

**RESOLUTION 97-75  
CONDITIONS OF APPROVAL - FINAL  
TENTATIVE TRACT MAP 28545  
KSL RESORTS, INCORPORATED  
SEPTEMBER 16, 1997**

**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 28545 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. This map shall expire two years after approval by the City Council unless extended pursuant to the provisions of the Subdivision Ordinance.
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 (requirements to be determined during plan check)
  - Public Works Department (Grading Permit, Improvement Permit)
  - Community Development Department
  - Riverside Co. Environmental Health Department
  - Desert Sands Unified School District
  - Coachella Valley Water District (per letter of June 16, 1997, on file in Community Development Department)
  - 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 subdivisions 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.

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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 unless the owners specifically agree to the proposed diminishment of access rights.
8. The applicant shall dedicate private street, parking and utility easements or rights of way in conformance with the City's General Plan, Municipal Code, and as required by the City Engineer except as approved in a revised specific plan for the project area.
9. 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.
10. 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)

11. As part of the filing package for final map approval, 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 is not produced in AutoCad or another format which can be converted to AutoCad, the City Engineer may accept raster image files in place of AutoCad files.

### IMPROVEMENT PLANS

12. 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." If 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.

13. 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.

14. 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 map is not produced in AutoCad or another format which can be converted to AutoCad, the City Engineer may accept raster image files in place of AutoCad files.

#### IMPROVEMENT AGREEMENT

15. 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 agendization 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.

16. 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.

17. If the applicant desires to phase improvements and obligations required by the conditions of approval and secure those phases separately, a phasing plan shall be submitted to the Public Works Department for review and approval by the City Engineer.

The applicant shall complete required improvements and satisfy obligations as set forth in the approved phasing plan. 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 sequencing plan for that phase is approved by the City Engineer.

18. If improvements are phased with multiple final maps or other administrative approvals (plot plans, site development permits, etc.), off-site improvements and development-wide improvements (ie: retention basins, perimeter walls & landscaping, gates, etc.) shall be constructed or secured prior to approval of the first final map unless otherwise 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. 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. 96.03 and the following:

25. Stormwater falling on site during the peak 24-hour period of a 100-year storm shall be retained within the development or in adjacent golf course areas unless otherwise approved in the revised specific plan or by the City Engineer. The tributary drainage area shall extend to the centerline of adjacent public or private streets.
26. The applicant shall construct facilities, approved by the City Engineer, which intercept and percolate nuisance water and prevent flow onto golf courses, common areas or off-site locations. The facilities shall be sized to percolate 22 gallons per day per 1,000 square feet of drainage area. For design purposes, the maximum percolation rate of native soils shall be two inches per hour. The percolation rate shall be considered zero unless the applicant provides site-specific data which demonstrates otherwise.
27. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development.
28. The development shall be graded to permit storm flow in excess of retention capacity to flow out of the development through a designated overflow outlet and into the historic drainage relief route.
29. Storm drainage historically received from adjoining property shall be received and retained or passed through into the historic downstream drainage relief route.

30. If the applicant proposes drainage of stormwater to off-site locations other than impounded areas on the adjacent golf course, the applicant may be required to design and install first-flush storage, oil/water separation devices, or other screening or pretreatment method(s) to minimize conveyance of contaminants to off-site locations. If the drainage will directly or indirectly enter public waterways, the applicant and, subsequently, the applicant and the applicant's successors and assigns shall be responsible for any sampling and testing of effluent which may be required under the City's NPDES Permit or other city- or area-wide pollution prevention programs and for any other obligations and/or expenses which may arise from such discharge of the development's stormwater or nuisance water. The tract CC & Rs shall reflect the existence of this potential obligation.

#### UTILITIES

31. In areas where hardscape surface improvements are planned, underground utilities shall be installed prior to construction of surface improvements. 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 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.

33. The applicant shall be responsible for any off-site traffic improvements shown warranted by the revised traffic study to be submitted with the revised specific plan. Traffic mitigation measures shall include, but are not necessarily limited to:
- A. Reconstruction of the Santa Rosa Cove entry gate at Eisenhower Drive and Ave 50 to provide additional stacking room for the vehicles of hotel guests or housing unit owners/residents who must sign in with the gate guard. The additional stacking room required shall be determined through an adjunct to the Traffic Study prepared for the underlying specific plan.

- B. The applicant may proposed alternative measures for mitigation of the increased traffic at this gate such as arrangements allowing hotel guests and members to enter this gate on the "member" side without checking in at the gate.
- C. Construct a standard six-foot sidewalk on the north side of Ave Fernando from Eisenhower Drive to a point opposite the west side of the LQ Hotel Ballroom driveway. Install striped pedestrian paths from the Ballroom driveway to Ave. Obregon with crosswalks at the Ballroom Driveway and Ave. Obregon. Striping shall be with approved thermoplastic pavement marking material.
34. All private street, parking and pedestrian improvements shall comply with the City's General Plan, Zoning Ordinance, Subdivision Ordinance, and current policies except as may be approved in the revised specific plan or by the City Engineer.
35. 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.
36. 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.
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. Prior to occupancy of homes or other permanent buildings within the development, the applicant shall install all street and sidewalk improvements, traffic control devices and street name signs along access routes to those buildings. 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.

#### QUALITY ASSURANCE

39. The applicant shall employ construction quality-assurance measures which meet the approval of the City Engineer.
40. 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. Testing shall include a retention basin sand filter percolation test, as approved by the City Engineer, after required tract improvements are complete and soils have been permanently stabilized.
41. 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.
42. 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**

43. The applicant shall make provisions for continuous maintenance of drainage, landscaping and on-site street improvements. The applicant shall maintain off-site public improvements until final acceptance of improvements by the City Council.

**FEES AND DEPOSITS**

44. 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.

**MISCELLANEOUS**

45. The applicant/developer shall comply with the mitigation measures contained in the Mitigation Monitoring Plan attached to Environmental Assessment 97-343.
46. This map shall be subject to all requirements of SP 121E, Amendment #4, and SDP 97-607 and shall be revised as necessary prior to recordation.
47. 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.