

**PLANNING COMMISSION - MINUTE MOTION 2012-003
CONDITIONS OF APPROVAL - FINAL
SITE DEVELOPMENT PERMIT 2006-863, AMENDMENT #1
ALTA VERDE CORAL MOUNTAIN
MAY 8, 2012**

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 Site Development Permit. 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. Site Development Permit 2006-863, Amendment #1, shall comply with all applicable conditions and/or mitigation measures for the following related approval:
 - Tentative Tract Map 34243

In the event of any conflict(s) between approval conditions and/or provisions of these approvals, the Planning Director shall adjudicate the conflict by determining the precedence.

3. Site Development Permit 2006-863, Amendment #1 shall expire one year from the date of Planning Commission approval (May 8, 2013), and shall become null and void in accordance with La Quinta Municipal Code Section 9.210.020, unless a building permit for residential unit(s) has been issued. A time extension may be requested pursuant to LQMC Section 9.200.080.
4. Prior to the issuance of any grading, construction, or building permit by the City, the applicant shall obtain any necessary clearances and/or permits from the following agencies, if required:
 - Riverside County Fire Marshal
 - La Quinta Public Works Department (Grading Permit, Green Sheet (Public Works Clearance) for Building Permits, Water Quality Management Plan(WQMP) Exemption Form – Whitewater River Region, Improvement Permit)
 - La Quinta Planning Department

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- Riverside Co. Environmental Health Department
- Coachella Valley Unified School District (CVUSD)
- Coachella Valley Water District (CVWD)
- Imperial Irrigation District (IID)
- California Regional Water Quality Control Board (CRWQCB)
- State Water Resources Control Board
- South Coast Air Quality Management District (SCAQMD)

The applicant is responsible for all requirements of the permits and/or clearances from the above listed agencies. When these requirements include approval of improvement plans, the applicant shall furnish proof of such approvals when submitting those improvements plans for City approval.

5. Coverage under the State of California Construction General Permit must be obtained by the applicant; who then shall submit a copy of the Regional Water Quality Control Board's ("RWQCB") acknowledgment of the applicant's Notice of Intent ("NOI") and Waste Discharger Identification (WDID) number to the City prior to the issuance of a grading or building permit.
6. The applicant shall comply with applicable provisions of the City's NPDES stormwater discharge permit, LQMC Sections 8.70.010 et seq. (Stormwater Management and Discharge Controls), and 13.24.170 (Clean Air/Clean Water); Riverside County Ordinance No. 457; the California Regional Water Quality Control Board – Colorado River Basin Region Board Order No. R7-2008-0001 and the State Water Resources Control Board's Order No. 2009-0009-DWQ and Order No. 2010-0014-DWQ.
 - A. For construction activities including clearing, grading or excavation of land that disturbs one (1) acre or more of land, or that disturbs less than one (1) acre of land, but which is a part of a construction project that encompasses more than one (1) acre of land, the Permittee shall be required to submit a Storm Water Pollution Protection Plan ("SWPPP") to the State Water Resources Control Board.

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The applicant or design professional can obtain the California Stormwater Quality Association SWPPP template at www.cabmphandbooks.com for use in their SWPPP preparation.

- B. 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.
 - C. The applicant's SWPPP shall include provisions for all of the following Best Management Practices ("BMPs") (LQMC Section 8.70.020 (Definitions)):
 - 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.
 - E. The SWPPP and BMPs shall remain in effect for the entire duration of project construction until all improvements are completed and accepted by the City Council.
 - F. The inclusion in the Master HOA Conditions, Covenants, and Restrictions (CC&Rs), a requirement for the perpetual maintenance and operation of all post-construction BMPs as required.
7. Approval of this Site Development Permit shall not be construed as approval for any horizontal dimensions implied by any site plans or exhibits unless specifically identified in the following conditions of approval.
8. Developer shall reimburse the City, within thirty (30) days of presentment of the invoice, all costs and actual attorney's fees incurred by the City Attorney to review, negotiate and/or modify any documents or instruments required by these conditions, if Developer requests that the City modify or revise any documents or instruments prepared initially by the City to effect these

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conditions. This obligation shall be paid in the time noted above without deduction or offset and Developer's failure to make such payment shall be a material breach of the Conditions of Approval.

