

RESOLUTION NO. 2001-75

CONDITIONS OF APPROVAL - FINAL

AMENDING TRACT MAP 29306, RANCHO LA QUINTA

T. D. DESERT DEVELOPMENT

JUNE 5, 2001

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. This tentative map and any final maps thereunder 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, construction or building permit, the applicant shall obtain permits and/or clearances from the following 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 (CVWD)
- C Imperial Irrigation District (IID)
- 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 CWQCB acknowledgment of the applicant's Notice of Intent 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 applicant shall comply with the terms and requirements of the infrastructure fee program in effect at the time of issuance of building permits.

PROPERTY RIGHTS

5. Prior to approval of a final map, the applicant shall consolidate or reconfigure underlying lots and parcels so that none are reduced to an illegal size or shape by the overlay of this map.
6. Prior to approval of a final map, the applicant shall acquire or confer easements and other property rights required of the tentative map or otherwise necessary for 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 dedicate or grant public and private street right of way and utility easements in conformance with the City's General Plan, Municipal Code, applicable specific plans, and as required by the City Engineer.
8. Dedications or grants required of this development include:
 - A. Lots A & D (Private Collectors): 37 feet
 - B. Lots B & C (Private Culs de Sac): 37 feet with 45.5-foot bulb radius.
 - C. Flood easements to CVWD for all areas below the elevation of 50.00 feet which are not drainage isolated (to elevation 50.00) from the La Quinta Evacuation Channel.
9. Right of way geometry for culs de sac, knuckle turns and corner cut-backs shall conform with Riverside County Standard Drawings #801 and #805 respectively unless otherwise approved by the City Engineer.

10. The applicant shall dedicate ten-foot public utility easements contiguous with and along both sides of all private streets. The easements may be reduced to five feet with the express concurrence of IID.
11. The applicant shall create a 20-foot perimeter setback along Avenue 48. The 20-foot minimum depth may be used as an average depth for meandering wall designs. The setback requirement applies to all frontage 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 dedicate blanket easements for those purposes.

12. The applicant shall dedicate easements necessary for placement of and access to utility lines and structures, mailbox clusters and common areas.
13. The applicant shall vacate abutter's rights of access to Avenue 48 except for the 30-foot driveway centered approximately 35 feet west of the most easterly boundary of Lot 77.
14. The applicant shall furnish proof of easements or written permission, as appropriate, from owners of any abutting properties on which grading, retaining wall construction, permanent slopes, or other encroachments are to occur.
15. The applicant shall cause no easements to be granted or recorded over any portion of this property between the date of approval of this tentative map 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.

FINAL MAP(S) AND PARCEL MAP(S)

16. Prior to approval of a final map, the applicant shall furnish accurate AutoCad files of the complete map, as approved by the City's map checker, on storage media acceptable to the City Engineer. The files shall utilize standard AutoCad menu items so they may be fully retrieved into a basic AutoCad program.

If the map was not produced in AutoCad or a file format which can be converted to AutoCad, the City Engineer may accept raster-image files of the 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.

17. Improvement plans shall be prepared by or under the direct supervision of qualified engineers and landscape architects, as appropriate. Plans shall be submitted on 24" x 36" media in the categories of "Rough Grading," "Precise Grading," "Streets & Drainage," and "Landscaping." Precise grading plans shall have signature blocks for Community Development Director and the Building Official. All other plans shall have signature blocks for the City Engineer. Plans are not approved for construction until they are signed.

"Streets and Drainage" plans shall normally include signals, sidewalks, bike paths, entry drives, gates, and parking lots. "Landscaping" plans shall normally include irrigation improvements, landscape lighting and entry monuments. "Precise Grading" plans shall normally include perimeter walls.

Plans for improvements not listed above shall be in formats approved by the City Engineer.

18. The City may maintain standard plans, details and/or construction notes for elements of construction. For a fee established by City resolution, the applicant may acquire standard plan and/or detail sheets from the City.
19. When final plans are approved by the City, the applicant shall furnish accurate AutoCad files of the complete, approved plans on storage media acceptable to the City Engineer. The files shall utilize standard AutoCad menu items so they may be fully retrieved into a basic AutoCad program. At the completion of construction and prior to final acceptance of improvements, the applicant shall update the files to reflect as-constructed conditions.

If the plans were not produced in AutoCad or a file format which can be converted to AutoCad, the City Engineer may accept raster-image files of the plans.

IMPROVEMENT AGREEMENT

20. The applicant shall construct improvements and/or satisfy obligations, or furnish an executed, secured agreement to construct improvements and/or satisfy obligations required by the City prior to approval of a final map or parcel map or issuance of a certificate of compliance for a waived parcel map. For secured agreements, security provided, and the release thereof, shall conform with Chapter 13, LQMC.

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

21. If improvements are secured, the applicant shall provide estimates of improvement costs for checking and approval by the City Engineer. Estimates shall comply with the schedule of unit costs adopted by City resolution or ordinance. For items not listed in the City's schedule, estimates shall meet the approval of the City Engineer.

