

**RESOLUTION NO. 2008-027
CONDITIONS OF APPROVAL – FINAL
TENTATIVE TRACT MAP 33226
CROWNE POINTE PARTNERS. LLC
APRIL 15, 2008**

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 Tentative Tract Map, or any Final Map recorded there under. 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. This Tentative Tract Map shall expire on April 15, 2010, two years after the City Council approval date of April 15, 2008, unless recorded or granted a time extension pursuant to Title 13 of the La Quinta Municipal Code (§13.12.160; Extensions of Time for Tentative Maps). The two-year time period shall be tolled during the pendency of any lawsuit that may be filed, challenging this Tentative Tract Map and/or the City's CEQA compliance.
3. This Tentative Tract Map, and any Final Map recorded there under, shall comply with the requirements and standards of Government Code §§ 66410 through 66499.58 (the "Subdivision Map Act"), and Chapter 13 of the La Quinta Municipal Code ("LQMC"). The City of La Quinta's Municipal Code can be accessed on the City's Web Site at www.la-quinta.org.
4. Tentative Tract 33226 shall comply with all applicable terms, conditions and/or mitigation measures for the following related approvals:
 - Subsequent EIR; SCH #2007061056
 - Specific Plan 83-002, Amendment No. 6
 - Site Development Permit 2006-852
 - Development Agreement 2006-011

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

5. 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:

- Fire Marshal
- Public Works Department (Grading Permit, Green Sheet (Public Works Clearance) for Building Permits, Improvement Permit
- Planning Department
- Riverside County Environmental Health Department
- Coachella Valley Unified School District
- Coachella Valley Water District (CVWD)
- Imperial Irrigation District (IID)
- California Water Quality Control Board (CWQCB)
- SunLine Transit Agency
- 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 the requirements include approval of improvement plans, the applicant shall furnish proof of such approvals when submitting those improvements 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 Tentative Tract Map 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 retain for private use on the Final Map all private street rights-of-way in conformance with the City's General Plan, Municipal Code, applicable specific plans, and/or as required by the City Engineer.

10. The private street rights-of-way to be retained for private use required for this development include:

A. PRIVATE STREETS (OFF-SITE)

- 1) PGA Boulevard (Arterial, 110' and 120' ROW) – No additional private street dedication is required.

B. PRIVATE STREETS (ON-SITE)

- 1) Streets 'A' and 'B' - Private Residential Streets measured at gutter flow line to gutter flow line shall have a 32-foot travel width with parking restricted to one side, provided there is adequate off-street parking for residents and visitors, and the applicant establishes provisions for ongoing enforcement of the parking restriction in the CC&R's. The CC&R's shall be reviewed by the Planning Department prior to recordation.
- 2) Street 'C' – Entry Gate Driveway as shown on the approved Tentative Tract Map and as per these conditions of approval.
- 3) Street 'D' - Private Residential Street measured gutter flow line to gutter flow line shall have a 36-foot travel width, allowing for double-loaded on-street parking where no visual or other conflicts exist, and provided the applicant establishes provisions for ongoing enforcement of the parking restriction in the CC&R's. The CC&R's shall be reviewed by the Planning Department prior to recordation.
- 4) Street 'F', generally between Street 'D' and Lot 94 - Private Residential Street measured gutter flow line to gutter flow line shall have a 36-foot travel width, allowing for double-loaded on-street parking where no visual or other conflicts exist, and provided the applicant establishes provisions for ongoing enforcement of the parking restriction in the CC&R's. The CC&R's shall be reviewed by the Planning Department prior to recordation.
- 5) Streets 'E', 'G', 'H' and portion Street 'F' along Lot 94 - Private Residential Streets measured gutter flow line to gutter flow line shall have a minimum 28-foot travel width with on-street parking prohibited, provided there is adequate off-street parking for residents and visitors, and the applicant establishes provisions for

ongoing enforcement of the parking restriction in the CC&R's. The CC&R's shall be reviewed by the Planning Department prior to recordation.

- C. Turn Around at Streets 'F' and 'G'.
 - 1) The turn around shall conform to the shape shown on the tentative tract map, except for any minor revisions as may be required by the City Engineer and/or Riverside County Fire Department. The turn-around shall incorporate signing, striping, and/or any required improvements to minimize turning conflicts, as may be determined necessary by the City Engineer.
- D. Common Driveways (Village Homes) – Private Residential Common Driveways to be a minimum 24-foot travel width and as shown on the approved Tentative Tract Map. Additional width and turning radius may be required by the Public Works Department and Riverside Fire Department in the plan check process and as approved by the City Engineer and Fire Marshal.
- E. Common Driveway (Courtyard Homes) – Private Residential Common Driveways to be a minimum 23-foot travel width and as shown on the approved Tentative Tract Map. Additional width and turning radius may be required by the Public Works Department and Riverside Fire Department in the plan check process and as approved by the City Engineer and Fire Department.

