

**CITY COUNCIL RESOLUTION NO. 2002-80
CONDITIONS OF APPROVAL - FINAL
SITE DEVELOPMENT PERMIT 2002-733
JUNE 4, 2002**

GENERAL

1. The conditions of approval for this Site Development Permit (SDP 2002-733) are binding with the conditions of approval for Conditional Use Permit (CUP 2002-068) for the same project.
2. The use of this site shall be in conformance with the approved exhibits contained in Site Development Permit 2002-733 unless otherwise amended by the following conditions.
3. All public agency letters received for this case are made part of the case file documents for plan checking processes.
4. The approved Site Development Permit shall be used within two years of approval, otherwise, it shall become null and void and of no effect whatsoever.

"Used" means the issuance of a building permit. A time extension may be requested as permitted in Municipal Code Section 9.200.080 (D).

5. 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.

6. 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, applicant shall furnish proof of such approvals when submitting the improvement plans for City approval.

7. 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 of applicant's erosion and sediment control BMPs shall be approved by the City Engineer prior to any on or off site grading being done in relation to this project.
 - F. All approved project BMPs shall be maintained in their proper working order

throughout the course of construction, and until all improvements have been accepted by the City.

8. Permits issued under this approval shall be subject to the provisions of the Infrastructure Fee Program and Development Impact Fee program in effect at the time of issuance of building permit(s).
9. The applicant shall comply with all mitigation measures included in the Mitigation Monitoring Program for the project.

PROPERTY RIGHTS

10. Prior to the issuance of any permit(s), the applicant shall acquire, or confer, those easements, and other property rights necessary for the construction and/or proper functioning of the proposed development. Conferred rights shall include irrevocable offers to dedicate or grant access easements to the City for emergency services, and for the maintenance, construction and reconstruction of essential improvements.
11. The applicant shall offer for dedication all public street right-of-ways in conformance with the City's General Plan, Municipal Code, applicable specific plans, and/or as required by the City Engineer.
12. Unless the ultimate developed right-of-way can be documented, the public street right-of-way offers for dedication required for this development include:
 - A. PUBLIC STREETS
 - 1) None - All off site street dedication is in place.
13. Dedications shall include additional widths as necessary for dedicated right and left turn lanes, bus turnouts, and other features contained in the approved construction plans.
14. The applicant shall create perimeter landscaping setbacks along all public right-of-ways as follows:
 - A. Washington Street - None - Landscape Setbacks have been dedicated.
 - B. Caleo Bay - 10 feet from the Right of Way/Property Line.

The setback requirements shall apply to all frontages including, but not limited

to, remainder parcels and sites dedicated for utility purposes.

Where public facilities (e.g., sidewalks) are placed on privately-owned setbacks, the applicant shall offer for dedication blanket easements for those purposes.

15. The applicant shall offer for dedication those easements necessary for the placement of, and access to, utility lines and structures, drainage basins, mailbox clusters, park lands, and common areas shown on the Site Development Permit.
16. The applicant shall vacate all abutter's right-of-access to public streets and properties from all frontages along such public streets and properties, excepting those access points shown on the Site Development Permit.
17. The applicant shall furnish proof of easements, or written permission, as appropriate, from those owners of all abutting properties on which grading, retaining wall construction, permanent slopes, ingress/egress, or other encroachments will occur.
18. When an applicant proposes the vacation, or abandonment, any existing right-of-way, or access easement, which will diminish the access rights to any properties owned by others, the applicant shall provide an alternate right-of-way or access easement, to those properties, or shall submit notarized letters of consent from the affected property owners.
19. The applicant shall cause no easement to be granted, or recorded, over any portion of the subject property between the date of approval of this Site Development Permit and the date of final acceptance of the on and off-site improvements for this Site Development Permit, unless such easement is approved by the City Engineer.

IMPROVEMENT PLANS

As used throughout these conditions of approval, professional titles such as "engineer," "surveyor," and "architect" refer to persons currently certified or licensed to practice their respective professions in the State of California.

20. Improvement plans shall be prepared by or under the direct supervision of qualified engineers and/or architects, as appropriate, and shall comply with the provisions of Section 13.24.040 (Improvement Plans), LQMC.

