

RESOLUTION NO. 2002-84
CONDITIONS OF APPROVAL - FINAL
SPECIFIC PLAN 2002-058
JUNE 4, 2002

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 Specific Plan, or any other application pertaining thereto. 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 Specific Plan, and any related Final Map submitted 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, construction, or building permit by the City, the applicant shall obtain the necessary clearances and/or permits from the following agencies:

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

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

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

PROPERTY RIGHTS

6. Prior to issuance of any permit(s), the applicant shall acquire or confer easements and other property rights necessary for the construction or proper functioning of the proposed development. Conferred rights shall include irrevocable offers to dedicate or grant access easements to the City for emergency services and for maintenance, construction and reconstruction of essential improvements.
7. The applicant shall offer for dedication on the related Final Parcel Map all public street right-of-ways in conformance with the City's General Plan, Municipal Code, applicable specific plans, and/or as required by the City Engineer.
8. The public street right-of-way offers for dedication required for this development include:

A. PUBLIC STREETS

- 1) Avenida Bermudas - The applicant shall dedicate right of way to accommodate the existing bus stop turn out or modifications to the bus turn out as a result of the proposed development. The proposed right of way shall extend a minimum of 10 feet behind the bus turn out curb or even with the bus stop pad, whichever is greater.
9. The applicant shall retain for private use on the related Final Parcel 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.
10. 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.
11. When the City Engineer determines that access rights to the proposed street right-of-ways shown on the approved related Tentative Parcel Map are necessary prior to approval of the related Final Parcel 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.
12. The applicant shall offer for dedication those easements necessary for the placement of, and access to, utility lines and structures, drainage basins, mailbox clusters, common areas on the related Final Parcel Map.

13. The applicant shall vacate all abutter's right-of-access to public streets and properties from all frontages along such public streets and properties, excepting those access points shown on the related Final Parcel Map.
14. 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.
15. When an applicant proposes the vacation, or abandonment, of any existing right-of-way, or access easement, which will diminish the access rights to any properties owned by others, the applicant shall provide an alternate right-of-way or access easement, to those properties, or notarized letters of consent from the affected property owners.
16. 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 related Tentative Parcel Map and the date of recording of any related Final Parcel Map, unless such easement is approved by the City Engineer.

RELATED FINAL PARCEL MAPS

17. Prior to the City's approval of a related Final Parcel Map, the applicant shall furnish accurate AutoCAD files of the related Final Parcel 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 related Final Parcel 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 related Final Parcel 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.

18. 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.
19. The following improvement plans shall be prepared and submitted for review and approval by the City. A separate set of plans for each line item specified below shall be prepared. The plans shall utilize the minimum scale specified, unless otherwise authorized by the City Engineer in writing. Plans may be prepared at a larger scale if additional detail or plan clarity is desired. Note, the applicant may be required to prepare other improvement plans not listed here pursuant to improvements required by other agencies and utility purveyors.
 - A. Perimeter Landscape Plan: 1" = 20' Horizontal
 - B. Site Development Plans: 1" = 30' Horizontal
 - C. On-Site Utility Plan: 1" = 40' Horizontal
 - D. On-Site Landscape Plan: 1" = 20' Horizontal
 - E. Off Site Street Improvement and Striping Plans: 1" = 40' 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.

"Site Development" plans shall normally include all on-site surface improvements including but not necessarily limited to finish grades for curbs & gutters, building floor elevations, parking lot improvements and ADA requirements; and show the existing street improvements out to at least the center lines of adjacent existing streets.

"Site Utility" plans shall normally include all sub-surface improvements including but not necessarily limited to sewer lines, water lines, fire protection and storm drainage systems.

20. 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.
21. 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

22. Prior to the conditional approval of any related Parcel Map, or the issuance of any permit(s), 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.
23. 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 Specific Plan, shall comply with the provisions of Chapter 13.28 (Improvement Security), LQMC.
24. 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.
25. When improvements are phased through a "Phasing Plan," or an administrative approval (e.g., Site Development Permits), all off-site improvements and common on-site improvements (e.g., backbone utilities, storm drain improvements, perimeter walls, landscaping and gates) shall be constructed, or secured through a SIA, prior to the issuance of any permits in the first phase of the development, or as otherwise approved by the City Engineer.

