

**CITY COUNCIL RESOLUTION NO. 2006-050
CONDITIONS OF APPROVAL - FINAL
VILLAGE USE PERMIT 2005-030
CASA LA QUINTA – BORREGO RESORT HOLDINGS, INC.
MAY 2, 2006**

EXHIBIT "A"

GENERAL CONDITIONS OF APPROVAL

1. Village Use Permit 2005-030 (VUP 2005-030) shall be developed in compliance with these conditions and all approved site plan, elevation, color, materials and other approved exhibits submitted for this application, and any subsequent amendment(s). In the event of any conflicts between these conditions, these conditions shall take precedence.
2. This approval shall expire two years after its effective date, as determined pursuant to Section 9.200.060.C of the Zoning Code, unless extended pursuant to the provisions of Section 9.200.080. The applicant shall be responsible for monitoring the approval and expiration dates.
3. 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 development application or any application thereunder. 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.
4. Village use Permit 2005-030 shall comply with all applicable conditions and/or mitigation measures for the following related approvals:
 - A. Environmental Assessment 2005-552
 - B. Specific Plan 2005-076
 - C. Tentative Tract 34038

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

5. Prior to the issuance of any permit by the City, the applicant shall obtain the necessary permits and/or clearances from the following agencies:
 - Riverside County Fire Marshal
 - La Quinta Building and Safety Department
 - La Quinta Public Works Department (Grading Permit, Green Sheet, Public Works Clearance for Building Permits, Improvement Permit)

- La Quinta Community Development Department
- Riverside County Environmental Health Department
- Desert Sands Unified School District
- Coachella Valley Water District (CVWD)
- Southern California Gas Company
- Imperial Irrigation District (IID)
- California Water Quality Control Board (CWQCB)
- Waste Management of the Desert
- SCAQMD

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

A project-specific NPDES construction permit must be obtained by the applicant; and who then shall submit a copy of the Regional Water Quality Control Board's ("RWQCB") acknowledgment of the applicant's Notice of Intent ("NOI"), prior to the issuance of a grading or site construction permit by the City.

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.

- 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").

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's SWPPP shall be approved by the City Engineer prior to any on or off-site grading being done in relation to this project.

- C. 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.
 - D. The applicant's SWPPP shall include provisions for all of the following Best Management Practices ("BMPs") (8.70.020 (Definitions), LQMC):
 - 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. All erosion and sediment control BMPs proposed by the applicant shall be approved by the City Engineer prior to any onsite or offsite grading, pursuant to this project.
 - F. The approved SWPPP and BMPs shall remain in effect for the entire duration of project construction until all improvements are completed and accepted by the City.
7. Approval of this Village Use 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

PROPERTY RIGHTS

- 8. 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.

9. The applicant shall offer for dedication all public street right-of-ways in conformance with the City's General Plan, Municipal Code, applicable specific plans, and/or as required by the City Engineer and conditioned upon Tentative Tract 34038.
10. The public street right-of-way offers for dedication required for this development include:
 - A. PUBLIC STREETS
 1. Calle Tampico (Primary Arterial - Option B, 100' ROW) – No additional right of way dedication is required from the standard 50 feet from the Centerline of Calle Tampico for a total of 100-foot ultimate developed right-of-way.
 2. Avenida Villa (west frontage), Avenida Navarro (Local Streets, 60' ROW) – No additional right of way dedication is required from the standard 30 feet from the centerline of the street for a total of 60-foot ultimate developed right-of-way.
 3. Avenida Villa (south frontage); Local Street, 50' ROW) – No additional right of way dedication is required from the standard 30 feet from the centerline of the street for a total of 50-foot ultimate developed right-of-way. An additional 5-foot utility easement shall be established along the property line on Avenida Villa.
11. The applicant shall create perimeter landscaped setbacks along all public rights-of way as follows:
 - A. Calle Tampico (Primary Arterial) – 20 feet from right-of-way/property line.

The setback requirement shall apply to all frontages including, but not limited to, remainder parcels, right-of-way reversions, and sites dedicated for utility purposes.

