

PLANNING COMMISSION RESOLUTION 2003-070

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF LA QUINTA, CALIFORNIA, APPROVING
DEVELOPMENT PLANS FOR FIFTY, TWO-STORY
CONDOMINIUM UNITS ON A 5.0 ACRE SITE**

**CASE NOS.: CONDITIONAL USE PERMIT 2003-079
SITE DEVELOPMENT PERMIT 2003-784
APPLICANT: TOLL BROTHERS, INC.**

WHEREAS, the Planning Commission of the City of La Quinta, California, did, on the 9th day of September, 2003 hold a duly noticed Public Hearing to consider a request by Toll Brothers, Inc., for approval of fifty, two-story condominium units on a 5.0 acre site, generally located along Via Tesoro within Mountain View Country Club, more particularly described as follows:

APN: Lot 186 of Tract Map 30357,

WHEREAS, said Conditional Use Permit and Site Development Permit applications have complied with the requirements of "The Rules to Implement the California Environmental Quality Act of 1970" as amended (Resolution 83-68), in that an Environmental Impact Report was prepared and certified by the City Council under Resolution No. 91-102 for Specific Plan 90-016. There are no changed circumstances, conditions, or new information, which would trigger the preparation of a subsequent environmental analysis pursuant to Public Resources Code Section 21166.

WHEREAS, at said Public Hearing, upon hearing and considering all testimony and arguments, if any, of all interested persons desiring to be heard, said Planning Commission did make the following mandatory findings pursuant to Section 9.210.010 & 020 of the Zoning Code to approve said Site Development Permit and Conditional Use Permit:

1. **Consistency with the General Plan:** The proposed project is consistent with the goals and policies of the General Plan in that residential uses are allowed in the Low Density Residential Land Use designation.
2. **Consistency with the Zoning Code:** The proposed projects are consistent with the development standards of the Specific Plan and the Low Density Residential Zoning District, including but not limited to, setbacks, building heights, building mass, exterior materials, parking, circulation, open space and landscaping.

3. Compliance with the California Environmental Quality Act (CEQA): The proposed projects are consistent with the requirements of CEQA, in that an Environmental Impact Report was prepared and certified by the City Council under Resolution No. 91-102 for Specific Plan 90-016. There are no changed circumstances, conditions, or new information, which would trigger the preparation of a subsequent environmental analysis pursuant to Public Resources Code Section 21166.
4. Architectural Design: The architectural design of the proposed units, including but not limited to, architectural style, scale, building mass, materials, colors, architectural details, roof style, and other architectural elements are compatible with surrounding developments in the immediate area in that the design is compatible to the existing architecture of the single-family residential units.
5. Site Design: The site design of the proposed project, including but not limited to, project entries, vehicular and pedestrian circulation, screening of equipment, trash enclosures, and other site design elements such as scale, mass, appearance, and amount of landscaping are compatible with surrounding developments and the quality of design prevalent in the City in that the proposed project is consistent with the development standards of the Specific Plan and the City's Zoning Code.
6. Landscape Design: The landscaping plan for the proposed project, including but not limited to, the location, type, size, and coverage of plant materials, has been designed to provide visual relief, complement the building, screen undesirable views and provide an overall unifying influence to enhance the visual appearance of the project. The proposed landscaping is compatible with the surrounding area in that the variety of trees, shrubs and ground covers are consistent with existing landscaping which, are water efficient and provide an aesthetically pleasing use of landscaping space.
7. Surrounding Uses: Approval of the project will not create conditions materially detrimental to the public health, safety, and general welfare or, injurious to, or incompatible with, other properties or land uses in the vicinity in that there are other residential uses approved in the immediate area that are compatible with the proposed project.