21. The following improvement plans shall be prepared and submitted for review and approval by the Engineering Department. A separate set of plans for each line item specified below shall be prepared. The plans shall utilize the minimum scale specified, unless otherwise authorized by the City Engineer in writing. Plans may be prepared at a larger scale if additional detail or plan clarity is desired. Note, the applicant may be required to prepare other improvement plans not listed here pursuant to improvements required by other agencies and utility purveyors.
- A. Perimeter Landscape Plan: 1" = 20'
 - B. On-Site Rough Grading Plan: 1" = 40' Horizontal
 - C. Site Development Plans: 1" = 30' Horizontal
 - D. On-Site Utility Plan: 1" = 40' Horizontal
 - E. On-Site Landscape Plan: 1" = 20' Horizontal

The plans shall be submitted a minimum of 8 to 10 weeks prior to the issuance of construction permits to allow adequate time for plan check and revisions.

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

"Site Development" plans shall normally include all on-site surface improvements including but not necessarily limited to finish grades for curbs & gutters, building floor elevations, parking lot improvements and ADA requirements; and show the existing street improvements out to at least the center lines of adjacent existing streets.

"Site Utility" plans shall normally include all sub-surface improvements including but not necessarily limited to sewer lines, water lines, fire protection and storm drainage systems.

"Rough Grading" plans shall include perimeter walls with Top Of Wall & Top Of Footing elevations shown. All footings shall have a minimum of 1-foot of cover, or sufficient cover to clear any adjacent obstructions.

22. The City maintains standard plans, details and/or construction notes for elements of construction. For a fee, established by City resolution, the applicant may purchase such standard plans, detail sheets and/or construction notes from the City.

23. The applicant shall furnish a complete set of the AutoCAD files of all complete, approved improvement plans on a storage media acceptable to the City Engineer. The files shall be saved in a standard AutoCAD format so they may be fully retrievable through a basic AutoCAD program.

At the completion of construction, and prior to the final acceptance of the improvements by the City, the applicant shall update the AutoCAD files in order to reflect the as-built conditions.

Where the improvement plans were not produced in a standard AutoCAD format, or a file format which can be converted to an AutoCAD format, the City Engineer will accept raster-image files of the plans.

GRADING

24. The applicant shall comply with the provisions of Section 13.24.050 (Grading Improvements), LQMC.
25. Prior to occupancy of the project site for any construction, or other purposes, the applicant shall obtain a grading permit approved by the City Engineer.
26. To obtain an approved grading permit, the applicant shall submit and obtain approval of all of the following:
- A. A grading plan prepared by a qualified engineer or architect,
 - B. A preliminary geotechnical ("soils") report prepared by a qualified engineer, and
 - C. A Fugitive Dust Control Plan prepared in accordance with Chapter 6.16 (Fugitive Dust Control), LQMC.

All grading shall conform to the recommendations contained in the Preliminary Soils Report, and shall be certified as being adequate by a soils engineer, or by an engineering geologist.

The applicant shall furnish security, in a form acceptable to the City, and in an amount sufficient to guarantee compliance with the approved Fugitive Dust Control Plan provisions submitted with its application for a grading permit.

27. The applicant shall maintain all open graded, undeveloped land in order to prevent wind and/or water erosion of such land. All open graded, undeveloped land shall either be planted with interim landscaping, or stabilized with such other erosion control measures, as were approved in the Fugitive Dust Control Plan.
28. 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.
29. The applicant shall reduce the pad height to an elevation not to exceed 61.0 unless it can be demonstrated that the subsurface storm drain system or parking lot grading will not accommodate the requested pad height.
30. Prior to any site grading or regrading that will raise or lower any building pads within the project site by more than plus or minus three tenths of a foot from the elevations shown on the approved Site Development Permit, the applicant shall submit the proposed grading changes to the City Staff for a substantial conformance finding review.
31. Prior to the issuance of a building permit for any building lot, the applicant shall provide a lot pad certification stamped and signed by a qualified engineer or surveyor.

Each pad certification shall list the pad elevation as shown on the approved grading plan, the actual pad elevation and the difference between the two, if any. Such pad certification shall also list the relative compaction of the pad soil. The data shall be organized by lot number, and listed cumulatively if submitted at different times.

