

**RESOLUTION 98-134
CONDITIONS OF APPROVAL - FINAL
TENTATIVE TRACT MAP 28603
KSL LAND CORPORATION
NOVEMBER 17, 1998**

- + Modified by the Planning Commission on October 13, 1998
- + + Modified by the City Council on November 17, 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.
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 tract 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. Tentative Tract Map 28603 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). This map approval shall expire and become null and void on November 17, 2000, 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 (CVWD)
 - 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, 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 and drainage easements.
6. Prior to approval of a final map, parcel map or grading plan, 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.
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. Private Streets - Hermitage, Winged Foot, Lot E, & Lot F - 37-foot wide right-of-way, plus suitable right-of-way for knuckle turns and offset culs-de-sac per Riverside County Standards.

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.

9. The applicant shall dedicate 10-foot public utility easements contiguous with and along both sides of all private streets.
10. 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-foot wide

Setbacks shall apply to all frontage including, but not limited to, remainder parcels, well sites and power substation sites.

Where public facilities (e.g., sidewalks) are placed on privately-owned setbacks, the applicant shall dedicate blanket easements for those purposes.

11. The applicant shall vacate abutter's rights of access to the following streets from all frontage except entryways shown on the approved tentative map or as approved by the City Engineer:
 - A. Madison Street
12. 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.
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

15. 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 the Community Development Director and the Building Official. Plans are not approved for construction until they are signed by City staff.

"Streets and Drainage" plans shall normally include signals, sidewalks, bike paths, gates and entryways, and parking lots. "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.

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, 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 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. 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.

19. If improvements are secured, the applicant shall provide approved estimates of improvement costs for checking and approval of 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 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.

20. If improvements are phased with multiple final maps or other administrative approvals (plot plans, conditional use permits, etc.), off-site improvements and common improvements (e.g., 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.
21. 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.
22. The applicant shall pay cash or provide security for applicant's required share of improvements which have been, or will be, constructed by others (participatory improvements).

Participatory improvements for this development include:

- A. Madison Street and Main Gate - 50% of the cost to design and construct traffic control improvements (traffic signal or roundabout, as approved by Council).
- B. Madison Street - (Primary Arterial) - 25% of the cost to design and construct full right-of-way improvements, including median and median landscaping, from the south boundary of this Tentative Map and Avenue 58, excluding improvements west of the westerly curb (i.e., meandering sidewalk, perimeter landscaping, and perimeter walls).

The applicant's obligations for all or a portion of the participatory 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

23. 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.
24. 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.
25. The applicant shall furnish a preliminary geological ("soils") report with the grading plan.
26. 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 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.
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, 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 issuance of building permits, the applicant shall provide building pad certifications, stamped and signed by a California registered civil engineer or surveyor. The certification 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

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

UTILITIES

30. 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.
31. Where hardscape improvements are planned, underground utilities shall be installed prior to the hardscape. The applicant shall provide certified reports of utility trench compaction tests for approval of the City Engineer.

STREET AND TRAFFIC IMPROVEMENTS

32. The City is contemplating adoption of a revised infrastructure fee program. Any property within this development which has not been subdivided in accordance with this tentative map 60 days after the program is in effect shall be subject to the program.
33. The applicant shall install the following street improvements to conform with the General Plan street type noted in parentheses:

A. OFF-SITE STREETS

- 1) Madison Street (Primary Arterial - 110' right-of-way) - Construct the west one-quarter ($\frac{1}{4}$) of full right-of-way improvements, provided the east three-quarter's ($\frac{3}{4}$) of full right-of-way improvements exist, from Airport Boulevard to the southerly boundary of this Tentative Map, consisting of: completion of half-width street improvements (west of centerline), a six foot (6') wide meandering sidewalk, perimeter walls and perimeter landscaping.

