

**Planning Commission Resolution 2005-018
Site Development Permit 2005-831 - Thomas Enterprises
Conditions of Approval - Final
Adopted: May 24, 2005**

GENERAL

1. The applicant agrees to defend, indemnify and hold harmless the City of La Quinta ("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 applicant of any claim, action or proceeding and shall cooperate fully in the defense.

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

- Fire Marshal
- Public Works Department (Grading Permit, Improvement Permit)
- Community Development Department
- Riverside Co. Environmental Health Department
- Desert Sands Unified School District
- Coachella Valley Water District (CVWD)
- Imperial Irrigation District (IID)
- California Water Quality Control Board (CWQCB)
- SunLine Transit Agency
- Caltrans

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, the applicant shall furnish proof of such approvals when submitting those improvements plans for City approval.

3. The applicant shall comply with applicable provisions of the City's NPDES stormwater discharge permit, Sections 8.70.010 et seq. (Stormwater Management and Discharge Controls), and 13.24.170 (Clean Air/Clean Water), LQMC; Riverside County Ordinance No. 457; and the State Water Resources Control Board's Order No. 99-08-DWQ.

- A. For construction activities including clearing, grading or excavation of land that disturbs one (1) acre or more of land, or that disturbs less than one (1) acre of land, but which is a part of a construction project that encompasses more than one (1) acre 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 project.
 - 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 Practices ("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.
 - 6) Waste Management and Materials Pollution Control.
 - E. All erosion and sediment control BMPs proposed by the applicant shall be approved by the City Engineer prior to any onsite or offsite grading, pursuant to this project.
 - F. The approved SWPPP and BMP's shall remain in effect for the entire duration of project construction until all improvements are completed and 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 issuance of any permit(s), the applicant shall acquire or confer easements and other property rights necessary for the 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.

6. 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, or other encroachments will occur.

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.

7. 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.
8. 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.

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|----|------------------------------|---------------------|
| A. | On-Site Precise Grading Plan | 1" = 30' Horizontal |
| B. | PM10 Plan | 1" = 40' Horizontal |
| C. | SWPPP | 1" = 40' Horizontal |

NOTE: A through C to be submitted concurrently.

"On-Site Precise Grading" 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, retaining and perimeter walls, etc. ADA accessibility to public streets, adjacent buildings and existing handicap parking shall be shown on the Site Development Plans at a scale to be determined by the Public Works Department.

The applicant shall prepare an accessibility assessment on a marked up print of the building floor plan identifying every building egress and notes the 2001 California Building Code accessibility requirements associated with each door. The assessment must comply with submittal requirements of the Building & Safety Department. A

copy of the reviewed assessment shall be submitted to the Engineering Department in conjunction with the Site Development Plan when it is submitted for plan checking.

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.

9. City maintains standard plans, detail sheets 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.
10. The applicant shall furnish a complete set of the AutoCAD files of all 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 that can be converted to an AutoCAD format, the City Engineer will accept raster-image files of the plans.

IMPROVEMENT SECURITY AGREEMENTS

11. Depending on the timing of development under this permit and the status of off-site improvements at that time, the applicant 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 permit, 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 the development or building permit, reimburse the City for the cost of those improvements. Additionally, the applicant may be required to upgrade previously approved plans, including Bus Shelter, to the latest City of La Quinta standards at the time of construction.

GRADING

12. The applicant shall comply with the provisions of Section 13.24.050 (Grading Improvements), LQMC.
13. 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.
14. 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,
 - C. A Fugitive Dust Control Plan prepared in accordance with Chapter 6.16, (Fugitive Dust Control), LQMC, and
 - D. A Best Management Practices report prepared in accordance with Sections 8.70.010 and 13.24.170 (NPDES stormwater discharge permit and Storm Management and Discharge Controls), 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 as submitted with its application for a grading permit.

15. The applicant shall maintain all open graded, undeveloped land in order to prevent wind and/or water erosion of such land. All open graded, undeveloped land shall either be planted with interim landscaping, or stabilized with such other erosion control measures, as were approved in the Fugitive Dust Control Plan.
16. 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 Site Development Permit site plan, the applicant shall submit the proposed grading changes to the City Staff for a substantial conformance finding review.

17. 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.

DRAINAGE

"Stormwater handling shall conform with the approved hydrology and drainage report for Parcel Map No. 29351 or as modified for this Site Development Permit. Nuisance water shall be disposed of in an approved manner."

18. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development. Site Grading and Pad Elevations on precise grading and storm drain plans shall conform to approved rough grading plans and may be subject to modification upon the review and approval on the on-site drainage study for Phase I of The Pavilion Development.
19. The applicant shall confirm off-site tributary flow collection in previous drainage facilities constructed for Parcel Map No. 29351 as part of these conditions.
20. 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.
21. Storm drainage historically received from adjoining property shall be received and retained or passed through into the historic downstream drainage relief route.
22. When an applicant proposes discharge of storm water directly, or indirectly, into 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 the 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 tentative parcel map 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 final development CC&Rs for meeting these potential obligations.

