

**RESOLUTION NO. 2008-29
PLANNING AREA 1**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, APPROVING THE ADOPTION OF THE STATEMENT OF OVERRIDING CONSIDERATIONS, THE MITIGATION MONITORING AND REPORTING PROGRAM AND THE STATEMENT OF FACTS AND FINDINGS, TENTATIVE PARCEL MAP NO. 35114, SPECIFIC PLAN NO. 2007-01, ENVIRONMENTAL ASSESMENT NO. 2007-01 AND CONDITIONAL USE PERMIT NO. 2005-04-A TO ALLOW THE DEVELOPMENT OF A RETAIL/COMMERCIAL PROJECT GENERALLY LOCATED AT THE NORTHWEST CORNER OF WASHINGTON STREET AND MILES AVENUE IN THE CITY OF INDIAN WELLS

WHEREAS, Sanderson J. Ray (the "Applicant"), filed an application for Zoning Text Amendment No. 2005-05, Tentative Parcel Map No. 35114, Specific Plan No. 2007-01, Environmental Assessment No. 2007-01 and Conditional Use Permit No. 2005-04-A, for a retail/commercial project, generally located at the northwest corner of Washington Street and Miles Avenue in the City of Indian Wells, California (the "Site"); and

WHEREAS, on June 5, 2008, a public hearing on the Project was held by the Planning Commission and the Project was passed by unanimous vote; and

WHEREAS, notice of a public hearing of the City Council of the City of Indian Wells to consider the Applicant's request was given in accordance with applicable law; and

WHEREAS, on June 19, 2008, a public hearing on the request was held by the City Council; and

WHEREAS, after careful consideration of the staff report, public testimony and all of the information presented at the public hearing, the City Council finds as follows:

Tentative Parcel Map:

1. The Tentative Tract Map complies with all and is consistent with all the requirements of the zoning regulations, or with pending zoning requirements that have been adopted by the Council but have not yet become effective, and with any applicable General and Specific Plans.

FACT: The proposed Tentative Parcel Map No. 35114 (the "Map") is consistent with the City's General Plan as this area is in the Resort Commercial Zone and part of Specific Plan No. 2007-01 allowing land uses that provide a unique planning and economic benefit to the City.

2. The requirements imposed upon the subdivision would not render infeasible the development of housing for all segments of the economic community and that the effect of any action on a Tentative Parcel Map considers the housing needs of the region and is balanced against the public service needs of its residents and available fiscal and environmental resources.

FACT: The conditions and/or requirements imposed upon the Tentative Parcel Map No. 35114 would not render infeasible the development of housing for all segments of the community. Furthermore, the City has considered the effects of any governmental actions on the proposed Map in relation to the housing needs of the region. In considering its actions, the City has given due consideration of the public service need of its residents and the available fiscal and environmental resources.

3. The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

FACT: The proposed Tentative Parcel Map No. 35114, to the extent feasible, will permit natural heating and cooling opportunities for the proposed commercial subdivision. Development of the proposed commercial subdivision will transpire under the auspices of the Municipal Code and other such documents that will include such elements (setbacks, clustering, etc.) to promote optimum spacing of structures and building heights that will provide opportunities for the use of solar energy.

4. The Tentative Parcel Map complies with all the provisions of the State of California Subdivision Map Act.

FACT: Unless otherwise waived by the City, as part of the development approval process, the Map complies with all applicable sections and requirements of the City's and State's Subdivision Code.

5. The subdivision site is physically suitable for the proposed development and all conditions of approval will ensure that the site is physically suitable for the type of development proposed.

FACT: The site of the subdivision at the corner of Washington Street and Miles Avenue is physically suitable for the commercial retail development proposed and development will transpire under the auspices of the Municipal Code and conditions of the project approval will ensure that the site is physically suitable for the proposed commercial retail project.

6. The subdivision design is not likely to cause serious public health problems as the improvements are consistent with the General Plan and Zone Designation.

FACT: The design of the subdivision and type of improvements are not likely to cause serious public health problems as the proposed improvements are commercial and retail uses and such uses are consistent with the proposed General Plan Amendment and Zone Change. Further, the proposed improvements meet the development standards set forth in the Municipal Code.

7. The proposed improvements for the subdivision will not conflict with any easement acquired by the public at large for access through the subdivision.

FACT: The proposed improvements for the commercial retail project at the corner of Washington and Miles Avenue will not conflict with any easements acquired by the

public at large at this location, for access through or used property within the proposed subdivision.

Conditional Use Permit:

1. The proposed location of the conditional use is in accord with the objectives of the Zoning Code and the purpose of the General Plan and zoning/land use category in which the site is located.

FACT: The proposed location of the conditional use is in accord with the permitted uses within Section 21.34 Resort Commercial (RC) zone in which the site is located. It is also in accord with the purpose of the Land Use Element of the General Plan in that the conditional use will maintain: a) exceptional character and quality of commercial and retail development with an integration of the resort experience throughout the project; b) physical separation from residential developments; c) provisions for orderly development; and d) the prospect of significant revenue generation through retail, sales and property taxes.

2. The proposed conditional use will not be detrimental to the public health, safety or welfare, or be materially injurious to properties or improvements in the vicinity.

FACT: The proposed conditional use to allow the development of a retail/commercial center will not be detrimental to the public health, safety or welfare, or be materially injurious to properties or improvements in the vicinity as the use will be developed in accord with all applicable sections of the Municipal and Building and Safety Codes, thus precluding adverse impacts resulting from the development. Furthermore, the project has been designed in a manner that will ensure compatibility with adjoining properties and the unique desert environment and mitigation measures will be adopted to mitigate any potentially significant environmental impacts.

3. The proposed conditional use will comply with each of the applicable provisions of the Zoning Code except for approved Variances.

FACT: The proposed project has been duly and uniquely conditioned to comply with each of the applicable provisions of the City's Municipal Zoning Code except for approved Variances.

Environmental:

1. Pursuant to the California Environmental Quality Act (CEQA) Section 15163, a Supplemental Environmental Impact Report (SEIR) based on the previously approved Environmental Impact Report (EIR) approved for the original project (State Clearinghouse No. 1998121069) was prepared and circulated. Through the SEIR process unavoidable significant environmental impacts were identified. Pursuant to CEQA Section 15093, a Statement of Overriding Considerations was prepared explaining how the benefits of the project outweigh the unavoidable adverse environmental effects.

NOW, THEREFORE, the City Council of the City of Indian Wells **RESOLVES** as follows:

SECTION 1: The City Council **CERTIFIES** the SEIR and **APPROVES** the adoption of the Statement of Overriding Consideration, the Mitigation Monitoring and Reporting Program, the Statement of Facts and Findings, Tentative Parcel Map No. 35114, Specific Plan No. 2007-01, Environment Assessment No. 2007-01, Conditional Use Permit No. 2005-04-A and Introduces Ordinance Bill Nos. 2008-02 and 2008-09, subject to conditions of approval, as shown in Exhibit "A" attached hereto and by this reference incorporated herein.

SECTION 2: That the City Clerk shall certify to the adoption of this Resolution and shall mail by first class, prepaid, United States mail, a certified copy of this Resolution to Applicant.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Indian Wells, California, at a regular meeting held in this 19th day of June 2008.



MARY T. ROCHE
MAYOR

CERTIFICATION FOR RESOLUTION NO. 2008-29

I, Greg Johnson, City Clerk of the City Council of the City of Indian Wells, California, **DO HEREBY CERTIFY** that the whole number of members of the City Council is five (5) and, that the above and foregoing Resolution was duly and regularly passed and adopted at a regular meeting of the City Council of the City of Indian Wells on the 19th day of June 2008, by the following vote:

AYES: Bernheimer, Monarch, Mullany, Roche, Spicer

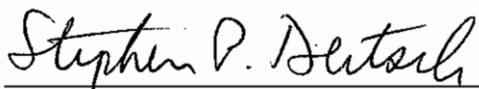
NOES: None

ATTEST:



GREG JOHNSON
CITY MANAGER/CITY CLERK

APPROVED AS TO FORM:



STEPHEN P. DEITSCH
CITY ATTORNEY

EXHIBIT "A"

**PLANNING AREA 1 - COMMERCIAL DEVELOPMENT
CONDITIONS OF PROJECT APPROVAL**

**ZONING TEXT AMENDMENT NO. 2005-05
SPECIFIC PLAN NO. 2007-01
TENTATIVE PARCEL MAP NO. 35114
CONDITIONAL USE PERMIT NO. 2005-04-A
ENVIRONMENTAL ASSESSMENT NO. 2007-01**

General Conditions:

1. The development of the project (site plan and elevations) shall be in substantial compliance with the City approved plans and the design and construction of all improvements shall be in accordance with standard plans and specifications of the City of Indian Wells, and be subject to approval by the City Engineer.
2. Prior to final parcel map submittal to the City, the Applicant shall obtain clearance from the following:

City Engineer/Public Works Dept.	Fire Marshal
Community Development Director	Coachella Valley Water District
Southern California Gas Company	Verizon
Time Warner Cable	and Other agencies as needed
Southern California Edison Company or	
Imperial Irrigation District	
3. Prior to approval of Final Parcel Map No. 35114, the Applicant shall convey to the City, in an amount and in a manner as approved by the City, those lands, improvements and/or in lieu fees as may be required under the statute.
4. Prior to the approval of the Parcel Map, the property shall be formed into Community Facilities District No. 2007-01 to defray the cost of increased security and police protection as a result of the subdivision/project.
5. That the Applicant shall defend, indemnify, and hold harmless the City of Indian Wells and its officers, employees, and agents from and against any claim, action, or proceeding against the City of Indian Wells, its officers, employees, or agents to attack, set aside, void, or annul any approval or condition of approval of the City of Indian Wells concerning this Project or application, including but not limited to any action or failure to act related to the California Environmental Quality Act and approval or condition of approval of the Planning Commission or the City Council. The City shall promptly notify the applicant of any claim, action, or proceeding concerning the Project and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officers, employees, and agents in the defense of the matter.

6. The Applicant/Developer shall maintain the subject property after the start of construction and until the Project is completed, free of weeds, debris, trash or any other offensive, unhealthful and dangerous material. If after five (5) days notice by certified mail, the Applicant/Developer does not comply with the aforementioned criterion, the City Council may cancel building or grading permits and/or enter the subject property with City forces and remove all subject violations, bill the Applicant and/or put a lien on the subject property.
7. The building construction plans shall include, a blue-line sheet(s) showing each page of this Resolution, including all conditions of approval contained herein.
8. Construction hours shall be limited to the hours as specified in the City of Indian Wells Municipal Code.
9. Delivery hours shall be established outside of the normal business hours to prevent conflicts with parking. Delivery schedule and operations plan shall be reviewed and approved by the City.
10. Prior to construction on the Site, a six foot (6') temporary chain-link fence will be erected on any portion of the property that is exposed to public access and connected to any block walls surrounding the property. This will deter theft of and vandalism to construction materials and equipment on the property during construction. All construction fencing shall have a screen mesh so as to conceal construction activity from public view.
11. Subsequent modifications of this approval, which do not intensify the use, including but not limited to re-orientation of structures, alteration of parking or any other change which may affect or impact properties in the general vicinity of the Project or is not in compliance with the Specific Plan, a revised conditional use permit and or amended Specific Plan could be required for such change as determined by the Community Development Director.
12. Outdoor storage, unless related to construction, is not permitted as part of this Project.
13. Smoking is prohibited in the outdoor shopping area except within smoking designated areas. Shopping areas include non-enclosed portions where tenant entrances open to non-enclosed common areas including restaurants, outdoor dining areas, pedestrian sidewalks, walkways, paseos and other pedestrian circulation areas that are commonly used and accessed by the patrons of the shopping center.
14. Pad grades are subject to review and approval by the Planning Commission. Building heights are measured from approved pad not finished floor.
15. The Project is subject to any and all restrictions of all recorded Development Agreement with the City or Redevelopment Agency with the Developer known as "Sanderson J. Ray" and/or successors.
16. All noise from outdoor activities shall not exceed the levels allowed pursuant to the General Plan and City of Indian Wells Municipal Code.