--OR--

- 2) Madison Street (Primary Arterial - 110' right-of-way) - Construct the west three-quarter's ($\frac{3}{4}$) of full right-of-way improvements, provided the east three-quarter's of full-right-of-way improvements do not exist, from Airport Boulevard to the southerly boundary of this Tentative Map, consisting of: half width street improvements (west of centerline) with a six foot (6') wide meandering sidewalk, perimeter walls and perimeter landscaping; an eighteen foot (18') wide, raised, landscaped median; and a sixteen foot (16') wide northbound lane adjacent to the east side of the median.

B. 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 (≥ 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.

34. Improvements shall include appurtenances such as traffic control signs, markings and other devices, raised medians if required, street name signs, and sidewalks. Mid-block street lighting is not required.
35. 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).
36. 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 and access gates shall be stamped and signed by California-registered professional engineer(s).
37. 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.
38. 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.
39. 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 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"

40. The applicant shall submit current mix designs (<two years old at the time of construction) for base, paving and curb/gutter materials. Submittals 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 (<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.
41. The City will conduct final inspections of homes and other habitable buildings only when the buildings have improved street and 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 (10%) of homes within the tract or when directed by the City, whichever comes first.

LANDSCAPING

42. The applicant shall provide landscaping in required setbacks and common lots.
43. Landscape and irrigation plans for landscaped lots, setbacks, and medians shall be signed and stamped by a licensed landscape architect.

The applicant shall submit plans for approval by the Community Development Department prior to plan checking by the Public Works Department. When plan checking is complete, the applicant shall obtain the signatures of CVWD and the Riverside County Agricultural Commissioner prior to submitting for signature by the City Engineer. Plans are not approved for construction until signed by the City Engineer.

44. 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.
45. + Landscape areas shall have permanent irrigation improvements meeting the requirements of the City Engineer.
46. The applicant shall ensure that landscaping plans and utility plans are coordinated to provide visual screening of aboveground utility structures.
47. The applicant shall construct perimeter walls and required landscaping to enclose the perimeter adjacent to Madison Street and along the southerly tract boundaries 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.

48. 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

49. The applicant shall employ construction quality-assurance measures which meet the approval of the City Engineer.
50. 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.
51. The applicant shall arrange and bear the cost of measurement, sampling and testing procedures not included in the City's inspection program but required by the City as evidence that construction materials and methods comply with plans and specifications. Where retention basins are installed, testing shall include a sand filter percolation test, as approved by the City Engineer, after required tract improvements are complete and soils have been permanently stabilized.
52. 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.

MAINTENANCE

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

FEES AND DEPOSITS

54. 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.
55. 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.
56. Plan checking fees shall be paid to the Riverside County Fire Department when plans are submitted for review and approval.

57. Prior to building permit issuance, school impact fees shall be paid by the developer.

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 1,500 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.

59. Applicant/developer will provide written certification from 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.

MISCELLANEOUS

62. All public agency letters received for this case are made part of the case file documents for plan checking purposes.

63. Applicable conditions of Specific Plan 90-017 shall be met prior to building permit issuance.

64. On-site signs (temporary or permanent) shall comply with Chapter 9.160 of the Zoning Ordinance.

65. Temporary on-site sales facilities are subject the requirements of Section 9.60.250 of the Zoning Ordinance (i.e., Minor Use Permit).

66. Prior to final map review, proposed cul-de-sac street names shall be submitted for review and approval to the Community Development Department.

67. Prior to building permit issuance, recreational amenity plans for interior common lots shall be submitted for review and approval by the Community Development Department. Recreational improvements shall be installed prior to receiving a final inspection on the 30th house, unless a phasing plan is approved by the Community Development Director.
68. Prior to building permit issuance, single family houses for the tract shall be reviewed and approved by the Planning Commission pursuant to Sections 9.210.010 (Site Development Permits) and/or 9.60.300 (Compatibility Review) of the Zoning Ordinance unless the house plans have been previously approved for use.
69. ++ The applicant may obtain security obligation reduction and responsibility for payment of 100% of Specific Plan off-site improvements commensurate with the City's opportunity and ability to secure payment from other land subdividers within the Specific Plan area. However, the applicant shall retain the responsibility for construction of all offsite improvements.