

**PLANNING COMMISSION RESOLUTION 2008-020
CONDITIONS OF APPROVAL – FINAL
TENTATIVE PARCEL MAP 36067
HIGHWAY ONE ELEVEN PARTNERS, LLC
JULY 22, 2008**

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") (LQMC Section 8.70.020 (Definitions)):
 - 1) Temporary Soil Stabilization (erosion control).
 - 2) Temporary Sediment Control.
 - 3) Wind Erosion Control.
 - 4) Tracking Control.
 - 5) Non-Storm Water Management.
 - 6) Waste Management and Materials Pollution Control.
- E. 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.

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

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- G. For post-construction urban runoff from New Development and Redevelopments Projects, the applicant shall implement requirements of the NPDES permit for the design, construction and perpetual operation and maintenance of BMPs per the approved Water Quality Management Plan (WQMP) for the project as required by the California Regional Water Quality Control Board – Colorado River Basin (CRWQCB-CRB) Region Board Order No. R7-2008-001.
 - H. The applicant shall implement the WQMP Design Standards per (CRWQCB-CRB) Region Board Order No. R7-2008-001 utilizing BMPs approved by the City Engineer.
- 5. 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).
 - 6. Approval of this Tentative Parcel 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

- 7. 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. Said conferred rights shall also include grant of access easement to the City of La Quinta for the purpose of graffiti removal by City staff or assigned agent in perpetuity and agreement to the method to remove graffiti and to paint over to best match existing. The applicant shall establish the aforementioned requirements in the CC&R's for the development or other agreements as approved by the City Engineer. Pursuant to the aforementioned, the applicant shall submit an "AUTHORIZATION TO REMOVE GRAFFITI FROM PRIVATE PROPERTY" form located at the Public Works Department Counter prior to Certificate of Occupancy.
- 8. Pursuant to the aforementioned condition, conferred rights shall include approvals from the master developer or the HOA over easements and other property rights necessary for construction and proper functioning of the proposed development not limited to access rights over proposed and/or existing private streets that access

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public streets and open space/drainage facilities of the master development. The applicant shall enter into a reciprocal assess agreement with the development for the shared access and access over rights for the functional circulation of traffic.

9. The applicant shall offer for dedication on the Final Map all public 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 public street right-of-way offers for dedication required for this development include:

A. PUBLIC STREETS

- 1) Highway 111 (Major Arterial – State Highway, 140' ROW) – No additional rights-of-way dedication is required for 1) the standard 70 feet from the centerline of Highway 111 for a total 140-foot ultimate developed right of way and 2) an additional variable right of way dedication on Highway 111 at the Dune Palms Road intersection measured 78 feet north of the centerline of Highway 111. All required Highway 111 right of way has been dedicated for the Highway 111 Improvements CIP 2001-07A.
- 2) Dune Palms Road (Secondary Arterial, 88' ROW) – The standard 44 from the centerline of Dune Palms Road for a total 88-foot ultimate developed right of way except for right of way that has already been dedicated along the east side of Dune Palms Road at the Highway 111 intersection of 49 feet from the centerline to accommodate a dual left turn lane for southbound Dune Palms Road to eastbound Highway 111 for the City's Highway 111 Improvement Project (CIP 2001-07A).

Additional right of way dedication along the east side of Dune Palms Road at the southernmost access drive of approximately 61 feet from the centerline and length and taper dedication as approved by the City Traffic Engineer and as conditioned under STREET AND TRAFFIC IMPROVEMENTS.

11. Dedications shall include additional widths as necessary for dedicated right and left turn lanes, curb cut and curb ramps, a Class III Bike Route and other features contained in the approved construction plans. Additionally, the applicant shall dedicate additional right of way for the construction and maintenance of the potential future traffic signal on the east side of Dune Palms Road at the intersection of

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Corporate Center Drive/Middle Access Drive

Pursuant to this requirement, the applicant shall include in the submittal packet containing the draft final map submitted for map checking, an offsite street geometric layout, drawn at 1" equals 40 feet, detailing the following design aspects: median curb line, outside curb line, lane line alignment including lane widths, left turn lanes, and deceleration lane(s). The geometric layout shall be accompanied by professional engineering studies to confirm the appropriate length of all proposed turn pockets and auxiliary lanes that may impact the right of way dedication required of the project and the associated landscape setback required.

