

“EXHIBIT A”

CONDITIONS OF APPROVAL FOR THE COACHELLA TRAVEL CENTRE DEVELOPMENT INCLUDING THE FOLLOWING APPLICATIONS: CHANGE OF ZONE NO. 18-11, CONDITIONAL USE PERMIT NO. 310, CONDITIONAL USE PERMIT NO. 311, AND ARCHITECTURAL REVIEW NO. 18-09.

General Conditions:

1. Conditional Use Permit No. 310 hereby approves the development of a drive-thru restaurant on the Coachella Travel Centre site; Conditional Use Permit No. 311 hereby allows the development of an auto washing and truck washing facility; Variance No 18-09 allows a 4-story hotel in excess of 50 feet in height; and Architectural Review No. 18-09 to allow a new 29,245 sq. ft. highway commercial center with hotel, service station, two restaurants, auto washing, and truck washing facility all within the Coachella Travel Centre project located on the south side of Avenue 50 between the Whitewater Channel and the State Route 86 Expressway. A building permit for this CUP and diligent pursuit of construction shall vest the conditional use permit, additionally, approval of the above-mentioned applications are subject to approval of Change of Zone No. 18-11 by the City of Coachella City Council.
2. The construction of all new structures shall be in conformance with construction drawings and landscaping plans designed in accordance for the Coachella Travel Centre Project. All rooftop equipment shall be architecturally screened from view to the street.
3. All parking lot lighting for the Project shall be consistent with the architectural design exhibits of the Project, as approved by the Development Services Director.
4. The truck washing facility may operate from 9:00 am to 10:00 pm daily.
5. All plans, as shown, are considered “conceptual,” subject to revisions as called out by the conditions of this resolution. The plans shall not be stamp-approved until all conditions requesting revisions have been satisfied during the building plan check process. Any substantial changes to the plans, including changes shown on future building permit plans deemed by Staff to not be within substantial conformance with this approval, will require an amendment to the approval of Architectural Review No. 18-09, including architectural features, materials, and site layout.
6. The project shall comply with all applicable codes, laws and regulations, regardless of whether they are listed in these conditions. This includes conformance with the requirements of the adopted U.B.C., U.P.C., U.M.C., N.E.C., including all requirements of the South Coast Air Quality Management District, the Riverside County Fire Department.

7. The applicant shall defend, indemnify and hold harmless the City of Coachella, its officials, officers, employees, and agents from and against any claim, action, or proceeding against the City, its officials, officers, employees or agents to attack, set aside, void or annul any project approval or condition of approval of the city concerning this project, including but not limited to any approval or condition of approval or mitigation measure imposed by the City Council or Planning Commission. The City shall promptly notify the applicant of any claim, action, or proceeding concerning the project and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officials, officers, employees and agents in the defense of the matter. The applicant shall execute an indemnification agreement, in a form acceptable to the City Attorney, within five days of the effective date of this approval.
8. All plan submittals are the responsibility of the developer; this includes plan submittals to the City of Coachella, the Riverside County Fire Marshal's Office, and Imperial Irrigation District.

Mitigation Measures – Aesthetics:

9. AES-1 The proposed structures shall be painted in colors that closely match the surrounding desert landscape, so as to create continuity in the potentially obscured views. The colors chosen shall be approved by the City of Coachella's architectural review process.
10. AES-2 Prior to approval of the Final Design, an analysis of potential glare from sunlight or exterior lighting to impact vehicles traveling on adjacent roadways shall be submitted to the City for review and approval. This analysis shall demonstrate that due to building orientation or exterior treatment, no significant glare may be caused that could negatively impact drivers on the local roadways or impact adjacent land uses. If potential glare impacts are identified, the building orientation, use of non-glare reflective materials or other design solutions acceptable to the City of Coachella shall be implemented to eliminate glare impact.

Mitigation Measures – Air Quality:

11. AQ-1 Fugitive Dust Control. The following measures shall be incorporated into Project plans and specifications for implementation:
 - Apply soil stabilizers or moisten inactive areas.
 - Water exposed surfaces as needed to avoid visible dust leaving the construction site (typically 2-3 times/day).
 - Cover all stock piles with tarps at the end of each day or as needed.
 - Provide water spray during loading and unloading of earthen materials.
 - Minimize in-out traffic from construction zone.
 - Cover all trucks hauling dirt, sand, or loose material and require all trucks to maintain at least two feet of freeboard.
 - Sweep streets daily if visible soil material is carried out from the construction site.

