

CITY COUNCIL RESOLUTION NO. 89-109  
CONDITIONS OF APPROVAL - FINAL  
TENTATIVE TRACT MAP NO. 24950  
OCTOBER 3, 1989

A. GENERAL CONDITIONS OF APPROVAL

1. Tentative Tract Map No. 24950 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. This Tentative Tract Map approval shall expire two years after the original date of approval by the La Quinta City Council unless approved for extension pursuant to the City of La Quinta Land Division Ordinance.
3. The Applicant acknowledges that the City is considering a City-wide Landscape and Lighting District and, by recording a subdivision map, agrees to be included in the District and to offer for dedication such easements as may be required for the maintenance and operation of related facilities. Any assessments will be done on a benefit basis, as required by law.
4. The City shall retain a qualified archaeologist, with the Developer to pay costs, to prepare a mitigation and monitoring plan for artifact location and recovery. Prior archaeological studies for this site as well as other unrecorded information, shall be analyzed prior to the preparation of the plan.

The plan shall be submitted to the Coachella Valley Archaeological Society (CVAS) for a two-week review and comment period. At a minimum, the plan shall: 1) identify the means for digging test pits; 2) allow sharing the information with the CVAS; and 3) provide for further testing if the preliminary result show significant materials are present. The final plan shall be submitted to the Planning and Development Department for final review and approval.

Prior to the issuance of a Grading Permit, the Developer shall have retained a qualified cultural resources management firm and completed the testing and data recovery as noted in the plan. The management firm shall monitor the grading activity as required by the plan or testing results.

A list of the qualified archaeological monitor(s), cultural resources management firm employees, and any assistant(s)/ representative(s), shall be submitted to the Planning and Development Department. The list shall provide the current address and phone number for each monitor. The designated monitors may be changed from time to time, but no such change shall be effective unless served by registered or certified mail on the Planning and Development Department.

The designated monitors or their authorized representatives shall have the authority to temporarily divert, redirect or halt grading activity to allow recovery of resources. In the event of discovery or recognition of any human remains, there shall be no further grading, excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until appropriate mitigation measures are completed.

Upon completion of the data recovery, the developer shall cause three copies of the final report containing the data analysis to be prepared and published and submitted to the Planning and Development Department.

5. The Developer of this subdivision of land shall cause no easements to be granted or recorded over any portion of this property between the date of approval by the City Council and the date of recording of the final map without the approval of the City Engineer.

#### Traffic and Circulation

6. The Applicant shall construct or bond for half street improvements to the requirements of the City Engineer and the La Quinta Municipal Code, as follows:
  - a. Miles Avenue shall be constructed to City standards for a 110-foot right-of-way width (Primary Arterial), with an 18-foot raised median island, six-foot sidewalk, and two-percent cross slope to centerline, plus joins.

- b. Dune Palms Road shall be constructed to City standards for an 88-foot right-of-way width (Secondary Arterial), with a curb-to-curb width of 64 feet, with a five-foot sidewalk and two-percent cross slope to centerline, plus joins. Dune Palms Road shall be designed for ultimate grade from Fred Waring Drive to Miles Avenue, and constructed adjacent to Tract 24950, and as necessary for reasonable transitions and surface drainage requirements.
- c. The interior public street system shall be designed pursuant to the approved Exhibit A (tract map) for TT 24950, with a six-foot sidewalk and two-percent slope. Cul-de-sacs shall be designed for a 50-foot right-of-way with 36-foot width curb-to-curb and a five-foot utility easement on both sides of the street. The cul-de-sac turnaround shall be per City standards. Lot "A" shall be designed for a 60-foot right-of-way, with a curb-to-curb width of 40 feet.

Any variations to the approved street system design sections shall be subject to review and approval by the Public Works Department.

7. An encroachment permit for work in any abutting local jurisdiction shall be secured prior to constructing or joining improvements (i.e., City of Indio).

B. CONDITIONS OF APPROVAL TO BE FULFILLED PRIOR TO FINAL MAP APPROVAL

8. Prior to final map approval by the City Council, the Applicant shall submit a proposal to the Planning Commission, for recommendation to the City Council, for meeting parkland dedication requirements as set forth in Section 13.24.030, La Quinta Municipal Code. The proposal for dedication shall be based upon a dedication requirement of 0.32 acres, as determined in accordance with said Section.
9. A noise study shall be prepared by a qualified acoustical engineer, to be submitted to the Planning and Development Department for review and approval prior to final map approval. The study shall concentrate on noise impacts on the tract from perimeter arterial streets, and recommend alternative mitigation techniques. Recommendations of the study shall be incorporated into the tract design. The study shall consider use of building setbacks, engineering design, building orientation, noise barriers (berming and landscaping, etc.), and

other techniques so as to avoid the isolated appearance given by walled developments.

