

**RESOLUTION 98-80  
CONDITIONS OF APPROVAL - FINAL  
TENTATIVE TRACT 28797 - RJT HOMES, LLC  
JULY 20, 1998**

**GENERAL**

1. Upon their approval by the City Council, the City Clerk is directed to file these Conditions of Approval with the Riverside County Recorder for recordation against the properties to which they apply.
2. Tentative Tract Map 28797 shall comply with the requirements and standards of §§ 66410-66499.58 of the California Government Code (the Subdivision Map Act) and Chapter 13 of the La Quinta Municipal Code (LQMC) unless otherwise modified by the following conditions.
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 public agencies:
  - Fire Marshal
  - Public Works Department (Grading Permit, Improvement Permit)
  - Community Development Department
  - Riverside Co. Environmental Health Department
  - Desert Sands Unified School District
  - Coachella Valley Water District
  - Imperial Irrigation District
  - California Regional Water Quality Control Board (NPDES Permit)

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 include a copy of the application for the Notice of Intent with grading plans submitted for plan checking. Prior to issuance of a grading or site construction permit, the applicant shall submit a copy of the proposed Storm Water Pollution Protection Plan for review by the Public Works Department.

4. 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.

## PROPERTY RIGHTS

5. All easements, rights of way and other property rights required of the tentative map or otherwise necessary to facilitate the ultimate use of the development and functioning of improvements shall be dedicated, granted or otherwise conferred, or the process of said dedication, granting, or conferral shall be ensured, prior to approval of a final map or parcel map or a waiver of parcel map. The conferral shall include irrevocable offers to dedicate or grant easements to the City for access to and maintenance, construction, and reconstruction of all essential improvements which are located on privately-held lots or parcels.
6. Prior to approval of a final map, parcel map or grading plan and prior to issuance of a grading permit, the applicant shall furnish proof of temporary or permanent 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.
7. If the applicant proposes vacation or abandonment of any existing rights of way or access easements which will diminish access rights to any properties owned by others, the applicant shall provide approved alternate rights of way or access easements to those properties or notarized letters of consent from the property owners.
8. The applicant shall dedicate 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.
9. Dedications required of this development include:
  - A. Street Lots A and B: 37-foot width

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.
10. The applicant shall dedicate 10-foot public utility easements contiguous with and along both sides of all private streets.
11. The applicant shall dedicate any easements necessary for placement of and access to utility lines and structures, drainage basins, mailbox clusters, park lands, and common areas.

12. 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)

13. 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 choices 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 including approved revisions to the plans.

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

14. The subdivider shall submit existing improvement plans to the City for review under current improvement standards and revise the plans as required by the City Engineer. New plans, where necessary, shall be submitted on 24" x 36" media in the categories of "Rough Grading," "Precise Grading," "Streets & Drainage," and "Landscaping." All new 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 shall not be used for construction until they are approved and, where necessary, signed by the appropriate agency.

"Streets and Drainage" plans shall normally include signals, sidewalks, bike paths, gates and entryways, and parking lots. If water and sewer plans are included on the street and drainage plans, the plans shall have an additional signature block for the Coachella Valley Water District (CVWD). The combined plans shall be signed by CVWD prior to their submittal for the City Engineer's signature.

"Landscaping" plans shall normally include landscape improvements, irrigation, lighting, and perimeter walls.

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

15. 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.

#### IMPROVEMENT AGREEMENT

16. 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.

17. If improvements are secured, the applicant shall provide approved estimates of improvement costs. 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 outside agencies shall be approved by those agencies. Security is not required for telephone, gas, or T.V. cable improvements. However, tract 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.

18. If improvements are phased with multiple final maps or other administrative approvals (plot plans, conditional use permits, etc.), off-site improvements and development-wide improvements (e.g., retention basins, perimeter walls, landscaping, and 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 unless a construction phasing plan is approved by the City Engineer.

### GRADING

19. Graded, undeveloped land shall be maintained to prevent dust and blowsand nuisances. The land shall be planted with interim landscaping or provided with other wind and water erosion control measures approved by the Community Development and Public Works Departments.
20. 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. In accordance with said Chapter, 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.
21. The applicant shall comply with the City's Flood Protection Ordinance.
22. The applicant shall furnish a thorough preliminary geological and soils engineering report (the "soils report") with the grading plan.
23. A grading plan shall be prepared by a registered civil engineer and must meet the approval of the City Engineer prior to issuance of a grading permit. 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 the final map(s), if any are required of this development, that a soils report has been prepared pursuant to Section 17953 of the Health and Safety Code.