Curve radii for curbs at all street intersections shall not be less than 25 feet. Additionally, the inside curb radius shall be a minimum of 35 feet where road alignments are greater than 90 degrees or as approved by the City Engineer.

- 11. Dedications shall include additional widths as necessary for dedicated right and left turn lanes, bus turnouts, and other features contained in the approved construction plans.
- 12. When the City Engineer determines that access rights to the proposed street rights-of-way shown on the approved Tentative Tract Map are necessary prior to approval of the Final Map dedicating such rights-of-way, the applicant shall grant the necessary rights-of-way within 60 days of a written request by the City.

13. The applicant shall offer for dedication on the Final Map a ten-foot wide public utility easement contiguous with, and along both sides of all private streets. Such easement may be reduced to five feet in width with the express written approval of IID.

The listed setback depth shall be the average depth where a meandering wall design is approved.

The setback requirements shall apply to all frontages including, but not limited to, remainder parcels 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 on the Final Map.

14. The applicant shall offer for dedication those easements necessary for the placement of, and access to, utility lines and structures, drainage basins, mailbox clusters, park lands, and common areas on the Final Map.
15. Direct vehicular access to PGA Boulevard from lots with frontage along PGA Boulevard is restricted, except for those access points identified on the tentative tract map, or as otherwise conditioned in these conditions of approval. The vehicular access restriction shall be shown on the recorded final tract map.
16. The applicant shall furnish proof of easements, or written permission, as appropriate, from those owners of all abutting properties on which grading, retaining wall construction, permanent slopes, or other encroachments will occur.
17. The applicant shall cause no easement to be granted, or recorded, over any portion of the subject property between the date of approval of the Tentative Tract Map and the date of recording of any Final Map, unless such easement is approved by the City Engineer.
18. The applicant shall be responsible for the vacation and granting of easements that address changes in the existing easements over the proposed tentative tract map that may be affected by proposed improvements. Pursuant to this condition, the applicant shall apply to the City for any street vacation request of public right of way and/or utility easements. The applicant must provide all applicable exhibits and legal descriptions and perform all necessary

abandonments or relocation of easements and or facilities as required by all affected utility purveyors over the public right-of-way and/or utility easements, or as approved by the City Engineer. Typically the right of way vacation process is about six to eight months.

STREET AND TRAFFIC IMPROVEMENTS

19. 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 for public streets; and Section 13.24.080 (Street Design - Private Streets), where private streets are proposed.
20. The applicant shall construct the following street improvements to conform to the General Plan (street type noted in parentheses.)
 - A. OFF-SITE PRIVATE STREETS
 - 1) PGA Boulevard (Arterial, 120' ROW) – No additional private street widening is required.
 - 2) Other required improvements in the PGA Boulevard private street right-of-way and/or adjacent landscape setback area include:
 - a) All appurtenant components such as, but not limited to: curb, gutter, traffic control striping, legends, and signs. The applicant shall reconstruct all curb and gutter at existing intersections that do not provide access to the tentative tract as required by the City Engineer.
 - b) 8-foot wide meandering sidewalk/Class I Golf Cart Path as shown on the approved tentative tract map from the northerly property line to the proposed primary entry. This improvement shall be installed in its entirety as part of the initial project improvement phase, which shall also include the entirety of the project perimeter wall.
 - c) Reconstruct the existing 22-foot wide raised landscaped median as needed to accommodate full movements at the entry. Additionally, the applicant shall provide adequate length of left turn deceleration lane with in the median as

determined by a California Licensed Traffic Engineer and as approved by the City Engineer.

- d) Reconstruct and remove existing pavement, curb and gutter, and curb returns previously constructed and not required for access to the tentative tract. The locations are, at a minimum, across Jack Nicklaus and across the existing clubhouse entrance at the north end of the tentative tract map.

The applicant shall extend improvements beyond the subdivision boundaries to ensure they safely integrate with existing improvements (e.g., grading; traffic control devices and transitions in alignment, elevation or dimensions of streets and sidewalks).

B. REQUIRED PROJECT FAIR-SHARE IMPROVEMENTS (OFF-SITE PUBLIC STREETS)

1) Jefferson Street at Avenue 54.

