

**RESOLUTION 2008-043
CONDITIONS OF APPROVAL - FINAL
TENTATIVE TRACT MAP 33848
DAVID MAMAN DESIGNS
JUNE 17, 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 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.

3. All mitigation measures included in the Environmental Impact Report, Environmental Assessment 2005-560, are hereby included in this approval.
4. This Tentative Tract Map shall expire on June 17, 2010, two years from the date of City Council approval, unless recorded or granted a time extension pursuant to the requirements of La Quinta Municipal Code 9.200.080 (Permit expiration and time extensions).
5. Prior to the issuance of any grading, construction, or building permit by the City, the applicant shall obtain any necessary clearances and/or permits from the following agencies, if required:
 - Riverside County Fire Marshal
 - Public Works Department (Grading Permit, Green Sheet (Public Works Clearance) for Building Permits, Improvement Permit)
 - Planning Department
 - Riverside Co. Environmental Health Department
 - Coachella Valley Unified School District

- Coachella Valley Water District (CVWD)
- Imperial Irrigation District (IID)
- California Water Quality Control Board (CWQCB)
- 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.

6. 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.
7. The applicant shall comply with applicable provisions of the City's NPDES stormwater discharge permit, LQMC Sections 8.70.010 et seq. (Stormwater Management and Discharge Controls), and 13.24.170 (Clean Air/Clean Water); 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") (LQMC Section 8.70.020 (Definitions)):
- 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.
8. 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).
9. Approval of this Tentative Tract Map shall not be construed as approval for any horizontal dimensions implied by any site plans or exhibits unless specifically identified in the following conditions of approval.

PROPERTY RIGHTS

10. 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.

11. 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.
12. The public street right-of-way offers for dedication required for this development include:
 - A. PUBLIC STREETS
 - 1) Avenue 58 (Secondary Arterial with Class II Bike Lane, 96' ROW)
- The standard 48 feet from the centerline of Avenue 58 for a total 96-foot ultimate developed right of way.
13. The applicant shall retain for private use on the Final Map all private 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.
14. The private street rights-of-way to be retained for private use required for this development include:
 - A. PRIVATE STREETS
 - 1) Private Residential Streets shall be as proposed on the tentative tract map. As the applicant proposes Decorative Landscaped Raised Median Islands that the minimum 20-foot of travel way required by the Riverside County Fire Department, the applicant is conditioned to prohibit on-site street parking, provided there is adequate off-street parking for residents and visitors, and the applicant establishes provisions for ongoing enforcement of the parking restriction in the CC&R's. The CC&R's shall be reviewed by the Engineering and Planning Departments and approved by the Planning Department prior to recordation.
 - B. CUL DE SACS
 - 1) The cul- de- sac shall conform to the shape shown on the tentative map with a 38-foot curb radius at the bulb or larger as shown on the tentative map.
15. 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.

16. When the City Engineer determines that access rights to the proposed street rights-of-way shown on the approved Tentative Tract Map are necessary prior to approval of the Final Map dedicating such rights-of-way, the applicant shall grant the necessary rights-of-way within 60 days of a written request by the City.
17. 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.
18. The applicant shall create perimeter landscaping setbacks along all public rights-of-way as follows:
 - A. Avenue 58: 25-foot from the R/W-P/L (as shown on the approved tentative map)
19. 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.
20. Direct vehicular access to Avenue 58 from lots with frontage along Avenue 58 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.
21. 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.
22. 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.
23. The Applicant is hereby notified that future site modifications are required at the entry drive, Private Street Lot E, to ensure that the centerline of entry drive of the subject tract is coincident with the centerline of entry drive of Tract No. 30092 located on northerly frontage of Avenue 58 across from subject tract.

24. The applicant shall provide for potential future access from the south terminus of Lot E (street) across Lots 7 and 8 to the adjoining property to the south. The form of said access shall be determined by the Planning Director prior to the recordation of the Final Map and shall be either a separate lettered lot or an access easement for the benefit of each individual lot within the proposed subdivision and the adjoining property to the south.

