

**CITY COUNCIL RESOLUTION NO. 2004-006
CONDITIONS OF APPROVAL - FINAL
TENTATIVE TRACT 31798
ROBERT SELAN – WATERMARK VILLAS
JANUARY 6, 2004**

GENERAL

1. The applicant agrees to defend, indemnify and hold harmless the City of La Quinta ("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 recorded thereunder. 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 Tract Map, and any Final Map recorded thereunder, shall comply with the requirements and standards of Government Code §§ 66410 through 66499.58 (the "Subdivision Map Act"), and Title 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 www.la-quinta.org.

3. 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:

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

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 improvement plans for City approval.

4. The applicant shall comply with applicable provisions of the City's NPDES storm water discharge permit, Sections 8.70.010 et seq. (Storm water Management and Discharge Controls), and 13.24.170 (Clean Air/Clean Water), LQMC; Riverside County Ordinance No. 457; and the State Water Resources Control Board's Order No. 99-08-DWQ .
- A. A project-specific NPDES construction permit must be obtained by the applicant; and who then shall submit a copy of the Regional Water Quality Control Board's ("RWQCB") acknowledgment of the applicant's Notice of Intent ("NOI"), prior to the issuance of a grading or site construction permit by the City.)
 - B. 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").
 - C. 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.
 - D. 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.
 - E. The applicant's SWPPP shall include provisions for all of the following Best Management Practices ("BMPs") (8.70.020 (Definitions), 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.
 - F. All erosion and sediment control BMPs proposed by the applicant shall be approved by the City Engineer prior to any onsite or offsite grading, pursuant to this project.

- G. The approved SWPPP and BMPs shall remain in effect for the entire duration of project construction until all improvements are completed and accepted by the City.

PROPERTY RIGHTS

5. 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.
6. The applicant shall offer for dedication on the Final Map all public 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.
7. The public street right-of-way offers for dedication required for this development include:
 - A. PUBLIC STREETS
 1. Avenue 52 (Primary Arterial - Option A, 110' ROW) - No additional right of way dedication is required except for an additional right of way dedication at the primary entry to accommodate improvements shown on the approved Tentative Tract Map, including a deceleration lane in accordance with Engineering Policy No. 0308, and as conditioned under STREET AND TRAFFIC IMPROVEMENTS.
 2. Jefferson Street (Major Arterial, 120' ROW) - No additional right of way dedication is required.
8. The applicant shall retain for private use on the Final Map all private street rights-of-way in conformance with the City's General Plan, Municipal Code, applicable specific plans, and/or as required by the City Engineer.

9. Dedications shall include any additional widths as necessary for dedicated right and left turn lanes, bus turnouts, and other features contained in the approved construction plans.
10. 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. Said easement may be reduced to five feet in width with the express written approval of IID.
11. The applicant shall create perimeter landscaped setbacks along all public rights-of-way as follows:
 - A. Avenue 52 (Primary Arterial) - 20-feet from the right-of-way/property line.
 - B. Jefferson Street (Major Arterial) – 20-feet from the right-of-way/property line.

The listed setback depths shall be the average depth where a meandering wall design is approved.

The setback requirements shall apply to all frontages 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 offer for dedication blanket easements for those purposes on the Final Map.

12. 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.
13. Direct vehicular access to Jefferson Street and Avenue 52 from lots with frontage along Avenue 52 is restricted, except for those access points identified on the approved Tentative Tract Map, or as otherwise conditioned in these conditions of approval. The vehicular access restrictions shall be shown on the recorded final tract map.

14. 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.
15. When an applicant proposes the vacation, or abandonment, of any existing right-of-way, or access easement, the recordation of the tract map is subject to the Applicant providing an alternate right-of-way or access easement, to those properties, or notarized letters of consent from the affected property owners.
16. 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 MAPS

17. 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.

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 (Improvement Plans), LQMC.

