

**RESOLUTION NO.2001-44
CONDITIONS OF APPROVAL - FINAL
SITE DEVELOPMENT PERMIT 2001-691
McDERMOTT ENTERPRISES
APRIL 17, 2001**

EXHIBIT "A"

GENERAL CONDITIONS OF APPROVAL

1. Site Development Permit 2001-691 (SDP 2001-691) 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 2001-691 the conditions shall take precedence.
2. SDP 2001-691 shall comply with all applicable conditions and/or mitigation measures for the following related approvals:
 - C Environmental Assessment 2000-405
 - C Specific Plan 2000-049
 - C Tentative Parcel Map 29889

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. Approval for the temporary bank use shall expire two years from the effective date of SDP 2001-691, with no provision for extension.
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 a 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. A plan for the provision of satellite refuse storage and recycling locations and facilities shall be submitted to the Community Development Department for review/approval prior to any Certificate of Occupancy. Said plan shall be prepared in accordance with City standards as set forth in Section 9.100.200 of the Zoning Code, and submitted with a written clearance from Waste Management of the Desert as to locations and design detail provisions.
7. 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 2001-691.
8. All aspects of this project (plan preparation, all construction phases, operations, etc.) shall be subject to and comply with the adopted Mitigation Monitoring Program and Negative Declaration (EA 2000-405), as certified by the La Quinta City Council.
9. 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.

10. All applicable conditions of approval for SDP 2001-691 shall be incorporated into the revised text for Specific Plan 2000-049 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

11. Dedications shall include additional widths as necessary for the acceleration and deceleration lanes, bus turnouts, and other features contained in the approved construction plans.
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 (Major Arterial) - 20-foot.
 - B. 47th Avenue -10-foot.

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.
15. The applicant shall vacate abutter's rights of access to public streets and properties from all frontage along the streets and properties except access points shown on the approved tentative map.

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 easements to be granted or recorded over any portion of this property between the date of approval of this tentative map by the City Council and the date of recording of any final map(s) covering the same portion of the property unless such easements are 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.

19. 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," "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.

20. 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.
21. 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.

FIRE PROTECTION

22. Prior to recordation of the final map, the applicant/developer shall furnish one blueline copy of the water system plans to the Fire Department for review and approval. Plans will conform to the fire hydrant types, location and spacing, and the system will meet the fire flow requirements. Plans will be approved and signed by a registered civil engineer and the local water company with the following certification: "I certify that the design of the water system is in accordance with the requirements prescribed by the Riverside County Fire Department." NOTE ON PLANS: "All buildings will be equipped with an automatic fire sprinkler system approved by the Fire Department". Prior to the issuance of building permits, system plans will be submitted for approval.

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.

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Automatic fire sprinkler systems are required in all new structures 5,000 square feet or greater, in accordance with La Quinta Municipal Code 8.08.090.

23. The minimum dimensions for fire apparatus access roads entering and exiting this project shall have an unobstructed width of not less than 20 feet in each direction and an unobstructed vertical clearance of not less than 13 feet, 6 inches. Parking is permitted on one side of roadways with a minimum width of 28 feet. Parking is permitted on both sides of roadways with a minimum width of 36 feet.
24. All water mains and fire hydrants providing required fire flows shall be constructed in accordance with the appropriate sections of CVWD Standard W-33, subject to approval by Riverside County Fire Department.
25. If public use type buildings are to be constructed, additional fire protection may be required. Fire flows and hydrant locations will be stipulated when building plans are reviewed by the Fire Department.
26. Specific fire protection requirements for each occupancy will be determined when final building plans are submitted for review. Final conditions will be addressed when building plans are submitted. A plan check fee must be paid to the Fire Department at the time building plans are submitted.

IMPROVEMENT AGREEMENT

27. Depending on timing of development of the lots or parcels created by this map and the status of off-site improvements at that time, the subdivider may be required to construct improvements, to construct additional improvements subject to reimbursement by others, to reimburse others who construct improvements that are obligations of this map, to secure the cost of the improvements for future construction by others, or a combination of these methods.

In the event that any of the improvements required herein are constructed by the City, the applicant shall, at the time of approval of a map or other development or building permit, reimburse the City for the cost of those improvements.

28. The applicant shall construct improvements and/or satisfy obligations, or furnish an executed, secured agreement to construct improvements and/or satisfy obligations required by the City prior to approval of a final map or parcel map or issuance of a certificate of compliance for a waived parcel map. For secured agreements, security provided, and the release thereof, shall conform with Chapter 13, LQMC.

Improvements to be made or agreed to shall include removal of any existing structures or obstructions which are not part of the proposed improvements.

29. If improvements are secured, the applicant shall provide estimates of improvement costs for checking and approval by the City Engineer. Estimates shall comply with the schedule of unit costs adopted by City resolution or ordinance. For items not listed in the City's schedule, estimates shall meet the approval of the City Engineer.

Estimates for improvements under the jurisdiction of other agencies shall be approved by those agencies. Security is not required for telephone, gas, or T.V. cable improvements. However, development-wide improvements shall not be agendized for final acceptance until the City receives confirmation from the telephone authority that the applicant has met all requirements for telephone service to lots within the development.

