

CITY COUNCIL RESOLUTION NO. 2003-015
CONDITIONS OF APPROVAL - FINAL
SPECIFIC PLAN 99-036 (AMENDMENT #2) - LA QUINTA CORPORATE CENTRE
DAVID AND JAMIE REULMAN
MARCH 4, 2003

GENERAL

1. Condition previously deleted; condition number retained.
2. The applicant/developer 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 amendment. 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.

3. Prior to the issuance of a grading, construction or building permit, the applicant/developer shall obtain permits and/or clearances from the following public agencies:

\$ Fire Marshal
\$
Public Works Department (Grading Permit, Improvement Permit)
\$ Community Development Department
\$ Riverside County Environmental Health Department
\$ Desert Sands Unified School District
\$ Coachella Valley Water District (CVWD)
\$ Imperial Irrigation District (IID)
\$ California Water Quality Control Board (CWQCB)
\$ Caltrans

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.

The applicant shall comply with applicable provisions of the City's NPDES stormwater discharge permit. For projects requiring project-specific NPDES construction permits, the applicant shall submit a copy of the CWQCB acknowledgment of the applicant's Notice of Intent prior to issuance of a grading or site construction permit. The applicant shall ensure that the required Storm Water Pollution Protection Plan is available for inspection at the project site.

4. The applicant shall comply with the terms and requirements of the Development Impact Fee in effect at the time of issuance of building permits.

PROPERTY RIGHTS

5. Prior to the issuance of a grading, construction or building permit, the applicant shall acquire or confer required or necessary property rights including easements and rights of way.
6. The applicant shall dedicate or grant public and private street right of way and utility easements in conformance with the City's General Plan, Municipal Code, applicable specific plans, and as required by the City Engineer.
7. Rights of way required of this development shall comply with the City's General Plan as follows:
 - A. Highway 111 - the remainder of applicant's 70-foot half of a 140-foot right of way plus additional right of way if required by Caltrans or the design of the improvements.
 - B. Dune Palms Road - the remainder of the applicant's 44-foot half of an 88-foot right of way plus additional width at Highway 111 to accommodate dual left turn lanes. The additional width section shall be 60-foot half-width from Highway 111 to 300 feet north and taper from that point northerly to 44 feet.
 - C. Corporate Centre Drive - 64-foot right of way from western boundary (connecting to SP 98-033) to Dune Palms Road. If right of way across the ~~A~~Not A Part@property is unavailable, the applicant shall, by separate deed, grant temporary right of way for construction of cul-de-sacs at the road's termini at that property. The temporary grant shall automatically expire when the industrial road is completed and the cul-de-sacs removed.
 - D. Commerce Court (cul de sac) - 64-foot right of way.

8. Street right of way geometry for culs de sac, knuckle turns and corner cut-backs shall conform with Riverside County Standard Drawings #800, 801 and #805 respectively unless otherwise approved by the City Engineer.
 9. Dedications or grants shall include additional widths as necessary for corner dedicated right and left turn lanes, bus turnouts, and other features contained in the approved construction plans.
 10. If the City Engineer determines that street rights of way are necessary prior to development of this property, the applicant shall grant the rights of way within 60 days of written request by the City.
 11. The applicant shall create perimeter setbacks along public rights of way as follows (listed setback depth is the average depth if a meandering wall design is used):
 - A. Highway 111 - 50 feet
 - B. Adams Street, Dune Palms Road, Corporate Centre Drive, and Commerce Court - 10 feet
- Setback requirements apply to all frontage including sites dedicated or granted for utility purposes.
- Where public facilities (e.g., sidewalks) are placed on privately-owned land, the applicant shall dedicate or grant blanket easements for those purposes.
12. The applicant shall dedicate or grant easements necessary for placement of and access to utility lines and structures.
 13. The applicant shall dedicate or grant abutter's rights of access to public streets from all frontage except access points shown on the approved site plan.

IMPROVEMENT PLANS

As used throughout these conditions of approval, professional titles such as ~~A~~engineer, ~~A~~surveyor, and ~~A~~architect refer to persons currently

ently certified or licensed to practice their respective professions in the State of California.

14. 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." All plans except precise grading plans shall have signature blocks for the City Engineer. Precise grading plans shall have signature blocks for Community Development Director and the Building Official. Plans are not approved for construction until they are signed.

"Streets and Drainage" plans shall normally include signals, sidewalks, bike paths, gates and entryways, and parking lots. "Landscaping" plans shall normally include irrigation improvements, landscape lighting and perimeter walls.

Plans for improvements not listed above shall be in formats approved by the City Engineer.

