

**CITY COUNCIL RESOLUTION 2005-080  
CONDITIONS OF APPROVAL – FINAL  
SPECIFIC PLAN AMENDMENT 97-029, AMENDMENT NO. 4  
STAMKO DEVELOPMENT CO.  
ADOPTED: OCTOBER 18, 2005**

**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 Specific Plan, or any Final 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. Specific Plan No. 97-029, Amendment No. 4, shall comply with the requirements and standards of Government Code §§ 66410 through 66499.58 (the "Subdivision Map Act"), Chapter 13 of the La Quinta Municipal Code ("LQMC") and all applicable conditions of approval for Specific Plan No. 97-029 and Amendments No. 1, 2 and 3, Tentative Parcel Maps 30420 and 28525 and Site Development Permit 97-603 and Amendments No.1 and 2.

The City of La Quinta's Municipal Code can be accessed on the City's Web Site at [www.la-quinta.org](http://www.la-quinta.org).

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

- Fire Marshal
- Public Works Department (Grading Permit, Improvement Permit)
- Community Development Department
- Riverside Co. Environmental Health Department
- Desert Sands Unified School District
- Coachella Valley Water District (CVWD)
- Imperial Irrigation District (IID)
- California Water Quality Control Board (CWQCB)
- SunLine Transit Agency
- South Coast Air Quality Management District
- Caltrans

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, the applicant shall furnish proof of such approvals when submitting those improvements plans for City approval.

If previous NPDES construction permits are no longer applicable, a project-specific NPDES construction permit must be obtained by the applicant; and who then shall submit a copy of the Regional Water Quality Control Board's ("RWQCB") acknowledgment of the applicant's Notice of Intent ("NOI"), prior to the issuance of a grading or site construction permit by the City.

4. The applicant shall comply with applicable provisions of the City's NPDES stormwater discharge permit, Sections 8.70.010 et seq. (Stormwater Management and Discharge Controls), and 13.24.170 (Clean Air/Clean Water), LQMC; Riverside County Ordinance No. 457; and the State Water Resources Control Board's Order No. 99-08-DWQ.

A. For construction activities including clearing, grading or excavation of land that disturbs one (1) acre or more of land, or that disturbs less than one (1) acre of land, but which is a part of a construction project that encompasses more than one (1) acre of land, the Permittee shall be required to submit a Storm Water Pollution Protection Plan ("SWPPP").

The applicant or design professional can obtain the California Stormwater Quality Association SWPPP template at [www.cabmphandbooks.com](http://www.cabmphandbooks.com) for use in their SWPPP preparation.

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 (Definitions), 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 erosion and sediment control BMPs proposed by the applicant shall be approved by the City Engineer prior to any onsite or offsite grading, pursuant to this project.
- F. The approved SWPPP and BMPs shall remain in effect for the entire duration of project construction until all improvements are completed and accepted by the City.

5. Deleted. Same as condition No. 58.

#### 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 on the Final Map 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.
8. The public street right-of-way offers for dedication required for this amendment shall include:

A. PUBLIC STREETS

- 1) Adams Street (Primary Arterial, Option A - 110' ROW) – No additional right of way except for an additional right of way dedication at the proposed realigned road connecting Adams Street and La Quinta Drive measured 63 feet east from the centerline of Adams Street and a minimum of 100 feet long plus a variable dedication of an additional 50 feet to accommodate improvements conditioned under STREET AND TRAFFIC IMPROVEMENTS.

9. 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.

Pursuant to this requirement, the Applicant shall include in the submittal packet containing the draft final map submitted for map checking, an offsite street geometric layout, drawn at 1" equals 40 feet, detailing the following design aspects: median curb line, outside curb line, lane line alignment including lane widths, left turn lanes, deceleration lane(s) and bus stop turnout(s). The geometric layout shall be accompanied with sufficient professional engineering studies to confirm the appropriate length of all proposed turn pockets and auxiliary lanes that may impact the right of way dedication required of the project and the associated landscape setback requirement.

10. When the City Engineer determines that access rights to the proposed street right-of-ways shown on the approved Specific Plan are necessary prior to approval of the Final 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.
11. The applicant shall offer for dedication on the Final Map a ten-foot wide public utility easement contiguous with, and along both sides of all private streets. Such easement may be reduced to five feet in width with the express written approval of IID.
12. The applicant shall create perimeter landscaping setbacks along all public right-of-ways as follows:
  - A. Adams Street (Primary Arterial) - 20-foot from the R/W-P/L.

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 Final Map.

