

**CITY COUNCIL RESOLUTION NO. 2002-31
SPECIFIC PLAN 98-034, AMENDMENT #1
LUNDIN DEVELOPMENT COMPANY
CONDITIONS OF APPROVAL - FINAL
FEBRUARY 19, 2002**

GENERAL

1. Upon the City Council's conditional approval of this Specific Plan, the City Clerk shall prepare and record with the Riverside County Recorder, a memorandum noting that the conditions of approval for the development of this property exist and are available for review at the City Hall.
2. The developer 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 Specific Plan. The City shall have sole discretion in selecting its defense counsel.

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

3. Prior to the issuance of any grading, construction, or building permit by the City, the applicant shall obtain the necessary permits and/or clearances from the following agencies:

- C Fire Marshal
- C Public Works Department (Grading Permit, Improvement Permit)
- C Community Development Department
- C Riverside Co. 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 all requirements of the permits and/or clearances from the above listed agencies. When the requirements include approval of improvement plans, applicant shall furnish proof of such approvals when submitting those improvement plans for City approval.

4. The applicant shall comply with applicable provisions of the City's NPDES stormwater discharge permit, Sections 8.70.010 et seq., La Quinta Municipal Code ("LQMC"); Riverside County Ordinance No. 457; and the State Water Quality Resources Control Board's ("SWQRCB") Order No. 99-08-DWQ.

- A. For construction activities including clearing, grading or excavation of land that disturbs five (5) acres or more of land, or that disturbs less than five (5) acres of land, but which is a part of a construction project that encompasses more than five (5) acres of land, the Permittee shall be required to submit a Storm Water Pollution Protection Plan ("SWPPP").
 - B. The applicant's SWPPP shall be approved by the City Engineer prior to any on or off-site grading being done in relation to this project.
 - C. The applicant shall ensure that the required SWPPP is available for inspection at the project site at all times through and including acceptance of all improvements by the City.
 - D. The applicant's SWPPP shall include provisions for all of the following Best Management Practices ("BMPs") (8.70.020, LQMC):
 - 1) Temporary Soil Stabilization (erosion control).
 - 2) Temporary Sediment Control.
 - 3) Wind Erosion Control.
 - 4) Tracking Control.
 - 5) Non-Storm Water Management.
 - 6) Waste Management and Materials Pollution Control.
 - E. All of applicant's erosion and sediment control BMPs shall be approved by the City Engineer prior to any on or off site grading being done in relation to this project.
 - F. All approved project BMPs shall be maintained throughout the course of construction, and until all improvements have been accepted by the City.
5. Permits issued under this approval shall be subject to the provisions of the Infrastructure Fee Program and Development Impact Fee program in effect at the time of issuance of building permit(s).

PROPERTY RIGHTS

6. Prior to issuance of any permit(s), the applicant shall acquire or confer easements and other property rights necessary for the 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.

7. The applicant shall offer for dedication all public street right-of-ways in conformance with the City's General Plan, Municipal Code, applicable specific plans, and/or as required by the City Engineer. Unless it can be documented that the existing right-of-way complies with the following requirements, right-of-way dedications required for this development shall include:

A. PUBLIC STREETS

- 1) Jefferson Street (Major Arterial) from 60-foot to 72-foot half width to accommodate the present Jefferson Street improvements, including right and left turn lanes at its intersection with Avenue 50.
- 2) Avenue 50 (Primary Arterial) - 50-foot half of the 100-foot right-of-way.
- 3) Additional widths as necessary for dedicated right and left turn lanes, bus turnouts, and other features contained in the approved construction plans.

The applicant shall provide an additional 9-foot of right-of-way on Avenue 50 to accommodate the deceleration lane into the 30-foot wide parking lot entry into Albertsons. Such right-of-way shall be concentric with the deceleration curb alignment.

8. Right-of-way geometry for standard knuckles and property line corner cut-backs at curb returns shall conform to Riverside County Standard Drawings #801, and #805, respectively, unless otherwise approved by the City Engineer.
9. When the City Engineer determines that access rights to the proposed street right-of-ways shown on the approved tentative parcel map are necessary prior to approval of the Parcel Map dedicating such right-of-ways, the applicant shall grant the necessary right-of-ways within 60 days of a written request by the City.
10. The applicant shall create perimeter landscaping setbacks along all public right-of-ways as follows:

- A. Jefferson Street (Major Arterial) - 20-foot from the R/W-P/L.
- B. Avenue 50 (Primary Arterial) - 20-foot from the R/W-P/L.

