

**RESOLUTION NO. 2001-51
CONDITIONS OF APPROVAL - FINAL
TENTATIVE TRACT MAP 29053 - EXTENSION #1
LUNDIN DEVELOPMENT COMPANY
MAY 15, 2001**

GENERAL

1. The subdivider agrees to defend, indemnify, and hold harmless the City of La Quinta (the "City"), its agents, officers and employees from any claim, action or proceeding to attack, set aside, void, or annul the approval of this tentative map or any final map thereunder. The City shall have sole discretion in selecting its defense counsel.

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

2. Tentative Tract Map No. 29053 shall comply with the requirements and standards of §§ 66410 through 66499.58 of the California Government Code (the Subdivision Map Act) and Chapter 13 of the La Quinta Municipal Code (LQMC).
3. Prior to the issuance of a grading, construction or building permit, or approval of the final map by the City Council, the applicant shall obtain permits and/or clearances from the following public agencies:

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

The applicant is responsible for 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 submit a copy of the Notice of Intent received from the CWQCB prior to issuance of a grading or site construction permit. The applicant shall ensure that the required Storm Water Pollution Protection Plan is available for inspection at the project site.

4. The applicant shall comply with the terms and requirements of the infrastructure fee program in effect at the time of issuance of building permits.

PROPERTY RIGHTS

5. Prior to approval of a final map, the applicant shall acquire or confer easements and other property rights required of the tentative map or otherwise necessary for 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.
6. The applicant shall dedicate or 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.
7. Right of way dedications required of this development include:
 - A. Jefferson Street - 60-foot half of a 120-foot right of way. In addition, the owner shall make an irrevocable offer to grant an additional 17 feet of right of way, (not to exceed 250 feet in length), for future southbound turn lanes at the Avenue 50 intersection.
 - B. Avenue 50 - 50-foot half of a 100-foot right of way
 - C. Interior Collector Street - 41 feet undivided, 67 feet for divided sections.
 - D. Other interior Street Lots - 37 feet plus additional for turn knuckle.
 - E. Culs de sac radii - 38.5 feet.

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.

If the City Engineer determines that access rights to proposed street rights of way shown on the tentative map are necessary prior to approval of final maps dedicating the rights of way, the applicant shall grant interim easements to those areas within 60 days of written request by the City.

8. The applicant shall dedicate ten-foot public utility easements contiguous with and along both sides of all private streets. The easements may be reduced to five feet with the concurrence of IID.
9. The applicant shall create perimeter setbacks along public rights of way as follows (listed setback depth is the average depth if meandering wall design is approved):
 - A. Jefferson Street - 20 feet
 - B. Avenue 50 - 20 feet

The setback requirement applies to all frontage 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 dedicate blanket easements for those purposes.

10. The applicant shall dedicate easements necessary for placement of and access to utility lines and structures, drainage basins, mailbox clusters, park lands, and common areas.
11. The applicant shall vacate abutter's rights of access to public streets and properties from all frontage along the streets and properties except access points shown on the approved tentative map..
12. The applicant shall furnish proof of 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.
13. 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.

14. The applicant 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 any final map(s) covering the same portion of the property unless such easements are approved by the City Engineer.

FINAL MAP(S) AND PARCEL MAP(S)

15. Prior to approval of a final 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 items 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

As used throughout these conditions of approval, professional titles such as "engineer," "surveyor," and "architect" refer to persons currently certified or licensed to practice their respective professions in the State of California.

16. Improvement plans shall be prepared by or under the direct supervision of qualified engineers and landscape architects, as appropriate. Plans shall be submitted on 24" x 36" media in the categories of "Rough Grading," "Precise Grading," "Streets & Drainage," and "Landscaping." All plans except precise grading plans shall have signature blocks for the City Engineer. Precise grading plans shall have signature blocks for Community Development Director and the Building Official. Plans are not approved for construction until they are signed.

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

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

17. 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.
18. When final plans are approved by the City, 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 items 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.

