

**CITY COUNCIL RESOLUTION NO. 2002-41
CONDITIONS OF APPROVAL - APPROVED
SITE DEVELOPMENT PERMIT 2002-728
STAMKO DEVELOPMENT CO.
ADOPTED: MARCH 19, 2002**

EXHIBIT "A"

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, 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, Chapter 8.70 (Stormwater Management and Discharge Controls), La Quinta Municipal Code ("LQMC"); Riverside County Ordinance No. 457; and the State Water Quality Resources Control Board's ("SWQRCB") 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.
 - 7. 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.
4. 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).

PROPERTY RIGHTS

- 5. 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.

6. 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.
7. 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. State Route 111 (S.R. 111) - (Major Arterial) - 70 foot half right of way or additional right of way if required by Caltrans for the design of the approved construction and access plans for this parcel map.
 2. La Quinta Centre Drive - (Collector Street) - 60 feet of right of way as required by the approved Specific Plan No. 97-029.
8. Right-of-way geometry for property line corner cut-backs at curb returns shall conform to Riverside County Standard Drawing #805, unless otherwise approved by the City Engineer.
 9. 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 and as may be required by Caltrans and SunLine Transit Agency.
 10. The applicant shall create perimeter landscaping setbacks along all public right-of-ways as follows:
 - A. S.R. 111 - Fifty (50) Feet from the R/W-P/L.
 - B. Interior Public Streets - As required by the General Plan and City Code unless otherwise approved in the Specific Plan No. 97-029 for this development.

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.

11. 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.
12. 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.
13. 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.
14. 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.
15. 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.

16. 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.

17. The following improvement plans shall be prepared and submitted for review and approval by the City. 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. Public Street Plans: 1" = 40' Horizontal, 1" = 4' Vertical
The street improvement plans shall include permanent traffic control and separate plan sheet(s) (drawn at 20 scale) that show the meandering sidewalk, mounding, and berming design in the combined parkway and landscape setback area.
- B. State Route 111: As Required by Caltrans, including metric or dual units if required.
- C. Off-Site Street Median Landscape Plan: 1" = 20'
- D. Perimeter Landscape Plan: 1" = 20'
- E. On-Site Rough Grading Plan: 1" = 40' Horizontal
- F. On-Site Precise Grading Plan: 1" = 30' Horizontal
- G. On-Site Utility Plan: 1" = 40' Horizontal
- H. 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.

All Off-Site Plan & Profile Street Plans and Signing & Striping Plans shall show all existing improvements for a distance of at least 200-feet beyond the project limits, or a distance sufficient to show any required design transitions.

"Rough Grading" plans shall normally 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.

In addition to the normal set of improvement plans, a "Site Development" plan and a "Site Utility" plan are required to be submitted for approval by the Building Official and the City Engineer.

"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.

"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. The "Site Utility" plan shall have signature blocks for the Building Official and the City Engineer.

18. 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.
19. 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.

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OFF-SITE IMPROVEMENT SECURITY AGREEMENTS

20. Prior to the conditional approval of this Site Development Permit, or the issuance of any permit(s), the applicant shall construct all off-site improvements and satisfy its obligations for same, or shall furnish a fully secured and executed Off-Site Improvement Agreement ("OSIA") guaranteeing the construction of such improvements and the satisfaction of its obligations for same, or shall agree to any combination thereof, as may be required by the City.
21. Improvements to be made, or agreed to be made, shall include removal of any existing structures or other obstructions which are not a part of the proposed improvements; and shall provide for the setting of the final survey monuments.
22. When improvements are to be secured through an OSIA, and prior to any permits being issued by the City, the applicant shall submit detailed construction cost estimates for all proposed off-site improvements for checking and approval by the City Engineer. Such estimates shall conform to the unit cost schedule adopted by City resolution, or ordinance.

For items not listed in the City's unit cost schedule, the proposed unit costs shall be approved by the City Engineer.

At the same time the applicant submits its detailed construction cost estimates for the security determination of the OSIA, the applicant shall also submit one copy of an 8-1/2" x 11" reduction of the Site Development Plan, along with one copy of an 8-1/2" x 11" Vicinity Map.

Estimates for improvements under the jurisdiction of other agencies shall be approved by those agencies and submitted to the City along with the applicant's detailed cost estimates for its own on and off-site improvements.

