

**PLANNING COMMISSION RESOLUTION 2004-076  
SITE DEVELOPMENT PERMIT 2004-811 - BOURESTON DEVELOPMENT  
CONDITIONS OF APPROVAL-ADOPTED  
OCTOBER 12, 2004**

**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

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

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- 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

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emergency services and for maintenance, construction and reconstruction of essential improvements.

6. The applicant shall offer for dedication all public street right-of-ways in conformance with the City's General Plan, Municipal Code, applicable specific plans, and/or as required by the City Engineer.
7. The public street right-of-way offers for dedication required for this development include:

A. PUBLIC STREETS

- 1) Washington Street (Augmented Major Arterial, 132' ROW) – The standard 66 feet from the centerline of Washington Street for a total 132-foot ultimate developed right of way. The existing 20-foot landscape setback owned by the Commercial Property Owners Association shall be maintained along the Site Development Permit boundary requiring the existing property line established with Parcel 4 of Parcel Map 27892 to be moved 6 feet to the east.
  - 2) Lake La Quinta Drive (Collector, 72' ROW Option) – No additional right of way dedication is required.
  - 3) Caleo Bay (Local Street, 60' ROW) – No additional right of way dedication is required.
8. Dedications shall include additional widths as necessary for dedicated right and left turn lanes, bus turnouts, and other features contained in the approved construction plans.
  9. The applicant shall create perimeter landscaping setbacks along all public right-of-ways as follows:
    - A. Washington Street (Augmented Major Arterial, 132' ROW) - The landscape setback shall be reconfigured as needed to reflect the new right of way configuration.
    - B. Lake La Quinta Drive and Caleo Bay - 10-foot from the R/W-P/L.

The setback requirements shall apply to all frontages 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 offer for dedication blanket easements for those purposes.

10. The applicant shall offer for dedication those easements necessary for the placement of, and access to, utility lines and structures, drainage basins, mailbox clusters, park lands, and common areas.
11. Direct vehicular access to Washington Street and Lake La Quinta Drive is restricted. Direct vehicular access to Caleo Bay is restricted, except for those access points identified on the approved Site Development Permit, or as otherwise conditioned in these conditions of approval.
12. 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.

13. 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.
14. 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.

A. Off-Site Street Plan: 1" = 40' Horizontal, 1" = 4' Vertical

The street improvement plans shall include permanent traffic control and separate plan sheet(s) (drawn at 20 scale) that show the meandering

sidewalk, mounding, and berming design in the combined parkway and landscape setback area.

A. Precise Grading Plan: 1" = 30' Horizontal

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.

All Off-Site Plan & Profile Street Plans shall show all existing improvements for a distance of at least 200-feet beyond the project limits, or a distance sufficient to show any required design transitions.

"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 Precise Grading Plans at a scale to be determined by the Public Works Department.

15. The 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.
16. 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

17. Should the applicant fail to construct the improvements for the development, or fail to satisfy its obligations for the development in a timely manner, the City shall have the right to halt issuance of building permits, and/or final building inspections, withhold other approvals related to the development of the project, or call upon the surety to complete the improvements.

#### GRADING

18. The applicant shall comply with the provisions of Section 13.24.050 (Grading Improvements), LQMC.
19. 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.
20. 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.

21. 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

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stabilized with such other erosion control measures, as were approved in the Fugitive Dust Control Plan.

22. Grading within the perimeter setback and parkway areas shall have undulating terrain and shall conform with the requirements of LQMC Section 9.60.240(F) except as otherwise modified by this condition requirement. The maximum slope shall not exceed 3:1 anywhere in the landscape setback area, except for the backslope (i.e. the slope at the back of the landscape lot) which shall not exceed 2:1 if fully planted with ground cover. The maximum slope in the first six (6) feet adjacent to the curb shall not exceed 4:1 when the nearest edge of sidewalk is within six (6) of the curb, otherwise the maximum slope within the right of way shall not exceed 3:1. All unpaved parkway areas adjacent to the curb shall be depressed one and one-half inches (1.5") in the first eighteen inches (18") behind the curb.
23. 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 Preliminary Grading Plan submitted with this Site Development Permit, the applicant shall submit the proposed grading changes to the City Staff for a substantial conformance finding review.
24. 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 Lake La Quinta Drainage Report or as modified for this Site Development Permit. Nuisance water shall be disposed of on site and in an approved manner.

25. Stormwater may not be retained in landscaped parkways or landscaped setback lots Only incidental storm water (precipitation which directly falls onto the setback) will be permitted to be retained in the landscape setback areas. The perimeter setback and parkway areas in the street right-of-way shall be shaped with berms and mounds, pursuant to Section 9.100.040(B)(7), LQMC.
26. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development.

#### UTILITIES

27. 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.
28. Existing overhead utility lines within, or adjacent to the proposed development, and all proposed utilities shall be installed underground.
29. All existing utility lines attached to joint use 92 KV transmission power poles are exempt from the requirement to be placed underground.
30. 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.
31. The applicant shall provide certified reports of all utility trench compaction for approval by the City Engineer.

