

**RESOLUTION NO. 2001-115  
CONDITIONS OF APPROVAL - APPROVED  
TENTATIVE TRACT MAP 30125 - AMENDMENT #1  
KSL LAND CORPORATION  
SEPTEMBER 18, 2001**

**GENERAL**

1. The applicant 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 amendment. The City shall have sole discretion in selecting its defense counsel.

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

2. This tentative map and any final maps thereunder shall comply with the requirements and standards of Sections 66410 through 66499.58 of the California Government Code (the Subdivision Map Act) and Chapter 13 of the La Quinta Municipal Code (LQMC).
3. Prior to the issuance of a grading, construction or building permit, the applicant shall obtain permits and/or clearances from the following public agencies:

- C Fire Marshal
- C Public Works Department (Grading Permit, Improvement Permit)
- C Community Development Department
- C Riverside Co. Environmental Health Department
- C Desert Sands 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 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. Projects disturbing five or more acres, or smaller projects which are part of a larger project disturbing five or more acres require a project-specific NPDES permit. The applicant shall submit a copy of the CWQCB acknowledgment of the applicant's Notice of Intent (NOI) prior to issuance of a grading or site construction permit. The applicant shall ensure that the required Storm Water Pollution Protection Plan (SWPPP) is available for inspection at the project site.

4. Final maps under this tentative map shall be subject to the provisions of the Infrastructure Fee Program and Development Impact Fee program in effect at the time of final map approval.

#### PROPERTY RIGHTS

5. Prior to approval of a final map, the applicant shall acquire or confer easements and other property rights required of the tentative map or otherwise necessary for 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.
6. The applicant shall dedicate or grant public and private street right of way and utility easements in conformance with the City's General Plan, Municipal Code, applicable specific plans, and as required by the City Engineer.
7. Applicant shall provide an easement of sufficient width to allow the construction of a retaining wall to be extended from the applicant's retaining wall adjacent to Eisenhower Drive.
8. Right of way dedications required of this development include:
  1. PUBLIC STREETS
    1. Eisenhower Drive (Primary Arterial) - 50-foot half of the 100-foot right of way.
    2. Avenue 50 (Primary Arterial) - 50-foot half of the 100-foot right of way, measured from the existing improvement construction centerline.
  2. PRIVATE STREETS
    1. Residential (Street Lots A-F): 31-foot minimum width with roll-type curb (providing minimum travel width of 28-feet, measured gutter flow-line to gutter flow-line). Right of way may be reduced to 29-feet with vertical curbs. On-street parking is prohibited provided and the applicant must make provision for ongoing enforcement of the restriction.
    2. Private Gated Entry: 82-feet or as required to provide adequate egress and turn-around for non-admitted visitors, as approved by the City Engineer.

3. Emergency Access (Lot H): 25-foot.
3. CULS-DE-SAC
  1. Public or Private: Use Riverside County Standard 800 (symmetric) or 800A (offset) with 39-foot radius for vertical curbs and 41-foot radius for rolled curbs to provide travel radius of 38-feet measured gutter flow-line to gutter flow-line, or larger.
9. Right of way geometry for knuckle turns and corner cut-backs shall conform with Riverside County Standard Drawings #801 and #805 respectively unless otherwise approved by the City Engineer.
10. Dedications shall include additional widths as necessary for the existing bus turnout on Avenue 50.
11. Dedications shall include additional widths as necessary for dedicated right and left turn lanes, and other features contained in the approved construction plans.
12. 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 the necessary rights of way within 60 days of written request by the City.
13. The applicant shall dedicate ten-foot public utility easements contiguous with and along both sides of all private streets. The easements may be reduced to five feet with the express concurrence of IID.
14. 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):
  1. Eisenhower Drive (Primary Arterial): 20-feet.
  2. Avenue 50 (Primary Arterial): 20-feet.

The setback requirement applies to all frontage including, but not limited to, remainder parcels and sites dedicated for utility purposes.

