

**RESOLUTION 2002-130  
CONDITIONS OF APPROVAL  
TENTATIVE TRACT 29436 - FINAL  
TRANSWEST HOUSING INC.  
AUGUST 6, 2002**

GENERAL CONDITIONS OF APPROVAL

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 subdivider agrees that this obligation shall continue in full force and effect even if, as a result of the action or proceeding, the approval of the tentative map is ordered to be set aside.

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

2. This tentative map and any final maps thereunder 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 Charter and Municipal Code (LQMC).
3. Prior to the issuance of a grading, construction or building permit, 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 CWQCB acknowledgment of the applicant's Notice of Intent 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. Final maps under this tentative map shall be subject to the provisions of the Development Impact Fee program in effect at the time of final map approval.

#### 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. PUBLIC STREETS
    1. Eisenhower Drive - 50-foot from centerline of the existing raised median.
    2. The right of way as needed to implement the realignment of the northwesterly half of the Eisenhower Drive improvements as described in Condition No. 48 A.2.
  - B. PRIVATE STREETS
    1. Residential: 37-foot width. Width may be reduced to 33 feet with parking restricted to one side or 29 feet if on-street parking is prohibited provided there is adequate off-street parking for residents and visitors and the applicant makes provisions for ongoing enforcement of the restrictions.
    2. Collector: 41-foot width.

C. CULS DE SAC

1. Public or Private: Use Riverside County Standard 800 (symmetric) or 800A (offset); Public - 45-foot radius, Private - 38.5-foot radius.
8. 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.
9. Dedications shall include additional widths as necessary for dedicated right and left turn lanes, bus turnouts, and other features contained in the approved construction plans.
10. 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 the necessary rights of way within 60 days of written request by the City.
11. 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 express concurrence of IID.
12. 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. Eisenhower Drive - 20-foot

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.

13. 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.
14. 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.
15. 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.
16. 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
17. The applicant shall cause no easements to be granted or recorded over any portion of this property between the date of approval of this tentative map 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)

18. 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 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.

**Resolution No. 2002-130  
Conditions of Approval - Final  
Transwest Housing Inc.  
Tentative Tract 29436  
August 6, 2002  
Page 5**

19. 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." Precise grading plans shall have signature blocks for Community Development Director and the Building Official. All other plans shall have signature blocks for the City Engineer. Plans are not approved for construction until they are signed.

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

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

20. 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.
21. 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

22. Depending on the timing of development of the lots or parcels created by this map and the status of off-site improvements at that time, the subdivider may be required to construct improvements, to construct additional improvements subject to reimbursement by others, to reimburse others who construct improvements that are obligations of this map, to secure the cost of the

improvements for future construction by others, or a combination of these methods.

In the event that any of the improvements required herein are constructed by the City, the Applicant shall, at the time of approval of a map or other development or building permit, reimburse the City for the cost of those improvements.

23. 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.

24. 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 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.

25. If improvements are phased with multiple final maps or other administrative approvals (e.g., Site Development Permits), 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.

26. 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.

### GRADING

27. 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 or may be located within a flood hazard area as identified on the City's Flood Insurance Rate Maps, the development shall be graded to ensure that all floors and exterior fill (at the foundation) are above the level of the project (100-year) flood and building pads are compacted to 95% Proctor Density as required in Title 44 of the Code of Federal Regulations, Section 65.5(a) (6). Prior to issuance of building permits for lots which are so located, the applicant shall furnish certifications as required by FEMA that the above conditions have been met.
28. Prior to issuance of a grading permit, the applicant shall furnish a preliminary geotechnical ("soils") report and an approved 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.

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.

29. 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.
30. Building pad elevations of lots in Tract 29436 sharing a common boundary with the Laguna De La Paz community shall not exceed the building pad elevation of any nearby home in the Laguna de la Paz division that is contiguous to the green belt. The rough grading plan for all other building pad elevations shall be designed to grade the other pads within one-foot, higher or lower, of what is shown on the conditionally approved tentative map.



31. 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.
32. 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.
33. Prior to issuance of building permits, the applicant shall provide building pad certifications stamped and signed by qualified engineers or surveyors. For each pad, the certification shall list the approved elevation, the actual elevation, the difference between the two, if any, and pad compaction. The data shall be organized by lot number and listed cumulatively if submitted at different times.

#### DRAINAGE

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

34. 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.
35. 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 2½ 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.
36. Storm flow in excess of retention capacity shall be routed through a designated, unimpeded overflow outlet to the historic drainage relief route.
37. Storm drainage historically received from adjoining property shall be retained on site or passed through to the overflow outlet.

