

**RESOLUTION NO. 2002-134
CONDITIONS OF APPROVAL - FINAL
SPECIFIC PLAN 98-032, AMENDMENT NO. 1
WINCHESTER DEVELOPMENT
ADOPTED SEPTEMBER 17, 2002**

GENERAL

1. Specific Plan 98-032 shall comply with the requirements and standards of the La Quinta Municipal Code and all other applicable laws, unless modified by the following conditions.

The Specific Plan shall expire if not established within 24 months of the effective date of approval. Established means that a ministerial permit for development related to the Specific Plan has been issued.

2. The Specific Plan text on file in the Community Development Department, shall be revised to include the following conditions with final texts submitted to the Community Development Department within 30 days of final approval.
3. Developer agrees to indemnify, defend, and hold harmless the City of La Quinta in the event of any legal claim or litigation arising out of the City's approval of this project. The City of La Quinta shall have the right to select its defense counsel at its sole discretion.
4. Construction of Phase 2 cottages (two units) may be approved by the Director of Community Development if they are architecturally compatible with those approved by Conditional Use Permit 98-040.
5. A Site Development Permit shall be approved by the Planning Commission for the maximum 23 resort units in Planning Area 3.
6. All conditions of the Mitigation Monitoring Plan for Environmental Assessment 98-359 shall be met.
7. Upon their approval by the City Council, the City Clerk is directed to file these Conditions of Approval with the Riverside County Recorder for recordation against the properties to which they apply.

PROPERTY RIGHTS

8. All easements, rights of way and other property rights necessary for the ultimate use of the development and functioning of improvements shall be dedicated, granted or otherwise conferred, or the process of said dedication,

granting, or conferral shall be ensured, prior to approval of final maps or parcel maps or waivers of parcel maps. Conferrals shall include irrevocable offers to dedicate or grant easements to the City for emergency vehicles and for access to and maintenance, construction, and reconstruction of essential improvements located on street, drainage or common lots or within utility easements.

9. DELETED BY PLANNING COMMISSION 7-28-98
10. The applicant shall vacate abutter's rights of access to Cahuilla Park Road and the most easterly 250 feet of Quarry Lane. Emergency access may be approved along these roads.
11. Parcel or tract maps within this Specific Plan shall not rescind the public street dedication made on Tract 28650.
12. The applicant shall dedicate any easements necessary for placement of, and access to, utility lines and structures.
13. The applicant shall cause no easements to be granted or recorded over any portion of this property between the date of approval by the City Council and the date of recording of any final map(s) covering the same portion of the property unless such easements are approved by the City Engineer.
14. The following minimum street improvements shall be constructed to conform with the General Plan street type noted in parentheses:
 - A. OFF-SITE STREETS
 1. When Jefferson Street and/or Cahuilla Park Road are realigned or otherwise improved, the applicant shall consent to realignment of the east end of Quarry Lane as approved by the City Engineer.
 - B. PRIVATE STREETS AND CULS DE SAC
 1. Residential - 36 feet wide if double loaded (building lots on both sides), 32 feet if single loaded
 2. Cul de sac curb radius - 45'

Entry drives, turn knuckles, corner cutbacks, and other features contained in the approved construction plans may warrant additional street widths as determined by the City Engineer.

15. Access points (other than emergency access) shall not occur along Cahuilla Park Road or along the easterly 250 feet of Quarry Lane.

LANDSCAPING

16. Perimeter walls and required landscaping for the entire perimeter to be enclosed, shall be constructed prior to final inspection and occupancy of any structures within the Specific Plan area unless a phasing plan or construction schedule is approved by the City Engineer. Perimeter landscaping along Cahuilla Park Road shall match the existing landscaping to the north.
17. Landscape and irrigation plans for landscaped lots and perimeter areas shall be prepared by a licensed landscape architect. Landscape and irrigation plans shall be approved by the Community Development Department. Landscape and irrigation construction plans shall be submitted to the Public Works Department for review and approval by the City Engineer. The plans are not approved for construction until they have been approved and signed by the City Engineer, the Coachella Valley Water District, and the Riverside County Agricultural Commissioner.
18. 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.
19. 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 5-feet of curbs along public streets.
20. The applicant shall ensure that landscaping plans and utility plans are coordinated to provide visual screening of above-ground utility structures.

MISCELLANEOUS

21. All requirements of the Coachella Valley Water District shall be complied with, as stated in their letter dated June 1, 1998, on file in the Community Development Department.

22. Fire Department requirements shall be established during time of development permit review.
23. Maximum building height in Specific Plan text shall be reduced from 34 feet to 28 feet.
24. Corner visibility at Quarry Lane and Cahuilla Park Road shall be maintained per Code requirements and to the satisfaction of the City.

VOLUNTARY ADDITIONAL CONDITIONS OF APPROVAL

25. The existing streambed located 300' west of lot 25 will not be altered in any way without prior consent of the Department of Fish and Game, the Fish and Wildlife Service, and the City of La Quinta.
26. The applicant will provide to the City of La Quinta or its designee, 3 acres (3:1 Ratio) of mitigation property in Martinez Canyon or an alternate agreed upon location or \$1,500 for property acquisition related to potential streambed alteration. The applicant will also provide 120 acres (2:1 Ratio) of mitigation property in Martinez Canyon or an alternate agreed upon location or a maximum of \$60,000 related to possible loss of potential bighorn habitat. Payment shall be made in the form of a security bond as approved by California Department of Fish and Game and be made prior to grading.
27. Efforts shall be made to ensure that all pesticides, fungicides, herbicides and fertilizers used during the construction and operation of the Project Site will not be harmful to wildlife.
28. A construction plan shall be prepared and demonstrate, to the extent practicable, construction activities that emit excessive noise will be avoided adjacent to the hillside. In addition, during grading and construction activities any blasting or pile-driving near the hillside will not occur during the period from Jan. 1 through June 30th.
29. The landscape plan shall include only plants that are non-toxic to wildlife. All exotic plants such as tamarisk and fountain grass are prohibited. Existing trees may remain.

30. If Bighorn Sheep enter onto the Project Site, an 8-foot fence (or the functional equivalent) between the development and the hillside, if any, shall be constructed. The gaps should be 11 centimeters (4.3 inches) or less. If determined necessary, the developer shall construct temporary fencing while permanent fencing is constructed. The fence shall not contain gaps in which bighorn sheep can be entangled. If the developer transfer or disposes of any of the property adjacent to the hillside, the developer shall reserve an easement sufficient for the construction of fencing if needed in the future.
31. Dogs shall not be permitted to be loose within the project area, and shall be kept away from the hillside areas through appropriate signage and fencing, where applicable.
32. Access into the hillside area from the site will be discouraged through the use of signs or barricades, if necessary, unless the access is provided as part of a trail system that is approved by the USFWS and CDFG.
33. The final design of the project shall insure that road and driveways are designed to minimize headlight shine from vehicles onto the hillside.
34. In all areas adjacent to the hillsides, non-glare glass shall be used in new construction. Exterior building lights shall not shine on the hillside. Exterior lighting shall be kept at the safest possible minimum intensity and aimed away from the hillside.
35. The developer shall obtain a stream bed alteration agreement with the Department of Fish and Game prior to grading if required under the California Fish and Game Code.