Where public facilities (e.g. sidewalks) are placed on privately-owned setbacks, the applicant shall offer for dedication blanket easements for those purposes.

12. The applicant shall offer for dedication those easements necessary for the placement of, and access to, utility lines and structures, drainage facilities, mailbox clusters, and common areas shown on the Village Use Permit.
13. Direct vehicular access to Calle Tampico, Avenida Villa, and Avenida Navarro is restricted, except for the entry drive access from Avenida Villa, as shown on the Village Use Permit site plan and Tentative Tract 34038.
14. The applicant shall furnish proof of easements or written permission, as appropriate, from owners of any abutting properties on which grading, retaining wall construction, permanent slopes, or other encroachments are to occur.
15. The applicant shall cause no easements to be granted, or recorded, over any portion of the subject property, between the date of approval of this Village Use Permit and the date of final acceptance of the on-site and off-site improvements for this Village Use Permit, and as applicable under Tentative Tract 34038, unless such easements are approved by the City Engineer.
16. Tentative Tract 34038 shall have been recorded prior to issuance of any permit for the main building, including foundation only permits.

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.

17. 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 Section 13.24.040 (Improvement Plans), LQMC.
18. The following improvement plans shall be prepared and submitted for review and approval by the City. 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.

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| A. | On-Site Rough Grading Plans | 1" = 30' Horizontal |
| B. | PM10 Plan | 1" = 40' Horizontal |
| C. | SWPPP | 1" = 40' Horizontal |
| D. | On-Site Precise Grading/Storm Drain Plans | 1" = 30' Horizontal |

NOTE: A through D to be submitted concurrently.

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.

"Rough Grading" plans shall normally include perimeter walls with Top Of Wall & Top Of Footing elevations shown. All footings shall have a minimum of 1-foot of cover, or sufficient cover to clear any adjacent obstructions.

The applicant shall prepare an accessibility assessment on a marked up print of the building floor plan identifying every building egress and notes the 2001 California Building Code accessibility requirements associated with each door. The assessment must comply with submittal requirements of the Building & Safety Department. A copy of the reviewed assessment shall be submitted to the Engineering Department in conjunction with the On-Site Precise Grading Plan when it is submitted for plan checking.

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

19. The City maintains standard plans, details and/or construction notes for elements of construction on the Public Works Online Engineering Library at the City website (www.la-quinta.org). Navigate to the Public Works Department home page and look for the Online Engineering Library hyperlink.
20. The applicant shall furnish a complete set of the AutoCAD files of all approved improvement plans on a storage media acceptable to the City Engineer. The files shall be saved in a standard AutoCAD format so they may be fully retrievable through a basic AutoCAD program.

At the completion of construction, and prior to the final acceptance of the improvements by the City, the applicant shall update the AutoCAD files in order to reflect the as-built conditions.

Where the improvement plans were not produced in a standard AutoCAD format, or a file format that can be converted to an AutoCAD format, the City Engineer will accept raster-image files of the plans.

21. Village Use Permit 2005-030 shall comply with all applicable conditions of approval of Tentative Tract 34038, with respect to Improvement Plans, Improvement Security Agreements and other appropriate requirements.

GRADING

22. The applicant shall comply with the provisions of Section 13.24.050 (Grading Improvements), LQMC.
23. Prior to occupancy of the project site for any construction, or other purposes, the applicant shall obtain a grading permit approved by the City Engineer.
24. To obtain an approved grading permit, the applicant shall submit and obtain approval of all of the following:
 - A. A grading plan prepared by a qualified engineer or architect,
 - B. A preliminary geotechnical ("soils") report prepared by a qualified engineer,
 - C. A Fugitive Dust Control Plan prepared in accordance with Chapter 6.16 (Fugitive Dust Control), LQMC.
 - D. A Best Management Practices report prepared in accordance with Sections 8.70.010 and 13.24.170 (NPDES stormwater discharge permit and Storm Management and Discharge Controls), LQMC.