Planning Commission Resolution 2003-070
CUP 2003-079 & SDP 2003-784
September 9, 2003

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of La Quinta, California, as follows:

1. That the above recitations are true and correct and constitute the findings of the Planning Commission for the Conditional Use Permit and Site Development Permit;
2. That it does hereby approve Conditional Use Permit 2003-079 and Site Development Permit 2003-784 for the reasons set forth in this Resolution, and subject to the Conditions of Approval attached hereto;


PASSED, APPROVED and ADOPTED at a regular meeting of the La Quinta Planning Commission held on this 9th day of September, 2003, by the following vote, to wit:

AYES: Commissioners Quill, Tyler, and Chairman Kirk

NOES: None

ABSENT: Commissioners Abels and Daniels

ABSTAIN: None



TOM KIRK, Chairman
City of La Quinta, California

ATTEST:



JERRY HERMAN, Community Development Director
City of La Quinta, California

PLANNING COMMISSION RESOLUTION 2003-070
CUP 03-079 & SDP 03-784/TOLL BROTHERS, INC.
CONDITIONS OF APPROVAL – FINAL
SEPTEMBER 9, 2003

GENERAL

1. The use of this site shall be in conformance with the approved exhibits contained in Conditional Use Permit 2003-079 and Site Development Permit 2003-784, unless otherwise amended by the following conditions.
2. All public agency letters received for this case are made part of the case file documents for plan checking processes.
3. The approved Conditional Use Permit and Site Development Permit shall be inaugurated or commenced within two years of approval, otherwise, they shall become null and void and of no effect whatsoever.
4. 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 Site Development Permit. The City shall have sole discretion in selecting its defense counsel.

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

5. Prior to the issuance of a grading, construction or building permit, the applicant shall obtain permits and/or clearances from the following public 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 any requirements of the permits or clearances from those jurisdictions. If the requirements include approval of improvement plans, applicant shall furnish proof of said approvals prior to obtaining City approval of the plans.

PLANNING COMMISSION RESOLUTION 2003-070
CUP 03-079 & SDP 03-784/TOLL BROTHERS, INC.
CONDITIONS OF APPROVAL – FINAL
SEPTEMBER 9, 2003

6. The applicant shall comply with applicable provisions of the City's NPDES stormwater discharge permit, Sections 8.70.010 et seq. (Stormwater 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.
7. 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).

PROPERTY RIGHTS

8. Prior to issuance of any permit(s), the applicant shall acquire or confer easements and other property rights necessary for 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.
9. The applicant shall dedicate or grant public and private street right of way and utility easements in conformance with the City's General Plan, Municipal Code, applicable specific plans, and as required by the City Engineer.
10. Right of way dedications required of this development include:
 - A. PRIVATE STREETS
 - 1) Via Tesoro – Private residential street: 28-foot roadway travel width measured from gutter flow line to gutter flow line with on-street parking prohibited except for parallel parking bays as shown on the approved site plan provided there is adequate off-street parking for residents and visitors and the applicant makes provisions for perpetual enforcement of the No Parking restrictions.
11. The applicant shall dedicate ten-foot public utility easements contiguous with and along both sides of all private streets. The easements may be reduced to five feet with the express concurrence of IID.
12. The applicant shall dedicate easements necessary for placement of and access to utility lines and structures, drainage basins, mailbox clusters, park lands, and common areas.

PLANNING COMMISSION RESOLUTION 2003-070
CUP 03-079 & SDP 03-784/TOLL BROTHERS, INC.
CONDITIONS OF APPROVAL – FINAL
SEPTEMBER 9, 2003

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. "Site Development Plans" shall normally include all surface improvements, including but not limited to: parking lot improvements, finish grades, curbs & gutters, ADA requirements, retaining and perimeter walls, etc.

Site Development Plan: 1" = 30' Horizontal

Plans for improvements not listed above shall be in formats approved by the City Engineer.

14. The City may maintain standard plans, details and/or construction notes for elements of construction. For a fee established by City Resolution, the applicant may acquire standard plan and/or detail sheets from the City.
15. When final plans are approved by the City, the applicant shall furnish accurate AutoCad files of the complete, approved plans on storage media acceptable to the City Engineer. The files shall utilize standard AutoCad menu items so they may be fully retrieved into a basic AutoCad program. At the completion of construction and prior to final acceptance of improvements, the applicant shall update the files to reflect as-constructed conditions.