12. AQ-2 Axhaust Emissions Control

- Utilize well-tuned off-road construction equipment.
- Establish a preference for contractors using Tier 3-rated or better heavy equipment.
- Enforce 5-minute idling limits for both on-road trucks and off-road equipment.

13. AQ-3 Exposed surfaces shall be watered at least three times per day during grading activities.

14. AQ-4 Provide incentives for vendors and material delivery trucks that would be visiting the hotel to encourage the use of zero-emission or near-zero emission heavy-duty trucks during operation, such as trucks with natural gas engines that meet CARB's adopted optional NOx emissions standard of 0.02 grams per brake horsepower-hour (g/bhp-hr). At a minimum, incentivize the use of 2010 model year18 or newer engines that meet CARB's 2010 engine emission standards of 0.01 g/bhp-hr for particulate matter (PM) and 0.20 g/bhp-hr of NOx emissions or newer, cleaner trucks.

15. AQ-5 Provide electric vehicle (EV) charging stations for the hotel and restaurant uses where feasible. If feasible, at least 5% of all vehicle parking spaces include EV charging stations, or at a minimum, require the Proposed Project to be constructed with the appropriate infrastructure to facilitate sufficient electric charging for passenger vehicles and trucks to plug-in. Electrical hookups should be provided at the onsite truck stop for truckers to plug in any onboard auxiliary equipment. Electrical panels should be appropriately sized to allow for future expanded use.

16. AQ-6 Provide incentives for employees working at the proposed retail uses to encourage the use of public transportation or carpooling, such as discounted transit passes or carpool rebates.

17. AQ-7 Implement a rideshare program for employees working at the proposed retail uses and set a goal to achieve a certain participation rate over a period of time.

18. AQ-8 Maximize the use of solar energy including solar panels. Installing the maximum possible number of solar energy arrays on the building roofs and/or on the Proposed Project site to generate solar energy for the facility and/or EV charging stations.

19. AQ-9 Require the use of electric landscaping equipment, such as lawn mowers and leaf blowers.

20. AQ-10 Require use of electric or alternatively fueled sweepers with HEPA filters.

21. AQ-11 Maximize the planting of trees in landscaping and parking lots.

22. AQ-12 Use light colored paving and roofing materials.

23. AQ-13 Utilize only Energy Star heating, cooling, and lighting devices, and appliances.

Mitigation Measures- Biological Resources:

24. BIO-1 The State of California prohibits the "take" of active bird nests. To avoid an illegal take of active bird nests, any grubbing, brushing or tree removal should be conducted outside of the the State identified nesting season (Raptor nesting season is February 15 through July 31; and migratory bird nesting season is March 15 through September 1). Alternatively, the site shall

be evaluated by a qualified biologist prior to the initiation of ground disturbance to determine the presence or absence of nesting birds. Active bird nests MUST be avoided during the nesting season. If an active nest is located in the project construction area it will be flagged and a 300-foot avoidance buffer placed around it. No activity shall occur within the 300-foot buffer until the young have fledged the nest.

Mitigation Measures- Cultural Resources:

25. CUL-1 Should any cultural resources be encountered during construction of these facilities, earthmoving or grading activities in the immediate area of the finds shall be halted and an onsite inspection shall be performed immediately by a qualified archaeologist. Responsibility for making this determination shall be with the City's onsite inspector. The archaeological professional shall assess the find, determine its significance, and make recommendations for appropriate mitigation measures within the guidelines of the California Environmental Quality Act.
26. CUL-2 Should any paleontological resources be encountered during construction of these facilities, earthmoving or grading activities in the immediate area of the finds shall be halted and an onsite inspection should be performed immediately by a qualified paleontologist. Responsibility for making this determination shall be with the City's onsite inspector. The paleontological professional shall assess the find, determine its significance, and make recommendations for appropriate mitigation measures within the guidelines of the California Environmental Quality Act.