The listed setback depth shall be the average depth where a meandering wall design is approved.

The setback requirements shall apply to all frontages 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 offer for dedication blanket easements for those purposes on the Parcel Map.

11. The applicant shall offer for dedication those easements necessary for the placement of, and access to, utility lines and structures, drainage basins, mailbox clusters, park lands, and common areas on the Parcel Map.
12. The applicant shall vacate all abutter's right-of-access to public streets and properties from all frontages along such public streets and properties, excepting those access points shown on the Parcel Map.
13. The applicant shall furnish proof of easements, or written permission, as appropriate, from those owners of all abutting properties on which grading, retaining wall construction, permanent slopes, or other encroachments will occur.
14. When an applicant proposes the vacation, or abandonment, of any existing right-of-way, or access easement, which will diminish the access rights to any properties owned by others, the applicant shall provide an alternate right-of-way or access easement, to those properties, or notarized letters of consent from the affected property owners.
15. The applicant shall cause no easement to be granted, or recorded, over any portion of the subject property between the date of approval of the tentative parcel map and the date of recording of any Parcel Map, unless such easement is approved by the City Engineer.

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.

16. 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." All plans except precise 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.

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

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

In addition to the normal set of improvement plans, a "Site Development" plan and a "Site Utility" plan are required to be submitted for approval by the Building Official and the City Engineer.

"Site Development" plans shall normally include all on-site surface improvements including but not necessarily limited to finish grades for curbs & gutters, building floor elevations, parking lot improvements and ADA requirements.

"Site Utility" plans shall normally include all sub-surface improvements including but not necessarily limited to sewer lines, water lines, fire protection and storm drainage systems. The "Site Utility" plan shall have signature blocks for the Building Official and the City Engineer.

17. 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.

18. The applicant shall furnish a complete set of the AutoCAD files of all improvement plans on a storage media acceptable to the City Engineer. The files shall be saved in a utilize 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

19. Prior to the conditional approval of this Specific Plan, or the issuance of any permit(s), the applicant shall construct all on and off-site improvements and satisfy its obligations for same, or shall furnish a fully secured and executed Subdivision Improvement Agreement ("SIA") guaranteeing the construction of such improvements and the satisfaction of its obligations for same, or shall agree to any combination thereof, as may be required by the City.
20. Improvements to be made, or agreed to be made, shall include 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 monuments.
21. When improvements are to be secured through a SIA, and prior to any permits being issued by the City, the applicant shall submit detailed construction cost estimates for all proposed on and off-site improvements, including an estimate for the final survey monumentation, for checking and approval by the City Engineer. Such estimates shall conform to the unit cost schedule adopted by City resolution, or ordinance.

For items not listed in the City's unit cost schedule, the proposed unit costs be approved by the City Engineer.

At the time the applicant submits its detailed construction cost estimates for conditional approval of the Parcel Map by the City Council, the applicant shall also submit one copy each of an 8-1/2" x 11" reduction of each page of the Parcel Map, along with a copy of an 8-1/2" x 11" Vicinity Map.

Estimates for improvements under the jurisdiction of other agencies shall be approved by those agencies and submitted to the City along with the applicant's detailed cost estimates.

Security will not be required for telephone, natural gas, or Cable T.V. improvements.

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Security will not be required for telephone, natural gas, or Cable T.V. improvements.

Development-wide improvements shall not be agendized for final acceptance by the City Council until the City receives confirmation from the telephone authority that the applicant has met all requirements for telephone service to all lots within the development.

22. When improvements are phased through an administrative approvals (e.g., Site Development Permits), all off-site improvements and common improvements (e.g., backbone utilities, retention basins, perimeter walls, landscaping and gates) shall be constructed, or secured through a SIA, prior to the occupancy of any permanent buildings in the first phase of the development, or as otherwise approved by the City Engineer.

Improvements and obligations required of each subsequent phase shall either be completed, or secured through a SIA, prior to the or occupancy of permanent buildings within such latter phase, or as otherwise approved by the City Engineer.

In the event the applicant fails to construct improvements for the development, or fails to satisfy its obligations for the development in a timely manner, pursuant to the approved phasing plan, the City shall have the right to halt issuance of all permits, and/or final inspections, withhold other approvals related to the development of the project, or call upon the surety to complete the improvements.