Improvements and obligations required of each subsequent phase shall either be completed, or secured through a SIA, prior to the occupancy of permanent buildings within such latter phase, or as otherwise approved by the City Engineer.

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.

26. When improvements are to be secured through a SIA, and prior to any conditional approval of the related Parcel 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 related Parcel 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 related Parcel 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.

Development-wide improvements shall not be agendized for final acceptance by the City Council until the City receives confirmation from the telephone authority that the applicant has met all the requirements for telephone service to all lots within the development.

27. 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

28. The applicant shall comply with the provisions of Section 13.24.050 (Grading Improvements), LQMC.
29. 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.
30. 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 related Parcel 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.

31. 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.
32. Slopes shall not exceed 5:1 within public rights of way and 3:1 in landscape areas outside the right of way unless otherwise approved by the City Engineer.

33. Building pad elevations of perimeter lots shall not differ by more than one foot from the building pads in adjacent developments.
34. The applicant shall minimize the differences in elevation between the adjoining properties and the lots within this development.

Building pad elevations on contiguous interior lots shall not differ by more than three feet.

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.

35. 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 related approved Tentative Parcel Map or Village Use Permits, the applicant shall submit the proposed grading changes to the City Staff for a substantial conformance finding review.
36. 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.

37. This development shall comply with Chapter 8.11 (Flood Hazard Regulations), LQMC. If any portion of any proposed building lot in the development is or may be located within a flood hazard area as identified on the City's Flood Insurance Rate Maps, the development shall be graded to ensure that all floors and exterior fill (at the foundation) are above the level of the project (100-year) flood and building pads are compacted to 95% Proctor Density as required in Title 44 of the Code of Federal Regulations, Section 65.5(a) (6). Prior to issuance of building permits for lots which are so located, the applicant shall furnish elevation certifications, as required by FEMA, that the above conditions have been met.

DRAINAGE

38. The applicant may discharge run off generated from the development to the existing storm drain system.
39. Nuisance water shall be retained on site in an acceptable manner.
40. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development.
41. Storm drainage historically received from adjoining property shall be received and retained or passed through into the historic downstream drainage relief route.

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, traffic signal cabinets, electric vaults, water valves, and telephone stands, to ensure optimum placement for practical and aesthetic purposes.
44. Existing overhead utility lines within, or adjacent to the proposed development, and all proposed utilities shall be installed underground.

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

45. 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.

PARKING LOT/STREET IMPROVEMENTS AND ACCESS POINTS

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

- A. Primary Entry: Mid Block on Calle Tampico - Right turn in, Right turn out.
 - B. Primary Entry: Mid Block on Avenida La Fonda - Right turn in, Right turn out.
 - C. Primary Entry(s): Two entries are allowed on Avenida Bermudas - Full turning movements.
 - D. Primary Entry(s): Two entries are allowed on Desert Club Drive - Full turning movements.
47. Improvements shall include appurtenances such as traffic control signs, markings and other devices, raised medians if required, street name signs and sidewalks. Mid-block street lighting on public streets is not required. However, if provided, it shall match the existing light fixtures found elsewhere in the Village.
48. 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.
49. The applicant shall modify the Avenida Bermudas bus turn out as necessary to accommodate proposed driveway(s). The bus turn out modification is subject to approval by the City Engineer and SunLine Transit Agency.
50. The applicant shall construct a six foot wide concrete sidewalk along the perimeter of the project on Avenida Bermudas and Desert Club Drive. The perimeter sidewalk improvements shall be completed as part of the Phase I improvements as shown in the Specific Plan.
51. The applicant shall construct the backbone drive isles and parking areas in Phase I as shown in the Specific Plan.

