

**RESOLUTION 2001-151
CONDITIONS OF APPROVAL - FINAL
SITE DEVELOPMENT PERMIT 2001-708
LATHROP DEVELOPMENT
NOVEMBER 20, 2001**

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

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

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

- C Fire Marshall
- 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)

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.

The applicant shall comply with applicable provisions of the City's NPDES stormwater discharge permit. For projects requiring project-specific NPDES construction permits, the applicant shall submit a copy of the CWQCB acknowledgment of the applicant's Notice of Intent prior to issuance of a grading or site construction permit. The applicant shall ensure that the required Storm Water Pollution Protection Plan is available for inspection at the project site.

3. 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

4. Prior to issuance of any permit(s), the applicant shall acquire or confer easements and other property rights required of this approval or otherwise necessary for construction 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 maintenance, construction, and reconstruction of essential improvements.
5. The applicant shall dedicate or grant public and private street right of way and utility easements in conformance with the City's General Plan, Municipal Code, applicable specific plans, and as required by the City Engineer.
6. The applicant shall dedicate ten-foot public utility easements contiguous with and along both sides of all private streets. The easements may be reduced to five feet with the express concurrence of IID.
7. 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.
8. 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.
9. 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.

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.

10. Improvement plans shall be prepared by or under the direct supervision of qualified engineers and landscape architects, as appropriate. Plans shall be submitted on 24" x 36" media in the categories of "Rough Grading," "Precise Grading, Paving & Drainage" "Streets & Drainage," and "Landscaping." Precise grading plans shall have signature blocks for community Development Director and the Building Official. All other plans shall have signature blocks for the City Engineer. Plans are not approved for construction until they are signed.

"Streets and Drainage" plans shall normally include signals, sidewalks, bike paths, entry drives, gates, and parking lots. "Landscaping" plans shall normally include irrigation improvements, landscape lighting and entry monuments. "Precise Grading" plans shall normally include perimeter walls.

Plans for improvements not listed above shall be in formats approved by the City Engineer.

11. The developer shall have prepared under the direct supervision of qualified civil engineer a "Site Improvement Plan," including but not necessarily limited to the top of curb elevations, top of pavement elevations, drainage swales, and all information to show the compliance with Title 24 Handicap Access.
12. The city may maintain standard plans, details and/or construction notes for elements of construction. For a fee established by city Resolution, the applicant may acquire standard plan and/or detail sheets from the City.
13. When final plans are approved by the City, the applicant shall furnish accurate AutoCad files of the complete, approved plans on storage media acceptable to the City Engineer. The files shall utilize standard AutoCad menu items so they may be fully retrieved into a basic AutoCad program. At the completion of construction and prior to final acceptance of improvements, the applicant shall update the files to reflect as-constructed conditions.

If the plans were not produced in AutoCad or a file format which can be converted to AutoCad, the City Engineer may accept raster-image files of the plans.

GRADING

14. This development shall comply with Chapter 8.11 of the LQMC (Flood Hazard Regulations). If any portion of any proposed building lot in the development is or may be located within a flood hazard area as identified on the City's Flood Insurance Rate Maps, the development shall be graded to ensure that all floors and exterior fill (at the foundation) are above the level of the project (100-year) flood and building pads are compacted to 95% Proctor Density as required in Title 44 of the Code of Federal Regulations, Section 65.5(a) (6). Prior to issuance of building permits for lots which are so located, the applicant shall furnish certifications as required by FEMA that the above conditions have been met.
15. 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.
16. 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.
17. Prior to occupation of the project site for construction purposes, the applicant shall submit and receive approval of a Fugitive Dust Control Plan prepared in accordance with Chapter 6.16, LQMC. The applicant shall furnish security, in a form acceptable to the City, in an amount sufficient to guarantee compliance with the provisions of the permit.
18. 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.
19. Prior to issuance of building permit(s), the applicant shall provide building pad certifications stamped and signed by qualified engineers or surveyors. For each pad, the certification shall list the approved elevation, the actual elevation, the difference between the two, if any, and pad compaction. The data shall be organized by lot number and listed cumulatively if submitted at different times.