- a. Prior to issuance of the first building permit, the Applicant shall pay \$125,000 to the City to cover the project's obligation for this traffic signal. Prior to issuance of the 132nd (50% of units) building permit the developer shall conduct a traffic warrant study. It shall be determined by the Public Works Director if traffic signal warrants are met for this intersection. If warrants are met, the Public Works Director shall add the signal to the City's Capital Improvement Program (CIP) for construction the following year.

If traffic signal warrants are not determined to be met pursuant to the aforementioned, a second signal warrant determination shall be conducted by the developer prior to issuance of the 264th building permit. If the Public Works Director determines warrants are met, the signal improvement shall be added to the City's Capital Improvement Program (CIP) for construction the following year.

C. FUTURE PROJECT FAIR-SHARE IMPROVEMENTS (OFF-SITE PUBLIC STREETS)

1) Washington Street at Avenue 50.

- a) The applicant shall pay his fair-share (calculated in the Final EIR, Table 11.0-12, as 0.9% for PM peak trips) for improvements to install a third northbound through lane, a second southbound left turn lane, a southbound right turn lane with right turn overlap phase, a second eastbound left turn lane, a second eastbound through lane, a second west bound through lane, and a westbound right turn overlap phase. The amount of the applicant's fair share for the above mentioned improvements shall be as approved by the City Engineer. The applicant shall pay to the City of La Quinta his fair share prior to final map recordation.
- 2) Jefferson Street at Avenue 50.
 - a) The applicant shall pay his fair-share (calculated in the Final EIR, Table 11.0-12, as 6.6% for PM peak trips) for improvements to install a second southbound left turn lane, a second eastbound left turn lane, and a second westbound through lane. The amount of the applicant's fair share for the above mentioned improvements shall be as approved by the City Engineer. The applicant shall pay to the City of La Quinta his fair share prior to final map recordation.

D. PRIVATE STREETS

- 1) Street 'A' and 'B' - Private Residential Streets measured at gutter flow line to gutter flow line shall have a 32-foot travel width with parking restricted to one side, provided there is adequate off-street parking for residents and visitors, and the applicant establishes provisions for ongoing enforcement of the parking restriction in the CC&R's. The CC&R's shall be reviewed by the Planning Department prior to recordation.
- 2) Street 'C' - Entry Driveway as shown on the approved Tentative Tract Map and as per these conditions of approval.
- 3) Street 'D' - Private Residential Street measured gutter flow line to gutter flow line shall have a 36-foot travel width, allowing for double-loaded on-street parking where no visual or other conflicts exist, and provided the applicant establishes provisions for ongoing enforcement of the parking restriction in the CC&R's. The CC&R's shall be reviewed by the Planning Department prior to recordation.

- 4) Street 'F', generally between Street 'D' and Lot 94 - Private Residential Street measured gutter flow line to gutter flow line shall have a 36-foot travel width, allowing for double-loaded on-street parking where no visual or other conflicts exist, and provided the applicant establishes provisions for ongoing enforcement of the parking restriction in the CC&R's. The CC&R's shall be reviewed by the Planning Department prior to recordation.
 - D. Common Driveway (Village Homes) – Private Residential Common Driveways to be a minimum of 24 feet travel width and as shown on the approved Tentative Tract Map. Additional width and turning radius may be required by the Public Works Department and Riverside Fire Department in the plan check process and as approved by the City Engineer and Fire Marshal.
 - E. Common Driveway (Courtyard Homes) – Private Residential Common Driveways to be a minimum of 23 feet of travel width and as shown on the approved Tentative Tract Map. Additional width and turning radius may be required by the Public Works Department and Riverside Fire Department in the plan check process and as approved by the City Engineer and Fire Marshal.
 - F. Turn Around at Streets 'F' and 'G'.
 - 1) The turn around shall conform to the shape shown on the tentative tract map, except for any minor revisions as may be required by the City Engineer and/or Riverside County Fire Department. The turn-around shall incorporate signing, striping, and/or any required improvements to minimize turning conflicts, as may be determined necessary by the City Engineer.
21. All gated entries shall provide for a three-car minimum stacking capacity for inbound traffic to be a minimum length of 62 feet from call box to the street; and shall provide for a full turn-around outlet for non-accepted vehicles.

Where a gated entry is proposed, the applicant shall submit a detailed exhibit at a scale of 1" = 10', demonstrating that those passenger vehicles that do not gain entry into the development can safely make a full turn-around (minimum radius to be 24 feet) out onto the main street from the gated entry. Pursuant to said condition, there shall be a minimum of twenty five feet width provided at the turn-around opening provided.

