

RESOLUTION NO. 99-158
CONDITIONS OF APPROVAL - FINAL
REVISED TENTATIVE TRACT MAP 29147
KSL LAND CORPORATION
DECEMBER 7, 1999

GENERAL

1. This approval shall expire and become null and void on December 7, 2001, unless an extension of time is granted according to the requirements of Section 13.12.150 of the Subdivision Ordinance.
2. The subdivider agrees to defend, indemnify, and hold harmless the City of La Quinta (the "City"), its agents, officers and employees from any claim, action or proceeding to attack, set aside, void, or annul the approval of this tentative map or any final map thereunder. The City shall have sole discretion in selecting its defense counsel.

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

3. The tentative map and all final maps pursuant thereto 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).
4. Prior to the issuance of a grading, construction or building permit, the applicant shall obtain permits and/or clearances from the following public agencies:
 - Fire Marshal
 - Public Works Department (Grading Permit, Improvement Permit)
 - Community Development Department
 - Riverside Co. Environmental Health Department
 - Coachella Valley Unified School District
 - Coachella Valley Water District (CVWD)
 - Imperial Irrigation District (IID)
 - California Water Quality Control Board (CWQCB)

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.

PROPERTY RIGHTS

5. 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.
6. 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.
7. Right of way dedications required of this development include:
 - A. Madison Street - 55-foot half of 110-foot right of way.
 - B. Avenue 58 - 55-foot half of 110-foot right of way.

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.

If the City Engineer determines that access rights to proposed street rights of way shown on the tentative map are necessary prior to approval of final maps dedicating the rights of way, the applicant shall grant interim easements to those areas within 60 days of written request by the City.

8. 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.
9. The applicant shall create perimeter setbacks along public rights of way as follows (listed setback depth is the average depth if meandering wall design is approved):
 - A. Madison Street - 20 feet
 - B. Avenue 58 - 20 feet

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.

10. The applicant shall dedicate easements necessary for placement of and access to utility lines and structures, drainage basins, mailbox clusters, park lands, and common areas.
11. The applicant shall vacate abutter's rights of access to public streets and properties from all frontage along those streets and properties except access points shown on the approved tentative map.
12. 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.
13. The applicant shall cause no easements to be granted or recorded over any portion of this property 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.

FINAL MAP(S) AND PARCEL MAP(S)

14. 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 and in a program format 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.

15. 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." All plans except precise grading plans shall have signature blocks for the City Engineer. Precise grading plans shall have signature blocks for Community Development Director and the Building Official. Plans are not approved for construction until they are signed.

"Streets and Drainage" plans shall normally include signals, sidewalks, bike paths, equestrian 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.

16. 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.
17. 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

18. Depending on the timing of development of the lots or parcels created by this map and the status of off-site improvements at that time, the subdivider may be required to construct improvements, to reimburse others who construct improvements that are obligations of this map, to secure the cost of the improvements for future construction by others, or a combination of these methods.

In the event that any of the improvements required herein are constructed by the City prior to approval of any final map pursuant to this tentative map, the applicant shall, at the time of approval of the final map, reimburse the City for the cost of those improvements.

19. 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.

20. 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.

21. 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., retention basins, perimeter walls & landscaping, 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.
22. 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.
23. The applicant's obligations for portions of the required improvements may, at the City's option, be satisfied by participation in a major thoroughfare improvement program if this development becomes subject to such a program.

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 located within or immediately adjacent to 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 receive Conditional Letters of Map Revision based on Fill (CLOMR/F) from FEMA. Prior to final acceptance by the City of subdivision improvements, the applicant shall have received final LOMR/Fs for all such lots.
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 a civil engineer or surveyor. The certifications shall list approved pad elevations, actual elevations, and the difference between the two, if any. The data shall be organized by lot number and shall be listed cumulatively if submitted at different times.

DRAINAGE

31. Stormwater water and nuisance water handling shall conform with the approved hydrology and drainage plans for Specific Plans 83-002 and 90-017.

UTILITIES

32. The applicant shall obtain the approval of the City Engineer for the location of all above-ground utility structures including, but not limited to, traffic signal cabinets, electrical vaults, water valves, and telephone stands, to ensure optimum placement for aesthetic as well as practical purposes.
33. Existing and proposed wire and cable utilities within or adjacent to the proposed development shall be installed underground. Power lines exceeding 34.5 kv are exempt from this requirement.

34. Underground utilities shall be installed prior to overlying hardscape. The applicant shall provide certified reports of trench compaction for approval of the City Engineer.

STREET AND TRAFFIC IMPROVEMENTS

35. 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) Madison Street (Primary Arterial) - Construct the east half of an 86-foot street improvement including the full 18-foot landscape median and, if the west side has not been improved, a 16-foot southbound lane.
- 2) Avenue 58 (Primary Arterial) - Construct the north half of a 86-foot street improvement including half of the 18-foot landscape median.
- 3) Traffic Signals - 100% of the cost to design and install traffic signals at the secondary residential access drives on Madison Street and Avenue 58, when warranted.