DRAINAGE

The appliance shall comply with the provisions of Engineering Bulletin No. 97.03 and the following:

20. Stormwater falling on site during the peak 24-hour period of a 100-year storm (the design storm) shall be retained within the development as per the approved hydrology/storm drainage for Specific Plan 87-011 or unless otherwise approved by the City Engineer. The tributary drainage area shall extend to the centerline of adjacent public streets.
21. Storm water flow in excess of retention capacity shall be routed through a designated, unimpeded overflow outlet to the historic drainage relief route.
22. Storm drainage historically received from adjoining property shall be retained on site or passed through to the overflow outlet.
23. Retention facility design shall be based on site-specific percolation data which shall be submitted for checking with the retention facility plans. The design percolation rate shall not exceed two inches per hour.
24. The side slopes of retention basins shall not exceed 3:1. Maximum retention depth shall not exceed six feet for common basins and two feet for individual-lot retention.
25. Nuisance water shall be retained on site and disposed of in dry wells, or as approved by the City Engineer.
26. If the applicant proposes discharge of stormwater directly or indirectly to the Coachella Valley Stormwater Channel, the applicant shall indemnify the City from the costs of any sampling and testing of the development's drainage discharge which may be required under the City's NPDES Permit or other City-or area-wide pollution prevention program, and for any other obligations and/or expenses which may arise from such discharge. The indemnification shall be executed and furnished to the city prior to issuance of any grading, construction or building permit and shall be binding on all heirs, executors, administrators, assigns, and successors in interest in the land within this development plan excepting therefrom those portions required to be dedicated or deeded for public use. The form of the indemnification shall be acceptable to the City Attorney. If such discharge is approved for this development, the applicant shall make

provisions in the CC&Rs for meeting these potential obligations.

UTILITIES

27. 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.
28. 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.
29. 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

30. The applicant may be required to extend improvements beyond development boundaries to ensure they safely integrate with existing improvements (e.g., grading; traffic control devices and transitions in alignment, elevation or dimensions of streets and sidewalks).
31. Parking facilities shall conform to the requirements of LQMC Chapter 9.150.
32. Improvements shall include appurtenances such as traffic control signs, markings and other devices.
33. 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.
34. 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.

35. The city will conduct final inspections 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 are initially constructed with partial pavement thickness, the applicant shall complete the pavement prior to final inspections.

LANDSCAPING

36. The applicant shall provide landscaping in required setbacks, retention basins, common lots, and park areas.
37. 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.

38. 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.

QUALITY ASSURANCE

39. The applicant shall employ construction quality-assurance measures which meet the approval of the City Engineer.
40. 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.
41. 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.

42. 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

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

FEES AND DEPOSITS

44. 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.

FIRE MARSHALL

45. Minimum fire flow 2125 GPM for a 2-hour duration. Fire flow is based on type VN construction and a complete fire sprinkler system.
46. City of La Quinta ordinance requires all commercial buildings 5,000 square feet or larger to be fully sprinkled. NFPA 13 Standard. Sprinkler plans will need to be submitted to the Fire Department.
47. Fire Department Connections (FDC) shall be located on the address side of the building, no closer than 15 feet nor farther than 50 feet from a fire hydrant.
48. 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.

49. Blue dot reflectors shall be placed in the street 8 inches from centerline to the side that the fire hydrant is on, to identify fire hydrant locations.
50. Provide primary and secondary access for emergency vehicles.
51. 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.
52. Install a Rapid Entry (KNOX) key box for each tenant space. (Contact the Fire Department for an application).
53. Install portable fire extinguishers, in cabinets.
54. Building plans shall be submitted to the Fire Department for review to run concurrent with the City plan check.

MISCELLANEOUS

55. Prior to issuance of a grading permit, a revised Landscape Plan shall be submitted to the Community Development Department for approval which shall identify and locate specific plant types and quantities consistent with the proposed palette of material.
56. Prior to issuance of a building permit, the applicant shall revise the south building elevation increasing the size of the portico columns and the quatrafoil to match the lower gable on either side of the main structure.
57. Prior to issuance of a sign permit, applicant shall submit a Sign Program for Planning Commission review and approval.