19. The following improvement plans shall be prepared and submitted for review and approval by the City. A separate set of plans for each line item specified below shall be prepared. The plans shall utilize the minimum scale specified, unless otherwise authorized by the City Engineer in writing. Plans may be prepared at a larger scale if additional detail or plan clarity is desired. Note: the applicant may be required to prepare other improvement plans not listed here pursuant to improvements required by other agencies and utility purveyors.
- A. Off-Site Street/Signing and Striping Plan: 1" = 40' Horizontal, 1" = 4' Vertical
 - B. On-Site Street Plan: 1" = 40' Horizontal, 1" = 4' Vertical
 - C. On-Site Rough Grading Plan: 1" = 40' Horizontal
 - D. Site Development Plan 1" = 30' Horizontal

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 berm design in the combined parkway and landscape setback area. 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 normally 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.

The applicant shall prepare an accessibility assessment on a marked up print of the building floor plan identifying every building egress and notes the 2001 California Building Code accessibility requirements associated with each door. The assessment must comply with submittal requirements of the Building & Safety Department. A copy of the reviewed assessment shall be submitted to the Engineering Department in conjunction with the Site Development Plan when it is submitted for plan checking.

In addition to the normal set of improvement plans, a "Site Development" plan is required to be submitted for approval by the Building and Safety Director and the City Engineer.

"Site Development" plans shall normally include all on-site surface improvements including but not necessarily limited to finish grades for curbs & gutters, building floor elevations, parking lot improvements and ADA requirements.

"Street Parking" plan shall include appropriate signage to implement the "No Parking" concept, or alternatively an on-street parking policy shall be included in the CC & R's subject to City Engineer's Approval. The parking plan or CC & R's shall be submitted concurrently with the Street Improvement Plans.

20. 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.
21. 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

22. Prior to the approval of any Final Map, the applicant shall construct all on and off-site improvements and satisfy its obligations for same, or shall furnish a fully secured and executed Subdivision Improvement Agreement ("SIA") guaranteeing the construction of such improvements and the satisfaction of its obligations for same, or shall agree to any combination thereof, as may be required by the City.

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 (Improvement Security), LQMC.
24. Improvements to be made, or agreed to be made, shall include the removal of any existing structures or other obstructions that are not a part of the proposed improvements; and shall provide for the setting of the final survey monuments.

When improvements are phased through a “Phasing Plan,” or an administrative approval (e.g., Site Development Permits), all off-site improvements and common on-site improvements (e.g., backbone utilities, retention basins, perimeter walls, landscaping and gates) shall be constructed, or secured through a SIA, prior to the issuance of any permits in the first phase of the development, or as otherwise approved by the City Engineer.

Improvements and obligations required of each subsequent phase shall either be completed, or secured through a SIA, prior to the completion of homes or the occupancy of permanent buildings within such latter phase, or as otherwise approved by the City Engineer.

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

GRADING

25. The applicant shall comply with the provisions of Section 13.24.050 (Grading Improvements), LQMC.
26. The applicant shall comply with the recommendations of the geotechnical investigation prepared by Earth Systems Southwest, dated October, 2003, to the extent they are applicable.

27. 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.
28. 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,
 - C. A Fugitive Dust Control Plan prepared in accordance with Chapter 6.16, (Fugitive Dust Control), LQMC.
 - D. A Best Management Practices report prepared in accordance with Sections 8.70.010 and 13.24.170 (NPDES stormwater discharge permit and Storm Management and Discharge Controls), 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 Map that a soils report has been prepared in accordance with the California Health & Safety Code § 17953.

29. 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.
30. Grading within the perimeter setback and parkway areas shall have undulating terrain and shall conform to the requirements of LQMC Section 9.60.240(F) except as otherwise modified by this condition requirement. The maximum slope shall not exceed 3:1 anywhere in the landscape setback area, except for the backslope (i.e. the slope at the back of the landscape lot) which shall not exceed 2:1 if fully planted with ground cover. The maximum slope in the first six (6) feet adjacent to the curb shall not exceed 4:1 when the nearest edge of sidewalk is within six (6) of the curb, otherwise the maximum slope within the right of way shall not exceed 3:1. All unpaved parkway areas adjacent to the curb shall be depressed one and one-half inches (1.5") in the first eighteen inches (18") behind the curb.

