

**RESOLUTION NO. 2002-94
CONDITIONS OF APPROVAL - FINAL
SITE DEVELOPMENT PERMIT 2002-731
WG PROPERTIES LLC
JUNE 18, 2002**

EXHIBIT "A"

GENERAL CONDITIONS OF APPROVAL

1. Site Development Permit 2002-731 (SDP 2002-731) shall be developed in compliance with these conditions and all approved site plan, elevation, color, materials and other approved exhibits submitted for this application, and any subsequent amendment(s). In the event of any conflicts between these conditions and the provisions of SDP 2002-731 these conditions shall take precedence.
2. SDP 2002-731 shall comply with all applicable conditions and/or mitigation measures for the following related approvals:
 - C Environmental Assessment 2002-448
 - C Specific Plan 2002-056

In the event of any conflict(s) between approval conditions and/or provisions of these approvals, the Community Development Director shall determine precedence.

3. This approval shall expire one year after it's effective date, as determined pursuant to Section 9.200.060.C of the Zoning Code, unless extended pursuant to the provisions of Section 9.200.080. The validity of other related applications, as identified in Condition #2, may be considered in determining extension provisions.
4. 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 development application or any application thereunder. The City shall have sole discretion in selecting its defense counsel.

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

5. Prior to the issuance of any grading, construction or building permit, the applicant shall obtain permits and/or clearances from the following public agencies:

- C Riverside County Fire Marshal
- C La Quinta Building and Safety Department
- C La Quinta Public Works Department (Grading/
Improvement/Encroachment Permits)
- C La Quinta Community Development Department
- C Riverside County Environmental Health Department
- C Desert Sands Unified School District
- C Coachella Valley Water District (CVWD)
- C Southern California Gas Company
- C Imperial Irrigation District (IID)
- C California Water Quality Control Board (CWQCB)
- C Waste Management of the Desert

The applicant is responsible for any requirements of the permits or clearances from those jurisdictions. If the requirements include approval of improvement plans, applicant shall furnish proof of said approvals prior to obtaining City approval of the plans.

6. Handicap access and facilities shall be provided in accordance with Federal (ADA), State and local requirements. Handicap accessible parking shall generally conform with the approved exhibits for SDP 2002-731.
7. All parking area civil plans and improvements shall be developed in accordance with the standards set forth in applicable portions of Section 9.150.080 of the Zoning Code.
8. All applicable conditions of approval for SDP 2002-731 shall be incorporated into the revised text for Specific Plan 2002-056 in the appropriate sections. The revised document shall be submitted to the Community Development Department for compliance review prior to issuance of the first building permit.

PROPERTY RIGHTS

9. 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.

10. 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. Dedications shall include additional widths as necessary for any acceleration and deceleration lanes, bus turnouts, and other features contained in the approved construction plans.
11. 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.
12. If the City Engineer determines that access rights to proposed street rights of way shown on the tentative map are necessary prior to approval of final maps dedicating the rights of way, the applicant shall grant the necessary rights of way within 60 days of written request by the City.
 13. The applicant shall create perimeter setbacks along public rights of way as follows (listed setback depth is the average depth if meandering wall design is approved):
 - A. Washington Street - None - Landscape Setbacks have been dedicated.
 - B. Caleo Bay - 10 feet from the Right of Way/Property Line.

The setback requirement applies to all frontage 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 dedicate blanket easements for those purposes.

14. The applicant shall dedicate easements necessary for placement of and access to utility lines and structures, drainage basins, mailbox clusters, park lands, and common areas as shown on the Site Development Permit.
15. The applicant shall vacate abutter's rights of access to public streets and properties from all frontage along the streets and properties, with the exception of those access points shown on the Site Development Permit.

16. 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.
17. If the applicant proposes vacation or abandonment of any existing rights of way or access easements which will diminish access rights to any properties owned by others, the applicant shall provide approved alternate rights of way or access easements to those properties or notarized letters of consent from the property owners
18. 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

19. 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.

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. 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.
 - C. Perimeter Landscape Plan: 1" = 20'
 - D. On-Site Rough Grading Plan: 1" = 40' Horizontal
 - E. Site Development Plans: 1" = 30' Horizontal
 - F. On-Site Utility Plan: 1" = 40' Horizontal

G. On-Site Landscape Plan: 1" = 20' Horizontal

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.

21. 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.
22. 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.

FIRE PROTECTION

23. 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.
24. Blue dot reflectors shall be placed in the street 8 inches from centerline to the street side of each hydrant, to identify the hydrant locations.
25. The required water system, including fire hydrants, will be installed and accepted by the appropriate water agency prior to any combustible building material being placed on an individual lot.
26. Automatic fire sprinkler systems are required in all new commercial structures 5,000 square feet or greater, in accordance with La Quinta Municipal Code 8.08.090 and NFPA 13. Sprinkler system plans shall be submitted to the Fire Department.
27. Minimum fire flow is 1,500 GPM for a 2-hour duration. Fire flow is based on Type VN construction and a complete fire sprinkler system.
28. Building plans shall be submitted to the Fire Department for plan review, to run concurrent with City plan checking.
29. Any operation that produces grease-laden vapors will require a Hood/duct system for fire protection (i.e. restaurants, etc.).
30. Install a KNOX key box on each commercial building. Applicant must contact the Fire Department for an application.
31. Install portable fire extinguishers as required by the California Fire Code.
32. The applicant/developer shall prepare and submit for Fire Department approval, a site plan designating required fire lanes with appropriate lane painting and/or signs.