Mitigation Measures- Geology and Soils:

27. GEO-1 Based upon the geotechnical investigation (Appendix 4), all of the recommended design and construction measures identified in Appendix 4 (listed on Pages 12-25) as well as the Seismic Design Parameters (Pages 10-11) shall be implemented by the Applicant into the project design. Implementation of these specific measures will address all of the identified geotechnical constraints identified at project site.
28. Geo-2 Stored backfill material shall be covered with water resistant material during periods of heavy precipitation to reduce the potential for rainfall erosion of stored backfill material. If covering is not feasible, then measures such as the use of straw bales or sand bags shall be used to capture and hold eroded material on the Project site for future cleanup.
29. Geo-3 All exposed, disturbed soil (trenches, stored backfill, etc.) shall be sprayed with water or soil binders twice a day, or more frequently if fugitive dust is observed migrating from the site within which the Coachella Travel Centre is being constructed.

Mitigation Measures- Hazards and Hazardous Materials:

30. HAZ-1 All spills or leakage of petroleum products during construction activities will be remediated in compliance with applicable state and local regulations regarding cleanup and disposal of the contaminant released. The contaminated waste will be collected and disposed of at an appropriately licensed disposal or treatment facility. This measure will be incorporated into the SWPPP prepared for the Project development.

Mitigation Measures- Transportation/Traffic:

31. TRAF-1 The construction contractor will provide adequate traffic management resources, as determined by the City of Coachella. The City shall require a construction traffic management plan for work in public roads that complies with the Work Area Traffic Control Handbook, or other applicable standard, to provide adequate traffic control and safety during excavation activities. At a minimum this plan shall include how to minimize the amount of time spent on construction activities; how to minimize disruption of vehicle and alternative modes of transport traffic at all times, but particularly during periods of high traffic volumes; how to maintain safe traffic flow on local streets affected by construction at all times, including through the use of adequate signage, protective devices, flag persons or police assistance to ensure that traffic can flow adequately during construction; the identification of alternative routes that can meet the traffic flow requirements of a specific area, including communication (signs, webpages, etc.) with drivers and neighborhoods where construction activities will occur; and at the end of each construction day roadways shall be prepared for continued utilization without any significant roadway hazards remaining.

Mitigation Measures- Utilities and Service Systems:

32. UTL-1 If recycled water becomes available at the project site, the Applicant shall connect to this system and utilize recycled water for landscape irrigation, and any other feasible uses of recycled water on the project site.

Grading and Drainage

33. A preliminary geological and soils engineering investigation shall be conducted by a registered soils engineer, and a report submitted for review with the precise grading plan and shall include pavement recommendations. The report recommendations shall be incorporated into the precise grading plan design prior to plan approval. The soils engineer and/or the engineering geologist shall certify to the adequacy of the grading plan.
34. A precise grading/improvement plan, prepared by a California Registered Civil Engineer, shall be submitted for review and approval by the City Engineer prior to issuance of any permits. A final soils report, compaction report and rough grading certificate shall be submitted and approved prior to issuance of any building permits.
35. A Drainage Report, prepared by California Registered Civil Engineer, shall be submitted for review and approval by the City Engineer prior to issuance of any permits. The report shall contain a Hydrology Map showing on-site and off-site tributary drainage areas and shall be prepared in accordance with the requirements of the Riverside County Flood Control District. Adequate provisions shall be made to accept and conduct the existing tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. If the design of the project includes a retention basin, it shall be sized to contain the runoff resulting from a 10-year storm event and the runoff from a 100-year storm event shall be contained within basin with shallow ponding (3.5' max.). The basin shall be designed to evacuate a 10-year storm event within 72

hours. The size of the retention basin(s) shall be determined by the hydrology report and be approved by the City Engineer. Retention basin shall be provided with a minimum of 2.00 feet sandy soil if determined to contain silt or clay materials. Maximum allowable percolation rate for design shall be 10 gal./s.f./day unless otherwise approved by the City Engineer. A percolation test for this site is required to be submitted. A combination drywell vertical drain field shall be constructed at all points where runoff enters the retention basin. Drywell & vertical drain field design shall be based on soils borings made at the proposed drywell locations after the retention basins have been rough graded. Minimum depth shall be 45-feet. A log that includes sieve analysis for each strata of the borings shall be submitted to the City Engineer for confirmation of depth of the vertical drain fields. Underground retention under the proposed parking area will be considered as an alternative to surface retention subject to the approval of the City Engineer.

