

Conditions of Approval For Specific Plan No. 14-01:
Vista Del Agua

General Conditions

1. The applicant shall defend, indemnify and hold harmless the City of Coachella, its officials, officers, employees, and agents from and against any claim, action, or proceeding against the City, its officials, officers, employees or agents to attack, set aside, void or annul any project approval or condition of approval of the City concerning this project, including but not limited to any approval or condition of approval or mitigation measure imposed by the City Council or Planning Commission. The City shall promptly notify the applicant of any claim, action, or proceeding concerning the project and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officials, officers, employees and agents in the defense of the matter. The applicant shall execute an indemnification agreement, in a form acceptable to the City Attorney, within five days of the effective date of this approval.

2. The words identified in the following list appear in capitals in the attached Conditions of Approval for Specific Plan No. 14-01: Vista Del Agua Project ("City Approvals") and shall be henceforth defined as follows:

SPECIFIC PLAN: Specific Plan No. 14-01: Vista Del Agua

CHANGE OF ZONE: Change of Zone No.14-01

GPA: General Plan Amendment No. 14-01

DEVELOPMENT AGREEMENT: Development Agreement

EIR: Environmental Impact Report No. 14-04

TPM: Tentative Parcel Map No. 36872

BUILDER'S TENTATIVE MAP: A Builder's Tentative Map created for the purpose of designing individual residential lots or multi-family units for sale to end-user homeowners.

BUILDING PERMITS: The number of dwelling units constructed within an implementing project Any condition of approval that uses the term "Building Permit" to trigger an event or to cause another action to take place shall be interpreted to mean "Dwelling Units" as enumerated within the TOTAL DWELLING UNIT TRACKING MATRIX.

COMMERCIAL MAP: A Commercial Map is the division of a lot or parcel of land

into two or more lots for the purpose of creating a development for commercial or business related purposes. This definition includes, but is not limited to, retail commercial and office commercial uses.

IMPLEMENTING PROJECT: An implementing Project is a subsequent project, located in the Specific Plan area, pursuant to either a Builder's Tentative Map or Commercial Map.

MASTER SUBDIVISION MAP: A Master Subdivision Map is a map that subdivides large tracts of land into smaller parcels for the purpose of later selling or otherwise transferring the parcels for further subdivision together with planning and construction of infrastructure elements, but not for the purpose of creating individual commercial parcels or individual residential lots for sale to end-user homeowners. The purpose and intent of the Master Subdivision Map process is to allow subdivision of land to correspond to Specific Plan Planning Areas, open space, and infrastructure elements without allowing the creation of individual commercial or residential lots. For nonresidential property, while the Master Subdivision Map process may create parcels which may or may not be subdivided further, no building may be undertaken on any master parcel unless and until all other required discretionary entitlements have been lawfully obtained, as required by applicable land use and development regulations of the Specific Plan. The boundary lines on any Master Subdivision Map shall correspond to applicable Planning Area plan land use designations and infrastructure elements.

SPECIFIC PLAN NO. 14-01: The Vista Del Agua Specific Plan dated January 2019 including the following:

- a. The Specific Plan Document shall include the following:
 1. City Council General Plan Amendment 14-01 resolution;
 2. City Council Specific Plan 14-01 ordinance including the Conditions of Approval;
 3. Specific Plan Zoning Ordinance; and
 4. Specific Plan text, land use map and supporting exhibits.

- b. Final Environmental Impact Report No.14-04 includes the following:
 1. Draft Environmental Impact Report
 2. Comments received on DEIR either verbatim or in summary;
 3. A list of persons, organizations and public agencies commenting on the DEIR;
 4. Responses of the City to significant environmental points raised in the review and consultation process;
 5. Errata;
 6. Technical Appendices on CD;
 7. Mitigation Monitoring and Reporting Program

TOTAL DWELLING UNIT TRACKING MATRIX- A chart for tracking the total build out of the Specific Plan maintained by the City, Development Services Department. The matrix shall differentiate between individual Building Permits and the total number of dwelling units that are represented by the Building Permits that have been issued for the entire Specific Plan.

All other terms not specifically defined herein shall have the same meaning set forth in the Specific Plan.