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

19. Depending on the timing of development of the parcels created by this map and the status of off-site improvements at that time, the subdivider may be required to construct improvements, to reimburse the City or others for the cost of the improvements, to secure the cost of the improvements for future construction by others, or a combination of these methods.
20. The applicant shall construct improvements and/or satisfy obligations, or furnish an executed, secured agreement to construct improvements and/or satisfy obligations required by the City prior to approval of a final map or parcel map or issuance of a certificate of compliance for a waived parcel map. 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.

21. If improvements are secured, the applicant shall provide estimates of improvement costs for checking and approval by the City Engineer. 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 other agencies shall be approved by those agencies. Security is not required for telephone, gas, or T.V. cable improvements. However, development-wide 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.

22. If improvements are phased with multiple final maps or other administrative approvals (e.g., a Site Development Permit), off-site improvements and common improvements (e.g., retention basins, perimeter walls & landscaping, gates) shall be constructed or secured prior to approval of the first phase unless otherwise approved by the City Engineer. Improvements and obligations required of each phase shall be completed and satisfied prior to completion of homes or occupancy of permanent buildings within the phase and subsequent phases unless a construction phasing plan is approved by the City Engineer.
23. If the applicant fails to construct improvements or satisfy obligations in a timely manner or as specified in an approved phasing plan or in an improvement agreement, the City shall have the right to halt issuance of building permits or final building inspections, withhold other approvals related to the development of the project or call upon the surety to complete the improvements.
24. The applicant's obligations for portions of the required improvements may, at the City's option, be satisfied by participation in a major thoroughfare improvement program if this development becomes subject to such a program.

GRADING

25. This development shall comply with Chapter 8.11 of the LQMC (Flood Hazard Regulations). If any portion of any proposed building lot in the development is located within or immediately adjacent to a flood hazard area as identified on the City's Flood Insurance Rate Maps, the development shall be graded to ensure that all building pads, including basement and garage areas, are above the level of the project flood. Prior to issuance of building permits for lots which are so located, the applicant shall receive Conditional Letters of Map Revision based on Fill (CLOMR/F) from FEMA. Prior to final acceptance by the City of subdivision improvements, the applicant shall have received final LOMR/Fs for all such lots.

26. The applicant shall furnish a preliminary geotechnical ("soils") report and a grading plan prepared by a qualified engineer. The grading plan shall conform with the recommendations of the soils report and be certified as adequate by a soils engineer or engineering geologist. The plan must be approved by the City Engineer prior to issuance of a grading permit. A statement shall appear on final maps (if any are required of this development) that a soils report has been prepared pursuant to Section 17953 of the Health and Safety Code.
27. 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.
28. The applicant shall endeavor to minimize differences in elevation at abutting properties and between 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 or parcel map, 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.
29. Prior to occupation of the project site for construction purposes, the applicant shall submit and receive approval of a fugitive dust control plan prepared in accordance with Chapter 6.16, LQMC. 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.
30. The applicant shall maintain graded, undeveloped land to prevent wind and water erosion of soils. The land shall be planted with interim landscaping or provided with other erosion control measures approved by the Community Development and Public Works Departments.
31. Prior to issuance of building permits, the applicant shall provide building pad certifications stamped and signed by a civil engineer or surveyor. The certifications shall list approved pad elevations, actual elevations, and the difference between the two, if any. The data shall be organized by 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:

32. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development.
33. 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.
34. Stormwater shall normally be retained in common retention basins. Individual-lot basins or other retention schemes may be approved by the City Engineer for lots 2 ½ acres in size or larger or where the use of common retention is impracticable. If individual-lot retention is approved, the applicant shall meet the individual-lot retention provisions of Chapter 13.24, LQMC.
35. Storm flow in excess of retention capacity shall be routed through a designated, unimpeded overflow outlet to the historic drainage relief route.
36. Storm drainage historically received from adjoining property shall be retained on site or passed through to the overflow outlet.
37. Retention facility design shall be based on site-specific percolation data which shall be submitted for checking with the retention facility plans. The design percolation rate shall not exceed two inches per hour.
38. Retention basin slopes shall not exceed 3:1. Maximum retention depth shall be six feet for common basins and two feet for individual-lot retention.
39. Nuisance water shall be retained on site. In residential developments, nuisance water shall be disposed of in a trickling sand filter and leachfield approved by the City Engineer. The sand filter and leachfield shall be designed to contain surges of 3 gph/1,000 sq. ft. (of landscape area) and infiltrate 5 gpd/1,000 sq. ft.

