easements to those areas within 60-days of written request by the City.

11. The applicant shall dedicate 10-foot wide public utility easements contiguous with and along both sides of all private streets.
12. 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):

Jefferson Street - 20 feet

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

Where sidewalks, bike paths, and/or equestrian trails are required, the applicant shall dedicate blanket easements over the setback lots for those purposes.

13. The applicant shall vacate vehicle access rights to Jefferson Street from lots abutting the street. Access to the development from Jefferson Street shall be restricted to that shown on the "Circulation" diagram in the specific plan.
14. The applicant shall dedicate easements necessary for placement of and access to utility lines and structures, park lands, drainage basins, common areas, and mailbox clusters.
15. The applicant shall cause no easements to be granted or recorded over any portion of this property between the date of approval of this specific plan 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.

IMPROVEMENT AGREEMENT

16. The applicant shall construct improvements and/or satisfy obligations, or enter into a secured agreement to construct improvements and/or satisfy obligations required by the City for any tentative tract or parcel map or approved phase of development prior to approval of the map or phase or issuance of a certificate of compliance in-lieu of a final map.

Improvements to be made or agreed to shall include removal of any existing

structures or obstructions which are not part of the proposed improvements.

17. If improvements are secured, the applicant shall provide approved estimates of the improvement costs. The estimates shall comply with the schedule of unit costs adopted by City resolution or ordinance. For items not contained in the City's schedule of costs, estimates shall meet the approval of the City Engineer.

Estimates for utilities and other improvements under the jurisdiction of outside agencies shall be approved by those agencies.

18. If improvements are phased with multiple final maps or other administrative approvals (plot plans, conditional use permits, etc.), off-site improvements (i.e., streets) and development-wide improvements (i.e., perimeter walls, common area and setback landscaping, and gates) shall be constructed or secured prior to approval of the first final map unless otherwise approved by the engineer.

IMPROVEMENT PLANS

19. Improvement plans submitted to the City for plan checking shall be submitted on 24" X 36" media in the categories of "Rough Grading", "Precise Grading", "Streets and Drainage", and "Landscaping". All plans shall have signature blocks for the City Engineer and are not approved for construction until they are signed.

"Streets and Drainage" plans shall normally include signals, sidewalks, bike paths, gates and entryways, parking lots, and water and sewer plans. Combined plans including water and sewer improvements shall have an additional signature block for the CVWD. The combined plans shall be signed by CVWD prior to their submittal for the City Engineer's signature.

"Landscaping" plans shall normally include landscaping improvements, irrigation, lighting, and perimeter walls.

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

20. The City may maintain digitized standard plans for elements of construction. For a fee established by City resolution, the developer may acquire the standard plan computer files or standard plan sheets prepared by the City.

When final plans are approved by the City, the developer shall furnish accurate computer files of the complete, approved plans on storage media and in

program format acceptable to the City Engineer.

GRADING

21. Graded but undeveloped land shall be maintained to prevent dust and blowsand nuisances. The land shall be planted with interim landscaping or provided with other wind and water erosion control measures approved by the Community Development and Public Works Departments.
22. A thorough preliminary engineering, geological and soils engineering investigation shall be conducted. The report of the investigation ("the soils report") shall be submitted with the grading plan.
23. A grading plan shall be prepared by a registered civil engineer and must meet the approval of the City Engineer prior to issuance of a grading permit.

The grading plan shall conform with the recommendations of the soils report and shall be certified as adequate by a soils engineer or an engineering geologist. A statement shall appear on the final map(s), 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. 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, La Quinta Municipal Code. In accordance with said Chapter, 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.
25. Prior to issuance of any building permit the applicant shall provide a separate document bearing the seal and signature of a California registered civil engineer, geotechnical engineer, or surveyor that lists actual building pad elevations. The document shall, for each building pad in the development, state the pad elevation approved on the grading plan, the as-built elevation, and shall clearly identify the difference, if any. The data shall be organized by development phase and lot number and shall be cumulative if the data is submitted at different times.

DRAINAGE

26. Stormwater falling on land developed for beneficial use, including common areas and roadways, during the peak 24-hour period of a 100-year storm shall be retained on-site. The tributary area for which the developer is responsible shall extend to the centerline of the adjacent public streets. Stormwater falling on

undeveloped land dedicated as natural open space shall continue to drain into its historic drainage course.

