

RESOLUTION NO. 2001-66

CONDITIONS OF APPROVAL - FINAL

SPECIFIC PLAN 84-004, AMENDMENT NO. 4 (RANCHO LA QUINTA)

JUNE 5, 2001

CONDITIONS OF APPROVAL

GENERAL

Land divisions within Specific Plan 84-004 (Amendment #4) shall comply with the requirements and standards of §§ 66410-66499.58 of the California Government Code (the Subdivision Map Act) and Chapter 13 of the La Quinta Municipal Code (LQMC).

Prior to the issuance of a grading or building permits for any facilities contemplated by this approval, the applicant shall obtain permits and/or clearances from the following departments or 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 (Potable water supply and work within the La Quinta Evacuation Channel)
- C Imperial Irrigation District
- C California Regional Water Quality Control Board (NPDES Permit)

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 approval of the plans.

The applicant shall comply with applicable provisions of the City's NPDES stormwater discharge permit. For projects requiring project-specific NPDES construction permits, the applicant shall include a copy of the application for the Notice of Intent with grading plans submitted for plan checking. Prior to issuance of a grading or site construction permit, the applicant shall submit a copy of the proposed Storm Water Pollution Protection Plan for review by the Public Works Department.

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.

PROPERTY RIGHTS

All easements, rights of way and other property rights required of or otherwise necessary to facilitate the ultimate use of the development 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 final maps or parcel maps or a waivers of parcel maps lying over or adjacent to the required property rights. The conferral shall include irrevocable offers to dedicate or grant easements to the City for access to and maintenance, construction, and reconstruction of all essential improvements which are located on privately-held lots or parcels.

Prior to approval of final maps, parcel maps or grading plans and prior to issuance of grading permits, the applicant shall furnish proof of temporary or permanent 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.

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.

The applicant shall grant public and private 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.

Right of way grants required of this development include:

- A. Washington and Jefferson Streets - Sixty-foot halves of 120' rights of way
- B. Avenues 48 and 50 - Fifty-five-foot halves of 110' rights of way

Grants shall include 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 grant the above rights of way within sixty days of written request by the City.

The applicant shall grant flood easements to CVWD for all areas of the development below the elevation of 50.00 feet which are not drainage isolated (to elevation 50.00) from the La Quinta Evacuation Channel. The applicant shall endeavor to offer easements over currently-improved portions of the channel within six months of the approval of this specific plan update. Easements over unimproved portions shall be offered for dedication when subdivided or otherwise approved for construction.

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

The applicant shall create perimeter setback lots, of minimum width as noted, adjacent to the following street rights of way:

Washington Street - As constructed at the time of this Specific Plan Update.

Avenues 48 and 50 and Jefferson Street - 20 feet.

Minimum widths may be used as average widths if meandering wall designs are approved.

Required setback areas or lots shall apply to all existing and proposed street frontage of the property being subdivided including, but not limited to, remainder parcels and lots dedicated or deeded to others such as water well and power substation sites.

Where public sidewalks are placed on privately-owned setback lots, the applicant shall dedicate blanket sidewalk easements over the setback lots.

The applicant shall vacate abutter's rights of access to Washington and Jefferson Streets and Avenues 48 and 50 from lots abutting the streets. Direct access to these streets shall be restricted to entry/exit drives approved by the City.

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

FINAL MAP(S) AND PARCEL MAP(S)

Prior to approval of any land division map, the applicant shall furnish accurate AutoCad files of the complete map, as approved by the City's map checker, on storage media and in a program format acceptable to the City Engineer. The files shall utilize standard AutoCad menu choices 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

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 & 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. If water and sewer plans are included on the street and drainage plans, the plans shall have an additional signature block for the Coachella Valley Water District (CVWD). The combined plans shall be signed by CVWD prior to their submittal for the City Engineer's signature.

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

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

Grading and drainage plans within or directly affecting the La Quinta Evacuation Channel shall have signature blocks for CVWD.

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.

When final plans are approved by the City, and prior to approval of the land division map, 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 choices 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 including approved revisions to the plans.

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

The applicant shall construct improvements and/or satisfy obligations, or furnish executed, secured agreements to construct improvements and/or satisfy obligations required by the City prior to approval of final or parcel maps or issuance of certificates of compliance for waived parcel maps. 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.

If improvements are secured, the applicant shall provide approved estimates of improvement costs. 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 utilities and other improvements under the jurisdiction of outside agencies shall be approved by those agencies. Security is not required for telephone, gas, or T.V. cable improvements. However, tract 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.