10. Tract phasing plans, including phasing of public improvements, shall be submitted for review and approval by the Public Works Department and the Planning and Development Department.
11. Owner shall execute and record a "Declaration of Dedication" in a form acceptable to the City and offering the dedication of drainage retention basin(s) and hardscape buffer areas to the City for future acceptance and maintenance. In the interim, the owners shall maintain the basin(s) and perimeter landscaping and provide bond assurance accordingly.
12. The subdivider shall make provisions for maintenance of all landscape buffer and storm water retention areas via one of the following methods prior to final map approval:
  - a. Subdivider shall consent to the formation of a maintenance district under Chapter 26 of the Improvement Act of 1911 (Streets and Highways Code, Section 5820 et seq.) or the Lighting and Landscaping Act of 1972 (Streets and Highways Code 22600 et seq.) to implement maintenance of all improved landscape buffer and storm water retention areas. It is understood and agreed that the Developer/Applicant shall pay all costs of maintenance for said improved areas until such time as tax revenues are received from assessment of the real property.
  - b. The Applicant shall submit to the Planning and Development Department a Management and Maintenance Agreement, to be entered into with the unit/lot owners of this land division, in order to insure common areas and facilities will be maintained. A unqualified right to assess the owners of the individual units for reasonable maintenance costs. The association shall have the right to lien the property of any owners who default in the payment of their assessments.

The common facilities to be maintained are as follows:

- (1) Storm water retention system.
- (2) Twenty-foot perimeter parkway lot along Miles Avenue.

(3) Ten-foot perimeter parkway lot along Dune Palms Road.

13. The Applicant shall submit complete detail architectural elevations for all units, for Planning Commission review and approval as a Business Item. The architectural standards shall be included as part of the CC & Rs.
14. Prior to recordation of a final map, the Applicant shall pay the required mitigation fees for the Coachella Valley Fringe-Toed Lizard Habitat Conversion Program, as adopted by the City, in the amount of \$600 per acre of disturbed land.
15. The approval herein contemplated by the City Council is related to Change of Zone No. 89-047, and no final map of the proposed subdivision shall be recorded prior to the effective date of an ordinance changing the official zoning classification of the subject property to R-1.

#### Grading and Drainage

16. The Applicant shall submit a grading plan that is prepared by a registered civil engineer who will be required to supervise the grading and drainage improvement construction and to certify that the constructed conditions at the rough grade stage are as per the approved plans and grading permit. This is required prior to final map approval. Certification at the final grade stage and verification of pad elevations is also required prior to final approval of grading construction.
17. The Applicant shall submit a copy of the proposed grading, landscaping, and irrigation plans to Coachella Valley Water District for review and comment with respect to CVWD's water management program.
18. A thorough preliminary engineering geological and soils engineering investigation shall be done and the report submitted for review along with the grading plan. The report's recommendations shall be incorporated into the grading plan design prior to grading plan approval. The soils engineer and/or the engineering geologist must certify to the adequacy of the grading plan.
19. Any earthwork on contiguous properties required a written authorization from the owner(s) (slope easement) in a form acceptable to the City Engineer.

20. Drainage retention basin(s) shall be designed to retain the 100-year storm (24 hour) on-site within the basin, subject to the approval of the City Engineer. Retention basin size shall be adequate to provide required "storage" without use of street area for storage. Basin in excess of six-foot water depth shall be fully fenced (security) with lockable gate(s). The location of the retention basin is subject to approval by the City Engineer and the Planning and Development Department. If the Applicant is unable to retain all run-off from the 100-year storm, he shall obtain a letter from the landowner receiving the flow stating that he accepts the flow and release the Applicant from his responsibilities to retain said flow.

#### Traffic and Circulation

21. Applicant shall comply with the following requirements of the Public Works Department:
- a. The Applicant shall dedicate all necessary public street and utility easements as required, including all corner cutbacks.
  - b. The Applicant shall submit street improvement plans that are prepared by a registered civil engineer. Street improvements, including traffic signs and markings and raised median islands (if required by the City General Plan), shall conform to City standards as determined by the City Engineer and adopted by the La Quinta Municipal Code (three-inch AC over four-inch Class 2 Base minimum for residential streets).
  - c. Street name signs shall be furnished and installed by the Developer in accordance with City standards.
22. Applicant shall dedicate, with recordation of the tract map, access rights to Miles Avenue and Dune Palms Road for all individual parcels which front or back-up to those rights-of-way.
23. The Applicant shall obtain a 10-foot right-of-way easement over the property to the east of the subject site, alongside Lot "B", for street construction and emergency parking purposes unless an alternative arrangement is approved by the Engineering Department.

### Tract Design

24. A minimum 20-foot and 10-foot landscaped setback shall be provided along Miles Avenue and Dune Palms Road respectively. Design of the setbacks shall be approved by the Planning and Development Department. Setbacks shall be measured from ultimate right-of-way lines.
  - a. The minimum setbacks may be modified to an "average" if a meandering or curvilinear wall design is used.
  - b. Setback areas shall be established as a separate common lot and be maintained as set forth in Condition No. 12, unless an alternate method is approved by the Planning and Development Department.
25. The tract layout shall comply with all the R-1 zoning requirements, including minimum lot size and minimum average depth of a lot. The minimum lot size to be recorded in a final map shall be 7,200 square feet.

