

CITY COUNCIL RESOLUTION 2004-035  
CONDITIONS OF APPROVAL - FINAL  
TENTATIVE TRACT MAP 31348 - MADISON DEVELOPMENT, LLC  
MARCH 16, 2004

GENERAL

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

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

2. This Tentative Tract Map, and any Final Map recorded thereunder, shall comply with the requirements and standards of Government Code §§ 66410 through 66499.58 (the "Subdivision Map Act"), and Chapter 13 of the La Quinta Municipal Code ("LQMC").

The City of La Quinta's Municipal Code can be accessed on the City's Web Site at [www.la-quinta.org](http://www.la-quinta.org).

3. Prior to the issuance of any grading, construction, or building permit by the City, the applicant shall obtain the necessary clearances and/or permits from the following agencies:

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

The applicant is responsible for all requirements of the permits and/or clearances from the above listed agencies. When the requirements include approval of improvement plans, the applicant shall furnish proof of such approvals when submitting those improvements plans for City approval.

4. The applicant shall comply with applicable provisions of the City's NPDES stormwater discharge permit, Sections 8.70.010 et seq. (Stormwater Management and Discharge Controls), and 13.24.170 (Clean Air/Clean Water), LQMC; Riverside County Ordinance No. 457; and the State Water Resources Control Board's Order No. 99-08-DWQ.
  - A. For construction activities including clearing, grading or excavation of land that disturbs five (5) acres or more of land, or that disturbs less than five (5) acres of land, but which is a part of a construction project that encompasses more than five (5) acres of land, the Permittee shall be required to submit a Storm Water Pollution Protection Plan ("SWPPP").
  - B. The applicant's SWPPP shall be approved by the City Engineer prior to any on or off-site grading being done in relation to this project.
  - C. The applicant shall ensure that the required SWPPP is available for inspection at the project site at all times through and including acceptance of all improvements by the City.
  - D. The applicant's SWPPP shall include provisions for all of the following Best Management Practices ("BMPs") (8.70.020 (Definitions), LQMC):
    - 1) Temporary Soil Stabilization (erosion control).
    - 2) Temporary Sediment Control.
    - 3) Wind Erosion Control.
    - 4) Tracking Control.
    - 5) Non-Storm Water Management.
    - 6) Waste Management and Materials Pollution Control.
  - E. All erosion and sediment control BMPs proposed by the applicant shall be approved by the City Engineer prior to any onsite or offsite grading, pursuant to this project.
  - F. The approved SWPPP and BMP shall remain in effect for the entire duration of project construction until all improvements are completed and accepted by the City.

5. Permits issued under this approval shall be subject to the provisions of the Infrastructure Fee Program and Development Impact Fee program in effect at the time of issuance of building permit(s).

## PROPERTY RIGHTS

6. Prior to issuance of any permit(s), the applicant shall acquire or confer easements and other property rights necessary for the 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.
7. The applicant shall offer for dedication on the Final Map all public street right-of-ways in conformance with the City's General Plan, Municipal Code, applicable specific plans, and/or as required by the City Engineer.
8. The public street right-of-way offers for dedication required for this development include:

### A. PUBLIC STREETS

- 1) Washington Street – (Major Augmented Arterial, 132' ROW) – Dedicate an additional 6 feet of right of way at location as necessary to achieve a consistent 66-foot wide half-street right of way width as measured from the street centerline.

Dedicate right of way to accommodate a 200-foot long by 12-foot wide deceleration lane plus transition serving the westerly extension of Simon Drive.

If the applicant is unable to acquire the necessary right of way for the extension of Simon Drive as detailed in dedication requirement #2 below, and if the City Council is unwilling to assist in the acquisition after requested to do so, the deceleration lane requirement noted above shall be modified in location to serve the "default" access option approved by the City Council.