30. If improvements are phased with multiple final maps or other administrative approvals (e.g., Site Development Permits), off-site improvements and common improvements (e.g., retention basins, perimeter walls & landscaping, gates) shall be constructed or secured prior to approval of the first phase unless otherwise approved by the City Engineer. Improvements and obligations required of each phase shall be completed and satisfied prior to completion of homes or occupancy of permanent buildings within the phase and subsequent phases unless a construction phasing plan is approved by the City Engineer.
31. If the applicant fails to construct improvements or satisfy obligations in a timely manner or as specified in an approved phasing plan or in an improvement agreement, the City shall have the right to halt issuance of building permits or final building inspections, withhold other approvals related to the development of the project or call upon the surety to complete the improvements.

GRADING

32. 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.

33. 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.
34. The applicant shall endeavor to minimize differences in elevation at abutting properties and between separate tracts and lots within this development. Building pad elevations on contiguous lots shall not differ by more than three feet except for lots within a tract or parcel map, but not sharing common street frontage, where the differential shall not exceed five feet.

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.

35. Prior to occupation of the project site for construction purposes, the applicant/developer shall submit and receive approval of a Fugitive Dust Control Plan (FDCP), in accordance with Chapter 6.16, LQMC. In accordance with said Chapter, 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. The plan shall define all areas proposed for development and indicate time lines for any project phasing, and shall establish standards for comprehensive control of airborne dust due to development activities on site. Phased projects must prepare a plan that addresses control measures over the entire buildout of the project, such as for disturbed lands pending future development.

36. 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.
37. Prior to issuance of building permits, 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

38. Storm water handling shall conform with the approved hydrology and drainage plan for Lake La Quinta. Nuisance water shall be retained on-site and disposed of in dry wells, or as approved by the City Engineer.

UTILITIES

39. 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.
40. 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.
41. 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

42. For temporary banking facilities, access to and from Washington Street shall be limited to the use of the one existing drive approach.

43. Applicant shall install the following street improvements to conform with the General Plan street type noted in parentheses. (Public street improvements shall conform with the City's General Plan in effect at the time of construction.)

A. OFF-SITE STREETS

- 1) Washington Street (Major Arterial) - Construct deceleration lane with conforming geometric layout at the access on Washington Street.
- 2) Extend 8-foot sidewalk in a meandering fashion along the Washington Street frontage.
- 3) Following removal of the temporary bank facilities on the southwest portion of the property, remove the concrete drive approach and repair curb and sidewalk to City standards.

Entry drives, main interior circulation routes, turn knuckles, corner cutbacks, bus turnouts, dedicated turn lanes, and other features contained in the approved construction plans may warrant additional street widths as determined by the City Engineer.

44. 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.
45. 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).
46. 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.

47. Knuckle turns and corner cut-backs shall conform with Riverside County Standard Drawings #801 and #805 respectively unless otherwise approved by the City Engineer.

48. 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.

49. Parking lot design shall conform to the requirements of LQMC Chapter 12.32

50. 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.

51. 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 and pavement markings.

52. General access points and turning movements of traffic are limited to the following:
 - A. Washington Street (Major Arterial) - Right turn in, right turn out only.
 - B. 47th Avenue (Collector) - No turning restrictions
 - C. Caleo Bay (Local Street) - No turning restrictions.

LANDSCAPING

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

54. 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.

55. 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.

56. 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.

PUBLIC SERVICES

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

QUALITY ASSURANCE

58. The applicant shall employ construction quality-assurance measures which meet the approval of the City Engineer.
59. 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.
60. 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.
61. 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

62. 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

63. 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

64. 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.
65. 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.
66. 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.
67. Final maps under this tentative map shall be subject to the provisions of the Infrastructure Fee Program and Development Impact Fee program in effect at the time of final map approval.

MISCELLANEOUS

68. The applicant shall submit a detailed project area lighting plan, based on the information in the Specific Plan 2000-049 application. All pole-mounted light standards shall be limited in height and coverage consistent with Specific Plan 2000-049. Under canopy lighting for drive through aisles of the bank building (Parcel 1) shall incorporate flush lens caps or similar recessed ceiling lighting.

The lighting plan shall be approved prior to issuance of the first permanent building permit.

69. 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 2000-049.

70. The applicant shall submit construction drawings for plan check associated with site development of the temporary bank facility, to include plans for parking and access, landscaping, irrigation and lighting. Plans submitted shall be designed to utilize one access, which shall connect with the existing drive approach on Washington Street.
71. 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.
72. The following revisions shall be made to the permanent bank building (Parcel 1) based on Specific Plan 2000-049 elevations:
 - C Height of tower/turret-style elements at the north and south ends of the building shall not exceed 24 feet in height. The main building height shall not exceed 22 feet.
73. A commemorative plaque, recognizing the local history of the site as a homestead, also known as the Burkett Ranch, shall be installed prior to final inspection of the permanent bank building. Prior to issuance of any grading permit, the applicant shall provide language for said plaque, along with a proposal for its design and location, to the Community Development Department for review and approval. Approval of the design, location, language and other related aspects shall be given prior to the release of any permit for permanent buildings.