The applicant shall pay cash or provide security in guarantee of cash payment for applicant's required share of improvements which are or have been constructed by others (participatory improvements).

At the time of approval of this specific plan update, known participatory improvements consist of the following:

Avenue 48 - Reimburse the A.G. Spanos Company in the amount of \$60,555.59 for pavement and median curbing installed on the south side of Avenue 48 between Washington and Adams Streets as part of offsite improvements for Tract 24230 - Lake La Quinta. This amount shall be reduced by the applicant's approved costs for installation of landscaping in the north half of said median.

GRADING

Graded, 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.

Prior to occupation of development sites for construction purposes, the Applicant shall submit and receive approval of Fugitive Dust Control plans prepared in accordance with Chapter 6.16, LQMC. 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.

The applicant shall comply with the City's Flood Protection Ordinance. The applicant shall coordinate with the Federal Emergency Management Agency's National Flood Insurance Program and take steps as necessary to ensure that residential properties abutting the La Quinta Evacuation Channel are not subject to the flood insurance associated with the Flood Zone A designation of the Channel.

The applicant shall furnish a thorough preliminary geological and soils engineering report ("soils report") with grading plans.

Grading plans shall be prepared by a registered civil engineer and must meet the approval of the City Engineer prior to issuance of grading permits. The grading plan shall conform with the recommendations of the soils report(s) and shall be certified as adequate by a soils engineer or an engineering geologist. A statement shall appear on final map(s) that soils reports have been prepared pursuant to Section 17953 of the Health and Safety Code.

The applicant shall endeavor to minimize differences in elevation at the interface of this development with abutting properties and of separate tracts and lots within this development. Building pad elevations on contiguous lots shall not differ by more than three feet except for lots within a tract, but not sharing common street frontage, where the differential shall not exceed five feet. If compliance with this requirement is impractical, the City will consider and may approve alternatives which minimize safety concerns, maintenance difficulties and neighboring-owner dissatisfaction with the grade differential.

Prior to issuance of building permits, the applicant shall provide documents, bearing the seal and signature of a California registered civil engineer or surveyor, that list actual building pad elevations for the building lots. The document shall list the pad elevation approved on the grading plan, the as-built elevation, and the difference between the two, if any. The data shall be organized by map and lot number and shall be listed cumulatively if submitted at different times.

DRAINAGE

The applicant shall comply with the provisions of Engineering Bulletin No. 97.03 and the following:

The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development.

Stormwater falling on site during the peak 24-hour period of a 100-year storm (the design 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.

Storm flow in excess of retention capacity shall be routed through a designated overflow outlet and into the historic drainage relief route.

Storm drainage historically received from adjoining property shall be received and retained or passed through into the historic downstream drainage relief route.

Nuisance water shall be retained on-site.

If the applicant proposes drainage of stormwater from a design storm directly or indirectly to public waterways, the applicant and, subsequently, the Homeowners' Association shall be responsible for any sampling and testing of the development's effluent which may be required under the City's NPDES Permit or other City- or area-wide pollution prevention program and for any other obligations and/or expenses which may arise from such discharge of the development's stormwater or nuisance water. The tract CC & R's shall reflect the existence of this potential obligation.

UTILITIES

All existing and proposed utilities within or adjacent to the proposed development shall be installed underground, unless otherwise allowed by General Plan Amendment 2000-073.

1. In areas where hardscape surface improvements are planned, underground utilities shall be installed prior to the hardscape improvements. The applicant shall provide certified reports of utility trench compaction tests for approval of the City Engineer.

STREET AND TRAFFIC IMPROVEMENTS

2. The City is contemplating adoption of a major 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 land being divided may be subject to the provisions of the ordinance.
3. The applicant shall develop all internal roads in accordance with the design standards specified in the specific plan and the structural standards in effect at the time of tentative tract approval. All internal roads shall remain private. The minimum street width shall be 36 feet as measured between curbsides or flowlines except as follows:
 - A. Single-loaded residential streets - 32-foot minimum.
 - B. Streets may be constructed to minimum widths of 32 feet with parking restricted to one side, and 28 feet if on-street parking is prohibited, if there

is adequate off-street parking for residents and visitors and the applicant provides for enforcement of the restrictions by the homeowners association.