- 2) Westerly Extension of Simon Drive – The applicant shall acquire and dedicate right of way as needed to construct the westerly extension of Simon Drive and its associated public right of way connections as generally depicted by the Option 2 access concept pursuant to specific configuration requirements of the City Engineer that become known during project design. The public right of way for the westerly extension terminates just north and west of where the cross-connection to Singing Palms Drive connects to the Simon Drive extension.
9. The subdivider shall acquire all property that is needed for public rights of way prior to submitting the map for final approval by the City Council. If the subdivider is unable to complete the property acquisition as required through its best effort and good faith negotiation, then prior to final map approval the subdivider shall enter into a contingent reimbursement agreement with the City in a form and content acceptable to the Community Development Director and City Attorney. The agreement shall obligate subdivider to cover all expenses incurred by the City as allowed per State Government Code Section 66462.5 if the City elects to commence eminent domain proceedings pursuant to the Code of Civil Procedure. Subdivider acknowledges that the City has not committed to commence eminent domain proceedings or otherwise acquire the property.
  10. The applicant shall retain for private use on the Final Map all private street right-of-ways in conformance with the City's General Plan, Municipal Code, applicable specific plans, and/or as required by the City Engineer.
  11. The private street right-of-ways to be retained for private use required for this development include:

A. PRIVATE STREETS

Property line shall be placed at the back of curb. The required right of way shall accommodate the required roadway travel width plus the approved curb and gutter design. Use of smooth curves instead of angular lines at property lines is recommended.

- 1) Lot B and C - Private Residential Streets measured from gutter flow line to gutter flow line shall have a 36-foot travel width except at the entry drives.

B. CUL DE SACS

- 1) The cul-de-sac shall conform to the shape shown on the tentative map with 38-foot curb radius at the bulb or larger, using a smooth curve instead of angular lines similar to the layout shown on the tentative map.
12. 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.
13. When the City Engineer determines that access rights to the proposed street right-of-ways shown on the approved Tentative Tract Map are necessary prior to approval of the Final Map dedicating such right-of-ways, the applicant shall grant the necessary right-of-ways within 60 days of a written request by the City.
14. The applicant shall offer for dedication on the Final Map a ten-foot wide public utility easement contiguous with, and along both sides of all private streets. Such easement may be reduced to five feet in width with the express written approval of IID.
15. The applicant shall create perimeter landscaping setbacks along all public right-of-ways as follows:
  - A. Washington Street (Major Arterial) - 20-foot from the R/W-P/L.

The listed setback depth shall be the average depth where a meandering wall design is approved.

The setback requirements shall apply to all frontages 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 offer for dedication blanket easements for those purposes on the Final Map.
16. The applicant shall offer for dedication those easements necessary for the placement of, and access to, utility lines and structures, drainage basins, mailbox clusters, park lands, and common areas on the Final Map.

17. Direct vehicular access to Washington Street from lots with frontage along Washington Street is restricted, except for those access points identified on the tentative tract map, or as otherwise conditioned in these conditions of approval. The vehicular access restriction shall be shown on the recorded final tract map.
18. The applicant shall furnish proof of easements, or written permission, as appropriate, from those owners of all abutting properties on which grading, retaining wall construction, permanent slopes, or other encroachments will occur.
19. The applicant shall cause no easement to be granted, or recorded, over any portion of the subject property between the date of approval of the Tentative Tract Map and the date of recording of any Final Map, unless such easement is approved by the City Engineer.

#### FINAL MAPS

20. Prior to the City's approval of a Final Map, the applicant shall furnish accurate AutoCAD files of the Final Map that was approved by the City's map checker on a storage media acceptable to the City Engineer. Such files shall be in a standard AutoCAD format so as to be fully retrievable into a basic AutoCAD program.

Where a Final Map was not produced in an AutoCAD format, or produced in a file that can be converted to an AutoCAD format, the City Engineer will accept a raster-image file of such Final 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.

21. Improvement plans shall be prepared by or under the direct supervision of qualified engineers and/or architects, as appropriate, and shall comply with the provisions of Section 13.24.040 (Improvement Plans), LQMC.

22. The following improvement plans shall be prepared and submitted for review and approval by the City. A separate set of plans for each line item specified below shall be prepared. The plans shall utilize the minimum scale specified, unless otherwise authorized by the City Engineer in writing. Plans may be prepared at a larger scale if additional detail or plan clarity is desired. Note, the applicant may be required to prepare other improvement plans not listed here pursuant to improvements required by other agencies and utility purveyors.

Off-Site Street Plan: 1" = 40' Horizontal, 1" = 4' Vertical

The street improvement plans shall include permanent traffic control and separate plan sheet(s) (drawn at 20 scale) that show the meandering sidewalk, mounding, and berming design in the combined parkway and landscape setback area.