All grading shall conform to the recommendations contained in the Preliminary Soils Report, and shall be certified as being adequate by a soils engineer, or by an engineering geologist.

A statement shall appear on the Final Map that a soils report has been prepared in accordance with the California Health & Safety Code § 17953.

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 as submitted with its application for a grading permit.

25. Grading within the perimeter setback and parkway areas shall have undulating terrain and shall conform with the requirements of LQMC Section 9.60.240(F) except as otherwise modified by this condition requirement. The maximum slope shall not exceed 3:1 anywhere in the landscape setback area, except for the backslope (i.e. the slope at the back of the landscape lot) which shall not exceed 2:1 if fully planted with ground cover. The maximum slope in the first six (6) feet adjacent to the curb shall not exceed 4:1 when the nearest edge of sidewalk is within six feet (6') of the curb, otherwise the maximum slope within the right of way shall not exceed 3:1. All unpaved parkway areas adjacent to the curb shall be depressed one and one-half inches (1.5") in the first eighteen inches (18") behind the curb.
26. Building pad elevations on the rough grading plan submitted for City Engineer's approval shall conform with pad elevations shown on the tentative map, unless the pad elevations have other requirements imposed elsewhere in these Conditions of Approval.
27. Prior to any site grading or regrading that will raise or lower any portion of the site by more than plus or minus three tenths of a foot from the elevations shown on the approved Tentative Tract Map No. 34038, the applicant shall submit the proposed grading changes to the City Staff for a substantial conformance finding review
28. 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.

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.

29. This development shall comply with Chapter 8.11 (Flood Hazard Regulations), LQMC. If any portion of any proposed building lot in the development is or may be located within a flood hazard area as identified on

the City's Flood Insurance Rate Maps, the development shall be graded to ensure that all floors and exterior fill (at the foundation) are above the level of the project (100-year) flood and building pads are compacted to 95% Proctor Density as required in Title 44 of the Code of Federal Regulations, Section 65.5(a) (6). Prior to issuance of building permits for lots which are so located, the applicant shall furnish elevation certifications, as required by FEMA, that the above conditions have been met.

DRAINAGE

30. Stormwater handling shall conform with the approved hydrology and drainage report for this Village Use Permit. The applicant shall comply with the provisions of Section 13.24.120 (Drainage), LQMC, Engineering Bulletin No. 97.03 and Public Works Department Underground Retention Basin Design Requirements submitted July 16, 2005 and revised November 17, 2005, as applicable.

On-site nuisance water shall be transported through underground drainage facilities to the existing 2.5' high by 10' wide double reinforced concrete box along the south side of Calle Tampico and as approved by the City Engineer.

31. Storm drainage historically received from adjoining property shall be received and retained or passed through into the historic downstream drainage relief route.
32. As preliminary exploratory soils borings indicate no percolation for existing soils, the percolation rate will be considered to be zero.
33. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development. 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. Underground 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 all utility trench compaction for approval of the City Engineer.

UTILITIES

34. The applicant shall comply with the provisions of Section 13.24.110 (Utilities), LQMC.
35. The applicant shall obtain the approval of the City Engineer for the location of all utility lines within any right-of-way, and all above-ground utility structures including, but not limited to, traffic signal cabinets, electric vaults, water valves, and telephone stands, to ensure optimum placement for practical and aesthetic purposes.
36. All proposed utilities shall be installed underground. Underground 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 all utility trench compaction for approval by the City Engineer.

STREET AND TRAFFIC IMPROVEMENTS

37. The applicant shall comply with all Street and Traffic Improvement conditions as specified in the approval for Tentative Tract 34038. In the event that said Tentative Tract is invalidated, those conditions shall continue to be valid and applicable for this Village Use Permit.

PARKING LOTS AND ACCESS DRIVEWAY

38. The design of parking facilities shall conform to LQMC Chapter 9.150 (Parking), except where the approved plans and/or these conditions shall take precedence. All designs shall comply with the latest ADA standards and policies.
39. The high point of the access driveway to the parking garage shall be at least one foot higher than the gutter flow line at the street.
40. Grade breaks and vertical curves at the access driveway to the parking garage shall be designed to standards as may be approved by the Public Works and Community Development Directors. The final design shall place the parking level at 4 to 5 feet below grade.

