

RESOLUTION NO. 2001-70
CONDITIONS OF APPROVAL - FINAL
AMENDING TRACT MAP 27840, RANCHO LA QUINTA
T.D. DESERT DEVELOPMENT
JUNE 5, 2001

CONDITIONS OF APPROVAL

GENERAL

1. The developer/property owner agrees to indemnify, defend and hold harmless the City of La Quinta in the event of any legal claim or litigation arising out of the City's approval of this project including but not limited to indemnifying and holding harmless the City from any challenge regarding SP 84-004 (Amendment #4), GPA 2001-073, EA 2001-421, and affiliated subdivision maps. The City of La Quinta shall have the right to select its defense counsel in its sole discretion.

The City shall promptly notify the subdivider of any claim, action or proceeding and shall cooperate fully in the defense.

2. Amending Tract Map No. 27840 shall comply with the requirements and standards of §§ 66410 through 66499.58 of the California Government Code (the Subdivision Map Act) and Chapter 13 of the La Quinta Municipal Code (LQMC).
3. Prior to the issuance of a grading permit or building permit for construction of any building or use contemplated by this approval, the applicant shall obtain permits and/or clearances from the following Departments or public 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 (per letter dated August 19, 1998)
- C Imperial Irrigation District
- C California Water Quality Control Board (CWQCB)

The applicant is responsible for any requirements of the permits or clearances from those jurisdictions. If the requirements include approval of improvement plans, applicant shall furnish proof of said approvals prior to obtaining City approval of the plans.

The applicant shall comply with applicable provisions of the City's NPDES stormwater discharge permit. For projects requiring project-specific NPDES construction permits, the applicant shall submit a copy of the Notice of Intent received from the CWQCB prior to issuance of a grading or site construction permit. The applicant shall ensure that the required Storm Water Pollution Protection Plan is available for inspection at the project site.

4. The approval shall be in compliance with all applicable conditions and applicable provisions of SP 84-004 and applicable Development Agreement.
5. Provisions shall be made to comply with the terms and requirements of the City's adopted Infrastructure Fee Program in effect at the time of issuance of building permits.
6. Construction shall comply with all local and State building code requirements as determined by the Building and Safety Director.
7. Applicant shall provide landscape improvements in the setback lots along 48th Avenue and Washington Street. Design of these setbacks shall be reviewed and approved by the Planning Commission. The applicant is encouraged to minimize steep slope designs within the perimeter landscaping setback areas along 48th Avenue. Use of lawn shall be minimized with no lawn and spray irrigation within 5-feet of street curb.
8. Landscaping and irrigation plans for landscaped lots, common retention basins and park facilities shall be prepared by a licensed landscape architect and approved by the Community Development and Public Works Departments, CVWD and the Riverside County Agricultural Commissioner.
9. Applicant shall insure that landscaping and utility plans are coordinated to provide visual screening of aboveground utility structures.
10. Applicant shall submit a copy of the proposed grading, landscaping and irrigation plans to the CVWD for review and approval with respect to the District's Water Management Program.

TRACT AND BUILDING DESIGN

11. Development of the project site shall comply with amended map Exhibit "A" for TTM 27840, and the following conditions.
12. The development of custom, single family lots, if any shall be governed by the

following:

- A. The applicant shall establish a Design Review Committee to review and approve all custom home development within the Tract. The main objectives of this Committee shall be to assure building architecture, building materials and colors, building heights and setbacks, and landscape design follow appropriate design themes throughout the tract. Procedures and operation of the committee shall be set forth in the Tract's CC and R's.
 - B. Prior to issuance of an occupancy permit for any house within TTM 27840, landscaping/groundcover shall be installed and appropriately maintained.
 - C. All roof-mounted equipment shall be screened from view at all sides by design of the house. All ground-mounted mechanical equipment shall be screened from view by methods approved by the Community Development Department.
 - D. No two-story units shall be allowed within 75-feet of 48th Avenue per Specific Plan 84-004.
 - E. Minimum dwelling unit sizes are 1,400 square feet (living area).
 - F. All dwelling units shall have a minimum two car garage measuring 20' by in overall size.
 - G. Lot 60 of this map shall be increased to have a minimum frontage of 50 feet.
 - H. Prior to approval of any final map within this amended tentative map, golf course Lots L through S of this map shall be merged with Parcel 5.
13. Any minor changes in lot mix, sizes, lines, or shapes, or street alignments, shall be reviewed and approved by the Community Development Department prior to any final map approvals for recordation.