GRADING

33. The applicant shall comply with the provisions of Section 13.24.050 (Grading Improvements), LQMC.
34. 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.
35. Prior to obtaining 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.

36. Prior to issuance of a grading permit, the applicant shall furnish a preliminary geotechnical ("soils") report and an approved grading plan prepared by a qualified engineer. The grading plan shall conform with the recommendations of the soils report and be certified as adequate by a soils engineer or engineering geologist.

A statement shall appear on final maps (if any are required of this development) that a soils report has been prepared pursuant to Section 17953 of the Health and Safety Code.

37. 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.

38. The final building pad elevation for the proposed building shall not differ by more than one foot from the building pads in adjacent developments.

The limits given in this condition and the previous condition are not entitlements and more restrictive limits may be imposed in the map approval or plan checking process. If compliance with the limits is impractical, however, the City will consider alternatives which minimize safety concerns, maintenance difficulties and neighboring-owner dissatisfaction with the grade differential.

39. 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.

40. 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.

41. 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

42. 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 .

- B. 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").
 - C. 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.
 - D. 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.
 - E. 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.
 - F. 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.
 - G. 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.
43. Stormwater shall be directed to the approved drainage system for Tract 24230/Tract 26152 (Lake La Quinta). Nuisance flows from the subject SDP 2002-731 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.

44. 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. The parking lot drainage may not be directed to the existing retention basin in the Washington Street parkway unless it can be demonstrated to the satisfaction of the City Engineer that the basin was sized to accommodate the run off from the developed property as well as the run off from Washington Street.
45. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development.
46. 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.
47. Storm drainage historically received from adjoining property shall be received and retained or passed through into the historic downstream drainage relief route.

UTILITIES

48. The applicant shall comply with the provisions of Section 13.24.110 (Utilities), LQMC.
49. The applicant shall obtain the approval of the City Engineer for the location of all utility lines within the right of way and all above-ground utility structures including, but not limited to, traffic signal cabinets, electrical vaults, water valves, and telephone stands, to ensure optimum placement for practical and aesthetic purposes.
50. Existing aerial lines within or adjacent to the proposed development and all proposed utilities shall be installed underground. Power lines exceeding 34.5 kv are exempt from this requirement.
51. 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 trench compaction for approval of the City Engineer.

STREET AND TRAFFIC IMPROVEMENTS

52. 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.
53. Streets shall have vertical curbs or other approved curb configurations which convey water without ponding and provide lateral containment of dust and residue for street sweeping. If a wedge or rolled curb design is approved, the lip at the flow line shall be vertical (1/8" batter) and a minimum of 0.1' in height. Unused curb cuts on any lot shall be restored to normal curbing prior to final inspection of permanent building(s) on the lot.
54. Parking lot design shall conform to the requirements of LQMC Chapters 9.150 and 12.32.
55. The applicant shall submit current mix designs (less than two years old at the time of construction) for base, asphalt concrete and Portland cement concrete. The submittal shall include test results for all specimens used in the mix design procedure. For mix designs over six months old, the submittal shall include recent (less than six months old at the time of construction) aggregate gradation test results confirming that design gradations can be achieved in current production. The applicant shall not schedule construction operations until mix designs are approved.
56. The City will conduct final inspections only when the buildings have improved street and (if required) sidewalk access to publicly-maintained streets. Improvements shall include required traffic control devices, pavement markings and street name signs.
57. General access points and turning movements of traffic are limited to the following:
 - A. Primary Entry (Washington Street) shared access located on the northerly property line. This driveway shall be a shared access drive/road with the adjacent landowner to the north (see SDP 2001-736) and shall be centered on the northerly property line. This driveway shall have right in/right out turning movements, only. Nothing in this condition requires the adjacent

landowner to pay for sufficient improvements to implement the shared access requirements in a manner that serves the development proposed by SDP 2002-731. However, reasonable cooperation by the adjacent landowner does include granting of reciprocal cross-access easements between the two landowners that facilitate construction of improvements necessary to implement the shared access concept on both properties in a manner that precludes unnecessary reconstruction of the improvements in the future.

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(s) on Caleo Bay located approximately 20' north of the southerly property line, approximately at the center of the site, and approximately 30 feet south of the northerly property line. These driveways 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 lanes at the driveways. Signing and striping plans which detail the left turn lanes and centerline striping shall be submitted to the Engineering Department for approval.

- 58. 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.

LANDSCAPING

- 59. The applicant shall provide landscaping in all required setbacks, retention basins, common lots, and park areas.
- 60. Landscape and irrigation plans for landscaped lots and setbacks, medians, retention basins, and parks shall be signed and stamped by a licensed landscape architect.