3. In the event of an inconsistency between these Conditions of Approval and the Specific Plan or Development Agreement, the terms and conditions of the Specific Plan and Development Agreement, as applicable, shall prevail. All implementing actions associated with the City Approvals shall be consistent with the Specific Plan and the Development Agreement.
4. The development of the property shall be in accordance with the mandatory requirements of all City of Coachella ordinances and state laws and shall conform substantially to the adopted Specific Plan and Environmental Impact Report as approved by the City of Coachella.
5. All Planning Area numbers shall be retained throughout the life of the Specific Plan, in accordance with Section 4 of the Specific Plan.
6. Density transfers between Planning Areas are permitted in accordance with Section 8E of the Specific Plan.
7. Prior to the approval of any Implementing Project, the applicant shall provide a Total Dwelling Unit Tracking Matrix. The Matrix Table will track Planning Area entitled units, Tentative Tract Map units, Final Map recorded units, and units actually built within every planning area in the Specific Plan. The purpose of this tracking sheet is to enable the Development Services Department to ensure compliance with the established Planning Area development ranges as outlined in Land Use Table 4-A of the Specific Plan.
8. Mitigation measures included in the project Mitigation Monitoring and Reporting Program are hereby incorporated by reference as project conditions of approval.
9. The Development Services Director or his/her designee may allow minor modifications or adjustments to these Conditions of Approval through an administrative review process, so long as those minor modifications and adjustments are consistent with the City Approvals and the Specific Plan.
10. The applicant has ninety (90) days from the date of the approval of these conditions to protest, in accordance with the procedures set forth in Government Code Section 66020, the imposition of any and all fees, dedications, reservations and/or exactions imposed on this project as a result of the approval or conditional approval of this project.

Prior to the issuance of a Grading Permit

The following conditions shall be included as conditions of all subsequent Tentative Tract Maps:

11. All grading shall be performed in accordance with the applicable provisions of the California Building Code, project's Mitigation Monitoring and Reporting Program, the Specific Plan and the City General Plan, as amended.
12. Prior to the issuance of a grading permits(s), all certifications affecting grading shall have written clearances, including, but not limited to additional environmental assessments, erosion control plans and geotechnical/soils reports.
13. Grading of the site will be done in substantial conformance with a mass grading plan submitted at the time of the first Master Tentative Tract Map.
14. Per the requirements of CVWD, prior to the issuance of grading permits, the developer shall provide the following for those drainage facilities impacted by the proposed grading:
 - a. Provide flood control plans that incorporate the required mitigation measures to protect existing CVWD facilities, and satisfy all applicable regulations and standards.
 - b. Obtain a Conditional Letter of Map Revision (CLOMR) through the Federal Emergency Management Agency (FEMA).
 - c. Execute an agreement with CVWD, which shall include provisions outlined in CVWD Ordinance No. 1234.1.
 - d. Submit to CVWD a Flood Control Facility Operations and Maintenance Manual for review and approval.
 - e. Grant flooding easements over the flood control facilities in a form and content reasonably acceptable to CVWD.
 - f. Submit final construction plans for the proposed flood control facilities and a detailed hydrologic and hydraulic design report for review and approval.

Prior to or concurrent with the submittal of a Master Tentative Map

15. The first Master Tentative Map must provide for all requisite on-site and off-site easements, rights-of-way and alignments for vehicular access and extension of utility infrastructure, including reclaimed water facilities, to the project site.
16. The Shadow View Blvd. access shall be designed as approved by the City Engineer and the Fire Department. Timing of the ultimate improvement shall be in accordance with the requirements of the Specific Plan and EIR.

17. Plans including, without limitation, financing details, preliminary design plans and a construction-phasing schedule for the project's landscaping in accordance with Exhibits 7-1 thru 7-9 (Landscape Master Plan) of the Specific Plan shall be part of the first Master Tentative Map.
18. Ultimate parkway and median landscaping for all backbone streets including Shadow View Blvd, Avenue 47, Avenue 48, Polk Street, Vista del Sur and "A" Street shall be installed in conjunction with development of the planning area immediately adjacent to the road segment.
19. A recreation and open space concept plan that includes trails, parks, the paseo and the drainage trail connections and provides detail on layout, grading, utilities, plant palette and lighting is required for each phase of the project. The plan shall be submitted and approved by the City's Development Services Director or his/her designee concurrently with the first Tract Map for the particular phase of development.
20. A transit plan, illustrating the location and spacing of transit facilities, shall be submitted to SunLine Transit Agency in conjunction with the first Master Tentative Map.
21. In accordance with Section 7 of the Specific Plan, a Master Signage Program shall be prepared and approved by the City's Development Services Director or his/her designee to provide for design continuity within the Vista Del Agua Community.
22. In accordance with Figures 7-6 and 7-7 of the Specific Plan, a Master Wall and encing Plan shall be prepared and approved by the City's Development Services Director or his/her designee to provide for design continuity within the Vista Del Agua Community.
23. All improvement plans for landscaped elements including, without limitation, parkways, medians, paseos and trails shall conform to the standards contained in Figures 7-1 thru 7-9 of the Specific Plan.
24. All parks shall be constructed in accordance with Figure 8-1 (Phasing Plan) of the Specific Plan.