27. Stormwater shall normally be retained in common retention basins. Individual lot basins or other retention schemes may be approved by the City Engineer for lots 2.5 acres in size or larger or where the use of common retention is determined by the City Engineer to be impractical.
28. If individual lot retention is approved, the following conditions shall apply:
 - A. Each private lot proposed for on-site retention shall be designed to receive and safely convey stormwater in excess of retention capacity, including inflow from adjacent properties. Front yards shall drain to the street unless constrained by the overall lay of the land. Basin capacity calculations and grading plans for each lot shall consider previously-approved grading plans for adjacent properties and shall be submitted, with copies of the previously approved adjacent lot plans, to the City Engineer for plan checking and approval.
 - B. Prior to or concurrently with recordation of the final subdivision map, a homeowner's association or lot owner's association (HOA) shall be legally established and Covenants, Conditions and Restriction (CC & Rs) recorded. The CC & Rs shall stipulate the requirement for design, construction and maintenance of individual on lot basins and the required retention capacity for each individual lot. The CC & Rs shall grant the HOA irrevocable rights to enter and maintain each individual retention basin and all other grading and facilities necessary for the stormwater retention design.

The CC & Rs shall establish, in an irrevocable manner that:

1. The HOA has responsibility for the overall retention capacity of the development;
2. If the HOA fails to maintain the overall retention capacity, the City shall have the right to seek other remedies to restore and/or maintain the overall capacity or to establish or expand downstream facilities to mitigate the off-site effects of the HOA's failure to maintain the overall capacity; and
3. The HOA shall promptly reimburse the City for any and all costs

incurred in exercising such right.

- C. The final subdivision map shall establish a perpetual easement granting the City the right to enter and maintain retention basins and other drainage facilities and grading as necessary to preserve or restore the approved stormwater conveyance and retention design with no compensation to any property owner of the HOA.
32. In design of retention facilities, the basin percolation rate shall be considered to be zero unless the applicant provides site-specific data that indicates otherwise.
- Retention basin slopes shall not exceed 3:1. If retention is on individual lots, the retention depth shall not exceed two feet. If retention is in one or more common retention basins, the retention depth shall not exceed six feet.
33. Nuisance water shall be retained on site. In residential developments, nuisance water shall be disposed of in a trickling sand filter and leachfield approved by the City Engineer. The sand filter and leachfield shall be designed to contain surges of 3 gph/1,000 sq. ft. (of landscape area) and infiltrate 5 gpd/1,000 sq. ft.
34. No fence or wall shall be constructed around retention basins except as approved by the Community Development Director and the City Engineer.
35. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development.
36. The development shall be graded to permit storm flow in excess of retention capacity to flow out of the development through a designated overflow outlet and into the historic drainage relief route.
37. Storm drainage historically received from adjoining property shall be received and retained or passed through into the historic downstream drainage relief route.
38. If any portion of the 100-year, 24-hour storm flow from this development is to be conveyed directly or indirectly to bodies of water subject to the NPDES, the applicant may be required to design and install first-flush storage, oil/water separation devices, or other screening or pretreatment method(s) to minimize

the potential for conveyance of stormwater contamination to off-site locations. Drainage to off-site locations and methods of treatment or screening shall meet the approval of the City Engineer and other agencies that have jurisdiction.

UTILITIES

39. Existing and proposed wire and cable utilities within or adjacent to the proposed development shall be underground, unless otherwise allowed by General Plan Amendment 2001-073. Power lines exceeding 34.5 Kv are exempt from this requirement.
40. The applicant shall obtain the approval of the City Engineer for the location of all aboveground utility structures including, but not limited to, traffic signal cabinets, electrical vaults, water valves, and telephone strands, to ensure optimum placement for aesthetic as well as practical purposes.
41. In areas where hardscape surface improvements are planned, underground utilities shall be installed prior to construction of the surface improvements. The applicant shall provide certified reports of utility trench compaction tests for approval of the City Engineer.

STREETS AND TRAFFIC IMPROVEMENTS

42. The City is contemplating adoption of a major infrastructure and thoroughfare improvement program. If the program is in effect 60 days prior to recordation of any final map or issuance of a Certificate of Compliance for any waived final map, the development or portions thereof shall be subject to the provisions of the ordinance.

If this development is not subject to a major thoroughfare improvement program, the applicant shall design and construct street improvements as listed below.