36. Site access improvements shall be in conformance with the requirements of Title 24 of the California Administrative Code. This shall include access ramps for off-site and on-site streets as required.
37. Applicant shall obtain approval of site access and circulation from Fire Marshall.
38. If applicant is planning to build a wall, separate permits shall be required for wall construction. The maximum height of any wall shall be limited to six (6) feet as measured from an average of the ground elevations on either side.

Street Improvements

39. A traffic study by a licensed California Registered Civil Engineer shall be prepared for this project to identify improvements required at intersections of Avenue 50 and Tyler Street and at SR-86, the study shall include improvements as per city general plan and to accommodate the construction of a new bridge on the storm water channel with a new interchange at State Route 86 (see also item No.20 of General Comments).
40. Avenue 50 and Tyler Street shall include improvements as required as per City of Coachella General Plan, applicant shall also verify and dedicate land if necessary to comply with right-of-way requirements.
41. It is recommended by this department to locate a secondary ingress/egress to the property to facilitate continuity for commercial traffic flow.
42. Street improvement plans prepared by a California Registered Civil Engineer shall be submitted for engineering plan check prior to issuance of encroachment permits. All street improvements including street lights shall be designed and constructed in conformance with City Standards and Specifications. Street flow line grade shall have a minimum slope of 0.35 %.
43. Applicant shall construct all off-site and on-site improvements including street pavement, curb, gutter, sidewalk, street trees, perimeter walls, perimeter landscaping and irrigation, storm drain, street lights, and any other incidental works necessary to complete the improvements. Driveways shall conform to City of Coachella standards for commercial

driveways with a minimum width of 24.00 feet and curbed radius entrances.

44. Applicant shall obtain an encroachment permit for any improvements constructed within public right-of-way including alleys.

Sewer and Water Improvements

45. Sewer & Water Improvement Plans prepared by a California Registered Civil Engineer shall be submitted for engineering plan check and City Engineer approval.
46. Applicant shall construct all off-site and on-site water improvements and any other incidental works necessary to complete the improvements. Size and location of sewer and water improvements shall be approved by the City Engineer.
47. A separate fire connection is required as per standard W-1, W-4, W-7, W-10 (Above ground) for the new construction with the following criteria: If a building exceeds 3600 square feet and/or has more than 100 seating area. Fire hydrants are required within 250 feet minimum from the closest building point to the hydrant. Pipe type c-900-CLS-200.

General

48. The City in cooperation with the California Department of Transportation (Caltrans) District 8, and Coachella Valley Association of Governments (CVAG), proposes the construction of a new bridge on the storm water channel in conjunction with a new interchange at State Route 86.
49. Prior to issuance of any encroachment permits by the City of Coachella, the applicant shall resolve CVWD issues related to existing tile drains or irrigation mains located within the project boundary or along the streets adjacent to the property. If necessary tile drains and irrigation lines shall be relocated and easement documents prepared for the new location of any such lines. Plans for the tile drain or irrigation relocation shall be submitted to CVWD for approval and a copy of the plans shall be submitted to the City for evaluation regarding possible conflict with City facilities. The applicant shall submit to the City approved copies of any such relocation plans.
50. The developer shall submit a Fugitive Dust Control and Erosion Control plan in accordance with Guidelines set forth by CMC and SCAQMD to maintain wind and drainage erosion and dust control for all areas disturbed by grading. Exact method(s) of such control shall be subject to review and approval by the City Engineer. No sediment is to leave the site. Additional securities, in bond form, in amount of \$2,000.00 per acre of gross area, and a one time cash deposit of \$2,000.00 are required to insure compliance with this requirement. No work may be started on or off site unless the PM-10 plan has been approved, the original plans, and executed dust control agreement, are filed in the engineering department at the City of Coachella. A separate submittal and approval to the AQMD agency is required on projects exceeding 10 acres.
51. The applicant shall pay all necessary plan check, permit and inspection fees. Fees will be determined when plans are submitted to the City Engineering Department for plan check. Applicant shall comply with the valley wide NPDES permit requirements including but not limited to submittal of a Preliminary WQMP for plan review accompanied by a

\$3,000 plan check deposit and a Final WQMP for final approval including executed maintenance agreement. All unused plan check fees will be refunded to the applicant upon approval of the Final WQMP.

