

**RESOLUTION 99-112
CONDITIONS OF APPROVAL - FINAL
SPECIFIC PLAN 90-015, AMENDMENT #2
FORREST HAAG FOR KSL LAND CORPORATION
SEPTEMBER 7, 1999**

GENERAL CONDITIONS

1. The development shall comply with Specific Plan 90-015, Amendment #2, the Final EIR and the following conditions, which shall take precedence in the event of any conflicts with the provisions of the Specific Plan.
2. Exterior lighting for the project shall comply with the "Dark Sky" Lighting Ordinance. Plans shall be approved by the Community Development Department prior to issuance of a building permit.
3. Prior to issuance of a building permit for construction of any building or use contemplated by this approval, the applicant shall obtain permits and/or clearances from the following agencies:
 - City Fire Marshal
 - City of La Quinta Public Works Department
 - Community Development Department
 - Building and Safety Department
 - Coachella Valley Water District
 - Coachella Valley Unified School District
 - Imperial Irrigation District
 - Riverside County Road Department of Transportation
 - California Water Quality Control Board (CWQCB)

Evidence of said permits or clearances from the above mentioned agencies shall be presented to the Building and Safety Department at the time of the application for a building permit for the use contemplated herewith.

The applicant shall comply with applicable provisions of the City's NPDES Stormwater Discharge Permit. For projects requiring project-specific NPDES construction permits, the applicant shall submit a copy of the Notice of Intent received from the CWQCB prior to issuance of a grading or site construction permit. The applicant shall ensure that the required Storm Water Pollution Protection Plan is available for inspection at the project site.

4. Provisions shall be made to comply with the terms and requirements of the City's adopted Infrastructure Fee program in effect at the time of issuance of building permits.
5. Construction shall comply with all local and State building code requirements as determined by the Building and Safety Director.
6. Prior to any initial final tract map approval, the applicant/developer shall prepare an overall plan or program for the provision of comfort station locations for all maintenance employees. This plan/program shall set forth requirements for on-site maintenance employee restroom facilities and how they will be provided for by the homeowner associations' subcontractors, for all contracted landscaping and other maintenance workers. Said plan/program shall indicate methods of providing such facilities, the parties responsible for so doing, and means for enforcement of procedures set forth in the plan/ program.
7. The subdivider 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 specific plan or any tentative or final map thereunder. The City shall have sole discretion in selecting its defense counsel.

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

8. The applicant/developer shall submit an off-site improvements and on-site buildout phasing schedule and map at time of the first request to approve a final tract or parcel map. This schedule and map shall be subject to review and acceptance by the Public Works Department.

ENVIRONMENTAL

9. All adopted mitigation measures, as recommended in the Draft/Final EIR, shall be incorporated into all future project approvals relating to SP 90-015 where applicable and/or feasible. It is understood that certain measures will not be applicable to certain site specific proposals, however, all development within the Specific Plan area shall be verified as in conformance with said Specific Plan and the mitigation adopted within the Draft/Final EIR. The Specific Plan Draft and Final EIR shall be used in the review of all project proposals in the SP

90015 area. Said mitigation measures are hereby incorporated into these conditions by reference.

10. Prior to any site disturbance, the applicant/developer shall initiate a lakebed delineation study, to be based upon the paleontological survey contained in the DEIR as Appendix "G". The study shall determine the extent of the ancient lakebed for purposes of implementing a pre-development data recovery program

within the limits of the delineated lakebed. This delineation study shall be submitted to the City for monitoring approved and future area projects. If the developer of this project initiates development activity, then the pre-development data recovery program shall be undertaken prior to any site disturbance. The applicant/developer may be reimbursed by other area developers within the area defined by the lakebed study. The applicant/developer shall propose a method of reimbursement (such as cost per impacted acre in the lakebed area, etc.) to the City for review/acceptance. Conversely, if other area developer(s) initiate development activity, and are similarly conditioned, this project will be required to reimburse said developers) in accordance with the provisions of a reimbursement program.