If the plans were not produced in AutoCad or a file format which can be converted to AutoCad, the City Engineer may accept raster-image files of the plans.

IMPROVEMENT AGREEMENT

16. In the event that any of the improvements required herein are constructed by the City, the applicant shall, at the time of approval of the development or building permit, reimburse the City for the cost of those improvements.

PLANNING COMMISSION RESOLUTION 2003-070
CUP 03-079 & SDP 03-784/TOLL BROTHERS, INC.
CONDITIONS OF APPROVAL – FINAL
SEPTEMBER 9, 2003

GRADING

17. 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. 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.
18. The applicant shall maintain graded, undeveloped land to prevent wind and water erosion of soils. The land shall be planted with interim landscaping or provided with other erosion control measures approved by the Community Development and Public Works Departments.
19. Prior to issuance of building permits, the applicant shall provide building pad certifications stamped and signed by qualified engineers or surveyors. The certification shall list the approved elevation, the actual elevation, the difference between the two, if any, and pad compaction.

DRAINAGE

20. Stormwater handling shall conform with the approved hydrology and drainage plan for **Tentative Tract 30357**. Nuisance water shall be retained on site and disposed of in a manner acceptable to the City Engineer. 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.

UTILITIES

21. The applicant shall obtain the approval of the City Engineer for the location of all utility lines within the right of way and all above-ground utility structures including, but not limited to, traffic signal cabinets, electrical vaults, water valves, and telephone stands, to ensure optimum placement for practical and aesthetic purposes.
22. 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 trench compaction for approval of the City Engineer.

PLANNING COMMISSION RESOLUTION 2003-070
CUP 03-079 & SDP 03-784/TOLL BROTHERS, INC.
CONDITIONS OF APPROVAL - FINAL
SEPTEMBER 9, 2003

STREET AND TRAFFIC IMPROVEMENTS

23. 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; and Section 13.24.080 (Street Design - Private Streets), where private streets are proposed.
24. 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.
25. The applicant shall construct the following street improvements to conform with the General Plan:
 - A. PRIVATE STREETS
 - 1) Via Tesoro - The applicant shall incorporate traffic calming techniques for the portion of Via Tesoro passing through the site plan area as approved by the City Engineer. As a minimum, the applicant shall reduce the travel way width to a 28-foot roadway travel width measured gutter flow-line to gutter flow-line with on-street parking prohibited except for parallel parking bays as shown on the approved site plan provided there is adequate off-street parking for residents and visitors and the applicant makes provisions for perpetual enforcement of the No Parking restrictions.
 - 2) Circle - The traffic circle located mid parcel shall be have a minimum 20 feet of travel width improvements.
26. The design of parking facilities shall conform to LQMC Chapter 9.150 (Parking). Parking stalls having direct access to Via Tesoro shall be designed so vehicles do not back into the street.
27. 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

PLANNING COMMISSION RESOLUTION 2003-070
CUP 03-079 & SDP 03-784/TOLL BROTHERS, INC.
CONDITIONS OF APPROVAL – FINAL
SEPTEMBER 9, 2003

results confirming that design gradations can be achieved in current production. The applicant shall not schedule construction operations until mix designs are approved.

LANDSCAPING

28. The applicant shall provide landscaping in required setbacks, retention basins, common lots, and park areas.
29. 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 landscape and irrigation plans shall be approved by the Coachella Valley Water District and Riverside County Agricultural Commissioner prior to submittal of the final plans to the Community Development Department, pursuant to Chapter 8.13 of the Municipal Code. Plans are not approved for construction until signed by the City Engineer. Specific landscape requirements for the project are:

- A. To encourage water conservation, no more than 50% of the front yard areas shall be devoted to turf. Front and rear yard landscaping shall consist of trees with a minimum of a 1.5 inch caliper measured three feet up from grade level after planting, 5-gallon shrubs, and ground cover. Palm trees may count as a shade tree if the trunk is minimum six feet tall. Double lodge poles (two inches in diameter) shall be used to stake trees.
30. 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 18 inches of curbs along public streets.