40. In developments for which security will be provided by public safety entities (e.g., the La Quinta Safety Department or the Riverside County Sheriff's Department), retention basins shall be visible from adjacent street(s). No fence or wall shall be constructed around basins unless approved by the Community Development Director and the City Engineer.
41. If the applicant proposes discharge of stormwater directly or indirectly to the La Quinta Evacuation Channel or the Whitewater Drainage Channel, 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. If such discharge is approved for this development, the applicant shall make provisions in the CC&Rs for meeting these potential obligations.

UTILITIES

42. The applicant shall obtain the approval of the City Engineer for the location of all above-ground utility structures including, but not limited to, traffic signal cabinets, electrical vaults, water valves, and telephone stands, to ensure optimum placement for aesthetic as well as practical purposes.
43. Existing and proposed wire and cable utilities within or adjacent to the proposed development shall be installed underground. Power lines exceeding 34.5 kv are exempt from this requirement.
44. Underground utilities shall be installed prior to overlying hardscape. The applicant shall provide certified reports of trench compaction for approval of the City Engineer.

STREET AND TRAFFIC IMPROVEMENTS

45. The City is contemplating adoption of a major thoroughfare improvement program. Any property within this development which has not been subdivided in accordance with this tentative map 60 days after the program is in effect shall be subject to the program as determined by the City.

46. The applicant shall install the following street improvements to conform with the General Plan street type noted in parentheses. (Public street improvements shall conform with the City's General Plan in effect at the time of construction.)

A. OFF-SITE STREETS

- 1) Jefferson Street (Major Arterial) - Construct 51-foot half of a 102-foot improvement (travel lanes plus median) plus a 6-foot meandering sidewalk.
- 2) Avenue 50 (Primary Arterial) - Construct 38-foot half of a 76-foot improvement (travel lanes plus median) plus a 6-foot meandering sidewalk.
- 3) Jefferson Street/Avenue 50 Intersection - Responsibility for 17.5% of the cost of signal improvements plus a proportionate share, with the remainder of the specific plan area, of any other improvements or modifications which may be warranted by the timing and traffic loadings imposed by development of the specific plan area.
- 4) Avenue 50/Lot I Intersection - Responsibility for 50% of the cost of signal and other intersection improvements. This responsibility may be shared with the adjacent property on this side of the street if that property is allowed and utilizes shared access to this intersection.
- 5) In the event any of the above improvements are constructed by the City prior to the applicant recording a final map, 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 that are required by these conditions of approval.

B. ON-SITE STREETS AND CULS DE SAC (Private)

- 1) Collector Street - Divided sections shall have 20-foot-wide opposing travel lanes with an 18-foot median. The remainder shall have a forty-foot travel width.
- 2) Cul de sac Streets - Thirty six-foot travel width plus additional for turn knuckle.
- 3) Cul de sac curb radius: thirty eight-feet.

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

47. General access points and turning movements of traffic are limited to the following:
 - A. Jefferson Street at Lot I - Right & left in/right out.
 - B. Avenue 50 at Lot I - Full-turn access (with signal).
 - C. Connection of Lot I with Parcel 4 of Parcel Map 29052 - As granted by the owner of that property and approved by the City Engineer
48. Improvements shall include appurtenances such as traffic control signs, markings and other devices, raised medians, street name signs, and sidewalks. Mid-block street lighting is not required.
49. The applicant may be required to extend improvements beyond development boundaries to ensure they safely integrate with existing improvements.
50. Improvements shall be designed and constructed in accordance with the LQMC, adopted standards, supplemental drawings and specifications, and as approved by the City Engineer. Improvement plans for streets, access gates and parking areas shall be stamped and signed by qualified engineers.
51. Street right of way geometry for knuckle turns and corner cut-backs shall conform with Riverside County Standard Drawings #801 and #805 respectively unless otherwise approved by the City Engineer.
52. Streets shall have vertical curbs or other approved curb configurations which convey water without ponding and provide lateral containment of dust and residue for street sweeping. Unused curb cuts on any lot shall be restored to normal curbing prior to final inspection of permanent building(s) on the lot.