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

15. The applicant shall dedicate easements necessary for placement of and access to utility lines and structures, drainage basins, mailbox clusters, park lands, and common areas.
16. The applicant shall vacate abutter's rights of access to public streets and properties from all frontage along the streets and properties except access points shown on the approved tentative map.
17. 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.
18. If the applicant proposes vacation or abandonment of any existing rights of way or access easements which will diminish access rights to any properties owned by others, the applicant shall provide approved alternate rights of way or access easements to those properties or notarized letters of consent from the property owners.
19. The applicant shall cause no easements to be granted or recorded over any portion of this property between the date of approval of this tentative map 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)

20. 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 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.

- 20A. Tentative Parcel Map 30146 shall be recorded prior to the recordation of Tentative Tract Map 30125.**

## 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.

21. Improvement plans shall be prepared by or under the direct supervision of qualified engineers and landscape architects, as appropriate. Plans shall be submitted on 24" x 36" media in the categories of *Rough Grading*, *Precise Grading*, *Streets & Drainage*, and *Landscaping*. Precise grading plans shall have signature blocks for Community Development Director and the Building Official. All other plans shall have signature blocks for the City Engineer. Plans are not approved for construction until they are signed.

*Streets and Drainage* plans shall normally include signals, sidewalks, bike paths, entry drives, gates, and parking lots. *Landscaping* plans shall normally include irrigation improvements, landscape lighting and entry monuments. *Precise Grading* plans shall normally include perimeter walls.

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

22. 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.
23. When final plans are approved by the City, 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

24. Depending on the timing of development of the lots or parcels created by this map and the status of off-site improvements at that time, the subdivider may be required to construct improvements, to construct additional improvements subject to reimbursement by others, to reimburse others who construct improvements that are obligations of this map, to secure the cost of the improvements for future construction by others, or a combination of these methods.

In the event that any of the improvements required herein are constructed by the City, the applicant shall, at the time of approval of a map or other development or building permit, reimburse the City for the cost of those improvements.

25. 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.

26. If improvements are secured, the applicant shall provide estimates of improvement costs for checking and approval by 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 improvements under the jurisdiction of other agencies shall be approved by those agencies. Security is not required for telephone, gas, or T.V. cable improvements. However, development-wide 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.

27. If improvements are phased with multiple final maps or other administrative approvals (e.g., Site Development Permits), off-site improvements and common 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 and subsequent phases unless a construction phasing plan is approved by the City Engineer. The perimeter walls along Eisenhower Drive and Avenue 50 shall be constructed at the time the

homes are built along either of the two streets. The Community Development Department shall determine the portion of the wall that shall be installed when building permits are issued for the clubhouse.

28. If the applicant fails to construct improvements or satisfy obligations in a timely manner of as specified in an approved phasing plan or in an improvement agreement, the City shall have the right to halt issuance of building permits or final building inspections, withhold other approvals related to the development of the project or call upon the surety to complete the improvements.

### GRADING

29. Provide 2-foot wide flat areas between Lots 1-5 and 55-61 and the water features adjacent to said lots for pedestrian traffic. The pedestrian walking area should be adjacent to the lot lines.
30. Slopes adjacent to the golf course water features shall not exceed 3:1.
31. Prior to issuance of a grading permit, applicant shall submit written verification of the Water Quality Control Board's acceptance of applicant's filing of the Notice of Intent (NOI) to comply with State and Federal NPDES regulations.
32. Prior to issuance of a grading permit, the applicant shall furnish a preliminary geotechnical (soils) report and an approved grading plan prepared by a qualified engineer. The grading plan shall conform with the recommendations of the soils report and be certified as adequate by a soils engineer or engineering geologist.

A statement shall appear on 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.

33. 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.
34. 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.

35. The applicant shall maintain graded, undeveloped land to prevent wind and water erosion of soils. The land shall be planted with interim landscaping or provided with other erosion control measures approved by the Community Development and Public Works Departments.
36. Prior to issuance of building permits, the applicant shall provide building pad certifications stamped and signed by qualified engineers or surveyors. For each pad, the certification shall list the approved elevation, the actual elevation, the difference between the two, if any, and pad compaction. The data shall be organized by lot number and listed cumulatively if submitted at different times.