Two lanes of traffic shall be provided on the entry side of each gated entry, one lane shall be dedicated for residents and one lane for visitors. The two travel lanes shall be a minimum of 20 feet of total paved roadway surface or as approved by the Riverside County Fire Department.

Entry drives, main interior circulation routes, standard knuckles, corner cutbacks, bus turnouts, dedicated turn lanes and other features shown on the approved construction plans, may require additional street widths as may be determined by the City Engineer.

22. As the Primary Entry Gate cannot accommodate a 45-foot truck turning radius and maneuvering to provide access for large moving vans to make right turns (WB-62 Interstate Semi Trailer) onto Street "A" from the entry and left turn movements from Street "A" exiting out the Primary Entry Gate, the applicant shall establish provisions in the CC&R's for the gate attendant to direct vehicles to the left along Street "B" and exiting through the secondary entry. Additionally, as the internal streets configuration limits large moving van (WB-62) turning movements, the applicant shall also establish a provision in the CC&R's to advise prospective owners of said limitation. The CC&R's shall be reviewed and approved by the Planning and Public Works Departments prior to recordation.
23. The applicant shall design street pavement sections using CalTrans' design procedure for 20-year life pavement, and the site-specific data for soil strength and anticipated traffic loading (including construction traffic). Minimum structural sections shall be as follows:

Residential	3.0" a.c./4.5" c.a.b.
PGA Boulevard	4.5" a.c./6.0" c.a.b.

Or the approved equivalents of alternate materials.

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

25. General access points and turning movements of traffic are limited to the following:
 - A. Primary Entry (PGA Boulevard): Full turn movements are permitted except as conditioned above for large moving van movements (WB-62).
 - B. Secondary Entry (PGA Boulevard): Right turn in and out is permitted at the existing Roundabout. Left turn in and out is prohibited due to the roundabout design concept in place.
26. Improvements shall include appurtenances such as traffic control signs, markings and other devices, raised medians if required, street name signs and sidewalks. Mid-block street lighting is not required.
27. Improvements shall be designed and constructed in accordance with City adopted standards, supplemental drawings and specifications, or as approved by the City Engineer. Improvement plans for streets, access gates and parking areas shall be stamped and signed by qualified engineers.

FINAL MAP

28. Prior to the City's approval of a Final Map, the applicant shall furnish mylars of the Final Map that were approved by the City's map checker on a storage media acceptable to the City Engineer. The Final Map shall be of a 1" = 40' scale.
29. The applicant shall abandon or relocate existing easements over the tentative tract map prior to recordation of the Final Map as required by the agency and/or individual favored and as approved by the City Engineer. Additionally, the applicant shall relocate existing utility facilities that are required by all utility purveyors prior to issuance of the first building permit or as approved by the City Engineer.
30. Lettered lots may be created for any common recreation facilities and/or landscaped areas, as may be proposed or required by these conditions, through the administrative plan check process.

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.

31. 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.
32. 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. | On-Site Rough Grading Plan | 1" = 40' Horizontal |
| B. | PM10 Plan | 1" = 40' Horizontal |
| C. | SWPPP | 1" = 40' Horizontal |
- NOTE: A through C to be submitted concurrently.
- | | | |
|----|--|---------------------------------------|
| D. | On-Site Precise Grading Plan (Multi-Tenant) | 1" = 30' Horizontal |
| E. | Off-Site Private Street Improvement/Storm Drain Plan | 1" = 40' Horizontal, 1" = 4' Vertical |
| F. | Off-Site Private Street Signing & Striping Plan | 1" = 40' Horizontal |

The Off-Site street improvement plans shall have separate plan sheet(s) (drawn at 20 scale) that show the meandering sidewalk, mounding, and berm design in the combined parkway and landscape setback area.

- | | | |
|----|---|---------------------------------------|
| G. | On-Site Street Improvements/Signing & Striping/Storm Drain Plan | 1" = 40' Horizontal, 1" = 4' Vertical |
| H. | Off-Site Public Street Traffic Signal Plan | 1" = 20' Horizontal |
| I. | Off-Site Public Street Signing & Striping Plan | 1" = 40' Horizontal |

NOTE: D through I 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.

All Off-Site Plan & Profile Street Plans and Signing & Striping Plans shall show all existing improvements for a distance of at least 200-feet beyond the project limits, or a distance sufficient to show any required design transitions.