Cost estimates for the security of telephone, natural gas, or Cable T.V. improvements will not be required.

23. When improvements are phased through an administrative approval (e.g., Phasing Plan, Site Development Permits, etc.), all off-site improvements and common on-site improvements (e.g., backbone utilities, retention basins, perimeter walls, landscaping and gates) shall be constructed, or secured through an SIA, prior to the occupancy of any permanent buildings in the first phase of the development, or as otherwise approved by the City Engineer.

Improvements and obligations required of each subsequent phase shall either be completed, or secured through an SIA, prior to the occupancy of permanent buildings within such latter phase, or as otherwise approved by the City Engineer.

The same submittal criteria shall apply to all subsequent phases as required for the first phase submittal. (E.g. detailed cost estimates, 8-1/2" x 11" reductions, etc.)

24. In the event the applicant fails to construct improvements for the development, or fails to satisfy its obligations for the development in a timely manner, pursuant to the approved phasing plan, or other phasing method, the City shall have the right to halt issuance of all permits, and/or final inspections, withhold other approvals related to the development of the project, or call upon the surety to complete the improvements.

GRADING

25. The applicant shall comply with the provisions of Section 13.24.050 (Grading Improvements), LQMC.
26. 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.
27. 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.

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. Building pad elevations of perimeter lots shall not differ by more than one foot from the building pads in adjacent developments.
30. The applicant shall minimize the differences in elevation between the adjoining properties and the lots within this development.

Building pad elevations on contiguous interior lots shall not differ by more than three feet except for lots that do not share a common street frontage, where the differential shall not exceed five feet.

Where compliance within the above stated limits is impractical, the City may consider alternatives that are shown to minimize safety concerns, maintenance difficulties and neighboring-owner dissatisfaction with the grade differential.

31. Prior to any site grading or regrading that will raise or lower any portion of the site by more than plus or minus three tenths of a foot from the elevations shown on the approved Tentative Parcel Map, the applicant shall submit the proposed grading changes to the City Staff for a substantial conformance finding review.
32. 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

33. The applicant shall comply with the provisions of Section 13.24.120 (Drainage), LQMC, Engineering Bulletin No. 97.03. More specifically, stormwater falling on site during the 100 year storm shall be retained within the development, unless otherwise approved by the City Engineer. The tributary drainage area shall extend to the centerline of adjacent public streets. The design storm shall be either the 3 hour, 6 hour or 24 hour event producing the greatest total run off.
34. Stormwater shall normally be retained in common retention basin(s) as shown on the Tentative Parcel Map. Individual lot basins or other retention concepts may be approved by the City Engineer for lots 2 ½ acres in size or larger or where the use of common retention is determined by the City Engineer to be impracticable. If individual lot retention is approved, the applicant shall meet all individual lot retention provisions of Chapter 13.24, LQMC.
35. In design of retention facilities, the maximum percolation rate shall be two inches per hour. The percolation rate will be considered to be zero unless the applicant provides site specific data indicating otherwise.
36. Nuisance water shall be retained on site by an approved system.
37. The project shall be designed to accommodate purging and blowoff water (through underground piping and/or retention facilities) from any on-site or adjacent well sites granted or dedicated to the local water utility authority as a requirement for development of this property.
38. No fence or wall shall be constructed around any retention basin unless approved by the Community Development Director and the City Engineer.
39. For on-site common retention basins, retention depth shall not exceed six feet and side slopes shall not exceed 3:1. For retention basins on individual lots, retention depth shall not exceed two feet.
40. Stormwater may not be retained in landscaped parkways or landscaped setback lots along State Route 111. 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.

41. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development.
42. 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.
43. Storm drainage historically received from adjoining property shall be received and retained or passed through into the historic downstream drainage relief route.

UTILITIES

44. The applicant shall comply with the provisions of Section 13.24.110 (Utilities), LQMC.
45. 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.
46. Existing overhead utility lines within, or adjacent to the proposed development, and all proposed utilities shall be installed underground.

All existing utility lines attached to joint use 92 KV transmission power poles are exempt from the requirement to be placed underground.

47. 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.

STREET AND TRAFFIC IMPROVEMENTS

48. The applicant shall comply with the provisions of Sections 13.24.060 (Street Improvements), 13.24.070 (Street Design - Generally) & 13.24.100 (Access For Individual Properties And Development), LQMC for public streets; and Section 13.24.080 (Street Design - Private Streets), where private streets are proposed.