31. Building pad elevations on the rough grading plan submitted for City Engineer's approval shall conform with pad elevations shown on the tentative map, unless the pad elevations have other requirements imposed elsewhere in these Conditions of Approval.
32. Building pad elevations of perimeter lots shall not differ by more than one foot from the building pads in adjacent development.
33. The applicant shall minimize the differences in elevation between the adjoining properties and the lots within this development.

Where compliance within the above stated limits is impractical, the City may consider alternatives that are shown to minimize safety concerns, maintenance difficulties and neighboring-owner dissatisfaction with the grade differential.

34. Prior to any site grading or regrading that will raise or lower any portion of the site by more than plus or minus three tenths of a foot from the elevations shown on the approved Tentative Tract Map, the applicant shall submit the proposed grading changes to the City Staff for a substantial conformance finding review.
35. 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.
36. The applicant shall comply with the provisions of Section 13.24.120 (Drainage), LQMC Engineering Bulletin No. 97.03. More specifically, storm water falling on site during the 100-year 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. The design storm shall be either the 3 hour, 6 hour or 24-hour event producing the greatest total run off.
37. In design of retention facilities, the maximum percolation rate shall be two inches per hour. The percolation rate will be considered to be zero unless the applicant provides site-specific data indicating otherwise.

38. Nuisance water shall be retained on site. In residential developments, nuisance water shall be disposed of in a trickling sand filter and leach field or equivalent system approved by the City Engineer. The sand filter and leach field shall be designed to contain surges of up to 3 gph/1,000 sq. ft. of landscape area, and infiltrate 5 gpd/1,000 sq. ft.
39. The project shall be designed to accommodate purging and blowoff water (through underground piping and/or retention facilities) from any on-site or adjacent well sites granted or dedicated to the local water utility authority as a requirement for development of this property.
40. No fence or wall shall be constructed around any retention basin unless approved by the Community Development Director and the City Engineer.
41. For on-site common retention basins, retention depth shall be according to Engineering Bulletin 97.03, and side slopes shall not exceed 3:1 and shall be planted with maintenance free ground cover. For retention basins on individual lots, retention depth shall not exceed two feet.
42. Stormwater may not be retained in any General Plan-required landscaped parkways or landscaped setback lots. Only incidental storm water (precipitation which directly falls onto the setback) will be permitted to be retained in the landscape setback areas. The perimeter setback and parkway areas in the street right-of-way shall be shaped with berms and mounds, pursuant to Section 9.100.040(B)(7), LQMC.
43. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development.
44. The development shall be graded to permit storm flow in excess of retention capacity to flow out of the development through a designated overflow and into the historic drainage relief route.
45. Storm drainage historically received from adjoining property shall be received and retained or passed through into the historic downstream drainage relief route.

UTILITIES

46. The applicant shall comply with the provisions of Section 13.24.110 (Utilities), LQMC.

47. 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.
48. 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.

49. 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

50. The applicant shall comply with the provisions of Sections 13.24.060 (Street Improvements), 13.24.070 (Street Design - Generally) & 13.24.100 (Access For Individual Properties And Development), LQMC for public streets; and Section 13.24.080 (Street Design - Private Streets), where private streets are proposed.
51. The applicant shall construct the following street improvements to conform with the General Plan:

A. OFF-SITE STREETS

1. Avenue 52 (Primary Arterial – Option A; 110' R/W):
 - a. Widen the north side of the street along frontage as necessary in order to accommodate a deceleration lane serving the entrance to the project, in accordance with Engineering Policy No. 0308.

Other required improvements in the right of way and/or adjacent landscape setback area include:

- i. All appurtenant components such as, but not limited to: curb, gutter, traffic control striping, legends, and signs.
- ii. Class I Off-Street Golf Cart Pathway – Construct 12-foot wide meandering pathway within the 32-foot parkway/landscape set back along the southern boundary of the Tentative Tract Map, only to the extent necessary to connect with same improvements as required for Jefferson Street. The design of the pathway shall be as approved by the City Engineer.
- iii. Reconstruct the existing landscaped median to provide the left turn in with physical left turn out restriction and restore the median landscaping.

