

**RESOLUTION NO. 2001-43
CONDITIONS OF APPROVAL - FINAL
SPECIFIC PLAN 2000-049
McDERMOTT ENTERPRISES
APRIL 17, 2001**

EXHIBIT "A"

GENERAL CONDITIONS OF APPROVAL

1. Specific Plan 2000-049 (SP 2000-049) shall be developed in compliance with these conditions, the Specific Plan document, and all approved site plan, elevation, color, materials and other exhibits submitted for this application and any subsequent amendment(s). In the event of any conflicts between these conditions and the provisions of SP 2000-049, the conditions shall take precedence.
2. 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 Specific Plan or any application thereunder. The City shall have sole discretion in selecting its defense counsel.
3. All changes to the Specific Plan which are also included in the Site Development Permit shall be made to the latter to ensure consistency. The project proponent shall submit amended documents within 30 days of City Council approval of the Specific Plan and Site Development Permit, or issuance of a grading permit, whichever occurs first.
4. SP 2000-049 shall comply with all applicable conditions and/or mitigation measures for the following related approvals:
 - Environmental Assessment 2000-405
 - Site Development Permit 2001-691
 - 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.

5. The Specific Plan document for SP 2000-049, dated March 21, 2001, shall be revised in conformance with the following:
 - A. The northeast corner two-story building shall not exceed 28 feet in height.

- B. Page 14, Trash Enclosure locations - The Specific Plan shall include a satellite trash enclosure location plan which has been reviewed by Waste Management per Condition 6 of SDP 2001-691.
 - C. Figures 9, 12 and 13, for the temporary bank facility, shall be revised to show that access to and from Washington Street shall be limited to use of the one existing drive approach.
 - C. Page 16, Temporary Bank Facility - Amend text: "If the permanent bank facility is not completed within a two-year period from its effective approval date, then the temporary use shall be removed unless substantial completion on said permanent bank facility has been pursued. The determination on 'substantial completion' shall be made by the Community Development Director".
 - D. The Specific Plan shall require that a facility to accommodate a minimum of five bicycles shall be provided for any restaurant use (pp. 14, 32, 43).
 - E. Drainage Plan - Section F, Page 25, shall include reference to an appendix of the Specific Plan which shall contain the signed drainage agreement between Lake La Quinta and the applicant.
 - G. Page 32, Property Development Standards, shall be amended to reflect the preceding requirements 4.A and 4.C.
 - H. Page 38 and 39, Signage (sic) Guidelines - Change all reference to 'signage' to 'sign' or signs'. Amend text: "A detailed sign program for the Specific Plan area will be submitted prior to occupancy permits for any permanent building".
6. Minor changes, as determined by the Community Development Director to be consistent with the intent and purpose of the Specific Plan, may be approved. Examples include modifications to landscaping materials and/or design, parking and circulation arrangements not involving reductions in required standards beyond those identified in the Specific Plan, minor site, building area or other revisions necessary due to changes in technical plan aspects such as drainage, street improvements, grading, etc. Such changes may be approved on a staff-level basis and shall not constitute a requirement to amend the Specific Plan. Consideration for any modifications shall be requested in writing to the Director and submitted with appropriate graphic and/or textual documentation in order to make a determination on the request.

7. 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.
8. All other applicable conditions of approval for SDP 2001-691, TPM 29889 and any subsequent amendment(s) shall be incorporated into the revised text for SP 2000-049 in the appropriate sections. The revised Specific Plan document shall be submitted to the Community Development Department for compliance review prior to issuance of any permit for a permanent building.