17. The use of pennants, banners, balloons, streamers, flags or similar attention getting devices is prohibited, unless specifically allowed pursuant to the approved Specific Plan.
18. Signs shall be conveniently posted for "no overnight parking" and for "employee parking only."
19. Bicycle storage spaces shall be provided as required by the Community Development Department.
20. A security plan consistent with the Development Agreement shall be submitted to be reviewed by the Community Development Department that details the security measures that will be utilized on-site.
21. On-site loitering, soliciting or disorderly behavior is prohibited.
22. Prior to occupancy, final signage design for all site signage and all building signage shall be approved by the City.
23. Section 6 of the Specific Plan is not included in the project approval and requires further review and approval by the City.
24. Within fifteen (15) days of final approval by the City Council, the Applicant shall submit in writing, a statement indicating that he/she has read and agrees to the conditions imposed herein. This authorization shall become void, and any privilege, permit, or other authorization granted under this approval shall be deemed to have elapsed if compliance with this condition has not been undertaken within the specified time limits.
25. The Applicant shall deposit with the City sufficient funds as determined by the City, and pay for City Attorney fees incurred by the City, regarding review and approval by the City Attorney of (a) any Declaration of Covenants and Restrictions, (b) Development Agreement, and/or (c) any similar document, which the applicant is required to submit to the City for review and approval.

Site Improvements/Architecture:

26. The Project shall have 360-degree architecture ensuring that areas of structures typically considered as the "rear" of the building contain architectural details that convey quality and architectural details.
27. Building designs shall demonstrate a consistent use of colors, materials and detailing throughout all elevations of the building.
28. The enhanced paving locations, materials and design shall be approved by the Architecture and Landscape Committee and the City Council, which shall include upgraded material such as brick/tile, integral color concrete or any combination thereof.

29. All designs for outdoor dining areas shall be reviewed and approved by the Architecture and Landscape Committee and City Council. All shade structures for the outdoor dining areas shall be architecturally integrated with the building design in color, materials and design.
30. Parapet walls shall be treated as an integral part of the structural design.
31. The buildings shall be integrated with the landscaping, such that the architecture appears as an extension and outgrowth of the landscaping.
32. All storefront shall be designed with high quality durable materials that can be easily maintained. Unacceptable store front materials including, but not limited to painted drywall, simulated materials such as wood grain and brick, wallpaper or wall covering, plywood paneling, textured or colored acrylic, mirrors, soft wood, translucent fiberglass sheeting, mill finished aluminum or plastic laminates.

Lighting:

33. Prior to the issuance of building permits, the Applicant shall submit a detailed on-site lighting plan including a photometric diagram. Such plan shall indicate style, illumination, height and method of shielding for any phased portion of the Project.
34. Lighting within the Project area shall in general be as subdued as possible, avoiding all light spillage onto private areas. Outdoor lighting associated with the commercial uses shall be shielded sufficiently to not adversely impact surrounding uses, but shall provide sufficient illumination for access and security purposes. Such lighting shall not blink, flash or oscillate. All lighting details shall be reviewed and approved by the Architecture and Landscape Committee.
35. Landscape lighting shall be indirect; non-glare lights, positioned to light tree canopies, paths and walkways, or walls, as appropriate, and avoid light spillage outside of the Project area. Up-lights in turf areas shall be in light wells only. Up lights in planters must have j-boxes below grade (or screened as approved by the Community Development Department), light fixtures must be screened with landscaping, etc.
36. Path lighting shall be accomplished with bollard fixtures, post top fixtures and surface mounted building fixtures as approved by the Community Development Department.
37. The use of low or high-pressure sodium light fixtures shall be prohibited. Parking lot lighting shall be accomplished with low profile pole lighting depending on a photometric study and any modification to this standard shall be reviewed and approved by the City.
38. Any use of exposed neon or neon that is fabricated to appear to be exposed shall be approved by both the Architecture and Landscape Committee and the City Council.

Landscaping:

39. The Applicant shall provide, and the City's Architecture and Landscape Committee shall review and approve, a landscape plan establishing an irrigation management program for all on-site landscaped areas. All landscape plans shall establish watering requirements based upon the proposed landscape pallet and shall ensure that irrigation rates do not exceed both the watering requirements of the proposed landscape plan and the infiltration rate of local soils.
40. The irrigation system shall include provisions for design features that conserve water, such as controlled irrigation systems, which employ drip irrigation, soil moisture sensors, and automatic systems that minimize runoff and evaporation, the use of mulch on top of soil to improve water-holding capacity and the use of xeriscape (drought-tolerant species) for landscaping.
41. The landscape plan shall include the reintroduction of desert-adapted native and non-native plants. The use of these low water-use plants would also conserve water and energy use in the built environment.
42. If the City Engineer determines that the subdivision improvement bond is insufficient to cover the parkway, easement landscaping and irrigation, the Applicant shall post a landscape performance bond, which shall be released concurrently with the release of subdivision performance bonds, guaranteeing the viability of all landscaping which will be installed prior to the assumption of the maintenance responsibility by the landscape maintenance district. Prior to parcel map recordation, the Applicant will enter into a Lighting and Landscaping District (the "LLD") for the landscaping areas adjacent to Washington Street and Miles Avenue. The Applicant will request and pay all fees related to the annexation of the existing and new landscaping that will be part of the existing Lighting and Landscape District for the areas bounded by Washington Street and Miles Avenue.
43. Detailed landscaping and irrigation plans shall be submitted for Planning Department's approval. The plans shall be certified by a landscape architect and shall provide permanent, automatic irrigation systems, which shall be installed on all landscaped areas requiring irrigation and be in full compliance with the adopted Landscape Guidelines and Design Specifications. Final landscape, hardscape and lighting plans shall be approved by the Architecture and Landscape Committee.
44. Prior to the issuance of building permits, the Coachella Valley Mosquito Abatement District shall be afforded the opportunity to re-strategies to reduce mosquito and eye-gnat infestation that may accompany development.
45. The Applicant shall provide a combination of earthen berm(s), landscaping and/or walls to visually buffer the commercial development from Washington Street and Miles Avenue as approved by the Architecture Landscape Committee. All parking areas adjacent and visible from public right-of-ways shall incorporate landscaping and earthen berms to reduce parking visibility from public right-of-ways.
46. A minimum of 30% of all trees shall be specimen size trees -- 24-inch box or larger.

47. Trees shall be planted in areas of public view adjacent to and along structures at a rate of one tree per twenty (20) linear feet of building.
48. Special landscape features such as mounding, alluvial rock, specimen size trees, meandering sidewalks where required (with horizontal change) and intensified landscaping, is required along all public street frontages.
49. Landscaping and irrigation systems required to be installed within the public right-of-way on the perimeter of this Project area shall be continuously maintained by the Developer.
50. Above ground-mounted utility locations shall be approved by the Planning Department. All detector check and backflow assemblies shall be located in planting areas.
51. The detector check/backflow devices shall be painted a neutral/earth tone color and any pipes extending above ground shall be finished and painted to match the device.
52. All ground-mounted utility appurtenances shall be located out of public view and adequately screened through the use of a combination of concrete or masonry walls, berming and/or landscaping to the satisfaction of the Planning Department.
53. All plant materials within landscaped areas shall be maintained in a viable growth condition throughout the life of this permit.
54. Landscaping and signage shall be located so as not to interfere with sight distance from driveways.

Aesthetics:

55. The Development shall conform to the Specific Plan for the Project.
56. Design of structures should be varied to create variety and interest. All final designs for every building, landscaping, courtyards etc. shall be approved by the Architecture and Landscape Committee and the City Council and be consistent with the adopted Specific Plan.
57. If necessary, gang mailbox design shall be of a material that is substantially complimentary to the commercial structure and location must be shown on the final tract map and within common area that is maintained by the property owner's association and incorporated into the Covenants, Conditions & Restrictions prior to recordation of the parcel map.
58. Any roof mounted equipment including but not limited to heating, venting, cooling and antenna shall be fully concealed from grade elevation view by architecturally integrated means subject to review and approval by the Architecture and Landscape Committee.
59. The Applicant shall submit a fully dimensioned site plan that meets development regulations. Prior to plan check submittal for review and approval by the City.

60. The Applicant will provide to the City a "will serve letter" from Southern California Edison (SCE) and/or Imperial Irrigation District (IID) that sufficient electrical supply is available to furnish said structures in that phase of development to be constructed.

Fees:

61. The Applicant is responsible for the payment of all Municipal (Planning, Building and Public Works) fees prior to the issuance of any permits.
62. Prior to issuance of any building permits, the Applicant shall pay those fees as required under Ordinance No. 251 establishing a Transportation Use Mitigation Fee program (TUMF) for the Project within the City.
63. Prior to issuance of buildings permits, the Applicant shall be required to pay the School District fees as authorized under Government Code Section 65995.

Parking and Vehicular Access:

64. Reciprocal access easements shall be provided ensuring access to all parcels by Covenants, Conditions & Restrictions or by deeds and shall be recorded concurrently prior to issuance of building permits.
65. Within one hundred and twenty days (120) days of approval of the Tentative Parcel Map Conditions by the City Council, the Applicant shall record against the Applicant's property in the Riverside County Recorder's Office an access and temporary construction easement document reasonably acceptable to the City Attorney and acceptable to and for the benefit of the owner of Planning Area 4 (APN 633-360-024), provided such acceptance by the owners shall not unreasonably be withheld or delayed. Said easement document shall provide for (a) the construction of the driveway immediately north of Planning Area 4 on Washington Street and the driveway immediately west of Planning Area 4 on Miles Avenue; (b) the grant of easement for vehicular access over said driveways and the roadway that connects the two driveways to Planning Area 4 as generally delineated on the Parcel Map; and (c) for Applicant and the owners of Planning Area 4 to each pay a fair share of the costs on construction of the driveways and connector roadway. The City shall be given a recorded copy of the document to satisfy this condition. With respect to the construction of said driveways, the easement document shall provide as follows:
 - A. In the event that Applicant commences construction of its project first, Applicant shall construct both driveways and connector roadway and advance all costs thereof. Upon commencement of construction of its project by the owners of Planning Area 4, the owners of Planning Area 4 shall reimburse Applicant for its fair share of the costs as provided in the easement document, and upon payment thereof, the easements granted in favor of the owners of Planning Area 4 shall be perfected.

- B. In the event that the owners of Planning Area 4 commence construction of their project first, access to said project shall be by means of temporary access driveways on Washington Street and Miles Avenue. Said temporary access driveway on Miles Avenue may become permanent based upon and subject to City approvals. Upon commencement of construction of Applicant's project, Applicant shall construct both driveways on its property and the connector roadway. Upon completion of the access driveway on Washington Street, the owners of Planning Area 4 shall (i) close their access driveway on Washington Street; (ii) reimburse Applicant for its fair share of the costs of the Washing Street driveway as provided in the easement document; (iii) upon payment thereof, the easement granted in favor of the owners of Planning Area 4 over said driveway shall be perfected; and (iv) the owners of Planning Area 4 may add parking places at the point of their closed temporary driveway. City in its discretion, but without obligation or commitment, shall allow up the three such "future parking spaces" when calculating the required parking for Planning Area 4. In the event the temporary access driveway for Planning Area 4 is not permitted to become permanent, then, upon Applicant's completion of the access driveway on Miles Avenue, the owners of Planning Area 4 shall (i) close their access driveway on Miles Avenue; (ii) reimburse Applicant for its fair share of the costs of the Miles Avenue driveway as provided in the easement document; (iii) upon payment thereof, the easements granted in favor of the owners of Planning Area 4 over said driveway shall be perfected.
66. Reciprocal parking agreements for all parcels and maintenance agreements ensuring joint maintenance of all common roads, drives or parking areas shall be provided by Covenants, Conditions & Restrictions (CC&R's) or deeds and shall be recorded prior to issuance of a building permit.
67. Carpool and vanpool designated off-street parking areas shall be provided subject to review and approval by the City. If covered, the vertical clearance shall be no less than nine feet (9') subject to review and approval by the City.
68. All parking adjacent to buildings shall be a minimum of nine feet by eighteen feet (9'x18') with no allowed overhang unless the proposed landscape area is increased by two feet (2') to accommodate the overhang.
69. The valet parking at the entry to the theater shall be designed to be at least two (2) lanes wide.
70. Any parking areas shown on the conceptual plans that could cause conflicting or confusing movements as determined by the City Engineer shall be redesigned.