9. Developer shall reimburse the City, within thirty (30) days of presentment of the invoice, all costs and actual consultant's fees incurred by the City for engineering and/or surveying consultants to review and/or modify any documents or instruments required by this project. This obligation shall be paid in the time noted above without deduction or offset and Developer's failure to make such payment shall be a material breach of the Conditions of Approval.

PROPERTY RIGHTS

10. 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.
11. Pursuant to the aforementioned condition, conferred rights shall include approvals from the master developer or the HOA over easements and other property rights necessary for construction and proper functioning of the proposed development not limited to access rights over proposed and/or existing private streets that access public streets and open space/drainage facilities of the master development.

STREET AND TRAFFIC IMPROVEMENTS

12. Streets shall have vertical curbs or other approved curb configurations that will convey water without ponding, and provide lateral containment of dust and residue during street sweeping operations. If a wedge or rolled curb design is approved, the lip at the flowline shall be near vertical with a 1/8" batter and a minimum height of 0.1'. Unused curb cuts on any lot shall be restored to standard curb height prior to final inspection of permanent building(s) on the lot.

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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.

13. 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 LQMC Section 13.24.040 (Improvement Plans).
14. The following improvement plans shall be prepared and submitted for review and approval by the Public Works Department. 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. PM10 Plan (Update) 1" = 40' Horizontal
 - B. Final WQMP (Plan submitted in Report Form)
 - C. On-Site Precise Grading Plan (submitted to Building and Safety Department) 1" = 20' Horizontal

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.

On-Site Precise Grading Plans are required to be submitted for approval by the Building Official, Planning Director and the City Engineer.

On-Site Precise Grading Plans shall normally include all on-site surface improvements including but not limited to finish grades for curbs & gutters, pad elevations, building floor elevations, wall elevations, parking lot improvements and ADA requirements.

15. The City maintains standard plans, detail sheets and/or construction notes for elements of construction which can be accessed via the "Plans, Notes

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and Design Guidance” section of the Public Works Department at the City website (www.la-quinta.org). Please navigate to the Public Works Department home page and look for the Standard Drawings hyperlink.

16. The applicant shall furnish a complete set of all approved improvement plans on a storage media acceptable to the City Engineer (currently mylars).

GRADING

17. 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. Additionally, the applicant shall replenish said security if expended by the City of La Quinta to comply with the Plan as required by the City Engineer.
18. The applicant shall maintain all open graded, undeveloped land in order to prevent wind and/or water erosion of such land. All open graded, undeveloped land shall either be planted with interim landscaping, or stabilized with such other erosion control measures, as were approved in the Fugitive Dust Control Plan.
19. 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 with applicable compaction tests and over excavation documentation.

Each pad certification shall list the pad elevation as shown on the approved grading plan, the actual pad elevation and the difference between the two, if any. Such pad certification shall also list the relative compaction of the pad soil. The data shall be organized by lot number, and listed cumulatively if submitted at different times.

DRAINAGE

20. The applicant shall comply with applicable provisions for post construction runoff per the City’s NPDES stormwater discharge permit, LQMC Sections 8.70.010 et seq. (Stormwater Management and Discharge Controls), and 13.24.170 (Clean Air/Clean Water); Riverside County Ordinance No. 457; and the California Regional Water Quality Control Board – Colorado River Basin (CRWQCB-CRB) Region Board Order No. R7-2008-001.

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- A. For post-construction urban runoff from New Development and Redevelopments Projects, the applicant shall implement requirements of the NPDES permit for the design, construction and perpetual operation and maintenance of BMPs per the approved Water Quality Management Plan (WQMP) for the project as required by the California Regional Water Quality Control Board – Colorado River Basin (CRWQCB-CRB) Region Board Order No. R7-2008-001.
- B. The applicant shall implement the WQMP Design Standards per (CRWQCB-CRB) Region Board Order No. R7-2008-001 utilizing BMPs approved by the City Engineer. A project specific WQMP shall be provided which incorporates Site Design and Treatment BMPs utilizing first flush infiltration as a preferred method of NPDES Permit Compliance for Whitewater River receiving water, as applicable.
- C. The developer shall execute and record a Stormwater Management/BMP Facilities Agreement that provides for the perpetual maintenance and operation of stormwater BMPs.

MAINTENANCE

- 21. The applicant shall comply with the provisions of LQMC Section 13.24.160 (Maintenance), to include provisions for the continuous and perpetual maintenance of perimeter landscaping up to the curb, access drives, sidewalks, and stormwater BMPs.

