

RESOLUTION NO. 2001-74
CONDITIONS OF APPROVAL - FINAL
AMENDING TRACT MAP 27835, 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. 27835 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 insure that landscaping and utility plans are coordinated to provide visual screening of aboveground utility structures.
8. Applicant shall submit a copy of the proposed grading, landscaping and irrigation plans to the Coachella Valley Water District for review and approval with respect to the District's Water Management Program.

TRACT AND BUILDING DESIGN

9. Development of the project site shall comply with amended map Exhibit "A" for TTM 27835, and the following conditions, which conditions shall take precedence in the event of any conflict with the provisions of the tentative tract map.
10. The development of custom, single family lots, if any shall be governed by the following:
 - A. Prior to issuance of an occupancy permit for any house within TTM 27835, landscaping/groundcover shall be installed and appropriately maintained.
 - B. 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.

- C. No two-story units shall be allowed within 75-feet of 48th Avenue per Specific Plan 84-004.
 - D. All dwelling units shall have a minimum two car garage (attached or detached) measuring 20' by in overall size.
11. 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.

PUBLIC SERVICES AND UTILITIES

12. 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.
13. 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.
14. All conditions and requirements of CVWD (letter dated Nov. 10, 1993) shall be met.

MANAGEMENT

15. 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

16. 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.

17. 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.

18. 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.

DEDICATIONS

19. Applicant shall dedicate or deed public 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.

Dedications or deeds required for approval of this tract include:

A. Avenue 48: 55-foot width right-of-way

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.

20. The applicant shall dedicate common-area setback lots, of a minimum width as noted, adjacent to the following street rights of way:

A. Avenue 48 - 20'

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.

21. The applicant shall vacate vehicle access rights along the following streets from lots abutting the streets:

A. Avenue 48

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

22. 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.

23. 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.

TRACT DESIGN

24. The requirements of the City's Off-Street Parking Ordinance (Chapter 9.150) shall be met concerning all supplemental accessory facilities, as determined by the City Engineer, to discourage on-street parking by residents or guests.

GRADING

25. 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.
26. A thorough preliminary engineering, geological and soils engineering investigation shall be conducted. The report of the investigation ("the soils report") shall be submitted with the grading plan.
27. 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 trat phase and lot number and shall be cumulative if the data is submitted at different times.

DRAINAGE

28. 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.
29. Storm water runoff produced in 24 hours during a 100-year storm shall be retained on-site or channeled in facilities on the adjacent golf course or piped to the adjacent CVWD stormwater channel. Drainage from Lot C and G shall not be conveyed via surface drainage or culvers without the approval of the City Engineer. The tributary drainage area for which the applicant is responsible shall extend to the centerline of adjacent public streets.
30. 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.

31. The design of the tract shall not cause any change in flood boundaries, levels or frequencies in any area outside the tract.

STREET AND TRAFFIC IMPROVEMENTS

32. 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.

33. 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.

34. 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.
35. 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.
36. The following street and landscaping improvements shall be constructed to conform with the General Plan street type noted in parentheses:
 - A. Lots A, C and G - 26' (18 + 18 for one way couplet on Lot C). Lots A, C and G shall be posted "No Parking" with a sufficient number of signs that at least one sign is clearly visible from each potential on-street parking opportunity.
 - B. Lot B - 36' (20 + 20 for one-way couplet at entry drive).

LANDSCAPING

37. The applicant shall provide landscaping improvements in required setbacks, common, and median lots along the following streets:
 - A. Avenue 48

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.
38. 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.

QUALITY ASSURANCE

39. 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.

40. 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.
41. 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.

FIRE DEPARTMENT

42. 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.
43. The water mains shall be capable of providing a potential fire flow of 2,500 g.p.m. and an actual fire flow available from any one hydrant shall be 1,500 g.p.m. for a two-hour duration at 20 psi.
44. 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".

45. 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.
46. 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.
47. 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.

MAINTENANCE

48. The applicant shall make provisions for continuous maintenance of landscaping and related improvements.
49. 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.

FEES AND DEPOSITS

50. 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.

MISCELLANEOUS

51. 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.
52. 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.
53. Appropriate approvals shall be secured prior to establishing any construction or sales facilities, and/or signs on the subject property.
54. 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.
55. All outdoor lighting shall comply with Section 9.60.160 of the Zoning Ordinance.
56. 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.
57. 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.

58. 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.
59. 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.
60. Per SP 84-004, a noise study shall be completed prior to sidewalk and perimeter wall construction beginning to insure compliance with applicable noise standards.
61. The Dune Palms entry design layout (traffic) shall be approved by the Public Works Department, Fire Marshal and Community Development Department prior to recordation of the final map.
62. The parking lot layout for Lot "E" shall be reviewed and approved by the Public Works and Community Development Departments. Landscaping plans shall be approved by the Community Development for Lot E.
63. Lot "F" shall be used as a parking lot for Phase II of the Casitas product. The lot shall be installed prior to final occupancy of the 10th unit in Phase II.