

**CITY COUNCIL RESOLUTION 2005-092
CONDITIONS OF APPROVAL - FINAL
TENTATIVE PARCEL MAP 33908
REGENCY-MARINITA LA QUINTA, LLC
NOVEMBER 15, 2005**

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 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 Tentative Parcel 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. 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:

- Fire Marshal
- Public Works Department (Grading Permit, Green Sheet (Public Works Clearance) for Building Permits, Improvement Permit)
- Community Development Department
- Riverside Co. Environmental Health Department
- Desert Sands Unified School District
- Coachella Valley Water District (CVWD)
- Imperial Irrigation District (IID)
- California Water Quality Control Board (CWQCB)
- SunLine Transit Agency
- South Coast Air Quality Management District, Coachella Valley
- City of Indio (East half of Jefferson Street, only if necessary)

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; and 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):
 - 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 right-of-ways in conformance with the City's General Plan, Municipal Code, applicable specific plans, and/or as required by the City Engineer.
7. The public street right-of-way offers for dedication required for this development include:

A. PUBLIC STREETS

- 1) Jefferson Street (Major Arterial, 120' ROW, if necessary) – The standard 60 feet from the centerline of Jefferson Street for a total 120-foot ultimate developed right of way except an additional variable right of way dedication measured 77 feet west of the centerline of Jefferson Street to accommodate right turn only/deceleration lanes at the two proposed entry driveways and dual left turn lanes on Jefferson Street at the Jefferson Street/Fred Waring Drive intersection improvements constructed by the

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Jefferson Street Improvements Project, Phase II.

2) Fred Waring Drive (Major Arterial, 120' ROW) – The standard 60 feet from the centerline of Fred Waring Drive for a total 120-foot ultimate developed right of way except an additional variable right of way dedication at the Jefferson Street/Fred Waring Drive intersection measured 69 feet south of the centerline of Fred Waring Drive plus a variable dedication to accommodate improvements conditioned under STREET AND TRAFFIC IMPROVEMENTS.

8. The applicant shall retain for private use on the Final Map all private street right-of-ways in conformance with the City's General Plan, Municipal Code, applicable specific plans, and/or as required by the City Engineer.

9. 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.

Pursuant to this requirement, the Applicant shall include in the submittal packet containing the draft final map submitted for map checking, an offsite street geometric layout, drawn at 1" equals 40 feet, detailing the following design aspects: median curb line, outside curb line, lane line alignment including lane widths, left turn lanes, deceleration lane(s) and bus stop turnout(s). The geometric layout shall be accompanied with sufficient professional engineering studies to confirm the appropriate length of all proposed turn pockets and auxiliary lanes that may impact the right of way dedication required of the project and the associated landscape setback requirement

10. When the City Engineer determines that access rights to the proposed street right-of-ways shown on the approved Tentative Tract Map are necessary prior to approval of the Final Map dedicating such right-of-ways, the applicant shall grant the necessary right-of-ways within 60 days of a written request by the City.

11. The applicant shall create perimeter landscaping setbacks along all public right-of-ways as follows:

A. Jefferson Street and Fred Waring Drive (Major Arterial) - 20-foot from the R/W-P/L. The applicant shall supplement the landscaped setback as needed to reflect the new right of way configuration.

The setback requirements shall apply to all frontages including, but not limited to, remainder parcels and sites dedicated for utility purposes.

Where public facilities (e.g., sidewalks) are placed on privately-owned setbacks, the applicant shall offer for dedication blanket easements for those purposes on the Final Parcel Map.

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, park lands, and common areas on the Final Map.
13. Direct vehicular access to Jefferson Street and Fred Waring Drive from lots with frontage along Jefferson Street and Fred Waring Drive 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 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. The applicant shall cause no easement to be granted, or recorded, over any portion of the subject property between the date of approval of the Tentative Tract Map and the date of recording of any Final Map, unless such easement is approved by the City Engineer.

FINAL PARCEL MAPS

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

17. 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.
18. 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 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.

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

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.

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| F. | On-Site/Off Site Storm Drain Plan | 1" = 40' Horizontal, 1" = 4' Vertical |
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NOTE: D through F to be submitted concurrently.

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

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

All Off-Site Plan & Profile Street Plans 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.

The applicant shall prepare an accessibility assessment on a marked up print of the building floor plan identifying every building egress and notes the 2001 California Building Code accessibility requirements associated with each door. The assessment must comply with submittal requirements of the Building & Safety Department. A copy of the reviewed assessment shall be submitted to the Engineering Department in conjunction with the Site Development Plan when it is submitted for plan checking.