Prior to or concurrent with submittal of a Builder's Tentative Map or Commercial Map

25. Prior to or concurrent with approval of a Builder's Tentative Map or Commercial Map, traffic related improvements shall be constructed in accordance with Mitigation Measures TR1, TR2, TR 3, TR 4 and TR 5.

26. In accordance with Section 7D, Development Guidelines of the Specific Plan, a detailed Sign Plan in conformance with the Master Signage Program shall be prepared and approved by the City's Development Services Director or his/her designee as part of the design review process.
27. In accordance with Section 7D, Development Guidelines of the Specific Plan, a detailed Wall and Fencing Plan in conformance with the Master Wall and Fencing Plan shall be prepared and approved by the City's Development Director or his/her designee as part of the design review process.
28. All improvement plans for landscaped elements including, without limitation, parkways, medians, paseos and trails shall conform to the standards contained in Section 7D of the Specific Plan.
29. Commercial and residential builders shall design all structures in accordance with the guidelines set forth in the City's Climate Action Plan (CAP), US Green Building Council LEED and GreenPoint Rated standards. LEED certification is not required. All commercial and residential builders shall comply with or exceed the most current Title 24 energy efficiency and CALGreen building standards.
30. All Final maps may be phased. The number of phased final maps that may be filed shall be determined by the Developer and Development Services Director or his/her designee at the time of the approval or conditional approval of the tentative map.

Prior to Recordation of a Builder's or Commercial Final Map

31. Developer's facilities obligations may be financed through the use of one or more Financing Districts including, without limitation, a Community Facilities Financing District for improvements, public services, including without limitation police and fire services, fees or maintenance costs. Any Vista Del Agua specific Financing District must include a component for police and fire services. In the event that a Vista Del Agua-specific Financing District is not formed, prior to recordation of the first Final Map, the applicant or successor in interest shall annex the subject property into the City's Community Facilities District (CFD 2005-01) for City Police, Fire and Paramedic services.
32. Prior to Map recordation, a permanent master maintenance organization shall be established for the Specific Plan area to assume ownership and maintenance responsibility for all common recreation, open space, circulation systems and landscaped areas. The organization may be public or private.
 - a. If the organization is a private organization, then a neighborhood associations shall be established for each residential development where required and such associations may assume ownership and maintenance responsibility for neighborhood common areas.

- b. Common open areas shall be conveyed to the maintenance organization as implementing development is approved or any subdivision is recorded.
- c. The maintenance organization shall be established prior to or concurrent with recordation of the first land division.
- d. Covenants, Conditions and Restrictions (CC&Rs) shall be prepared by the applicant, reviewed and approved by the City Attorney.
 - 1. The CC&Rs shall be consistent with the Community Design Guidelines (Section 4) of the adopted Specific Plan.
 - 2. The CC&Rs shall include a disclosure to residential owners in substantially the same form as: "The Vista Del Agua property is located, partially or wholly, adjacent to land zoned for agricultural purposes by the City of Coachella. No agricultural activity, operation, or facility or appurtenances thereof, conducted or maintained for commercial purposes in the City of Coachella and in a manner consistent with proper and accepted customs and standards, as established and followed by similar agricultural operations in the same locality shall be or become a nuisance, private or public, due to any changed condition in or after the locality, after the same has been in operation for more than three years, if it was not a nuisance at the time it began."
 - 3. The CC&Rs shall include a disclosure to residential owners in substantially the same form as; "The easterly portion of the Vista Del Agua project is within an earthquake fault zone that has been designated by the California State Geologist as the San Andreas fault zone under a California law called the Alquist-Priolo Earthquake Fault Zoning Act (California Public Resources Code Sections 2621 through 2630). This Act prohibits the construction of structures for human occupancy over the trace of an active fault line. An active fault trace is the location of an earthquake fault that has broken the ground surface in about the last 11,000 years."
 - 4. The CC&Rs shall include a disclosure and provide information to future residential owners and business owners on the benefits of installing and utilizing energy conservation measures and renewable energy resources as a means of reducing dependence on non-renewable energy sources.

Prior to Occupancy Permits of a Builder's Map or Commercial Map

33. Per the requirements of CVWD, prior to the issuance of occupancy permits, the developer shall:
- a. Obtain a Letter of Map Revision (LOMR) through FEMA.
 - b. At the completion of the construction of the flood control facilities, submit "as built" topography, construction drawings, and engineering analysis for CVWD review to verify that the design capacity is adequate.