Environmental:

71. Pursuant to Fish and Game Code 711.4, a "filing fee" of \$1,800 for a Negative Declaration or \$2,500 for an Environmental Impact Report is collected by the County Clerk on behalf of the State to offset the cost of managing and protecting fish and wildlife trust resources. Although, there is no filing fee for the filing of a statutory or categorical exemption, the County Clerk does collect a \$64 "Administrative Fee." All fees must accompany the Notice of Determination filed with the County Clerk. The Applicant is responsible for the payment of all applicable fees charged pursuant to Fish & Game Code Section 711.4.
72. The Applicant is responsible for the cost of implementing mitigation measures, including monitoring and reporting. The Applicant shall provide a written monitoring and reporting program to the Planning Department prior to issuance of building permits. Said program shall identify the reporter as an individual qualified to know whether the particular mitigation measure has been implemented.
73. A report documenting the monitoring activities shall be submitted to the Planning Divisions within 30 days of the completion of the grading activities. This report shall document the type of cultural resources recovered and the disposition of these resources. The artifacts shall be deposited into an accredited institution that is authorized to accept these types of resources.
74. The Applicant shall comply with the Mitigation Measures as set forth in the Supplemental Environmental Impact Report prepared for Town Center, attached hereto as Exhibit "B" and incorporated by reference as Conditions of Approval.

Conservation:

75. The Applicant shall use, to the extent possible, native and water efficient landscaping and treated effluent for landscaping and irrigation, and the installation of water conservation devices in development and irrigation systems shall be explored and used to the extent feasible. The irrigation system shall be constructed to accommodate the use of effluent water.
76. Building design plans shall include opportunities to install telecommunication arrays on the rooftops that would be hidden from view.
77. The Applicant shall endeavor incorporate sustainable site and building design which could include, but is not limited to the following:
 - Provide on-site generation of renewable energy through the use of solar power.
 - Utilize on-site generation of renewable energy through photovoltaic techniques and usage of photovoltaic cells.
 - Natural, plentiful or renewable materials should be incorporated into the building construction.

- Low or non-toxic materials shall be utilized with minimal VOC-producing compounds.
- Energy efficiency should be maximized by utilizing materials, components and systems that help reduce energy consumption to buildings and facilities.
- Where possible all buildings shall exceed California's Title 24 energy efficiency standards by at least fifteen percent (15%).
- A weather based satellite irrigation system.
- Strategic orientation and configuration of buildings and shading elements to passively heat and cool spaces.
- Designated carpool parking areas.
- A percentage of covered parking.
- Electric vehicle charging stations.
- Utilize reclaimed water for landscape irrigation, if available.
- Utilize energy-efficient and automated controls for air-conditioning units and lighting to reduce electricity consumption and associated emissions.

Coachella Valley Water District (CVWD):

78. As required by CVWD, prior to the issuance of building permit approval, the Applicant shall prepare detailed water system improvement plans that shall be submitted and approved by CVWD. Improvements identified in the plans shall be installed by the Applicant and be in place prior to occupancy and permit issuance.
79. All fees required by CVWD shall be paid to cover the cost of sewage treatment facilities to handle Project wastewater.

Southern California Edison (SCE) or Imperial Irrigation District (IID):

80. Prior to occupancy and permit issuance, the Applicant shall contact SCE and/or IID and implement all reasonable energy conserving measures including day lighting, thermal storage and passive solar applications. Proof such as a will serve letter that this has been done shall be submitted in writing by the Developer to the City.

Southern California Gas Company:

81. The Applicant shall contact the Southern California Gas Company to obtain assistance in selecting the most effective applications of energy conservation techniques for this Project. These techniques shall be implemented prior to issuance of building occupancy permits, and proof such as a will serve letter that this has occurred and shall be submitted in writing by the Applicant to the City.

Recycling:

82. The Applicant shall comply with the provisions of the City of Indian Wells' Construction & Demolition Debris Management Plan and the Indian Wells Municipal Code Chapter 16.75.
83. Approval of the Construction & Demolition Debris Management Plan by the City is required before issuing a demolition and building permit and beginning of demolition and on-site mobilization work.
84. Any recyclable materials shall be removed from a premises by a licensed contractor as an incidental part of a total construction, remodeling or demolition services offered by that contractor who will certify in writing that accepted construction and demolition debris will be diverted from that accepted construction and demolition debris will be diverted from landfill, not dumped illegally or dumped at sea.
85. Any reusable materials removed from site by a not for profit organization shall certify in writing that the accepted construction and demolition debris will be diverted from landfill, not dumped illegally, or dumped at sea.
86. The Applicant shall develop a plan for diverting a minimum of fifty percent (50%) of construction and demolition debris from landfill and how it will be diverted from landfills.
87. The Applicant shall furnish copies of the Construction & Demolition Debris Management Plan to all on-site supervisors, each subcontractor, the Owner and the Architect.
88. The Applicant shall minimize the creation of construction and demolition waste on the job site.
89. The Applicant shall reuse, salvage or recycle as much of the inevitable waste that is generated from the construction or demolition as is feasible.
90. Within ten (10) calendar days after receipt of Notice of Award of Bid, or prior to any waste removal, whichever occurs sooner, the contractor shall submit to the Owner and Architect, a City of Indian Wells Construction and Demolition Debris Management Plan.
91. The contractor shall provide copies of the Indian Wells Construction & Demolition Debris Management Plan to the job site foreman, each subcontractor, the Owner and the Architect.
92. Hazardous wastes shall be separated, stored and disposed of according to local regulations.

93. The contractor shall conduct Construction Waste Management meetings. Meetings shall include subcontractors affected by the Waste Reduction and Recycling Plan. At a minimum, waste management goals and issues shall be discussed at the following meetings:
- Pre-bid meetings.
 - Pre-construction meeting.
 - Regularly scheduled job-site meetings.

Public Works:

94. The parcel map shall be prepared by a licensed land surveyor or registered civil engineer, subject to all the requirements of the State of California Subdivision Map Act and City Municipal Code. Such a map shall show all existing easements, travel ways and drainage courses.
95. Dedicate to the City of Indian Wells on the Parcel Map the right to restrict vehicular access rights except as shown on the approved map to Washington Street and to Miles Avenue.
96. The Applicant shall comply with the State of California Subdivision Map Act, and all applicable City of Indian Wells Ordinances and Resolutions.
97. Prior to approval of the parcel tract map, the Applicant shall convey to the City, in an amount and in a manner as approved by the City, those lands, improvements and/or in lieu fees as may be required under the statute.
98. Street names shall be subject to the approval of the Community Development Department. The Applicant shall install street name sign(s) of 3M Diamond Grand reflectivity with the Indian Wells arrowhead logo and white letters on brown background and/or signs on traffic signal standards mast arms per the City and/or Caltrans standard.
99. The Applicant shall install landscaping and irrigation between the project boundary and the Washington Street and Miles Avenue curb line including any project center street medians where required by the City. The maintenance of such landscaping shall be the responsibility of the Subdivider or the management group and entrance into the City's standard landscape maintenance agreement and annexation into a Lighting and Landscape District is required subject to the review and approval of the City Attorney.

Tentative Parcel Map No. 35114:

100. Tentative Parcel Map No. 35114, dated May 2007, attached as Exhibit "C" is subject to the conditions stated below:
 - A. The parcel/tract map shall be prepared in accordance with the approved tentative map and filed in accordance with the City Subdivision Code within thirty-six (36) months after the date of approval of the tentative tract map.
 - B. The parcel/tract map shall be prepared by a licensed land surveyor or registered civil engineer, subject to all the requirements of the State of California Subdivision Map Act and City Development Code Ordinance No. 249.
 - C. Prior to the approval of a tentative parcel/tract map on the project site, the Applicant shall identify Applicant's election for compliance with Section 20.36.040 (Park Dedication Requirements) of the City's Municipal Code. Upon approval of a final tract map, the Applicant shall convey to the City, in an amount and in a manner as approved by the City, those lands, improvements and/or in lieu fees as may be required under the statute.
 - D. Prior to approval of the parcel/tract map, the Applicant shall submit evidence to the satisfaction of the City Engineer that access to the project site has been secured.
 - E. Prior to the recordation of the parcel/tract map, the Applicant shall submit Conditions, Covenants and Restrictions (CC&R's) and or other documents relating to the commercial retail development operations to the City Attorney for review and approval. Said documents shall include provisions for ongoing maintenance of all lots, common areas, landscaped areas, walls, perimeter landscaped areas, recreation and community facilities, streets, bridges, storm drain facilities, security patrol(s), etc. of the project site; and mutual rights of egress and ingress on private streets for the benefit of any and all.
 - F. Prior to the recordation of the parcel/tract map, the Applicant shall demonstrate to the satisfaction of the City Engineer that all necessary off-site traffic improvements are installed, bonded for, or otherwise secure the installation of said traffic improvements.
101. A detailed project specific geotechnical/soils survey, prepared by a soils engineer, shall be submitted to the City prior to subdivision of the property or issuance of a grading permit. Seismic and structural design considerations for any subsequent development on-site shall be based in accordance with the findings of that survey and the provisions of applicable code standards. The geotechnical/soils survey shall contain specific conclusions on the suitability of the Site for the proposed use and shall become conditions of project approval. The geotechnical/soils survey for the Site shall identify design management requirements to meet the following performance standards: humans and structures shall be protected from hazards that would threaten human life and safety or the soundness of the structures for continuous habitation.

102. Construction equipment shall be stored on the project site, away from existing residential buildings and other commercial/retail buildings, to eliminate heavy-duty equipment truck trips.
103. Grading and other construction activities, including the repair and maintenance of construction equipment, shall be restricted to those hours and days as set forth in the City's Noise Ordinance.
104. Prior to approval of the parcel/tract map, the findings set forth in the soils report shall be incorporated into the project design.
105. Grading of the subject property shall be in accordance with the California Building Code, City Grading Standards and accepted grading practices. Grading plans shall include an erosion, siltration and dust mitigation plan to be approved by the City Engineer and Public Works Department. The final grading plan shall be in substantial conformance with the approved grading plan. A bond for proper control and clean up of erosion and blow sand shall be required by the City.
106. A grading permit shall be obtained from the Public Works Department prior to commencement of any grading outside of the City-maintained road right-of-way.
107. No rough grading shall take place prior to substantial completion of the improvement plans, receipt of appropriate clearance letters and approval by the City Engineer.
108. Prior to recordation of the parcel map, the Applicant shall submit recorded slope easements from adjacent landowners in all areas where grading is proposed to take place outside of the tract's boundaries.
109. Erosion control facilities will be required. Erosion control plans and notes shall be submitted to and approved by the Public Works Department. In order to minimize soil erosion, the use of native vegetation and permeable ground materials shall be considered.
110. As determined appropriate by the City Engineer, temporary erosion-control strategies and dust suppressant measures shall be undertaken to minimize fugitive dust impacts and waterborne sediment transport during construction activities.
111. Trucks importing or exporting soil material and/or debris or materials relating to the Project development and construction shall be covered and/or sprinkled prior to entering public streets to minimize potential fugitive dust. Construction equipment shall be stored on the project site to eliminate heavy-duty equipment truck trips.
112. Roadway and parking areas shall be periodically swept or otherwise cleared of dirt and other contaminants to minimize fugitive dust. Cleaning practices shall avoid the discharge of surplus water into existing flood control facilities.
113. Final grading plans for each parcel are to be submitted to the Public Works Department for approval prior to issuance of building permits. (This may be on incremental or composite basis).