QUALITY ASSURANCE

31. The applicant shall employ construction quality-assurance measures which meet the approval of the City Engineer.
32. The applicant shall employ or retain qualified civil engineers, geotechnical engineers, surveyors, or other appropriate professionals to provide sufficient construction supervision to be able to furnish and sign accurate record drawings.

PLANNING COMMISSION RESOLUTION 2003-070
CUP 03-079 & SDP 03-784/TOLL BROTHERS, INC.
CONDITIONS OF APPROVAL – FINAL
SEPTEMBER 9, 2003

33. The applicant shall arrange and bear the cost of measurement, sampling and testing procedures not included in the City's inspection program but required by the City as evidence that construction materials and methods comply with plans, specifications and applicable regulations.
34. Upon completion of construction, the applicant shall furnish the City reproducible record drawings of all improvement plans which were signed by the City. Each sheet shall be clearly marked "Record Drawings," "As-Built" or "As-Constructed" and shall be stamped and signed by the engineer or surveyor certifying to the accuracy of the drawings. The applicant shall revise the CAD or raster-image files previously submitted to the City to reflect as-constructed conditions.

MAINTENANCE

35. The applicant shall make provisions for continuous, perpetual maintenance of all on-site improvements, perimeter landscaping, access drives, and sidewalks. The applicant shall maintain required public improvements until expressly released from this responsibility by the appropriate public agency.

FEES AND DEPOSITS

36. The applicant shall pay the City's established fees for plan checking and construction inspection. Fee amounts shall be those in effect when the applicant makes application for plan checking and permits.
37. 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).

COACHELLA VALLEY WATER DISTRICT

38. The site shall be annexed to Improvement District Nos. 55 and 82 of the district for sanitation service.
39. Grading, landscaping and irrigation plans shall be submitted to the Coachella Valley Water District for review to ensure efficient water management techniques.
40. Appropriate fees shall be paid to the Coachella Valley Water District in accordance with their current regulations for service to the site.

PLANNING COMMISSION RESOLUTION 2003-070
CUP 03-079 & SDP 03-784/TOLL BROTHERS, INC.
CONDITIONS OF APPROVAL – FINAL
SEPTEMBER 9, 2003

RIVERSIDE COUNTY FIRE DEPARTMENT

41. Approved super fire hydrants, shall be spaced every 330 feet along the roadways and at each intersection and additional fire hydrants shall also be located not less than 25 feet nor more than 165 feet from any portion of the buildings as measured along vehicular travel ways.
42. 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.
43. Fire Department connections (if any) shall be not less than 25 feet nor more than 50 feet from a fire hydrant and shall be located on the street side of the buildings. On 13R systems the FDC may be permitted to be mounted on the building, contact the Fire Department at (760) 863-8886 for information.
44. Building plans shall be submitted to the Fire Department for plan review to run concurrent with the City plan check.
45. 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.
46. City of La Quinta ordinance requires all buildings 5,000 sq. ft. or larger to be fully sprinkled, NFPA 13 Standard. Sprinkler plans (if required) will need to be submitted to the Fire Department for approval.
47. 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.
48. 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.
49. 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.
50. An illuminated diagrammatic board, not less than 4 feet by 4 feet shall be provided at the entrance showing the location of the buildings, fire hydrants and roadways.

PLANNING COMMISSION RESOLUTION 2003-070
CUP 03-079 & SDP 03-784/TOLL BROTHERS, INC.
CONDITIONS OF APPROVAL – FINAL
SEPTEMBER 9, 2003

51. Install portable fire extinguishers as required by the California Fire Code.

DESERT SANDS UNIFIED SCHOOL DISTRICT

52. The applicant will be required to pay a school mitigation fee at the time a building permit is issued.

MITIGATION MONITORING

53. The applicant shall comply with the mitigation measures within Environmental Assessment 2001-437 for Tract 30357.