#### STREET AND TRAFFIC IMPROVEMENTS

32. 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.
33. The applicant shall construct the following street improvements to conform with the General Plan street type noted in parentheses.

##### A. OFF-SITE STREETS

- 1) Washington Street (Augmented Major Arterial – 132' R/W):

No widening of the east side of the street along all frontage adjacent to the Site Development Permit is required for its ultimate width as specified in the General Plan and the requirements of these conditions except at locations where additional street width is needed to accommodate:



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- a) A deceleration/right turn only lane at the Lake La Quinta intersection. The east curb face shall be located fifty-eight feet (58') east of the centerline of Washington Street and length to be determined by a traffic study prepared for the applicant by a licensed traffic engineer per Engineering Bulletin # 03-08. As a minimum, the required right of way shall be for a length of 100 feet plus a variable dedication of an additional 50 feet to accommodate improvements conditioned.

Other required improvements in the right of way and/or adjacent landscape setback area include:

- b) All appurtenant components such as, but not limited to: curb, gutter, traffic control striping, legends, and signs.
- c) 8-foot wide meandering sidewalk. The meandering sidewalk shall have an arrhythmic horizontal layout that utilizes concave and convex curves with respect to the curb line that either touches the back of curb or approaches within five feet of the curb at intervals not to exceed 250 feet. The sidewalk curvature radii should vary between 50 and 300 feet, and at each point of reverse curvature, the radius should change to assist in creating the arrhythmic layout. The sidewalk shall meander into the landscape setback lot and approach within 5 feet of the perimeter wall at intervals not to exceed 250 feet.

- 2) Lake La Quinta Drive (Collector – 72' R/W Option):

No widening of the south side of the street along all frontage adjacent to the Site Development Permit is required.

- 3) Caleo Bay (Collector – 60' R/W Option):

No widening of the west side of the street along all frontage adjacent to the Site Development Permit is required.

Other required improvements in the right of way and/or adjacent landscape setback area include:

- a) The applicant shall contribute fair share cost to re-stripe Caleo Bay from Lake La Quinta Drive to the southerly property line to accommodate the left turn lanes at the driveways and the Lake La Quinta Drive intersection.
  - B. TRAFFIC SIGNAL – The applicant shall enter into an improvement agreement and post security for an amount not to exceed 25% of the cost to design and construct the traffic signal at the Washington Street and Lake La Quinta Intersection prior to issuance of an onsite grading permit; the security shall remain in effect until the signal is warranted.
34. General access points and turning movements of traffic are limited to the following:
- A. Caleo Bay
    - 1) North Entry (Relocated 150 feet from Lake La Quinta Drive measured curb return to curb return): Full turn movements are permitted.
    - 2) South Entry: Full turn movements are permitted.

The applicant shall extend improvements beyond the subdivision 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).

35. 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	3.0" a.c./4.5" c.a.b.
Collector	4.0" a.c /5.0" c.a.b.
Major Arterial	5.5" a.c./6.5" c.a.b.

or the approved equivalents of alternate materials.

36. The applicant shall submit current mix designs (less than two years old at the

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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.

A. Improvements shall include appurtenances such as traffic control signs, markings and other devices, raised medians if required, street name signs and sidewalks.

37. 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.

#### PARKING LOT AND ACCESSWAYS

38. The design of parking facilities shall conform to LQMC Chapter 9.150 and especially the parking stall and accessway widths and the parking stall striping design.

#### CONSTRUCTION

39. 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. If on-site streets in residential developments are initially constructed with partial pavement thickness, the applicant shall complete the pavement prior to final inspections of the last ten percent of homes within the development or when directed by the City, whichever comes first.

#### LANDSCAPING

40. The applicant shall comply with Sections 13.24.130 (Landscaping Setbacks) & 13.24.140 (Landscaping Plans), LQMC.
41. The applicant shall provide landscaping in the required setbacks, retention basins, common lots and park areas.

42. Drought tolerant 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 the drought tolerant 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 Coachella valley Water District 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.

43. 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

44. The applicant shall provide public transit improvements as required by SunLine Transit Agency and approved by the City Engineer.

#### QUALITY ASSURANCE

45. The applicant shall employ construction quality-assurance measures that meet with the approval of the City Engineer.
46. 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.
47. 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.

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48. 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

49. The applicant shall comply with the provisions of Section 13.24.160 (Maintenance), LQMC.
50. 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

51. 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.
52. 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).

COMMUNITY DEVELOPMENT DEPARTMENT

53. The applicant shall comply with Sections 9.100.150 and 9.150.080 of the Zoning Code. The applicant shall limit the height of the parking lot lighting standards to a maximum of eighteen (18) feet. The applicant shall also install shields on fixtures located along Caleo Bay to the satisfaction of the Community Development Director so as to reduce glare that could be potentially projected onto the adjacent residential area.
54. The mechanical equipment on the roof top shall be screened entirely by the roof parapet.