STREET AND TRAFFIC IMPROVEMENTS

25. The applicant shall comply with the provisions of LQMC Sections 13.24.060 (Street Improvements), 13.24.070 (Street Design - Generally) & 13.24.100 (Access For Individual Properties And Development) for public streets; and Section 13.24.080 (Street Design - Private Streets), where private streets are proposed.
26. Streets shall have vertical curbs or other approved curb configurations that will convey water without ponding, and provide lateral containment of dust and residue during street sweeping operations. If a wedge or rolled curb design is approved, the lip at the flowline shall be near vertical with a 1/8" batter and a minimum height of 0.1'. Unused curb cuts on any lot shall be restored to standard curb height prior to final inspection of permanent building(s) on the lot.
27. The applicant shall construct the following street improvements to conform to the General Plan or as conditioned for this tentative tract map.

A. OFF-SITE STREETS

- 1) Avenue 58: Secondary Arterial with Class II Bike Lane; 96' R/W:

Widen the south side of the street along all frontage adjacent to the Tentative Map boundary to its ultimate width on the south side as specified in the General Plan and the requirements of these conditions. Rehabilitate and/or reconstruct existing roadway pavement as necessary to augment and convert it from a rural county-road design standard to La Quinta's urban arterial design standard. The south curb face shall be located thirty six feet (36') south of the centerline. Pursuant to this condition, the applicant shall coordinate the design off-site street improvements with Tentative Tract Map No. 33717 to the west and provide improvement plans independent of timing of those improvements to the west on Avenue 58.

Other required improvements in the Avenue 58 right-of-way and/or adjacent landscape setback areas include:

- a. A 6-foot wide Class II Bike Lane shall be constructed along the tentative tract map boundary and as approved by the City Engineer.
- b. A 10-foot wide Multi-Purpose Trail. The applicant shall construct a multi-use trail per La Quinta Standard 260 along the Avenue 58 frontage within the landscaped setback. Multi-Purpose Trail boundaries shall be delineated by a 4-inch wide concrete border between the trail and adjacent landscaping. The location and design of the trail shall be approved by the City. The Multi-Purpose Trail shall be set back as far as practicable from the curb and may be installed out of the public right of way. A split rail fence shall be constructed along the roadway side of the multi-purpose trail in accordance with Section 9.140.060 (Item E, 3a) of the Zoning Ordinance. Bonding for the fence to be installed shall be posted prior to final map approval. At grade intersection crossings shall be of a medium and design and location as approved by the Engineering Department on the street improvement plan submittal.

A maintenance easement dedication in favor of the City shall be offered for Multi-Purpose Trails.

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).

B. PRIVATE STREETS

- 1) Lot "E" - Private Residential Streets shall be as proposed on the tentative tract map. As the applicant proposes Decorative Landscaped Raised Median Islands that restrict the street to the minimum 20-foot of travel way required by the Riverside County Fire Department for emergency access, the applicant is conditioned to prohibit on-site street parking and provide adequate off-street parking for residents and visitors. The applicant shall

establish provisions for ongoing enforcement of the parking restriction in the CC&R's. The CC&R's shall be reviewed by the Engineering and Planning Departments and be approved by the Planning Department prior to recordation. The final design of the private street alignment and width shall be subject to future review and approval by the City Engineer.

C. PRIVATE CUL DE SACS

- 1) Lot E terminus cul-de-sac shall be constructed according to the layout shown on the tentative map with 38-foot curb radius or greater at the bulb.
28. All gated entries shall provide for a three-car minimum stacking capacity for inbound traffic to be a minimum length of 62 feet from call box to the street; and shall provide for a full turn-around outlet for non-accepted vehicles. The median break opening shall be a minimum of 25 feet for said turn-around movements as approved by the City Engineer.
29. With the gated entry proposed, the applicant shall submit a detailed exhibit at a scale of 1" = 10', demonstrating that those passenger vehicles that do not gain entry into the development can safely make a full turn-around (minimum radius to be 25 feet) out onto the main street from the gated entry. Pursuant to said condition, there shall be a minimum of twenty five feet width provided at the turn-around opening provided.

