

**RESOLUTION NO. 2009 - 032
CONDITIONS OF APPROVAL
TENTATIVE TRACT MAP 36089
DOLPHIN LA QUINTA, LLC.
ADOPTED: APRIL 21, 2009**

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 thereunder. 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, and any Final Map recorded thereunder, 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.

3. This Tentative Tract Map shall expire two years after City Council approval on April 21, 2009, unless recorded or granted a time extension pursuant to the requirements of La Quinta Municipal Code 13.12.150 (Term of Tentative Maps) and the Subdivision Map Act.
4. Tentative Tract Map 36089 shall comply with all applicable conditions of approval and amendments for Specific Plan 2001-059, Environmental Assessment 2001-436, Site Development Permit 2003-793, and Development Agreement 2003-006.
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:
 - Riverside County Fire Marshal
 - Public Works Department (Grading Permit, Green Sheet (Public Works Clearance) for Building Permits, Improvement Permit)
 - Planning Department

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- Riverside Co. Environmental Health Department
- Desert Sands Unified School District
- Coachella Valley Water District (CVWD)
- Imperial Irrigation District (IID)
- California Water Quality Control Board (CWQCB)
- SunLine Transit Agency
- South Coast Air Quality Management District Coachella Valley

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; 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, 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; the California Regional Water Quality Control Board - Colorado River Basin Region Board Order No. R7-2008-0001 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").

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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.
7. Permits issued under this approval shall be subject to the provisions of the Infrastructure Fee Program and Development Impact Fee program in effect at the time of issuance of building permit(s).

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8. 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

9. 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 and execute an "AUTHORIZATION TO REMOVE GRAFFITI FROM PRIVATE PROPERTY" form located at the Public Works Department Counter prior to Certificate of Occupancy.
10. Pursuant to the aforementioned condition, conferred rights shall include approvals from the master developer or Development Agreement 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 public streets and open space/drainage facilities of the master development. The applicant shall provide recorded information for reciprocal access agreements between CP Development, Dolphin La Quinta, LLC and other property owners on the north side of Seeley Drive.
11. 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.
12. The public street right-of-way offers for dedication required for this development include:

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A. PUBLIC STREETS

- 1) Miles Avenue (Primary Arterial, Option A - 110' ROW) – The standard 55 from the centerline of Miles Avenue for a total 110-foot ultimate developed right of way has been previously dedicated on Parcel Map No. 31116. No additional right of way dedication is required on Miles Avenue for this tentative tract map.
 - 2) Seeley Drive (Non-conforming Collector Street, 80' ROW) – Eighty feet (80') right of way dedication for a total 80-foot ultimate developed right of way from Washington Street to Miles Avenue has been previously dedicated on Parcel Map No. 31116. No additional right of way dedication is required on Seeley Drive for this tentative tract map except for additional right of way dedication at the shared entry drive to Lots 1 and 2 off of Seeley Drive and for Lot A of this tentative tract map to include all curb returns and corner cuts at the access drive.
13. 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.
 14. 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.
 15. The applicant shall create perimeter landscaping setbacks along all public rights-of-way as follows:
 - A. Miles Avenue (Primary Arterial, Option A) - The perimeter landscaping setback of 20 feet required by the General Plan has been retained by the City of La Quinta Redevelopment Agency along the Miles Avenue right of way. No landscape setback is required along Miles Avenue for this Tentative Parcel Map.
 - B. Seeley Drive (Non-conforming Collector Street, 80' ROW) – 20-foot from the R/W-P/L.

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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.

16. 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.
17. Direct vehicular access to Seeley Drive from lots with frontage along Seeley Drive 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.
18. 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.
19. 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.

STREET AND TRAFFIC IMPROVEMENTS

20. The applicant shall construct the following street improvements to conform with the General Plan (street type noted in parentheses.)

A. OFF-SITE STREETS

- 1) Miles Avenue (Primary]Arterial; 110' R/W option):

- a) No additional widening on the south side of the street along all frontage adjacent to the Tentative Map boundary to its ultimate width on the south side as specified in the General Plan and the requirements of these conditions are required of this tentative tract map.

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- 2) Seeley Drive (Non-conforming Collector Street, 80' ROW) – Eighty feet (80') right of way dedication for a total 80-foot ultimate developed right of way from Washington Street to Miles Avenue has been previously widened by Parcel Map No. 31116.
 - a) No additional widening is required on the north side of Seeley Drive for this tentative tract map except for additional right of way dedication at the shared entry drive to Lots 1 and 2 off of Seeley Drive for this tentative tract map to accommodate curb returns and corner cut outs at the access drive to this tentative tract map and as approved by the City Engineer.
21. General access points and turning movements of traffic are limited to the following:
 - A. Primary Entry – Westerly Drive across Eisenhower Ambulatory Center (Seeley Drive): All in and out movements are allowed.
 - B. Secondary Entry - Easterly Drive at the existing roundabout (Seeley Drive): Right turn in and out movements are allowed and left turn movements in and out are prohibited due to the roundabout circulation pattern.
22. 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.
23. A Traffic Analysis required for the Eisenhower Ambulatory Clinic (SDP 2007-887) has determined that the traffic signal conditioned of Parcel Map No. 31116 will be required at project opening. Therefore, the applicant shall not be granted Certificate of Occupancy for any future development on Lot 2 until said traffic signal is operational as required by the City Engineer if this tentative tract precedes the afore mentioned.
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 as shown on the Site Development Plan site plan or as approved by the City Engineer.