24. The applicant shall endeavor to minimize differences in elevation at the interface of this development with abutting properties and of 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, 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.
25. Prior to issuance of building permits, the applicant shall provide a separate document, bearing the seal and signature of a California registered civil engineer or surveyor, that lists actual building pad elevations for the building lots. The document shall list the pad elevation approved on the grading plan, the as-built elevation, 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

The applicant shall comply with the provisions of Engineering Bulletin No. 97.03 and the following:

26. Stormwater falling on site during the peak 24-hour period of a 100-year storm (the design storm) shall be retained within the Citrus development according to the approved hydrology plan unless otherwise approved by the City Engineer.

#### UTILITIES

27. All existing and proposed utilities within or adjacent to the proposed development shall be installed underground. Power lines exceeding 34.5 kv are exempt from this requirement.
28. In areas where hardscape surface improvements are planned, underground utilities shall be installed prior to the hardscape improvements. The applicant shall provide certified reports of utility trench compaction tests for approval of the City Engineer.

29. Applicant shall meet the requirements as stipulated by Imperial Irrigation District in their letter of June 29, 1998 on file in the Community Development Department and as listed below:
- A. KSL shall pay for and install three six inch conduits and one four inch conduit (with the associated cable vaults for splicing and switching) along the northern right of way of 52<sup>nd</sup> Avenue, west of Jefferson Street. As long as the three six inch conduits are installed in the same horizontal plane, no concrete encasement will be required. KSL shall also pay for the line extension charges of a parallel 750 Aluminum cable system through this conduit system.
  - B. Whenever the land west of Jefferson Street, south of 52<sup>nd</sup> Avenue develops, KSL, (or current land owner) will pay for and install three six inch conduits (with the associated cable vaults for splicing and switching) along the southern right of way of 52<sup>nd</sup> Avenue, west of Jefferson Street. As long as the three six inch conduits are installed in the same horizontal plane, no concrete encasement will be required. KSL, or current land owner, will also pay for the line extension charges of a parallel 750 Aluminum cable system through this conduit system.
  - C. KSL, or current land owner, will pay for and install six conduits to interconnect between #1 and #2 above to the conduit system present being installed along the southern right of way of 52<sup>nd</sup> Avenue by The Tradition development.
  - D. KSL, or current land owner, will pay for the installation of a concrete encased duct bank consisting of 21 six inch and one four inch conduit between Jefferson Street and the Jefferson Substation along 52<sup>nd</sup> Avenue. Thirteen of these conduits will be required to serve KSL projects, the remainder of the conduits will be paid for by other developers or by Imperial Irrigation District as system improvements. It has been calculated that Imperial Irrigation District will reimburse \$19.93 per linear foot of this conduit system to KSL for these other eight conduits. The distance between Jefferson Street and Jefferson Substation is approximately 1,000 feet, bringing the total amount of reimbursement to \$19,930. This reimbursement will be in the form of waived line extension charges to KSL. KSL may elect to install all 21 six inch conduits in one duct bank at one time, or they may elect to install some conduits in a duct bank now, with the remainder of the conduits installed when further development occurs within the area. The amount of conduits installed and the timing of the installation will have to be approved by Imperial Irrigation District. In either event, the total amount that will be reimbursed to KSL will be \$19,930 for

the entire project. KSL will also pay for the line extension charges for the five and one-third parallel 750 Aluminum cables through this conduit system as they are required and installed.

- E. A minimum of three conduits will have to be installed between Jefferson Street and Jefferson Substation at the same time as the conduits are installed in Condition #36.A. This is required to allow for a new circuit to be constructed from Jefferson Substation to the Citrus development along 52<sup>nd</sup> Avenue. The City of La Quinta may grant a variance and allow this portion of the new circuit east of Jefferson Street to be constructed overhead, with the plan to replace it with underground cable when the entire duct bank is installed.
- F. It is believed that six five inch conduits presently exist under Jefferson Street along the northern right of way of 52<sup>nd</sup> Avenue. These conduits may be used to interconnect the systems described above. However, if these conduits cannot be found, or they have been damaged to the point of being rendered useless, then KSL will have to install the appropriate amount of conduits under Jefferson Street.

### STREET AND TRAFFIC IMPROVEMENTS

- 30. The City is contemplating adoption of a major thoroughfare improvement program. If the program is in effect 60 days prior to recordation of any final map or issuance of a certificate of compliance for any waived final map, the development or portions thereof may be subject to the provisions of the ordinance.

If this development is not subject to a major thoroughfare improvement program, the applicant shall be responsible for all street and traffic improvements required herein.

- 31. The following minimum street improvements shall be constructed:

- A. PRIVATE STREETS AND CULS DE SAC

- 1. Residential - 36 feet wide if double loaded (building lots on both sides), 32 feet if single loaded
- 2. Collector ( $\geq 300$  homes or 3,000 vpd) - 40 feet wide
- 3. Cul de sac curb radius - 45'



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.

