

**CITY COUNCIL RESOLUTION NO. 2004-005
CONDITIONS OF APPROVAL - FINAL
SPECIFIC PLAN 2003-069
ROBERT SELAN – WATERMARK VILLAS
JANUARY 6, 2004**

GENERAL CONDITIONS OF APPROVAL

1. Specific Plan 2003-069 (SP 2003-069) shall be developed in compliance with these conditions, and the approved Specific Plan document. In the event of any conflicts between these conditions and the provisions of SP 2003-069, these conditions shall take precedence.
2. 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 Specific Plan or any application thereunder. The City shall have sole discretion in selecting its defense counsel.
3. All changes to the Specific Plan which are required under these conditions shall be made in a revised document to ensure consistency. All other applicable conditions of approval for Tentative Tract Map 31798, and any subsequent amendment(s), shall be incorporated into the revised text for SP 2003-069 in the appropriate sections. The project proponent shall submit five (5) copies of the amended Specific Plan documents within 30 days of City Council approval of the Specific Plan, or issuance of a grading permit, whichever occurs first.
4. SP 2003-069 shall comply with all applicable conditions and/or mitigation measures for the following related approvals:
 - X Environmental Assessment 2003-486
 - X Tentative Tract Map 31798

In the event of any conflict(s) between approval conditions and/or provisions of these approvals, the Community Development Director shall determine precedence.

5. 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, minor site,

building area 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.

6. The Specific Plan document for SP 2003-069 (Watermark Villas) shall be revised in conformance with the following:
 - A. The Conditions of Approval for SP 2003-069 and TT 31798 shall be incorporated into the Specific Plan document as an appendix. These documents shall be reflected in the Table of Contents.
 - B. Section VI, Phasing and Implementation
 - 1). Revise the statement regarding tennis courts to read, "The two lighted regulation-size tennis courts are permitted by inclusion within this Specific Plan. As part of the permit requirements to build these courts, a photometric survey of the proposed light standards based on siting and lighting type will be required by the La Quinta Community Development Department. All lighting must comply with the Outdoor Light Control Ordinance provisions as in effect at the time permits are requested."
 - 2). Add the following provision: "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 the Watermark Villas Specific Plan. All perimeter wall plans shall be reviewed and accepted by Community Development prior to any wall permit(s) being issued."
 - C. Page 5, Lighting – revise last sentence from dark sky ordinance to Outdoor Light Control Ordinance.
 - D. Page 9, Landscape Development Standards – Include the following standard:

“An overall preliminary landscaping plan 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.”.

7. 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 the units 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.

8. 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.