FIRE DEPARTMENT

The Fire Department requires the below listed fire protection measures be provided in accordance with the City of LA Quinta Municipal Code and/or the Riverside County Fire Department Fire Protection Standards. Final conditions will be addressed when complete buildings plans are reviewed

- 22. For residential areas, approved standard fire hydrants, located at each intersection and spaced 500 feet apart with no portion of any lot frontage more than 250 feet from a hydrant. Minimum fire flow shall be 1000 GPM for a 2-hour duration at 20 PSI.
- 23. Residential fire sprinklers are required in all one and two family dwellings per the California Residential Code. Contact the Riverside County Fire Department for the Residential Fire Sprinkler Standard.

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24. The required water system, including fire hydrants, shall be verified as installed and accepted by the appropriate water agency prior to any combustible building material being placed on an individual lot. Two sets of water plans are to be submitted to the Fire Department for approval.
25. Applicant/Developer shall mount blue dot retro-reflectors pavement markers on private streets, public streets and driveways to indicated location of the fire hydrant. It should be 8 inches from centerline to the side that the fire hydrant is on, to identify fire hydrant locations (RCFD Standard 06-05; located at www.rvcfire.org).

FEES AND DEPOSITS

26. The applicant shall comply with the provisions of LQMC Section 13.24.180 (Fees and Deposits). 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.
27. Permits issued under this approval shall be subject to the provisions of the Development Impact Fee program in effect at the time of issuance of building permit(s).
28. The applicant is advised that the City of La Quinta is considering participation in the Transportation Uniform Mitigation Fee program (TUMF), as administered by the Coachella Valley Association of Governments (CVAG). The fees under the TUMF program shall apply to any permits issued after the effective date of the City's participation in said TUMF program, and pursuant to the terms of the program as may be in effect at that time.
29. 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.
30. Applicant shall pay the fees as required by the Coachella Valley Unified School District, as in effect at the time requests for building permits are submitted.
31. Permits issued under this approval shall be subject to the Coachella Valley Multi-Species Habitat Conservation Plan/Natural Community Habitat

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Conservation Plan Mitigation Fee, in accordance with LQMC Chapter 3.34.

PLANNING DEPARTMENT

32. Accessory Structure A may only be used as an accessory building related to the routine residential use of a yard space or of a swimming pool. It may not be established or otherwise used as any living space, i.e., guest house, second unit, or other living or sleeping room. The CC&R's for the project shall be amended or established with this stipulation. The City shall confirm the inclusion of this provision prior to recordation of the amended CC&R's.
33. The applicant shall submit an expanded materials board, outlining additional color and material variations for the following: Accent Paint, Garage Doors, Fiberglass Windows and Entry Doors. At least one additional Exterior Wall Sconce model shall be incorporated.
34. The herein listed revisions shall be incorporated with the proposed modification of the existing units. These modifications shall be included with the building plans prepared for final building permit review, and shall be reviewed and approved by the Planning Department prior to issuance of the first building permit.
 - A. All arched doors, windows and openings on the existing units shall be covered with painted metal screen awnings, consistent in design with those of the new unit types.
 - B. Chimney boxes for the existing units shall be changed out, consistent with those of the new unit types.
 - C. **The developer shall incorporate the informal recommendations made by the ALRC, at their meeting of April 4, 2012, into the final building plans to be submitted for permitting review, as follows:**
 - **Increased solar control provisions, to include additional shading of all window and door areas with westerly exposures;**
 - **Use of deeper/darker sand plaster finish colors;**
 - **Addition of more and lush landscaping materials;**
 - **Use of sliding doors vs. French doors in rear of units; and**
 - **Potential dog watering fixture/location in the common greenbelt**

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35. The applicant shall submit final landscape plans for review, processing and approval to the Planning Department, in accordance with the Final Landscape Plan application process. Final landscape plans shall include any proposed and/or required landscape lighting plans/specifications. Exterior lighting shall be consistent with LQMC Section 9.100.150 (Outdoor Lighting). Planning Director approval of final landscape plans is required prior to issuance of the first building permit unless the Planning Director determines extenuating circumstances exist which justify an alternative processing schedule.

NOTE: Plans are not approved for construction until signed by the appropriate City official, including the Planning Director and/or City Engineer.

36. Any model home/sales complex shall comply with the requirements of Section 9.60.250 of the Zoning Ordinance, which requires a Minor Use Permit approval and deposit, prior to establishing any model units or temporary sales facilities.