### Walls, Fencing, Screening, and Landscaping

26. Prior to issuance of any grading permits, the Applicant shall submit to the Planning and Development Department an interim landscape program for the entire tract, which shall be for the purpose of wind erosion and dust control. The land owner shall institute blowsand and dust control measures during the grading and site development. These shall include but not be limited to:
  - a. The use of irrigation during any construction activities;
  - b. Planting of cover crop or vegetation upon previously graded but undeveloped portions of the site; and
  - c. Provision of wind breaks or wind rows, fencing, and/or landscaping to reduce the effects upon adjacent properties and property owners. The land owner shall comply with requirements of the Director of Public Works and Planning and Development. All construction and graded areas shall be watered at least twice daily while being used to prevent the emission of dust and blowsand.

27. Graded but undeveloped land shall be maintained in a condition so as to prevent a dust and blowsand nuisance and shall be either planted with interim landscaping or provided with other wind and water erosion control measures as approved by the Planning and Development and Public Works Departments.
  28. Prior to final map approval, the Applicant shall submit to the Planning Division for review and approval a plan (or plans) showing the following:
    - a. Landscaping, including plant types, sizes, spacing, locations, and irrigation system for all landscape buffer areas. Desert or native plant species and drought resistant planting materials shall be incorporated into the landscape plan.
    - b. Location and design detail of any proposed and/or required walls.
    - c. Exterior lighting plan, emphasizing minimization of light and glare impacts to surrounding properties.
  29. Prior to final map approval, the subdivider shall submit criteria to be used for landscaping of all individual lot front yards. At a minimum, the criteria shall provide for two trees (five trees on a corner) and an irrigation system.
- C. CONDITIONS OF APPROVAL TO BE FULFILLED PRIOR TO THE ISSUANCE OF BUILDING PERMITS
30. Prior to the issuance of a building permit for construction of any building or use contemplated by this approval, the Applicant shall obtain permits and/or clearances from the following public agencies:
    - o City Fire Marshal
    - o City of La Quinta Public Works Department
    - o Planning and Development Department, Planning Division
    - o Coachella Valley Water District
    - o Desert Sands Unified School District
    - o Imperial Irrigation District



Evidence of said permits or clearances from the above-mentioned agencies shall be presented to the Building Division at the time of the application for a building permit for the use contemplated herewith.

31. 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.
32. Seventy-five percent of dwelling units within 150-feet of the ultimate right-of-way of Miles Avenue shall be limited to one story, not to exceed 20-feet in height. The Applicant shall submit to the Planning and Development Department for the approval a drawing showing the location of any units higher than one story located along Miles Avenue frontage.
33. The Applicant shall pay a twenty-five percent share of all fees necessary for signalization costs at the corner of Miles Avenue and Dune Palms Road.
34. The appropriate Planning approval shall be secured prior to establishing any of the following uses:
  - a. Temporary construction facilities.
  - b. Sales facilities, including their appurtenant signage.
  - c. On-site advertising/construction signs.
35. The Developer shall construct landscaping and irrigation systems for drainage retention basin(s) and perimeter areas. The Developer shall maintain the drainage basin(s) and perimeter areas for one year following dedication acceptance by the City.
36. Prior to the issuance of a grading permit, the Applicant shall prepare and submit a written report to the Planning and Development Director demonstrating compliance with those conditions of approval and mitigation measures of TT 24950 and EA 89-138, which must be satisfied prior to the issuance of a grading permit. Prior to the issuance of a building permit, the Applicant shall prepare and submit a written report to the Planning and Development Director demonstrating compliance with those conditions of approval and mitigation measures of EA 89-138 and TT 24950 which must be satisfied prior to the issuance of a building permit. Prior to final building inspection approval, the Applicant shall prepare and submit a written report to the Planning and Development Director demonstrating

compliance with all remaining conditions of approval and mitigations measures of EA 89-138 and TT 24950. The Planning and Development Director may require inspection or other monitoring to assure such compliance.

#### Traffic and Circulation

37. The termination point of the street shown as Lot "B" on Exhibit A (Tentative Tract Map), shall be barricaded to the satisfaction of the Public Works Department. If the road network for the adjoining tracts have been constructed and completed, then the above streets shall be constructed to connect with these subdivisions, in accordance with the approved street improvement plans and the requirements of the City Engineer.

#### Public Services and Utilities

38. The Applicant shall comply with the requirements of the City Fire Marshal.
39. The Applicant shall comply with all requirements of the Coachella Valley Water District. Any necessary parcels for District facility expansion shall be shown on the final map and conveyed to the Coachella Valley Water District, in accordance with the Subdivision Map Act.
40. All on-site and off-site utilities will be installed underground and trenches compacted to City standards prior to construction of any streets. The soils engineer shall provide the necessary compaction test reports for review by the City Engineer, as may be required.