

**CITY COUNCIL RESOLUTION 2003-090
CONDITIONS OF APPROVAL – FINAL
SPECIFIC PLAN 2003-065, CENTEX
SEPTEMBER 16, 2003**

GENERAL

1. The applicant/property owner 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 application and any other challenge pertaining to this project. This indemnification shall include any award toward attorney's fees.

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

2. Minor changes, as determined by the Community Development Director to be consistent with the intent and purpose of the Specific Plan, may be approved. Examples include modifications to landscaping materials and/or design, parking and circulation arrangements not involving reductions in required standards beyond those identified in the Specific Plan, or other revisions necessary due to changes in technical plan aspects such as drainage, street improvements, grading, etc. Such changes may be approved on a staff-level basis and shall not constitute a requirement to amend the Specific Plan. Consideration for any modifications shall be requested in writing to the Director and submitted with appropriate graphic and/or textual documentation in order to make a determination on the request.
3. All plant materials within the perimeter retention basins shall be safe for consumption by the Peninsular bighorn sheep as required by the Department of Fish and Game. The use of oleander shrubs is not permitted.
4. The developer shall comply with all applicable conditions of Tentative Tract Map 31379, Site Development Permit 2003-778 and Mitigation Measures for EA 2003-478.

FIRE DEPARTMENT

5. Final conditions will be addressed when plans are reviewed. A plan check fee must be paid to the Fire Department at the time construction plans are submitted. For additional assistance, please contact the Fire Department Planning & Engineering staff at (760) 863-8886.

MISCELLANEOUS

6. Toe of slope grading activities shall be in compliance with the proposed grading plan, unless otherwise approved by the City Engineer during plan check consideration.
7. Prior to issuance of a grading permit or map recordation, the final Conditions of Approval shall be incorporated in the Final Specific Plan document. Applicant shall work with staff to correct internal document inconsistencies prior to final publication of Specific Plan document. A minimum of seven copies of the final document shall be submitted to the Community Development Department.
8. The City Engineer shall approve the width of private streets and on-street parking areas during plan check review of Tentative Tract Map 31379.
9. All public agency letters received for this case are made part of the case file documents for plan checking purposes.
10. Parking lot light fixtures for the clubhouse facilities shall be fully shielded and may not exceed an overall height of 10'-0" as measured from adjacent paved surfaces. All other open parking and greenbelt areas shall be lit with bollard light fixtures not exceeding 60-inches tall and 75 watts. Under-canopy lighting is permitted for carport structures.
11. A permit from the Community Development Department is required for any temporary or permanent signs, subject to the provisions of Chapter 9.160 of the Zoning Code. The permanent identification sign for the project on Eisenhower Drive shall be limited to a maximum size of 24 square feet (double sized) and not exceed six feet in height. Accessory signs within the development shall not exceed 12 square feet. Accessory signs may be posted on walls, buildings or freestanding poles not exceeding eight feet in overall height. Internally illuminated signs are not allowed except for use within the clubhouse building.
12. The minimum parking ratio for the project is 2.25 for townhouses, 1.0/bedroom for resort units, and 1.0/300 square feet for clubhouse buildings. The final parking design and number of spaces shall be determined during plan check consideration, subject to final approval by the Community Development

Department. Each resort residential unit shall have a designated garage or carport parking space.

13. Timeshare units shall require review consideration by the Planning Commission under a Conditional Use Permit application.
14. The developer shall enter into a Development Agreement with the City of La Quinta for the payment of Transient Occupancy Tax (“TOT”) for this development. This Agreement must be signed and recorded prior to issuance of any development permits (i.e., infrastructure, grading, building, etc.) being authorized. Centex, on one hand, and a Resort or Hotel within the City of La Quinta (collectively, “Resort/Hotel”) or Resort Country Club within the City of La Quinta, on the other hand, shall enter into one or more contracts which will allow the purchasers of residences within the boundaries of SP 2003-065 the opportunity to purchase golf club and/or social memberships. In addition, Centex and the Resort/Hotel, or the rental management company for the Resort/Hotel, shall enter into one or more contracts pursuant to which the purchasers of residential units within the boundaries of SP 2003-065 shall have the right to make their residential units available to the Resort/Hotel for the purpose of allowing the Resort/Hotel to rent and manage the same on behalf of such purchasers. Renters under such Resort/Hotel managed rental program shall have access to the Resort/Hotel facilities and amenities. A copy of the foregoing executed contracts meeting the requirements of this condition shall be delivered to the Community Development Department before issuance of any building permits for a residential dwelling within the boundaries of SP 2003-065. The foregoing contract or contracts for rental management services shall remain in effect for a minimum of ten (10) years commencing with the date that the first certificate of occupancy is issued for a residence within the boundaries of SP 2003-065. Centex or its successor in interest may enter into replacement agreements with alternative Resort/Hotels within this ten (10) year period.