Completion

52. "As-built" plans shall be submitted to and approved by the City Engineer. Prior to acceptance of the improvements by the City, such plans, once approved, shall be given to the city on compact disk in AutoCad format. All off-site and on-site improvements shall be completed to the satisfaction of the City Engineer prior to acceptance of improvements for maintenance by the City.
53. Prior to issuance to of certificate of occupancy, all public improvements, including landscaping and lighting of the retention basins, and landscaped areas along the exterior streets, shall be completed to the satisfaction of the City Engineer. An engineering final inspection is required.

Development Services – Landscaping:

54. Final landscaping and irrigation plans shall be submitted to the Development Services Department for review and approval. Said plans shall conform to the landscaping plan submitted as part of the subject Architectural Review, and as conditioned herein.
55. Prior to the issuance of building permits, the applicant shall submit detailed landscaping and irrigation plans for review and approval by the City's Engineering Department and Development Services Department.
56. Landscaping and irrigation shall be provided in accordance with Section 17.54.010(J) of the Municipal Code and in accordance with the State Model Water Efficient Landscape Ordinance (AB 1881). Water budget calculations, including the Maximum Applied Water Allowance (MAWA) and Estimated Total Water Use (ETWU) shall be provided as part of the landscaping and irrigation plan.
57. The landscape plan shall provide for a minimum 5-gallon groundcover plants, 5-gallon shrubs, and 24-inch box trees. The plants and trees shall be irrigated with an automatic and durable drip irrigation system.
58. Landscaped areas shall be dressed with a minimum 2-inch layer of compacted and/or glue- bonded decomposed granite that cannot be wind driven. A weed barrier underlayment shall be placed under the decomposed granite.

- 59 Plant materials selection should be represented by symbols that show the plants at 75% of their mature size.
- 60 The applicant shall obtain written clearance from the County Agricultural Commissioner's Office regarding the type of landscaping to be planted. The clearance letter shall be included as a note on the landscape plans. The applicant shall utilize only plants that were listed on the landscape plan submitted to the Commissioner's office. Any substitutions must be approved by both the Commissioner's office as well as the City's Development Services Department.
- 61 Six-inch concrete bands shall be used as mow strip borders for planting areas where separating turf areas or synthetic turf areas.
- 62 All landscape planter beds in interior parking areas shall be not less than five (5) feet in width and bordered by a concrete curb not less than six (6) inches nor more than eight (8) inches in height adjacent to the parking surface.
- 63 All non-landscaped and undeveloped areas of the site shall be kept free of weeds and debris and shall be treated with a dust-preventative groundcoating.
- 64 Left Intentionally Blank.

Development Services – Project Design:

- 65 Prior to the issuance of building permits, all exterior architectural features and treatments shall be consistent with the submitted Architectural Review No. 17-05 construction plans and elevations, subject to review and approval.
- 66 All exposed metal flashing, downspouts, or utility cabinets shall be painted to match the building prior to final inspection.
- 67 Trash enclosures installed for the project shall be compatible architecturally with the building and include storage areas for recycling containers. The enclosure shall be constructed to Burrtec Waste Management Standards. Both Burrtec Waste Management and the City Engineer shall approve the location of the trash enclosure.
- 68 All roof mounted mechanical equipment, except solar panels, shall be view obscured by a parapet wall greater in height than the equipment installed. Ground mounted mechanical equipment shall be view obscured by landscaping or enclosure.

- 69 Outdoor storage areas shall be obscured from public view and specifically shall not be visible from Avenue 48 and Harrison Street.

Riverside County Fire Department:

- 70 The Fire Department requires the listed fire protection measures be provided in accordance with the City of Coachella Municipal Code and/or the Riverside County Fire Department Fire Protection Standards. Final conditions will be addressed when complete building plans are reviewed.

Access

- 71 Fire department emergency vehicle apparatus access road locations and design shall be in accordance with the California Fire Code, City of Coachella Municipal Code, Riverside County Ordinance 787, and Riverside County Fire Department Standards. All portions of structures shall be within 150 feet of the approved 24-foot wide fire lane or municipal street.

Water

- 72 The Fire Department water system(s) for fire protection shall be in accordance with the California Fire Code, Riverside County Ordinance 787 and Riverside County Fire Department Standards. Plans shall be submitted to the Fire Department for review and approval prior to building permit issuance.
- a. For the proposed project, provide or show a water system capable of delivering at least 3250 gallons per minute for a four-hour duration at 20psi residential operating pressure.
 - b. The required water system including fire hydrants shall be installed and accepted by the appropriate water agency prior to combustible building material being placed on an individual lot. Two sets of water plans are to be submitted to the Fire Department for approval. Hydrants shall be located at corners and space 350-500 feet apart, depending on the subdivision (per Coachella City).
 - c. Fire sprinklers are required in all areas.