49. Streets shall have vertical curbs or other approved curb configurations that will convey water without ponding, and provide lateral containment of dust and residue during street sweeping operations. Unused curb cuts on any lot shall be restored to standard curb height prior to final inspection of permanent building(s) on the lot.
50. The applicant shall construct the following street improvements to conform with the General Plan street type noted in parentheses.

A. OFF-SITE STREETS

1. S.R. 111 from the east side of La Quinta Centre Drive to the easterly project boundary (Major Arterial) - Construct applicant's half of a 116 foot (curb face to curb face) street improvements. Construct a 28 foot wide raised landscaped median, and widen the north half as required for the widened section.

Street widening improvements shall include all appurtenant components such as, but not limited to, curb, gutter, traffic control striping, legends, and signs, except for street lights. Other significant new improvements required for installation in, or adjacent, to the subject right of way include:

- (a) 8-foot wide meandering sidewalk.
- (b) 28-foot wide landscaped median.
(Developer is required to pay for 50% of the landscape median improvements at their own expense pursuant to Specific Plan 97-029. The remaining 50% of the landscape median improvements will be reimbursed from the City's Development Impact Fee fund in accordance with policies established for that program.)
- (c) Main entry streets, bus turnouts, acceleration/deceleration lanes, and/or other features contained in the approved construction plans may warrant additional street widths or other measures as determined by the City Engineer, Caltrans or SunLine Transit Agency.

B. LA QUINTA CENTRE DRIVE

1. Construct 40 foot curb to curb full width improvements as shown on the Tentative Map and approved in Specific Plan No.97-029.

51. The applicant shall design street pavement sections using CalTrans' design procedure for 20-year life pavement, and the site-specific data for soil strength and anticipated traffic loading (including construction traffic). Minimum structural sections shall be as follows:

Residential	3.0" a.c./4.50" c.a.b.
Collector	4.0"/5.00"
Secondary Arterial	4.0"/6.00"
Primary Arterial	4.5"/6.00"
Major Arterial	5.5"/6.50"

or the approved equivalents of alternate materials.

52. Improvements shall include appurtenances such as traffic control signs, markings and other devices, raised medians if required, street name signs and sidewalks. Mid-block street lighting is not required.
53. 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.
54. Standard knuckles and corner cut-backs shall conform to Riverside County Standard Drawings #801 and #805, respectively, unless otherwise approved by the City Engineer.
55. The applicant shall extend improvements beyond the subdivision boundaries to ensure they safely integrate with existing improvements.

PARKING LOTS and ACCESS POINTS

56. 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.

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

- A. Primary Entry (La Quinta Centre Drive at Highway 111): Existing signalized intersection with full turning movements.
- B. Secondary Entry (Highway 111 between La Quinta Centre Drive and the easterly project boundary):
 - 1. Approximately 300' easterly of La Quinta Centre Drive: Right in only driveway. This access shall be designed and constructed to have a 20-foot wide access with appropriate signage.
 - 2. Approximately 600' easterly of La Quinta Centre Drive: Right in/right out driveway.

The proposed driveway(s) on S.R. 111 shall require Caltrans approval.

- C. Secondary Entry (La Quinta Centre Drive/Auto Centre Drive Intersection): Driveway entrance with full turning movements.
- D. Secondary Entry (La Quinta Centre Drive northerly of Auto Centre Way South): Driveway entrance with full turning movements.
- E. Secondary Entry (At the Southerly Terminus of La Quinta Centre Drive): La Quinta Centre Drive will terminate with ingress and egress into Parcel No. 1.

58. Pursuant to Section 9.150.080(A)(8)(b) (Parking), LQMC, the applicant shall provide 90-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 90-feet.

CONSTRUCTION

59. 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.
60. 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 tracts 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 tract or when directed by the City, whichever comes first.

LANDSCAPING

61. The applicant shall comply with Sections 9.90.040 (Table of Development Standards) & 9.100.040 (Landscaping), LQMC.
62. The applicant shall provide landscaping in the required setbacks, retention basins, common lots and park areas.
63. 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 final plans for approval by the Community Development Department after Planning Commission review and action 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.