38. 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.
39. 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.
40. 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.
41. 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.
42. If the applicant proposes discharge of stormwater directly or indirectly to the Coachella Valley Stormwater Channel, the applicant shall indemnify the City from the costs of any sampling and testing of the development's drainage discharge 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. The indemnification shall be executed and furnished to the City prior to issuance of any grading, construction or building permit and shall be binding on all heirs, executors, administrators, assigns, and successors in interest in the land within this tentative map excepting therefrom those portions required to be dedicated or deeded for public use. The form of the indemnification shall be acceptable to the City Attorney. If such discharge is approved for this development, the applicant shall make provisions in the CC&Rs for meeting these potential obligations.
43. The tract shall be designed to accommodate purging and blowoff water from any on-site or adjacent well sites granted or dedicated to the local water utility authority as a requirement for development of this property.

## UTILITIES

44. The applicant shall obtain the approval of the City Engineer for the location of all utility lines within the right of way and 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 practical and aesthetic purposes.
45. Existing aerial lines within or adjacent to the proposed development and all proposed utilities shall be installed underground. Power lines exceeding 34.5 kv are exempt from this requirement.
46. Utilities shall be installed prior to overlying hardscape. For installation of utilities in existing, improved streets, the applicant shall comply with trench restoration requirements maintained or required by the City Engineer. The applicant shall provide certified reports of trench compaction for approval of the City Engineer.

## STREET AND TRAFFIC IMPROVEMENTS

47. 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. Eisenhower Drive - Construct 38-foot half of 76-foot improvement (travel width, excluding curbs) plus 6-foot sidewalk.
2. Subdivider shall participate in fifty percent (50%) of the cost to design and reconstruct the 12-foot wide landscaped median in a new alignment that is shifted ten and one-half feet (10.5') away from the southeasterly curb of Eisenhower Drive at Coachella Drive to accommodate south-to-north u-turn traffic and improve sight distance at this intersection. The realignment transition shall be accomplished with an 1,800-foot radius curve coupled with appropriate transitions to be determined during design. Approximately 650' of median adjacent to tract 29436 shall be realigned.

## B. PRIVATE STREETS

1. Residential: 36-foot travel width. Width may be reduced to 32 feet with parking restricted to one side or 28 feet with on-street parking prohibited if there is adequate off-street parking for residents and visitors and the applicant provides for perpetual enforcement of the restrictions by the homeowners association.

## C. CULS DE SAC

1. Use Riverside County Standard 800 (symmetric) or 800A (offset), with 38-foot curb radius.

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.

48. Improvements shall include appurtenances such as traffic control signs, markings and other devices, raised medians if required, street name signs, and sidewalks. Mid-block street lighting is not required.
49. The applicant may be required to extend improvements beyond development boundaries to ensure they safely integrate with existing improvements (e.g., grading; traffic control devices and transitions in alignment, elevation or dimensions of streets and sidewalks).
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. 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. If a wedge or rolled curb design is approved, the lip at the flowline shall be vertical (1/8" batter) and a minimum of 0.1' in height. 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" c.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 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.

56. General access points and turning movements of traffic are limited to the following:

- A. "A" Street at Eisenhower Drive shall be limited to right turn in, right turn out, and left turn in (both from Eisenhower Drive and onto Eisenhower Drive).
- B. Subdivider shall reconfigure on-site tract design to create a two-way private street to connect to a short public street or private street providing access to the traffic signal at the Coachella Drive/Eisenhower Drive intersection.
- C. Prior to fifty percent (50%) buildout of Tract 29439, Subdivider shall construct a short public street or private street connecting Tract 29439 to the Coachella Drive/Eisenhower Drive intersection. The subdivider shall be responsible for fifty percent (50%) of the cost to design and construct a short connector street and signal modification as needed to add the fourth leg of the intersection and bring it to current standards including dedicated left-turn phase for Eisenhower traffic. The City intends to acquire the right of way for the connector street via dedication, however, if the opportunity to acquire the right of way by dedication does not present itself prior to final map approval for Tract 29439, Subdivider shall post security for the required improvements and estimated right of way acquisition cost subject to the legal rights and limitations delineated in Map Act Section 66462.5.

#### LANDSCAPING

- 57. The applicant shall provide a predominantly desert landscaping theme in required setbacks, retention basins, common lots, and park areas.
- 58. 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.

- 59. 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.