DRAINAGE

32. Stormwater shall be directed to the approved drainage system for Tract 24230/Tract 26152 (Lake La Quinta). Nuisance flows from the subject SDP 2002-733 shall be accommodated on site through an acceptable system. The applicant shall demonstrate that there is sufficient capacity in the existing system to accept the design run off from the proposed project. If the existing system is not capable to carry any or all of the developed run off from this development, the applicant shall retain the incremental difference on site.

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

UTILITIES

37. The applicant shall comply with the provisions of Section 13.24.110 (Utilities), LQMC.
38. The applicant shall obtain the approval of the City Engineer for the location of all utility lines within any right-of-way, and all above-ground utility structures including, but not limited to, traffic signal cabinets, electric vaults, water valves, and telephone stands, to ensure optimum placement for practical and aesthetic purposes.
39. Underground utilities shall be installed prior to overlying hardscape. For installation of utilities in existing improved streets, the applicant shall comply with trench restoration requirements maintained, or required by the City Engineer.

The applicant shall provide certified reports of all utility trench compaction for approval by the City Engineer.

PARKING LOTS AND ACCESS POINTS

40. Improvements shall be designed and constructed in accordance with City adopted standards, supplemental drawings and specifications, or as approved by the City Engineer. Improvement plans for streets, access gates and parking areas shall be stamped and signed by qualified engineers.

41. The design of parking facilities shall conform to LQMC Chapter 9.150 (Parking).

Entry drives, main interior circulation routes, corner cutbacks, bus turnouts, dedicated turn lanes and other features shown on the approved construction plans, may require additional street widths as may be determined by the City Engineer.

42. General access points and turning movements of traffic are limited to the following:

- A. Primary Entry (Washington Street) located just north of the south property line. This driveway shall be restricted to right in/right out turning movements, only.

The applicant is advised that there is restricted access along Washington Street. The applicant shall submit the necessary legal descriptions and exhibits which clearly define the proposed access location and width. The vacation of the restricted access will be presented to the City Council for approval.

- B. Secondary Entry (on Caleo Bay may be permitted) located at the northeastern corner of the parking drive isle. This driveway may have full right in/right out and left in/left out turning movements.

The applicant shall re-stripe portions of Caleo Bay to accommodate the left turn lane at the driveway. Signing and striping plans which detail the left turn lane and centerline striping shall be submitted to the Engineering Department for approval.

- C. In the event that properties to the north and south are developed, the applicant shall provide shared access driveways and reciprocal access agreements for said properties to reduce access points and turning movements off of, and onto, Washington Street.

43. Pursuant to Section 9.150.080(A)(8)(b) (Parking), LQMC, the applicant shall provide 30-foot uninterrupted driveway throats into the parking lot, or alternatively provide a combination of a dedicated right turn deceleration lane and the drive throat that will equal a total of 30-feet.

CONSTRUCTION

44. The applicant shall submit current mix designs (less than two years old at the time of construction) for base, asphaltic concrete and Portland cement concrete. The submittal shall include the test results for all specimens used in the mix design procedure. For mix designs over six months old, the submittal shall include the most recent (less than six months old at the time of construction) aggregate gradation test results confirming that the design gradations can be achieved in current production. The applicant shall not schedule construction operations until mix designs have been approved.
45. The City will conduct final inspections of habitable buildings only when the buildings have improved street and (if required) sidewalk access to publicly-maintained streets. The improvements shall include required traffic control devices, pavement markings and street name signs. If on-site streets in residential developments are initially constructed with partial pavement thickness, the applicant shall complete the pavement prior to final inspections of the last ten percent of homes within the development or when directed by the City, whichever comes first.

LANDSCAPING

46. The perimeter landscaping for the project shall be consistent with what is existing in the immediate area.
47. The applicant shall comply with Sections 9.90.040 (Table of Development Standards) & 9.100.040 (Landscaping), LQMC.
48. The applicant shall provide landscaping in the required setbacks, retention basins, common lots and park areas.
49. Landscape and irrigation plans for landscaped lots, setbacks and retention basins shall be signed and stamped by a licensed landscape architect. The applicant shall submit the landscape plans for approval by the Community Development Department (CDD), prior to plan checking by the Public Works Department. When plan checking has been completed by CDD, the applicant shall obtain the signatures of CVWD and the Riverside County Agricultural Commissioner, prior to submittal for signature by the City Engineer.