The CC&Rs for the residential project to be developed within the boundaries of SP 2003-065 (the “Project”) shall restrict the rental of residential dwelling units therein to periods of 30 consecutive days or less.

The residential dwelling units within the Project have been designed to facilitate short-term rental. Any material modification of the design or floor plan of a residential unit by the owner of such unit shall be restricted in the CC&Rs for the project. The City, through its community development director, shall have the final authority to approve or not approve the modification.

15. The following permitted land use activities shall be eliminated from the Specific Plan booklet:

Planning Area I	PA II	PA III	PA IV
<u>Recreation</u> (tennis club and live entertainment) <u>Semi-Public</u> (library and museums) <u>Temporary</u> (outdoor events along the perimeter of the development)	<u>Recreation</u> (tennis club and live entertainment) <u>Semi-Public</u> (library and museums) <u>Temporary</u> (construction facilities) <u>Office/Health Services and Dining, Drinking, and Entertainment</u>	<u>Semi-Public</u> (library and museums)	<u>Recreation</u> (tennis club and health clubs, and live entertainment) <u>Semi-Public</u> (library, museums and pools/spas) <u>Accessory</u> (parking facilities) <u>Temporary</u> (outdoor events) <u>Office/Health Services and Dining, Drinking, and Entertainment</u>

16. Chapter 3.6 (Site Development Permits) of the Specific Plan document shall be amended to only include the last paragraph of Section 3.6.3 which states: "Procedures for review of Site Development Permits shall be in accordance with the provisions of Chapter 9.210 DEVELOPMENT REVIEW PERMITS of the La Quinta Municipal Code."
17. Large outdoor events for residents and guests shall be confined to the proposed clubhouse facilities. A Temporary Use Permit application is required when events exceed 800 people. Fireworks shows (i.e., ground displays only) are not allowed, unless written permission is obtained from the Fire Marshal, Department of Fish and Game, and City of La Quinta.
18. Clubhouse expansion projects greater than 5,000 square feet in size shall be reviewed and approved by the Planning Commission.
19. An eight-foot high masonry wall may be built along the east property line, subject to approval from the property owner of Tract 29436. Project entry gates and wall pilasters may not exceed an overall height of 9'-0".
20. A minimum five-stall bicycle rack shall be installed at the clubhouse.
21. No more than 280 residential units shall be built on the 44.6-acre site.

22. Detached casitas or guesthouse units are not permitted within the boundaries of the project.
23. Residential buildings and carports structures within Planning Area II shall not exceed 19 feet and 10 feet in overall height, respectively.
24. A temporary off-site sales facility is permitted to be established to the south of the project prior to the issuance of a grading permit, subject to approval of the Minor Use Permit by the Community Development Department.
25. Zoning Code requirements of Section 9.60.320 (Resort Residential) shall be met unless otherwise prescribed by the Specific Plan document. The minimum rear yard setback for Planning Areas I and II shall be five feet. Community pool buildings within Planning Areas I and II shall be limited in overall height to 20 feet.
26. No commercial communication facilities are permitted within Planning Areas I through IV. Residential dwellings shall be limited to a single one meter diameter wall-mounted satellite dish for television and Internet needs.
27. Rental units shall not be less in size than 420 square feet. The minimum house size is 1,300 square feet.
28. Bullet #3 under Section 3.5.1(A) shall be deleted and replaced with the following statement: "All substantial architectural changes shall be reviewed and approved by the Architecture and Landscaping Review Committee (ALRC) and Planning Commission."