41. Use of wheel stops is permitted in the below-grade parking area, with the exception of any parallel parking stalls. Ultimate location of wheel stops are subject to review/approval of the Community Development and Public Works Departments
42. Design and final location of all on-site trash and recyclables collection facilities shall be reviewed and approved by Waste Management, with the written and/or stamped plan approval to be submitted during the building plan check process. Applicant shall consult with Waste Management on design of all trash and recyclable facility collection, storage and servicing requirements, to include number and sizing of bins, location and service accessibility, and handling of green wastes. No building permit for these facilities, or any structure related or integral to them, shall be issued without Waste Management review, and final approval by the Community Development Director. All gates and/or doors associated with waste facilities shall be of an upgraded design consistent with the building's color and architectural theme, and shall remain secured at all times.
43. Handicap access and facilities shall be provided in accordance with Federal (ADA), State and local requirements. Handicap accessible parking shall generally conform to the approved exhibits for VUP 2005-030.
44. All parking area civil plans and improvements shall be developed in accordance with the standards set forth in applicable portions of Section 9.150.080 of the Zoning Code, and these conditions, which shall take precedence in the event of any conflicts with said Section.

CONSTRUCTION

45. The City will conduct final inspections of habitable buildings only when the buildings have improved street and (if required) sidewalk access to publicly-maintained streets. The improvements shall include required traffic control devices, pavement markings and street name signs. If on-site streets in residential developments are initially constructed with partial pavement thickness, the applicant shall complete the pavement prior to final inspections of the last ten percent of homes within the development or when directed by the City, whichever comes first.

QUALITY ASSURANCE

46. The applicant shall employ construction quality-assurance measures which meet the approval of the City Engineer.
47. The applicant shall employ or retain qualified engineers, surveyors, or other appropriate professionals as are required to provide the expertise with which to prepare and sign accurate record drawings, and to provide adequate construction supervision.
48. The applicant shall arrange for, and bear the cost of, all 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 employed comply with plans, specifications and other applicable regulations.
49. Upon completion of construction, the applicant shall furnish the City with reproducible record drawings of all improvement plans which were approved by the City. Each sheet shall be clearly marked "Record Drawing," "As-Built" or "As-Constructed" and shall be stamped and signed by the engineer or surveyor certifying to the accuracy and completeness of the drawings. The applicant shall have all AutoCAD or raster-image files previously submitted to the City revised to reflect the as-built conditions.
50. The applicant shall make provisions for the continuous and perpetual maintenance of all private on-site improvements, perimeter landscaping, access drives, and sidewalks, which shall be reflected in the tract CC&R's.

FEEES AND DEPOSITS

51. 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.
52. 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.

53. Permit(s) issued under this approval shall be subject to the provisions of the Infrastructure Fee Program and Development Impact Fee program, as in effect at the time said permit(s) are issued.
54. Applicant shall have paid the in-lieu park land dedication fees associated with TT 34038, prior to issuance of any permits for the building.
55. Prior to completion of any approval process for modification of boundaries of the property or lots subject to these conditions, the applicant shall process a reapportionment of any bonded assessment(s) against the property and pay the cost of such reapportionment.

FIRE PROTECTION

56. Approved super fire hydrants, shall be spaced every 330 feet and shall be located not less than 25 feet nor more than 165 feet from any portion of the buildings as measured along outside travel ways. Off-site fire hydrants are required every 660 feet around the perimeter of the project.
57. 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.
58. The water mains shall be capable of providing a potential fire flow of 4,000 gpm and the actual fire flow from any two adjacent hydrants shall be 2,000 gpm for a 2-hour duration at 20-psi residual operating pressure.
59. City of La Quinta ordinance requires all commercial buildings 5,000 sq. ft. or larger to be fully sprinkled. NFPA 13 Standard. Area separation walls may not be used to reduce the need for fire sprinklers. Sprinkler plans will need to be submitted to the Fire Department.
60. Fire Department connections (FDC) shall be not less than 25 feet nor more than 50 feet from a fire hydrant and shall be located on the front street side of the buildings. FDC's and PIV's may not be located at the rear of buildings. Note: A 13R fire sprinkler may be considered for this project, if it is approved FDC connections may be wall mounted, contact the fire department for details.