All On-Site Signing & Striping Plans shall show, at a minimum; Stop Signs, Limit Lines and Legends, No Parking Signs, Raised Pavement Markers (including Blue RPMs at fire hydrants) and Street Name Signs per Public Works Standard Plans and/or as approved by the Engineering Department.

"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 Site Development Plan when it is submitted for plan checking.

In addition to the normal set of improvement plans, an "On-Site Precise Grading" plan is required to be submitted for approval by the Building Official and the City Engineer.

"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.

"Street Parking" plan shall include appropriate signage to implement the "No Parking" concept, or alternatively an on-street parking policy shall be included in the CC & R's subject to City Engineer's Approval. The parking plan or CC & R's shall be submitted concurrently with the Street Improvement Plans.

33. The City maintains standard plans, detail sheets and/or construction notes for elements of construction which can be accessed via the Online Engineering Library at the City website (www.la-quinta.org). Please navigate to the Public Works Department home page and look for the Standard Drawings hyperlink.

34. The applicant shall furnish a complete set of the mylars of all approved improvement plans on a storage media acceptable to the City Engineer.
35. Upon completion of construction, and prior to final acceptance of the improvements by the City, 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 approved mylars previously submitted to the City, revised to reflect the as-built conditions. The applicant shall employ or retain the Engineer Of Record during the construction phase of the project so that the EOR can make site visits in support of preparing As Built drawings. However, if subsequent approved revisions have been approved by the City Engineer and reflect said "As-Built" conditions, the Engineer Of Record may submit a letter attesting to said fact to the City Engineer in lieu of mylar submittal.

IMPROVEMENT SECURITY AGREEMENTS

36. Prior to approval of any Final Map, the applicant shall construct all on and off-site improvements and satisfy its obligations for same, or shall furnish a fully secured and executed Subdivision Improvement Agreement ("SIA") guaranteeing the construction of such improvements and the satisfaction of its obligations for same, or shall agree to any combination thereof, as may be required by the City.
37. Any Subdivision Improvement Agreement ("SIA") entered into by and between the applicant and the City of La Quinta, for the purpose of guaranteeing the completion of any improvements related to this Tentative Tract Map, shall comply with the provisions of Chapter 13.28 (Improvement Security), LQMC.
38. Improvements to be made, or agreed to be made, shall include the removal of any existing structures or other obstructions which are not a part of the proposed improvements; and shall provide for the setting of the final survey monumentation.

When improvements are phased through a "Phasing Plan," or an administrative approval (e.g., Site Development Permits), all off-site improvements and common on-site improvements (e.g., backbone utilities, retention basins, perimeter walls, landscaping and gates) shall be constructed, or secured through

a SIA, prior to the issuance of any permits in the first phase of the development, or as otherwise approved by the City Engineer.

Improvements and obligations required of each subsequent phase shall either be completed, or secured through a SIA, prior to the completion of homes or the occupancy of permanent buildings within such latter phase, or as otherwise approved by the City Engineer.

In the event the applicant fails to construct the improvements for the development, or fails to satisfy its obligations for the development in a timely manner, pursuant to the approved phasing plan, the City shall have the right to halt issuance of all permits, and/or final inspections, withhold other approvals related to the development of the project, or call upon the surety to complete the improvements.

39. Depending on the timing of the development of this Tentative Tract Map, and the status of the off-site improvements at the time, the applicant may be required to:
- A. Construct certain off-site improvements.
 - B. Construct additional off-site improvements, subject to the reimbursement of its costs by others.
 - C. Reimburse others for those improvements previously constructed that are considered to be an obligation of this tentative tract map.
 - D. Secure the costs for future improvements that are to be made by others.
 - E. To agree to any combination of these means, as the City may require.

Off-Site Improvements should be completed on a first priority basis. The applicant shall complete Off-Site Improvements as previously conditioned or as required by the City Engineer.

40. If the applicant elects to utilize the secured agreement alternative, the applicant shall submit detailed construction cost estimates for all proposed on-site and off-site improvements, including an estimate for the final survey monumentation, for checking and approval by the City Engineer. Such estimates shall conform to the unit cost schedule adopted by City resolution, or ordinance.

For items not listed in the City's unit cost schedule, the proposed unit costs shall be approved by the City Engineer.

At the time the applicant submits its detailed construction cost estimates for conditional approval of the Final Map by the City Council, the applicant shall also submit one copy each of an 8-1/2" x 11" reduction of each page of the Final Map, along with a copy of an 8-1/2" x 11" Vicinity Map.

Estimates for improvements under the jurisdiction of other agencies shall be approved by those agencies and submitted to the City along with the applicant's detailed cost estimates.