If the program is undertaken by this project, then paleontological monitoring of grading shall be required for cuts made during construction activity. Full time monitoring shall be required, given the ubiquitous distribution of paleobiological remains on the project site. The mitigating shall be done under the supervision of a qualified vertebrate paleontologist knowledgeable in both paleontological and archaeological sampling techniques. This program shall include a report identifying contact personnel who will be working on-site, the proposed time schedule for grading monitoring, the qualifications of the persons assigned to do such monitoring and the method to be used in reporting on compliance to the City. This report shall be approved by the City prior to the developer authorizing any work on the program itself.

11. Applicant/Developer shall work with Waste Management of the Desert to implement provisions of AB 939 and AB 1462. The applicant/developer is required to work with Waste Management in setting up the following programs for this project:

- A. Developer shall prepare a plan to provide enlarged trash enclosures for inclusion of separate facilities for storage of recyclables such as glass,

plastics, newsprint and aluminum cans.

- B. Developer shall provide proper on-site storage facilities within the project for green wastes associated with golf course and common area maintenance. Compostable materials shall be stored for pick-up by Waste Management, or an authorized hauler for transport to an appropriate facility.
- C. Curbside recycling service shall be provided in areas where no centralized trash/recycling bins are provided or utilized.

FIRE MARSHAL

- 12. All water mains and fire hydrants providing the required fire flows shall be constructed in accordance with the appropriate sections of CVWD Std. W-33, subject to the approval by the Riverside County Fire Department.
- 13. All buildings shall be constructed with fire retardant roofing material as described in Section 3203 of the Uniform Building Code. Any wood shingles or shakes shall have a Class "B" rating and shall be approved by the Fire Department prior to installation.
- 14. The Homeowner's Association or appropriate community service district shall be responsible for the maintenance of the open space areas. Prior to approval of any development plan for lands adjacent to open space areas, a fire protection/vegetation management plan shall be submitted to the Fire Department for approval.
- 15. Specific access plans shall be submitted to the Fire Department for approval prior to approval of any development plans.

COACHELLA VALLEY WATER DISTRICT

- 16. Specific Plan 90-015 is within Improvement District No. 1 of the Coachella Valley Water District (CVWD) for irrigation water service. Water from the Coachella Canal is available to the area. The developer shall primarily use this water for golf course and landscape irrigation.

17. Revisions to specific plan text as requested by Coachella Valley Water District in their letter dated August 12, 1999, on file in the Community Development Department, shall be incorporated into the final text.

ELECTRIC UTILITIES

18. All existing and proposed electric power lines with 12,500 volts or less, which are adjacent to the proposed site or on-site, shall be installed in underground facilities as required by the City and Imperial Irrigation System.

SCHOOLS

19. Impacts shall be mitigated in accordance with the provisions of AB 1600, Section 53080 and 65995 of the Government Code or the then existing legislation and/or local ordinances adopted pursuant thereto or any applicable Mitigation Agreement entered into by the developer and the District.

RECREATION

20. Applicant/Developer shall pay a parkland mitigation fee based upon a requirement of 3.10 acres, as determined based upon the La Quinta General Plan standards and the analysis in the staff report for SP 90-015. Determination of this fee shall be accomplished as set forth in Chapter 13.40 of the La Quinta Subdivision Ordinance.

TRAFFIC/CIRCULATION IMPROVEMENTS

21. Applicant shall dedicate public street right of way and utility easements in conformance with the City's General Plan, Municipal Code, and as required by the City Engineer, as follows:
 - A. Madison Street - Primary Arterial, 55-foot half width;
 - B. Monroe Street - Primary Arterial, 55-foot half width;
 - C. Airport Boulevard - Primary Arterial, 55-foot half width;

The public right of way shall be dedicated by grant deed within 180 days following City Council approval of the Specific Plan.

22. Improved landscaped setback lots of noted width adjacent to the following street right of ways shall be constructed with the adjacent street improvements as follows:

- A. Madison Street, 20-feet wide;
- B. Monroe Street, 20-feet wide.
- C. Airport Boulevard, 20-feet wide.

The Madison Street setback lot shall include provision for an equestrian trail. Design of this trail shall be subject to review and acceptance of the Community Development Department and approval of the Architecture and Landscape Review Committee.

23. Vehicle access rights to Madison Street, Airport Boulevard and Monroe Street shall be vacated except for the three residential access streets on the Circulation Plan in the Specific Plan. Any vehicular access on Monroe Street shall be an "secondary only" access.