61. Building plans shall be submitted to the Fire Department for plan review to run concurrent with the City plan check. Any submissions to the fire department are the responsibility of the applicant.
62. 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.
63. 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.
64. 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. Minimum road width is 24 feet clear and unobstructed with a vertical clearance of 13 ½ feet clear. Turning radiuses shall be no less than 38 feet outside.
65. 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 24 feet wide with a height of 13"6" clear and unobstructed.
66. Install a KNOX key box on each commercial building and/or suite. (Contact the fire department for an application)
67. Install portable fire extinguishers as required by the California Fire Code.

POLICE SERVICES

68. The project shall employ use of digital cameras and sound monitors that record vehicles entering and leaving the parking level. Digital cameras shall also be located within the parking level, to keep parked vehicles under surveillance and observe any trespassing or loitering. The presence of all such cameras shall be indicated by the posting of signs. All cameras shall be monitored by a building staff member, security, concierge or other personnel as appropriate. Elevators shall incorporate monitoring with cameras and microphones, or use "see-through materials for the elevator walls.

69. Pedestrian entrance into the parking level shall be located adjacent to the vehicular entry, and shall be designed to define and clearly separate pedestrian and vehicular access so as to avoid potential pedestrian/vehicle conflicts.
70. To the extent it is feasible, stairwells shall be constructed to be open and visible, without solid walls.
71. Elevators shall be placed in close proximity to main entrances, with the entire interior in view when doors are open. No permanent stop buttons shall be installed in elevators.
72. All parking stalls and driving aisles shall be fully illuminated. Lighting shall be incorporated into the parking level design as a critical safety and security feature.
73. Install convex view mirrors to provide visibility around corners into any hidden spaces that cannot be eliminated in the original design.
74. Individual parking spaces shall be numbered so the exact location of vehicle theft, break-ins and other incidents can be reported. The numbering system shall not use resident/unit numbers to avoid any empty space being construed as an unoccupied residence.
75. All building lighting, particularly in the parking level, shall be diligently maintained. All parking level surfaces shall be kept clean and light-colored to reflect light. Walls and ceilings should be a glossy white or light color.

COMMUNITY DEVELOPMENT

76. The applicant shall submit a detailed project exterior area lighting plan. All lighting improvements, including parking level lighting, exterior balconies, patios, etc., shall meet the criteria set forth in Chapter 9.150 and Section 9.100.150, LQMC, as related to lighting for the site. Under canopy lighting for building areas shall incorporate flush lens caps or similar recessed ceiling lighting, but is prohibited on exterior and interior balconies and patios.

The lighting plan shall be submitted for review at the time construction plan check for the permanent building permit is made to Building and Safety. Plans shall include detailed specifications and photos, etc., of all exterior lighting fixtures. Landscape-specific lighting shall be submitted as part of landscape plan review.

77. All roof-mounted mechanical equipment must be internal to the roof design, or screened as an integral part of the roof structure, in a manner so as not to be visible from surrounding properties and streets. Working drawings showing all such equipment and locations shall be submitted to the Building and Safety Department along with the construction plan submittal for building permits. The method and design must be approved by the Community Development Department, prior to any issuance of the main structural building permit.
78. An acoustical analysis shall be prepared for the building's interior and exterior spaces of the residential units. The analysis shall demonstrate that these areas comply with the respective interior/exterior CNEL standards of the La Quinta General Plan, as in effect at the time of building permit application. In addition, the analysis shall address the location of the project in the context of surrounding land use. The Village Commercial district allows a broad range of land uses, including commercial, retail, restaurant, recreation and entertainment, all of which are in close proximity of this project. The analysis shall provide recommendations for noise reduction measures, in consideration of this.
79. The project CC&R's submitted for review by the City, shall include a comprehensive disclosure statement regarding noise, light, glare, and assembly of people associated with the Village land use designation applied to the surrounding properties.
80. A final material and color specifications plan/palette shall be submitted to the Community Development Department as part of the building plan check process. The plan shall outline all exterior colors and materials to be used and shall include samples to the extent it is reasonable, in terms of sample size, quantities, etc. Once approved, the approved materials and colors shall be referenced in the architectural details, construction notes, etc. (as appropriate) of the final plan review set.

