

CITY COUNCIL RESOLUTION NO. 89-85

CONDITIONS OF APPROVAL - TENTATIVE TRACT MAP NO. 24230  
JULY 5, 1989

(\* = mitigation as identified in EA 89-110)

GENERAL CONDITIONS OF APPROVAL

1. Tentative Tract Map No. 24230 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. Development of this tract shall be in substantial conformance with Exhibits A (Amendment No. 4) and B, as contained in the Planning and Development Department file for Tentative Tract 24230, except where these conditions take precedence.
2. Tentative Tract 24230 shall be developed in accordance with applicable provisions of the Washington Street Specific Plan, as adopted by City Council Resolution No. 86-14 on March 4, 1986, and subject to subsequent amendments as previously approved by the City Council, except where these conditions shall take precedence in the event of identified conflicts.
3. 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.
4. \* 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.
5. The Applicant acknowledges that the City is considering an Underground Utilities District along Washington Street, 48th Avenue, and Adams Street, and by recording a subdivision map, agrees to be included in the District. Any assessments will be done on a benefit basis, as required by law.
6. 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.

7. The Applicant acknowledges that the City is considering an Assessment District to finance Washington Street improvements, which will be made by the City in the near future, and by recording a subdivision map, agrees to be included in this District. Assessments will be levied on a benefit basis, as required by law.

#### Drainage and Grading

8. \* 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.
9. \* 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. These plans shall include the landscape and irrigation plans for all perimeter street setback areas, common areas, and retention area.
10. \* 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.
11. \* 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 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.

12. \* 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.

#### Traffic and Circulation

13. \* 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. Washington Street shall be constructed to City standards for a 120-foot right-of-way width (Major Arterial), with a curb-to-curb width of 96 feet, six-foot sidewalk, and two-percent cross slope to centerline, including median, plus one lane, plus joins. Construct roadway improvements to Sunline Transit standards for bus shelter and turnout area along Washington Street, north of 48th Avenue.
- b. 48th Avenue and Adams Street 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.
- c. 47th Avenue shall be constructed to City standards for a 72-foot right-of-way width (Collector), with five-foot sidewalk and two-percent cross slope to centerline, plus joins (Applicant/Developer may be responsible for construction of this roadway in its entirety).
- d. The interior public/private street system shall be designed pursuant to the approved Exhibit A (tract map) for TT 24230, and the requirements of the City Engineer. Any required or requested variations to the approved street system design sections shall be subject to review and approval by the Public Works Department. Final roadway designs shall be coordinated with other developments adjacent to this project (see Condition No. 14.d.).

14. \* 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. All necessary rights-of-way for Washington Street, 48th Avenue, 47th Avenue, and Adams Street shall be dedicated to the City within 60 days of the tentative map approval date by the City Council for Tentative Tract 24230; or, if A.G.Spanos has not completed acquisition of the subject land area, said dedications shall be executed no later than 20 days after final acquisition of the site. Means of dedication shall be determined by the City Engineer. No land disturbance or other permits shall be issued until these dedications have been appropriately executed.
- 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 only). Street improvement plans shall be prepared in accordance with Condition No. 13.
- c. Street name signs shall be furnished and installed by the Developer in accordance with City standards.
- d. The Applicant understands that, due to uncertainties such as timing of required improvements relative to this and adjacent projects, there is a need to provide guarantees for reimbursement of costs between these projects. By gaining approval of this map, Applicant agrees to participate in the preparation of reciprocal reimbursements for the adequate completion of these improvements, if necessary. The form of the agreement(s) shall be determined by the City of La Quinta, and shall consider items to include, but not be limited to, median improvement reimbursements, landscaping installation and maintenance, half street joins, intersection improvements/signals, etc. Determination as to the extent of specificity to be contained in the agreement(s) shall be at the discretion of the Public Works Director.

Reimbursement for improvements to 47th and 48th Avenues, and construction of Adams Street along APN 617-070-014 (CVWD facility), shall be subject to provisions of this section, and coordinated by the City Engineer.