Estimates for utilities and other improvements under the jurisdiction of other agencies shall be approved by those agencies. Security is not required for telephone, gas, or T.V. cable improvements. However, development-wide improvements shall not be agendized for final acceptance until the City receives confirmation from the telephone authority that the applicant has met all requirements for telephone service to lots within the development.

22. If improvements are phased with multiple final maps or other administrative approvals (e.g., a Site Development Permit), off-site improvements and common improvements (e.g., perimeter walls & landscaping, common lots and entry gates) shall be constructed or secured prior to approval of the first phase unless otherwise approved by the City Engineer. Improvements and obligations required of each phase shall be completed and satisfied prior to completion of homes or occupancy of permanent buildings within the phase and subsequent phases unless a construction phasing plan is approved by the City Engineer.
23. If the applicant fails to construct improvements or satisfy obligations in a timely manner or as specified in an approved phasing plan or in an improvement agreement, the City shall have the right to halt issuance of building permits or final building inspections, withhold other approvals related to the development of the project or call upon the surety to complete the improvements.

GRADING

24. This development shall comply with Chapter 8.11 of the LQMC (Flood Hazard Regulations). 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 certifications as required by FEMA that the above conditions have been met.
25. The applicant shall furnish a preliminary geotechnical ("soils") report and a grading plan prepared by a qualified engineer. The grading plan shall conform with the recommendations of the soils report and be certified as adequate by a soils engineer or engineering geologist. The plan must be approved by the City Engineer prior to issuance of a grading permit. 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.
26. 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.
27. The applicant shall endeavor to minimize differences in elevation at abutting properties and between separate tracts and lots within this development. Building pad elevations on contiguous lots shall not differ by more than three feet except for lots within a tract or parcel map, but not sharing common street frontage, where the differential shall not exceed five feet. If compliance with this requirement is impractical, the City will consider and may approve alternatives which minimize safety concerns, maintenance difficulties and neighboring-owner dissatisfaction with the grade differential.
28. 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, 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.

29. The applicant shall maintain graded, undeveloped land to prevent wind and water erosion of soils. The land shall be planted with interim landscaping or provided with other erosion control measures approved by the Community Development and Public Works Departments.
30. Prior to issuance of building permits, the applicant shall provide building pad certifications stamped and signed by qualified engineers or surveyors. For each pad, the certification shall list the approved elevation, the actual elevation, the difference between the two, if any, and pad compaction. The data shall be organized by lot number and listed cumulatively if submitted at different times.

DRAINAGE

31. Stormwater handling shall conform with the approved hydrology and drainage plan for Rancho La Quinta. Nuisance water shall be disposed of in an approved manner.
32. If the applicant proposes discharge of stormwater to the La Quinta Evacuation Channel, the applicant shall indemnify the City from the costs of any sampling and testing of the development's effluent which may be required under the City's NPDES Permit or other City- or area-wide pollution prevention program, and for any other obligations and/or expenses which may arise from such discharge. The indemnification shall be executed and furnished to the City prior to issuance of any grading, construction or building permit and shall be binding on all heirs, executors, administrators, assigns, and successors in interest in the land within this tentative map excepting therefrom those portions required to be dedicated or deeded for public use. The form of the indemnification shall be acceptable to the City Attorney. If such discharge is approved for this development, the applicant shall make provisions in the CC&Rs for meeting these potential obligations.

UTILITIES

33. The applicant shall obtain the approval of the City Engineer for the location of all utility lines within the right of way and all aboveground utility structures including, but not limited to, traffic signal cabinets, electrical vaults, water valves, and telephone stands, to ensure optimum placement for practical and aesthetic purposes.
34. 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.
35. 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 trench compaction for approval of the City Engineer.

STREET AND TRAFFIC IMPROVEMENTS

36. The City is contemplating adoption of a major thoroughfare improvement program. Any property within this specific plan which has not received final development approval when the program takes effect may be subject to the program as determined by the City.
37. The applicant shall install the following street improvements to conform with the General Plan street type noted in parentheses. (Public street improvements shall conform with the City's General Plan in effect at the time of construction.)

A. OFF-SITE STREETS

- 1) Avenue 48 and Avenue 50 Pro Rata Reimbursement - The applicant shall remunerate the City for this Tentative Tract's pro-rata share of Avenue 48 and Avenue 50 improvements as required by Specific Plan 84-004.
- 2) Construct six-foot meandering sidewalk along Avenue 48.