Perimeter Landscape Plan:	1" = 20'	Horizontal
On-Site Street Plan:	1" = 40'	Horizontal,
	1" = 40'	Vertical
On-Site Rough Grading Plan	1" = 60'	Horizontal
On-Site Precise Grading Plan:	1" = 30'	Horizontal

Other engineered improvement plans prepared for City approval that are not listed above shall be prepared in formats approved by the City Engineer prior to commencing plan preparation.

All Off-Site Plan & Profile Street Plans shall show all existing improvements for a distance of at least 200-feet beyond the project limits, or a distance sufficient to show any required design transitions.

"Rough Grading" plans shall normally include perimeter walls with Top Of Wall & Top Of Footing elevations shown. All footings shall have a minimum of 1-foot of cover, or sufficient cover to clear any adjacent obstructions.

23. The City maintains standard plans, detail sheets and/or construction notes for elements of construction. For a fee, established by City Resolution, the applicant may purchase such standard plans, detail sheets and/or construction notes from the City.

24. The applicant shall furnish a complete set of the AutoCAD files of all approved improvement plans on a storage media acceptable to the City Engineer. The files shall be saved in a standard AutoCAD format so they may be fully retrievable through a basic AutoCAD program.

At the completion of construction, and prior to the final acceptance of the improvements by the City, the applicant shall update the AutoCAD files in order to reflect the as-built conditions.

Where the improvement plans were not produced in a standard AutoCAD format, or a file format that can be converted to an AutoCAD format, the City Engineer will accept raster-image files of the plans.

#### IMPROVEMENT SECURITY AGREEMENTS

25. Prior to approval of any Final Map, the applicant shall construct all on and off-site improvements and satisfy its obligations for same, or shall furnish a fully secured and executed Subdivision Improvement Agreement ("SIA") guaranteeing the construction of such improvements and the satisfaction of its obligations for same, or shall agree to any combination thereof, as may be required by the City.
26. Any Subdivision Improvement Agreement ("SIA") entered into by and between the applicant and the City of La Quinta, for the purpose of guaranteeing the completion of any improvements related to this Tentative Tract Map, shall comply with the provisions of Chapter 13.28 (Improvement Security), LQMC.
27. Improvements to be made, or agreed to be made, shall include the removal of any existing structures or other obstructions which are not a part of the proposed improvements; and shall provide for the setting of the final survey monumentation.
28. Depending on the timing of the development of this Tentative Tract Map, and the status of the off-site improvements at the time, the applicant may be required to:
- A. Construct certain off-site improvements.



- B. Construct additional off-site improvements, subject to the reimbursement of its costs by others.
- C. Reimburse others for those improvements previously constructed that are considered to be an obligation of this tentative tract map.
- D. Secure the costs for future improvements that are to be made by others.
- E. To agree to any combination of these means, as the City may require.

In the event that any of the improvements required for this development are constructed by the City, the applicant shall, prior to the approval of the Final Map, or the issuance of any permit related thereto, reimburse the City for the costs of such improvements.

29. If the applicant elects to utilize the secured agreement alternative, the applicant shall submit detailed construction cost estimates for all proposed on-site and off-site improvements, including an estimate for the final survey monumentation, for checking and approval by the City Engineer. Such estimates shall conform to the unit cost schedule adopted by City resolution, or ordinance.

For items not listed in the City's unit cost schedule, the proposed unit costs shall be approved by the City Engineer.

At the time the applicant submits its detailed construction cost estimates for conditional approval of the Final Map by the City Council, the applicant shall also submit one copy each of an 8-1/2" x 11" reduction of each page of the Final Map, along with a copy of an 8-1/2" x 11" Vicinity Map.

Estimates for improvements under the jurisdiction of other agencies shall be approved by those agencies and submitted to the City along with the applicant's detailed cost estimates.

Security will not be required for telephone, natural gas, or Cable T.V. improvements.

Should the applicant fail to construct the improvements for the development, or fail to satisfy its obligations for the development in a timely manner, the City shall have the right to halt issuance of building permits, and/or final building inspections, withhold other approvals related to the development of the project, or call upon the surety to complete the improvements.