43. Improvement plans for all on- and off-site streets and access gates shall be prepared by a registered civil engineer. Improvements shall be designed and constructed in accordance with the La Quinta Municipal Code, adopted Standard and Supplemental Drawings and Specifications, and as approved by the City Engineer.

Street right-of-way geometry for cul-de-sacs, knuckle turns and corner cutbacks shall conform with Riverside County Standard Drawings #800, #801, and #805 respectively unless otherwise approved by the City Engineer.

Street pavement sections shall be based on a Caltrans design procedure for a 20-year life and shall consider soil strength and anticipated traffic loading, including site and building construction traffic. The minimum pavement sections shall be as follows:

Residential & Parking Areas	3.0" a.c./4.50" a.b.
Collector	4.0"/5.00"
Secondary Arterial	4.0"/6.00"
Primary Arterial	4.5"/6.00"
Major Arterial	5.5"/6.50"

If the applicant proposes to construct a partial pavement section which will be subjected to traffic loadings, the partial section shall be designed with a strength equivalent to the 20-year design strength.

44. Improvements shall include all appurtenances such as traffic signs, channelization markings, raised medians if required, street name signs, sidewalks, and mailbox clusters approved in design and location by the U.S. Post Office and the City Engineer. Mid-block street lighting is not required.
45. The City Engineer may require improvements extending beyond subdivision boundaries such as, but not limited to, pavement elevation transitions, street width transitions, or other incidental work which will insure that newly constructed improvements are safely integrated with existing improvements and conform with the City's standards and practices.
46. The following minimum street improvements shall be constructed to conform with the General Plan street type noted in parentheses:

A. OFF-SITE STREETS

1. 58th Avenue, Jefferson Street and 62nd Avenue in accordance with the Jefferson Street Alignment Plan.

Development of Phases II and III, as defined in the "Phasing Plan" diagram of this specific plan, shall not begin until at least two lanes of the realigned streets have been installed from 58th Avenue to the south line of Section 29.

2. Jefferson Street (adjacent to this development) - Improvement section as determined by the Jefferson Street Alignment Plan. If the City finds it necessary to revise or abandon the Jefferson Street specific

alignment contemplated at the time of approval of this specific plan, the applicant shall revise this specific plan as required by the City to fully address revised access routing.

B. PRIVATE STREETS AND CUL DE SAC

1. Collector (\$300 homes or 3,000 vehicles per day) - 40-feet wide.
47. All streets proposed for residential or other access drives shall be designed and constructed with curbs and gutters or shall have other approved methods to convey nuisance water without ponding in yard or drive areas.
48. Access points and turning movements of traffic shall be restricted to locations shown on the "Circulation" diagram of the specific plan, subject to review by the Planning Commission and City Council during review of the subdivision map application(s). Custom lot access shall occur via The Quarry.
49. Prior to occupancy of completed buildings within the development, the applicant shall install traffic control devices and street name signs along access roads to those buildings.
50. The applicant shall provide public transit amenities as required by Sunline Transit and/or the City Engineer. These amenities shall include, as a minimum, a bus turnout location and passenger waiting shelter. The location and character of the turnout and shelter shall be as determined by Sunline Transit and the City Engineer.

LANDSCAPING

51. The applicant shall provide landscape improvements in the perimeter setback areas or lots along Jefferson Street pursuant to Section 9.60.240 of the Zoning Ordinance. The concept landscape plan for Jefferson Street shall be approved by the Planning Commission during review of a Site Development Permit and/or subdivision map application. Seventy-percent of the trees planted in the parkway shall be specimen trees (e.g., 24"- and 36"-boxes) having a minimum caliper size of 1.5- to 2.0-inches. Specimen trees shall be a minimum of 10 feet tall measured from the top of the container.
52. Landscape and irrigation plans for landscaped lots, landscape setback areas, medians, common retention basins, and park facilities shall be prepared by a licensed landscape architect.

Landscape and irrigation plans shall be approved by the Community Development Department. Landscape and irrigation construction plans shall be submitted to the Public Works Department for review and approval by the City Engineer. The plans are not approved for construction until they have been approved and signed by the City Engineer, the Coachella Valley Water District, and the Riverside

County Agricultural Commissioner.

Conceptual front yard landscaping plans shall be submitted for approval by the Planning Commission during consideration of any Site Development Plan application.