60. A perimeter block wall (sound attenuation barrier) shall be constructed along Eisenhower Drive. An emergency access gate (designed per Fire Marshal's requirements) shall be installed at the southerly terminus of the emergency access road which extends from the cul-de-sac in "D" Street.
61. A perimeter block wall shall be constructed along the project's westerly boundary from Eisenhower Drive to the foot of the mountains.
62. At locations where the proposed development shares a common property line with the Laguna De La Paz project (Tract 20052) where an existing wall encloses properties in the adjacent development, the Applicant shall accomplish the Zoning Code required 5-foot minimum wall height in accordance with one of the following methods:
  - A. If permission from the adjacent property owner is received, and if additional wall height can be structurally achieved, add additional course(s) of matching block to the existing wall. This alternative shall be rejected by the adjacent landowner before utilizing the second alternative.
  - B. If the adjacent property owner does not consent to the first alternative, the Applicant shall achieve the 5-foot minimum wall height by constructing a new wall, with matching block, adjacent the existing wall as close as physically possible, and fill the empty space between the two walls with pea gravel and slurry cap. The two walls shall be structurally bound together with tie rods.
63. A 6-foot sidewalk shall be constructed along Eisenhower Drive. The sidewalk shall meander within the 32-foot Right-of-Way and setback.

#### QUALITY ASSURANCE

64. The applicant shall employ construction quality-assurance measures which meet the approval of the City Engineer.
65. 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.



66. 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, specifications and applicable regulations.
67. Upon completion of construction, the applicant shall furnish the City reproducible record drawings of all improvement plans which were signed by the City. 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

68. The applicant shall make provisions for continuous, perpetual maintenance of all on-site improvements, perimeter landscaping, access drives, and sidewalks. The applicant shall maintain required public improvements until expressly released from this responsibility by the appropriate public agency.

#### FEES AND DEPOSITS

69. 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.

#### FIRE MARSHALL

70. Fire hydrants in accordance with CVWD Standard W-33 shall be located at each street intersection spaced not more than 330 feet apart in any direction with no portion of any lot frontage more than 165 feet from a fire hydrant. Minimum fire flow shall be 1000 gpm for a two hour duration at 20 psi.
71. Prior to recordation of the final map, applicant/developer shall furnish one blueline copy of the water system plans to the Fire Department for review/approval. The plans shall conform with the Fire Marshal's requirements for types, location and spacing of hydrants and 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 shall be installed and accepted by the appropriate water agency prior to any combustible building material being placed on an individual lot.
  
73. The minimum dimensions for fire apparatus access roads entering and existing this project shall have an unobstructed width of not less than 20 feet in each direction and an unobstructed vertical clearance of not less than 13 feet 6 inches.
  
74. Gated entrance and exit openings shall be not less than 20 feet in width. All gates shall be located at least 40 feet from the roadway and shall open to allow a vertical stop without obstructing traffic on the road. Gates shall have either a secondary power supply or an approved manual means to release mechanical control of the gate in the event of loss of primary power. Power operated gates shall be equipped with an override system consisting of KS-2P series Knox Key Operated switches.

#### MISCELLANEOUS

75. The Community Development and Public Works Directors shall allow minor design changes to final map. Minor design changes include a reduction in the number of buildable lots, changes in lot sizes, relocation of common lots, open space open areas or other required public facilities (e.g., CVWD well sites, etc.); may allow any changes in the alignment of street sections provided the applicant submits a Substantial Conformance Application to the Public Works Department during plan check process identifying the requested changes and how the changes occurred. All minor changes shall be conveyed to the City Council at the time the City Council considers final map recordation.
  
76. Prior to recordation of the final tract map, the developer shall make a good faith effort to dedicate the hillside property to a public agency, such as the Mountain Conservancy, if the agency wishes to provide trail access and assume the liability for the trail and hillside. If such dedication occurs prior to recordation of the Final Tract Map, developer shall establish a trail access by one of the following ways:

- 1) Create a five foot wide easement from Eisenhower Drive along the westerly property line located behind the rear property line of residential lots to Lot "G" and extending the five foot trail access with an easement within Lot "G" behind the toe of slope to the existing trail head; or,
- 2) Create a trail easement and build a viable trail from the western edge of the Arts Foundation property on Washington Avenue up and over the mountains and dropping down into Lot "G" of Tract 29436 and extending a five foot trail access easement within Lot "G" from the point the new trail connects to Lot "G" to the existing Trail Head.

Or, if the developer is not able to dedicate the hillside property to a public agency, the three remainder parcels shown on Tentative Tract Map 29436 shall be deed restricted as permanent open space prior to recordation of the final tract map

77. All dwelling units shall be single story and shall not exceed 22 feet in height within Tentative Tract Map 29436.
78. All lots sharing a common boundary with Laguna de La Paz shall have a minimum 25 foot rear yard setback for all buildings.
79. Prior to final map approval all lots shall be required to have a minimum lot frontage of 35 feet per Section 9.50.030, Table of Development Standards, of the Zoning Code.