Imperial Irrigation District:

- 73 Any construction or operation on IID property or within its existing and proposed right-of-

way or easements will require an encroachment permit, including but not limited to: surface improvements such as proposed new streets, driveways, parking lots, landscape; and all water, sewer, storm water, or any other above ground or underground utilities (e.g. power lines).

- 74 Any and all mitigation necessary as a result of the construction, relocation and/or upgrade of IID facilities is the responsibility of the project proponent.

Utilities:

- 75 Water and sewer plans outside the buildings and interior plumbing or mechanical plans (i.e. floor drains and sinks, equipment which discharges to the sewer system, chemical storage and spill containment measures) shall be provided to the City Utilities Department for review and approval.
- 76 A Source Control "Short Form" (and the Source Control application if required) shall be completed and turned into Source Control (Utilities Department) by the applicant.
- 77 Based on findings of the Source Control application, all modifications shall be completed prior to issuance of a certificate of occupancy.
- 78 Adequate fire protection shall be included and the public water supply shall be protected with a DCDA or greater on all fire water lines to commercial/industrial facilities.
- 79 An RP shall be correctly installed within 12" of all water meters servicing domestic usage, landscape, commercial and/or industrial facilities.
- 80 All landscaping shall be on a separate water meter with an RP ensuring the establishment is not assessed sewer fees for water used on landscape.
- 81 All mechanical and plumbing plans shall be submitted to the Utilities Department for review to determine if pretreatment and/or a sample location is required.
- 82 All facilities and landscape plumbing which have water or wastewater (sewer) services shall obtain approval from the Environmental Compliance (Source Control), Water and Sanitary Sewer Divisions prior to receipt of the Certificate of Occupancy.
- 83 Fire hydrants must be at the end of each dead end for flushing.
- 84 RPZ Style Backflow devices shall be installed on commercial and landscape meters.
- 85 Above ground DCDA backflows must be installed for all fire line services.
- 86 Master-metered, radio-read water meters shall be utilized for the project.

87 Domestic and fire service backflow meter devices must be in utility right of way.

ENVIRONMENTAL COMPLIANCE

88 The applicant shall submit water and sewer plans for approval from Utilities General Manager. The project shall be required to connect to City public sewer and water system by extending service mains as needed.

89 The project will require a Water Quality Management Plan (WQMP) >100,000 sq/ft.

90 The proposed facility will be required to submit a source control survey, and submit detailed plumbing and mechanical plans.

91. The applicant shall install an above ground “Double Check Detector Assembly” DCDA for fire system to protect water supply from contamination or pollution.

92. Backflow devices; will require Reduced Pressure Principle Device (RP) within 12 inches of water service installed to protect water supply from contamination or pollution.

93. The applicant shall install separate AMI metering system for each building, and install separate AMI metering system for the irrigation system.

94. The project shall implement the State’s drought mandate which prohibits irrigation with potable water outside newly constructed homes and buildings that is not delivered by drip or micro-spray systems.

Fees:

95. Prior to the issuance of a building permit, the applicant shall pay all Development Fees to the City; this also includes school fees and outside agency fees such as sewer water and utilities. Copies of receipts shall be provided to the Development Services Department prior to permit issuance.

96. The applicant shall be responsible for paying all applicable development and processing (plan check, inspection, etc.) fees associated with this project.

97. The applicant shall pay all applicable school impact fees to the Coachella Valley Unified School District prior to the issuance of a building permit.

98. The applicant shall pay all required water connection fees.

99. The applicant shall be required to pay the Multiple Species Habitat Conservation (MSHCP) fees for commercial development prior to issuance of building permits.

100. The applicant shall comply with the City's Art in Public Places Ordinance. If the applicant

elects to pay in-lieu art fees, then the fees shall be deposited into the Public Arts Fund at an amount of (1) One-half (1/2) of one percent (1%) for new commercial construction.

101. The project is subject to payment of all commercial development impact fees whether or not explicitly stated in other conditions of approval or the environmental mitigation measures for the subject project.