15. 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.
16. When final public street plans are approved by the City, the applicant shall furnish accurate Auto cad files of the approved plans on storage media acceptable to the City Engineer. The files shall utilize standard Auto cad menu items so they may be fully retrieved into a basic Auto cad 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 Auto cad or a file format which can be converted to Auto cad, the City Engineer may accept raster-image files of the plans.

IMPROVEMENT AGREEMENT

17. Depending on the timing of development of the specific plan area and the status of off-site improvements at that time, the applicant may be required to construct improvements, to reimburse others who construct improvements that are obligations of t

his development, 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 prior to their construction by the applicant, the applicant shall reimburse the City for the cost of those improvements.

18. Prior to issuance of any grading or building permits, the applicant shall construct any remaining or deferred improvements and satisfy obligations required by these conditions, Caltrans and/or utility authorities or furnish an executed, secured agreement to do so. For secured agreements, security provided, and the release thereof, shall conform with Chapter 13, LQMC.
19. 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 utilities and other 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.

20. If on-site improvements are phased with multiple administrative approvals (e.g., Site Development Permits or maps), all obligations for public improvements shall be satisfied or secured prior to approval of the first phase unless otherwise approved by the City Engineer.
21. If the applicant fails to construct improvements or satisfy obligations in a timely manner or as specified in an approved phasing plan, the City shall have the right to halt issuance of building permits or final building inspections or otherwise withhold approvals related to the development of the project until the applicant makes satisfactory progress on the improvements or obligations or has made other arrangements satisfactory to the City.

GRADING

22. The applicant shall furnish a preliminary geotechnical ("soils") report and a 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. The plan must be approved by the City Engineer prior to issuance of a grading permit.
23. 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.
24. The applicant shall endeavor to minimize differences in elevation at abutting properties.
25. Prior to occupation of the project site for construction purposes, the applicant shall submit and receive approval of a Fugitive Dust Control plan prepared in accordance with Chapter 6.16 (LQMC) to the Public Works Department. 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.
26. The applicant shall maintain cleared or graded 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.
27. 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

28. The tributary drainage area shall extend to the centerline of adjacent public streets.
29. Storm drainage historically received from adjoining property shall be retained on site or disposed of in the same manner as on-site storm runoff.

30. Nuisance water shall be retained on site and disposed of in a manner acceptable to the City Engineer.
31. If the applicant proposes discharge of stormwater to the White water Drainage Channel, the applicant shall indemnify the City from the costs of any sampling and testing of the development's effluent 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 issuance of any grading, construction or building permit and shall be binding on all heirs, executors, administrators, assigns, and successors in interest of land within the specific plan area excepting therefrom those portions required to be dedicated or deeded for public use. The form of the indemnification and the assignment of responsibility (if any) shall be acceptable to the City Attorney.

UTILITIES

32. The applicant shall comply with legally-enforceable requirements of utility authorities.
33. The applicant shall obtain the approval of the City Engineer for the location of all proposed 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.
34. Existing aerial utilities and all proposed utilities within or adjacent to the proposed development shall be installed under ground. Power lines exceeding 34.5 kv are exempt from this requirement.
35. 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.

STREET AND TRAFFIC IMPROVEMENTS

36. The City is contemplating adoption of a revised infrastructure fee program. Any property within this specific plan which has not received final development approval when the program takes effect may be subject to the program as determined by the City.

37. The applicant is responsible for the following street improvements which shall conform with the General Plan street type noted in parentheses. Dimensions and features shall conform with the City's General Plan in effect at the time of construction if different from those listed.

A.

Highway 111 - The north half (58 feet) of a 116-foot street improvement including landscape median, 50 percent of the traffic signal modification at the project main entry and an eight-foot sidewalk.

B.

Dune Palms Road - Construct half-width street improvement plus six-foot sidewalk. Half street shall be 48 feet from the Highway 111 curb return to a point 285 feet north and from that point taper 55:1 northerly to 32-foot width. The applicant shall re-stripe traffic lanes and modify the traffic signal at this intersection as required including, but not necessarily limited to, installation, relocation or reconfiguration of poles, arms, heads, and traffic sensor loops.

C.

Corporate Centre Drive (formerly Industrial Road) - 40-foot travel width (between curb faces) from Adams Street to east boundary of hotel site plus 5-foot sidewalks. The applicant shall have full responsibility for any required traffic signals or a fair share responsibility if adjacent developments utilize signals for access.

If right of way is available across the ~~A~~Not A Part@ property (APN: 649-020-006), the applicant may be required to construct that portion of the road subject to reimbursement. If not available, the applicant shall construct cul de sacs at the industrial road's termini at that property.