- e. The Applicant shall provide surety, subject to the City Engineer's requirements, in an amount equal to one-third of the cost for traffic signalization at Washington Street and 48th Avenue.
15. \* Drainage disposal facilities shall be provided as required by the City Engineer. The Applicant shall comply with the provisions of the City Master Plan of Drainage, including payment of any drainage fees required therewith. The project shall retain 100-year storm drainage on-site and/or construct piped drainage system to the La Quinta Evacuation Channel, including street drainage flow from the adjacent one-half width street sections (Washington, Adams, 47th and 48th Avenues), which the applicant is responsible for construction of, subject to the approval of the City Engineer. All drywell/ sedimentation basins shall be accessible at street locations.
16. Prior to transmittal of the final map to the City Council by the City Engineering Department, any existing structures which are to be removed from the property shall have been removed or there shall be an agreement for the removal which shall be secured by a faithful performance bond in a form satisfactory to the City and granting the City the right to cause any such structures to be removed.
17. A common area lot shall be established for that area between the tract perimeter wall and street right-of-way for 47th Avenue, Washington Street, 48th Avenue, and Adams Street. Landscape maintenance responsibility of the total common lot and street landscape parkway shall be the responsibility of the development.
18. \* Development of the lake area shall occur as outlined in the Lake Design and Development Report, prepared by J. Harlan Glenn & Associates, dated May 11, 1989, as incorporated by reference thereto and made part of these conditions. A detailed ecosystem and lake management, maintenance, and operation plan for the lake shall be submitted for review/approval by the City Engineer, to include water quality parameter monitoring, reporting schedules, and procedures to be utilized with responsible agencies (City of La Quinta, CVWD, Mosquito Abatement District, Water Quality Control Board), concise statements as to the actual use of the lake waters for recreational purposes, if any, inventory of species, if any, to be stocked and maintained in the lake and how the ecosystem would operate, etc. This plan shall also include a general analysis of the feasibility for the use of canal water as a lakefill/maintenance/irrigation source, as suggested by CVWD. This requirement shall not

preclude the Applicant from utilizing well sources, if use of the canal source is infeasible. The required management and operations plan shall be made part of a management and maintenance agreement for purposes of assuring continuous implementation of the lake management plan, with the right to lien property owners for the costs involved with the lake maintenance and operation in accordance with the approved plan. The agreement shall be included in the CC&Rs submitted for final review and approval by the City (refer to Conditions 26 and 29).

19. An encroachment permit for work in the City of La Quinta shall be secured prior to constructing or joining improvements.
20. Applicant shall dedicate, with recordation of the tract map, access rights to 47th Avenue, 48th Avenue, Washington Street, and Adams Street for all individual parcels which front or back up to those rights-of-way.
21. Tract phasing plans, including phasing of public and off-site improvements, shall be submitted for review and approval by the Public Works Department and the Planning and Development Department prior to final map approval.
22. \* Access to the tract shall be permitted as follows:
  - a. Washington Street access shall be limited to right turns in/out only;
  - b. Adams Street may be permitted a full median break;
  - c. 48th Avenue may be permitted a full median break.

#### Tract Design

23. A minimum 20-foot landscaped setback shall be required along Washington Street, Adams Street, and 48th Avenue. A minimum 10-foot landscaped setback shall be provided along 47th Avenue. 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. 29, unless an alternate method is approved by the Planning and Development Department.

24. \* Seventy-five percent of any dwelling units within 150 feet of the ultimate right-of-way of Adams Street shall be limited to one story, not to exceed 20 feet in height. Prior to issuance of any building permits, the Applicant shall submit to the Planning and Development Department for approval a siting plan showing the location of any units higher than one story located along those frontages. No dwelling units within 150 feet of the ultimate right-of-way of 48th Avenue shall be higher than one story, not to exceed 20 feet in height.
25. Prior to issuance of any building permits, the appropriate Planning approval shall be secured prior to establishing any of the following uses:
- a. Temporary construction facilities.
  - b. Sales facilities and/or model homes, including their appurtenant signage. (Model home unit permits will not be issued until the final map has been recorded.)
  - c. Access gates and/or guardhouses.
  - d. On-site advertising/construction signs.
26. If a specific dwelling product is envisioned or if groups of lots are sold to builders prior to the issuance of building permits, the Applicant/ Builder shall submit complete detail architectural elevations for all units. The Planning Commission will review and approve these as a Business Item. The basic architectural standards shall be included as part of the C.C. & Rs. This item is required prior to any issuance of building permits.
27. \* 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.

