

**RESOLUTION 98-95
CONDITIONS OF APPROVAL - FINAL
TENTATIVE TRACT MAP 28738
KSL LAND CORPORATION
AUGUST 18, 1998**

- + Modified by the Planning Commission on July 28, 1998
- ++ Modified by the City Council on August 18, 1998

CONDITIONS OF APPROVAL

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 (i.e., Assessor's Parcel Numbers 769-057-007, 011, 015, and 769-053-008).
2. Tentative Tract Map 28738 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).
3. This map approval shall expire and become null and void within two years of approval unless an extension of time is granted according to the requirements of Section 13.12.150 of the Subdivision Ordinance.
4. 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
 - Coachella Valley 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.

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. Conferrals shall include irrevocable offers to dedicate or grant easements to the City for emergency vehicles and for access to and maintenance, construction, and reconstruction of all essential improvements located on street, drainage or common lots or within utility easements.
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. The applicant shall dedicate 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 required of this development include:
 - A. Winged Foot (Lot B) - 37 feet width
 - B. Drainage easement on south side of Southern Hills - 10 feet widthDedications shall include additional widths if necessary for features contained in the approved construction plans.
9. The applicant shall dedicate 10-foot public utility easements contiguous with and along both sides of all private streets.
10. The applicant shall vacate abutter's rights of access to Madison Street from lots abutting the street except as may be necessary for golf cart access, if approved, at the intersection of Madison Street with Airport Boulevard.
11. The applicant shall dedicate any easements necessary for placement of and access to utility lines and structures, drainage basins, and mailbox clusters.
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.

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. Improvement plans submitted to the City for plan checking 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, 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.
16. When final plans are approved by the City, and prior to approval of the final map, 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 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 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

17. 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.

18. 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.

19. 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, 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.
20. If the applicant fails to construct improvements or satisfy obligations in a timely manner or as specified in an approved phasing plan, the City shall have the right to halt issuance of building permits and final building inspections or otherwise withhold approvals related to the development of the project until the applicant makes satisfactory progress on the improvements or obligations or has made other arrangements satisfactory to the City.

GRADING

21. 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.

22. 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.
23. The applicant shall comply with the City's Flood Protection Ordinance.
24. The applicant shall furnish a thorough preliminary geological and soils engineering report (the "soils report") with the grading plan.
25. 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.
26. 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.
27. 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

28. Stormwater and nuisance water handling shall conform with the approved hydrology and drainage plans for the PGA West development.

UTILITIES

29. 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.

30. 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.

STREET AND TRAFFIC IMPROVEMENTS

31. The City is contemplating adoption of a revised infrastructure fee 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.

32. The following minimum street improvements shall be constructed to conform with the General Plan:

A. OFF-SITE STREETS

+ Prior to final map submission, the PGA West Off-Site Improvement Phasing Plan shall be submitted to and approved to the satisfaction of the City Engineer. The applicant shall satisfy this tract's share of off-site street obligations to be specified in the PGA West Off-Site Improvement Phasing Plan for approval by the City Engineer for clarification of the timing and the completion of the improvement phasing plan.

B. PRIVATE STREETS AND CULS DE SAC

Winged Foot - 37-foot wide (between backs of curbs)

Features contained in the approved construction plans may warrant additional street widths as determined by the City Engineer.

C. GOLF CART ACCESS TO MADISON STREET

++ The applicant shall either relocate the access to an approved position at the intersection with Airport Boulevard or widen the Madison Street sidewalk to a 10-foot width from the cart access to an approved location at the intersection.

For either option, the applicant shall submit plans for review and approval by the City Engineer.

33. 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.

34. 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.
35. Street improvement plans shall be prepared by registered professional engineer(s) authorized to practice in the State of California. Improvements plans shall be designed and constructed in accordance with the LQMC, adopted Standard and Supplemental Drawings and Specifications, and as approved by the City Engineer.
36. 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.
37. 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.
38. 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 3.0" a.c./4.50" a.b. The listed structural sections are minimums, not defaults. The 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.

39. 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.

LANDSCAPING

40. The applicant shall satisfy this tract's share of offsite and perimeter landscaping obligations as specified in the PGA West Off-Site Improvement Phasing Plan approved by the City.
41. Landscape and irrigation plans for landscape lots shall be prepared by a licensed landscape architect pursuant to Chapter 8.13 of the Municipal Code.

Landscape and irrigation plans shall be approved by the Community Development Department. Landscape and irrigation 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 3:1 within landscape areas unless otherwise approved by the City Engineer.
43. Landscape areas shall have permanent irrigation improvements meeting the requirements of the City Engineer.
44. The applicant shall ensure that landscaping plans and utility plans are coordinated to provide visual screening of aboveground utility structures.
45. 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.

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. 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.
53. Plan checking fees shall be paid to the Riverside County Fire Department when plans are submitted for review and approval.

FIRE DEPARTMENT

54. 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 1,500 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.
55. Prior to recordation of the 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 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.*"

56. 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.

MISCELLANEOUS

57. All public agency letters received for this case are made part of the case file documents for plan checking purposes.
58. Applicable conditions of Specific Plan 83-002 (Amendment #3) shall be met prior to building permit issuance.
59. On-site signs (temporary or permanent) shall comply with Chapter 9.160 of the Zoning Ordinance.
60. Temporary on-site sales facilities are subject the requirements of Section 9.60.250 of the Zoning Ordinance (i.e., Minor Use Permit).
61. Developer (or 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. The City of La Quinta shall have the right to select its defense counsel in its sole discretion.