UTILITIES

14. Existing overhead lines and all proposed utilities within or adjacent to the proposed development shall be installed underground, unless otherwise permitted by General Plan Amendment 2000-073.
15. In areas where hardscape surface improvements are planned, underground utilities shall be installed prior to the surface improvements. The applicant shall provide certified reports of utility trench compaction tests for approval of the City Engineer.

MAINTENANCE

16. Prior to recordation of the final map, the applicant shall submit to the Community Development Director the following documents which shall demonstrate to the satisfaction of the City that the open space/recreation areas and private streets and drives shall be maintained in accordance with the intent and purpose of this approval.
 - A. The document to convey title
 - B. Covenants, Conditions, and Restrictions to be recorded; and,
 - C. Management and maintenance agreement to be entered into with the unit/lot owners of this land division.

The CC and R's shall be recorded at the same that the final map is recorded.

A Homeowners' Association with the unqualified right to access the owners of the individual units for reasonable maintenance costs, shall be established and continuously maintained. The association shall have the right to lien the property of any owners who default in the payment of their assessments. Such lien shall not be subordinate to any encumbrance other than a first deed of trust, provided that such deed of trust is made in good faith and for value and is of record prior to the lien of the HOA.

IMPROVEMENT AGREEMENT

17. Applicant shall construct, or enter into a secured agreement to construct, the on- and off-site grading, streets, utilities, landscaping, on-site common area improvements, and any other improvements required by these conditions and shall meet all other obligations or secured said obligations before approval of this tentative map or before any final map(s) under this tentative tract map as specified hereinafter.

Improvements to be made or agreed to shall include removal of any existing structures or obstructions which are not part of the proposed improvements.

18. If tract improvements are phased with multiple final maps, off-site improvements and tract-wide improvements (i.e., perimeter walls, common areas and setback landscaping, and gates) required of any final map within this map unless otherwise approved by the City Engineer. Tentative map improvements shall be constructed or secured prior to approval of the first final map.

The City Engineer may consider proposals by the applicant to stage the installation of offsite and tract-wide improvements with development of two or more final maps within the tentative map.

19. The applicant shall reimburse the development to the north for the actual cost to that development for construction of improvements to the south side of Avenue 48 contiguous to this tentative tract. This reimbursement may be deferred until Phase II of the Rancho La Quinta development provided the applicant provides security in guarantee of the reimbursement.

ACQUISITIONS AND DEDICATIONS

20. Applicant shall dedicate or deed public street right-of-way and utility easements for the full Rancho La Quinta development of which this map is a part. Said easements shall conform with the City's General Plan, Municipal Code, applicable specific plans and as required by the City Engineer.

Dedications or deeds required for approval of this tract include:

- A. Avenue 48: 55-foot width right-of-way
- B. Washington Street: 60-foot half width right-of-way from the specific plan centerline of Washington Street as amended and provided by the City. Additional right-of-way as necessary to provide a minimum of 12 feet of right-of-way behind the curbing for the full length of Washington Street frontage. The main entryway shall include corner cutbacks in addition to the 12-foot setback.
- C. North boundary of tentative tract - easement for acceptance of drainage from existing facilities in sag point in Avenue 48.

Street right-of-way geometry for cul-de-sacs, knuckle turns and corner cutbacks shall conform with Riverside County Standard Drawings #800, #801 and #805

respectively unless otherwise approved by the City Engineer.