In addition to the normal set of improvement plans, a "Site Development" plan is required to be submitted for approval by the Building Official and the City Engineer.

"On-Site Precise Grading" 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.

19. The City maintains standard plans, detail sheets and/or construction notes for elements of construction which can be accessed via the Online Engineering Library at the City website (www.la-quinta.org). Navigate to the Public Works

Department home page and look for the Online Engineering Library hyperlink.

20. 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

21. Prior to approval of any Final Parcel 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.
22. Any Subdivision Improvement Agreement ("SIA") entered into by and between the applicant and the City of La Quinta, for the purpose of guaranteeing the completion of any improvements related to this Tentative Tract Map, shall comply with the provisions of Chapter 13.28 (Improvement Security), LQMC.
23. 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.

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, retention basins, 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 completion of homes or 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.

24. Depending on the timing of the development of this Tentative Parcel 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 parcel map. The improvements covered by the Jefferson Street Improvements Project are exempt from this obligation.
 - D. Secure the costs for future improvements that are to be made by others.
 - E. To agree to any combination of these means, as the City may require.
 - F. Parcel map boundaries may need to be modified to conform to development standards associated with building siting and Zoning Ordinance requirements.

Off-Site Improvements should be completed on a first priority basis. The applicant shall complete Off-Site Improvements in the first phase of construction or prior of 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.

25. 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.

GRADING

26. The applicant shall comply with the provisions of Section 13.24.050 (Grading Improvements), LQMC.
27. 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.
28. 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 Chapter 6.16, (Fugitive Dust Control), LQMC, and

- D. A Best Management Practices report prepared in accordance with Sections 8.70.010 and 13.24.170 (NPDES stormwater discharge permit and Storm Management and Discharge Controls), LQMC.

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

A statement shall appear on the Final 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.

29. 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.
30. 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.
31. Building pad elevations on the rough grading plan submitted for City Engineer's approval shall conform with pad elevations shown on the tentative parcel map, unless the pad elevations have other requirements imposed elsewhere in these Conditions of Approval.
32. Building pad elevations of perimeter lots shall not differ by more than one foot from the building pads in adjacent developments.

33. The applicant shall minimize the differences in elevation between the adjoining properties and the lots within this development.

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.

34. Prior to any site grading or regrading that will raise or lower any portion of the site by more than plus or minus three tenths of a foot from the elevations shown on the approved Tentative Parcel Map, the applicant shall submit the proposed grading changes to the City Staff for a substantial conformance finding review.
35. Prior to the issuance of a building permit for any building lot, the applicant shall provide a lot pad certification stamped and signed by a qualified engineer or surveyor.

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

DRAINAGE

36. Storm drainage historically received from adjoining property shall be received and retained or passed through into the historic downstream drainage relief route.
37. For properties where sump conditions exist, the applicant must either define a diversion/overflow strategy or retain upstream stormwater as required for existing as-built conditions from all off-site tributary flow from the respective high points. The applicant must provide either on-site retention or alternative facilities of diversion/pass through, if selected. Historical flow paths should be identified and routing provided in the hydrology analysis equivalent to historical flow direction. As local topography allows, tributary areas may exceed limits of property lines adjacent to public roads. The 100-year storm shall be the governing event in the designer's evaluation.

38. In design of above ground 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.
39. The tributary drainage area shall extend to the centerline of adjacent public streets. Nuisance water shall be disposed of in a trickling sand filter and leach field or equivalent system approved by the City Engineer. The sand filter and leach field shall be designed to contain first flush storm water and nuisance water surges from landscape area, commercial activity and off-site street nuisance water. The sand filter design shall be per La Quinta Standard 370 with the equivalent of 137.2 gph of water feed per sand filter to accept the abovementioned nuisance water requirements. Leach line requirements are 1.108 feet of leach line per gph of flow.

As tributary and upstream stormwater flow on Fred Waring Drive is presently diverted to the site, the applicant or his design professional may be required to perform future site modifications that may including proposed pad and parking area reconfiguration to accept the tributary flow and upstream stormwater. Historical flow paths shall be identified and routing provided in the hydrology analysis equivalent to historical flow direction. As local topography allows, tributary areas may exceed limits of property lines adjacent to public roads. Verification of the proposed storm water retention system is presently under review by the Public Works Department. If in the event, the proposed retention capacity or pass through storm water flow is found to be inadequate during final design based on the approved hydrology study for the development, adjustments to the site layout as needed to accommodate the increased retention/detention or pass through capacity may be required to satisfy safety issues of the Public Works Department.