B. ON-SITE PRIVATE STREETS

- 1) Lots A & D (Private Collectors) - 36 feet between curbfaces.
 - 2) Lots B & C (Private Culs de Sac) - 36 feet between curbfaces, 45-foot curb radius on cul de sac bulbs.
38. Improvements shall include appurtenances such as traffic control signs, markings and other devices; street name signs and sidewalks. Mid-block street lighting is not required.
39. The applicant may be required to extend improvements beyond development 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).
40. Improvements shall be designed and constructed in accordance with the LQMC, adopted standards, supplemental drawings and specifications, and as approved by the City Engineer. Improvement plans for streets, access gates and parking areas shall be stamped and signed by qualified engineers.
41. Culs de sac, knuckle turns and corner cut-backs shall conform with Riverside County Standard Drawings #800/800a, #801 and #805 respectively unless otherwise approved by the City Engineer.
42. Streets shall have vertical curbs or other approved curb configurations which convey water without ponding and provide lateral containment of dust and residue for street sweeping. If a wedge curb design is approved, the lip at the flowline shall be vertical (1/8" batter) and a minimum of 0.1' in height.
- Unused curb cuts on any lot shall be restored to normal curbing prior to final inspection of permanent building(s) on the lot.
43. The applicant shall design street pavement sections using Caltrans' design procedure (20-year life) and site-specific data for soil strength and anticipated traffic loading (including construction traffic).

Minimum structural sections shall be as follows (or approved equivalents for alternate materials):

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"

44. 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.
45. The City will conduct final inspections of homes and other 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 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 tract or when directed by the City, whichever comes first.

LANDSCAPING

46. The applicant shall provide landscaping in required setbacks and common lots, and park areas.
47. Landscape and irrigation plans for landscaped lots and setbacks, medians, retention basins, and parks shall be signed and stamped by a licensed landscape architect and comply with Chapter 8.13 of the Municipal Code.

The applicant shall submit plans for approval by the Community Development Department prior to plan checking by the Public Works Department. When plan checking is complete, the applicant shall obtain the signatures of CVWD and the Riverside County Agricultural Commissioner prior to submitting for signature by

the City Engineer. Plans are not approved for construction until signed by the City Engineer.

48. Landscape areas shall have permanent irrigation improvements meeting the requirements of the City Engineer. Use of lawn shall be minimized with no lawn or spray irrigation within 18 inches of curbs along public streets.
49. Front yard landscaping for future houses shall consist of a minimum of two shade trees (1.5-inch and larger caliper size) and 10 five-gallon shrubs. Three additional shade trees (1.0-inch caliper) shall be required for corner lots houses. All trees shall be double staked to prevent wind damage.

PUBLIC SERVICES

50. The applicant shall provide public transit improvements as required by Sunline Transit and/or the City.

QUALITY ASSURANCE

51. The applicant shall employ construction quality-assurance measures which meet the approval of the City Engineer.
52. The applicant shall employ or retain qualified civil engineers, geotechnical engineers, surveyors, or other appropriate professionals to provide sufficient construction supervision to be able to furnish and sign accurate record drawings.
53. The applicant shall arrange and bear the cost of measurement, sampling and testing procedures not included in the City's inspection program but required by the City as evidence that construction materials and methods comply with plans, specifications and applicable regulations.
54. Upon completion of construction, the applicant shall furnish the City reproducible record drawings of all improvement plans which were signed by the City Engineer and the precise grading plans. Each sheet shall be clearly marked "Record Drawings," "As-Built" or "As-Constructed" and shall be 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

55. The applicant shall make provisions for continuous, perpetual maintenance of all on-site improvements, perimeter landscaping, access drives, and sidewalks. The applicant shall maintain required public improvements until they are accepted by the appropriate public agency.

FEES AND DEPOSITS

56. 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.
57. Plan check fees required by the Riverside Country Fire Department shall be paid when plans are submitted for review and approval.

FIRE DEPARTMENT

58. Fire hydrants in accordance with Coachella Valley Water District Standard W-33 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 2-hour duration at 20 psi. Blue dot reflectors shall be mounted in the middle of streets directly in line with fire hydrants.
59. Applicant/developer will provide written certification for the appropriate water company that the required fire hydrant(s) are either existing or that financial arrangements have been made to provide them.
60. Prior to recordation of the final map, applicant/developer shall furnish one blueline 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 will meet the fire flow requirements. Plans will be signed and approved by the 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."*

61. The required water system including fire hydrants will be installed and accepted by the appropriate water agency prior to any combustible building materials being placed on an individual lot.
62. A temporary water supply for fire protection may be allowed for the construction of the model units only. Plans for a temporary water system must be submitted to the Fire Department for review prior to issuance of building permits.

MISCELLANEOUS

63. All public agency letters received for this case are made part of the case file documents for plan checking purposes.
64. Applicable conditions of Specific Plan 84-004 as amended shall be met prior to building permit issuance.
65. The layout and design of the permanent tract access gates shall be approved by the Community Development Department after review and approval by the Fire Department.
66. This tract shall be annexed into the Rancho La Quinta Homeowners' Association (HOA) ensuring maintenance of common open space, perimeter landscaping, private roads, security, and architectural consistency pursuant to the requirements of Specific Plan 84-004.