28. \* Prior to approval of any grading or other site disturbance activities or permits, the applicant shall submit an archaeological mitigation plan to indicate the status of any existing archaeological/cultural resources of any potential significance. Said plan shall identify any existing reports done by the University of California, Riverside, Archaeological Research Unit, and shall include methods by which any significant or potentially significant sites (specifically CA RIV-1729) will be inventoried and/or excavated. A mitigation and monitoring program shall be required to be submitted, specifying a qualified archaeological monitor, including any assistants and other representatives. The statement 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.
29. \* The subdivider shall make provisions for maintenance of all landscape buffer, storm water retention and lake 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, not to include any retention capacity which is provided within the lake, or the lake itself. 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. The association shall have an 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/24-acre lake.
  - (2) Twenty-foot perimeter parkway lots along Adams Street, Washington Street, and 48th Avenue.
  - (3) Ten-foot perimeter parkway lot along 47th Avenue.
30. Prior to the recordation of the final map, Applicant/Developer shall furnish water system plans to the Fire Department for approval. Plans shall conform to the hydrant types, location and spacing, and the system shall meet the fire flow requirements. The Applicant shall comply with all other requirements of the City Fire Marshal at the time of development of any parcel.
31. The Applicant shall comply with all requirements of the Coachella Valley Water District. Any parcels necessary 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.
32. All utilities will be installed and trenches compacted to City standards prior to construction of any streets. The soils engineer shall provide the necessary compaction and soils test reports for review by the City Engineer, as may be required.

### Landscaping/Walls

33. Prior to issuance of any grading permits, 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 perimeter and common 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.
34. Prior to issuance of building permits, 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 24-gallon trees, complete ground cover, and an irrigation system.

### Miscellaneous Requirements

35. 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.

36. 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.

37. \* Prior to issuance of any land disturbance permit, the Applicant shall pay the required mitigation fees for the Coachella Valley Fringe-Toed Lizard Habitat Conservation Program, as adopted by the City, in the amount of \$600 per acre of disturbed land.
38. \* The Applicant shall coordinate with Sunline Transit and the City to provide a bus shelter at the bus turnout location on Washington Street north of 48th Avenue. The bus turnout and shelter shall be provided for in the approved street improvement plans, and shall be constructed with those improvements.
39. \* Prior to the issuance of any grading, building, or other development permit or final inspection, 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 24230 and EA 89-110, which must be satisfied prior to the issuance of any permits/final inspections. The Planning and Development Director may require inspection or other monitoring to assure such compliance. Said inspection or monitoring may be accomplished by consultant(s) at the discretion of the Planning Director, and all costs associated shall be borne by the Applicant/Developer.
40. Prior to approval by the City Council of the final map, CZ 89-037 shall be in effect.
41. \* Lot "Z" (multi-family parcel) shall be limited to a maximum density of 16 units/acre. Development proposals for this parcel shall be reviewed through the residential plot plan process. A minimum of five percent of the total units proposed on this site shall be reserved for low and moderate income housing.
42. \* Commercial development(s) proposed on Lots "U", "W", "X", and "Y" shall be subject to review through the conditional use permit process. Development of Lot "V" (recreation area lot) shall be subject to review through the commercial plot plan process.
43. The Applicant/Developer shall pay fees, in lieu of parkland dedication, based upon 2.46 acres of parkland required to be dedicated pursuant to Chapter 13.24 of the La Quinta Municipal Code. This payment shall be made prior to scheduling the final map, or any portion thereof, for City Council approval. Parcel "Z" (multi-family parcel) shall comply with the requirements of Chapter 13.24 of the La Quinta Municipal Code at the time of submittal/approval of development plans.