114. Any abandoned wells/and or septic tanks on the property or similar structures that might result in contamination of underground waters shall be destroyed in a manner approved by the City Engineer. Any underground tanks shall be properly removed, the tanks evaluated for evidence of leakage and backfilled in accordance with the recommendations of the soils engineer.
115. The Applicant shall dedicate upon issuance of a grading permit, as required, all necessary right-of-way easements for all on-site storm drain facilities to the Coachella Valley Water District or such other entity as may be identified by the Water District, in a form acceptable by the Water District or such other entity.
116. All grading and improvement work shall comply with the requirements of the State Water Resources Control Board (SWRCB) and the National Pollutant Discharge Elimination System (NPDES). Permits must be kept on file with the City during grading and construction.
117. Prior to any demolition, grading or construction activities, the Applicant/Developer shall submit for Public Works Department review and approval a Fugitive Dust (PM10) Mitigation Plan.
118. Install traffic signal with interconnect and left turn phasing at the intersection of Via Seville and the entrance driveway on Washington Street.
119. Install traffic signal with interconnect and left turn phasing at Miles Avenue and project entrance as shown in the development plan and required by the traffic study. A Reimbursement Agreement shall be entered into by all the responsible parties for the following Planning Areas:
 - Planning Area #1: 633-360-029
633-360-018
 - Planning Area #2: 604-040-089
 - Planning Area #3: 604-040-090
 - Planning area #4: 633-360-024

Street Improvements:

120. All street centerline intersections shall be at ninety degrees (90°) or radial, or as approved by the City Engineer.
121. Prior to the recordation of the final map, the Applicant shall submit Conditions, Covenants and Restrictions (CC&R's) or other agreements as relate to the operation of the Project to the City for review and approval. Said documents shall include provisions for ongoing maintenance of all streets, lots, common areas, walls, landscaped areas and for provisions for public enforcement of traffic regulations pursuant to California Vehicle Code Section 71107.7. The CC&R's shall also include lot specific information and be recorded on the final map.

122. The Subdivider shall construct or post security guaranteeing the construction of improvements in conformance with applicable City standards. Prior to recordation of the parcel map, the Subdivider shall post securities, as set forth in this condition, in the amount of 100% of the approved engineer's estimate for infrastructure improvements for the entire parcel map. If phasing is proposed, the Applicant shall submit a Phasing Plan for review and approval by the City. These improvements include but are not limited to:
 - A. Street improvements, including, but not limited to: pavement, curb and gutter, medians, drive approaches, signing, striping and other traffic control devices as appropriate.
 - B. Storm drain facilities.
 - C. Landscaping (street and parks).
 - D. Sewer and domestic water systems.
 - E. All trails, as required by the City's Master Plans, i.e. bicycle paths.
 - F. Undergrounding of existing and proposed utility distribution lines.
 - G. Parking lot improvements.
123. All street widening and overlays in the public right-of-way shall be constructed with Asphalt Rubberized Hot Mix if compatible with the existing pavement sections and as approved by the City Engineer.
124. Surety shall be posted and an agreement executed to the satisfaction of the City Engineer and the City Attorney, guaranteeing completion of the public and/or private street improvements, prior to the approval of the final map or the issuance of building permits, whichever occurs first.
125. Street improvement plans, per City standards for the private streets or drives, shall be required for review and approval by the City Engineer.
126. The Subdivider shall comply with the following design standards throughout this project: Corner cutbacks in conformance with County Standard No. 805 shall be offered for dedication and shown on the parcel map.
127. The minimum centerline grade shall be one half percent (0.50%).
128. All street improvements shall be installed to the satisfaction of the City Engineer.

Interior Parking Aisle Improvements:

129. All private streets shall be constructed to City of Indian Wells' public street standards. Unless otherwise approved by the Project Conditional Use Permit and approved by the City Engineer. All street and improvement plans shall be reviewed and approved except as otherwise by the City Engineer and appropriate fees paid and a construction permit obtained prior to any improvement work.
130. After rough grading and prior to placement of road base material, the soils engineer for the Site shall prepare a recommended street section based on tested R-values.

131. All street intersections shall be at ninety degrees (90°), or as approved by the City Engineer.
132. Street Requirements: Street dedications, alignments, widths and exact geometries shall conform to the City of Indian Wells Improvement Standards as approved by the City Engineer.
133. Curb return radii shall be reviewed and approved by the City Engineer.
134. Landscaping plans for trees, shrubs, walls, fences or other structures at or near intersections must conform to Indian Wells Municipal Code sight distance standards and Public Works public street standards for areas accessing public right-of-ways. Plans for improvements that may impact sight distance must be submitted to and approved by the City Engineer prior to the issuance of building permits or implementation of landscape improvements.
135. Where proposed, off-site improvements, including but not limited to streets, slopes, public utilities and drainage facilities, are to be constructed by the Applicant at his own expense. All necessary off-site easements or other interest in real property shall be dedicated to the City or responsible agency as required. The Applicant shall provide documentary proof satisfactory to the City that such easements or other interest in real property have been obtained prior to the approval of respective improvements. Additionally, the City may, at its sole discretion, require that the Applicant obtain, at his sole expense, a title policy insuring title for the easement or other interest in real property vested in the City of Indian Wells or other agency, or the Applicant, as applicable. All or portion of the off-site improvements shall be consistent with any adjacent Disposition and Development Agreement and Development Agreement with the City of Indian Wells Redevelopment Agency.
136. Any utilities requiring relocation to accommodate the subdivision shall be coordinated and paid for by the Subdivider.
137. Sanitary sewers, water, electric power, gas, telephone and cable television utility services shall be provided to each lot (except common areas and open space).
138. Location of water transmission lines, pressure-reducing stations, well sites and water reservoirs shall be approved by Coachella Valley Water District prior to the City's approval of grading plans.
139. Evidence of proper utility easement conveyance for all public utilities shall be submitted to the City prior to final map approval.
140. The City Engineer shall require the dedication and construction of all utilities, streets and other improvements outside of the area of any particular increment if such is needed for circulation, parking, access or for the welfare or safety of future occupants of the development. The boundaries of any parcel map increment shall therefore be subject to the approval of the City Engineer.

141. All improvements and services in each phase shall be capable of serving the development independently of any other phase as determined by the City Engineer.
142. Traffic control during the construction of streets, which are opened to public travel, shall be in accordance with construction signing, marking and other protection as required by City specification. All work must be conducted under permits from the responsible agency.
143. All monumentation shall be verified in the field by a City Inspector to see that it conforms to the parcel map prior to the Engineer submitting "as-built" drawings for release of the monumentation bond.
144. The Engineer of Record shall provide all street centerline monument ties and identification on 8½"x11" sheets to the Engineering Department prior to final acceptance and release of the Project.
145. For each phase of construction, the Subdivider shall construct or post improvement security with the City prior to Subdivision Map approval to guarantee the construction of the required street, parking lot, water, sewer, drainage, erosion control, landscaping, monumentation and underground utility improvements. The amount of security will be determined by the City Engineer, based upon an estimate furnished to the City taken from approved improvement plans. Security shall be guaranteed by an improvement agreement supported by cash, letters of credit or bonds as approved by the City Attorney.
146. All improvements shall be inspected and approved by the City Engineer and "as-built" drawings submitted for acceptance by the City. All street and drainage improvements within any phase shall be completed and accepted prior to occupancy within that phase.
147. All street improvements and widths shall be designed and constructed in conformance with the City of Indian Wells Improvements Standards (e.g. asphalt paving, concrete curbing and gutters). Such improvements shall be inspected and approved by the City and as-built drawings submitted to the City prior to acceptance.
148. Prior to approval of any parcel/tract map increment, all of the above requirements within such increment, or outside of it, if required by the City Engineer, shall be covered (to the fullest extent possible, pursuant to Chapter 5, Section 66499 of the Subdivision Map Act as last amended) by a subdivision agreement, secured with sufficient improvement securities or bonds guaranteeing:
 - Performance
 - Payment for labor and materials
 - Setting of monuments
149. Prior to, or in conjunction with, the recordation of the parcel/tract map, adequate rights of ingress and egress to a public street shall be provided to the benefit of each and every lot within the subdivision and/or Project. The document and form providing this ingress and egress shall be as approved by the City Attorney.

Drainage:

150. A detailed drainage study must be submitted to the City Engineer for review and approval. The study shall be prepared by a registered civil engineer and shall include existing, interim and proposed conditions, including hydrology and hydraulic calculations.
151. A storm drain system shall be designed and installed to convey surface water from the Project away from Miles Avenue and Washington Street to Whitewater Channel.
152. Construction work either temporary or permanent in the Whitewater Channel, or within Coachella Valley Water District (CVWD) easements or property owned by CVWD shall be approved by CVWD prior to approval of the parcel map or any grading on the site. All slope paving and design of same or similar that is adjacent shall be reviewed and approved by the City.
153. As a commercial project subdivision, the following requirements shall be met:
 - Surety shall be posted and an agreement executed guaranteeing completion of all on-site drainage facilities necessary for de-watering all parcels to the satisfaction of the Public Works Department prior to recordation of the Map and prior to the issuance of grading permits.
 - Appropriate easements, for safe disposal of drainage water that is conducted onto or over adjacent parcels, are to be delineated and recorded to the satisfaction of the Building and Safety Department prior to issuance of grading and building permits.
 - All slope banks in excess of five (5') feet in vertical height and of 5:1 or greater slope shall be seeded with native grasses upon completion of grading or some other alternative method of erosion control shall be completed to the satisfaction of the Building Official and the Community Development Director. Irrigation shall be provided to germinate the seed and maintain growth for a period of six (6) months after germination.
154. All lots shall drain toward the storm drain proposed unless otherwise approved by the Building Official, City Engineer and the Community Development Director.
155. The Applicant shall dedicate upon subdivision of the property and/or issuance of a grading permit, as required, all necessary right-of-way easements for all on-site storm drain facilities to the City or such other entity as may be identified by the City, in a form acceptable by the City or such other entity.
156. On-site drainage improvements, necessary for de-watering and protecting the property, are to be installed prior to issuance of building permits for construction upon any portion of the property that may be subject to drainage flows entering or leaving the property.

157. In addition to the drainage requirements stated herein, other on-site or off-site improvements may be required which cannot be determined from tentative plans and would have to be reviewed after more been submitted to the City Engineer.
158. The Subdivider shall accept and properly dispose of all drainage flows onto or through common and parking areas and streets. Drainage quantities exceeding a streets capacity shall be maintained within adequate drainage facilities as approved by the City Engineer.
159. The Applicant shall provide adequate erosion control devices for any borrow sites at the completion of each phase of grading. This shall include landscaping and temporary irrigation systems on exposed slopes to be approved by the City Engineer.
160. Recorded drainage easements for all off-site drainage structures (including pipes, dikes, entrance structures and grading) shall be presented to the City prior to grading permit issuance and final map approval.
161. All drainage picked up in an underground culvert shall remain in an underground system until released into an approved channel or facility.
162. A precise grading and drainage plan shall be submitted and approved by the City Engineer prior to Map approval. It shall show the method of disposing surface water to assure that all sites will drain to the street or as approved by the City Engineer. The City Engineer shall determine when a natural watercourse may be utilized for drainage purposes and when a drainage facility will be required. The Applicant shall dedicate land needed for drainage easements where required. All natural or earthen watercourses must be designed to ensure that water velocities are non-erosive. A soils engineer shall confirm that the soils within natural or earthen watercourses are suitable as channel linings.