Security will not be required for telephone, natural gas, or Cable T.V. improvements.

GRADING

41. The applicant shall comply with the provisions of Section 13.24.050 (Grading Improvements), LQMC.
42. 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.
43. 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,
 - 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, and
 - 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.

In conjunction with submittal of grading plans, the required geotechnical investigation shall include an analysis of the liquefaction potential on the site, and shall propose remediation, if necessary.

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. The Preliminary Soils Report shall check for subsidence and hydrological collapse of existing as well as proposed construction as approved during the plan check process.

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.

44. 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.
45. Building pad elevations on the rough grading plan submitted for City Engineer's approval shall conform to pad elevations shown on the tentative map, unless the pad elevations have other requirements imposed elsewhere in these Conditions of Approval.
46. Building pad elevations of perimeter lots shall not differ by more than one foot higher from the building pads in adjacent developments. The applicant shall minimize the differences in elevation between the adjoining properties and the lots within this development.

Where compliance within the above stated limits is impractical, the City may consider alternatives that are shown to minimize safety concerns, maintenance difficulties and neighboring-owner dissatisfaction with the grade differential.

47. The applicant shall maintain pad heights, to the greatest extent feasible, for the Manor and Village unit pads as shown on the tentative map exhibit approved by City Council on April 15, 2008. "Greatest extent feasible" shall mean that, during the grading plan check process, the applicant may be permitted to revise the pad elevations for any or all of these units for circumstances relating to compliance for hydrology, drainage, utilities, and other infrastructure design requirements. The applicant understands that there may be further pad reductions that can feasibly be accomplished, as well as potential increases in pad heights that may be necessary to achieve the project design. Any increase in pad elevation height from that shown on the tentative map exhibit approved by the City Council on April 15, 2008, shall be limited to no more than 6

inches. Any revisions to pad elevations shall be reviewed through the substantial conformance process, and thereby subject to final approval by the City Engineer.

48. 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.
49. Within 30 days prior to the initiation of any ground disturbing activity on the project site, the project proponent shall cause a protocol-compliant burrowing owl survey to be completed, submitted to the Planning Department, and approved prior to the commencement of said activity. Should the species be identified on the site, the biologist's recommendations for relocation shall be implemented prior to the issuance of any ground disturbance permit.
50. No grading, building or any other permit requiring any ground-disturbance shall be issued, until the provisions of Conditions 97 through 106, pertaining to archaeological and paleontological monitoring, have been complied with, to the extent they are applicable to a specific permit request.

DRAINAGE

51. Stormwater handling shall conform to the approved hydrology and drainage report for PGA West Development and as modified for this Tentative Tract Map.
52. Nuisance water shall be retained on site. Nuisance water shall be disposed of per approved methods contained in Engineering Bulletin No. 06-16 – Hydrology Report with Preliminary Hydraulic Report Criteria for Storm Drain Systems and Engineering Bulletin No. 06-015 - Underground Retention Basin Design Requirements.
53. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development.

54. Storm drainage historically received from adjoining property shall be received and retained or passed through into the historic downstream drainage relief route.

UTILITIES

55. The applicant shall comply with the provisions of Section 13.24.110 (Utilities), LQMC.
56. 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.
57. Existing overhead utility lines within, or adjacent to the proposed development, and all proposed utilities shall be installed underground.

All existing utility lines attached to joint use 92 KV transmission power poles are exempt from the requirement to be placed underground.

58. 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.

CONSTRUCTION

59. The City will conduct final inspections of habitable buildings only when the buildings have improved street and (if required) sidewalk access to private (Off-Site) 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.

LANDSCAPE AND IRRIGATION

60. The applicant shall comply with Sections 13.24.130 (Landscaping Setbacks) & 13.24.140 (Landscaping Plans), LQMC.
61. Landscape and irrigation plans for landscaped lots and setbacks, medians, retention basins, and parks shall be signed and stamped by a licensed landscape architect.
62. The applicant or his agent has the responsibility for proper sight distance requirements per guidelines in the AASHTO "A Policy on Geometric Design of Highways and Streets, 5th Edition or latest, in the design and/or installation of all landscaping and appurtenances abutting and within the private street right-of-way.
63. The final landscape plans shall reflect a significant effort to reduce the use of turf areas in all landscaping, common and private. Specifically, plans shall minimize or eliminate all turf areas adjacent to sidewalks and roadways.