Two lanes of traffic shall be provided on the entry side of each gated entry, one lane shall be dedicated for residents and one lane for visitors. The two travel lanes shall be a minimum of 20 feet of total paved roadway surface or as approved by the Fire Department.

Entry drives, main interior circulation routes, corner cutbacks, bus turnouts, dedicated turn lanes and other features shown on the approved construction plans, may require additional street widths as may be determined by the City Engineer.

30. The applicant shall design street pavement sections using CalTrans' design procedure for 20-year life pavement, and the site-specific data for soil strength and anticipated traffic loading (including construction traffic). Minimum structural sections shall be as follows:

Residential	3.0" a.c./4.5" c.a.b.
Secondary Arterial	4.0" a.c./6.0" c.a.b.

Or the approved equivalents of alternate materials.

31. 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.
32. General access points and turning movements of traffic are limited to the following:
 - Avenue 58: Full turn access with approved Stop Control.Additionally, the applicant shall be required to line the centerline of the access drive with Tract Map No. 30092 centerline on the north side of Avenue 58 to the best of his ability and as approved by the City Engineer.
33. Improvements shall include appurtenances such as traffic control signs, markings and other devices, street name signs and sidewalks. Mid-block street lighting is not required.
34. 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.

FINAL MAPS

35. 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. The Final Map shall be 1" = 40' scale.

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.

36. 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 LQMC Section 13.24.040 (Improvement Plans).
37. 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 |

NOTE: A through C to be submitted concurrently.

- | | | |
|----|---|---------------------------------------|
| D. | Off-Site Street Improvement/Storm Drain Plan* | 1" = 40' Horizontal, 1" = 4' Vertical |
| E. | Off-Site Signing & Striping Plan | 1" = 40' Horizontal |

*Note: The applicant or his design professional may be required to submit interim as well as final off-site street Improvement plans based on Tentative Tract Map No. 33717 Final Map recordation and approved street improvement plans to match edge conditions constructed and/or proposed.

The Off-Site street improvement plans shall have 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.

F. On-Site Street Improvements/Signing & Striping/Storm Drain Plan

1" = 40' Horizontal, 1" = 4' Vertical

NOTE: D through F to be submitted concurrently.

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

G. On-Site Residential Precise Grading Plan 1" = 30' Horizontal

All Off-Site Plan & Profile Street Plans and Signing & Striping 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.

All On-Site Signing & Striping Plans shall show, at a minimum; Stop Signs, Limit Lines and Legends, No Parking Signs, Raised Pavement Markers (including Blue RPMs at fire hydrants) and Street Name Signs per Public Works Standard Plans and/or as approved by the Engineering Department.

"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.

38. 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.
39. The applicant shall furnish a complete set of the mylars of all approved improvement plans on a storage media acceptable to the City Engineer.
40. Upon completion of construction, and prior to final acceptance of the improvements by the City, 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 approved mylars previously submitted to the City, revised to reflect the as-built conditions. The applicant shall employ or retain the Engineer Of Record during the construction phase of the project so that the EOR can make site visits in support of preparing As Built drawings. However, if subsequent approved revisions have been approved by the City Engineer and reflect said "As-Built" conditions, the Engineer Of Record may submit a letter attesting to said fact to the City Engineer in lieu of mylar submittal.

IMPROVEMENT SECURITY AGREEMENTS

41. 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.
42. 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 LQMC Chapter 13.28 (Improvement Security).
43. 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.
44. 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 actions, as the City may require.

Off-Site Improvements should be completed on a first priority basis. The applicant shall complete Off-Site Improvements by the issuance of the 3rd Building Permit.

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.

45. 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.