Utilities:

163. Extension and related improvements to the natural gas system shall be installed as development occurs.
164. Prior to approval of a subdivision(s) map on the project site, the Applicant shall identify any utility easements that may be required for the Project. All facilities shall be located within right-of-way easements dedicated with the recordation of the parcel map.
165. The conduit system for any electrical service, with associated concrete manholes and vaults, shall be installed underground in accordance with utility company requirements and those that may be imposed by the City.
166. Utility transformers and other appurtenances shall be placed underground in accordance to Section 16.08.030(f) of the Municipal Code unless utility purveyor requires alternative installation.

167. Unless otherwise approved by the City and/or specified by the Southern California Edison Company and/or Imperial Irrigation District, the Applicant shall be financially responsible for the design and construction of all on-site infrastructure improvements for power transmission lines necessary to serve the site. The Applicant shall dedicate and record any right-of-way and maintenance easements, as may be required by the Southern California Edison Company and/or Imperial Irrigation District, for the purpose of constructing and maintaining electrical system improvements.
168. All water system improvements shall be closely coordinated with, and shall be subject to review and final approval by the Coachella Valley Water District.
169. The Applicant and or Tenant in accordance with current district regulations shall incur fees for domestic water and sanitation service in accordance with current district regulations.
170. Prior to the recordation of the parcel/tract map, the Applicant shall provide the City and the Coachella Valley Water District (CVWD), as required, and the City and CVWD shall accept and approve, information regarding the design of the water system servicing the project area, addressing facility sizing and location (e.g. primary mains, special facilities, storage, facilities and transmission mains), projected water demands based upon hydraulic analysis for the proposed system under average day, and maximum day and peak-hour demands.
171. Prior to the issuance of building permits, the Applicant shall obtain from the Coachella Valley Water District a sewer allocation commitment ensuring that adequate sewer capacity exists to service site development.
172. Relocation of facilities on the project site (if any), which facilities exist by right of easement or otherwise, the Owner/Developer will provide Southern California Edison or other agency with suitable replacement rights. Any costs and replacement rights are required prior to the performance of the relocation.
173. Final plans and profiles shall indicate the location of any existing utility facility that would affect grading or construction.

Fire Department:

174. A fire flow of 1,500 gpm for one (1) hour duration at 20-psi residual operating pressure must be available before any combustible material is placed on the job site.
175. Provide, or show there exists a water system capable of providing a potential gallon per minute flow of 3,000 for commercial. The actual fire flow available from any one hydrant connect to any given water main shall be 1,500 gpm for two (2) hours duration at 20 psi residual operating pressure.

176. The required fire flow shall be available from a "super hydrant(s)" (6"x4"x2½"x2½") will be required, located not less than twenty-five feet (25') from any portion of the building(s) as measured along approved vehicular travel-ways. The required fire flow shall be available from any adjacent hydrant(s) in the system.
177. A combination of on-site and off-site "super-hydrant(s)" (6"x4"x2½"x2½") will be required and located not less than twenty-five feet (25') or more than one hundred fifty feet (150') from any portion of the building(s) as measured along approved vehicular travel-ways. The required fire flow shall be available from any adjacent hydrant(s) in the system.
178. Provide written certification from appropriate water company having jurisdiction that hydrant(s) will be installed and product the required fire flow, or arrange field inspection by the Fire Department prior to request for final inspection.
179. Prior to the application for a building permit, the Developer shall furnish the original and two copies of the water system plan to the City Fire Marshal for review. No building permit shall be issued until the water system plan has been approved by the Fire Marshal. Upon approval, the original will be returned. One copy will be sent to the responsible inspecting authority.
180. Plans shall conform to fire hydrant types, location and spacing, and the system shall meet the fire flow requirements. Plans shall be signed by a Registered Civil Engineer and may be signed by the local water company with the following certification:

"I certify that the design of the water system is in accordance with the requirements prescribed by the Riverside County Fire Department. "System has been designed to provide a minimum gallon per minute flow of 3,000."
181. Comply with the Title 19 of the California Administrative Code in all A, E, and I occupancies.
182. Install a complete fire sprinkler system per NFPA 13. The post indicator valve and Fire Department connection shall be located to the front, not less than twenty-five feet (25') from the building and within fifty feet (50') of an approved hydrant. This applies to all buildings with 3,000 square feet or more building area as measured by the building footprint, including overhangs which are sprinklered per NFPA. The building area of additional floors is added in for a cumulative total. Exempted are one and two family dwellings.
183. Install a fire alarm (water flow) as required by the California Building Code for sprinkler systems or what would be required by NFPA 72.
184. Certain designated areas will be required to be maintained as fire lanes and shall be clearly marked by painting and/or signs approved by the Fire Marshal.

185. Install a fire alarm as required by the California Building Code and/or California Fire Code. Minimum requirement is UL central station monitoring of sprinkler system per NFPA 71 and 72. Alarm plans are required for all UL central station monitored systems, systems where any interior devices are required or used.
186. Install portable fire extinguishers per NFPA, Pamphlet No. 10, but not less than 2A10BC in rating. Fire extinguishers must not be over seventy-five feet (75') walking distance. In addition to the above, a 40BC and a "K" fire extinguisher is required for commercial kitchens.
187. For all kitchens, install a hood/duct automatic fire extinguishing system if operating a commercial kitchen including, but not limited to, deep fryers, grills, charbroilers or other appliances which produce grease laden vapors or smoke. All fans to run NFPA 96, 17, and 17a.
188. All buildings shall be accessible by an all-weather roadway extending to within one hundred fifty feet (150') of all portions of the exterior walls of the first story. The roadway shall be not less than sixteen feet (16') of unobstructed width and thirteen feet six inches (13' 6") of vertical clearance. Where parallel parking is allowed, the roadway shall be thirty-six feet (36') wide with parking on both sides, thirty-two feet (32') wide with parking on one side. Dead-end roads in excess of one hundred fifty feet (150') shall be provided with a minimum forty-five feet (45') radius turn-around (fifty-five feet (55') in industrial developments). Fountains or garden islands placed in the middle of these turn-arounds shall not exceed a five foot (5') radius or ten foot (10') diameter.
189. Whenever access into private property is controlled through use of gates, barriers, guard houses or similar means, provision shall be made to facilitate access by emergency vehicles in a manner approved by the Fire Department. Minimum opening width shall also be sixteen feet (16') with a minimum vertical clearance of thirteen feet six inches (13' 6").
190. A dead end single access over five hundred feet (500') in length will require a secondary access, sprinklers or other mitigative measure approved by the Fire Marshal. Under no circumstances shall a single dead end access over one thousand three hundred feet (1,300') be accepted.
191. Contact the Fire Department for a final inspection prior to occupancy.
192. Commercial buildings shall have illuminated addresses of a size approved by the City.
193. All fire sprinkler systems, fixed fire suppression systems and alarm plans must be submitted separately for approval prior to construction. Subcontractors should contact Fire Marshal's office for submittal requirements.
194. All elevators will be required to be of gurney size only. No exceptions will be made.
195. All fire appliance fire pit, BBQ and free standing fireplace provide UL or similar listing for all appliances.

Building and Safety:

196. Seismic design consideration shall be in accordance with the provisions of the current California Building Code and the seismic design parameters of the Structural Engineers Association of California.
197. Prior to the issuance of building permits, the Applicant shall submit detailed design plans for accessibility of emergency fire equipment, fire hydrant spacing construction fixtures to the Indian Wells Fire Department for review and approval.
198. Upon final building and planning inspection of site development, all street signage and building signage, as may be required by the City and/or recommended by the Riverside County Sheriff's Department and Fire Department, shall be installed in accordance with the City specifications.
199. Development within the project site will be design in accordance with the energy conservation requirements imposed by the California Energy Commission and Title 24 of the California Administrative Code.

END OF CONDITIONS

EXHIBIT "B"

Indian Wells Town Center
Final Supplemental EIR

Mitigation Monitoring Plan

SECTION 5:

MITIGATION MONITORING and REPORTING PLAN

5.1 INTRODUCTION

The following will help assure that the mitigation measures contained in the Draft SEIR, and as modified in this Final SEIR, are properly implemented according to state law. This Mitigation Monitoring and Reporting Plan (MMRP) identifies measures incorporated into the project that reduce its potential environmental impacts, the entities responsible for implementation and monitoring of mitigation measures, and the appropriate timing for implementation of mitigation measures. As required in Section 15097 of the CEQA Guidelines, this MMRP employs both reporting on and monitoring of project mitigation measures.

5.2 MITIGATION MONITORING and REPORTING

As the Lead Agency, the City of Indian Wells is responsible for ensuring full compliance with the mitigation measures adopted for the project. If during the course of project implementation, any of the mitigation measures identified cannot be successfully implemented, the City shall immediately inform any affected responsible agencies. The City, in conjunction with any affected responsible agencies, will then determine if modification to the project is required, and/or whether alternative mitigation measures are appropriate. Table 5.1 presents the implementation plan for the mitigation measures.