PUBLIC SERVICES

64. The applicant shall provide any public transit improvements as may be required by SunLine Transit Agency and approved by the City Engineer. At this time, SunLine has not requested any such improvements; however, should such a request be made in the future, depending on project phasing and completion, the applicant may be required to provide certain said improvements.

FIRE PROTECTION

65. For residential areas, approved standard fire hydrants, located at each intersection and spaced 330 feet apart with no portion of any lot frontage more than 165 feet from a hydrant. Minimum fire flow shall be 1000 GPM for a 2-hour duration at 20 PSI.
66. For any buildings with public access i.e. recreational halls, clubhouses, etc. or buildings with a commercial use i.e. gatehouses, maintenance sheds, etc. Super fire hydrants are to be placed no closer than 25 feet and not more than 165 feet from any portion of the first floor of said building following approved travel ways around the exterior of the building. Minimum fire flow for these areas would be 1500 GPM for a 2-hour duration at 20 PSI.

67. Blue dot retro-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.
68. City of La Quinta ordinance requires all buildings 5,000 sq. ft. or larger to be fully sprinkled per NFPA 13/13R/13D Standard. If required, sprinkler plans will need to be submitted to the Fire Department. Area separation walls may not be used to reduce the need for sprinklers.
69. Any turn-around requires a minimum 38-foot turning radius, subject to approval by the Fire Department.
70. All structures shall be accessible from an approved roadway to within 150 feet of all portions of the exterior of the first floor.
71. The minimum dimension for access roads and gates is 20 feet clear and unobstructed width and a minimum vertical clearance of 13 feet 6 inches in height.
72. Any gate providing access from a road shall be located at least 35 feet setback from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Where a one-way road with a single traffic lane provides access to a gate entrance, a 38-foot turning radius shall be used.
73. Gates may be automatic or manual and shall be equipped with a rapid entry system (KNOX). Plans shall be submitted to the Fire Department for approval prior to installation. Automatic gate pins shall be rated with a shear pin force, not to exceed 30 pounds. Gates activated by the rapid entry system shall remain open until closed by the rapid entry system. Automatic gates shall be provided with backup power.
74. 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. Two sets of water plans are to be submitted to the Fire Department for approval.
75. 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.

QUALITY ASSURANCE

76. The applicant shall employ construction quality-assurance measures that meet with the approval of the City Engineer.
77. The applicant shall employ, or retain, qualified engineers, surveyors, and such 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.
78. The applicant shall arrange for, and bear the cost of, all measurements, sampling and testing procedures not included in the City's inspection program, but which may be required by the City, as evidence that the construction materials and methods employed comply with the plans, specifications and other applicable regulations.
79. 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 approved mylars previously submitted to the City, revised to reflect the as-built conditions.

MAINTENANCE

80. The applicant shall comply with the provisions of Section 13.24.160 (Maintenance), LQMC.
81. The applicant shall make provisions for the continuous and perpetual maintenance of all private on-site improvements, perimeter landscaping, access drives, and sidewalks.

FEES AND DEPOSITS

82. The applicant shall comply with the provisions of Section 13.24.180 (Fees and Deposits), LQMC. 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.

83. Tentative Tract 33226 shall provide for parks through payment of an in-lieu fee, as specified in Chapter 13.48, LQMC. Based on the requirements of Section 13.48.050 LQMC, the amount of park land required for 264 units is 2.218 acres. The in-lieu payment(s) shall be based upon this acreage requirement, and on the fair market value of the land within the subdivision. Land value information shall be provided to the Planning Director, via land sale information, a current fair market value appraisal, or other information on land value within the subdivision. In-lieu fees may be paid for each proposed final map phase of a multiple-phased map. Payment of the in-lieu fee shall be made prior to, or concurrently with recordation of the first final map within the tentative map.
84. 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).
85. 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.
86. 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.
87. A fee of \$2,564.00, payable to Riverside County, is due to this office within 24 hours of any City Council approval. This is required by the County to post the Notice of Determination and offset costs associated with AB 3158 (Fish and Game Code 711.4).
88. Applicant shall pay the applicable mitigation fees, related to the Multi-Species Habitat Conservation Plan program, as in effect and at the appropriate point in the permit process

PLANNING DEPARTMENT

89. Revisions to the tentative map during plan check including, but not limited to, lot line alignments, easements, improvement plan revisions, and similar minor changes which do not alter the design (layout, street pattern, etc.) may be administratively approved through the plan check process, with the mutual consent and approval of the Planning and Public Works Directors. It is recognized that certain lot boundaries for Lots 1-83 (Courtyard unit lots) may need to be adjusted from their tentative alignments, to allow for the precise plotting of unit footprints for the zero-lot line Courtyard product. Any such

replotting of the approved tentative map, shall be reviewed under the substantial conformance process and shall not constitute a need to file a revised tentative map. Any grading revisions shall be governed by Condition 47.