12. When the City Engineer determines that access rights to the proposed street rights-of-way shown on the approved Tentative Parcel Map are necessary prior to approval of the Final Map, the applicant shall grant the necessary rights-of-way within 60 days of a written request by the City.
13. The applicant shall create perimeter landscaping setbacks along all public rights-of-way as follows:
 - A. Highway 111 (Major Arterial – State Highway) - 50-foot from the R/W-P/L.
 - B. Dune Palms Road (Secondary Arterial/Collector) - 10-foot from the R/W-P/L.

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 Highway 111 and Dune Palms Road from lots with frontage along Highway 111 and Dune Palms Road is restricted, except for those access points identified on the tentative parcel map, or as otherwise conditioned in these conditions of approval. The vehicular access restriction shall be shown on the recorded final parcel map.
16. The applicant shall furnish proof of easements, or written permission, as appropriate,

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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 Parcel Map and the date of recording of any Final Map, unless such easement is approved by the City Engineer. The applicant shall enter into a reciprocal access agreement for the tentative parcel map and the Dune Palms Business Plaza (to the east) for the shared access and access over rights for the functional circulation of traffic as approved by the City Engineer.

Additionally, the applicant shall enter into an Irrevocable Grant of Temporary Easement for Construction for any site improvements across Parcels 1 and 2 of this tentative parcel map that may be required pursuant to the future Dune Palms Bridge Project constructed by the City of La Quinta. Said Irrevocable Grant of Temporary Easement for Construction shall be in effect until the future Dune Palms Bridge Project is completed or the City Engineer deems the temporary construction easement is no longer necessary. The Irrevocable Grant of Easement for Construction shall be applicable to the developer or assignees.

STREET AND TRAFFIC IMPROVEMENTS

18. The applicant shall comply with the provisions of LQMC Sections 13.24.060 (Street Improvements), 13.24.070 (Street Design - Generally) & 13.24.100 (Access For Individual Properties And Development) for public streets; and Section 13.24.080 (Street Design - Private Streets), where private streets are proposed.
19. The applicant shall construct the following street improvements to conform with the General Plan (street type noted in parentheses.)

A. OFF-SITE STREETS

- 1) Highway 111 (Major Arterial – State Highway; 140' R/W):

No additional widening is required on the north side of the street along all frontage adjacent to the Tentative Parcel Map boundary to its ultimate width on the north side as specified in the General Plan and the requirements of these conditions. The north curb face shall be located fifty eight feet (58') north of the centerline, to include a deceleration/right turn only lane on Highway 111 at the Dune Palms Road intersection per the Highway 111 Improvements CIP 2001-07A.

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Improvements required of this Tentative Parcel Map in the Highway 111 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.
- b) 10-foot wide meandering sidewalk. The meandering sidewalk shall have an arrhythmic horizontal layout that utilizes concave and convex curves with respect to the curb line that either touches the back of curb or approaches within five feet of the curb at intervals not to exceed 250 feet. The sidewalk curvature radii should vary between 50 and 300 feet and at each point of reverse curvature, the radius should change to assist in creating the arrhythmic layout. The sidewalk shall meander into the landscape setback lot and approach within 5 feet of the perimeter wall at intervals not to exceed 250 feet. The applicant shall also install City of La Quinta standard light bollards spaced at 40 feet on center and alternating from back to front of the sidewalk as approved by the Planning Director.

