

RESOLUTION NO. 2002-12
CONDITIONS OF APPROVAL - FINAL
TENTATIVE TRACT MAP 29963, BAUMANN FAMILY
FEBRUARY 5, 2002

GENERAL

1. 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 TTM 29963 and certification of EA 2001-415. The City of La Quinta shall have the right to select its defense counsel in its sole discretion.

The City shall promptly notify the subdivider of any claim, action or proceeding and shall cooperate fully in the defense.

2. This Map approval shall expire and become null and void on February 5, 2004, unless an extension of time is granted according to the requirements of Section 13.12.150 of the Subdivision Ordinance.
3. This tentative tract map, and any Final Map thereunder, shall comply with the requirements and standards of Government Code §§ 66410 through 66499.58 (the "Subdivision Map Act"), and Chapter 13 of the La Quinta Municipal Code ("LQMC").

The City of La Quinta's Municipal Code can be accessed on the City's Web Site at <http://la-quinta.org>.

4. Prior to the issuance of any grading, construction, or building permit by the City, the applicant shall obtain the necessary clearances and/or permits from the following agencies:

- C Fire Marshal
- C Public Works Department (Grading Permit, Improvement Permit)
- C Community Development Department
- C Riverside Co. Environmental Health Department
- C Coachella Valley Unified School District
- C Coachella Valley Water District (CVWD)
- C Imperial Irrigation District (IID)
- C California Water Quality Control Board (CWQCB)

The applicant is responsible for all requirements of the permits and/or clearances from the above listed agencies. When the requirements include approval of improvement plans, the applicant shall furnish proof of such approvals when submitting those improvements plans for City approval.

5. The applicant shall comply with applicable provisions of the City's NPDES stormwater discharge permit, Sections 8.70.010 et seq., and 13.24.170, LQMC; Riverside County Ordinance No. 457; and the State Water Resources Control Board's Order No. 99-08-DWQ .
 - A. For construction activities including clearing, grading or excavation of land that disturbs five (5) acres or more of land, or that disturbs less than five (5) acres of land, but which is a part of a construction project that encompasses more than five (5) acres of land, the Permittee shall be required to submit a Storm Water Pollution Protection Plan ("SWPPP").
 - B. The applicant's SWPPP shall be approved by the City Engineer prior to any on or off-site grading being done in relation to this project.
 - C. The applicant shall ensure that the required SWPPP is available for inspection at the project site at all times through and including acceptance of all improvements by the City.
 - D. The applicant's SWPPP shall include provisions for all of the following Best Management Practices ("BMPs") (8.70.020, LQMC):
 1. Temporary Soil Stabilization (erosion control).
 2. Temporary Sediment Control.
 3. Wind Erosion Control.
 4. Tracking Control.
 5. Non-Storm Water Management.
 6. Waste Management and Materials Pollution Control.
 - E. All of applicant's erosion and sediment control BMPs shall be approved by the City Engineer prior to any on or off site grading being done in relation to this project.
 - F. All approved project BMPs shall be maintained in their proper working order throughout the course of construction, and until all improvements have been accepted by the City.

PROPERTY RIGHTS

6. Prior to issuance of any permit(s), the applicant shall acquire or confer easements and other property rights necessary for the construction or proper functioning of the proposed development. Conferred rights shall include irrevocable offers to dedicate or grant access easements to the City for emergency services and for maintenance, construction and reconstruction of essential improvements.
7. The applicant shall retain for private use on the Tract Map all private street right-of-ways in conformance with the City's General Plan, Municipal Code, applicable specific plans, and/or as required by the City Engineer.
8. The private street right-of-ways to be retained for private use required for this development include:
 - A. CUL DE SACS
 1. Lot "A" - Kirk Court/Coral Mountain Court (Cul-de-sac): Use Riverside County Standard 800 for symmetrical Cul De Sacs.
9. The applicant shall offer for dedication on the Final Map a ten-foot wide public utility easement contiguous with, and along both sides of all private streets. Such easement may be reduced to five feet in width with the express written approval of IID.
10. The applicant shall offer for dedication those easements necessary for the placement of, and access to, utility lines and structures, drainage basins, mailbox clusters, park lands, and common areas on the Final Map.
11. The applicant shall vacate all abutter's right-of-access to public streets and properties from all frontages along such public streets and properties, excepting those access points shown on the Final Map.
12. The applicant shall furnish proof of easements, or written permission, as appropriate, from those owners of all abutting properties on which grading, retaining wall construction, permanent slopes, or other encroachments will occur.