90. Applicant shall ensure compliance with all mitigation measures set forth in the Subsequent Environmental Impact Report (SEIR), SCH #2007061056, as part of all related conditions of approval, as identified in Condition No. 4. These mitigation measures are required to address potentially significant impacts to Air Quality (Short-Term Construction Impacts); Cultural Resources; Noise; Public Services (Schools); Transportation, Traffic, Parking and Circulation (Project Traffic, Cumulative Impacts).
91. Applicant shall prepare project CC&R's to address parking restrictions for on-street guest parking and all other guest parking areas, including any use of common driveway space for parking. Parking provisions shall also include allowances for golf cart use and parking within the tentative map area. In addition, the CC&R's shall incorporate provisions as set forth in Development Agreement 2006-011, as determined necessary by the City Attorney and Planning Department.
92. Building heights, setbacks, parking and other development standards shall be in compliance with the approved plan documents for the Eden Rock at PGA West project, and any precedent conditions of approval for Tentative Tract Map 33226, Specific Plan 83-002, Amendment No. 6 and Site Development Permit 2006-852.
93. A final acoustical analysis shall be completed and submitted for review at time of building permit plan check, based on final lot layout and pad elevations, to demonstrate that the City's standards for interior and exterior CNEL levels will be met for each proposed dwelling unit.
94. Applicant shall provide a common area recreation area and amenity plan, including options for active recreational use amenities, to the Planning Department for review and approval by ALRC and Planning Commission. Active recreation opportunities are to be provided in the larger common open areas adjacent to the Village units, as delineated on the approved Open Space Exhibit.
95. The entire perimeter wall design and location, including sound wall areas, entry wall areas, and property line walls through a master wall plan, subject to review and approval by the Planning Department, in accordance with the landscape review process as conditioned. The wall location shall maintain a minimum 15-

foot setback from face of curb at any point along PGA Boulevard; however, a request for consideration of an averaged setback may be approved if determined to be appropriate by the Planning Director. The wall plan shall specify colors and materials to be used for the walls, capping, pilasters, entry monuments, planters, and any other such features. The perimeter wall shall be generally be designed based on the existing walls along PGA Boulevard, but create more of a unique yet compatible appearance that will complement the existing streetscape and wall improvements and provide some design distinction relative to the Eden Rock project architecture. It shall be a separate plan sheet(s), to be included with the landscape plan submittal for ALRC review. The primary perimeter wall surrounding the entire site shall be installed as part of the first phase project improvements.

96. The initial phase of project improvements shall also include the full extent of the golf cart path realignment as shown on the approved tentative map exhibit.

ARCHAEOLOGY

97. 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 the first earth-moving or clearing permit. A tribal monitor from the Ramona Band of Cahuilla Indians shall be included in the monitoring crew. The monitors shall be empowered to temporarily halt or divert equipment to allow for City notification and analysis.
98. The developer/property owner shall enter into a pre-excavation agreement with the Ramona Band of Cahuilla Indians, which addresses inadvertent discoveries of cultural resources and the disposition of cultural resources found during the development of the project. Inadvertent discoveries of human remains, if such discovery should occur, shall be handled according to applicable State laws.
99. The final report on the monitoring shall be submitted to the Planning Department prior to the issuance of the first Certificate of Occupancy for the project.
100. 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.

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

101. The conditions of approval for this item shall be included in the submitted Phase I report prior to issuance of the first permit requiring monitoring.
102. If prehistoric or historic resources are discovered during monitoring or the subsequent construction phase, the Planning Department shall be notified immediately.

PALEONTOLOGY

103. 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, including a program of screen washing for micro invertebrate fossils. 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 the City prior to issuance of first earth-moving permit, or before any clearing of the site has begun.

Any earth moving activity in Holocene-age lakebed required for the proposed project shall be monitored by a qualified paleontologist. The paleontologist shall be empowered to redirect earth moving activities if required to identify and remove resources. The monitor shall also be equipped to quickly remove resources if found. The monitor shall submit, within 30 days of completion of earth moving activities, a report of findings to the Planning Department for review and approval. Any resource removed from the site shall be properly documented and curated.

104. Recovered specimens shall be prepared to the point of identification and permanent preservation, including washing of sediments to recover small invertebrates and vertebrates.
105. 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.

106. 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.