GRADING

23. 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.
24. To obtain an approved grading permit, the applicant shall submit and obtain approval of all of the following:
 - A. A grading plan prepared by a qualified engineer or architect,
 - B. A preliminary geotechnical ("soils") report prepared by a qualified engineer, and
 - C. A Fugitive Dust Control Plan prepared in accordance with Chapter 6.16, LQMC.

All grading shall conform to the recommendations contained in the Preliminary Soils Report, and shall be certified as being adequate by a soils engineer, or by an engineering geologist.

A statement shall appear on any final map that a soils report has been prepared in accordance with California Health & Safety Code § 17953.

The applicant shall furnish security, in a form acceptable to the City, and in an amount sufficient to guarantee compliance with the approved Fugitive Dust Control Plan provisions as submitted with its application for a grading permit.

25. 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.
26. The applicant shall minimize differences in elevation between the adjoining properties.

DRAINAGE

27. The applicant shall comply with the provisions of Engineering Bulletin No. 97.03 unless otherwise required in these conditions of approval:
 - A. Nuisance water shall be retained on site. In residential developments, nuisance water shall be disposed of in a trickling sand filter and leach field approved by the City Engineer. The sand filter and leach field shall be designed to contain surges of up to 3 gph/1,000 sq. ft. of landscape area, and infiltrate 5 gpd/1,000 sq. ft.

- B. The project shall be designed to accommodate purging and blowoff water (through underground piping and/or retention facilities) from any on-site or adjacent well sites granted or dedicated to the local water utility authority as a requirement for development of this property.
- C. No fence or wall shall be constructed around any retention basin unless approved by the Community Development Director and the City Engineer.

UTILITIES

- 28. The applicant shall obtain the approval of the City Engineer for the location of all utility lines within any right-of-way, and all above-ground utility structures including, but not limited to, traffic signal cabinets, electric vaults, water valves, and telephone stands, to ensure optimum placement for practical and aesthetic purposes.
- 29. Existing overhead utility lines within, or adjacent to the proposed development, and all proposed utilities shall be installed underground.

All existing utility lines attached to joint use 92 KV transmission power poles are exempt from the requirement to be placed underground.

- 30. Underground 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 all utility trench compaction for approval by the City Engineer.

STREET AND TRAFFIC IMPROVEMENTS

- 31. Prior to issuance of a grading permit, the applicant shall submit a Transportation Demand Management (TDM) Plan in accordance with the City's TDM Ordinance, Chapter 9.180, LQMC. The applicant shall be responsible for improvements found necessary to mitigate the traffic impacts of this development.
- 32. The applicant shall provide an additional 9-foot of right-of-way on Jefferson Street to accommodate the deceleration lane into the parking lot entry directly east of Parcel 6. Such right-of-way shall be concentric with the deceleration curb alignment.

33. The applicant shall revise the commercial entry drive throats to provide a minimum 90-foot uninterrupted length, or shall provide a combination of a dedicated right turn deceleration lane and the drive throat that will equal a total of 90-feet. Additional right-of-way shall be dedicated as required in the "PROPERTY RIGHTS" section of these conditions.

34. 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.
35. Standard knuckles and corner cut-backs shall conform to Riverside County Standard Drawings #801 and #805, respectively, unless otherwise approved by the City Engineer.
36. 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. Unused curb cuts on any lot shall be restored to normal curbing prior to final inspection of permanent building(s) on the lot.
37. 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:

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"

or the approved equivalents of alternate materials.

A. PARKING LOTS

- 1) The design of parking facilities shall conform to LQMC Chapter 9.150.
- 2) The angle point of the 26-foot drive aisle located at the northwest corner of Parcel 1, shall have an inside turning radius satisfactory to the Fire Marshall, and/or sufficient to accommodate a standard dual axel 13.5-foot wheel base fire truck.

Entry drives, main interior circulation routes, standard knuckles, 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.