40. No fence or wall shall be constructed around any retention basin unless approved by the Community Development Director and the City Engineer.
41. For on-site common retention basins, retention depth shall be according to Engineering Bulletin 97.03, and side slopes shall not exceed 3:1 and shall be planted with maintenance free ground cover. Retaining walls are an exception to this condition.

42. Stormwater may not be retained in landscaped parkways or landscaped setback lots. Only incidental storm water (precipitation which directly falls onto the setback) will be permitted to be retained in the landscape setback areas. The perimeter setback and parkway areas in the street right-of-way shall be shaped with berms and mounds, pursuant to Section 9.100.040(B)(7), LQMC.
43. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development.
44. 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.
45. The underground retention system proposed by the applicant shall be approved by the City Engineer. The approved design shall incorporate mechanisms for perpetual maintenance and operation of the system by the applicant or his successors. The applicant shall design to contain stormwater in reinforced concrete underground retention storage, or as approved by the City Engineer, within the parking area. Additionally, the applicant's design professional shall design the underground retention storage with special consideration to the Fueling Station's underground gasoline storage tanks per Riverside Flood Control and Water Conservation District guidelines and incorporate necessary BMPs in each design to ensure that gasoline leakage and spillages do not become entrapped in the underground retention storage.

UTILITIES

46. The applicant shall comply with the provisions of Section 13.24.110 (Utilities), LQMC.
47. 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.
48. 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.

49. Underground utilities shall be installed prior to overlying hardscape. For installation of utilities in existing improved streets, the applicant shall comply with trench restoration requirements maintained, or required by the City Engineer.

The applicant shall provide certified reports of all utility trench compaction for approval by the City Engineer.

STREET AND TRAFFIC IMPROVEMENTS

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

A. OFF-SITE STREETS

- 1) Jefferson Street (Major Arterial; 120' R/W):

The Jefferson Street Improvements Project will widen Jefferson Street along the Tentative Parcel Map boundary for right turn only/deceleration lanes at the two proposed entry driveways and dual left turn lanes on Jefferson Street at the Jefferson Street/Fred Waring Drive intersection. The applicant shall construct the following improvements within the Jefferson Street right of way and/or adjacent landscape setback area:

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

and approach within 5 feet of the perimeter wall at intervals not to exceed 250 feet.

The applicant shall extend improvements beyond the subdivision boundaries to ensure they safely integrate with existing improvements (e.g., grading; traffic control devices and transitions in alignment, elevation or dimensions of streets and sidewalks).

2) Fred Waring Drive (Major Arterial; 120' R/W):

Widen the south side of the street along all frontage adjacent to the Tentative Parcel 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 forty eight feet (48') south of the centerline, except at locations where additional street width is needed to accommodate:

- a) Bus turnout (if required by Sunline Transit)
- b) A deceleration/right turn only lane on Fred Waring Drive at Jefferson Street/Fred Waring Drive intersection. The south curb face shall be located fifty nine (59') south of the centerline and length to be determined by a traffic study prepared for the applicant by a licensed traffic engineer per Engineering Bulletin # 03-08 and as required by the City Engineer. The south curb face shall align with the Jefferson Street Improvements project.
- c) A 200-foot long dual left turn lane for eastbound Fred Waring Drive traffic to northbound Jefferson Street at the Jefferson Street/Fred Waring Drive intersection plus variable taper length as required by the City Engineer. Pursuant to this condition, the applicant shall construct 72 feet of street improvements on Fred Waring Drive at the Jefferson Street/Fred Waring Drive to accommodate a 4-foot median, two 10-foot left turn lanes, three 11-foot through lanes, a 4-foot bicycle lane and an 11-foot right turn only/deceleration lane.

Other required improvements in the Fred Waring Drive right of way and/or adjacent landscape setback area include:

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

The applicant is responsible for construction of all improvements mentioned above. The development is eligible for reimbursement from the City's Development Impact Fee fund in accordance with policies established for that program. The applicant is responsible for the remaining cost of the improvements.

52. 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:

c.a.b.	Parking Spaces and Parking Aisles (Light Traffic Areas)	3.0"	a.c./4.5"
c.a.b.	Parking Aisles (Heavy Traffic)	4.0"	a.c./6.0"
c.a.b.	Major Arterial	5.5"	a.c./6.5"

or the approved equivalents of alternate materials.