46. 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

47. The applicant shall comply with the provisions of LQMC Section 13.24.050 (Grading Improvements).
 48. 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.
 49. 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,
 - B. A preliminary geotechnical ("soils") report prepared by a qualified engineer,
 - C. A Fugitive Dust Control Plan prepared in accordance with LQMC Chapter 6.16, (Fugitive Dust Control), and
 - D. A Best Management Practices report 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 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.
50. 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.
 51. 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 (i.e. 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 feet (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.

52. Building pad elevations on the rough grading plan submitted for City Engineer's approval shall conform to pad elevations shown on the tentative map, unless the pad elevations have other requirements imposed elsewhere in these Conditions of Approval.
53. The applicant shall minimize the differences in elevation between the adjoining properties and the lots within this development. Particularly, Tentative Tract Map No. 33717 to the west has been approved for grades that slope to the southerly end of the property that may require adjustment of grades or abutting retaining/perimeter wall improvements of this Tentative Tract Map No. 33848 approval.

Where compliance within the above stated limits is impractical, the City may consider alternatives that are shown to minimize safety concerns, maintenance difficulties and neighboring-owner dissatisfaction with the grade differential.

54. Prior to any site grading or regrading that will raise or lower any portion of the site by more than plus or minus five tenths of a foot (0.5') 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.
55. 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 with applicable compaction tests and over excavation documentation.

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

56. The applicant shall comply with the provisions of LQMC Section 13.24.120 (Drainage), Retention Basin Design Criteria, Engineering Bulletin No. 06-16 – Hydrology Report with Preliminary Hydraulic Report Criteria for Storm Drain Systems and Engineering Bulletin No. 06-015 - Underground Retention Basin Design Requirements. 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 design storm shall be either the 1 hour, 3 hour, 6 hour or 24 hour event producing the greatest total run off.
57. Nuisance water shall be retained on site. Nuisance water shall be disposed of per approved methods contained in Engineering Bulletin No. 06-16 – Hydrology Report with Preliminary Hydraulic Report Criteria for Storm Drain Systems and Engineering Bulletin No. 06-015 - Underground Retention Basin Design Requirements.
58. 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 and as approved by the City Engineer.
59. 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.
60. No fence or wall shall be constructed around any retention basin unless approved by the Planning Director and the City Engineer.
61. For on-site above ground common retention basins, retention depth shall be according to Engineering Bulletin No. 06-16 – Hydrology Report with Preliminary Hydraulic Report Criteria for Storm Drain Systems. Side slopes shall not exceed 3:1 and shall be planted with maintenance free ground cover. Additionally, retention basin widths shall be not less than 20 feet at the bottom of the basin.
62. 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 LQMC Section 9.100.040(B)(7).

63. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development.
64. 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.
65. Storm drainage historically received from adjoining property shall be received and retained or passed through into the historic downstream drainage relief route.

UTILITIES

66. The applicant shall comply with the provisions of LQMC Section 13.24.110 (Utilities).
67. 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 electric vaults, water valves, and telephone stands, to ensure optimum placement for practical and aesthetic purposes. The applicant shall provide aesthetic screening and/or painting of said structures as deemed necessary by the Planning Department.
68. 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 or greater are exempt from the requirement to be placed underground.
69. 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. Additionally, grease traps and the maintenance thereof shall be located as to not conflict with access aisles/entrances.

CONSTRUCTION

70. 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.

71. Construction of all structures on the project site shall comply with rigid mat or grade-beam reinforced foundations, based on the final recommendations by the geotechnical engineer, and approved by the Building and Safety Department.
72. Final wall and gate design shall be reviewed and approved by the Planning Commission under a future Site Development Permit application.
73. A permit from the Planning Department is required for any temporary or permanent tract signs. Uplighted tract identification signs are allowed subject to the provisions of Chapter 9.160 of the Zoning Ordinance.
74. Any ground-mounted mechanical equipment shall be screened by a wall, landscaping with significant foliage, or combination of the two, of a sufficient height and/or density to fully screen such equipment above its horizontal plane.
75. Any building-mounted mechanical equipment shall be fully screened from view by an architectural feature, wall, or parapet of sufficient height to fully screen such equipment above its horizontal plane.