53. The applicant shall design street pavement sections using Caltrans' design procedure (20-year life) and site-specific data for soil strength and anticipated traffic loading (including construction traffic). Minimum structural sections shall be as follows (or approved equivalents for alternate materials):

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"

54. 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.

55. The City will conduct final inspections of homes and other 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 are initially constructed with partial pavement thickness, the applicant shall complete the pavement prior to final inspections of the last ten percent of homes within the tract or when directed by the City, whichever comes first.

LANDSCAPING

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

57. Landscape and irrigation plans for landscaped lots and setbacks, medians, retention basins, and parks shall be signed and stamped by a licensed landscape architect.

The applicant shall submit plans for approval by the Community Development Department prior to plan checking by the Public Works Department. When plan checking is complete, the applicant shall obtain the signatures of CVWD and the Riverside County Agricultural Commissioner prior to submitting for signature by the City Engineer. Plans are not approved for construction until signed by the City Engineer.

58. 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.

PUBLIC SERVICES

59. The applicant shall provide public transit improvements if and as required by Sunline Transit and/or the City Engineer.

QUALITY ASSURANCE

60. The applicant shall employ construction quality assurance measures which meet the approval of the City Engineer.
61. The applicant shall employ or retain qualified civil engineers, geotechnical engineers, surveyors, or other appropriate professionals to provide sufficient construction supervision to be able to furnish and sign accurate record drawings.
62. The applicant shall arrange and bear the cost of measurement, sampling and testing procedures not included in the City's inspection program but required by the City as evidence that construction materials and methods comply with plans and specifications.
63. Upon completion of construction, the applicant shall furnish the City reproducible record drawings of all public improvement and private street plans which were signed by the City Engineer. Each sheet shall be clearly marked "Record Drawings," "As-Built" or "As-Constructed" and shall be stamped and signed by the engineer or surveyor certifying to the accuracy of the drawings. The applicant shall revise the CAD or raster-image files previously submitted to the City to reflect as-constructed conditions.

MAINTENANCE

64. The applicant shall make provisions for continuous, perpetual maintenance of all on-site and perimeter setback improvements. This shall include formation of a homeowner's association or other enforceable arrangement acceptable to the City. The applicant shall maintain public improvements until expressly released from that responsibility by the City.

FEES AND DEPOSITS

65. The applicant shall pay the City's established fees for plan checking and construction inspection. Fee amounts shall be those in effect when the applicant makes application for plan checking and permits.
66. Prior to approval of a final map or completion of any approval process for modification of boundaries of the property or lots subject to these conditions, the applicant shall process a reapportionment of any bonded assessment(s) against the property and pay the cost of the reapportionment.
67. Prior to issuance of a grading permit or any earth moving activities, applicant shall pay a fringe-toed lizard mitigation fee of \$600.00 per acre to the City of La Quinta.
68. Prior to final map approval by the City Council, the property owner/developer shall comply with the Parkland Dedication requirements by payment of in-lieu fees as set forth in Section 13.48 of the La Quinta Municipal Code.

FIRE MARSHAL

69. Fire hydrants in accordance with CVWD Standard W-33 shall be located at each street intersection and spaced not more than 330 feet apart in any direction, with no portion of any lot frontage not more than 165 feet from a fire hydrant. Minimum fire flow shall be 1000 gpm for a 2-hour duration at 20 psi residual.
70. Blue dot reflectors shall be placed in the street 8 inches from the centerline to the side that the fire hydrant is on, to identify fire hydrant locations.

71. Prior to issuance recordation of final map, applicant/developer shall furnish one blue line copy of the water system plans to the Fire Department for review/approval. Plans shall conform to the fire hydrant types, location and spacing, and the system shall meet fire flow requirements. Plans shall be signed/approved by a registered Civil Engineer and the local water company with the following certification: "I certify that the design of the water system is in accordance with the requirements prescribed by the Riverside County Fire Department".
72. The required water system, including fire hydrants will be installed and accepted by the appropriate water agency prior to any combustible building material being placed on an individual lot.