UTILITIES

23. 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.
24. 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.
25. The applicant shall provide certified reports of all utility trench compaction for approval by the City Engineer.

STREET AND TRAFFIC IMPROVEMENTS

26. 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.
27. The design of parking facilities shall conform to LQMC Chapter 9.150 (Parking). In particular, the following are conditioned with this approval.
 - A. Cross slopes should be a maximum of 2% where ADA accessibility is required including accessibility routes between buildings.
 - B. Building access points shall be shown on the Precise Grading Plans to better evaluate ADA accessibility issues.
 - C. Parking stall striping shall be the City of La Quinta double striped hairpin design.
28. 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:

Parking Areas (Parking and Low Traffic)	3.0" a.c./4.5" c.a.b.
Parking Areas (High Traffic)	4.5" a.c./5.5" c.a.b.

or the approved equivalents of alternate materials.

29. 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.
30. 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.

CONSTRUCTION

31. 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.

LANDSCAPING

32. The applicant shall comply with Sections 13.24.130 (Landscaping Setbacks) & 13.24.140 (Landscaping Plans), LQMC.
33. The applicant shall provide landscaping in the required parking lot and building planting areas.
34. Landscape and irrigation plans for landscaped parking lots and planting areas shall be signed and stamped by a licensed landscape architect.

The applicant shall submit the landscape plans for approval by the Community Development Department (CDD), prior to plan checking by the Public Works Department. When plan checking has been completed by CDD, the applicant shall obtain the signatures of CVWD and the Riverside County Agricultural Commissioner, prior to submittal for signature by the City Engineer.

NOTE: Plans are not approved for construction until signed by the City Engineer.

35. Landscape areas shall have permanent irrigation improvements meeting the requirements of the City Engineer. Use of lawn areas shall be minimized with no lawn, or spray irrigation, being placed within 18 inches of curbs along public streets.

PUBLIC SERVICES

36. The applicant shall provide public transit improvements as required by SunLine Transit Agency and approved by the City Engineer. Pursuant to the construction of this improvement, the applicant may be required to update Bus Shelter plans to the latest City of La Quinta standards

QUALITY ASSURANCE

37. The applicant shall employ construction quality-assurance measures that meet with the approval of the City Engineer.
38. The applicant shall employ, or retain, qualified engineers, surveyors, and such 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.
39. 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 the construction materials and methods employed comply with the plans, specifications and other applicable regulations.
40. Upon completion of construction, the applicant shall furnish the City with reproducible record drawings of all improvement plans which were approved by the City. Each sheet shall be clearly marked "Record Drawing," "As-Built" or "As-Constructed" and shall be stamped and signed by the engineer or surveyor certifying to the accuracy and completeness of the drawings. The applicant shall have all AutoCAD or raster-image files previously submitted to the City, revised to reflect the as-built conditions.

MAINTENANCE

41. The applicant shall comply with the provisions of Section 13.24.160 (Maintenance), LQMC.

42. The applicant shall make provisions for the continuous and perpetual maintenance of all private on-site improvements, perimeter landscaping, access drives, and sidewalks.

FEES AND DEPOSITS

43. 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.
44. 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).

FIRE MARSHAL

45. Any turn-around requires a minimum 38-foot outside turning radius.
46. All structures shall be accessible from an approved roadway to within 150 feet of all portions of the exterior of the first floor.
47. The minimum dimension for roads and gates is 20 feet clear and obstructed width and a minimum vertical clearance of 13'-6".
48. Public streets must be a minimum 36 feet wide at all points if on street parking is to be allowed on both sides. Areas 36 to 28 feet will be permitted parking on one side; less that 28 shall be posted and painted as NO PARKING – FIRE LANE.
49. 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 the site. Two sets of water plans are to be submitted to the Fire Department for approval.
50. 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.
51. Fire Mitigation Fees shall be paid if in affect at the time of building permit issuance.

COMMUNITY DEVELOPMENT DEPARTMENT

52. The rear wall of each of the abutting tenants shall be a different color. The rear facing walls of the building shall be restudied to provide additional articulation to the satisfaction of the Community Development Department.
53. The "Best Buy" signs shall be reduced in size by 40% to the satisfaction of the Community Development Department. The blue shall not be painted stucco, but blue on an alternative material as approved by the Community Development Department.
54. On the east facing Best Buy tower the "blue background" shall be eliminated on the side returns of the tower with minimum 12" tan stucco vertical bands provided on each side of the east facing blue background.
55. The Best Buy mobile installation sign shall be four feet long with the height proportionate (based on original sign submitted).
56. Signs for tenants other than Best Buy are not approved and are subject to separate approval.
57. The following Architectural and Landscaping Review Committee conditions shall be implemented in the final working drawings:
 - A. The Tower structures at the top rear where they meet the roof should be lengthened towards the rear of the building and provided with a finished solid back to ensure the back ends of the towers are not visible and provide adequate bulk to the tower.
 - B. Landscape planters shall be provided in front of the buildings in the sidewalk in non-pedestrian areas.
 - C. The main tower columns shall be provided with stone veneer.
 - D. On the east facing tower elevation the "blue" background shall be reduced along the bottom.