D. Bike Path - Construct a ~~A~~Class A@Bike Path along the south

embankment of the Whitewater Storm Channel (within the Channel right of way) from Adams Street to Dune Palms Road along the project property line, subject to CVWD approval.

E. Parking Lot - The on-site parking lot shall conform with the provisions of the LQMC, General Plan and Zoning Ordinance unless otherwise specified in the Specific Plan.

Bus turnouts, dedicated turn lanes and other features in the approved plans may warrant additional street widths as deemed necessary by the City Engineer.

38. 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 and parking areas shall be stamped and signed by qualified engineers.
39. Condition deleted (same as Condition #8); condition number retained.
40. 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).
41. Improvements shall include appurtenances such as traffic control signs, markings and other devices, street name signs, and sidewalks. Mid-block street lighting is not required.
42. The applicant shall design street pavement sections using Caltrans' design procedure (20-year life) and site-specific data for soil strength and anticipated traffic loading (including construction traffic). Minimum structural sections shall be equivalent to the following:

Residential & Parking Areas	3.0" a.c./4.50" a.b.
Collector	4.0"/5.00"
Secondary Arterial	4.0"/6.00"
Primary Arterial	4.5"/6.00"
Major Arterial	5.5"/6.50"

43. 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.
44. General access points, turning movements of traffic and internal circulation are subject to the following:
 - A. Main Project Entry - On Highway 111 midway between Adams Street and Dune Palms Road and aligning with the Auto Center's main entry on south side of Highway 111 - Full turning movements allowed with traffic signal installation.
 - B. Secondary Accesses on Highway 111 - As allowed by Caltrans and approved by the City Engineer. Right-in/right-out only. Minimum spacing of 250 feet between curb returns of any adjacent driveways or streets. City staff shall support the applicant's efforts to add a driveway in excess of the Caltrans standard.
 - C. Access Drive on Dune Palms Road - Minimum spacing of 250 feet between the access drive curb return and the Highway 111 curb return.
 - D. Access drives from arterial streets shall not have parking spaces taking direct access therefrom and shall not be intersected by a parking aisle or another parking accessway for a minimum distance of 82 feet from the curb face of Highway 111 (excluding parcels in Planning Area #4), and 39 feet from the curb face of Dune Palms Road. Parking accessways for Planning Area #4 onto Highway 111 shall be setback a minimum distance of 50 feet from the pro

perty line, subject to approval of a Site Development or Conditional Use Permits.

E.

Corporate Centre Drive - Access locations as depicted in the Specific Plan. Access drive geometries shall comply with current City standards and policies.

45. The applicant shall submit an interior circulation plan for review and approval of the City Engineer. The plan shall be drawn to scale and include dimensions, curve data and corner radii for main interior circulation routes.
46. Prior to approval of any final map that subdivides land, or any lot line adjustment that adjusts the size of existing lots with the Specific Plan area, reciprocal access easements shall be provided as necessary to implement the circulation patterns approved by the Specific Plan.

The easterly portion of the Specific Plan area shall provide at least two internal access routes within the parking lots leading to the abutting property located to the west which is not a part of this Specific Plan.

If the applicant desires to construct an access route to the signal on Highway 111 at La Quinta Drive, the applicant shall obtain an executed reciprocal access easement and agreement. The location and language of the access easement shall meet the approval of the City Engineer and the City Attorney. The easement provision may include a requirement for the abutting property owners to reimburse the applicant a pro-rata share of the commercially reasonable cost of construction and maintenance of the shared access routes (including signal if applicable). Such provisions shall provide for arbitration of disputes regarding the provision of the agreement.

LANDSCAPING

47. The applicant shall provide landscaping in required setbacks.
48. Landscape and irrigation plans shall be signed and stamped by a licensed landscape architect. The applicant shall submit plans to the Community Development Department. W

When plans are approved, the applicant shall obtain the signatures of CVWD and the Riverside County Agricultural Commissioner prior to final signing by the City.

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

PUBLIC SERVICES

50. The applicant shall provide public transit improvements as required by Sunline Transit and/or the City Engineer.

QUALITY ASSURANCE

51. The applicant shall employ construction quality-assurance measures which meet the approval of the City Engineer.
52. 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.
53. 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 and specifications.
54. Upon completion of construction, the applicant shall furnish the City reproducible record drawings of all public improvement plans which were signed by the City Engineer. 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

55. The applicant shall make provisions for continuous, perpetual maintenance of all on-site improvements, perimeter landscaping, access drives, sidewalks, and drainage outfalls. The applicant shall maintain required public improvements until expressly released from this responsibility by the appropriate public agency.