Dedication or deeding of street rights-of-way and utility easements shall be made within 60-days of written demand for such dedications by the City Engineer concurrent with approval of any final map within this tentative map, whichever event occurs first.

Prior to Final Map approval, the applicant shall make a good-faith effort to acquire, at a fair price, the land parcel known as Riverside County APN 617-310-023, a wedge of property lying between Washington Street and the southwest corner of the Rancho La Quinta property. If successful in acquiring the property, the applicant shall dedicate or deed right-of-way along the Washington Street frontage of the property at the time of approval of the tentative map.

If the applicant is not able to acquire the property at a fair price, the applicant shall, prior to approval of the final map, submit a request to the City to acquire the property via the power of eminent domain. The request shall be guaranteed by security in the amount of 150% of the appraised cost of the property plus estimated legal fees, administrative fees and court costs. If the property is acquired in this manner, the applicant shall deed or dedicate Washington Street right-of-way and common-area setback lots along this property within 60 days of the acquisition of the property.

The applicant shall be responsible for one third of the cost of the acquisition (including legal and administrative costs and court costs) of this property. The City will grant a credit to the applicant in the amount of two thirds of the cost of the acquisition. The credit will be made against the applicant's other obligations with respect to this development. The means of granting of this credit shall be determined at a later date.

21. Prior to approval I of the first final map under this tentative map, the applicant shall dedicate or deed common area setback lots, of minimum width as noted, for the full length of the Rancho La Quinta development adjacent to the following street rights-of-way:

- A. Avenue 48 and Washington Street: 20 feet

Minimum widths may be used as average widths for meandering wall designs. Where sidewalks, bike paths, and/or equestrian trails are required, the applicant shall dedicate or deed blanket easements over the setback lots for those purposes.

Setback lots not shown on the amended map shall be designated as such on the final map(s).

22. The applicant shall vacate vehicle access rights along the following streets from lots abutting the streets:
 - A. Avenue 48
 - B. Washington Street

Access along these streets shall be restricted to approved project entries and emergency access locations.

23. The applicant shall dedicate or deed any easements necessary for placement of and access to utility lines and structures, park lands, drainage basins, common areas, and mailbox clusters.
24. The applicant shall cause no easements to be granted or recorded over any portion of the property included in this tentative map between the date of approval by the City Council and the date of recording of any final map(s) covering the same portion of the property unless such easements are approved by the City Engineer.
25. The requirements of the City's Off-Street Parking Ordinance (Chapter 9.150) shall be met concerning all supplemental accessory facilities.
26. Prior to occupation of the project site for construction purposes, the applicant shall submit and receive approval of a Fugitive Dust Control Plan prepared in accordance with Chapter 6.16 of the LQMC. The applicant shall furnish security, in a form acceptable to the City, in an amount sufficient to guarantee compliance with the provisions of the permit.
27. Graded but undeveloped land shall be maintained in a condition so as to prevent dust and blowsand nuisance and shall be either planted with interim landscaping or provided with other wind and water erosion control measures as approved by the Community Development and Public Works Departments.
28. The applicant shall comply with the City's Flood Protection Ordinance.
29. A grading plan shall be prepared by a registered civil engineer. The plan must meet the approval of the City Engineer prior to approval of any final map(s).

The grading plan shall conform with the recommendations of the soils report

and shall be certified as adequate by a soils engineer or an engineering geologist. A statement shall appear on final maps (if any are required of this development) that a soils report has been prepared pursuant to Section 17953 of the Health and Safety Code.

Prior to issuance of any building permit, the applicant shall provide a separate document bearing the seal and signature of a California registered civil engineer, geotechnical engineer, or surveyor that lists actual building pad elevations. The document shall, for each building pad in the tract, state the pad elevation approve on the grading plan, the as-built elevation, and shall clearly identify the difference, if any. The data shall be organized by the tract phase and lot number and shall be cumulative if the data is submitted at different times.