53. 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 and private streets.
54. Slopes shall not exceed 3:1 in perimeter setbacks, medians and other publicly- or commonly-maintained landscape areas.
55. Unless otherwise approved by the City Engineer, common basins and park areas shall be designed with a turf grass surface which can be mowed with standard tractor-mounted equipment.
56. The applicant shall insure that landscaping plans and utility plans are coordinated to provide visual screening of above-ground utility structures.
57. Desert or native plant species and drought resistant planting materials shall be required for at least 90% of common planting areas. Provisions shall also be made for planting materials which provide forage and nesting areas for nearby wildlife.

FIRE DEPARTMENT

58. All water mains and fire hydrants providing the required fire flows shall be constructed in accordance with the City Fire Code in effect at the time of development.
59. The level of service required for this project shall be aligned with the criteria for Catalog II-Urban as outlined in the Fire Protection Master Plan and as follows:
 - A. Fire station located within three miles.
 - B. Receipt of full "first alarm" assignment within 15 minutes.

Impacts to the Fire Department are generally due to the increased number of emergency and public service calls generated by additional buildings and human population. A fiscal analysis for this project shall identify a funding source to mitigate any impacts associated with any capital costs and the annual operating costs necessary for an increased level of service. Said analysis shall be subject

to review and approval by the Riverside County Fire Department and the City of La Quinta.

COACHELLA VALLEY WATER DISTRICT

60. The applicant shall comply with the requirements of the CVWD at time development plans are submitted. During project development all irrigation facilities shall be designed to utilize reclaimed water sources when such sources become available.

ELECTRICAL UTILITIES

61. The applicant shall comply with the requirements of the Imperial Irrigation District at time development plans are submitted.

RECREATION

62. Prior to any final map approval by the City Council, the applicant shall meet the parkland dedication requirements as set forth in Section 13.24.030, La Quinta Municipal Code and in compliance with the goals and policies of the La Quinta Parks and Recreation Master Plan.

QUALITY ASSURANCE

63. The applicant shall employ construction quality-assurance measures which meet the approval of the City Engineer.
64. Upon completion of construction, the applicant shall furnish the City reproducible record drawings of all plans which were signed by the City Engineer. Each sheet of the drawings shall have the words "Record Drawings," "As-Built" or "As-Constructed" clearly marked on each sheet and be stamped and signed by the engineer or surveyor certifying to the accuracy of the drawings.

MAINTENANCE

65. The applicant shall make provisions for continuous, perpetual maintenance of all required improvements unless and until expressly released from said responsibility by the City. This shall include formation of a homeowner's association or other arrangement acceptable to the City for maintenance of retention basins, common areas and perimeter walls and landscaping.
66. The applicant shall provide an Executive Summary Maintenance Booklet for streets, landscaping and related improvements, perimeter walls, drainage facilities, or any other improvements to be maintained by an HOA. The booklet

should include drawings of the facilities, recommended maintenance procedures and frequency, and a costing algorithm with fixed and variable factors to assist the HOA in planning for routine and long term maintenance.

FEES AND DEPOSITS

67. The applicant shall pay all deposits and fees required by the City for plan checking and construction inspection. Deposit and fee amounts shall be those in effect when the applicant makes application for the plan checks and permits. The applicant shall additionally pay any fees of any nature required by the City at the time of recording of the final map or the issuance of a building permit according to the fee requirements in effect at the time of issuance or approvals for those items.
68. Prior to approval of a final map or completion of any approval process for modification of boundaries of the property subject to these conditions, the applicant shall process a reapportionment of any bonded assessment(s) against the property and pay all costs of the reapportionment.
69. In order to mitigate impacts on public schools, applicant shall comply with the following: "Prior to the issuance of any building permits, the applicant shall provide the Building and Safety Department with written clearance from the affected school district stating that the per-unit impact fees have been paid."
70. 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.

MISCELLANEOUS

71. The applicant shall comply with applicable provisions of the National Pollution Discharge Elimination system (NPDES) and the City's NPDES permit.
72. Prior to issuance of any site permits, the developer shall submit to the Community Development Department a detailed construction plan for the project's Multi-Purpose Trail. This plan shall include access, signage, and detailed design. The applicant shall create a 10-foot wide Multi-Purpose Easement within the required 20-foot landscape easement plus the west side of Jefferson Street right-of-way.

FINAL MAP(S) AND PARCEL MAP(S)

73. 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.