NOTE: Plans are not approved for construction until signed by the City Engineer.

50. Landscape areas shall have permanent irrigation improvements meeting the requirements of the City Engineer. Use of lawn areas shall be minimized with no lawn, or spray irrigation, being placed within 18 inches of curbs along public streets.
51. Only incidental storm water will be permitted to be retained in the landscape setback areas. The perimeter setback and parkway areas in the street right-of-way shall be shaped with berms and mounds, pursuant to Section 9.100.040(B)(7), LQMC.

QUALITY ASSURANCE

52. The applicant shall employ construction quality-assurance measures that meet with the approval of the City Engineer.
53. The applicant shall employ, or retain, qualified engineers, surveyors, and such or 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.
54. The applicant shall 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.
55. Upon completion of construction, the applicant shall furnish the City with reproducible record drawings of all improvement plans which were approved by the City. Each sheet shall be clearly marked "Record Drawing," "As-Built" or "As-Constructed" and shall be stamped and signed by the engineer or surveyor certifying to the accuracy and completeness of the drawings. The applicant shall have all AutoCAD or raster-image files previously submitted to the City, revised to reflect the as-built conditions.

MAINTENANCE

56. The applicant shall comply with the provisions of Section 13.24.160 (Maintenance), LQMC.

57. 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

58. 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.
59. The applicant is responsible for paying all development impact fees pursuant to Resolution No. 99-80, as amended.

COACHELLA VALLEY WATER DISTRICT

60. The site shall be annexed to Improvement District Nos. 55 and 82 of the district for sanitation service.
61. Grading, landscaping and irrigation plans shall be submitted to the Coachella Valley Water District for review to ensure efficient water management techniques.
62. Appropriate fees, if any, shall be paid to the Coachella Valley Water District in accordance with their current regulations for service to the site.

RIVERSIDE COUNTY FIRE DEPARTMENT

63. 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.
64. Blue dot reflectors shall be placed in the street 8 inches from the centerline to the side that the fire hydrant is located, so as to identify fire hydrant locations during an emergency.
65. Contact the Fire Department for the required fire flow information for the project.

66. Building plans shall be submitted to the Fire Department for plan review to run concurrent with the City's plan check procedures.
67. Water plans for the fire protection system (fire hydrants, etc.) shall be submitted to the Fire Department for approval prior to issuance of a building permit.
68. Buildings over 5,000 square feet are required to be equipped with fire sprinklers. Fire sprinkler plans shall be submitted to the Fire Department for review and approval prior to issuance of a building permit.
69. Any operation that produces grease-laden vapors will require a hood/duct system for fire protection (restaurants, etc.). Hood/duct fire protection plans shall be submitted to the Fire Department for review and approval prior to installation.
70. The required water system, including fire hydrants shall be installed and accepted by the appropriate water agency prior to any combustible building materials being placed on site.
71. 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.
72. Install a KNOX key box on each commercial building. Contact the Fire Department for an application.
73. Install portable fire extinguishers as required by the California Fire Code.

LIGHTING

74. A detailed lighting plan shall be submitted for review and approval by the Community Development Department prior to issuance of any building permit. Said plan shall show the type of standard, manufacturer's specifications and locations on the site. Low sodium pressure shoe box type lighting shall be utilized throughout the parking lot so as to reduce glare to the surrounding area. In no case shall lighting standards for the parking lot be taller than 10 feet.

SIGNS

75. A sign application shall be submitted for review and approval by the Community Development Department prior to issuance of a grading permit. All signs shall be in compliance with Section 9.160 of the Zoning Code.

MISCELLANEOUS

76. During construction of the hotel, the applicant shall demonstrate to the City that the rear yards of Lake La Quinta residents on Via Firenze cannot be seen from the patios/decks of the third floor, northeast facing units of Building B. If this cannot be demonstrated then the applicant shall construct wing walls on those upper units to obstruct such views from the patios/decks.

In addition, the applicant shall install significantly large sized trees between Building B and Caleo Bay to help reduce the potential of viewing the rear yards of Lake La Quinta residents on Via Firenze from the patios/decks.