13. 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 Final Map.
14. Applicable to this amendment to the specific plan, direct vehicular access to Adams Street from parcels with frontage along Adams Street is restricted, except for those access points identified on previously recorded parcel maps and the site plan for Amendment No. 4 of the specific plan, or as otherwise conditioned in these conditions of approval.
15. 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.
16. 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 Specific Plan and the date of recording of any Final Map, unless such easement is approved by the City Engineer.

#### GRADING

17. The applicant shall comply with the provisions of Section 13.24.050 (Grading Improvements), LQMC.
18. 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.
19. 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,
- B. A preliminary geotechnical ("soils") report prepared by a qualified engineer,
- C. A Fugitive Dust Control Plan prepared in accordance with Chapter 6.16, (Fugitive Dust Control), LQMC, and
- D. A Best Management Practices report prepared in accordance with Sections 8.70.010 and 13.24.170 (NPDES stormwater discharge permit and Storm Management and Discharge Controls), 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 the Final Map that a soils report has been prepared in accordance with the 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.

- 20. The applicant shall maintain all open graded, undeveloped land in order to prevent wind and/or water erosion of such land. All open graded, undeveloped land shall either be planted with interim landscaping, or stabilized with such other erosion control measures, as were approved in the Fugitive Dust Control Plan.
- 21. Grading within the perimeter setback and parkway areas shall have undulating terrain and shall conform with the requirements of LQMC Section 9.60.240(F) except as otherwise modified by this condition requirement. The maximum slope shall not exceed 3:1 anywhere in the landscape setback area, except for the backslope (i.e. the slope at the back of the landscape lot) which shall not exceed 2:1 if fully planted with ground cover. The maximum slope in the first six (6) feet adjacent to the curb shall not exceed 4:1 when the nearest edge of sidewalk is within six feet (6') of the curb, otherwise the maximum slope within the right of way shall not exceed 3:1. All unpaved parkway areas adjacent to the curb shall be depressed one and one-half inches (1.5") in the first eighteen inches (18") behind the curb.

22. The applicant shall minimize the differences in elevation between the adjoining properties and the lots within this development.

Where compliance within the above stated limits is impractical, the City may consider alternatives that are shown to minimize safety concerns, maintenance difficulties and neighboring-owner dissatisfaction with the grade differential.

23. Prior to any site grading or regrading that will raise or lower any portion of the site by more than plus or minus three tenths of a foot from the elevations shown on the approved Specific Plan, the applicant shall submit the proposed grading changes to the City Staff for a substantial conformance finding review.
24. Prior to the issuance of a building permit for any building lot, the applicant shall provide a lot pad certification stamped and signed by a qualified engineer or surveyor.

Each pad certification shall list the pad elevation as shown on the approved grading plan, the actual pad elevation and the difference between the two, if any. Such pad certification shall also list the relative compaction of the pad soil. The data shall be organized by lot number, and listed cumulatively if submitted at different times.

## DRAINAGE

25. The applicant shall comply with the provisions of Section 13.24.120 (Drainage), LQMC, Engineering Bulletin No. 97.03. More specifically, stormwater falling on site during the 100 year storm shall be retained within the development, unless otherwise approved by the City Engineer. The tributary drainage area shall extend to the centerline of adjacent public streets and highways. The design storm shall be either the 3 hour, 6 hour or 24 hour event producing the greatest total run off.
26. In design of retention facilities, the maximum percolation rate shall be two inches per hour. The percolation rate will be considered to be zero unless the applicant provides site specific data indicating otherwise.

Nuisance water shall be retained on site. Nuisance water shall be disposed of in a trickling sand filter and leach field or equivalent system approved by the City Engineer. The sand filter and leach field shall be designed to contain first flush storm water and nuisance water surges from landscape area, commercial activity and off-site street nuisance water. The sand filter design shall be per La Quinta Standard 370 with the equivalent of 137.2 gph of water feed per sand filter to accept the abovementioned nuisance water requirements. Leach line requirements are 1.108 feet of leach line per gph of flow. Flow from adjacent well sites shall be designed for retention area percolation by separate infiltration system approved by the City Engineer.

27. 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.
28. For on-site common retention basins, retention depth shall be according to Engineering Bulletin 97.03, and side slopes shall not exceed 3:1 and shall be planted with maintenance free ground cover.
29. Stormwater may not be retained in landscaped parkways or landscaped setback lots along Adams Street. Only incidental storm water (precipitation which directly falls onto the setback) will be permitted to be retained in the landscape setback areas. The perimeter setback and parkway areas in the street right-of-way shall be shaped with berms and mounds, pursuant to Section 9.100.040(B)(7), LQMC.
30. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development.
31. The development shall be graded to permit storm flow in excess of retention capacity to flow out of the development through a designated overflow and into the historic drainage relief route.
32. Storm drainage historically received from adjoining property shall be received and retained or passed through into the historic downstream drainage relief route.