The following minimum off-site street improvements shall be constructed to conform with the General Plan street type noted in parentheses:

- C. Washington Street and the portion of Avenue 48 from Washington Street to Dune Palms Road have been constructed by the applicant at the time of this Specific Plan Amendment.
- D. Avenue 48 (Primary Arterial) - Reimburse the City for the cost to construct the applicant's half of this street from Dune Palms Road to Jefferson Street.
- E. Jefferson Street (Major Arterial) - Fifty-one-foot half of 102 feet improvement (curbface to curbface) plus six-foot sidewalk for the length of the applicant's frontage.
- F. Avenue 50 (Primary Arterial) - Forty-three-foot half of 86 feet improvement (curbface to curbface) plus six-foot sidewalk for the length of the applicant's frontage.
- G. Traffic signal at Jefferson Street and Avenue 48 - 25% responsibility for the cost to design and construct.
- H. Traffic signals on Avenue 48 at Adams Street, at Dune Palms Road - 50% responsibility for the cost to design and construct.
- I. Traffic signal at Avenue 50 entrance - 50% responsibility for the cost to design and construct.
- J. Traffic Signal at Jefferson Street and Avenue 48 - 50% responsibility for the cost to design and construct.

The Applicant shall be solely responsible for any modifications required to adapt existing signals for the opening of this developments entries. Signals shall be secured (reimbursed if already constructed by others) with development approvals for the entries affected and shall be constructed prior to the opening of the entries unless otherwise approved by the City Engineer.

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.

In the event any of the above improvements are constructed by the City prior to the Applicant recording a final map pursuant to the phasing concept approved for this Specific Plan, the Applicant shall reimburse the City, at the time the final map is approved by the City Council, for the cost of that portion of the improvements constructed by the City at City expense that are required by these Conditions of Approval.

4. The minimum rate of progress on the applicant's remaining responsibility for off-site streets (approximately 2.1 of the original 3.1 miles of improvements) shall be as follows:
 - A. The applicant shall reimburse the City for the cost of improvements to Avenue 48 between Dune Palms Road and Adams Street at the time of approval of the next final map or other development approval providing additional residential or resort guest property.
 - B. The applicant shall secure the estimated cost of Jefferson Street improvements (or reimburse actual costs if already constructed) as follows:
 - 1) Prior to construction of permanent, non-emergency access to this street, or
 - 2) At the time of approvals allowing residential or resort guest uses in the portion of the specific plan area lying within one quarter mile of the centerline of Jefferson Street. This obligation may be pro rated with development approvals for the first 80 percent of such property within that area until permanent non-emergency access is provided to Jefferson Street or the City Engineer determines that improvements are needed, in part, because of traffic generated by the specific plan area.
 - 3) Construction or reimbursement shall be complete prior to approval of the final 20 percent of the residential or resort guest acreage within this area.

- C. The applicant shall secure the estimated cost of Avenue 50 along applicant's frontage and Avenue 48 between Dune Palms Road and Jefferson Street (or reimburse actual costs if already constructed) concurrently with approvals allowing residential or resort guest uses in the portion of the specific plan area lying east and south of the La Quinta Evacuation Channel and more than one-quarter mile west of the centerline of Jefferson Street.

The provision of security and construction/reimbursement of these improvements shall comply with the provisions listed above for Jefferson Street improvements except that reimbursement for the Avenue 48 improvements shall precede securing/constructing Avenue 50 improvements until the pro rata contributions are needed for pending construction of Avenue 50 improvements.

The above notwithstanding, off-site street improvements determined necessary to serve developing portions of the specific plan area shall be secured or reimbursed at the time of approval of those portions of the development and shall be constructed concurrently with those portions. All off-site street improvements shall be completed no later than five years after the approval of this Specific Plan unless otherwise approved by the City Council. Improvements and reimbursements so required may exceed the minimum rate of progress outlined above.

Improvements shall include all appurtenances such as traffic signs, channelization markings and devices, raised medians if required, street name signs, and sidewalks. Mid-block street lighting is not required.

The City Engineer may require improvements extending beyond development boundaries such as, but not limited to, pavement elevation transitions, street width transitions, or other incidental work which will ensure that newly constructed improvements are safely integrated with existing improvements and conform with the City's standards and practices.

Improvement plans for all on- and off-site streets and access gates shall be prepared by registered professional engineer(s) authorized to practice in the State of California. Improvements shall be designed and constructed in accordance

with the LQMC, adopted Standard and Supplemental Drawings and Specifications, the specific plan, and as approved by the City Engineer.