13. Before the applicant may be permitted to vacate, or abandon, any existing right-of-way, or access easement, which will diminish the access rights to any properties owned by others, the applicant shall submit a proposed alternate right-of-way or access easement to those properties, or shall submit notarized letters of consent from all affected property owners; the final approval of which rests with the City.
14. The applicant shall cause no easement to be granted, or recorded, over any portion of the subject property between the date of approval of the tentative tract map and the date of recording of any Final Map, unless such easement is approved by the City Engineer.

FINAL MAP(S)

15. Applicant is not required to refile for a new parcel map number.
16. Prior to the City's approval of a Final Map, the applicant shall furnish accurate AutoCAD files of the Final Map that was approved by the City's map checker on a storage media acceptable to the City Engineer. Such files shall be in a standard AutoCAD format so as to be fully retrievable into a basic AutoCAD program.

Where a Final Map was not produced in an AutoCAD format, or produced in a file that can be converted to an AutoCAD format, the City Engineer will accept a raster-image file of such Final Map.

IMPROVEMENT PLANS

As used throughout these Conditions of Approval, professional titles such as "engineer," "surveyor," and "architect," refer to persons currently certified or licensed to practice their respective professions in the State of California.

17. The following improvement plans shall be required for this tentative tract map, and prepared to the scale specified:
 - A. On-Site Street Plans (Including Kirk Court to Avenue 58): 1" = 40' Horizontal, 1" = 4' Vertical

The street improvement plans shall include permanent traffic control and separate plan sheet(s) (drawn at 20 scale) that show the meandering sidewalk, mounding, and berming design in the combined parkway and landscape setback area.

B. Grading Plans: 1" = 50'

Other engineered improvement plans prepared for City approval that are not listed above shall be prepared in formats approved by the City Engineer prior to commencing plan preparation.

All Off-Site Plan & Profile Street Plans and Signing & Striping Plans shall show all existing improvements for a distance of at least 200-feet beyond the project limits, or a distance sufficient to show any required design transitions.

"Rough Grading" plans shall include perimeter walls with Top Of Wall & Top Of Footing elevations shown. All footings shall have a minimum of 1-foot of cover, or sufficient cover to clear any adjacent obstructions.

18. Improvement plans shall be prepared by or under the direct supervision of qualified engineers and/or architects, as appropriate, and shall comply with the provisions of Section 13.24.040, LQMC.
19. The City maintains standard plans, detail sheets and/or construction notes for elements of construction. For a fee, established by City Resolution, the applicant may purchase such standard plans, detail sheets and/or construction notes from the City.
20. The applicant shall furnish a complete set of the AutoCAD files of all approved improvement plans on a storage media acceptable to the City Engineer. The files shall be saved in a standard AutoCAD format so they may be fully retrievable through a basic AutoCAD program.

At the completion of construction, and prior to the final acceptance of the improvements by the City, the applicant shall update the AutoCAD files in order to reflect the as-built conditions.

Where the improvement plans were not produced in a standard AutoCAD format, or a file format that can be converted to an AutoCAD format, the City Engineer will accept raster-image files of the plans.

IMPROVEMENT SECURITY AGREEMENTS

21. Prior to the conditional approval of any Final Map, or the issuance of any permit(s), the applicant shall furnish a fully secured and executed Subdivision Improvement Agreement ("SIA") guaranteeing the future construction of 50% (fifty percent) of the improvements of the half width of Avenue 58, from the intersection of the southerly prolongation of the easterly lot line of lots 3 & 4 with the northerly right-of-way line of Avenue 58 to the intersection of the southerly prolongation of the westerly lot line of lots 1 & 2 with the northerly right-of-way line of Avenue 58; along with the necessary appurtenant pavement transitions. Such half width improvements shall comply with the Primary Arterial street construction standards of the General Plan in effect at the time of approval of this tentative tract map.
22. Prior to the conditional approval of any Final Map, or the issuance of any permit(s), the applicant shall either fully construct and satisfy its obligations for same, or furnish a fully secured and executed Subdivision Improvement Agreement ("SIA") guaranteeing the construction of Lot "A" (Kirk Court/Coral Mountain Court Cul-de-sac).
23. Any Subdivision Improvement Agreement ("SIA") entered into by and between the applicant and the City of La Quinta, for the purpose of guaranteeing the completion of any improvements related to this tentative tract map, shall comply with the provisions of Chapter 13.28, LQMC.
24. Improvements to be made, or agreed to be made, shall include the removal of any existing structures or other obstructions which are not a part of the proposed improvements; and shall provide for the setting of the final survey monumentation.
25. Depending on the timing of the development of this tentative tract map, and the status of the off-site improvements at the time, the applicant may be required to: (1) construct certain off-site improvements, (2) construct additional off-site improvements, subject to the reimbursement of its costs by others, (3) reimburse others for those improvements previously constructed that are considered to be an obligation of this tentative tract map, (4) secure the costs for future improvements that are to be made by others, or (5) to agree to any combination of these means, as the City may require.