LANDSCAPE AND IRRIGATION

76. The applicant shall comply with LQMC Sections 13.24.130 (Landscaping Setbacks) & 13.24.140 (Landscaping Plans).
77. The applicant shall provide landscaping in the required setbacks, retention basins, common lots and park areas.
78. Landscape and irrigation plans for landscaped lots and setbacks, medians, retention basins, and parks shall be signed and stamped by a licensed landscape architect.
79. The applicant shall submit the landscape plans for approval by the Planning Department and green sheet sign off by the Public Works Department. When plan checking has been completed by the Planning Department, the applicant shall obtain the signatures of CVWD and the Riverside County Agricultural Commissioner, prior to submittal for signature by the Planning Director, however

landscape plans for landscaped median on public streets shall be approved by the both the Planning Director and the City Engineer. Where City Engineer approval is not required, the applicant shall submit for a green sheet approval by the Public Works Department.

Final landscape plans for on-site planting shall be reviewed by the ALRC and approved by the Planning Director. Said review and approval shall occur prior to issuance of first building permit unless the Planning Director determines extenuating circumstances exist which justify an alternative processing schedule. Final plans shall include all landscaping associated with this project.

NOTE: Plans are not approved for construction until signed by both the Planning Director and/or the City Engineer.

80. Landscape areas shall have permanent irrigation improvements meeting the requirements of the Planning Director. Use of lawn areas shall be minimized with no lawn, or spray irrigation, being placed within 24 inches of curbs along public streets.
81. The applicant or his agent has the responsibility for proper sight distance requirements per guidelines in the AASHTO "A Policy on Geometric Design of Highways and Streets, 5th Edition" or latest, in the design and/or installation of all landscaping and appurtenances abutting and within the private and public street right-of-way.
82. Prior to issuance of any street improvement or landscaping plans, the developer shall submit to the Planning Department a detailed construction plan for the project's Multi-Purpose Trail, in accord with General Plan Standard No. 260 "Equestrian Trail Easement Adjacent to Public Street," constructed along the south side of Avenue 58 right-of-way within the 10-foot area designated for such use. This plan shall include access, signage, and detailed design.

OUTDOOR LIGHTING

83. Exterior lighting shall comply with Section 9.60.160 (Outdoor Lighting) of the La Quinta Municipal Code. All outdoor lighting fixtures shall be fitted with a visor or shield to reflect lighting away from adjacent residences. Final outdoor lighting design shall be reviewed and approved by the Planning Director.

CULTURAL AND ENVIRONMENTAL

84. The site shall be monitored during on- and off-site trenching and rough grading by qualified archaeological monitors, one of which shall be a Native American tribal member. The monitor shall be empowered to stop and redirect earth moving activities as necessary to identify and study any identified resource. The final report of monitoring activities shall be submitted to the Planning Department prior to the issuance of a Certificate of Occupancy for the first house on the project site.
85. 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 Certificate of Occupancy for the property.

Materials shall be accompanied by descriptive catalogue, field notes and records, primary research data, and the original graphics.

86. No clearing, grading, grubbing, demolition of structures, or other site-disturbing activity shall occur until:
- A. A Historic American Building Survey (HABS) is completed for the property; and
 - B. A Historic American Engineering Record (HAER) is completed for the property.

These processes shall be completed according to HABS and HAER established protocols and specifications, and shall include:

- 1) A series of high quality technical photographs of both the interior and exterior of the building using 4" x 5" large format black and white photographs (at a minimum of each of the elevations), medium format 2" x 2" color photographs, digital, and 35 mm color photographs, all processed and archived to HABS specifications; and
- 2) The generation of pen and ink scale drawings of the elevations; and
- 3) The generation of a scaled pen and ink site plan; and

- 4) A more thorough written analysis of the building's architecture and construction.

The studies shall be submitted to the Planning Department for review and approval. No site disturbance, including demolition or alteration of any structure, is to occur until the applicant has received written confirmation from the Planning Department that the HABS/HAER reports have been approved. The applicant shall be required to reimburse the City for any expenses required to engage professional specialist review of the HABS/HAER reports.