B. PRIVATE STREETS AND CULS DE SAC

- 1) Residential: 36-foot travel width. Width may be reduced to 32 feet with parking restricted to one side and 28 feet with on-street parking prohibited if there is adequate off-street parking for residents and visitors and the applicant provides for perpetual enforcement of the restrictions by the homeowners association.

Entry drives, main interior circulation routes, turn knuckles, corner cutbacks, bus turnouts, dedicated turn lanes, and other features contained in the approved construction plans may warrant additional street widths as determined by the City Engineer.

36. General access points and turning movements of traffic are limited to the following:
- A. Secondary Residential Access on Madison Street approximately 1,490 feet north of the centerline of Avenue 58 - full turning movements (with traffic signal).

- B. Secondary Residential Access on Avenue 58 approximately 1,490 feet east of the centerline of Madison Street - full turning movements (with traffic signal).
37. Improvements shall include appurtenances such as traffic control signs, markings and other devices. Mid-block street lighting is not required.
38. 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).
39. 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.
40. Street right of way geometry for knuckle turns and corner cut-backs shall conform with Riverside County Standard Drawings #801 and #805 respectively unless otherwise approved by the City Engineer.
41. 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. Unused curb cuts on any lot shall be restored to normal curbing prior to final inspection of permanent building(s) on the lot.
42. 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" |
43. 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.

44. 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/PERIMETER WALLS

45. The applicant shall provide landscaping in required setbacks, retention basins and common lots.
46. 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 off-site landscaping 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.

47. 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.
48. Perimeter walls and required landscaping for the entire perimeter to be enclosed shall be constructed prior to final inspection and occupancy of any homes within the tract unless a phasing plan, or construction schedule, is approved by the City Engineer.
49. The landscape improvements for Madison Street shall be designed to comply with Policy 3-4.1.6 of the General Plan (i.e., Agrarian Image Corridor).
50. The applicant shall ensure that landscaping plans and utility plans are coordinated to provide visual screening of above-ground utility structures.
51. The developer and subsequent property owner shall continuously maintain all required landscaping in a healthy and viable condition as required by Section 9.60.240 (E3) of the Zoning Ordinance.

PUBLIC SERVICES

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

QUALITY ASSURANCE

53. The applicant shall employ construction quality-assurance measures which meet the approval of the City Engineer.
54. The subdivider shall arrange and bear the cost of measurement, sampling and testing not included in the City's permit inspection program, but which are required by the City to provide evidence that materials and their placement comply with plans and specifications.
55. The applicant shall employ, or retain, California registered civil engineers, geotechnical engineers, or surveyors, as appropriate, who will provide, or have their agents provide, sufficient supervision and verification of the construction to be able to furnish and sign accurate record drawings.
56. 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 of the drawings shall have the words "Record Drawings," "As-Built" or "As-Constructed" clearly marked on each sheet and be stamped and signed by the engineer or surveyor certifying to the accuracy of the drawings. The applicant shall revise the plan computer files previously submitted to the City to reflect the as-constructed condition.

MAINTENANCE

57. The applicant shall make provisions for continuous, perpetual maintenance of all required improvements unless and until expressly released from said responsibility by the City. This shall include formation of a homeowner's association or other arrangement acceptable to the City for maintenance of retention basins, common areas and perimeter walls and landscaping.

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.
63. 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.
64. Residential gate entrance openings shall be not less than 16 feet in width. All gates shall be located at least 40 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gates shall have either a secondary power supply or an approved manual means to release mechanical control of the gate in the event of loss of primary power.

FEES AND DEPOSITS

65. 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.
66. 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.

67. Plan check fees required by the Riverside Country Fire Department shall be paid when plans are submitted for review and approval.
68. Prior to final map approval, parkland mitigation fees for houses within SP 90-017 shall be paid to the Community Development Department.

MISCELLANEOUS

69. All public agency letters received for this case are made part of the case file documents for plan checking purposes.
70. Applicable conditions of Specific Plans 83-002 (Amendment #3) and 90-017 as amended shall be met prior to building permit issuance.
71. 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.
72. The project's Homeowners' Association (HOA) will be organized to administer and maintain common open space, perimeter landscaping, private roads, security, and architectural consistency pursuant Section 12.0 (Phasing and Implementation) of SP 90-017 and as required by SP 83-002.
73. Prior to building permit issuance, housing plans for the tract shall be reviewed and approved by the Planning Commission.
74. The applicant shall construct an equestrian trail along the Madison Street frontage. The location and design of the trail shall be approved by the City. A split rail fence shall be constructed to separate the equestrian trail from the pedestrian sidewalk and perimeter wall in accordance with Section 9.140.060 (Item E, 3a) of the Zoning Ordinance. The equestrian facilities shall match the improvements being installed for Tract 28838 and be completed prior to issuance of Certificate of Occupancy for the first residence. Bonding for the equestrian facilities shall be posted prior to final map approval.