

**CITY COUNCIL RESOLUTION 2004-142  
CONDITIONS OF APPROVAL - FINAL  
TENTATIVE TRACT MAP 30185 1<sup>ST</sup> EXT. OF TIME  
T D DESERT DEVELOPMENT  
NOVEMBER 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
- South Coast Air Quality Management District-Coachella Valley

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. 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**

5. 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.
6. 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.
7. 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.
8. The setback requirements shall apply to all frontages including, but not limited to, remainder parcels and sites dedicated for utility purposes.
9. 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.
10. 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.

11. When an applicant proposes the vacation, or abandonment, of any existing road, public utilities, and pipeline easement shown in Parcel Map 25187, and open space and drainage easement shown on Lot E per TM 28640, which will diminish the rights to the property owned by others, the recordation of the tract map is subject to the Applicant providing an alternate road, public utilities, pipeline, open space and drainage easement, to those properties, or notarized letters of consent from the affected property owners.
12. 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**

13. 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.

14. The following improvement plans shall be prepared and submitted for review and approval by the Public Works Department. 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.

- A. On-Site Rough Grading Plan: 1" = 40' Horizontal
- B. PM10 Plan: 1" = 40' Horizontal
- C. SWPPP: 1" = 40' Horizontal
- D. Storm Drain Plans: 1" = 40' Horizontal

The following plans shall be submitted to the Building & Safety Department for review and approval. The plans shall utilize the minimum scale specified, unless otherwise authorized by the Building & Safety Director 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.

- E. On-Site Residential 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.

"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.

- 15. 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.
- 16. 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**

17. Prior to the conditional approval of any Final Map, or the issuance of any permit(s), the applicant shall construct all on-site 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.
18. 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.
19. 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.
20. When improvements are to be secured through a SIA, and prior to any conditional approval of the Final Map by the City Council, 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.

21. 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**

22. The applicant shall comply with the provisions of Section 13.24.050 (Grading Improvements), LQMC.
23. 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.
24. 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, and
  - C. A Fugitive Dust Control Plan prepared in accordance with Chapter 6.16, (Fugitive Dust Control), 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.

25. 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.
26. Grading within perimeter setback and parkway areas shall have undulating terrain and shall conform to LQMC 9.60.240(F). The maximum slope shall not exceed 4:1 anywhere in the landscape setback area, and shall not exceed 8:1 in the first 6 feet adjacent to the curb in the right of way.
27. Building pad elevations shall conform substantially as shown in the approved tentative map.
28. 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.
29. 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.

## **DRAINAGE**

Stormwater handling shall conform with the approved hydrology and drainage report for Rancho La Quinta. Nuisance water shall be disposed of in an approved manner.

30. 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 State Water Resources Control Board’s No. 99-08-DWQ.

For construction activities including clearing, grading or excavation of land that disturbs one (1) acre or more of land, or that disturbs less than one (1) acre of land, but which is part of a construction project that encompasses more than one (1) acre of land, the Permittee shall be required to submit a Storm Water Pollution Protection Plan (“SWPPP”).

The applicant or design professional can obtain the California Stormwater Quality Association SWPPP template at [www.cabmphandbooks.com](http://www.cabmphandbooks.com) for use in their SWPPP preparation.

- A. The applicant’s SWPPP shall be approved by the City Engineer prior to any on or off-site grading being done in the relation to this project.
- B. 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.
- C. 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.



- D. 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.

The approved SWPPP and BMPs shall remain in effect for the entire duration of project construction until all improvements are completed and accepted by the City.

31. 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. No on-site drainage will be allowed to drain to La Quinta Evacuation Channel unless otherwise approved by CVWD.
32. 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.
33. Nuisance water shall be retained on site. In residential developments, nuisance water shall be disposed of in a trickling sand filter and leach field or equivalent system approved by the City Engineer. Said water is defined as non-stormwater from landscaped area nuisance water, off-site street nuisance water, residential unit nuisance water and well site blow off water.
34. 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.
35. No fence or wall shall be constructed around any retention basin unless approved by the Community Development Director and the City Engineer.
36. For on-site common retention basins, retention depth shall not exceed six feet and side slopes shall not exceed 3:1.

37. 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.
38. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development.
39. The development shall be graded to permit storm flow in excess of retention capacity to flow out of the development through a designated overflow and into the historic drainage relief route.
40. Storm drainage historically received from adjoining property shall be received and retained or passed through into the historic downstream drainage relief route.
41. 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 tract 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 for CC&Rs for meeting this potential obligations.

## **UTILITIES**

42. The applicant shall comply with the provisions of Section 13.24.110 (Utilities), LQMC.

43. 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, sewer and water laterals for the optimum placements for practical and aesthetic purposes.
44. 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.

#### **LANDSCAPING**

45. The applicant shall comply with Sections 13.24.130 (Landscaping Setbacks) & 13.24.140 (Landscaping Plans), LQMC.
46. The applicant shall provide landscaping in the required setbacks, retention basins, common lots and park areas.
47. 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 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.

48. 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.

## **QUALITY ASSURANCE**

49. The applicant shall employ construction quality-assurance measures that meet with the approval of the City Engineer.
50. The applicant shall employ, or retain, qualified engineers, surveyors, and such other appropriate professionals as are required to provide the expertise with
51. which to prepare and sign accurate record drawings, and to provide adequate construction supervision.
52. 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.
53. 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**

54. The applicant shall comply with the provisions of Section 13.24.160 (Maintenance), LQMC.
55. 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**

56. 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.

## **COACHELLA VALLEY WATER DISTRICT**

57. Any areas adjacent to the channel that are below 50 feet are subject to flooding in the standard project flood. The District will require an easement for flooding for any areas adjacent to the La Quinta Evacuation Channel below the 50 foot elevation.
58. Final grading plans shall be submitted to the district for review with regard to the La Quinta Evacuation Channel.
59. A portion of this project area is adjacent to the right-of-way of the La Quinta Evacuation Channel. The applicant shall be required to install suitable facilities to maintain District access and to prohibit outside access to this right-of-way.
60. The applicant shall obtain an encroachment permit from the District prior to any construction within the right-of-way of the La Quinta Evacuation Channel, including but not limited to, surface improvements, drainage inlets, landscaping, and roadways.
61. The applicant will be required to pay the District any fees associated with the project in accordance with the current regulations for service to the site.
62. Landscaping and irrigation plans shall be submitted to the District for review to ensure efficient water management practices.