#### DRAINAGE

37. Stormwater falling on site during the peak 24-hour period of a 100-year storm (the design storm) shall be retained within the development unless otherwise approved by the City Engineer. The tributary drainage area shall extend to the centerline of adjacent public streets.
38. Stormwater shall normally be retained in the golf course water features.
39. Storm flow in excess of retention capacity shall be routed through a designated, unimpeded overflow outlet to the historic drainage relief route.
40. Storm drainage historically received from adjoining property shall be retained on site or passed through to the overflow outlet.
41. Nuisance water shall be retained on site and disposed of in an approved method.
42. If the applicant proposes discharge of stormwater directly or indirectly to the Coachella Valley Stormwater Channel, the applicant shall indemnify the City from the costs of any sampling and testing of the development's drainage discharge which may be required under the City's NPDES Permit or other City or area-wide pollution prevention program, and for any other obligations and/or expenses which may arise from such discharge. The indemnification shall be executed and furnished to the City prior to issuance of any grading, construction or building permit and shall be binding on all heirs, executors, administrators, assigns, and successors in interest in the land within this tentative map excepting therefrom those portions required to be dedicated or deeded for public use. The form of the indemnification shall be acceptable to the City Attorney. If such discharge is approved for this development, the applicant shall make provisions in the CC&Rs for meeting these potential obligations.



## UTILITIES

43. The applicant shall obtain the approval of the City Engineer for the location of all utility lines within the right of way and all above-ground utility structures including, but not limited to, traffic signal cabinets, electrical vaults, water valves, and telephone stands, to ensure optimum placement for practical and aesthetic purposes.
44. 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 trench compaction for approval of the City Engineer.

## REQUIRED IMPROVEMENTS

45. Existing aerial lines within or adjacent to the proposed development and all proposed utilities shall be installed underground. Power lines exceeding 34.5 kv are exempt from this requirement.
46. Provide safety railing along the top of the retaining wall adjacent to Lot 53. Safety railing shall be capable of providing for the safety of pedestrians and occupants of golf carts.
47. The applicant shall install 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. Eisenhower Drive (Primary Arterial) - Applicant shall construct half of the total street improvements in compliance with the General Plan along the 500-foot (the property adjacent to TT 30125) frontage on Eisenhower Drive. Applicant shall also construct a six foot meandering sidewalk, parkway landscaping, and a 12-foot raised center median. Applicant will be reimbursed for the cost of the median construction from the Transportation DIF in an amount not to exceed the budget allowance for this median construction.

Applicant shall dedicate all future right-of-way along Eisenhower Drive, adjacent to Golf Hole #13 on the Dunes course (or if renumbered, the golf hole adjacent to Eisenhower Drive), necessary for the construction of Eisenhower Drive pursuant to General Plan street standards.

**Applicant shall dedicate a temporary construction easement to the City of La Quinta, ten (10) feet wide, along the east side of Eisenhower Drive from the southerly tract boundary south to the bridge across the**

**Oleander Reservoir Evacuation Channel (adjacent to Parcel 3, Parcel Map 28334, PMB 189/29-31). The west boundary of said easement shall be the east Right-of-Way line of Eisenhower Drive. Said easement shall be to allow the future construction of a block retaining wall.**

**Applicant shall dedicate a permanent easement to the City of La Quinta, three (3) feet wide, along the east side of Eisenhower Drive from the southerly tract boundary south to the bridge across the Oleander Reservoir Evacuation Channel (adjacent to Parcel 3, Parcel Map 28334, PMB 189/29-31). The west boundary of said easement shall be the east Right-of Way line of Eisenhower Drive. Said easement shall be for the future block retaining wall.**

Applicant shall be responsible for all modifications to Golf Hole #13 on the Dunes Course (or if renumbered, the golf hole adjacent to Eisenhower Drive), due to the construction of Eisenhower Drive, including, but not limited to, modifications to golf paths, golf lake, green, tee box, fairway, fencing, irrigation, landscaping, and any other modifications necessary for the safety of the public.

