

**RESOLUTION 2008-77
CONDITIONS OF APPROVAL – FINAL
REVERSION TO ACREAGE RA 2008-005 /
TENTATIVE MAP 36058-R
STAMKO DEVELOPMENT
DECEMBER 2, 2008**

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 Reversion to Acreage with associated Tentative Parcel 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 Reversion to Acreage with associated Tentative Parcel Map 36058-R, 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.

3. Prior to the issuance of any grading or construction permit by the City, the applicant shall obtain any necessary clearances and/or permits from the following agencies:
 - Fire Marshal
 - Public Works Department (Grading Permit, Improvement Permit)
 - Planning Department
 - Riverside Co. Environmental Health Department
 - Desert Sands Unified School District
 - Coachella Valley Water District (CVWD)
 - Imperial Irrigation District (IID)
 - California Regional Water Quality Control Board (CRWQCB)

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- 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.

A project-specific NPDES construction permit must be obtained by the applicant who then shall submit a copy of the Regional Water Quality Control Board's ("RWQCB") acknowledgment of the applicant's Notice of Intent ("NOI"), prior to the issuance of a grading or site construction permit by the City.

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 one (1) acre or more of land, or that disturbs less than one (1) acre of land, but which is a 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 for use in their SWPPP preparation.

- 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):

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

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 offer for dedication on the Final Map all public street rights-of-way in conformance with the City's General Plan, Municipal Code, applicable specific plans, and/or as required by the City Engineer.
7. The public street right-of-way offers for dedication required for this development include:
 - A. PUBLIC STREETS
 - 1) Adams Street (Primary Arterial – Option A, 110' ROW) – No additional right-of-way is required for the standard 55 feet from

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the centerline of Adams Street for a total 110-foot ultimate developed right of way except for an additional right-of-way dedication for future Parcel Map access as shown as Lot "B" on the Tentative Parcel Map No. 36058-R.

- 2) Auto Centre Way South, Lot "A" (Collector, 74' ROW) – The standard total 74-foot ultimate developed right of way shown as Lot "A" on Tentative Parcel Map No. 36058-R.
 8. When the City Engineer determines that access rights to the proposed street rights-of-way shown on the approved Tentative Parcel Map are necessary prior to approval of the Final Map dedicating such right-of-ways, the applicant shall grant the necessary rights-of-way within 60 days of a written request by the City.
 9. The applicant shall create perimeter landscaping/ setbacks along all public rights-of-way as follows:
 - A. Adams Street (Primary Arterial) – 20 feet from the R/W-P/L.
 - B. Auto Centre Way South (Collector Street) – As required by the General Plan and City Code unless otherwise approved in the Specific Plan.
- The setback requirements shall apply to all frontages including, but not limited to, remainder parcels and sites dedicated for utility purposes.
10. The applicant shall offer for dedication those easements necessary for the placement of, and access to, utility lines and structures, and drainage basins on the Final Map.
 11. Direct vehicular access along Adams Street, Auto Centre Way South, Auto Centre Drive and La Quinta Drive are restricted or as otherwise conditioned in these conditions of approval. The vehicular access restriction shall be shown on the recorded parcel map.
 12. 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.

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13. 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 Parcel Map and the date of recording of any Final Map, unless such easement is approved by the City Engineer.

FINAL PARCEL MAP

14. Prior to the City's approval of a Final Map, the applicant shall furnish accurate mylars of the Final Map that were approved by the City's map checker on a storage media acceptable to the City Engineer.

IMPROVEMENT PLANS

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

15. 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.
16. 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.

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|----|---------------------------|---------------------|
| A. | On-Site Mass Grading Plan | 1" = 40' Horizontal |
| B. | PM10 Plan | 1" = 40' Horizontal |
| C. | SWPPP | 1" = 40' Horizontal |

NOTE: A through C to be submitted concurrently.

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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.

17. The City maintains standard plans, detail sheets and/or construction notes for elements of construction which can be accessed via the "Plans, Notes and Design Guidance" section of the Public Works Department at the City website (www.la-quinta.org). Please navigate to the Public Works Department home page and look for the Standard Drawings hyperlink.
18. The applicant shall furnish a complete set of the mylars of all approved improvement plans on a storage media acceptable to the City Engineer.

IMPROVEMENT SECURITY AGREEMENTS

19. Prior to the granting of any permits for mass grading, the applicant shall furnish full security 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 Reversion to Acreage and associated Tentative Parcel Map to comply with the provisions of Chapter 13.28 (Improvement Security), LQMC.
20. 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.

In the event the applicant fails to construct the improvements for the development, or fails to satisfy its obligations for the development in a timely manner, pursuant to the approved phasing plan, the City shall have the right to halt issuance of all permits, and/or final inspections, withhold other approvals related to the development of the project, or call upon the surety to complete the improvements.

If the applicant elects to utilize the secured agreement alternative, the applicant shall submit detailed construction cost estimates for all proposed on-site improvements for checking and approval 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

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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.

MASS GRADING

21. The applicant shall comply with the provisions of LQMC Section 13.24.050 (Grading Improvements).
22. Prior to occupancy of the project site for any construction, or other purposes, the applicant shall obtain a mass grading permit approved by the City Engineer.
23. To obtain an approved grading permit, the applicant shall submit and obtain approval of all of the following:
 - A. A mass grading plan prepared by a qualified engineer,
 - 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, and
 - D. A Best Management Practices report per the approved SWPPP prepared in accordance with LQMC Sections 8.70.010 and 13.24.170 (NPDES stormwater discharge permit and Storm Management and Discharge Controls).

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 Parcel Map that a soils report has been prepared in accordance with the California Health & Safety Code § 17953.

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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.

24. 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

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other erosion control measures, as were approved in the Fugitive Dust Control Plan and SWPPP for this Reversion to Acreage RA 2008-005 and Tentative Parcel Map 36058-R.

DRAINAGE

25. Stormwater handling shall be revised and approved by the City Engineer to conform with the approved hydrology and drainage reports associated with the approved Mass Grading Plan for this Reversion to Acreage and Tentative Parcel Map 36058-R.

MAINTENANCE

26. The applicant shall maintain all fencing and screening materials in good working condition and repair any damages, including those resulting from wind or vandalism, within 48 hours of occurrence.
27. The applicant shall make provisions for the continuous and perpetual maintenance of all private on-site improvements, perimeter landscaping, access drives, and sidewalks.
28. The applicant shall be responsible for the cleaning and removal of tracked out gravel and dirt on the adjacent public rights-of-way.