87. On- and off-site monitoring of earth-moving and grading in areas identified as likely to contain paleontological resources shall be conducted by a qualified paleontological monitor. The monitor shall be equipped to salvage fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. The monitor shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens. Proof that a monitor has been retained shall be given to City prior to issuance of first earth-moving permit, or before any clearing of the site is begun.
88. Recovered paleontological specimens shall be prepared to the point of identification and permanent preservation, including washing of sediments to recover small invertebrates and vertebrates.
89. A report of findings with an appended itemized inventory of paleontological specimens shall be submitted to the City prior to the first occupancy of a residence being granted by the City. The report shall include pertinent discussions of the significance of all recovered resources where appropriate. The report and inventory, when submitted will signify completion of the program to mitigate impacts to paleontological resources.
90. Collected paleontological resources and related reports, etc. shall be given to the City for curation. Packaging of resources, reports, etc. shall comply with standards commonly used in the paleontological industry.
91. Within 30 days of the initiation of any ground disturbing activity on the project site, the project proponent shall initiate a protocol-compliant burrowing owl survey, to be submitted and approved by the Planning Department. Should the species be identified on the site, the biologist's recommendations for relocation shall be implemented prior to the issuance of any ground disturbance permits.

92. Within 30 days of the initiation of any ground disturbing activity on the project site, the project proponent shall initiate a protocol-compliant pre-construction nesting bird survey, if construction is to start during the period from February 1 to August 31 of any year. The results of said survey shall be submitted and approved by the Planning Department prior to the issuance of any ground disturbance permits.
93. The applicant shall prepare and submit to the Planning Department a Phase I Environmental Assessment, including an analysis of any lead-based or asbestos containing materials, and fertilizer or pesticide residues, prior to the issuance of any demolition or ground disturbance permits.

MAINTENANCE

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

FEES AND DEPOSITS

96. The applicant shall comply with the provisions of LQMC Section 13.24.180 (Fees and Deposits). 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.
97. 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).
98. The developer shall pay school mitigation fees based on their requirements. Fees shall be paid prior to building permit issuance by the City.
99. Tentative Tract 33848 shall provide for parks through payment of an in-lieu fee, as specified in Chapter 13.48, LQMC. The in-lieu fee shall be based on the fair market value of the land within the subdivision. Land value information shall be provided to the Planning Director, via land sale information, a current fair market

value of land appraisal, or other information on land value within the subdivision. The Planning Director may consider any subdivider-provided or other land value information source for use in calculation of the parkland fee.

FIRE DEPARTMENT

100. For residential areas, approved standard fire hydrants, located at each intersection and spaced 330 feet apart with no portion of any lot frontage more than 165 feet from a hydrant. Minimum fire flow shall be 1000 GPM for a 2-hour duration at 20 PSI.
101. The water mains shall be designed to provide for a potential fire flow of 2500 GPM and an actual fire flow available from any one hydrant connected to any given main of 1500 GPM for a 2-hour duration at 20 PSI residual operating pressure.
102. Blue dot retro-reflectors shall be placed in the street 8 inches from centerline to the side that the fire hydrant is on, to identify fire hydrant locations.
103. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with approved provision for the turn around capabilities of fire apparatus. Any turn-around requires a minimum 38-foot turning radius.
104. The minimum dimension for access roads and gates is 20 feet clear and unobstructed width and a minimum vertical clearance of 13 feet 6 inches in height.
105. Any gate providing access from a road shall be located at least 35 feet setback from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Where a one-way road with a single traffic lane provides access to a gate entrance, a 38-foot turning radius shall be used.
106. Gates may be automatic or manual and shall be equipped with a rapid entry system (KNOX). Plans shall be submitted to the Fire Department for approval prior to installation. Automatic gate pins shall be rated with a shear pin force, not to exceed 30 pounds. Gates activated by the rapid entry system shall remain open until closed by the rapid entry system. Automatic gates shall be provided with backup power.