2) Dune Palms Road (Secondary Arterial; 88' R/W):

Widen the east side of the street along all frontage adjacent to the Tentative Parcel Map boundary to its ultimate width on the east side as specified in the General Plan and the requirements of these conditions. Rehabilitate and/or reconstruct existing roadway pavement as necessary to augment and convert it from a rural county-road design standard to La Quinta's urban arterial design standard. The east curb face shall be located thirty two feet (32') east of the centerline, except at locations where additional street width is needed to accommodate:

- a) A deceleration/right turn only lane on Dune Palms Road at the south Access Drive. The east curb face shall be located forty nine feet (49') east of the centerline and length as approved by the City Traffic Engineer. The aforementioned widening is in addition to widening for a dual left turn lane on Dune Palms Road at the Highway 111 intersection for south bound Dune Palms Road to east bound Highway 111. The east curb face shall be located thirty seven feet (37') east of the centerline. The deceleration design shall be as approved by the City Traffic

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Engineer on the July 3, 2008 Dune Palms Road Preliminary Striping Plan.

The sidewalk on the west side of the project (Dune Palms Road) if located adjacent to the roadway shall be expanded to a ten foot width, if feasible. As an alternative, if the sidewalk could be feasibly located further east of the roadway, the sidewalk may be eight feet in width. The sidewalk, located on the south side of the project (Highway 111) shall be expanded to ten feet in width.

Other required improvements in the Dune Palms Road right-of-way and/or adjacent landscape setback area include:

- b) All appurtenant components such as, but not limited to : curb, gutter, traffic control striping, legends, and signs.
- c) 8-foot wide meandering sidewalk. The meandering sidewalk shall have an arrhythmic horizontal layout that utilizes concave and convex curves with respect to the curb line that touches the back of curb at intervals not to exceed 250 feet. The sidewalk curvature radii should vary between 50 and 300 feet and at each point of reverse curvature, the radius should change to assist in creating the arrhythmic layout. The sidewalk shall meander into the landscape setback lot and approach within 5 feet of the perimeter wall at intervals not to exceed 250 feet.
- d) 20-foot painted median island with transitional width to enhance the left turn restriction in and out at the southerly driveway access across from the access drive for the development on the west side of Dune Palms Road. Design and construction of a raised pork chop island at the southerly driveway access of this Site Development Permit site to provide positive restriction of left turn movements in and out of the driveway access.
- e) Interconnection between the existing traffic signal at the Highway 111 and Dune Palms Road intersection and the future traffic signal at the Corporate Center Drive/Middle Access Drive intersection. The design and installation shall include at a minimum, conduit, and pull boxes to provide a workable system as approved by the City Engineer.

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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).

The applicant is responsible for construction of all improvements mentioned above.

20. 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:

Secondary Arterial 4.0" a.c./6.0" c.a.b.

or the approved equivalents of alternate materials.

21. 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.
22. General access points and turning movements of traffic are limited to the following:
- A. Highway 111 – Shared access drive at the easterly boundary of the Tentative Parcel Map: Right turn movements in and out are permitted. Left turn movements in and out are prohibited.
 - B. Dune Palms Road
 - 1) Southerly Access Drive: Right turn movements in and out are permitted. Left turn movements in and out are prohibited.
 - 2) Middle Access Drive (across Corporate Center Drive): Full turn movements are permitted with the initial stop controlled intersection or traffic signal.
 - 3) Northerly Access Drive: Right turn movements in and out are permitted. Left turn movements in and out are prohibited.

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23. 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.
24. 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.

PARKING LOTS and ACCESS POINTS

25. The design of parking facilities shall conform to LQMC Chapter 9.150 and in particular the following:
 - A. The parking stall and aisle widths and the double hairpin stripe parking stall design.
 - B. Cross slopes should be a maximum of 2% where ADA accessibility is required including accessibility routes between buildings.
 - C. Building access points shall be shown on the Precise Grading Plans to better evaluate ADA accessibility issues.
 - D. Accessibility routes to public streets and adjacent development shall be shown on the Precise Grading Plan.
 - E. Parking stall lengths shall be according to LQMC Chapter 9.150 and be a minimum of 17 feet in length with a 2-foot overhang for standard parking stalls and 18 feet with a 2-foot overhang for handicapped parking stall or as approved by the City Engineer. One van accessible handicapped parking stall is required per 8 handicapped parking stalls.
 - F. Drive aisles between parking stalls shall be a minimum of 26 feet with access drive aisles to Public Streets a minimum of 30 feet or as approved by the City Engineer.