81. Based on the provisions of Condition 6.D of the specific plan approval (SP 2005-076), technical requirements of construction drawings which result in revisions to the general building design as approved will be considered within the 5% contingency limitation as specified in said Condition. Specifically, final design of the parking level entry required to accommodate ADA mandates will be an acceptable criteria for application of the 5% contingency. Based on Specific Plan Section 4.4.1, the building may not at any height extend beyond 38 feet, 6 inches, plus 5% (40 feet, 4 inches), and only with the approval of the Community Development Director. Any revisions determined to substantially deviate from the approved height parameters, or other design factor(s), shall be reviewed by the Planning Commission and City Council as a Business Item. However, the applicant shall make every effort to maintain the lowest overall heights of the building, with no point higher than 40 feet measured from the relative adjacent grade at property line. In meeting these criteria, the parking level floor grade shall be established between 5 feet (high side) and 4 feet (low side) below finish grade at adjacent property lines.
82. The building plans submitted for plan check shall incorporate the following revisions:
- A. The tile roof material shall be a two-piece mission clay style, and shall incorporate a full mudded treatment.
 - B. Provide recessed windows, eave extensions and other elements that will achieve a greater degree of solar control, particularly on the west building elevation.
 - C. Building edges shall incorporate rounded corners.
 - D. All exposed wood trellis structures shall be pressure-treated or a glue-lam construction.
 - E. The access stairway at the southeast of the building shall be revised in a manner to reduce the appearance of excessive protrusion from the main building structure. Review of this requirement shall be accomplished at the staff level during plan check. The design shall address potential safety and security concerns, as well as better integration into the overall building design.
 - F. All balcony, patio, courtyard, gates and other fencing shall employ authentic wrought iron in their design throughout the project. This includes the common area pool fencing. The vehicle entry gate shall be of a decorative design with a painted or other finish, and not a standard metal gate.

- G. Exterior lighting fixtures shall be of an upgraded quality and shall attach to the building, with no recessed lighting to be used in exterior building features; soffits, balcony and patio areas.
- H. The exposed stone effect shown on the courtyard elevations shall be removed, in favor of the overall smooth plaster finish.
- I. The building shall provide for bicycle facilities, through reservation of areas for bicycle storage for residents and bicycle racks and locations for visitors and guests. Such facilities shall be specifically shown on and reviewed as part of construction documents to be submitted for plan check.

CULTURAL RESOURCES

- 83. The site shall be monitored during on and off-site trenching and rough grading by qualified archaeological monitors. Proof of retention of monitors shall be given to the City prior to issuance of first earth-moving or clearing permit.
- 84. The final report on the monitoring shall be submitted to the Community Development Department prior to the issuance of the first Certificate of Occupancy for the project.
- 85. Collected archaeological resources shall be properly packaged for long term curation, in polyethylene self-seal bags, vials, or film cans as appropriate, all within acid-free, standard size, comprehensively labeled archive boxes and delivered to the City prior to issuance of first Certificate of Occupancy for the property. As part of the collection process, the recording and reburial of artifacts shall be evaluated in consultation with Tribal organizations. This shall include the return of artifacts to the involved Tribe(s), for potential reburial at the location of discovery of the artifact, after completion of the project earthwork.

Materials shall be accompanied by descriptive catalogue, field notes and records, primary research data, and the original graphics.

