

**RESOLUTION 2001- 27  
CONDITIONS OF APPROVAL - FINAL  
SITE DEVELOPMENT PERMIT 2001-692  
CLIFF HOUSE RESTAURANT  
APRIL 3, 2001  
CONDITION #10.B. MODIFIED**

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 permit. The City shall have sole discretion in selecting its defense counsel.

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

2. The applicant shall develop the revised parking lot and landscaping as illustrated on the plans labeled Exhibits "A" and "B", contained in the file for this application.

PROPERTY RIGHTS

3. The applicant shall furnish proof of easements or written permission, as appropriate, from owners of any abutting properties on which grading, retaining wall construction, permanent slopes, or other encroachments are to occur.

GRADING

4. Prior to any work in the Right of Way, applicant shall obtain an encroachment permit from all appropriate agencies.
5. Slopes shall not exceed 5:1 within public rights of way and 3:1 in landscape areas outside the right of way unless otherwise approved by the City Engineer.
6. Prior to occupation of the project site for construction purposes, the applicant shall submit and receive approval of a Fugitive Dust Control Plan prepared in accordance with Chapter 6.16, LQMC. The applicant shall furnish security, in a form acceptable to the City, in an amount sufficient to guarantee compliance with the provisions of the permit.
7. The applicant shall maintain graded, undeveloped land to prevent wind and water erosion of soils. The land shall be planted with interim landscaping or provided

with other erosion control measures approved by the Community Development and Public Works Departments.

### DRAINAGE

8. Nuisance water shall be retained on site and disposed of in an approved manner.
9. If the applicant proposes discharge of stormwater directly or indirectly to the Coachella Valley Stormwater Channel, the applicant shall indemnify the City from the costs of any sampling and testing of the development's drainage discharge which may be required under the City's NPDES Permit or other City- or area-wide pollution prevention program, and for any other obligations and/or expenses which may arise from such discharge. The indemnification shall be executed and furnished to the City prior to issuance of any grading, construction or building permit and shall be binding on all heirs, executors, administrators, assigns, and successors in interest in the land within this tentative map excepting therefrom those portions required to be dedicated or deeded for public use. The form of the indemnification shall be acceptable to the City Attorney.

### STREET AND TRAFFIC IMPROVEMENTS

10. The applicant shall participate in the following street improvements to conform with the General Plan street type noted in parentheses. Public improvements shall conform with the City's General Plan in effect at the time of construction.
  - A. Bike Path - applicant shall pay pro-rata share of Bike Path adjacent to the project site, along the side of the Coachella Valley Stormwater Channel. Pro-rata share shall not exceed \$30 per lineal foot of 8-foot wide PCC Bike Path.
  - B. Applicant shall improve, or bond for his share of street improvements along Highway 111 street frontage of the site. These improvements may include but are not limited to:
    1. Landscaped median island.
    2. Curb, gutter and sidewalks.

- C. The applicant shall be required to pay 30% of the cost of the improvements located between the Point Happy development and the Cliff House entry drive. In addition, the applicant shall post a bond for \$33,000. If in five years from the date of this approval, the City determines that the sidewalk is not to be constructed, the applicant is released from this requirement.
11. Parking lot improvements shall be designed and constructed in accordance with the LQMC, adopted standards, supplemental drawings and specifications, and as approved by the City Engineer. Improvement plans for streets, access gates and parking areas shall be stamped and signed by qualified engineers.
12. The applicant shall design street pavement sections using Caltrans' design procedure (20-year life) and site-specific data for soil strength and anticipated traffic loading (including construction traffic). Minimum structural sections shall be as follows (or approved equivalents for alternate materials):

Residential & Parking Areas      3.0" a.c./4.50" c.a.b.

#### LANDSCAPING

13. Landscape and irrigation plans shall be signed and stamped by a licensed landscape architect.
14. Landscape areas shall have permanent irrigation improvements meeting the requirements of the City Engineer.
15. Final landscaping plans shall be submitted for review by the Community Development Department prior to issuance of any permit for this project. The plans shall comply with the plan approved by the planning commission.

#### QUALITY ASSURANCE

16. The applicant shall employ construction quality-assurance measures which meet the approval of the City Engineer.

#### MAINTENANCE

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17. The applicant shall make provisions for continuous, perpetual maintenance of all on-site improvements, perimeter landscaping, access drives, and sidewalks. The applicant shall maintain required public improvements until expressly released from this responsibility by the appropriate public agency.

## FEES AND DEPOSITS

18. The applicant shall pay the City's established fees for plan checking and construction inspection. Fee amounts shall be those in effect when the applicant makes application for plan checking and permits.

## MISCELLANEOUS

19. The proposed parking lot expansion will impact the CV Water District's right-of-way along the Deep Canyon Stormwater Channel. The District will require the developer to obtain an encroachment permit from the district prior to construction.
20. A minimum 25% of the parking spaces, provided for the restaurant, shall be made available for self-parking during valet hours.
21. All applicable conditions contained in Plot Plan 89-417, including any amendments, shall still apply unless amended by these conditions.
22. The right turn movement restriction is removed and the applicant is required to remove the sign depicting this restriction.