64. 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 long public streets.
65. The final landscape plan shall include an enhanced landscape entry statement at the intersection of Auto Centre Drive and La Quinta Centre Drive. The enhancements are for the access lane east of La Quinta Centre Drive only.
66. The final landscape plans shall be reviewed by the Architecture and Landscape Review Committee and the Planning Commission prior to the issuance of any permit for the construction of the parking lot. The review by the Planning Commission will be conducted as a business item.
67. The applicant shall make provisions for continuous, perpetual maintenance of all private on-site improvements, perimeter and interior landscaping, access drives, and sidewalks.
 - A. For the Retail Building "B" site, a \$25,000 bond or letter of credit in a form acceptable to the City Attorney, shall be posted prior to the issuance of the Certificate of Occupancy for the Retail Building "B". The bond or letter of credit shall initially remain in effect for a period of five years. During that period, if the City determines that the landscaping is not being properly maintained, it shall provide notice, at the addresses to be provided by the applicant or owner, of the need to correct the specific deficiencies. If the deficiencies in the landscaping are not corrected within 30 days of the mailing of the notice, the City shall have the right to call the bond or letter of credit, and the proceeds shall be utilized to the extent needed to correct the landscaping deficiencies. If, after five years, the landscaping has been properly maintained, the City shall release the bond or letter of credit. If, in the determination of the Community Development Director, the landscaping has not been properly maintained, the bond or letter of credit shall be renewed and maintained for an additional five year period.

- B. For the entire Planning Area III, the landscaping and irrigation system shall be well maintained and any dead plant material shall be promptly replaced. If the landscaping is not properly maintained, and if the condition is not cured within 30 days of the notice of the deficiencies, the City shall have the right to cause the correction of the deficiencies in the landscaping, and the applicant/owner agrees that the costs of the correction shall be recorded as a lien against the property. Prior to exercising the right to lien, the City shall provide an additional 15-day notice and hold a hearing before the Community Development Director to determine the existence of the deficiencies and the scope of the work needed to correct the deficiencies. The determination of the Community Development Director shall be subject to appeal in accordance with the City's Municipal Code. This remedy shall be in addition to any other remedies the City has by law.

QUALITY ASSURANCE

68. The applicant shall employ construction quality-assurance measures that meet with the approval of the City Engineer.
69. 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.
70. 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 construction materials and methods employed comply with the plans, specifications and other applicable regulations. After tributary-area improvements are complete and soils have been permanently stabilized where retention basins have been constructed, testing shall include sand filter percolation tests, as approved by the City Engineer.
71. Upon completion of construction, the applicant shall furnish the City reproducible record drawings of all public improvement plans which were signed by the City Engineer. 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

AutoCAD or raster-image files previously submitted to the City to reflect the as-built conditions.

MAINTENANCE

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

FEES AND DEPOSITS

74. 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.

FIRE DEPARTMENT

75. Approved Super fire hydrants at every intersection and spaced every 330 feet along the street, and also they shall be located not less than 25 feet or more than 165 feet from any portion of the buildings as measured along approved vehicular travel ways.
76. Blue retro-reflective pavement markers shall be placed in the street 8 inches from centerline to the side that the fire hydrant is on, to identify fire hydrant locations.
77. 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.
78. 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 for review.

79. Install Knox Key Lock box on each commercial building. Contact the fire department for an application.
80. Install portable fire extinguishers as required by the California Fire Code.
81. Minimum fire flow 2500 GPM, with an actual flow from any one hydrant connected to any given water main of 1500 GPM for 2-hours at 20 PSI residual.
82. Building plans shall be submitted to the fire Department for plan review to run concurrent with the City plan check.
83. Any operation that produces grease-laden vapors will require a hood/duct system for fire protection. (Restaurants, drive-thru's, etc.)
84. The applicant or developer shall prepare and submit to the Fire Department for approval, a site plan designation required fire lanes with appropriate lane painting and/ or signs.

SIGNS

85. All signs requested by the applicant are not approved. The applicant shall submit a new application for the sign program. The Planning Commission, as a business item, shall review the application and take action.

