

**RESOLUTION NO. 2002-170
CONDITIONS OF APPROVAL -FINAL
SITE DEVELOPMENT PERMIT 2002-751
WASHINGTON 111, LTD
DECEMBER 17, 2002**

GENERAL

1. The applicant agrees to defend, indemnify, and hold harmless the City of La Quinta (the "City"), its agents, officers and employees from any claim, action or proceeding to attack, set aside, void, or annul the approval of this Site Development Permit. The City shall have sole discretion in selecting its defense counsel.

The City shall promptly notify the developer of any claim, action or proceeding and shall cooperate fully in the defense.

2. Prior to the issuance of any permit by the City, the applicant shall obtain the necessary permits and/or clearances from the following agencies:

- C Fire Marshal
- C Public Works Department (Grading Permit, Improvement Permit)
- C Community Development Department
- C Riverside Co. Environmental Health Department
- C Desert Sands Unified School District
- C Coachella Valley Water District (CVWD)
- C Imperial Irrigation District (IID)
- C California Water Quality Control Board (CWQCB)
- C SunLine Transit Agency

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

3. The applicant shall comply with applicable provisions of the City's NPDES stormwater discharge permit, Sections 8.70.010 et seq. (Stormwater Management and Discharge Controls), and 13.24.170 (Clean Air/Clean Water), LQMC; Riverside County Ordinance No. 457; and the State Water Resources Control Board's Order No. 99-08-DWQ .

- A. For construction activities including clearing, grading or excavation of land that disturbs five (5) acres or more of land, or that disturbs less than five (5) acres of land, but which is a part of a construction project that

encompasses more than five (5) acres of land, the Permittee shall be required to submit a Storm Water Pollution Protection Plan ("SWPPP").

- B. The applicant's SWPPP shall be approved by the City Engineer prior to any on or off-site grading being done in relation to this Site Development Permit.
- C. The applicant shall ensure that the required SWPPP is available for inspection at the project site at all times through and including acceptance of all improvements by the City.
- D. The applicant's SWPPP shall include provisions for all of the following Best Management Practice ("BMPs"), 8.70.020 (Definitions), LQMC:
 - 1) Temporary Soil Stabilization (erosion control).
 - 2) Temporary Sediment Control.
 - 3) Wind Erosion Control.
 - 4) Tracking Control.
 - 5) Non-Storm Water Management.
 - 6) Waste Management and Materials Pollution Control.
- E. All erosion and sediment control BMPs proposed by the applicant shall be approved by the City Engineer prior to any onsite or offsite grading, pursuant to this project.
- F. The approved SWPPP and BMPs shall remain in effect for the entire duration of project construction until all improvements are completed and accepted by the City.

PROPERTY RIGHTS

- 4. The Applicant shall comply with the Conditions of Approval for Property Rights set forth under Parcel Map 30903.

PARCEL MAP

- 5. The Applicant shall comply with the Conditions of Approval for Parcel Map set forth under Parcel Map 30903.

IMPROVEMENT PLANS

6. The Applicant shall comply with the Conditions of Approval for Improvement Plans set forth under Specific Plan No. 87-011 Amendment No.4.

7. Prior to submitting the Site Development plan for review and approval, the applicant will submit a site development phasing for approval.

OFF-SITE IMPROVEMENT SECURITY AGREEMENT

8. The Applicant shall comply with the Conditions of approval for Off-site Improvement Security Agreement set forth under Parcel Map 30903.

GRADING

9. The Applicants shall comply with the Conditions of Approval for Grading set forth under Specific Plan No. 87-011 Amendment No. 4.

DRAINAGE

10. The Applicant shall comply with the Conditions of Approval for Drainage set forth under Specific Plan No. 87-011 Amendment No.4.

UTILITIES

11. The Applicant shall comply with the Conditions of Approval for Utilities set forth under Specific Plan No. 87-011 Amendment No. 4.

STREET AND TRAFFIC IMPROVEMENTS

12. The Applicant shall comply with the Conditions of Approval for Street and Traffic Improvements set forth under Specific Plan No. 87-011 Amendment No. 4.

PARKING LOTS and ACCESS POINTS

13. The Applicant shall comply with the Conditions of Approval for Parking Lots and Access points set forth under Specific Plan No. 87-011 Amendment No. 4.