## UTILITIES

33. The applicant shall comply with the provisions of Section 13.24.110 (Utilities), LQMC.
34. 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.
35. 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.

36. 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

37. The applicant shall comply with the provisions of Sections 13.24.060 (Street Improvements), 13.24.070 (Street Design - Generally) & 13.24.100 (Access For Individual Properties And Development), LQMC for public streets; and Section 13.24.080 (Street Design - Private Streets), where private streets are proposed.
38. The applicant shall construct the following street improvements to conform with the General Plan (street type noted in parentheses.)

### A. OFF-SITE STREETS

- 1) Highway 111 (Major Arterial – State Highway; 140' R/W):

No additional widening on the south side of Highway 111 is required for the Specific Plan under this amendment.

2) Adams Street (Primary Arterial; Option A, 110' R/W):

No additional street widening is required on the east side of Adams Street along the Specific Plan boundary, except at locations where additional street width is needed to accommodate:

- a) A deceleration/right turn only lane at the proposed realigned road connecting Adams Street and La Quinta Drive. The east curb face shall be located fifty one feet (51') east of the centerline and length to be determined by a traffic study prepared for the applicant by a licensed traffic engineer per Engineering Bulletin # 03-08. As a minimum, the required right of way shall be for a length of 100 feet plus a variable dedication of an additional 50 feet.

Other required improvements in the Adams Street right of way and/or adjacent landscape setback area include:

- b) All appurtenant components such as, but not limited to: curb, gutter, traffic control striping, legends, and signs.
- c) Reconstruct the existing 6' meandering sidewalk along the deceleration/right turn only lane at the proposed realigned road connecting Adams Street and La Quinta Drive.

The applicant shall extend improvements beyond the subdivision 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).

The applicant is responsible for construction of all improvements mentioned above. The development is eligible for reimbursement from the City's Development Impact Fee fund in accordance with policies established for that program.

- 3) The applicant shall install the traffic signal at the Adams Street and Avenue 47 intersection as conditioned of Tentative Parcel Map 28525. Applicant is responsible for 50 % of the cost to design and install the traffic signal. Applicant shall enter into a SIA to post security for 50 % of the cost to design and install the traffic signal prior to issuance of an on-site grading permit; the security shall remain in full force and effect until the signal is actually installed by the applicant.

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.

39. 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:

Parking Lot	3.0" a.c./4.5" c.a.b.
Primary Arterial	4.5" a.c./6.0" c.a.b.

or the approved equivalents of alternate materials.

40. 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.
41. All access points and turning movements of traffic previously approved shall remain. Additional access points and turning movements of traffic as proposed for this amendment to the Specific Plan 97-029 are limited to the following:
  - A. Adams Street entry for realigned road from Adams Street to La Quinta drive (Adams Street): Right turn in and out movements are permitted. Left turn in and out movements are prohibited.

42. 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.
43. 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.

### CONSTRUCTION

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 developments 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 development or when directed by the City, whichever comes first.

### LANDSCAPING

45. The applicant shall comply with Sections 13.24.130 (Landscaping Setbacks) & 13.24.140 (Landscaping Plans), LQMC.
46. The applicant shall provide landscaping in the required setbacks, retention basins, common lots and park areas.
47. Landscape and irrigation plans for landscaped lots and setbacks, medians, retention basins, and parks shall be signed and stamped by a licensed landscape architect.
48. 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.

49. 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

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

#### QUALITY ASSURANCE

51. The applicant shall employ construction quality-assurance measures that meet with the approval of the City Engineer.
52. 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.
53. 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.
54. 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

55. The applicant shall comply with the provisions of Section 13.24.160 (Maintenance), LQMC.

56. 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

57. 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.
58. 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) or pursuant to the terms of the Development Agreement for the property described in the existing legal description contained in the Development Agreement.

#### COMMUNITY DEVELOPMENT

59. Prior to final approval of the Specific Plan Amendment, applicant shall add the following language to the Specific Plan text:

The applicant shall prepare a final street design, including a round-about design option for the intersection of Auto Centre Drive South and the proposed new driveway (this excludes the intersection of La Quinta Centre Drive and the proposed new driveway), for the proposed new internal road and submit plans, for approval by the Planning Commission, as an independent Site Development Permit or concurrent with the next Site Development Permit submittal in Planning Area 2 of the Specific Plan.