CONSTRUCTION

52. The applicant shall submit current mix designs (less than two years old at the time of construction) for base, asphaltic concrete and Portland cement concrete. The submittal shall include the test results for all specimens used in the mix design procedure. For mix designs over six months old, the submittal shall include the most recent (less than six months old at the time of construction)

aggregate gradation test results confirming that the design gradations can be achieved in current production. The applicant shall not schedule construction operations until mix designs have been approved.

53. The City will conduct final inspections of habitable buildings only when the buildings have improved street and parking lot improvements and (if required) sidewalk access to publicly-maintained streets. The improvements shall include required traffic control devices, pavement markings, parking lot striping and signs. If drive isles and parking lots are initially constructed with partial pavement thickness, the applicant shall complete the pavement prior to final inspections of any building within the development.

LANDSCAPING

54. The applicant shall comply with Sections 13.24.130 (Landscaping Setbacks) & 13.24.140 (Landscaping Plans), LQMC.
55. The applicant shall provide landscaping in the required setbacks, common lots and park areas.
56. Landscape and irrigation plans for landscaped lots and setbacks, medians, 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.

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

QUALITY ASSURANCE

58. The applicant shall employ construction quality-assurance measures that meet with the approval of the City Engineer.
59. The applicant shall employ, or retain, qualified engineers, surveyors, and such other appropriate professionals as are required to provide the expertise with

which to prepare and sign accurate record drawings, and to provide adequate construction supervision.

60. 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.
61. 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

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

FEES AND DEPOSITS

64. 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.
65. Within 10 calendar days of City Council approval of this specific plan, the applicant shall submit to the Community Development Department, a check made out to the "County of Riverside" in the amount of \$64.00 to permit the filing and posting of Environmental Assessment 2002-450 (De Minimus finding).

FIRE DEPARTMENT

66. Approved super hydrants shall be located not less than 25 feet nor more than 165 feet from any portion of the buildings as measured along vehicular travel ways.
67. Blue dot reflectors shall be placed in the street 6 inches from centerline to the side that the fire hydrant is on, to identify the fire hydrant locations.
68. The water mains shall be capable of providing a potential fire flow of 4000 gpm and the actual fire flow from any two adjacent hydrants shall be 2000 gpm for a 2-hour duration at 20 psi residual operating pressure.
69. Building plans shall be submitted to the Fire Department for plan review to run concurrent with the City plan check.
70. Water plans for the fire protection system (fire hydrants, etc.) shall be submitted to the Fire Department for approval prior to issuance of a building permit.
71. City of La Quinta ordinance requires all commercial buildings 5,000 square feet or larger to be fully sprinkled (NFPA 13 Standard). Sprinkler plans will need to be submitted to the Fire Department.
72. Any operation that produces grease-laden vapors will require a hood/duct system for fire protection (restaurants, drive-thru's, etc.).
73. 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.
74. 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 and/or signs. Streets shall be a minimum 20 feet wide with a height of 13'-6" clear and unobstructed.
75. Install a KNOX key box on each commercial suite (Contact the Fire Department for an application).
76. Install portable fire extinguishers as required by the California Fire Code.

MISCELLANEOUS

77. All conditions of approval shall either be included in the specific plan text or attached, as appropriate. Five copies of the final approved specific plan shall be submitted to the Community Development Department within 30 days of final approval by the City Council.
78. As required by the Zoning Code, parking lots shall be screened from street view adjacent to public streets with a combination of short decorative walls and landscaping.
79. Parking lot lighting shall use fixtures at a 12 feet high maximum.
80. Bicycle racks shall be provided per Zoning Code requirements for each phase.
81. Prior to issuance of the first building permit for the first Village Use permit, a sign program per Zoning Code requirements shall be submitted to the Planning Commission for approval. The program shall provide diversity so that adjacent buildings have signs of different styles, colors, etc.
82. Comments of the Riverside County Sheriff's Department in their letter dated May 8, 2002, on file in the Community Development Department, shall be considered during development of the project.
83. Building pad "E" or "F" (Phase II area) shall be planted with turf and irrigated in conjunction with Phase I and provided with a minimum one driveway for an overflow parking area. Driveway locations to be approved by the Public Works and Community Development Departments.