The applicant shall submit plans for approval by the Community Development Department prior to plan checking by the Public Works Department. When plan checking is complete, the applicant shall obtain the signatures of CVWD and the Riverside County Agricultural Commissioner prior to submitting for signature by the City Engineer. Plans are not approved for construction until signed by the City Engineer.

61. Landscape areas shall have permanent irrigation improvements meeting the requirements of the City Engineer. Use of lawn shall be minimized with no lawn or spray irrigation within 18 inches of curbs along public streets.
62. The final landscaping plans submitted for plan check shall incorporate the items listed below, in order to maintain continuity of landscaping improvements along Caleo Bay Drive:
 - A. Tree species to be used in the Caleo Bay Parkway shall primarily consist of Chilean Mesquite.
 - B. Use of shrub species Feathery Cassia and Bougainvillea "La Jolla" shall be employed from the north parkway, transitioning to the south.

Final plans submitted for plan check may require further revision due to potential changes in project landscaping for the north and south parcels. Review of landscaping improvements on Caleo Bay parkway shall be coordinated with those plans based on the best available information at time of review.

63. Landscaping within the overall project area shall be commonly maintained under a single maintenance contract. Prior to issuance of any Certificate of Occupancy, an appropriate maintenance mechanism shall be established to assure compliance with this requirement. Documentation necessary to meet this requirement shall be submitted for review and acceptance by the Community Development/Public Works Departments prior to any Certificate of Occupancy for building areas. Said documentation must include that landscape materials shall be maintained as planted in perpetuity, and that dead, dying or otherwise missing landscape improvements shall be replaced, re-planted or provided within 30 calendar days.

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PUBLIC SERVICES

64. The applicant shall provide public transit improvements as may be required by Sunline Transit and approved by the City Engineer.

QUALITY ASSURANCE

65. The applicant shall employ construction quality-assurance measures which meet the approval of the City Engineer.
66. The applicant shall employ or retain qualified civil engineers, geotechnical engineers, surveyors, or other appropriate professionals to provide sufficient construction supervision to be able to furnish and sign accurate record drawings.
67. The applicant shall arrange and bear the cost of measurement, sampling and testing procedures not included in the City's inspection program but required by the City as evidence that construction materials and methods comply with plans, specifications and applicable regulations.
68. Upon completion of construction, the applicant shall furnish the City reproducible record drawings of all improvement plans which were signed by the City. Each sheet shall be clearly marked "Record Drawings," "As-Built" or "As-Constructed" and shall be stamped and signed by the engineer or surveyor certifying to the accuracy of the drawings. The applicant shall revise the CAD or raster-image files previously submitted to the City to reflect as-constructed conditions.

MAINTENANCE

69. 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.

CULTURAL RESOURCES

70. Prior to issuance of a grading permit or any earth disturbance, the applicant shall have prepared and obtained approval from the Community Development Department for an archaeological monitoring program for the project site. The program shall be prepared by a qualified archaeologist, and shall include provisions for strictly controlled archaeological monitoring and data recovery, including research and field methods, lab analysis methodology, Native American

consultation and monitoring, curation procedures, report preparation and disposition of artifacts and records.

FEES AND DEPOSITS

71. 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.
72. Provisions shall be made to comply with the terms and requirements of the City's adopted Art in Public Places program in effect at the time of issuance of building permits.
73. Prior to approval of a final map or completion of any approval process for modification of boundaries of the property or lots subject to these conditions, the applicant shall process a reapportionment of any bonded assessment(s) against the property and pay the cost of the reapportionment.
74. Any permit(s) 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 said permit(s).

MISCELLANEOUS

75. The applicant shall submit a detailed project area lighting plan for the entire Specific Plan area. The lighting plan shall comply with the following general criteria:
 - A. Pole-mounted light standards shall be limited to 18 feet adjacent to Caleo Bay, and shall not exceed 20 feet in height throughout the site, consistent with developments to the north and south. Pole lighting and under-canopy lighting fixtures shall incorporate flush lens caps or similar recessed ceiling lighting.
 - B. The lighting plan shall incorporate bollard lighting for pedestrian areas and parking aisle entries.

The lighting plan shall include a photometric plan and must be approved prior to issuance of the first permanent building permit.

76. A comprehensive sign program shall be submitted for review and approval by the Planning Commission prior to establishment of any permanent signs for the project. Provisions of the sign program shall be in compliance with applicable sections of Chapter 9.160 of the Zoning Code and Specific Plan 2002-056.
77. All roof-mounted mechanical equipment must be screened and installed using compatible architectural materials and treatments, in a manner so as not to be visible from surrounding properties and streets. Working drawings showing all such equipment and locations shall be submitted to the Building and Safety Department along with construction plan submittal for building permits. Method and design of screening must be approved by the Community Development Department prior to any issuance of building permits related to structures requiring such screening.
78. The trash enclosure located at the north easternmost corner of the site shall be relocated, with the current location to be used for additional parking as can be accommodated.
79. The Phase 2 building shall be limited to a maximum of 6,500 square feet in order to maintain the current parking requirements. Plans for this building are subject to the Site Development Permit review process and shall be consistent with the Specific Plan (SP 2002-056) for WG Properties as approved at time of Phase 2 submittal.