**Resolution 2008-043
Conditions of Approval - FINAL
Tentative Tract Map 33848
David Maman Designs
June 17, 2008**

107. 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. Two sets of water plans are to be submitted to the Fire Department for approval.
108. The applicant or developer shall prepare and submit to the Fire Department for approval, a site plan designating required fire lanes with appropriate lane painting, reflectors, and/or signs.

RESOLUTION 2008-043

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA QUINTA, CALIFORNIA, GRANTING APPROVAL OF THE SUBDIVISION OF A 4.8± ACRE PARCEL INTO 12 LOTS LOCATED ON THE SOUTH SIDE OF AVENUE 58, APPROXIMATELY 510 FEET WEST OF MONROE STREET

**CASE NO.: TENTATIVE TRACT MAP [REDACTED]
APPLICANT: DAVID MAMAN DESIGNS**

WHEREAS, the City Council of the City of La Quinta, California, did on the 17th day of June, 2008, hold a duly-noticed Public Hearing to consider a request made by David Maman Designs for the approval of a Tentative Tract Map to allow the subdivision of a 4.8± acre parcel into 12 residential lots, located along the south side of Avenue 58, approximately 510 feet west of Monroe Street, more particularly described as:

**NE¼ OF THE NE¼ OF SECTION 27, T6S, R7E, SBM
APN: 764-180-003**

WHEREAS, the Planning Department has prepared a Draft Environmental Impact Report ([“Draft EIR”], State Clearinghouse #2007021060) in compliance with the requirements of the California Environmental Quality Act (CEQA) of 1970, as amended. The Draft EIR was presented to the La Quinta Planning Commission, which reviewed and considered the information contained in the Draft EIR prior to its recommendations to the City Council on the project application; and,

WHEREAS, the Planning Department did publish a public hearing notice in the Desert Sun newspaper, on the 30th day of May, 2008, as prescribed by the Municipal Code, with public hearing notices mailed to all property owners within 500 feet of the property in question; and,

WHEREAS, the Historic Preservation Commission, at their meeting held on the 15th, day of June, 2006, reviewed the paleontological resources survey associated with the application, and adopted Minute Motion 2006-008, recommending approval of the paleontological resources survey to the City Council, subject to staff-recommended conditions; and

WHEREAS, the Historic Preservation Commission, at their meeting held on the 17th, day of April, 2008, reviewed the Draft Environmental Impact Report and cultural resource survey associated with the application, and adopted Minute Motion 2008-011, recommending approval of the cultural resource survey to the City Council, subject to staff-recommended conditions; and

WHEREAS, the Planning Commission of the City of La Quinta, California, did on the 27th day of May, 2008, hold a duly-noticed Public Hearing to consider a recommendation to the City Council for the approval of Tentative Tract Map 33848 to allow the subdivision of a 4.8± acre parcel into 12 residential lots, located along the south side of Avenue 58, approximately 510 feet west of Monroe Street, and did in fact adopt Planning Commission Resolution 2008-017 by a 5-0 vote, recommending approval to the La Quinta City Council; and,

WHEREAS, at said Public Hearing, upon hearing and considering all testimony and arguments of all interested persons desiring to be heard, the City Council did make the following mandatory findings to justify approval of the Tentative Tract Map:

1. The proposed map or vesting map is consistent with the City's General Plan and any applicable specific plans.

Tentative Tract Map 33848 is consistent with the La Quinta General Plan as proposed. The Tentative Tract Map is consistent with the Low Density Residential (LDR) land use designation as set forth in the General Plan. Tentative Tract Map 33848 subdivides the 4.8± acre site into 12 single family residential lots. The Low Density Residential designation permits single family residential developments of up to 4 units per acre. The project density is consistent with the La Quinta General Plan, in that the development density of 2.61 dwelling units per acre is comparable to existing surrounding residential development. There are no existing specific plans that are applicable to the project site.

2. The design or improvement of the proposed subdivision is consistent with the City's General Plan and any applicable specific plans.