Entry drives, main interior circulation routes, corner cutbacks, dedicated turn lanes, ADA accessibility route to public streets and other features shown on the approved construction plans, may require additional street widths and other improvements as may be determined by the City Engineer.

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26. 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:

Parking Lot & Aisles (Low Traffic)	3.0" a.c./4.5" c.a.b.
Parking Lot & Aisles (High Traffic)	4.5" a.c./5.5" c.a.b.
Loading Areas	6" P.C.C./4" c.a.b.

or the approved equivalents of alternate materials.

27. The applicant shall submit current mix designs (less than two years old at the time of construction) for base, asphalt concrete and Portland cement concrete. The submittal shall include test results for all specimens used in the mix design procedure. For mix designs over six months old, the submittal shall include recent (less than six months old at the time of construction) aggregate gradation test results confirming that design gradations can be achieved in current production. The applicant shall not schedule construction operations until mix designs are approved.

28. Improvements shall include appurtenances such as traffic control signs, markings and other devices, raised medians if required, street name signs and sidewalks.

29. 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 MAPS

30. Prior to the City's approval of a Final Map, the applicant shall furnish accurate 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 1" = 40' scale.

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.

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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 LQMC Section 13.24.040 (Improvement Plans).
32. The following improvement plans shall be prepared and submitted for review and approval by the Public Works Department per city standards and improvement plan checklists. 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. Off-Site Street Improvement/Storm Drain Plan (Dune Palms Road)
1" = 40' Horizontal, 1" = 4' Vertical
- E. Off-Site Signing & Striping Plan 1" = 40' Horizontal
- F. On-Site Non-Residential/ Commercial Precise Grading Plan
1" = 20' Horizontal

The Off-Site street improvement plans shall include all street improvements in the public right of way as conditioned as well as traffic signal interconnection, raised landscape median installation for left turn restriction at the northerly and southerly driveway access and grading to match the preliminary bridge approach alignment and road profile of Dune Palms Road. The Off-Site street improvement plans shall have separate plan sheet(s) (drawn at 20 scale) that show the meandering sidewalk, mounding, and berming design in the combined parkway and landscape setback area.

NOTE: D through F to be submitted concurrently.

(Separate Storm Drain Plans if applicable)

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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 2007 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, a “On-Site Non-Residential/ Commercial Precise Grading” plan is required to be submitted for approval by the Building Official, Planning Director and the City Engineer.

“On-Site Non-Residential/ Commercial 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.

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

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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 Parcel Map, shall comply with the provisions of LQMC Chapter 13.28 (Improvement Security).
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

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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 Parcel Map, and the status of the off-site improvements at the time, the applicant may be required to:
- A. Construct certain off-site improvements.

Off-Site Improvements should be completed on a first priority basis. The applicant shall complete Off-Site Improvements in the first phase of construction and prior to issuance of a Temporary/Permanent Certificate of Occupancy for any building.

In the event that any of the improvements required for this development are constructed by the City, the applicant shall, prior to the approval of the Final Map, or the issuance of any permit related thereto, reimburse the City for the costs of such improvements.

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.

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

41. Should the applicant fail to construct the improvements for the development, or fail to satisfy its obligations for the development in a timely manner, the City shall have the right to halt issuance of building permits, and/or final building inspections, withhold other approvals related to the development of the project, or call upon the surety to complete the improvements.

GRADING

42. The applicant shall comply with the provisions of LQMC Section 13.24.050 (Grading Improvements).
43. 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.
44. 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 LQMC Chapter 6.16, (Fugitive Dust Control), and
 - D. A Best Management Practices report prepared in accordance with LQMC Sections 8.70.010 and 13.24.170 (NPDES stormwater discharge permit and Storm Management and Discharge Controls).

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.

45. The applicant shall maintain all open graded, undeveloped land in order to prevent

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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.

46. 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.
47. 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.
48. The applicant shall minimize the differences in elevation between the adjoining properties and the lots within this development.

Building pad elevations on contiguous interior lots shall not differ by more than three feet except for lots that do not share a common street frontage, where the differential shall not exceed five feet.