### GRADING

30. The applicant shall comply with the provisions of Section 13.24.050 (Grading Improvements), LQMC.
31. Prior to occupancy of the project site for any construction, or other purposes, the applicant shall obtain a grading permit approved by the City Engineer.
32. To obtain an approved grading permit, the applicant shall submit and obtain approval of all of the following:
  - A. A grading plan prepared by a qualified engineer or architect,
  - B. A preliminary geotechnical ("soils") report prepared by a qualified engineer,
  - C. A Fugitive Dust Control Plan prepared in accordance with Chapter 6.16, (Fugitive Dust Control), LQMC.
  - D. A Best Management Practices report prepared in accordance with Sections 8.70.010 and 13.24.170 (NPDES stormwater discharge permit and Storm Management and Discharge Controls), LQMC.

All grading shall conform to the recommendations contained in the Preliminary Soils Report, and shall be certified as being adequate by a soils engineer, or by an engineering geologist.

A statement shall appear on the Final Map that a soils report has been prepared in accordance with the California Health & Safety Code § 17953.

The applicant shall furnish security, in a form acceptable to the City, and in an amount sufficient to guarantee compliance with the approved Fugitive Dust Control Plan provisions as submitted with its application for a grading permit.

33. The applicant shall maintain all open graded, undeveloped land in order to prevent wind and/or water erosion of such land. All open graded, undeveloped land shall either be planted with interim landscaping, or stabilized with such other erosion control measures, as were approved in the Fugitive Dust Control Plan.
34. Grading within the perimeter setback and parkway areas shall have undulating terrain and shall conform with the requirements of LQMC Section 9.60.240(F) except as otherwise modified by this condition requirement. The maximum slope shall not exceed 3:1 anywhere in the landscape setback area, except for the backslope (ie the slope at the back of the landscape lot) which shall not exceed 2:1 if fully planted with ground cover. The maximum slope in the first six (6) feet adjacent to the curb shall not exceed 4:1 when the nearest edge of sidewalk is within six (6) of the curb, otherwise the maximum slope within the right of way shall not exceed 3:1. All unpaved parkway areas adjacent to the curb shall be depressed one and one-half inches (1.5") in the first eighteen inches (18") behind the curb.
35. Building pad elevations on the rough grading plan submitted for City Engineer's approval shall conform with pad elevations shown on the tentative map, unless the pad elevations have other requirements imposed elsewhere in these Conditions of Approval.
36. Building pad elevations of perimeter lots shall comply with the pad elevation shown on the tentative map approved by the City Council.
37. Prior to any site grading or regrading that will raise or lower any portion of the site by more than plus or minus three tenths of a foot from the elevations shown on the approved Tentative Tract Map, the applicant shall submit the proposed grading changes to the City Staff for a substantial conformance finding review.
38. Prior to the issuance of a building permit for any building lot, the applicant shall provide a lot pad certification stamped and signed by a qualified engineer or surveyor.

Each pad certification shall list the pad elevation as shown on the approved grading plan, the actual pad elevation and the difference between the two, if any. Such pad certification shall also list the relative compaction of the pad soil. The data shall be organized by lot number, and listed cumulatively if submitted at different times.

39. This development shall comply with Chapter 8.11 (Flood Hazard Regulations), LQMC. 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 elevation certifications, as required by FEMA, that the above conditions have been met.

#### DRAINAGE

40. The applicant shall comply with the provisions of Section 13.24.120 (Drainage), LQMC, Engineering Bulletin No. 97.03. More specifically, stormwater falling on site during the 100 year 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. The design storm shall be either the 3 hour, 6 hour or 24 hour event producing the greatest total run off.
41. In design of retention facilities, the maximum percolation rate shall be two inches per hour. The percolation rate will be considered to be zero unless the applicant provides site specific data indicating otherwise.
42. The applicant shall discharge storm water not retained in the proposed retention basin drainage system from on-site, and off-site tributary area assigned to the development site, into the existing storm drain located in Washington Street. The applicant shall pay a prorated share of cost to design and install the storm drain. The prorated share shall be calculated on the basis on the percentage of the capacity of the existing storm drain system utilized by the development's storm water.

The applicant's designer shall submit a hydrology report and calculations of the abovementioned capacity usage with the rough grading plan application.