Table 5.1 Mitigation Monitoring and Reporting Plan

PROJECT NAME: INDIAN WELLS TOWN CENTER

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
AESTHETICS			
AES-1 Prior to the issuance of building permits, the project shall demonstrate that the hotel has been designed to incorporate a "terraced" design to minimize building bulk and massing and that building placement provides a view corridor through the site.	City of Indian Wells Community Development Department	Prior to the issuance of building permits	
AES-2 Equipment storage and soil stockpiling shall be at least 100 feet from adjacent property lines. (Ref. 1998 5.9-1a).	City of Indian Wells Community Development Department	During construction	
AES-3 Construction related rubbish and debris shall be removed as required by the City of Indian Wells Building and Safety Department Inspectors. (Ref. 1998 5.9-1b).	City of Indian Wells Community Development Department	During construction	
AES-4 Prior to the issuance of building permits an outdoor lighting plan for the Indian Wells Town Center project shall be approved by the Community Development Department which contains the following provisions: <ul style="list-style-type: none"> • Use of low pressure sodium lights; • Exterior lighting shall be fully shielded and directed away from adjoining properties; • Architectural and accent lighting shall be turned off by 11:00 PM and sunrise; • Glare free type opaque fixtures shall be provided 		Prior to the issuance of building permits	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
for general lighting; <ul style="list-style-type: none"> • Path lighting shall have concealed source post top fixtures, bollard fixtures, and surface mounted building fixtures; and parking lot lighting shall not exceed 25 feet in height. 	City of Indian Wells Community Development Department	Prior to the issuance of building permits	
AES-5 Construction and security lighting shall adhere to the City of Indian Wells Lighting Standards, which specifies the usage of low pressure sodium lighting for security purposes. (ref. 1998 5.10-1).	City of Indian Wells Community Development Department	During construction	
AIR QUALITY			
AQ-1 The proposed project shall comply with City of Indian Wells conditions to prevent dust and blowsand as follows: <ul style="list-style-type: none"> • Graded but undeveloped land shall be maintained in a condition so as to prevent a dust and/or blowsand nuisance, and shall be planted either with interim landscaping or provided with other wind and water erosion control measures as approved by the Director of Building and Safety and the state air quality management standards. • Notwithstanding any section of the ordinance to the contrary, the permit holder(s) shall comply with the requirements of City of Indian Wells • Municipal Code Section 8.20 (Fugitive Dust). (Ref. 1998 5.7-1a). 	City of Indian Wells Community Development Department	During construction	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
<p>AQ-2 In accordance with City of Indian Wells conditions, all necessary measures to control dust shall be implemented during grading. Such measures shall include the following:</p> <ul style="list-style-type: none"> • The project shall comply with State, County and UBC dust control regulations, so as to prevent the soil from being eroded by wind, creating dust, or blowing onto a public road or roads or other public or private property. • SCAQMD Rule 403.1 as amended, shall be adhered to, ensuring the clean up on the construction-related dirt on approach routes to the site, and the application of water and/or chemical dust retardants that solidify loose soils shall be implemented for construction vehicle access, as directed by the Community Development Department. This shall include covering, watering or otherwise stabilizing all inactive soil piles (left more than 10 days) and inactive graded areas (left more than 10 days). • Any vegetative ground cover to be utilized onsite will be planted as soon as possible to reduce the amount of open space subject to wind erosion; irrigation will be installed as soon as possible to maintain the ground cover and minimize blowsand. • Grading activity will be suspended when local winds exceed 30 miles per hour and 	<p>City of Indian Wells Community Development Department</p>	<p>During construction</p>	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
<p>during first and second state smog alerts.</p> <ul style="list-style-type: none"> All trucks hauling dirt, soil or other loose dirt material will be covered. Pursuant to City of Indian Wells Municipal Code Section 8.24 (Blowing Sand and Dirt) blowsand shall be controlled by the measures contained in Section 8.24. Furthermore, pursuant to the Coachella Valley Fugitive Dust Control Handbook, measures to control PM10 shall be approved by the Community Development Department. (Ref. 1998 5.7-1b). 	City of Indian Wells Community Development Department	During construction	
<p>AQ-4 In order to reduce emissions from the power plant providing electricity to the site and from natural gas consumed by the project's users, on-site buildings shall, at a minimum, be constructed to comply with State Energy Efficiency Standards (Title 24). (Ref. 1998 5.7-2b).</p>	City of Indian Wells Community Development Department	Prior to the issuance of occupancy permits	
<p>AQ-5 Reduce the maximum acreage graded on any one day to 20 acres.</p>	City of Indian Wells Community Development Department	During construction	
<p>AQ-6 During project construction, onsite electrical hook ups shall be provided for electric construction tools including saws, drills and compressors, to eliminate the need for diesel powered electric generators. Contractors shall include equipment from Table 1 of the SCAQMD Air Quality Guidance Handbook, Mitigation Measures and Control Efficiencies for off-road engines.</p>	City of Indian Wells Community Development Department	During construction	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
<p>AQ-7 During project construction, the developer shall require all contractors not to idle construction equipment onsite for more than 5 minutes.</p>	<p>City of Indian Wells Community Development Department</p>	<p>During construction</p>	
<p>AQ-8 A minimum of three Transportation Demand Management (TDM) measures shall be implemented. TDMs may include having showers and locker facilities for employees, providing at least one secure bike parking spot for every 20 vehicle parking spaces, providing preferential parking for carpool/van pool vehicles, and installing kiosks with alternative transit information.</p>	<p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of building permits</p>	
<p>BIOLOGICAL RESOURCES</p>			
<p>BIO-1 Prior to issuance of a grading permit, the developer shall pay the CVMSHCP mitigation fee to the Coachella Valley Association of Governments (CVAG).</p> <p>BIO-2 A pre-grading survey shall be conducted on the project site and the area for the concrete lining and access road within the CVSC right-of-way within 30 days prior to any ground disturbance to avoid a direct take of Burrowing Owls (BUOW). The biologist conducting the 30-day pre grading BUOW survey must submit a letter report to the City of Indian Wells documenting the results of the survey.</p>	<p>City of Indian Wells Community Development Department</p> <p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of a grading permits</p> <p>Prior to the issuance of grading permits</p>	
<p>BIO-3 Prior to the disturbance of any land within the Coachella Valley Storm Drain Channel, the project shall secure any necessary permits from the Army Corps of Engineers and the California</p>	<p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of grading permits</p>	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
Department of Fish and Game. The project will be required to mitigate any impacts to jurisdictional waters at a ratio of 1:1. This can be accomplished by purchasing local mitigation credits or funding creation of a comparable amount of habitat. This amount of mitigation is the City's baseline requirement, but the City will accept a greater mitigation ratio if required by the responsible regulatory agency.	City of Indian Wells Community Development Department	Prior to the issuance of grading permits	
BIO-4 If tree removal will occur during the bird nesting season (March 1 to September 15) a nesting bird survey shall be conducted by a qualified biologist prior to cutting trees or shrubs down.	City of Indian Wells Community Development Department	During grading	
CULTURAL RESOURCES			
CUL-1 Prior to issuance of grading permits, a qualified paleontologist shall be retained by the developer to monitor onsite grading, especially in the vicinity of CA-RIV-5876. Any fossiliferous materials found during excavation shall be retained and curated in an appropriate manner at an appropriate facility. The recovery of any fossils shall be coordinated with the County Archaeological Information Center. This measure shall be implemented to the satisfaction of the Community Development Department.	City of Indian Wells Community Development Department	Prior to the issuance of grading permits	
CUL-2 Prior to the issuance of grading permits, a qualified archaeologist shall be retained by the developer to monitor earth grading or any ground disturbance activities to ensure protection of significant cultural resources. A report of findings	City of Indian Wells Community Development Department	Prior to the issuance of grading permits	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
<p>shall be prepared and the City shall require that the report have a peer review by an archaeologist qualified to meet the requirements established by the California Secretary of the Interior Standards and Guidelines. The report and the peer review of the report shall be submitted to the Eastern Information Center, University of California Riverside and the Aqua Caliente Band of Cahuilla Indians or any other Native American Tribe identified during the SB 18 consultation if requested by said tribe(s).</p>	<p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of grading permits</p>	
<p>CUL-4The project developer shall enter into a Pre-Excavation Agreement with the most appropriate local Native American (NA) group to fund up to 2 NA representatives to have access to the site during grading activities. The designation of monitors shall be coordinated with the following Tribes:</p> <p>Augustine Band of Cahuilla Mission Indians, Aqua Caliente Band of Cahuilla Indians, Morongo Band of Mission Indians, Soboba Band of Luiseno. It is the intent of this Mitigation Measure to avoid duplication of monitoring efforts and to designate the most appropriate Tribe to conduct the monitoring.</p>	<p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of grading permits</p>	
<p>CUL-5 If human remains are found during excavation, work shall be halted and the appropriate local Native American (NA) group shall be contacted. If the County Coroner's office determines the remains to be Native American, and it is determined by the Native American</p>	<p>City of Indian Wells Community Development Department</p>	<p>During grading</p>	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
<p>Heritage Commission that member(s) of the local NA group is (are) the most likely descendants, the developer shall allow reburial of the remains and associated goods at an appropriate offsite location which shall be "capped" to prevent further disturbances in the future. The site of such burial shall not be disclosed to the public, pursuant to Government Code §6254. Details of the reburial shall be negotiated between the developer and the appropriate representatives of the local NA group. If human remains are found, and not determined by the County Coroner's office to be Native American, but believed by the local NA group to be so, the developer shall be required to pay reasonable costs to determine whether the remains are Native American. All NA cultural items and associated grave goods found on site, other than human remains, are to be avoided, relocated, salvaged, returned to the NA group, or any other option decided by the NA group to be appropriate, before development of the area in which the item was found is resumed. The developer shall provide for NA tribal archaeological monitors to be present during any Phase II and potential Phase III surveys of all sites within the project.</p> <p>CUL-6 Prior to any earth disturbing activities, a final surface collection shall be completed to mitigate additional impacts to surface artifacts that may have been exposed as a result of sand migration within the project boundaries (undeveloped portion). The surface collection shall be conducted using the transit-controlled method. All finds recovered shall be catalogued and analyzed. An illustrated, narrative report describing the field investigation and laboratory work shall be prepared and submitted to the City and the Eastern Information Center at UCR.</p>			
GEOLOGY AND SOILS			
<p>GEO-1 Geotechnical/soils reports shall be submitted to the City of Indian Wells Engineering Department for approval prior to issuance of a</p>			