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.
49. Prior to any site grading or regrading that will raise or lower any portion of the site by more than plus or minus five tenths of a foot (0.5') from the elevations shown on the approved Tentative Parcel Map, the applicant shall submit the proposed grading changes to the City Staff for a substantial conformance finding review.
50. 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.

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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.

51. This development shall comply with LQMC Chapter 8.11 (Flood Hazard Regulations). 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 parcels which are so located, the applicant shall furnish elevation certifications, as required by FEMA, that the above conditions have been met.
52. The applicant shall construct concrete lining along the Coachella Valley Storm Water Channel to the north as required by the Coachella Valley Water District.

DRAINAGE

53. As the applicant proposes discharge of storm water directly, or indirectly, into the Coachella Valley Stormwater Channel, the applicant shall indemnify the City from the costs of any sampling and testing of the development's drainage discharge which may be required under the City's NPDES Permit or other City- or area-wide pollution prevention program, and for any other obligations and/or expenses which may arise from such discharge. The indemnification shall be executed and furnished to the City prior to the issuance of any grading, construction or building permit, and shall be binding on all heirs, executors, administrators, assigns, and successors in interest in the land within this tentative parcel map excepting therefrom those portions required to be dedicated or deeded for public use. The form of the indemnification shall be acceptable to the City Attorney. If such discharge is approved for this development, the applicant shall make provisions in the final development CC&Rs for meeting these potential obligations. The 100-year storm water HGL shall be 3 feet below the channel lining and 2 feet below the Project Storm HGL.

Nuisance water shall be retained onsite and disposed of via an underground percolation improvement as approved by the City Engineer per Retention Basin Design Criteria, 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 and the Storm Drain Review Plan

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Checklist and as approved by the City Engineer. The tributary drainage area shall extend to the centerline of adjacent public streets to include existing proposed catch basins on Dune Palms Road and existing and proposed catch basins on Highway 111 along the project boundaries and to the outfall points permitted by CVWD to the Coachella Valley Stormwater Channel.

54. If the development does not intend to discharge storm water into the Coachella Valley Storm Water Channel to the north this condition and the following items under DRAINAGE shall be applicable for the development, the applicant shall comply with the provisions of LQMC Section 13.24.120 (Drainage), Retention Basin Design Criteria, 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 and the Storm Drain Review Plan Checklist. More specifically, stormwater falling on site during the 100 year storm shall be retained within the development, unless otherwise approved by the City Engineer. The tributary drainage area shall extend to the centerline of adjacent public streets to include connection to existing and proposed catch basins on Dune Palms Road and existing and proposed catch basins on Highway 111 along the project boundary. The design storm shall be either the 1 hour, 3 hour, 6 hour or 24 hour event producing the greatest total run off.
55. 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.
56. In design of retention facilities, the maximum percolation rate shall be two inches per hour. The percolation rate will be considered to be zero unless the applicant provides site specific data indicating otherwise and as approved by the City Engineer.
57. The project shall be designed to accommodate purging and blowoff water (through underground piping and/or retention facilities) from any on-site or adjacent well sites granted or dedicated to the local water utility authority as a requirement for development of this property.
58. No fence or wall shall be constructed around any retention basin unless approved by the Planning Director and the City Engineer.
59. For on-site above ground common retention basins, retention depth shall be according to Engineering Bulletin No. 06-16 – Hydrology Report with Preliminary Hydraulic

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Report Criteria for Storm Drain Systems. Side slopes shall not exceed 3:1 and shall be planted with maintenance free ground cover. Additionally, retention basin widths shall be not less than 20 feet at the bottom of the basin.

60. Stormwater may not be retained in landscaped parkways or landscaped setback lots. Only incidental storm water (precipitation which directly falls onto the setback) will be permitted to be retained in the landscape setback areas. The perimeter setback and parkway areas in the street right-of-way shall be shaped with berms and mounds, pursuant to LQMC Section 9.100.040(B)(7).
61. The design of the development shall not cause any increase in flood boundaries and levels in any area outside the development.
62. The development shall be graded to permit storm flow in excess of retention capacity to flow out of the development through a designated overflow and into the historic drainage relief route.
63. Storm drainage historically received from adjoining property shall be received and retained or passed through into the historic downstream drainage relief route.