The design and improvement of Tentative Tract Map 33848 is consistent with the La Quinta General Plan, with the implementation of the conditions of approval to ensure proper street widths, perimeter walls, and multi-purpose trail design, as well as safe and adequate storm water drainage, street, intersection, entry, and other infrastructure improvements. There are no existing specific plans that are applicable to the project site.

3. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor substantially injure fish or wildlife or their habitat.

The design of Tentative Tract Map 33848 and proposed improvements are not likely to cause substantial environmental damage, nor substantially and avoidably injure fish or wildlife or their habitat. No significant biological resources have been identified to exist on the site. The Project site does not contain and is not proximate to any wetland, blue-line stream, marsh, vernal pool or other wildlife habit. The Project will not routinely use or transport any hazardous material(s), nor are there any hazardous materials identified to exist on the Project site. The Final EIR prepared for the Project, which includes Tentative Tract Map 33848, determined that there are no significant impacts to air or water quality, biological or cultural resources, geology and soils which can not be mitigated to less than significant levels, with incorporation of recommended mitigation measures into the Project, which has been required.

4. The design of the subdivision or type of improvements are not likely to cause serious public health problems.

The design of Tentative Tract Map 33848 and type of improvements are not likely to cause serious public health problems, in that this issue was considered and addressed in the Final EIR prepared for the Project. The Project will not routinely use or transport any hazardous material(s), nor are there any hazardous materials identified to exist on the Project site. The Final EIR prepared for Tentative Tract Map 33848 determined that there are no significant impacts to air or water quality, geology soils, or other significant health or safety-related impacts which can not be mitigated to less than significant levels, with incorporation of recommended mitigation measures into the Project, which has been required.

5. The design of the subdivision or the proposed improvements are not likely to cause a substantial adverse impact on an existing cultural or paleontological resource.

The proposed project will not cause a substantial adverse impact on an existing cultural resource, as identified in the Final EIR, in that the required mitigation measures will reduce the potential impacts to less than significant levels.

6. The design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

The design and improvements required for Tentative Tract Map 33848 will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. There are existing easements for road, pipeline, and utilities that exist on the property. These easements will be relocated, retained or abandoned as appropriate in order to maintain public and utility access as determined to be necessary in context with the Project and surrounding existing development.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of La Quinta, California, as follows:

1. That the above recitations are true and constitute the findings of the City Council in this case;
2. That it does hereby grant approval of Tentative Tract Map 33848, as referenced in the title of this Resolution, for the reasons set forth in this Resolution, and subject to the Conditions of Approval as attached.


PASSED, APPROVED, and ADOPTED at a regular meeting of the City of La Quinta City Council, held on this the 17th day of June, 2008, by the following vote, to wit:

AYES: Council Members Henderson, Kirk, Sniff, Mayor Adolph

NOES: Council Member Osborne

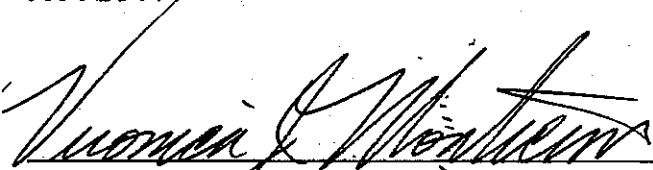
ABSENT: None

ABSTAIN: None



DON ADOLPH, Mayor
City of La Quinta, California

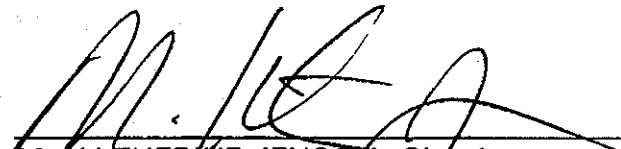
ATTEST:



VERONICA J. MONTECINO, CMC, City Clerk
City of La Quinta, California

(CITY SEAL)

APPROVED AS TO FORM:



M. KATHERINE JENSON, City Attorney
City of La Quinta, California