2. Jefferson Street - (Major Arterial – Option A; 120' R/W):

- a. No widening of the west side of the street along all frontage adjacent to the Specific Plan is required for its ultimate width as specified in the General Plan.

Other required improvements in the right of way and/or adjacent landscape setback area include:

- i. All appurtenant components such as, but not limited to: curb, gutter, traffic control striping, legends, and signs.
- ii. Class I Off-Street Golf Cart Pathway – Construct 12-foot wide meandering pathway within the 32-foot parkway/landscape set back along the easterly boundary of the Tentative Tract Map. The design of the pathway shall be as approved by the City Engineer.
- iii. Reconstruct the existing landscaped median to provide the left turn in with physical left turn out restriction and restore the median landscaping.

B. INTERIOR STREETS

1. On-site streets except at entry gate area: construct 28-foot wide full-width improvements (measured from front of curb to front of curb) and provided there is adequate off-street parking for residents and visitors, and the applicant establishes provisions for ongoing enforcement of the parking restriction in the CC&R's. The CC&R's shall be reviewed by the Engineering Department prior to recordation.
 2. Private cul de sacs - Shall be constructed according to the layout shown on the tentative map with 38-foot curb radius or greater at the bulb using a smooth curve instead of angular lines similar to the layout shown on the rough grading plan.
 3. Knuckle - Construct the knuckle to conform with the layout shown in the tentative tract map, except for minor revisions as may be required by the City Engineer.
52. All gated entries shall provide for a three-car minimum stacking capacity for inbound traffic; and shall provide for a full turn-around outlet for non-entry accepted vehicles. Two lanes of traffic shall be provided on the entry side of each gated entry, one lane shall be dedicated for residents, and one lane for visitors.

Where a gated entry is proposed, the applicant shall submit a detailed exhibit at a scale of 1" = 10', demonstrating that those passenger vehicles that do not gain entry into the development can safely make full turn-around back out onto Avenue 52 from the gated entry.

Entry drives, main interior circulation routes, standard knuckles, corner cutbacks, bus turnouts, dedicated turn lanes and other features shown on the approved construction plans, may require additional street widths as may be determined by the City Engineer.

53. 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 Streets/Parking Areas	3.0" a.c./4.5" c.a.b.
Primary Arterial	4.5" a.c./6.0" c.a.b.
Major Arterial	5.5" a.c./6.5" c.a.b.

or approved equivalents of alternative materials

54. 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.
55. General access points and turning movements of traffic are limited to the following:
- A. Jefferson Street - Auxiliary Exit (Jefferson Street, 500 feet north of Avenue 52): Right turn out is permitted. Left turn movements in and out are prohibited.
 - B. Avenue 52
 - 1. Primary Entry (Avenue 52, 750 feet west of Jefferson Street): Right turn in, Right turn out and left turn in movements are permitted. Left turn movements out are prohibited.
 - 2. The Golf Cart Tunnel Access under Avenue 52 to the SilverRock Ranch project on the south side is excluded from this approval, but may be added if approved by separate proposal to the City Council.
56. 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.
57. 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.

58. The applicant shall extend improvements beyond the subdivision 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).

CONSTRUCTION

59. The City will conduct final inspections of 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 in residential developments 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 development or when directed by the City, whichever comes first.

LANDSCAPING

60. The applicant shall comply with Sections 13.24.130 (Landscaping Setbacks) & 13.24.140 (Landscaping Plans), LQMC.
61. The applicant shall provide landscaping in the required setbacks, retention basins, common lots and park areas.
62. 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 Coachella Valley Water District (CVWD) and the Riverside County Agricultural Commissioner, prior to submittal for signature by the City Engineer. Prior to CVWD review, the applicant shall provide calculations that meet the requirements of Chapter 8.13 of the Municipal Code - Water Efficient Landscaping.