- 86. The conditions of approval for this item shall be included in the submitted report, "A Cultural Resources Survey of the Proposed Casa La Quinta Project, Riverside County, California", prepared by Foothill Archaeological Services, prior to issuance of first permit requiring monitoring.

87. Pursuant to their request, the monitoring crew shall include a member of the Ramona Band of Cahuilla Indians, if requested by the Ramona Band in writing.
88. If Native American cultural resources are discovered during monitoring or the subsequent construction phase, the Morongo Band of Mission Indians, Ramona Band of Cahuilla Indians and the Agua Caliente Band of Cahuilla Indians, shall each be notified and allowed to consult on the discovery and its disposition.

PALEONTOLOGICAL RESOURCES

89. Prior to groundbreaking, a field survey shall be conducted by the applicant in order to identify and document potential surface fossiliferous resources. A report of findings from the field survey shall be transmitted to Community Development Department and shall be provided to site monitors prior to beginning of any earth-moving.
90. On and off-site monitoring of earth-moving and grading in areas identified as likely to contain paleontological resources shall be conducted by a qualified paleontological monitor. The monitor shall be equipped to salvage fossils as they are unearthed to avoid construction delays and to remove samples of sediments that are likely to contain the remains of small fossil invertebrates and vertebrates. The monitor shall be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens. Proof that a monitor has been retained shall be given to City prior to issuance of first earth-moving permit, or before any clearing of the site is begun.
91. Recovered specimens shall be prepared to the point of identification and permanent preservation, including washing of sediments to recover small invertebrates and vertebrates.
92. A report of findings with an appended itemized inventory of specimens shall be submitted to the City prior to the first occupancy of a residence being granted by the City. The report shall include pertinent discussions of the significance of all recovered resources where appropriate. The report and inventory, when submitted will signify completion of the program to mitigate impacts to paleontological resources.

93. Collected resources and related reports, etc. shall be given to the City for curation. Packaging of resources, reports, etc. shall comply with standards commonly used in the paleontological industry.

LANDSCAPING

94. The applicant shall submit all landscape plans, to include landscape lighting, for approval through plan checking by the Public Works Department. Community Development Department review will take place during this plan check process. When plan checking has been completed by the both Departments, the applicant shall obtain the signatures of CVWD and the Riverside County Agricultural Commissioner, prior to submittal for signature by the City Engineer. Prior to CVWD review, the applicant shall provide calculations that meet the requirements of Chapter 8.13 of the Municipal Code - Water Efficient Landscaping.

NOTE: Plans are not approved for construction until signed by the City Engineer. All landscape and irrigation plans shall be signed and stamped by a licensed landscape architect.

95. On-site landscape, landscape lighting and irrigation plans shall be submitted for review by the ALRC and approval by the Community Development Director. Plans shall be in substantial conformance with the conceptual landscaping as approved for the project by Planning Commission, which shall conform to the provisions of Specific Plan 2005-076 (Section 4.22, Landscaping, and Appendix C, Landscape Palette).
96. An area-specific design and landscape plan shall be submitted for the common interior courtyard and pool area, subject to review by the ALRC and final approval of the Community Development Director. The plan shall address definition of private/public, passive/active, and other spatial relationships, through the use of landscaping, low walls, water features and other focal elements, shading, etc. This plan shall be approved prior to issuing a building permit for the residential units.
97. The Phoenix Dactylifera species (Date Palms) to be used shall be purchased from within the Coachella Valley, per the requirement of the Riverside County Agricultural Commissioner.

98. Additional plant materials, such as shrubs, vines, and similar, shall be employed at the building base and planted so as to accent the blank wall areas at the lower elevations between the grade and below the first floor window lines. Use of berms shall also be considered. A retaining/planter wall plan will be required with the overall landscaping plan layout, if such walls will be provided or required.
99. All planting pots, and/or other similar containers, shall be placed at appropriate intervals and automatic irrigation shall be provided to all such containers. Second-story planter areas and/or containers shall incorporate or tie into the building down drain system; to avoid discoloration damage to the building finishes.