In the event that any of the improvements required for this development are constructed by the City, the applicant shall, prior to the approval of the Final Map, or the issuance of any permit related thereto, reimburse the City for the costs of such improvements.

26. Prior to any conditional approval of the Final Map by the City Council, the applicant shall submit detailed construction cost estimates for all proposed on-site and off-site improvements, including an estimate for the final survey monumentation, for checking and approval by the City Engineer. Such estimates shall conform to the unit cost schedule adopted by City resolution, or ordinance.

For items not listed in the City's unit cost schedule, the proposed unit costs shall be approved by the City Engineer.

At the time the applicant submits its detailed construction cost estimates for the conditional approval of the Final Map by the City Council, the applicant shall also submit one copy each of an 8-1/2" x 11" reduction of each page of the Final Map, along with a copy of an 8-1/2" x 11" Vicinity Map.

Estimates for improvements under the jurisdiction of other agencies shall be approved by those agencies and submitted to the City along with the applicant's detailed cost estimates for its own on and off-site improvements.

Cost estimates for the security of telephone, natural gas, or Cable T.V. improvements will not be required.

Development-wide improvements shall not be agendized for final acceptance by the City Council until the City has received confirmation from the telephone authority that the applicant has met all the requirements for telephone service to all lots within the development.

27. In the event the applicant fail to construct the improvements for the development, or fail to satisfy its obligations for the development in a timely manner, the City shall have the right to halt issuance of building permits, and/or final building inspections, withhold other approvals related to the development of the project, or call upon the surety to complete the improvements.

GRADING

28. The applicant shall comply with the provisions of Section 13.24.050 (Grading Improvements), LQMC.
29. Prior to occupancy of the project site for any construction, or other purposes, the applicant shall obtain a grading permit approved by the City Engineer.
30. To obtain an approved grading permit, the applicant shall submit and obtain approval of all of the following:
 - A. A grading plan prepared by a qualified engineer or architect,
 - B. A preliminary geotechnical ("soils") report prepared by a qualified engineer, and
 - C. A Fugitive Dust Control Plan prepared in accordance with Chapter 6.16, LQMC.

All grading shall conform to the recommendations contained in the Preliminary Soils Report, and shall be certified as being adequate by a soils engineer, or by an engineering geologist.

A statement shall appear on the Final Maps that a soils report has been prepared in accordance with the California Health & Safety Code § 17953.

The applicant shall furnish security, in a form acceptable to the City, and in an amount sufficient to guarantee compliance with the approved Fugitive Dust Control Plan provisions as submitted with its application for a grading permit.

31. The applicant shall maintain all open graded, undeveloped land in order to prevent wind and/or water erosion of such land. All open graded, undeveloped land shall either be planted with interim landscaping, or stabilized with such other erosion control measures, as were approved in the Fugitive Dust Control Plan.
32. 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.
33. Prior to the issuance of a building permit for any building lot, the applicant shall provide a lot pad certification stamped and signed by a qualified engineer or surveyor.

Each pad certification shall list the pad elevation as shown on the approved grading plan, the actual pad elevation and the difference between the two, if any. The data shall be organized by lot number, and listed cumulatively if submitted at different times.

DRAINAGE

34. The applicant shall comply with the provisions of Section 13.24.120 (Drainage), LQMC, Engineering Bulletin No. 97.03.
35. Nuisance water shall be retained on site.
36. Individual lot retention is approved for Lots 1, 2, 3 & 4. The applicant shall meet the individual-lot retention provisions of Chapter 13.24.120 K, LQMC.