The Applicant may enter into a secured agreement for the construction of Eisenhower Drive street improvements or shall construct said street improvements, prior to final map approval. The secured agreement shall reflect a time line as follows:

The Eisenhower Drive improvements shall be constructed before or at the same time the Eisenhower Bridge and Eisenhower Drive improvements are made along hole #13 of the Dunes Course (or if renumbered, the golf hole adjacent to Eisenhower Drive).

2. Avenue 50 (Primary Arterial) - Construct median modification to allow left turn from Avenue 50. Construct 8-foot meandering sidewalk from eastern end of bus shelter to the eastern property boundary.

2. PRIVATE STREETS
  1. Residential (Lots A-F): 28-foot travel width, minimum, measured gutter flow-line to gutter flow-line. On-street parking shall be prohibited and applicant will provide for perpetual enforcement of the restriction by the homeowner-s association.
  2. **Emergency Access (Lot G): Minimum 25-foot travel width, measured gutter flow-line to gutter flow-line.**
3. CULS DE SAC
  1. Use Riverside County Standard 800 (symmetric) or 800A (offset) with 38-foot curb radius, measured gutter flow-line to gutter flow-line.
48. 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.
49. 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).
50. 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, access gates and parking areas shall be stamped and signed by qualified engineers.
51. Knuckle turns and corner cut-backs shall conform with Riverside County Standard Drawings #801 and #805 respectively unless otherwise approved by the City Engineer.
52. 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. If a wedge or rolled curb design is approved, the lip at the flowline shall be vertical (1/8" batter) and a minimum of 0.1' in height. Unused curb cuts on any lot shall be restored to normal curbing prior to final inspection of permanent building(s) on the lot.

53. 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 shall be as follows (or approved equivalents for alternate materials):

Residential	3.0" a.c./4.50" c.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 applicant shall submit current mix designs (less than two years old at the time of construction) for base, asphalt concrete and Portland cement concrete. The submittal 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 (less than 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.

54. The City will conduct final inspections of homes and other habitable buildings only when the buildings have improved street and (if required) 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 of homes within the tract or when directed by the City, whichever comes first.

### LANDSCAPING

55. The applicant shall provide landscaping in required setbacks, retention basins, common lots, and park areas.
56. 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 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.

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

## PUBLIC SERVICES

58. The applicant shall provide public transit improvements as required by Sunline Transit and approved by the City Engineer.

## QUALITY ASSURANCE

59. The applicant shall employ construction quality-assurance measures which meet the approval of the City Engineer.
60. The applicant shall employ or retain qualified civil engineers, geotechnical engineers, surveyors, or other appropriate professionals to provide sufficient construction supervision to be able to furnish and sign accurate record drawings.
61. 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, specifications and applicable regulations.
62. Upon completion of construction of construction, the applicant shall furnish the City reproducible record drawings of all improvement plans which were signed by the City. Each sheet shall be clearly marked ~~A~~Record Drawings@ ~~A~~As-Built@ or ~~A~~As-Constructed@ and shall be 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

63. The applicant shall make provisions for continuous, perpetual maintenance of all on-site improvements, perimeter landscaping, access drives, and sidewalks. The applicant shall maintain required public improvements until expressly released from this responsibility by the appropriate public agency.

#### FEES AND DEPOSITS

64. 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.
65. Prior to approval of a final map or completion of any approval process for modification of boundaries of the property or lots subject to these conditions, the applicant shall process a reapportionment of any bonded assessment(s) against the property and pay the cost of the reapportionment.
66. Prior to final inspection of the tenth house, the permanent employee parking facilities located at Calle Tampico and Avenida Bermudas shall have been completed to the satisfaction of the City, shall be fully accessible to La Quinta Resort and Club employees, and shall have shuttle service established.

#### COMMUNITY DEVELOPMENT

67. Development of this site shall be in substantial conformance with Exhibits approved and contained in the file for Tentative Tract Map 30125, unless amended by the attached conditions.