38. General access points and turning movements of traffic are limited to the following:
- A. Primary Entry (Jefferson Steet, 320-foot S. of N. P/L): Left/Right turn in, Right turn out.
 - B. Secondary Entry (Jefferson Steet, 530-foot S. of N. P/L): Right turn in, Right turn out.
 - C. Primary Entry (Avenue 50, 610-foot W. of C/L Intersection with Jefferson Street): Left/Right turn in, Right turn out.
 - D. Secondary Entry (Avenue 50, 400-foot W. of C/L Intersection with Jefferson Street): Right turn in, Right turn out.
 - E. Secondary Entry into Parcel 2 Parking area (Avenue 50, 810-foot W. of C/L Intersection with Jefferson Street): Right turn in, Right turn out.
 - F. Secondary Entry (Avenue 50, 930-foot W. of C/L Intersection with Jefferson Street): Shall be reserved for Emergency Vehicle Right turn in, Right turn out, and shall have positive access control satisfactory to the Fire Marshal and the City Engineer.
 - G. The access shown to the north, for the future residential tract shall remain.
39. 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.
40. Improvements shall be designed and constructed in accordance with City adopted standards, supplemental drawings and specifications, or as approved by the City Engineer. Improvement plans for streets, access gates and parking areas shall be stamped and signed by qualified engineers.
41. Standard knuckles and corner cut-backs shall conform to Riverside County Standard Drawings #801 and #805, respectively, unless otherwise approved by the City Engineer.

42. The applicant shall extend improvements beyond the subdivision boundaries to ensure they safely integrate with existing improvements.

CONSTRUCTION

43. 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.
44. The City will conduct final inspections of 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 in residential tracts 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.

LANDSCAPING

45. The applicant shall provide landscaping in the required setbacks, retention basins, common lots and park areas.
46. 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 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.

47. 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 long public streets.
48. Storm water will be permitted to be retained in the landscape setback areas. The meandering public sidewalk adjacent to Pad "C" shall be moved closer to the street in order to allow up to three feet of berming, east of the adjacent retention basin.

PUBLIC SERVICES

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

QUALITY ASSURANCE

50. The applicant shall employ construction quality-assurance measures that meet with the approval of the City Engineer.
51. 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.
52. 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 construction materials and methods employed comply with the plans, specifications and other applicable regulations. After tributary-area improvements are complete and soils have been permanently stabilized where retention basins have been constructed, testing shall include sand filter percolation tests, as approved by the City Engineer.
53. Upon completion of construction, the applicant shall furnish the City reproducible record drawings of all public 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 AutoCAD or raster-image files previously submitted to the City to reflect the as-built conditions.

MAINTENANCE

54. The applicant shall make provisions for continuous, perpetual maintenance of all private on-site improvements, perimeter landscaping, access drives, and sidewalks.

FEES AND DEPOSITS

55. 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.
56. Prior to issuance of a grading permit or any earth moving activities, applicant shall pay a fringe-toed lizard mitigation fee of \$600.00 per acre to the City of La Quinta.

FIRE MARSHAL

57. Fire hydrants in accordance with CVWD Standard W-33 shall be located at each street intersection spaced 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 1000 gpm for a two hour duration at 20 psi. Blue dot reflectors shall be mounted in the middle of the street directly in line with the fire hydrants.
58. 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.
59. Prior to issuance of first building permit, the applicant/developer will furnish one blueline copy of the water system plans to the Fire Department for review/approval. Plans will conform to the fire hydrant types, location, and spacing, and the system will meet the fire flow requirements. Plans will be signed/approved by a 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."
60. The required water system including fire hydrants will be installed and accepted by the appropriate water agency prior to any combustible building material being placed on an individual lot.

61. The drive aisle paving at the rear of Pad "A" and "B" shall be designed to handle a live load of 65,000 pounds over 2-axles.

SIGNS

62. The sign program in the specific plan is not considered approved. A separate sign program document shall be prepared, based upon the specific plan approval, with adequate detail provided to ensure compliance with applicable code requirements and design compatibility with the center. The document shall be submitted to and approved by the Community Development Director prior to issuance of the first building permit for the center.

ENVIRONMENTAL

63. Prior to the issuance of a grading permit or building permit or any earth moving activities, whichever comes first, the property owner/developer shall prepare and submit a written report to the Community Development Department demonstrating compliance with those mitigation measures of SP 98-034 and EA 98-375.

MISCELLANEOUS

64. The approved Specific Plan text on file in the Community Development Department, shall be revised to incorporate in the appropriate chapter and section the all conditions and mitigation measures, with final texts (4) submitted to the Community Development Department within 30 days of final approval by the City Council, or prior to issuance of a grading permit, whichever occurs first.
65. A vehicle turnaround shall be provided in the parking lot north of the required emergency access located at the west end of the project on Avenue 50, to the satisfaction of the City.