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
<p>grading permit. All grading shall be in conformance with the recommendations of the geotechnical/soils reports as approved by the City of Indian Wells. Recommendations to be addressed within the geotechnical/soils report shall address, at minimum the following issue areas. The geotechnical study shall be approved by the City Engineer, and applicable recommendations shall be incorporated into the final grading plan, including: Site Clearing and Preparation;</p> <ul style="list-style-type: none"> • Seismic Design Criteria; • Over-excavation, Re-compaction and Fill Placement; • Foundation Design; and • Retaining Walls, Utility Trench Backfill and Drainage (Ref. 1998 5.5-2a). 	<p>City of Indian Wells Engineering Department</p>	<p>Prior to the issuance of grading permits</p>	
<p>GEO-2 An Erosion Control Plan shall be submitted for approval to the City Engineer, prior to issuance of a grading permit. The Erosion Control Plan shall outline methods that shall be implemented to control erosion from graded or cleared portions of the site. The erosion control measures may include one or more of the following:</p> <ul style="list-style-type: none"> • Placing sandbags along the perimeter of the project site prior to initial grading if grading is to be undertaken during the rainy season (October to March). • Minimizing the length of time that soils lie 	<p>City of Indian Wells Engineering Department</p>	<p>Prior to the issuance of grading permits</p>	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
<p>exposed after grading.</p> <ul style="list-style-type: none"> Landscaping, hydro seeding or any other method of providing soil stabilization to graded areas, in a manner approved by the City of Engineer if determined to be required for erosion control in areas not planned for development until subsequent phases. Landscaping and hydro seeding should be under the direction of a licensed landscape architect and approved by the Community Development Department. (Ref. 1998-5.5-2b). 	<p>City of Indian Wells Engineering Department</p>	<p>Prior to the issuance of building permits</p>	
<p>GEO-3 Prior to issuance of a grading permit, the project applicant shall comply with the City of Indian Wells Municipal Code to control erosion. (Ref. 1998 5.5-2c).</p>	<p>City of Indian Wells Engineering Department</p>	<p>Prior to the issuance of grading permits</p>	
<p>GEO-4 Due to the potential for ground shaking in a seismic event, the applicant shall comply with the standards set forth in the Uniform Building Code to assure seismic safety to the satisfaction of the Community Development Department. (Ref. 1998 5.5-3a).</p>	<p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of building permits</p>	
<p>GEO-5 A structural engineer, civil engineer or architect experienced with earthquake-resistant design shall approve all building plans to determine the adequacy of seismic criteria for project structures, and to recommend appropriate design changes, if needed prior to issuance of building permits. The building plans shall incorporate design measures outlined within the Geotechnical/Soils Report prepared for the project site. (Ref. 1998 5.5-3b).</p>	<p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of building permits</p>	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
<p>HAZ-1 If waste materials are spilled during construction by the contractor and are believed to involve hazardous waste materials, the contractor shall:</p> <ul style="list-style-type: none"> • Immediately stop work in the vicinity of the suspected contaminant, remove workers and the public from the area; • Notify the City of Indian Wells Building and Safety Official. • Secure the area as directed by the City of Indian Wells Building and Safety Official; and • Notify the Director, Riverside County Environmental Health Division (or designee) or appropriate approval authority. The Director shall follow procedures for site assessment, initiate coordination with local, State and regulatory agencies as required, and take remedial action as appropriate. (Ref. 1998 5.1-11). 	<p>City of Indian Wells Community Development Department</p>	<p>During construction</p>	
HYDROLOGY AND WATER QUALITY			
<p>HWQ-1 Refer to mitigation measures GEO-2 and GEO-3 identified in Section 3.6 Geology and Soils (Ref. 1998 5.3-1a).</p>	<p>City of Indian Wells Engineering Department</p>	<p>Prior to the issuance of grading permits</p>	
<p>HWQ-2 Prior to grading within the CVWD Whitewater River easement area, the applicant shall obtain an encroachment permit from CVWD. (Ref. 5.3-1b).</p>	<p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of grading permits</p>	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
<p>HWQ-3 Drainage improvements shall be required pursuant to Coachella Valley Water District's requirements. All required drainage improvements shall be designed by a California Registered Engineer and shall be submitted for approval to Coachella Valley Water District prior to issuance of grading permits. (Ref. 1998 5.3-2a).</p>	<p>City of Indian Wells Engineering Department</p>	<p>Prior to the issuance of building permits</p>	
<p>HWQ-4 Prior to grading permit issuance, drainage hydrology and hydraulic calculations shall be prepared in accordance with City of Indian Wells conditions, in order to ensure that post-project runoff does not exceed existing site runoff velocities. (Ref. 1998 5.3-2b).</p>	<p>City of Indian Wells Engineering Department</p>	<p>Prior to the issuance of grading permits</p>	
<p>HWQ-5 In order to prevent exposed soil from erosion during periods of heavy rainfall, the project applicant shall be required to meet all erosion control measures to the satisfaction of the City of Indian Wells Building and Safety Department. (Ref. 1998 5.3-2c).</p>	<p>City of Indian Wells Building and Safety Department</p>	<p>During Construction</p>	
<p>HWQ-6 The project is required to meet Storm Water Management regulations. In accordance with City of Indian Wells conditions, prior to grading permit issuance, the project applicant/owner shall file for a National Pollutant Discharge Elimination System (NPDES) permit with the California State Water Resources Control Board and abide by the conditions of the permit as issued. A copy of the NOI, Storm Water Pollution Prevention Plan, and Monitoring Plan shall be submitted to the Engineering Department a minimum of thirty (30) days prior to commencing grading operations. (Ref. 1996 5.3-3a).</p>	<p>City of Indian Wells Engineering Department</p>	<p>Prior to the issuance of grading permits</p>	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
<p>HWQ-7 The project applicant shall be required to comply with the City of Indian Wells Engineering Department requirements contained in the conditions of approval on file in the Community Development Department with respect to urban and general construction stormwater management. (Ref. 1998 5.3-3b). Note: Development of Parcel 1 (hotel site) will require concrete reinforcement of the Whitewater Channel (aka Coachella Valley Storm Channel) slope adjacent to the site, which will require relatively nominal grading. Refer to mitigation measures BIO-3, HWQ-1, HWQ-2.</p>	<p>City of Indian Wells Engineering Department</p>	<p>Prior to the issuance of grading permits</p>	
LAND USE AND PLANNING			
<p>LUP-1 Refer to mitigation measures TT-1 through TT-3 identified in Sections 3.15 Transportation and Traffic; HWQ-5, 3.8 Hydrology and Water Quality; GEO-2, 3.6 Geology and Soils; NOI-1 through NOI-4, 3.11 Noise; AQ-1 and AQ-2, 3.3 Air Quality, AES-1, AES-2 and AES-3, 3.1 Aesthetics, for additional mitigation related to the land use impacts. (Ref. 1998 5.1.-1).</p>	<p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of the appropriate permit as required by the particular mitigation measure</p>	
<p>LUP-2 Refer to mitigation measures identified in Sections 3.15 Transportation and Traffic; NOI-5 3.11 Noise; AQ-8, 3.3 Air Quality, and AES-3 and AES-5, 3.1, Aesthetics. (Ref. 1998 5.1-2).</p> <p>LUP-3 The residential area and the hotel/commercial site shall incorporate all feasible design measures to minimize the potential land use compatibility impacts to the</p>	<p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of the appropriate permit as required by the particular mitigation measure</p>	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
<p>satisfaction of the Community Development Department. The following components and design considerations shall be implemented:</p> <ul style="list-style-type: none"> • Orient truck delivery/loading areas away from existing residential areas and the Southwest Community Church (church). Require equipment storage areas and waste receptacles to be screened and/or designed away from existing residential uses. • Limit hours of operation on deliveries of goods, where applicable. • Precise Plans for the proposed project shall demonstrate that the site plan has incorporated appropriate design standards such as architectural treatments, buffers (i.e., landscaping and walkways), setbacks between proposed commercial hotel uses an orientation/design of condominiums and commercial hotel facilities. (Ref. 1998 5.1-4). 	<p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of building permits</p>	
NOISE			
<p>NOI-1 Construction activities shall comply with City of Indian Wells Noise Chapter 9.06 relating to construction noise. If problems arise from construction noise, enforcement of the City's Municipal Code relating to construction-related noise discernible at residential boundaries will help minimize any potential noise impacts. Such noise is prohibited between the hours of Monday through Friday 7:00 am to 5:00 p.m. Saturday 8:00 am to 5:00 p.m. No Sundays or national holidays. (Ref. 1998 5.6-1a).</p>	<p>City of Indian Wells Community Development Department</p>	<p>During construction</p>	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
NOI-2 All construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers, to the satisfaction of the Community Development Department. (Ref. 1998 5.6-1b).	City of Indian Wells Community Development Department	During construction	
NOI-3 Stationary construction equipment shall be placed such that emitted noise is directed away from sensitive noise receivers, to the satisfaction of the Community Development Department. (Ref. 1998 5.6-1b).	City of Indian Wells Community Development Department	During construction	
NOI-4 Stockpiling and vehicle staging areas shall be located as far as practical from noise sensitive receptors during construction activities, to the satisfaction of the Community Development Department. (Ref. 1998 5.6-1d).		During construction	
NOI-5 Noise related to the Tennis Garden shall be regulated by Indian Wells City Council Resolution No. 2001-38 which provides for noise monitoring through the temporary use permit process to ensure that noise from events does not exceed City Noise Standards.	City of Indian Wells Community Development Department	Prior to the issuance of Temporary Use Permits	
PUBLIC SERVICES			
PS-1 Prior to issuance of building permits, the developer, and City of Indian Wells Police Department shall agree upon the procedures required to provide adequate police service to the project. (Ref. 1998 5.4-1).	City of Indian Wells Community Development Department	Prior to the issuance of building permits	
PS-2 The applicant shall comply with the existing City of Indian Wells Development Impact Fees for Fire Protection prior to the issuance of	City of Indian Wells Community Development Department	Prior to the issuance of building permits	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
building permits for each development phase. These funds are to be used for the purchase of land and to build, equip, or remodel fire stations when necessary as development occurs. (Ref. 1998 5.4-3a).	City of Indian Wells Community Development Department	Prior to the issuance of building permits	
PS-3 The project applicant shall comply with all applicable sections of the City of Indian Wells Municipal Code for construction, access, water mains, fire flows, and fire hydrants, as required, subject to approval by the Fire Department. (Ref. 1998 5.4-3b).	City of Indian Wells Fire Department	Prior to the issuance of building permits	
PS-4 Prior to the recordation of a final tract/parcel map (except for a conveyance map), water improvement plans shall be submitted to and approved by the Fire Department for adequate fire protection and financial security posted for the installation. The adequacy and reliability of water system design, location of valves, and the distribution of fire hydrants is to be evaluated and approved by the Fire Department. (Ref. 1998 5.4-3c).	City of Indian Wells Fire Department	Prior to the recordation of a final parcel or tract map	
PS-5 Prior to the issuance of building permits, a construction phasing plan shall be submitted to and approved by the Fire Department. The purpose of this review is to evaluate the adequacy of emergency vehicle access for the type of land use served. (Ref. 1998 5.4-3d).	City of Indian Wells Fire Department	Prior to the issuance of building permits	
PS-6 Prior to the issuance of any certificates of use and occupancy, all fire hydrants shall have a "Blue Reflective Pavement Marker" indicating its location on the street or drive per Fire Department Standards.	City of Indian Wells Fire Department	Prior to the issuance of a certificate of occupancy	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
PS-7 Prior to final building inspection, the applicant shall satisfy all Fire Department requirements regarding sprinkler systems, fire lanes and extinguishers. (Ref. 5.4-3f).	City of Indian Wells Fire Department	Prior to the issuance of a certificate of occupancy	
PS-8 The proposed project shall be in compliance with the City requirements and Fire Departments requirements regarding hazardous materials as contained in the conditions of approval on file in the Community Development Department. (Ref. 5.4-3g).	City of Indian Wells Fire Department	Prior to the issuance of a building permit	
PS-9 The applicant shall pay the prevailing school assessment mitigation fees pursuant to California State law, prior to issuance of building permits. (Ref. 1998 5.4-21).	City of Indian Wells Community Development Department/Desert Sands Unified School District	Prior to the issuance of building permits	
RECREATION			
REC-1 The project shall pay in-lieu fees for park services as required by the Coachella Valley Parks and Recreation District, or dedicate a portion of the site to the District for public uses. (Ref. 1998 5.4-18a).	City of Indian Wells Community Development Department/Coachella Valley Parks and Recreation District	Prior to the issuance of building permits	
REC-2 Prior to issuance of occupancy permits, the project applicant shall construct a Class I bike trail on the south side of Miles Avenue along the project frontage (Parcels 1 and 2). (Ref. 1998 5.4-18b).	City of Indian Wells Community Development Department	Prior to the issuance of occupancy permits	
TRAFFIC AND TRANSPORTATION			
TT-1 Prior to the issuance of building permits, the developer shall pay the TUMF to fund its fair share contributions for the following	City of Indian Wells Community Development	Prior to the issuance of building permits	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
<p>improvements.</p> <ul style="list-style-type: none"> • Washington St. at Fred Waring: Add a westbound right turn lane on Fred Waring Dr., an additional southbound through lane on Washington Street, and an additional eastbound through lane of Fred Waring Dr. (With regard to the eastbound through lane, the City of Indian Wells is currently completing a street improvement project for Fred Waring Dr. that will be adding an eastbound through lane). • Washington St. at Miles Avenue: Add an additional southbound left turn lane on Washington Street and a westbound right turn lane on Miles Avenue. • Washington St. at Hwy. 111: Add a southbound right turn lane on Washington. • Washington St. at Avenue 48: Add a northbound right turn lane on Washington Street. • Adams St. at Hwy. 111: Add an additional westbound left turn lane and an additional eastbound left turn lane on Highway 111. 	<p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of building permits</p>	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
<p>TT-2 A Traffic Management Plan (TMP) shall be prepared and implemented to the satisfaction of the City of Indian Wells. The TMP shall include, but not be limited to, the following measures:</p> <ul style="list-style-type: none"> • Provision of continued access to residential properties adjacent to the construction site. • Provide alternate bicycle routes where existing bicycle routes are disrupted by construction activities. • Submit a truck routing plan, for approval, by the City of Indian Wells and other responsible public agencies in order to minimize impacts from truck traffic during material delivery and disposal. • The TMP will demonstrate that all inbound vehicle stacking is accommodated on-site with no spill-over onto miles Avenue, and that outbound traffic peaks can be moderated to such an extent that the Level of Service (LOS) does not deteriorate below LOS "E" for more than 30 consecutive minutes per day. (Ref. 1998 5.2-1a). 	<p>City of Indian Wells Engineering Department.</p>	<p>Prior to the issuance of building permits</p>	
<p>TT-3 Construction related activities will be subject to, and comply with, standard street use requirements imposed by the City of Indian Wells and other public agencies, including the use of flag men to assist with haul truck ingress and egress of construction areas and limiting of large size vehicles to off-peak commute traffic periods. (Ref. 1998 5.2-1b).</p>	<p>City of Indian Wells Community Development Department</p>	<p>During construction</p>	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
<p>TT-4 During periods of heavy equipment access or truck hauling, the project contractor will provide construction traffic signage and a construction traffic flag man to control construction and general project traffic at points of ingress and egress. (Ref. 1998 5.2-1c).</p>	<p>City of Indian Wells Community Development Department</p>	<p>During construction</p>	
<p>TT-5 Existing Plus Phase 1 Project Conditions assume improvement of the currently deficient Fred Waring Drive/Washington Street intersection to LOS D operation through the addition of two southbound through lanes on Washington Street and one northbound through lane on Washington Street. As such, the project applicant shall pay a fair share of the costs of the Fred Waring Drive/Washington Street intersection improvement through payment of TUMF traffic impact mitigation fees for Existing Plus Phase 1 Project Conditions:</p> <ul style="list-style-type: none"> • Fred Waring Drive/Washington Street - fair share payment of TUMF traffic mitigation fees for the addition of two southbound through lanes on Washington Street and one northbound through lane on Washington Street due to existing deficient condition. (Ref. 1998 5.2-2a). 	<p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of building permits</p>	
<p>TT-6 Existing Plus Phase 1 Project Plus Cumulative Conditions assume improvement of the currently deficient Fred Waring Drive/Washington Street intersection to LOS D</p>	<p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of building permits</p>	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
<p>operation. Despite the implementation of the improvements required for the existing deficiency at the Fred Waring Drive/Washington Street Intersection, additional mitigation is required for Existing Plus Phase 1 Project Plus Cumulative Conditions. As such, the project applicant shall pay a fair share of the costs of the following improvements at the Fred Waring Drive/Washington Street intersection through payment of TUMF traffic impact mitigation fees for Existing Plus Project Plus Phase 1 Project Plus Cumulative Conditions:</p> <ul style="list-style-type: none"> • Fred Waring Drive/Washington Street – fair share payment of TUMF traffic mitigation fees for an addition northbound left turn lane on Washington Street, an addition southbound left turn lane on Washington Street, and an additional northbound through lane on Washington Street for Existing Plus Phase 1 Project Plus Cumulative Conditions. (Ref. 1998 5.2-2b). 	<p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of building permits</p>	
<p>TT-7 The Highway 111/Cook Street intersection is forecast to operate deficiently with the addition of project and cumulative traffic growth for Existing Plus Phase 1 Project Plus Cumulative Conditions. As such, the project applicant shall pay a fair share of the costs of the Highway 111/Cook Street intersection improvement through payment of TUMF traffic impact mitigation fees for Existing Plus Phase 1 Project Plus Cumulative Conditions.</p>	<p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of building permits</p>	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
<ul style="list-style-type: none"> Highway 111/Cook Street- fair share payment of CVAG traffic mitigation fees for the addition of an eastbound right turn lane on Highway 111 at Cook Street due Existing Plus Phase 1 Project Plus Cumulative Conditions. (Ref. 1998 5-2.2c). 	City of Indian Wells Community Development Department	Prior to the issuance of building permits	
<p>TT-8 Existing Plus Phase 1 Project Annual Tennis Event Conditions; "Special Event" coordination between the project applicant and the affected agencies is recommended, including the use of temporary signage, flag men and shuttle systems. (Ref. 1998 5.2-2d).</p>	City of Indian Wells Community Development Department	Prior to the issuance of building permits	
<p>TT-9 Existing Plus Project Buildout Plus Cumulative Conditions assume improvement of the Fred Waring Drive/Washington Street intersection recommended for Existing Conditions and for Existing Plus Phase 1 Plus Cumulative Conditions as discussed in TT-8 above.</p> <p>Existing Plus Project Buildout Plus Cumulative Conditions result in a forecast deficiency at the Highway 111/Cook Street intersection. As such, the project applicant shall pay a fair share of the costs of the Highway 111/Cook Street intersection improvement through payment of-TUMF traffic impact mitigation fees for Existing Plus Project Plus Buildout Plus Cumulative Conditions:</p> <ul style="list-style-type: none"> Highway 111/Cook Street- fair share payment of TUMF traffic mitigation fees for conversion of the eastbound right turn lane added on Highway 111 at Cook Street for existing plus phase 1 project plus 	City of Indian Wells Community Development Department	Prior to the issuance of building permits	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
<p>cumulative conditions to an eastbound through lane. Additionally, fair share payment of CVAG traffic mitigation fees for an additional northbound left turn lane on Cook Street, an additional southbound left turn lane on Cook Street, an additional eastbound left turn lane on Highway 111, an additional westbound left turn lane on Highway 111, an additional eastbound through lane on Highway 111, and an additional westbound through lane on Highway 111. (Ref. 1998 5.2-3b).</p>	<p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of building permits</p>	
<p>TT-10 The 42nd Avenue/Highway 111 Intersection is forecast to operate deficiently for Existing Plus Project Buildout Plus Cumulative Conditions. The project applicant shall pay a fair share of the costs of an additional southbound left run lane on Washington Street at 42nd Avenue, and re-striping of northbound Washington Street at 42nd Avenue to one northbound left turn lane and two northbound through lanes, through payment of TUMF traffic impact mitigation fees for Existing Plus Project Buildout Plus Cumulative Conditions:</p> <ul style="list-style-type: none"> 42nd Avenue/Washington Street - fair share payment of TUMF traffic mitigation fees for the additional southbound left turn lane on Washington Street at 42nd Avenue, and re-striping of northbound Washington Street at 42nd Avenue, and re-striping of northbound Washington Street at 42nd Avenue to one left turn lane and two through lanes, for existing 	<p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of building permits</p>	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
plus project buildout plus cumulative conditions. (Ref. 1998 5.2-3c).	City of Indian Wells Community Development Department	Prior to the issuance of building permits	
<p>TT-11 The Miles Avenue/Jefferson Street Intersection is forecast to operate deficiently for Existing Plus Project Buildout Plus Cumulative Conditions. The project applicant shall pay a fair share of the costs of an additional northbound left turn lane on Jefferson Street at Miles Avenue, and re-striping of southbound Jefferson Street at Miles Avenue to one southbound left run lane and one southbound through/right turn lane, through payment of TUMF traffic impact mitigation fees for Existing Plus Project Buildout Plus Cumulative Conditions:</p> <ul style="list-style-type: none"> Miles Avenue/Jefferson Street - fair share payment of TUMF traffic mitigation fees for the additional northbound left turn lane on Jefferson Street at Miles Avenue, and re-striping of southbound Jefferson Street at Miles Avenue to one left turn lane and one through/right turn lane, for existing plus project buildout plus cumulative conditions. (Ref. 1998 5.2-3d). 	City of Indian Wells Community Development Department	Prior to the issuance of building permits	
TT-12 Existing Plus Project Buildout Annual Tennis Event Conditions: Refer to Mitigation Measure No. TT-7. (Ref. 1998 5.2-4a).	City of Indian Wells Community Development Department	Prior to the issuance of building permits	
TT-13 Existing Plus Project Buildout Annual Tennis Event Conditions: Ref. to Mitigation Measure No. TT 8)	City of Indian Wells Community Development Department	Prior to the issuance of building permits	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
TT-14 Existing Plus Project Buildout Annual Tennis Event Plus Cumulative Conditions: Refer to Mitigation Measure No. TT-7.	City of Indian Wells Community Development Department	Prior to the issuance of building permits	
UTILITIES			
UTL-1 All final development plans shall be conditioned to require that all services and facilities shall be built in accordance with Imperial Irrigation District (IID) and Southern California Edison (SCE) policies and extension rules on file with the California Public Utilities Commission. (Ref. 1998 5.4-6a).	City of Indian Wells Community Development Department	Prior to the issuance of building permits	
UTL-2 All building plans shall comply with the Energy Conservation Standards set forth in Title 24 of the California Administrative Code and local building and safety codes. (Ref. 1998 5.4-6b).	City of Indian Wells Community Development Department	Prior to the issuance of building permits	
UTL-3 The developer shall consult with IID and SCE regarding participation in programs designed to increase the efficiency of operation and decrease energy costs. These programs may include new construction programs and off-peak cooling/thermal storage. Design criteria shall include the utilization of energy-efficient architectural and landscaping design concepts that would contribute to a reduction in the demand for energy. These concepts may include natural heating and/or cooling through sun and wind exposure and solar energy collection systems. (Ref. 1998 5.4-6c).	City of Indian Wells Community Development Department	Prior to the issuance of a building permit	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
<p>UTL-4 Water system design and all public water mains, meters, and appurtenances shall be installed and constructed in compliance with the applicable standards, specifications, policies, and regulations of the CVWD and a construction phasing plan shall be approved, prior to project final or occupancy permits. (Ref. 1998 5.4-12a).</p>	<p>City of Indian Wells Community Development Department/CVWD</p>	<p>Prior to issuance of a certificate of occupancy</p>	
<p>UTL-5 All water mains shall be sized to convey peak hour demands or maximum day demands with fire flows, prior to occupancy permits. All public streets and easements must be capable of containing and conveying the design fire flow capacity, as determined by the Fire Department. (Ref. 1998 5.4-12b).</p>	<p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of a certificate of occupancy</p>	
<p>UTL-6 Prior to building permit issuance a clearance letter from the Coachella Valley Water District shall be provided to the Community Development Department verifying compliance with the conditions as follows: Stormwater and drainage, protection and control, water and sewer utility clearance, and low water efficient landscaping and Irrigation. (Ref. 1998 5.4-12c).</p>	<p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of a building permit</p>	
<p>UTL-7 Prior to the Issuance of building permits, the developer shall demonstrate use of low water use fixtures, plumbing fixtures and appliances, to the satisfaction of the Community Development Department and CVWD, which may include the following:</p>		<p>Prior to the issuance of a building permit</p>	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
<p>Interior:</p> <ul style="list-style-type: none"> • Supply line pressure: Reduce water pressure greater than 60 psi to 60 psi or less by means of a pressure-reducing valve. • Drinking fountains: Equip drinking fountains with self-closing valves. • Ultra-low flush toilets: Install 1.6 gallon per flush toilets in all new construction. <p>Exterior:</p> <ul style="list-style-type: none"> • Landscape with low water-consuming plants wherever feasible. • Minimize use of lawn by limiting it to lawn-dependent uses. • Group plants of similar water use to reduce over irrigation of low-water-using plants. • Use mulch extensively in all landscaped areas. Mulch applied on top of soil would improve the water-holding capacity of the soil by reducing evaporation and soil compaction. • Install efficient irrigation systems which minimize runoff and evaporation, and maximize the water which would reach the plant roots. Drip irrigation, soil moisture sensors, and automatic irrigation systems are a few methods to consider in increasing irrigation efficiency and may be feasible for the project. • Use pervious paving material whenever feasible to reduce surface water runoff. • Investigate the feasibility of utilizing reclaimed wastewater, stored rain water, or gray water for irrigation. (Ref. 1998 5.4-12d). 	<p>City of Indian Wells Community Development Department</p>	<p>Prior to the issuance of a building permit</p>	