UTILITIES

37. The applicant shall comply with the provisions of Section 13.24.110 (Utilities), LQMC.
38. The applicant shall obtain the approval of the City Engineer for the location of all utility lines within any right-of-way, and all above-ground utility structures including, but not limited to, traffic signal cabinets, electric vaults, water valves, and telephone stands, to ensure optimum placement for practical and aesthetic purposes.
39. Existing overhead utility lines within, or adjacent to the proposed development, and all proposed utilities shall be installed underground.

All existing utility lines attached to joint use 92 KV transmission power poles are exempt from the requirement to be placed underground.

40. Underground utilities shall be installed prior to overlying hardscape. For installation of utilities in existing improved streets, the applicant shall comply with trench restoration requirements maintained, or required by the City Engineer.

The applicant shall provide certified reports of all utility trench compaction for approval by the City Engineer.

STREET AND TRAFFIC IMPROVEMENTS

41. The applicant shall comply with the provisions of Sections 13.24.060 (Off-Site Street Improvements), 13.24.070 (Street Design - Generally), LQMC, for public streets.

42. The applicant shall construct the following street improvements to conform with the General Plan street type noted in parentheses. (Public street improvements shall conform with the City's General Plan in effect at the time of construction.)

A. OFF-SITE STREETS

1. Avenue 58 - No improvements are required at this time. However, the applicant shall enter into a secured Subdivision Improvement Agreement for the deferred improvements of 50% (fifty percent) of the half width improvements of Avenue 58 to City Standards as outlined in the General Plan in effect on the date of Council approval of this tentative tract map.

B. ON-SITE PUBLIC STREETS

1. Kirk Court/Coral Mountain Court (Local Street) - Construct 28-foot paved street section, for ultimate 36-foot wide street improvement as measured from gutter flowline to gutter flowline, from south boundary line to Avenue 58. (710-feet ±).

Provide appropriate off-site pavement transition from south boundary line to Kirk Court/Coral Mountain Court.

2. Kirk Court/Coral Mountain Court (Existing Public Cul-de-sac) - Construct improvements similar to Riverside County Standard 800, to conform to existing and proposed right-of-way line, and provide a full 36-foot wide paved throat through the Cul-de-sac.

C. ON-SITE PRIVATE STREETS

1. Kirk Court/Coral Mountain Court (Lot "A") (Cul de sac) - Construct per Riverside County Standard 800.

2. Gated entries shall provide for a two-car minimum stacking capacity for inbound traffic; and shall provide for a full turnaround outlet for non-entry accepted vehicles.

Where a gated entry is proposed, the applicant shall submit a detailed exhibit at a 1" = 10' scale, demonstrating that those passenger vehicles that do not gain entry can safely make a "U" Turn back out onto Kirk Court/Coral Mountain Court from the gated entry.

Two lanes of traffic shall be provided at the entry gate side, one lane for residents, and one lane for visitors.

43. The applicant shall design street pavement sections using CalTrans' design procedure for 20-year life pavement, and the site-specific data for soil strength and anticipated traffic loading (including construction traffic). Minimum structural sections shall be as follows:

Residential 3.0" a.c./4.50" c.a.b.
Primary Arterial 4.5"/6.00"

or the approved equivalents of alternate materials.

44. General access points and turning movements of traffic are limited to the following:
 - A. Primary Entry (Avenue 58): Full turn in, Full turn out.
45. 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.
46. Improvements shall be designed and constructed in accordance with City adopted standards, supplemental drawings and specifications, or as approved by the City Engineer. Improvement plans for streets, access gates and parking areas shall be stamped and signed by qualified engineers.
47. Standard corner cut-backs shall conform to Riverside County Standard Drawings #805, unless otherwise approved by the City Engineer.

CONSTRUCTION

48. The applicant shall submit current mix designs (less than two years old at the time of construction) for base, asphaltic concrete and Portland cement concrete. The submittal shall include the test results for all specimens used in the mix design procedure. For mix designs over six months old, the submittal shall include the most recent (less than six months old at the time of construction) aggregate gradation test results confirming that the design gradations can be achieved in current production. The applicant shall not schedule construction operations until mix designs have been approved.

LANDSCAPING

49. The applicant shall comply with Sections 13.24.130 (Landscape Setbacks) & 13.24.140 (Landscape Plans), LQMC.
50. The applicant shall provide estimates for the landscaping in the required setbacks, retention basins, common lots and park areas in the secured Subdivision Improvement Agreement for the deferred improvement of Avenue 58.
51. Landscape and irrigation plans for landscaped lots and setbacks, medians, retention basins, and parks shall be signed and stamped by a licensed landscape architect.