24. Turning movements of traffic accessing the residential Specific Plan areas from adjoining public streets shall be as follows:

A. Madison Street

- 1. Residential Area Main Gate - Full turning movement permitted if the median opening to the north of this location is closed.

B. Airport Boulevard and Madison Street

- 1. Residential Secondary Gate - Full turning movement permitted.

25. The City is contemplating adoption of a major thoroughfare improvement ordinance which is intended to distribute the improvement cost of major thoroughfare construction evenly and fairly on undeveloped land. If the ordinance is adopted, all land division maps prepared pursuant to this Specific Plan shall be subject to payment of fees, or construction of improvements in lieu of, as setforth in the ordinance, provided the ordinance is adopted 60 (days prior to recordation of the map. The fees shall be paid, or agreed to be paid, prior to recordation of the map.

If in the event, the major thoroughfare improvement ordinance is not adopted, the cost of designing and installing traffic signals on off -site streets shall be as follows:

- A. Airport Boulevard/Madison Street: 25% fair share responsibility;
- B. Airport Boulevard/Monroe Street: 25% fair share responsibility;
- C. Airport Boulevard/Secondary Gate: 100% fair share responsibility;
- D. Madison Street/Main Gate: 100% responsibility, unless cost is shared with development across the street to the west.

26. The access location into the residential area on Madison Street shall be not less than 1,200 feet from the Airport Boulevard centerline and no less than 1,077 feet \pm from the centerline of the existing approved northerly entry into PGA West from Madison Street.

The access location into the residential secondary gate on Airport Boulevard shall be not less than 1200 feet from the Madison Street centerline.

27. Bus turnouts and bus waiting shelters shall be provided on Madison Street, Monroe Street, and Airport Boulevard as requested by SunLine Transit when street improvements are installed. Street improvement plans shall be reviewed by SunLine Transit Agency prior to final City approval.
28. All street improvements shall be installed in accordance with the General Plan, the La Quinta Municipal Code, adopted Standard Drawings, City Engineer's requirements and shall include all appurtenant components required by same. Miscellaneous incidental improvements and enhancements to existing improvements where joined by the new improvements shall be designed and constructed as required by the City Engineer to assure the new and existing improvements are appropriately integrated to provide a finished product that conforms with City standards and practices. This includes tapered off-site street transitions that extend beyond specific plan area boundaries and join the widened and existing street sections.

The on- and off -site street improvements shall be phased as follows:

- A. East side of Madison Street north of Airport Boulevard and west half of Airport Boulevard - Secure street and perimeter improvements with first development approval or permit (golf, residential or other use) in the western half of the Specific Plan area. Construct prior to the opening

of any permanent access drive in the western half of the S.P. area. The developer may seek City Council approval to defer construction of all or a portion of the improvements on either street until the improvements are warranted or until a permanent access drive is constructed on the street, at the City's discretion.

- B. East half of Airport Boulevard and Monroe Street - Secure street and perimeter improvements with first development approval or permit (golf, residential or other use) in the eastern half of the Specific Plan area. Construct street and perimeter improvements prior to the opening of any permanent non-emergency access drive in the eastern half of the S.P. area or when directed by the City, whichever comes first. The developer may seek City Council approval to defer construction of all or a portion of the improvements on either street until the improvements are warranted or until a permanent access drive is constructed on the street, at the City's discretion.
- C. Perimeter walls/fences not fronting public streets - Secure each half (west and east) with first development approval or permit (golf, residential or other use) in that half of the specific plan area. Construct with adjacent tracts or as directed by the City, whichever comes first.

29. The following specific street widths shall be constructed to conform with the General Plan street type noted therewith:

A. ON-SITE STREETS

The minimum street width shall be 36 feet as measured between curb faces or flow lines except as follows:

1. Single-loaded residential streets - 32-foot minimum.
2. Streets may be constructed to minimum widths of 32 feet with parking restricted to one side, and 28 feet if on-street parking is prohibited, if there is adequate off-street parking for residents and visitors and the applicant provides for enforcement of the restrictions by the homeowners association.
3. Entry streets (divided) - 20-foot width between curb faces or flow lines for each section.