Mitigation Measure	Responsible Party	Timing of Implementation	Verification
UTL-8 The project applicant shall comply with the CVWD requirements for water service. (Ref. 1998 5.4-12e).	City of Indian Wells Community Development Department	Prior to the issuance of a building permit	
UTL-9 The applicant shall submit a construction phasing plan for review and approval by the Community Development Department prior to final design plan approval. (Ref. 1998 5.4-14a).	City of Indian Wells Community Development Department	Prior to the issuance of a building permit	
UTL-10 Prior to map recordation the applicant shall comply with City of Indian Wells Municipal Code Chapter 14.04 (Sewage System) and CVWD requirements as contained within the conditions of approval on file in the Community Development Department for sewer service. (Ref. 1998 5.4-14b).	City of Indian Wells Community Development Department	Prior to the recordation of a final parcel/tract map	
UTL-13 Items to be collected for recycling from a residential or commercial establishment depend on the types of materials available for recycling and the hauler's collection system. The project proponent should work with his permitted refuse hauler to identify which materials may be collected for recycling and on what schedule. (Ref. 1998 5.4-16c).	City of Indian Wells Community Development Department	Prior to the issuance of a building permit	
UTL-11 Prior to issuance of occupancy permits, the project applicant shall provide the City with evidence of compliance with guidelines set forth by the State of California accordance with the California Integrated Waste Management Act of 1989 (AB 939), which requires jurisdictions to divert 50 percent of solid waste from landfills. This shall include consideration for offering marketable materials, such as concrete, asphalt and steel, to recyclables. (Ref. 1998 5.4-16a).	City of Indian Wells Community Development Department	Prior to the issuance of a certificate of occupancy	