FEES AND DEPOSITS

56. 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.

FIRE DEPARTMENT CONDITIONS

57. All water mains and fire hydrants providing required fire flows shall be constructed in accordance with the appropriated sections of CVWD Std. W-33, subject to the approval by the Riverside County Fire Department.
58. All roads need to be a minimum of 20 feet unobstructed width for emergency access.
59. Specific access plans shall be submitted for review.

COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS

60. Any Site Development Permit applications submitted to the City for review shall substantially conform to the text and exhibits contained in the Specific Plan. The Planning Commission can consider site plan changes to each planning area during review of a developer's project.
61. Any land use or combination of land uses proposed for the Regional Commercial portion of the site shall demonstrate, as part of the Site Development Permit process, that the development standards and square footage for the proposed land use or group of land uses will not exceed the square footage specified on page 3 of the Specific Plan, Section 1.20.2. In addition, any industrial lot developed in Planning Area 1 shall conform to the development standards contained in the Zoning Ordinance. Should a land use or group of land uses exceed the maximum square footage shown on page 3 of the Specific Plan for commercial uses,

or in the Zoning Ordinance for industrial uses, a Specific Plan amendment and associated environmental review shall be required.

62. The maximum square footage proposed for the project shall not exceed 0.35 FAR cumulatively, excluding RV storage site and well site. Each proposed land use, or phase of land uses, shall demonstrate their conformance with the FAR requirement as part of the Site Development Permit process.
63. The two-story portion of the 53,000 square foot office building in Planning Area 4 shall be located a minimum of 150 feet from the Highway 111 property line. The building height shall be reduced to a maximum of 22 feet in height, to conform with the standards for Primary Image Corridors.
64. Parking for each proposed phase or building of the proposed project shall conform to the City's Zoning standards in effect at the time of Site Development Permit review. Parking requirements shall be reviewed with each Site Development Permit application. Should shared or reduced parking be requested, calculations for same shall conform to the City's formulas and standards, as contained in the Zoning Ordinance. In no case shall parking for the regional commercial center be less than a total of 1,366 spaces, as required in the Specific Plan.
65. Each building or buildings proposed for construction shall be required to pay the school mitigation fee in effect at the time of construction, prior to the issuance of a building permit.
66. The tenants and property owners shall be responsible for the maintenance of parking areas, interior roadways, side walks, landscaping and other common area amenities through a common association.
67. Condition completed; condition number retained.
68. The signage program and associated exhibits shall be modified to reflect the following:
 - A. Sign D shall not exceed 100 sq. ft. in total area.

- B. Sign G shall not exceed 100 sq. ft. in total area.
- C. Sign F shall not exceed 50 sq. ft. in total area.
- D. No additional monument signs shall be permitted, except for Industrial Lot users.
- E. All tenants shall be permitted one wall-mounted sign and one under-canopy sign meeting the regulations of Section 9.160 of the Municipal Code. Only channel lettering building signs are allowed. Individual building tenant signs shall not exceed 50 square feet in overall size, including logo emblems. Exterior building mounted signs shall be limited to first floor level tenants. Businesses located above the first floor level shall be restricted to directory signs placed at main building entries and courtyards.
- F. Gasoline ID and price signs (one per street frontage), meeting the regulations of Section 9.160 of the Municipal Code.

All proposed signs shall be made a part of the Site Development Permit under which the signs will be constructed. All Site Development Permit applications involving signage shall submit an analysis which demonstrates consistency with this Condition of Approval. A Sign Program shall be submitted for any multiple tenant building. Each sign program shall be reviewed and approved by the Planning Commission.

- 69. Any area of the site which is graded, but which is not to be developed as part of the phase under construction, shall be turfed to limit blowsand hazard and provide an aesthetically pleasing vista. No building permits will be issued unless compliance with this condition is met.
- 70. The applicant shall comply with the mitigation measures contained in EA 99-383 (City Council Resolution 99-110).
- 71. Drive-through restaurants shall not be open to the public between the hours of 2:00 a.m. to 6:00 a.m.
- 72. A development application for the 15.52 acre property (APN: 649-020-006) in the middle of the specific plan area shall necessitate an amendment to the plan, pursuant to General Plan Land Use Program 4.3.

73. Restaurants that have seating for 100 people or more may sell alcoholic beverages to their customers with a State ABC license.

74. All roof mounted mechanical equipment shall be screened by roof parapets so that they cannot be viewed from adjacent properties. Prior to occupancy of any future building, a visual inspection shall be made from all sides of the building from a distance of 800 feet to confirm that the roof parapets conceal any roof mounted equipment.