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

All streets proposed to serve residential or other access driveways shall be designed and constructed with vertical curbs and gutters or shall have other approved methods to convey nuisance water without ponding and to facilitate street sweeping.

Street pavement sections shall be based on a Caltrans design 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"

The listed structural sections are minimums, not defaults. Street pavement sections shall be designed using Caltrans design procedures with site-specific data for soil strength and traffic volumes.

The applicant shall submit current (no more than two years old) mix designs for base materials, Portland cement concrete and asphalt concrete, including complete mix design lab results, for review and approval by the City. For mix designs over six months old, the submittal shall include recent (no more than six months old at the time proposed for construction) aggregate gradation test results to confirm that the mix design gradations can be reproduced in production of the base or paving material. Construction operations shall not be scheduled until mix designs are approved.

Final inspection and occupancy of homes or other permanent buildings within the development will not be approved until the homes or permanent buildings have improved access to publicly-maintained streets. The improvements shall include streets and sidewalks, traffic control devices and street name signs.

WALLS AND LANDSCAPING

5. Final inspection and occupancy of homes and buildings within tracts abutting the perimeter will occur only after the perimeter wall has been constructed adjacent to those tracts. Perimeter walls along public streets shall be installed within one year of the applicants' construction or participation in the costs of the streets.
6. The applicant shall provide landscape improvements in the perimeter setback areas or lots along all adjacent public streets. Landscape improvements shall coincide with construction of the adjacent perimeter wall unless otherwise approved by the City Engineer.
7. Landscape and irrigation plans for landscaped lots, landscape setback areas, medians, 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.

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.

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.

The applicant shall ensure that landscaping plans and utility plans are coordinated to provide visual screening of aboveground utility structures.

PUBLIC SERVICES

8. The applicant shall provide public transit amenities as required by Sunline Transit and/or the City Engineer.

QUALITY ASSURANCE

The applicant shall employ construction quality-assurance measures which meet the approval of the City Engineer.

The subdivider shall arrange and bear the cost of measurement, sampling and testing not performed by the City but necessary to provide evidence that materials and their placement comply with plans and specifications.

The applicant shall employ or retain California registered civil engineers, geotechnical engineers, or surveyors, as appropriate, who will provide, or have their agents provide, sufficient supervision and verification of the construction to be able to furnish and sign accurate record drawings.

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. The applicant shall revise the plan computer files previously submitted to the City to reflect the as-constructed condition.

MAINTENANCE

The applicant shall make provisions for continuous and perpetual maintenance of all required improvements unless and until expressly released from said responsibility by the City.

FEES AND DEPOSITS

9. 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 plan checking and permits.
10. Fringe-toed Lizard mitigation fees in effect at the time of permit issuance, shall be paid.

FIRE MARSHALL

11. All water mains and fire hydrants providing required water flows shall be constructed in accordance with the appropriate sections of CVWD Std. W-33, subject to the approval by the Riverside County Fire Department.
12. The Homeowner's Association or appropriate community service district shall be responsible for the maintenance of vegetation in the open space areas.
13. All roads need to be a minimum of 20 feet unobstructed width.
14. Specific access plans shall be submitted with each subdivision map application. Cul-de-sac street lengths shall be allowed to exceed 660 feet in length (Subdivision Ordinance Street design Section 13.24.060 F) upon approval of the Public Works Department and Fire Marshal.

MISCELLANEOUS

15. Applicant shall work with staff to correct internal document inconsistencies prior to final publication of Specific Plan document. The final Conditions of Approval shall be incorporated in the Final Specific Plan document (eight copies).
16. Prior to the issuance of grading permits on the 5-acre addition to Specific Plan 84-004, the project proponent shall complete, or cause to be completed, a biological resource analysis on the subject property. Such a study shall be undertaken by a qualified biologist, utilizing protocols established for the Fringed-toed Lizard. The biological analysis shall include a final report, to be submitted to the Community Development Department for review and approval. The report shall include mitigation measures, if required should the species be present on site.
17. Prior to issuance of any grading permit, mitigation measures as recommended by the Archaeological Reports for the site shall be implemented at the applicant/developer's expense. This consists of having an archaeological monitor on-site during grading and earth disturbance operations and/or trenching.

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 84-004 (Amendment #4), GPA 2001-073, EA 2001-421, and affiliated subdivision maps. The City of La Quinta shall have the right to select its defense counsel in its sole discretion.