30. The tract shall be graded to permit storm flow in excess of retention capacity to flow out of the tract through a designated overflow and into the historic drainage relief route. Similarly, the tract shall be graded to receive storm flow from adjoining property at locations that have historically received flow.
31. Storm water runoff produced in 24 hours during a 100-year storm shall be retained on-site. The tributary drainage area for which the applicant is responsible shall extend to the centerline of adjacent public streets.
32. In design of retention facilities, the percolation rate shall be considered to be zero unless applicant provides site-specific data that indicates otherwise.

For common retention basins a trickling sand filter and leachfield of a design approved by the City Engineer shall be installed to percolate nuisance water. The sand filter and leach field shall be sized to percolate 22 gallons/day per 1,000 feet of drainage area.

The retention basin slopes shall not exceed 3:1. If retention is on individual lots, the retention depth shall not exceed two feet. If retention is in one or more common retention basins, the retention depth shall not exceed six feet.

33. The design of the tract shall not cause any change in flood boundaries, levels or frequencies in any area outside the tract.
34. The applicant shall consider drainage from adjacent developments as required in the specific plan and herein above.
35. The City is contemplating adoption of a major thoroughfare improvement program is in effect 60-days prior to recordation of any final map for this development, the development shall be subject to the provisions of the

Ordinance.

If this development is not subject to a major thoroughfare improvement program, the applicant shall design and construct street improvements as listed below.

36. Improvement plans for all on-site and offsite street and access gates shall be prepared by a registered civil engineer. Improvements shall be designed and constructed in accordance with the LQMC, adopted Standard Drawings, and as approved by the City Engineer.

Street pavement sections shall be based on a Caltrans' design procedure for a 20-year life and shall consider soil strength and anticipated traffic loading. Minimum structural sections are as follows:

Residential & Parking Areas	3.0" a.c./4.50" a.b.
Collector	4.0"/5.00"
Secondary Arterial	4.0"/6.00"
Primary Arterial	4.5"/6.00"
Major Arterial	5.5"/6.50"

If the applicant proposes to construct a partial pavement section for use during development of the tract, the partial section shall be designed with a strength equivalent to the 20-year design strength.

37. Improvements shall include appurtenances such as traffic control signs, markings and other devices, raised medians where required, street name signs, and sidewalks. Mid-block street lighting is not required.

The City Engineer may require miscellaneous incidental improvements and enhancements to existing improvements as necessary to integrate the new work with existing improvements and provide a finished product conforming with City standards and practices. This includes street width transitions extending beyond the tract boundaries.

38. The following street and landscaping improvements shall be constructed to conform with the General Plan street type noted in parentheses:

A. OFF-SITE STREETS

1. Washington Street (Major Arterial) - 48' half width with medians. The half-width improvements shall extend from Avenue 48 southerly to a point west of the most westerly southwest corner of the Rancho La Quinta development.
2. Washington Street at Eisenhower Drive - modifications of traffic signal for four-legged intersection. The Applicant shall pay all consists of the modification and shall reimburse the City for its \$3,400 cost of the design of said modification. If the Applicant's total cost for the design and modification of the signal exceeds by any amount the \$25,000 cap set forth in the Development Agreement underlying this tract, that amount shall be credited toward the Applicant's obligation to participate in the improvement of Adams Street between Avenue 48 and Highway 111.
3. Adams Street (Primary Arterial) - 80-foot full improvement widths. The applicant shall participate in 9.6% of the cost to design and construct Adams Street between Avenue 48 and Highway 111, including the cost of signals at Highway 111 and Avenue 48. The 9.6% figure is based on a prorata share of traffic contributed by the Rancho La Quinta project to Adams Street based on a calculation made by City staff utilizing the traffic study prepared for SP 84-004.