43. The project shall be designed to accommodate purging and blowoff water (through underground piping and/or retention facilities) 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.
44. No fence or wall shall be constructed around any retention basin unless approved by the Community Development Director and the City Engineer.
45. Stormwater may not be retained in landscaped parkways or landscaped setback lots. Only incidental storm water (precipitation which directly falls onto the setback) will be permitted to be retained in the landscape setback areas. The perimeter setback and parkway areas in the street right-of-way shall be shaped with berms and mounds, pursuant to Section 9.100.040(B)(7), LQMC.
46. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development.
47. The development shall be graded to permit storm flow in excess of storm drain and retention basin capacity to flow out of the development through a designated overflow and into the historic drainage relief route.
48. Storm drainage historically received from adjoining property shall be received and retained or passed through into the historic downstream drainage relief route.
49. When an applicant proposes discharge of storm water directly, or indirectly, into 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 the 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 parcel 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

final development CC&Rs for meeting these potential obligations.

## UTILITIES

50. The applicant shall comply with the provisions of Section 13.24.110 (Utilities), LQMC.
51. The applicant shall obtain the approval of the City Engineer for the location of all utility lines within any right-of-way, and all above-ground utility structures including, but not limited to, traffic signal cabinets, electric vaults, water valves, and telephone stands, to ensure optimum placement for practical and aesthetic purposes.
52. Existing overhead utility lines within, or adjacent to the proposed development, and all proposed utilities shall be installed underground.

All existing utility lines attached to joint use 92 KV transmission power poles are exempt from the requirement to be placed underground.

53. Underground 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 all utility trench compaction for approval by the City Engineer.

## STREET AND TRAFFIC IMPROVEMENTS

54. The applicant shall comply with the provisions of Sections 13.24.060 (Street Improvements), 13.24.070 (Street Design - Generally) & 13.24.100 (Access For Individual Properties And Development), LQMC for public streets; and Section 13.24.080 (Street Design - Private Streets), where private streets are proposed.
55. The applicant shall construct the following street improvements to conform with the General Plan (street type noted in parentheses.)

### A. OFF-SITE STREETS

- 1) Washington Street (Major Augmented Arterial; 132' R/W):

No additional widening on the west side of the street along all frontage adjacent to the Tentative Map boundary is required except at locations where additional street width is needed to accommodate:

- a) A deceleration/right turn only lane serving the westerly extension of Simon Drive. The west curb face shall be located sixty feet (60') west of the centerline and shall accommodate a 12-foot wide by 200-foot long deceleration lane, plus taper.

Other required improvements in the Washington Street right of way and/or adjacent landscape setback area include:

- b) All appurtenant components such as, but not limited to curb, gutter, traffic control striping, legends, and signs.
- c) 8-foot wide meandering sidewalk. The meandering sidewalk shall have an arrhythmic horizontal layout that utilizes concave and convex curves with respect to the curb line that either touches the back of curb or approaches within five feet of the curb at intervals not to exceed 250 feet. The sidewalk curvature radii should vary between 50 and 300 feet, and at each point of reverse curvature, the radius should change to assist in creating the arrhythmic layout. The sidewalk shall meander into the landscape setback lot and approach within 5 feet of the perimeter wall at intervals not to exceed 250 feet.

The applicant shall extend improvements beyond the subdivision 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).

- 2) Design and install a traffic signal at the intersection of Washington Street and Simon Drive. The new signal shall be hard wire interconnected to the Washington Street signals at Highway 111 and at Highland Palms. The applicant shall be responsible for 50% of the cost to design and install the signal and associated signal coordination interconnect.

- 3) Construct the westerly extension of Simon Drive and a 24-foot wide emergency cross-connection road to Singing Palms Drive as generally depicted by the Option 2 access concept pursuant to specific configuration requirements of the City Engineer that become known during project design. The applicant shall also install other improvements as necessary to implement the Option 2 access concept including but limited to:
  - a) sound attenuation wall along Singing Palms Drive and crossing over to the tract perimeter wall for this tentative map,
  - b) access driveway to property on south side of Singing Palms Drive,
  - c) access route from the emergency cross-connection road to the Washington Street frontage road including a key-controlled electrically operated access vehicle gate for emergency and waste service vehicles.
  - d) emergency vehicle gate across the emergency cross-connection road
  - e) pedestrian access way serving pedestrians and bicycles from Singing Palms Drive and the Washington Street frontage road.