UTILITIES

64. The applicant shall comply with the provisions of LQMC Section 13.24.110 (Utilities).
65. 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.
66. 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.
67. 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.

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The applicant shall provide certified reports of all utility trench compaction for approval by the City Engineer. Additionally, grease traps and the maintenance thereof shall be located as to not conflict with access aisles/entrances.

CONSTRUCTION

68. 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.

LANDSCAPE AND IRRIGATION

69. The applicant shall comply with LQMC Sections 13.24.130 (Landscaping Setbacks) & 13.24.140 (Landscaping Plans).
70. The applicant shall provide landscaping in the required setbacks, retention basins, common lots and park areas.

The curbside turf, located on the northwest driveway shall be completely removed and replaced with artificial turf or equivalent water-efficient landscaping.

Additional shade trees shall be added to the landscaping palette; and shall include the Palo Verde and Mesquite varieties.

Screening shall be provided on the north (Whitewater Channel) side of the project to partially screen the buildings from the adjacent residential properties. Varieties such as oleanders may be used as screening material.

71. The berms as identified and located within the landscape area adjacent to Highway 111 shall be a minimum of 3 feet in height as measured from the top of curb on the parking lot side of the project.
72. Landscape and irrigation plans for landscaped lots and setbacks, medians, retention basins, and parks shall be signed and stamped by a licensed landscape architect.
73. The applicant shall submit the landscape plans for approval by the Planning Department and green sheet sign off by the Public Works Department. When plan

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checking has been completed by the Planning Department, the applicant shall obtain the signatures of CVWD and the Riverside County Agricultural Commissioner, prior to submittal for signature by the Planning Director, however landscape plans for landscaped median on public streets shall be approved by both the Planning Director and the City Engineer. Where City Engineer approval is not required, the applicant shall submit for a green sheet approval by the Public Works Department.

Final landscape plans for on-site planting shall be reviewed by the ALRC and approved by the Planning Commission. Said review and approval shall occur prior to issuance of first building permit unless the Planning Director determines extenuating circumstances exist which justify an alternative processing schedule. Final plans shall include all landscaping associated with this project and shall clearly identify all pedestrian walkways including the central sidewalk area.

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

74. Landscape areas shall have permanent irrigation improvements meeting the requirements of the Planning Director. Use of lawn areas shall be minimized with no lawn, or spray irrigation, being placed within 18 inches of curbs along public streets.
75. 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 and public street right-of-way.

PUBLIC SERVICES

76. The applicant shall provide public transit improvements as required by SunLine Transit Agency and approved by the City Engineer.

MAINTENANCE

77. The applicant shall comply with the provisions of LQMC Section 13.24.160 (Maintenance).
78. The applicant shall make provisions for the continuous and perpetual maintenance of all private on-site improvements and perimeter landscaping including but not limited to Lot A, access drives and sidewalks. The applicant shall submit the agreements for maintenance to the Planning Director and City Attorney for review and approval.

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Approval of the agreements must be obtained prior to final approval of the tentative parcel map.

FEES AND DEPOSITS

79. The applicant shall comply with the provisions of LQMC Section 13.24.180 (Fees and Deposits). These fees include all deposits and fees required by the City for plan checking and construction inspection. Deposits and fee amounts shall be those in effect when the applicant makes application for plan check and permits.
80. 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).
81. If it is determined that improvements to facilitate a multi-purpose trail along the Whitewater Channel are appropriate, the developer shall install or bond for such improvements prior to the approval of the final map. Said improvements shall include access from the trail facility to the interior of the site between Buildings 2 and 3.

Said determination shall be made by the Planning Director and be based on existing General Plan policies with consideration of conditions of approval required of comparable approved projects as well as circumstances unique to this specific proposed development and site.
82. Should the Corporate Center Drive central access signal not be included in the DIF calculations, as of August 2008, the developer shall be responsible for 50% of the cost of signalization