B. ON-SITE STREETS

1. Main interior circulation road - 36-feet wide.
 2. Residential streets adjacent to Lots 89-91 and Lots 62-71 - 26-feet wide.
 3. All other interior streets - 32-feet wide.
39. Access points and turning movements of traffic shall be restricted as follows:
- A. Avenue 48 at Adams Street - full-turn access to line up with Adams Street;

- B. Washington St. at Eisenhower Dr. - full-turn access to line up with Eisenhower Drive.

LANDSCAPING

- 40. The applicant shall provide landscaping improvements in required setbacks, common, and median lots along the following streets:

- A. Avenue 48 and Washington Street

The applicant is encouraged to minimize steep slope designs within the perimeter landscaping setback areas. Use of lawn shall be minimized with no lawn or spray irrigation within 5-feet of street curb.

- 41. Prior to approval of building permits, the applicant shall prepare a water conservation plan which shall include consideration of:

- A. Methods to minimize the consumption of water, including water saving features incorporated into the design of the structures, the use of drought tolerant and low-water usage landscaping materials, and programs to increase the effectiveness of landscape and golf course irrigation, as recommended by CVWD and the State Department of Water Resources.
- B. Methods for maximizing groundwater recharge, including the construction of groundwater recharge facilities.
- C. Methods for minimizing the amount of water used for on-site irrigation, including the use of reclaimed water from sewage treatment facilities. The water energy plan shall be subject to review and acceptance by CVWD prior to final approval by the City Engineer.

- 42. Landscape and irrigation plans for common lots, setbacks and medians shall be signed and stamped by a licensed landscape architect. Landscape areas shall have permanent irrigation improvements meeting the requirements of the City Engineer. Common basins and park areas shall be designed with a turf grass surface which can be mowed with standard tractor-mounted equipment.

Landscape and irrigation plans shall meet the requirements of and be signed by the Community Development Director, the City Engineer, the CVWD, and the Riverside County Agricultural Commissioner.

- 43. The applicant shall insure that landscaping and utility plans are coordinated to provide visual screening of aboveground utility structures.

QUALITY ASSURANCE

44. The City is contemplating adoption of a quality-assurance program for privately-funded construction. If the program is adopted prior to the issuance of permits for construction of the improvements required of this map, the applicant shall fully comply with the quality-assurance program.

If the quality-assurance program has not been adopted, the applicant shall employ construction quality-assurance measures with meet the approval of the City Engineer.

45. The applicant shall employ or retain California registered civil engineers, geotechnical engineers, surveyors, or other licensed professionals, as appropriate, to provide sufficient construction supervision to be able to furnish and sign accurate record drawings.
46. Upon completion of construction, the applicant shall furnish the City reproducible record drawings of all plans which were signed by the City Engineer. Each sheet shall be clearly marked "Record Drawings", "As-Built" or "As-Constructed" stamped and signed by the engineer or surveyor certifying to the accuracy of the drawings. The applicant shall revise the CAD or raster-image files previously submitted to the City to reflect as-constructed conditions.

MAINTENANCE

47. The applicant shall make provisions for continuous maintenance of landscaping and related improvements.
48. The applicant shall maintain the landscaped areas of the subdivision such as common lots, landscaped setbacks and retention basins until those areas have been accepted for maintenance by the HOA. The applicant shall maintain all other improvements until final acceptance of tract improvements by the City Council.
49. The applicant shall provide an Executive Summary Maintenance Booklet for streets, landscaping and related improvements, perimeter walls, drainage facilities, or any other improvements to be maintained by an HOA. The booklet should include drawings of the facilities, recommended maintenance procedures and frequency, and a costing algorithm with fixed and variable factors to assist the HOA in planning for routine and long term maintenance.

FEES AND DEPOSITS

50. Prior to the issuance of any building permits, the applicant shall provide the Community Development Department with written clearance from the DSUFD that the per-unit impact fees have been paid.
51. The applicant shall pay the City's established fees for plan checking and construction inspection. Fee amounts shall be those in effect when the applicant makes application for plan checking and permits.