32. Improvements shall include all appurtenances such as traffic signs, channelization markings and devices, raised medians if required, street name signs, sidewalks, and mailbox clusters approved in design and location by the U.S. Post Office and the City Engineer. Mid-block street lighting is not required.
33. The City Engineer may require improvements extending beyond development boundaries such as, but not limited to, pavement elevation transitions, street width transitions, or other incidental work which will ensure that newly constructed improvements are safely integrated with existing improvements and conform with the City's standards and practices.
34. Improvement plans for all on- and off-site streets and access gates shall be prepared by registered professional engineer(s) authorized to practice in the State of California. Improvements shall be designed and constructed in accordance with the LQMC, adopted Standard and Supplemental Drawings and Specifications, and as approved by the City Engineer.
35. Street right of way geometry for culs de sac, knuckle turns and corner cut-backs shall conform with Riverside County Standard Drawings #800, #801, and #805 respectively unless otherwise approved by the City Engineer.
36. All streets proposed to serve residential or other access driveways shall be designed and constructed with vertical curbs and gutters or shall have other approved methods to convey nuisance water without ponding and to facilitate street sweeping.
37. Street pavement sections shall be based on a Caltrans design for a 20-year life and shall consider soil strength and anticipated traffic loading (including site and building construction traffic). The minimum pavement sections shall be 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"

The listed structural sections are minimums, not defaults. Street pavement sections shall be designed using Caltrans design procedures with site-specific data for soil strength and traffic volumes.

The applicant shall submit current (no more than two years old) mix designs for base materials, Portland cement concrete and asphalt concrete, including complete mix design lab results, for review and approval by the City. For mix designs over six months old, the submittal shall include recent (no more than six months old at the time proposed for construction) aggregate gradation test results to confirm that the mix design gradations can be reproduced in production of the base or paving material. Construction operations shall not be scheduled until mix designs are approved.

38. Final inspection and occupancy of homes or other permanent buildings within the development will not be approved until the homes or permanent buildings have improved access, including street and sidewalk improvements, traffic control devices and street name signs, to publicly-maintained streets. If on-site streets are initially constructed with only a portion of the full thickness of pavement, the applicant shall complete the pavement when directed by the City but in any case prior to final inspections of any of the final ten percent of homes within the tract, and have restored curbing at any unused curb cuts along the property's street frontage.

### LANDSCAPING

39. Prior to approval of any final map, the applicant shall either:
  - A. Revise the tentative map to incorporate the landscape lots which are part of the underlying Tracts 24890-8 and -9, furnish plans for improvement of the lots and construct or secure the improvements, or
  - B. Provide alternate arrangements acceptable to the City Engineer which ensure improvement and maintenance of the lots (concurrently with development of this tentative map area) and the eventual transferral of the lots to (and acceptance by) the homeowners' association.
40. Landscape and irrigation plans for landscaped lots, landscape setback areas, medians, common retention basins, and park facilities shall be prepared by a licensed landscape architect.

41. Landscape and irrigation plans shall be approved by the Community Development Department. Landscape and irrigation construction plans shall be submitted to the Public Works Department for review and approval by the City Engineer. The plans are not approved for construction until they have been approved and signed by the City Engineer, the Coachella Valley Water District, and the Riverside County Agricultural Commissioner.
42. 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.
43. 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 5-feet of curbs along public streets.
44. Unless otherwise approved by the City Engineer, common basins and park areas shall be designed with grades and turf grass surface which can be mowed with standard tractor-mounted equipment.
45. The applicant shall ensure that landscaping plans and utility plans are coordinated to provide visual screening of above-ground utility structures.

#### QUALITY ASSURANCE

46. The applicant shall employ construction quality-assurance measures which meet the approval of the City Engineer.
47. 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.
48. 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.
49. 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

50. The applicant shall make provisions for continuous and perpetual maintenance of all required improvements unless and until expressly released from said responsibility by the City.

### FEES AND DEPOSITS

51. The applicant shall pay all deposits and fees required by the City for plan checking and construction inspection. Deposit and fee amounts shall be those in effect when the applicant makes application for plan checking and permits.
52. Prior to approval of a final map or completion of any approval process for modification of boundaries of the property subject to these conditions, the applicant shall process a reapportionment of any bonded assessment(s) against the property and pay the cost of the reapportionment.

### MISCELLANEOUS

53. This map shall remain subject to all existing and future restrictions, requirements and agreements applicable to the underlying Tentative Map 24890, including the existing moratorium on building permits, unless specifically exempted from such requirements by the City.
54. Developer 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. The City of La Quinta shall have the right to select its defense counsel in its sole discretion.