The applicant shall submit the landscape plans for approval by the Community Development Department (CDD), prior to plan checking by the Public Works Department. When plan checking has been completed by CDD, the applicant shall obtain the signatures of CVWD and the Riverside County Agricultural Commissioner, prior to submittal for signature by the City Engineer.

NOTE: Plans are not approved for construction until signed by the City Engineer.

52. Landscape areas shall have permanent irrigation improvements meeting the requirements of the City Engineer. Use of lawn areas shall be minimized with no lawn, or spray irrigation, being placed within 18 inches of curbs along public streets.

53. 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.
54. Trees shall be staked with 1.5-inch diameter lodge poles to protect against damage from gusting winds.
55. Prior to building permit issuance, a front yard landscape plan shall be prepared for each homesite to include a minimum of two shade trees (15 gallon with 0.75 caliper), five ten-gallon shrubs, and groundcover.

QUALITY ASSURANCE

56. The applicant shall employ construction quality-assurance measures that meet with the approval of the City Engineer.
57. The applicant shall employ, or retain, qualified engineers, surveyors, and such other appropriate professionals as are required to provide the expertise with which to prepare and sign accurate record drawings, and to provide adequate construction supervision.
58. The applicant shall arrange for, and bear the cost of, all measurements, sampling and testing procedures not included in the City's inspection program, but which may be required by the City, as evidence that the construction materials and methods employed comply with the plans, specifications and other applicable regulations.
59. Upon completion of construction, the applicant shall furnish the City with reproducible record drawings of all improvement plans which were approved by the City. Each sheet shall be clearly marked "Record Drawing," "As-Built" or "As-Constructed" and shall be stamped and signed by the engineer or surveyor certifying to the accuracy and completeness of the drawings. The applicant shall have all AutoCAD or raster-image files previously submitted to the City, revised to reflect the as-built conditions.

MAINTENANCE

60. The applicant shall comply with the provisions of Section 13.24.160 (Maintenance), LQMC.

61. The applicant shall make provisions for the continuous and perpetual maintenance of all private on-site improvements, perimeter landscaping, access drives, and sidewalks.

FEES AND DEPOSITS

62. 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.
63. The applicant shall comply with the provisions of Section 13.24.180 (Fees and Deposits), LQMC.
64. The developer shall pay school mitigation fees to the Coachella Valley Unified School District based on their requirements. Fees shall be paid prior to building permit issuance by the City.
65. Within ten days of Planning Commission's decision for TTM 29963, the property owner/developer shall submit to the Community Development Department a check made out to the County of Riverside in the amount of \$64.00 to permit the filing and posting of EA 2001-415 (DeMinimus) after final review by the City Council.

FIRE DEPARTMENT

66. Applicant/developer will furnish one blue-line copy of the water system plans to the Fire Department for review and 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/approved by a registered civil engineer and the local water company with the following certification: "I certify that the design of the water system is in accordance with the requirements prescribed by the Riverside County Fire Department."
67. The required water system, including fire hydrants, shall be installed and accepted by the appropriate water agency prior to any combustible building materials being placed on an individual lot.

68. The minimum dimensions for fire apparatus access roads entering and exiting this project shall have an unobstructed width of not less than 20 feet in each direction and an unobstructed vertical clearance of not less than 13'-8". Parking is permitted on one side of roadways with a minimum width of 28 feet. Parking is permitted on both sides of the roadways with a minimum width of 36 feet.
69. The water mains shall be capable of providing a potential fire flow of 1,500 g.p.m. and an actual fire flow available from anyone hydrant will be 1,000 g.p.m. for a two-hour duration at 20 psi. residual operating pressure. Minimum thrust velocities shall not exceed 10 feet per second.
70. Blue dot reflectors shall be mounted in the middle of streets directly in line with fire hydrants.
71. 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.

MISCELLANEOUS

72. All public agency letters received for this case are made part of the case file documents for plan checking purposes.
73. Custom house design guidelines shall be reviewed and approved by the Planning Commission per Section 9.60.340 of the Zoning Ordinance.
74. The Covenants, Conditions and Restrictions (CC and R's) for the project shall be submitted to the City Attorney for review and approval concurrently with review of the Final Tract Map. Recordation of the CC and R's is required.