FIRE DEPARTMENT

52. Schedule A fire protection approved Super fire hydrants (6" X 4" X 2.5" X 2.5") shall be located at each street intersection spaced not more than 330 feet apart in any direction with no portion of any lot frontage more than 165 feet from a fire hydrant. Minimum fire flow shall be 1,000 g.p.m. for a two-hour duration at 20 psi.
53. Prior to issuance recordation of final map, applicant/developer shall furnish one blue line copy of the water system plans to the Fire Department for review/approval. Plans shall conform to the fire hydrant types, location and spacing, and the system shall meet fire flow requirements. Plans shall be signed/approved by a registered Civil Engineer and the local water company with the following certification: "I certify that the design of the water system is in accordance with the requirements prescribed by the Riverside County Fire Department".
54. The required water system, including fire hydrants will be installed and accepted by the appropriate water agency prior to any combustible building material being placed on an individual lot.
55. A temporary water supply for fire protection may be allowed for the construction of the models only. Plans for a temporary water system must be submitted to the Fire Department for review prior to issuance of building permits.
56. Gates installed to restrict access shall be power operated and equipped with a Fire Department override system consisting of Knox Key operated switches, Series KS-2P with dust cover, mounted per recommended standard of the Knox Company. Improvement plans for the entry street and gates shall be submitted to the Fire Department for review/approval prior to installation.
57. If public use type buildings are to be constructed, additional fire protection may be required. Fire flows and hydrant location will be stipulated when building plans are reviewed by the Fire Department.

MISCELLANEOUS

58. On- and off-site grading, drainage, street, lighting, landscaping and irrigation, park, gate and perimeter wall plans shall be submitted to the Engineering Department for plan checking. The plans are not approved for construction until

they have been signed by the City Engineer.

59. Prior to issuance of Certificates of Occupancy for buildings within the tract, the applicant shall traffic control devices and street name signs along access roads to those buildings.
60. Appropriate approvals shall be secured prior to establishing any construction or sales facilities, and/or signs on the subject property.
61. Restroom facilities for the grounds keepers shall be provided in the vicinity of golf course, and a permanent golf course and homeowners maintenance facility shall be constructed on the property to the satisfaction of the Community Development Director.
62. All outdoor lighting shall comply with Section 9.60.160 of the Zoning Ordinance.
63. Applicant/Developer shall work with Waste Management of the Desert to implement provisions of AB 939 and AB 1462. The applicant/developer is required to work with Waste Management in setting up the following programs for this project:
 - A. Developer shall prepare a plan to provide enlarged trash enclosures for inclusion of separate facilities for storage of recyclables such as glass, plastics, newsprint and steel and aluminum cans.
 - B. Developer shall provide proper on-site storage facilities within the project for green waste associated with golf course and common area maintenance. Compost materials shall be stored for pick-up by Waste Management, or an authorized hauler for transplant to an appropriate facility.
 - C. Curbside recycling service shall be provided in areas where no centralized trash/recycling bins are provided or utilized.
64. The specific plan requires 10 acres of land to be dedicated for park purposes. 7.8 acres has been dedicated to date. The balance of 2.2 acres shall be paid as a in-lieu fee prior to recordation of the final map.
65. Per the Specific Plan Conditions of Approval, a contribution of \$100,000.00 as a fire mitigation measure, shall be paid prior to issuance of the first building permit for production of any custom homes.

66. Tract phasing plans, including tract phases in the order of the approved phasing plan. Improvements required of each final map shall be completed and accepted by the City Council prior to issuance of Certificates of Occupancy within the map unless otherwise provided in the phasing plan.
67. Along 36-foot wide streets, stripped and labeled golf cart lanes shall be provided to the satisfaction of the City Engineer and Director of Community Development.
68. A complete pedestrian and bicycle path system shall be provided within the project. The design shall be subject to the approval of the Community Development Director.
69. All conditions and requirements of the CVWD shall be met as noted in their letter dated August 10, 1993, on file at City Hall.