LANDSCAPING

14. The Applicant shall comply with the Conditions of Approval for Landscaping set forth under Specific Plan No. 87-011 Amendment No. 4.

QUALITY ASSURANCE

15. The applicant will employ construction quality-assurance measures that meet with the approval of the City Engineer.
16. The applicant will employ, or retain, qualified engineers, surveyors, and such other appropriate professionals as are required to provide the expertise with which to prepare and sign accurate record drawings, and to provide adequate construction supervision.
17. The applicant will arrange for, and bear the cost of, all measurements, sampling and testing procedures not included in the City's inspection program, but which may be required by the City, as evidence that the construction materials and methods employed comply with the plans, specifications and other applicable regulations.
18. Upon completion of construction, the applicant will furnish the City with reproducible record drawings of all improvement plans which were approved by the City. Each sheet shall be clearly marked "Record Drawing," "As-Built" or "As-Constructed" and shall be stamped and signed by the engineer or surveyor certifying to the accuracy and completeness of the drawings. The applicant shall have all AutoCAD or raster-image files previously submitted to the City, revised to reflect the as-built conditions.

MAINTENANCE

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

FEES AND DEPOSITS

21. The applicant shall comply with the provisions of Section 13.24.180 (Fees and Deposits), LQMC. These fees include all deposits and fees required by the City for plan checking and construction inspection. Deposits and fee amounts shall be those in effect when the applicant makes application for plan check and permits.
22. Permits issued under this approval shall be subject to the provisions of the Development Impact Fee program in effect at the time of issuance of building permit(s).
23. Prior to completion of any approval process, the developer has to pay Spanos 50% for the cost incurred in completing the north side portion of Avenue 47, and 25% for the design and installation of the traffic signal at Washington Street and Avenue 47.

FIRE MARSHALL

24. Approved super fire hydrants, shall be located not less than 25 feet nor more than 165 feet from any portion of the buildings as measured along vehicular travel ways.
25. Blue dot reflectors shall be placed in the street 8 inches from centerline to the side that the fire hydrant is on, to identify fire hydrant locations.
26. Fire Department connections shall be not less than 25 feet nor more than 50 feet from a fire hydrant and shall be located on the street side of the buildings.
27. The water mains shall be capable of providing a potential fire flow of 4000 gpm and the actual fire flow from any two adjacent hydrants shall be 2000 gpm for a 4-hour duration at 20-psi residual operating pressure. This flow is based on the largest building size at 126,000-² ft.
28. Building plans shall be submitted to the Fire Department for plan review to run concurrent with the City plan check.
29. Water plans for the fire protection system (fire hydrants, FDC, etc.) shall be submitted to the Fire Department for approval prior to issuance of a building permit.

30. City of La Quinta ordinance requires all commercial buildings 5,000 sq. ft. or larger to be fully sprinkled. NFPA 13 Standard. Sprinkler plans will need to be submitted to the Fire Department.
31. The required water system, including fire hydrants, shall be installed and accepted by the appropriate water agency prior to any combustible building material being placed on an individual lot.
32. Fire Department street access shall come to within 150 feet of all portions of the 1st. floor of all buildings, by path of exterior travel.
33. Any commercial operation that produces grease-laden vapors will require a Hood/duct system for fire protection. (Restaurants, drive-thru's, etc.)
34. The applicant or developer shall prepare and submit to the Fire Department for approval, a site plan designating required fire lanes with appropriate lane painting and/or signs. Streets shall be a minimum 20 feet wide with a height of 13"6" clear and unobstructed.
35. Install a KNOX key box on each commercial suite and/or building. (Contact the fire department for an application)
36. Install portable fire extinguishers as required by the California Fire Code.

MISCELLANEOUS

37. Prior to issuance of a building permit, a more complete description of Item K "Architectural Detail" in the Materials Palette is required.
38. Prior to issuance of a building permit, eliminate all wall banners from all architectural elevations and from the color and material board.
39. Prior to approval of a precise grading plan, landscaping calculations equal to five percent of the net project area shall be provided within parking areas per Zoning Code section 9.100.040. The landscape plan site plan for the parking areas shall be approved by the Community Development Department Director.
40. The Target Building shall have a vertical average height of 35 feet up to 40 feet; and work with staff to design variations in color or materials on the midsection of the front of the building.

41. A vestibule shall be added to the entrance of the Target building.
42. Additional articulation shall be added around the door on the front elevation of the Target building.