MISCELLANEOUS

86. The applicant has indicated its belief that the Retail B Building will be occupied by Walmart, which would relocate to Retail B from its existing building in La Quinta. Should this relocation occur, in order to ensure the re-occupancy of the existing Walmart building and to avoid a situation in which vacant structures would remain along the Highway 111 business corridor, the following conditions shall apply:
 - A. As a condition to relocating to the Retail B Building, Walmart shall keep the landscape, hardscape, and building exterior at the existing Walmart site well maintained. The physical condition of the structure, and hardscape shall be kept, at a minimum, at the level of condition that exists as of the date the

Project is approved. The physical condition of the landscaping shall be maintained to the reasonable satisfaction of the Community Development Director. The determination of the Community Development Director shall be subject to appeal to the Planning Commission in accordance with the City's Municipal Code. In addition, nothing shall be done to the existing structure that would give the appearance that the building has been vacated. As an example, the windows may not be boarded. Any graffiti shall be removed within two business days. The site shall not be used for storage.

- B. In order to ensure the full reoccupation of the existing Walmart building by one or more commercial retail users within a reasonable time period (not to exceed 24 months) following any relocation of Walmart from the existing building and into the Retail B Building, the following additional condition is imposed upon the Project. Within 90 days of approval of this Project, and prior to issuance of a building permit for Retail B Building, the City and Walmart shall execute either (i) an option agreement satisfactory to the City which provides the City the option of purchasing the approximately 13 acre Walmart property in the City of La Quinta, both the existing Walmart building and all surrounding parking lot areas owned by Walmart (the "Existing Building"), or (ii) at the City's option, shall execute other agreements satisfactory to the City that ensure that the Existing Building will be fully reoccupied by one or more commercial retail users within a reasonable time period, as defined above. The agreement referenced in (i) or (ii) shall be referred to hereinafter as the "Agreement". If the City and Walmart fail to execute the Agreement within 90 days of Project approval, Stamko Development's entitlement approvals shall remain effective for Retail B Building -- and this condition of approval shall be deemed satisfied by the City -- so long as Retail B Building at The Centre at La Quinta is not to be occupied by Walmart. The City and Walmart may extend this 90 day period, if agreed to in writing, up to 150 days, but in no event will a building permit be issued for a building to be occupied by Walmart if the Agreement has not been executed. Any extensions agreed to beyond 150 days shall require Stamko Development's prior written approval.

This condition of approval applies to Retail B Building only, and will have no application to the issuance of building permits for any other development in Planning Area III of The Centre of La Quinta Specific Plan.

NOISE

87. Once the business locating in Retail Building "B" is fully operational, noise monitoring shall be conducted on one to two occasions, at the Applicants expense, under the supervision of the City, to ensure that the typical operational noise does not violate the City's noise ordinance standards. The monitoring shall be conducted at one or more locations chosen by the City at the perimeter of the property.

STORAGE

88. No outdoor storage or outdoor storage containers will be permitted on the vacant area of Phase II for Building "B". However, storage and storage containers can be permitted along the rear of Building "B" provided a Minor Use Permit is granted by the Planning Commission using the business item review process.

ARCHITECTURE

89. The rear elevations of Buildings "A" and "B" shall include visual interest as deemed appropriate by the Community Development Director.

COACHELLA VALLEY WATER DEPARTMENT

90. The developer shall pay all fees and charges associated with providing domestic water and sanitation service in accordance with the current regulations of the District. Such fees and charges are subject to change.
91. The developer shall provide land on which a well site will be located. This site shall be shown on the tract map as a lot to be deeded to the District for such purpose.
92. Additional domestic water pipelines shall be installed by the subdivider in order for the District to provide service to all parcels.
93. This area shall be annexed to Improvement District Nos. 55 and 82 of the District for sanitation service.

94. The District requires restaurants to install a grease interceptor, including a sample box, sanitary tee and running trap with cleanout, prior to any discharge to its sanitation facilities. The size of the grease interceptor shall be determined by the Riverside County Environmental Health Department and approved by the District. Installation of the interceptor shall be inspected by the District.
95. The District requires detail, repair and lube auto shops and car washes to install an oil and sand separator, including a sample box, sanitary tee and running trap with cleanout, prior to any discharge to its sanitation facilities. The size of the oil and sand separator shall be determined by the Riverside County Health Department and approved by the District. Installation of the oil and sand separator shall be inspected by the District.
96. The District requires Laundromats and commercial establishments with laundry facilities to install a lint trap. The size of the lint trap shall be determined by the Riverside County Environmental Health Department and approved by the District. Installation of the lint trap shall be inspected by the District.
97. Plans for grading, landscaping and irrigation systems shall be submitted to the District for review. This review is for ensuring efficient water management.