53. 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.
54. General access points and turning movements of traffic are limited to the following:
 - A. Jefferson Street
 - 1) Primary Entry (southerly portion of site): Right turn in and out movements and Left turn movements in are permitted. Left turn out movements are prohibited. The applicant shall design the median island on the Entry Drive to have a splitter median island located in the driveway throat that adequately channelizes the exiting right-turn vehicles turning onto the arterial street to eliminate illegal left turns. The splitter island shall be designed in conformance with design concepts approved by the City Engineer.
 - 2) Secondary Entry (northerly portion of parcel map between Parcel 4 and 7): Right turn in and out movements are permitted. Left turn in and out movements are prohibited. All right-turn-out only driveways shall have a splitter median island located in the driveway throat that adequately channelizes the exiting right-turn vehicles turning onto the arterial street to eliminate illegal left turns. The splitter island shall be designed in conformance with design concepts approved by the City Engineer.
 - B. Fred Waring Drive
 - 1) Primary Entry (easterly portion of site): Right turn in and out movements and are permitted. Left turn out in and out movements are prohibited. The applicant shall design the median island on the Entry Drive to have a splitter median island located in the driveway

throat that adequately channelizes the exiting right-turn vehicles turning onto the arterial street to eliminate illegal left turns. The splitter island shall be designed in conformance with design concepts approved by the City Engineer.

- 2) Secondary Entry (westerly portion of parcel map): Right turn in and out and left turn in movements are permitted. Left turn movements out are prohibited. All right-turn-out only driveways shall have a splitter median island located in the driveway throat that adequately channelizes the exiting right-turn vehicles turning onto the arterial street to eliminate illegal left turns. The splitter island shall be designed in conformance with design concepts approved by the City Engineer.

55. Improvements shall include appurtenances such as traffic control signs, markings and other devices, raised medians if required, street name signs and sidewalks. Mid-block street lighting is not required.
56. Improvements shall be designed and constructed in accordance with City adopted standards, supplemental drawings and specifications, or as approved by the City Engineer. Improvement plans for streets, access gates and parking areas shall be stamped and signed by qualified engineers.

CONSTRUCTION

57. The City will conduct final inspections of habitable buildings only when the buildings have improved street and (if required) sidewalk access to publicly-maintained streets. The improvements shall include required traffic control devices, pavement markings and street name signs. If on-site streets in residential developments are initially constructed with partial pavement thickness, the applicant shall complete the pavement prior to final inspections of the last ten percent of homes within the development or when directed by the City, whichever comes first.

LANDSCAPING

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

60. Landscape and irrigation plans for landscaped lots and setbacks, medians, retention basins, and parks shall be signed and stamped by a licensed landscape architect.
61. 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.

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

PUBLIC SERVICES

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

QUALITY ASSURANCE

64. The applicant shall employ construction quality-assurance measures that meet with the approval of the City Engineer.
65. 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.
66. 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.

67. 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

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

FEES AND DEPOSITS

70. 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.
71. 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).
72. Prior to completion of any approval process for modification of boundaries of the property or lots subject to these conditions, the applicant shall process a reapportionment of any bonded assessment(s) against the property and pay the cost of such reapportionment.

OTHER

73. The project proponent shall reserve an area behind the corner cutback at the intersection of Fred Waring Drive and Jefferson Street, of sufficient size to allow for improvements associated with a Secondary Gateway designation for this intersection, as stipulated in the La Quinta General Plan. The area should be between 300 and 600 square feet and consistently shaped in relation to the ultimate right-of-way. The project proponent shall be responsible for design and installation of improvements necessary to define a Secondary Gateway, utilizing specific design elements which may include, but not be limited to, low-profile City entry monument signing, upgraded theme landscaping, decorative hardscape, enhanced lighting for design features, small scale water feature(s), and similar aesthetic enhancements. The maintenance of the Secondary Gateway improvements shall be the responsibility of the land owner or Business Association formed to maintain other common areas within the project. This requirement may be satisfied through a performance bond that sets forth general unit costs for design, materials and installation, based on an inventory of specific improvement items to be incorporated into the design. The inventory of bonded items, unit and design cost estimates shall be subject to acceptance by the Community Development and Public Works Directors. The improvements shall be made, or the bonds secured, prior to occupancy of the first building on the project site.
74. The project proponent shall provide cross-lot reciprocal access and parking easements for all lots within the parcel map. These easements shall be shown on the final parcel map.