An overall preliminary landscaping shall be prepared for all common area landscaping and parkways, pursuant to the requirements of the recently adopted Water Efficient Landscaping Ordinance, to include a preliminary estimate of water use for the entire site. This plan should be reviewed by the ALRC and accepted by Planning Commission prior to final construction plans being accepted for sign-off. The landscape plan design shall maintain the date palm trees within the overall landscaping concept, as stated in the Watermark Villas Specific Plan Landscape Guidelines, which will preserve a portion of this traditional agricultural feature on site. The date palm trees should be maintained as producing trees once integrated into the site.

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

63. 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.

PUBLIC SERVICES

64. The applicant shall provide public transit improvements as may be required by SunLine Transit Agency and approved by the City Engineer.
65. The applicant shall comply with the following requirements of the Riverside County Fire Department:
 - A. Approved super fire hydrants, shall be spaced every 330 feet and shall be located not less than 25 feet nor more than 165 feet from any portion of the buildings as measured along outside travel ways.
 - B. Blue dot reflectors shall be placed in the street 8 inches from centerline to the side that the fire hydrant is on, to identify fire hydrant locations.

- C. Fire Department connections (FDC) shall be not less than 25 feet or more than 50 feet from a fire hydrant and shall be located on the front street side of the buildings. FDC's and PIV's may not be located at the rear of buildings. Note also that FDC's must be at least 25 feet from the building and may not be blocked by landscaping, parking stalls or anything that may restrict immediate access.
- D. Building plans shall be submitted to the Fire Department for plan review to run concurrent with the City plan check.
- E. Water plans for the fire protection system (fire hydrants, fdc, etc.) shall be submitted to the Fire Department for approval prior to issuance of a building permit.
- F. City of La Quinta ordinance requires all commercial buildings 5,000 sq. ft. or larger to be fully sprinkled. NFPA 13 Standard (13R is allowed). Sprinkler plans will need to be submitted to the Fire Department.
- G. The required water system, including fire hydrants, shall be installed and accepted by the appropriate water agency prior to any combustible building material being placed on an individual lot.
- H. Fire Department street access shall come to within 150 feet of all portions of the 1st. floor of all buildings, by path of exterior travel. Minimum road width is 20 feet clear and unobstructed with a vertical clearance of 13 ½ feet clear. Turning radiuses shall be no less than 38 feet outside. The split gate entrance will be approved provided that both gates open when activated by the KNOX system. The auxiliary exit may be restricted to emergency access only however it must allow unrestricted public egress.
- I. Any commercial operation that produces grease-laden vapors will require a Hood/duct system for fire protection. (Restaurants, drive-thru's, etc.)
- J. The applicant or developer shall prepare and submit to the Fire Department for approval, a site plan designating required fire lanes with appropriate lane painting and/or signs. Streets shall be a minimum 20 feet wide with a height of 13'6" clear and unobstructed.

- K. Install a KNOX key box on each commercial building and a KNOX key switch on all gated entrances. (Contact the fire department for an application)
- L. Install portable fire extinguishers as required by the California Fire Code.

QUALITY ASSURANCE

- 66. The applicant shall employ construction quality-assurance measures that meet with the approval of the City Engineer.
- 67. 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.
- 68. 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.
- 69. Upon completion of construction, the applicant shall furnish the City with reproducible record drawings of all improvement plans that 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

- 70. The applicant shall comply with the provisions of Section 13.24.160 (Maintenance), LQMC.
- 71. 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

72. The applicant shall comply with the provisions of Section 13.24.180 (Fees and Deposits), LQMC. These fees include all deposits and fees required by the City for plan checking and construction inspection. Deposits and fee amounts shall be those in effect when the applicant makes application for plan check and permits.
73. Provisions shall be made to comply with the terms and requirements of the City's adopted Art in Public Places program in effect at the time of issuance of building permits.
74. Permits issued under this approval shall be subject to the provisions of the Infrastructure Fee Program and Development Impact Fee program in effect at the time of issuance of building permit(s).