#### B. PRIVATE STREETS

- 1) Lot B and C - Construct full 36-foot wide travel width improvements within a 37-foot right-of-way where the residential streets are double loaded, except at the entry drive areas.

#### C. PRIVATE CUL DE SACS

- 1) Shall be constructed according to the lay-out shown on the tentative map with 38-foot curb radius or greater at the bulb using a smooth curve instead of angular lines similar to the layout shown on the rough grading plan.





56. 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.
57. General access points and turning movements of traffic are limited to the following:
  - A. Primary Entry (Westerly Extension of Simon Drive): Full turn access at the signalized intersection.
58. 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.
59. Improvements shall be designed and constructed in accordance with City adopted standards, supplemental drawings and specifications, or as approved by the City Engineer. Improvement plans for streets, access gates and parking areas shall be stamped and signed by qualified engineers.

### CONSTRUCTION

60. The City will conduct final inspections of 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 in residential developments 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 development or when directed by the City, whichever comes first.

### LANDSCAPING

61. The applicant shall comply with Sections 13.24.130 (Landscaping Setbacks) & 13.24.140 (Landscaping Plans), LQMC.

62. The applicant shall provide landscaping in the required setbacks, retention basins, common lots and park areas.
63. Landscape and irrigation plans for landscaped lots and setbacks, medians, retention basins, and parks shall be signed and stamped by a licensed landscape architect.
64. The applicant shall submit the landscape plans for approval by the Community Development Department (CDD), prior to plan checking by the Public Works Department. When plan checking has been completed by CDD, the applicant shall obtain the signatures of CVWD and the Riverside County Agricultural Commissioner, prior to submittal for signature by the City Engineer.

NOTE: Plans are not approved for construction until signed by the City Engineer.

65. Landscape areas shall have permanent irrigation improvements meeting the requirements of the City Engineer. Use of lawn areas shall be minimized with no lawn, or spray irrigation, being placed within 18 inches of curbs along public streets.

#### PUBLIC SERVICES

66. The applicant shall provide public transit improvements as required by SunLine Transit Agency and approved by the City Engineer.

#### QUALITY ASSURANCE

67. The applicant shall employ construction quality-assurance measures that meet with the approval of the City Engineer.
68. The applicant shall employ, or retain, qualified engineers, surveyors, and such other appropriate professionals as are required to provide the expertise with which to prepare and sign accurate record drawings, and to provide adequate construction supervision.

69. The applicant shall arrange for, and bear the cost of, all measurements, sampling and testing procedures not included in the City's inspection program, but which may be required by the City, as evidence that the construction materials and methods employed comply with the plans, specifications and other applicable regulations.
70. Upon completion of construction, the applicant shall furnish the City with reproducible record drawings of all improvement plans which were approved by the City. Each sheet shall be clearly marked "Record Drawing," "As-Built" or "As-Constructed" and shall be stamped and signed by the engineer or surveyor certifying to the accuracy and completeness of the drawings. The applicant shall have all AutoCAD or raster-image files previously submitted to the City, revised to reflect the as-built conditions.

#### MAINTENANCE

71. The applicant shall comply with the provisions of Section 13.24.160 (Maintenance), LQMC.
72. The applicant shall make provisions for the continuous and perpetual maintenance of all private on-site improvements, perimeter landscaping, access drives, and sidewalks.

#### FEES AND DEPOSITS

73. The applicant shall comply with the provisions of Section 13.24.180 (Fees and Deposits), LQMC. These fees include all deposits and fees required by the City for plan checking and construction inspection. Deposits and fee amounts shall be those in effect when the applicant makes application for plan check and permits.
74. Permits issued under this approval shall be subject to the provisions of the Infrastructure Fee Program and Development Impact Fee program in effect at the time of issuance of building permit(s).
75. Prior to 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 such reapportionment.