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55. The tree wells shall be increased to 8' x 8' wherever possible.
56. The applicant shall provide a more enhanced connection from the rear of the building to Caleo Bay.
57. The applicant shall comply with all of the mitigation measures included in the Mitigation Monitoring Program for Environmental Assessment 2004-516 for the project.
58. The stone veneer shall be replaced with a material that is more of an institutional style (i.e., brick).
59. The applicant shall paint the metal carport structures to match the building colors.
60. The applicant shall install ledger stone with benches and tall canopy trees at the northern entrance to accentuate the patio area.

**PLANNING COMMISSION RESOLUTION 2004-076**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA QUINTA, CALIFORNIA, APPROVING DEVELOPMENT PLANS TO ALLOW A TWO-STORY, 42,000 SQUARE FOOT MEDICAL OFFICE BUILDING ON A 3.44 ACRE SITE**

**CASE NO.: SITE DEVELOPMENT PERMIT 2004-811  
APPLICANT: BOURESTON DEVELOPMENT**

**WHEREAS**, the Planning Commission of the City of La Quinta, California, did, on the 14<sup>th</sup> day of September, 28<sup>th</sup> and day of September, and 12<sup>th</sup> day of October, 2004 hold a duly noticed Public Hearing to consider a request by Boureston Development for approval of a two-story, 42,000 square foot medical office building, generally located at the southeast corner of Washington Street and Lake La Quinta Drive, more particularly described as follows:

APN: 643-200-004,

**WHEREAS**, said Site Development Permit application has complied with the requirements of "The Rules to Implement the California Environmental Quality Act of 1970" as amended (Resolution 83-68), in that the Community Development Department completed Environmental Assessment 2004-516, and based upon this Assessment, determined that the project may have significant adverse effects on the environment; however, mitigation measures have been imposed on the project to reduce impacts to a less than significant level. On September 14, 2004, the Planning Commission adopted Resolution 2004-064, which approved a Mitigated Negative Declaration for Environmental Assessment 2004-516.

**WHEREAS**, at said Public Hearing, upon hearing and considering all testimony and arguments, if any, of all interested persons desiring to be heard, said Planning Commission did make the following mandatory findings pursuant to Section 9.210.010 of the Zoning Code to justify approval of said Site Development Permit:

1. Consistency with the General Plan: The proposed project as proposed is consistent with the goals and policies of the General Plan in that the land use, design and density of the project is compatible with the Community Commercial Land Use designation.
2. Consistency with the Zoning Code: The proposed project is consistent with the development standards of the Community Commercial Zoning District, including but not limited to, setbacks, architecture, building heights, building mass, lighting, parking, circulation, and landscaping.

3. Compliance with the California Environmental Quality Act (CEQA): The proposed project is consistent with the requirements of CEQA, in that Environmental Assessment 2004-516 was prepared and determined that although the project may have significant adverse effects on the environment, mitigation measures have been imposed on the project to reduce impacts to a less than significant level; therefore, Resolution No. 2004-064 was adopted by the Planning Commission on September 14, 2004 approving a Mitigated Negative Declaration.
4. Architectural Design: The architectural design of the proposed building, including, but not limited to, architectural style, scale, building mass, materials, colors, architectural details, roof style, and other architectural elements, is suited for in this commercial area, which encourages a variety of architectural variation.
5. Site Design: The site design of the proposed project, including, but not limited to, project entries, interior circulation, pedestrian access, screening of equipment, trash enclosures, exterior lighting, and other site design elements such as scale, mass, appearance, and landscaping, as conditioned, are compatible with surrounding development and quality of design prevalent in the City consistent with the development standards of the City's Zoning Code.
6. Landscape Design: The landscaping plan for the proposed project, including but not limited to, the location, type, size, and coverage of drought tolerant plant materials, has been designed to provide visual relief, complement the building, screen undesirable views and provide an overall unifying influence to enhance the visual appearance of the project. The proposed landscaping is compatible with the surrounding area in that the variety of drought tolerant trees, shrubs and ground covers provide an aesthetically pleasing and well functioning use of landscaping space.

**NOW THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of La Quinta, California, as follows:

1. That the above recitations are true and correct and constitute the findings of the Planning Commission for this Site Development Permit;
2. That it does hereby approve Site Development Permit 2004-811 for the reasons set forth in this Resolution, subject to the Conditions of Approval attached hereto;



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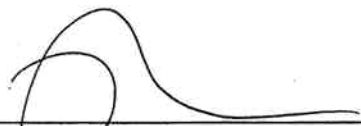
**PASSED, APPROVED and ADOPTED** at a regular meeting of the La Quinta Planning Commission held on this 12<sup>th</sup> day of October, 2004, by the following vote, to wit:

**AYES:** Commissioners Daniels, Ladner, Quill, and Chairman Kirk

**NOES:** None

**ABSENT:** Commissioner Krieger

**ABSTAIN:** None



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TOM KIRK, Chairman  
City of La Quinta, California

**ATTEST:**



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OSCAR ORCL, Interim  
Community Development Director  
City of La Quinta, California