- B. OFF-SITE STREETS - The City is contemplating adoption of a major thoroughfare improvement ordinance which is intended to distribute the improvement cost of major thoroughfare construction evenly and fairly on undeveloped land at the time the land is subdivided or otherwise developed for beneficial use. If the ordinance is adopted, all land division

Maps within this project shall be subject to exaction by said ordinance, provided the ordinance is adopted 60 days prior to recordation of the map.

If in the event, the major thoroughfare improvement ordinance is not adopted, the off-site street improvements for this project shall be as follows:

1. Madison Street (portion contiguous to specific plan boundary) - Half - width Primary Arterial street improvements, 110-foot option.
 2. Monroe Street (portion contiguous to specific plan boundary) - Half - width Primary Arterial street improvements, 110-foot right of way option.
 3. Airport Boulevard (portion contiguous to specific plan boundary) Half-width Primary Arterial street improvements, 110-foot right of way option.
30. An encroachment permit for work in any abutting local jurisdiction shall be secured prior to constructing or joining improvements.
31. The applicant shall provide an overall plan illustrating or describing provisions to allow multiple modes of non-motor vehicle travel throughout the entire specific plan area. This plan may utilize combinations of golf cart paths and tunnels, pedestrian walks, bikeways, etc., to achieve this. These systems shall be designed to provide overall project access. This plan shall be submitted at the time of the initial tract map submittal, for review by the Planning Commission.

HYDROLOGY/GRADING/DUST CONTROL

32. All project grading shall be done in a manner that permits storm flow in excess of the retention basin capacity to flow out of the project through designated emergency overflow outlets and into the historic drainage relief route. Similarly, the project shall be graded in a manner that anticipates receiving storm flow from adjoining property at locations that has historically received flow.
33. Storm water run-off produced in 24 hours by a 100-year storm shall be retained on site in landscaped retention basins or other approved retention areas on the golf course. The maximum water depth for any retention area shall not exceed six feet; basin slopes shall not exceed 3:1. The percolation rate shall be considered to be zero inches per hour unless applicant provides site-specific data that indicates otherwise. Other requirements include, but are not limited to permanent irrigation improvements, landscape plants and materials, and appurtenant structural drainage amenities all of which shall be designed and constructed in accordance with requirements deemed necessary by the City Engineer.

The tributary drainage area for which the applicant is responsible shall extend to the centerline of any public street contiguous to the site.

34. A thorough preliminary engineering, geological, and soils engineering investigation shall be conducted with a report submitted for review along with any rough grading plan in the specific plan area. The report recommendations shall be incorporated into the grading plan design prior to grading plan approval. The soils engineer and/or the engineering geologist must certify to the adequacy of the grading plan.
35. Graded, undeveloped land shall be maintained to prevent dust and blowsand nuisances. The land shall be planted with interim landscaping or provided with other wind and water erosion control measures approved by the Community Development and Public Works Departments.
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. In accordance with said Chapter, 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.

36. Applicant is encouraged to maintain all land within the project boundaries in agricultural status until such land is graded for development, provided that such agricultural production is economically feasible. In the event said undeveloped land is not continued or placed in agricultural production, applicant shall plan and maintain said land in appropriate ground cover to prevent dust and erosion and to provide an aesthetically pleasing environment.

QUALITY ASSURANCE

37. The applicant shall employ construction quality-assurance measures which meet the approval of the City Engineer.
38. The subdivider shall arrange and bear the cost of measurement, sampling and testing not included in the City's permit inspection program but, which are required by the City to provide evidence that materials and their placement comply with plans and specifications. Testing shall include a retention basin sand filter percolation test, as approved by the City Engineer, after required tract improvements are complete and soils have been permanently stabilized.
39. The applicant shall employ or retain California registered civil engineers, geotechnical engineers, or surveyors, as appropriate, who will provide, or have their agents provide, sufficient supervision and verification of the construction to be able to furnish and sign accurate record drawings.
40. Upon completion of construction, the applicant shall furnish the City reproducible record drawings of all plans which were signed by the City Engineer. Each sheet of the drawings shall have the words "Record Drawings," "As-Built" or "As-Constructed" clearly marked on each sheet and be stamped and signed by the engineer or surveyor certifying to the accuracy of the drawings. The applicant shall revise the plan computer files previously submitted to the City to reflect the as-constructed condition.