## COMMUNITY DEVELOPMENT DEPARTMENT

76. Prior to the issuance of the first Certificate of Occupancy for the site, the project proponent shall submit an Oral History to the Community Development Department and La Quinta Historical Society. The oral report shall be prepared in accordance with the City's and the Society's standards for such documents.
77. The applicant shall prepare a technical report on the eligibility for the National Register of Historic Places.
78. The applicant shall submit a revised Phase I Cultural Resources Report regarding the regional significance of the site in terms of its historical context, including but not limited to, its relationship to the Bradshaw Trail, the stage coach line, water wells, and prehistoric Indian villages and trails. The Phase I Cultural Resources Report shall be completed prior to issuance of Certificate of Occupancy and be considered independently by the Historic Preservation Committee at a future date.
79. The site shall be monitored during on and off-site trenching and rough grading by qualified archaeological monitors. Proof of retention of monitors shall be given to City prior to issuance of first earth-moving or clearing permit. A final mitigation monitoring report shall be submitted to the Historic Preservation Committee prior to the issuance of a building permit for the first production home for the project.
80. Collected archaeological resources shall be properly packaged for long term curation, in polyethylene self-seal bags, vials, or film cans as appropriate, all within acid-free, standard size, comprehensively labeled archive boxes and delivered to the City prior to issuance of first building permit for the property. Materials will be accompanied by descriptive catalogue, field notes and records, primary research data, and the original graphics.
81. The applicant shall design new gates, similar to the existing gates, and incorporate the name "Point Happy Ranch" into the gates. The applicant shall place a plaque on, or near the gates, commemorating the site and its relationship to the region.
82. The applicant shall name streets within the development after individuals historically associated with the property.

83. The applicant shall demonstrate that the gates along Washington Street are not "historic" by submitting proof that they are less than 50 years old. Should the gates not be historic, they can be removed and not preserved on site.
84. Should demolition, grubbing, earth moving or construction be planned for initiation between February 15 and September 30, a field survey shall be conducted to determine whether birds under the jurisdiction of the Migratory Bird Act are nesting on the property. Should such nests be identified, buffer areas in conformance with the Act, but no less than 50 feet in all directions, shall be established where no construction activity is allowed, until such time as the biologist determines that the nesting birds have discontinued use of the nest. The required field survey shall be submitted to the Community Development Department for review and approval prior to the issuance of the first permit for demolition, grubbing, grading or building on the site.
85. A three person committee shall be formed, consisting of a representative of the Homeowners' Association (HOA), a representative of the California Department of Fish and Game (CDFG), and the Community Development Director. The purpose of the committee shall be to assess the need for a fence/wall to keep Peninsular Bighorn Sheep from entering the project site. The committee shall monitor sheep activity through various means, including interviews with residents and visitors, and any available scientific data available and/or funded by the HOA. If bighorn sheep are seen on the project site, the committee shall require that the HOA, at its expense, construct an 8-foot fence along the property line between the project and the hillside. Gaps in the fence should be 11 centimeters or less. At the request of CDFG, temporary fencing may be required between the time that sheep are seen on the site and the time that permanent fencing is required. The committee shall exist for a period of 10 years, unless bighorn sheep are documented to no longer inhabit the Santa Rosa Mountains. At the end of ten (10) years, if any one member of the committee deems it necessary for the committee to continue, it shall do so until such time that it is dissolved by a unanimous vote of all its members.
86. The project applicant shall either provide an easement to the City, or evidence of dedication to a non-profit organization, to be approved by the City prior to recordation of the final map, ensuring that the preservation of lot 73 as open space in perpetuity." The lot shall also be a lettered lot on the Final Tract Map.

87. Blasting and pile-driving, or other excessively loud construction activity, shall be prohibited from January 1 through June 30 of each year.
88. All lighting on the project site shall be directed away from the hillsides. The project CC&Rs shall include this prohibition for individual homeowners.
89. Plants toxic to bighorn sheep shall be prohibited on the site. The project proponent shall secure a clearance letter from a qualified biologist, certifying the suitability of the plant palette for the project site. The project CC&Rs shall include this prohibition for individual homeowners.
90. The CC&Rs for the project shall prohibit dogs from running loose in the project site.
91. The CC&Rs for the project shall include a provision prohibiting access by either persons or animals to the adjacent hillsides.
92. Prior to the issuance of grading permits, the applicant shall submit a plan demonstrating that all pesticides, fungicides, herbicides and fertilizers used on the site, during both construction and operations, are not harmful to wildlife. The plan shall be submitted to the Community Development Department for review and approval.