COMMUNITY DEVELOPMENT

75. Architecture and site plan provisions for all proposed uses, including typical building design for the residential unit buildings, shall be subject to review by the City under the Site Development Permit process. Building heights for the residential unit buildings shall be limited to 26 feet. Height limits for other ancillary use structures shall be as set forth in the Watermark Villas Specific Plan document, or as specified during site development review for each particular use.
76. The design of all parking facilities shall conform to LQMC Chapter 9.150 (Parking).
77. Perimeter wall plans shall be in compliance with the acoustical analysis prepared by Urban Crossroads, dated October, 2003, and with the design standards as specified in SP 2003-069 for Watermark Villas. All perimeter wall plans shall be reviewed and accepted by Community Development prior to any wall permit(s) being issued.

78. Revisions to the tentative map during plan check including, but not limited to, lot line alignments, easements, improvement plan revisions, and similar minor changes which do not alter the design (layout, street pattern, etc.) may be administratively approved through the plan check process, with the mutual consent and approval of the Community Development and Public Works Directors. This shall include increases or decreases in number of lots, which meet the general criteria above, but involve a change of no more than 5% of the total lot count of Tentative Map 31798 as approved. Any revisions that exceed the General Plan density standards, based on net area calculations, must be processed as an amended map, as set forth in Title 13, LQMC.
79. The applicant shall incorporate those measures as outlined in the letter on file dated December 10, 2003, prepared by the Citrus Course Homeowner Association and submitted into the written record, into the plans, CC&R's and other documents as appropriate. If any measure set forth in said letter conflicts with other City requirements and/or standards, alternative methods of compliance shall be investigated that are commensurate with the original standards, and in the absence of any commensurate alternative, the City standard(s) shall take precedence.

CULTURAL RESOURCES

80. Should any historic or archaeological artifact be uncovered during any earth moving activity on the site, all work shall cease, and an archaeological monitor shall be retained to evaluate the material. The archaeologist shall be empowered to stop or redirect earth-moving activities. The archaeologist shall file a report with the Community Development Department immediately following completion of earth moving activities, on the findings at the site.
81. A paleontologic monitor shall be on site during earth moving activities on any portion of the site where undisturbed Lake Cahuilla lakebeds occur. The monitor shall quickly salvage any uncovered fossils and avoid construction delays. The monitor shall be empowered to stop or redirect earth-moving activities. All specimens shall be professionally collected, cleaned and curated. The monitor shall file a report with the Community Development Department immediately following completion of earth moving activities, on the findings at the site.

82. CC&Rs shall be recorded for the 250 condominium units in the project prior to the issuance of any building permits for the units. The CC&Rs shall provide that the frequent rental of the units for 30 consecutive days or less is anticipated. The CC&Rs shall require that all rentals of the units for 30 consecutive days or less shall be subject to the Transient Occupancy Tax ("TOT") established in Chapter 3.24 of the La Quinta Municipal Code ("TOT Ordinance"). The CC&Rs shall further require that the owner of the units shall be responsible, either directly, or through a rental agent, to carry out all obligations of the TOT Ordinance, including the collection, reporting, and remittance obligations. The CC&Rs shall provide a summary of the TOT Ordinance obligations imposed upon the owners and shall be approved as to form and content by the Community Development Director and the City Attorney. The portion of the CC&Rs implementing this condition shall not be modified without the express written consent of the City.

The CC&Rs shall further require that on an annual basis, the HOA shall provide an information brochure to all owners of units the describing: (1) the obligation to collect and remit to the City TOT on all rentals for 30 consecutive days or less; and (2) a summary of the collection, reporting, and remittance obligations of the TOT Ordinance. The City Community Development Director shall be provided with a copy the brochure.

83. The Site Development Permit or Permits for this project will be subject to review by the City Council and shall not become final until and unless approved by the City Council. The review by the City Council will be conducted as a business item, unless an appeal is filed by a third party, in which case the review would be completed in accordance with the procedures in the La Quinta Municipal Code.