LAND USE

41. Street dedications, bikeways, easements, improvements, landscaping with permanent irrigation system and screening, etc., to satisfaction of City, shall be provided by applicant/developer for any site(s) where dedication of land for public utilities and/or facilities is required.

42. Any proposed entry gates shall be subject to separate reviews to insure adequate stacking/queuing space, fire access, etc. Plans including guard houses or similar structures will also be subject to Community Development Department approval.
43. Building heights for residential uses shall be subject to height limits specified in the Specific Plan, except that no building or structure, regardless of use, exceeding one story (28 feet in height), shall be allowed within 200 feet of any perimeter public street frontage. All building heights shall be measured from finished grade elevation. All other residential structures shall be limited to two stories, not to exceed 28 feet.
44. Perimeter security walls shall be subject to the following standards:
 - A. Setback from right-of-way lines along Madison Street, Monroe Street and Airport Boulevard shall be 20 feet. A meandering wall shall be permitted with Community Development Department approval.
 - B. All wall designs, including location and materials, shall be subject to review by the Community Development Department. Wall design(s) along Madison Street shall include any necessary provisions /allowances for equestrian trail areas as required in Condition #22.
 - C. Perimeter wall designs shall incorporate noise abatement requirements as set forth in the Final EIR for SP 90-015.
45. A six foot wide meandering sidewalk shall be constructed in the northerly, easterly, and westerly parkways and landscape setback lots of Airport Boulevard, Madison Street, and Monroe Street, respectively. Sidewalk design along Madison Street shall take into account the required equestrian trail.
46. Applicant shall provide a blanket easement that covers the entire landscaped setback lots for the purpose of a meandering public sidewalk on all streets and equestrian trail along Madison Street.
47. The text shall be revised to include the water well site and street layout approved with Tentative Tract 29347.

LANDSCAPING REQUIREMENTS

48. Landscape and irrigation plans shall be prepared by a licensed landscape architect for the landscaped lots. The plans and proposed landscaping improvements shall be in conformance with requirements of the Community Development Director, City Engineer, and Coachella Valley Water District and the plans shall be signed these officials prior to construction.
49. The applicant/developer shall prepare detailed irrigation and landscaping plans for required perimeter landscaped setbacks along arterial roadways. These plans shall be coordinated with the street improvement plans for the corresponding arterials, and shall be subject to review by the Community Development and Public Works Departments.
50. The Potential Plant Material Palette shall be revised to emphasize those plants shown on the clubhouse landscape plans.
51. Prior to the approval of building permits, the applicant shall prepare a water conservation plan which shall include consideration of:
 - A. Methods to minimize the consumption of water, including water saving features incorporated into the design of the structures, the use of drought tolerant and low-water usage landscaping materials, and programs to increase the effectiveness of landscape and golf course irrigation, as recommended by Coachella Valley Water District and the State Department of Water Resources.

MAINTENANCE

52. Applicant shall provide an Executive Summary Maintenance Booklet for the street, landscape irrigation, perimeter wall, and drainage facilities installed in the Specific Plan area. The booklet should include drawings of the facilities, recommended maintenance procedures and frequency, and a costing algorithm with fixed and variable factors to assist the homeowner's association in planning for routine and long term maintenance.

MISCELLANEOUS

53. Five Copies of the final Specific Plan, incorporating all conditions of approval and revisions, as approved by the City Council, shall be submitted to the Community Development Department within 60 days of approval or prior to issuance of building permits for residential units, whichever comes first.
54. The specific plan approved number of dwelling units shall be revised from 320 to 220.
55. The specific plan text shall be revised to include Australian territorial as an acceptable architectural theme for residential development
56. Developer to construct a tunnel underpass for golf carts under either Airport Boulevard or Madison Street, contingent on costs not exceeding \$500,000.00 and permission from all property owners and easement owners for access for construction. Completion of tunnel shall be within two years of all required tentative tract map approvals. City shall use best efforts for processing and assisting with road closure during construction.