Entry drives, main interior circulation routes, corner cutbacks, bus turnouts, 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.

26. General access points and turning movements of traffic to on site private streets are limited to the access locations approved for this tentative tract map and these conditions of approval.
27. The applicant shall design street pavement sections using CalTrans' design procedure for 20-year life pavement, and the site-specific data for soil

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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.

28. 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.
29. Improvements shall include appurtenances such as traffic control signs, markings and other devices, raised medians if required, street name signs and sidewalks.
30. 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

31. 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.
32. As future site development on Lot 2 has not been defined by the applicant, the applicant is required to submit all documentation at the time of entitlement for Lot 2.

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.

33. 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).
34. 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 Non-Residential/ Commercial Precise Grading Plan (Lot 2 Remainder)

1" = 20' Horizontal
 - B. PM10 Plan (Lot 2 remainder)

1" = 40' Horizontal
 - C. SWPPP (Lot 2 remainder)

1" = 40' Horizontal
 - D. WQMP (Lot 2 remainder) (Plan submitted in Report Form)

NOTE: A through D to be submitted concurrently.

Other engineered improvement plans prepared for City approval that are not listed above shall be prepared in formats approved by the City Engineer prior to commencing plan preparation.

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.

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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 Precise Grading Plan when it is submitted for plan checking.

In addition to the normal set of improvement plans, an "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.

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.

35. The applicant shall furnish a complete set of the mylars of all approved improvement plans on a storage media acceptable to the City Engineer.
36. 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.

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IMPROVEMENT SECURITY AGREEMENTS

37. 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.
38. 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 LQMC Chapter 13.28 (Improvement Security).
39. 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.

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40. 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 actions, as the City may require.

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.

41. 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.

42. 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.

PRECISE GRADING

43. The applicant shall comply with the provisions of LQMC Section 13.24.050 (Grading Improvements).
44. 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.
45. 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.

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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.

46. 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.
47. 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.
48. 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.
49. Prior to any site grading or re-grading 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 Tract 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.

DRAINAGE

51. Stormwater handling shall conform with the approved hydrology and drainage report for Parcel Map No. 31116 and as modified and approved for this Tentative Tract Map. Nuisance water shall be disposed of in an approved manner.
52. 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).
53. The design of the development shall not cause any increase in flood boundaries and levels in any area outside the development.
54. 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.
55. Storm drainage historically received from adjoining property shall be received and retained or passed through into the historic downstream drainage relief route.
56. As the applicant proposes discharge of storm water directly, or indirectly, into the Coachella Valley Stormwater Channel per the approved hydrology report for Parcel Map No. 31116, 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,

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executors, administrators, assigns, and successors in interest in the land within this tentative parcel map excepting there from 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. The applicant shall confirm recordation between CP Development for the transfer of access and maintenance agreement for Storm Drain Facilities or equal.

57. 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.
 - A. 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.
 - B. 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. A project specific WQMP shall be provided which incorporates Site Design and Treatment BMPs utilizing first flush infiltration as a preferred method of NPDES Permit Compliance for Whitewater River receiving water, as applicable.

UTILITIES

58. The applicant shall comply with the provisions of LQMC Section 13.24.110 (Utilities).
59. 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

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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.

60. 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. Additionally, grease traps and the maintenance thereof shall be located as to not conflict with access aisles/entrances.

CONSTRUCTION

61. 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 units within the development or when directed by the City, whichever comes first.

WATER-EFFICIENT LANDSCAPING AND IRRIGATION

62. The applicant shall comply with LQMC Sections 8.13 (Landscaping), 9.150.050 (Landscaping in Parking Areas), 13.24.130 (Landscaping Setbacks) & 13.24.140 (Landscaping Plans).
63. The applicant shall provide landscaping in the required setbacks, retention basins, common lots and park areas.
64. Landscape and irrigation plans for landscaped lots and setbacks, medians, retention basins, and parks shall be signed and stamped by a licensed landscape architect.
65. The applicant shall submit the landscape plans for approval by the Planning Department and green sheet sign off by the Public Works Department.

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When plan 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 the 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 Director prior to issuance of first building permit. Final plans shall include all landscaping associated with this project.

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

66. 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 24 inches of curbs along public streets.
67. 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.

MAINTENANCE

68. The applicant shall comply with the provisions of LQMC Section 13.24.160 (Maintenance).
69. The applicant shall make provisions for the continuous and perpetual maintenance of perimeter landscaping up to the curb.
70. Adequate trash enclosures and disposal facilities shall be provided to serve the existing units on Lot 1. If necessary, an easement or similar agreement shall be provided to accommodate shared trash disposal facilities between Lots 1 and 2.

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FEES AND DEPOSITS

71. 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.
72. 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).
73. The applicant shall pay the Coachella Valley Multi-Species Habitat Conservation Plan/Natural Community Habitat Conservation Plan Mitigation Fee, in accord with Chapter 3.34 of the Municipal Code and any exemption policy adopted by the City Council.