

**RESOLUTION NO. 99-39  
CONDITIONS OF APPROVAL - FINAL  
SPECIFIC PLAN 98-033 - RAY TROLL/DEL MONTE PROPERTY  
MARCH 2, 1999**

**GENERAL**

1. Upon their approval by the City Council, the City Clerk is directed to file these Conditions of Approval with the Riverside County Recorder for recordation against the properties to which they apply.
2. The applicant agrees to defend, indemnify, and hold harmless the City of La Quinta (the "City"), its agents, officers and employees from any claim, action or proceeding to attack, set aside, void, or annul the approval of this specific plan. 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 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)

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 Notice of Intent received from the CWQCB 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 infrastructure fee program 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 include:
  - A. Adams Street - the remainder of the applicant's 44-foot half of an 88-foot right of way plus additional width near Highway 111 for acceptance of traffic from dual westbound right turn lanes on Highway 111. The additional width shall be four feet at the Highway 111 curb return and narrow, northerly, to zero at a 55:1 taper rate.

The applicant shall offer to dedicate an additional five feet in width between Highway 111 and the project entry drive to allow installation of dual left turn lanes on southbound Adams Street if traffic contributions from proposed development east of this project cause a need for the additional capacity. If the lane is deemed unnecessary once development plans for that area are firm, the City will vacate the offer of dedication.

- B. Highway 111 - the remainder of applicant's 70-foot half of a 140-foot right of way plus additional if required by Caltrans, or the design of the improvements.
- C. Industrial road along north property boundary - fifty-one-foot easement. This requirement may be reduced by the City, if appropriate, once anticipated traffic loadings are known for the area to the east of this property.

Dedications or grants shall include additional widths as necessary for dedicated right and left turn lanes, bus turnouts, and other features contained in the approved construction plans.

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.

8. The applicant shall dedicate ten-foot public utility easements contiguous with and along both sides of all private streets. The easements may be reduced to five feet with the express concurrence of IID.
9. The applicant shall create perimeter setbacks along public rights of way as follows (listed setback depth is the average depth if meandering wall design is approved):
  - A. Highway 111 - Fifty feet
  - B. Adams Street - Ten feet. In addition, a five-foot reserve shall be held between Highway 111 and the project entry drive in the event the additional five feet of right of way are deemed necessary.

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 setbacks, the applicant shall dedicate or grant blanket easements for those purposes.

10. The applicant shall dedicate or grant easements necessary for placement of and access to utility lines and structures.
11. 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.
12. The applicant shall furnish proof of easements or written permission, as appropriate, from owners of any abutting properties on which grading, retaining wall construction, permanent slopes, or other encroachments are to 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 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.

14. 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.
15. When final public street plans are approved by the City, the applicant shall furnish accurate AutoCad files of the approved plans on storage media acceptable to the City Engineer. The files shall utilize standard AutoCad menu items so they may be fully retrieved into a basic AutoCad 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 AutoCad or a file format which can be converted to AutoCad, the City Engineer may accept raster-image files of the plans.

## IMPROVEMENT AGREEMENT

16. The applicant shall construct required improvements and satisfy other obligations required by the City or furnish an executed, secured agreement to do so prior to issuance of a grading, construction or building permit. For secured agreements, security provided, and the release thereof, shall conform with Chapter 13, LQMC.
17. 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.
18. If on-site improvements are phased with multiple administrative approvals (e.g., Site Development Permits), off-site and industrial drive obligations shall be satisfied or secured prior to approval of the first phase unless otherwise approved by the City Engineer.
19. 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.
20. The applicant shall pay cash or provide security for applicant's required share of improvements which have been or may be constructed by others (participatory improvements).

Participatory improvements for this development include:

- A. Highway 111 - Contribute 50% of the cost of a 28-foot raised landscape median with turn pockets along this property's frontage.

- B. Traffic Signals - Contribute 4.89% of the cost to design and construct one traffic signal. The funds are to be utilized for the signal at the Adams Street and Highway 111 intersection or at other arterial/arterial intersections impacted by this development, as determined by the City.

The applicant's obligations for all or a portion of the participatory improvements may, at the City's option, be satisfied by participation in a major thoroughfare improvement program if this development becomes subject to such a program.

### GRADING

21. 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. A statement shall appear on final maps (if any are required of this development) that a soils report has been prepared pursuant to Section 17953 of the Health and Safety Code.
22. 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.
23. The applicant shall endeavor to minimize differences in elevation at abutting properties.
24. 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. 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.
25. The applicant shall maintain graded, undeveloped 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.

26. Prior to issuance of building permits, the applicant shall provide building pad certifications stamped and signed by a civil engineer or surveyor. The certifications shall list approved pad elevations, actual elevations, and the difference between the two, if any. The data shall be organized by lot number and shall be listed cumulatively if submitted at different times.

#### DRAINAGE

27. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development.
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 La Quinta Evacuation Channel or the Whitewater 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. The form of the indemnification shall be acceptable to the City Attorney.

#### UTILITIES

32. The applicant shall obtain the approval of the City Engineer for the location of 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 aesthetic as well as practical purposes.

33. Existing and proposed utilities within or adjacent to the proposed development shall be installed underground. Power lines exceeding 34.5 kv are exempt from this requirement.
34. Underground utilities shall be installed prior to overlying hardscape. For installation of underground 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

35. The City is contemplating adoption of a major thoroughfare improvement program. Any property within this development which has not been fully developed 60 days after the program is in effect shall be subject to the program as determined by the City.
36. The applicant shall install the following street improvements to conform with the General Plan street type noted in parentheses. (Public street improvements shall conform with the City's General Plan in effect at the time of construction.)

#### A. OFF-SITE STREETS

1. Highway 111 - Construct 58-foot half of a 116-foot street improvement (between curb faces) plus a six-foot sidewalk.
2. Adams Street - Construct half-width street improvement plus six-foot sidewalk. Half street shall begin at a 36-foot width at the Highway 111 curb return and narrow, at a 55:1 taper, to 32-foot wide.

If final development plans for this property and the property to the east indicate the need for a traffic signal at this project's main entry or at the intersection with the industrial drive along this property's north boundary, this property shall share in the cost of the signal improvements. Unless traffic projections are available, the applicant shall post security for this property's share of the signal. If the signal is not required within five years, the security shall be released.



3. Highway 111/Adams Street Intersection: Relocate traffic signal pole on northwest corner of the Adams Street/Highway 111 intersection to its ultimate location. Re-stripe Adams Street and Highway 111, and relocate signal loops if necessary depending on the order of development of the remaining vacant corners of the intersection.

**B. PRIVATE STREETS**

1. Industrial road along north property boundary - 50-foot travel width (between curb faces). This requirement may be reduced once anticipated traffic loadings from the area to the east are known.

**C. INTERNAL CIRCULATION**

The area of textured pavement approximately half way through the curved drive from the project entry to the east property boundary shall be raised as directed by the City Engineer to emphasize its ancillary function as a pedestrian crosswalk.

Entry drives, main interior circulation routes, turn knuckles, corner cutbacks, bus turnouts, dedicated turn lanes, and other features contained in the approved construction plans may warrant additional street widths as determined by the City Engineer.

37. General access points and turning movements of traffic are limited to the following:
  - A. Main Project Entry - Full-access drive approximately 350' north of the north property line of Highway 111. Width as approved in the final site plan.
  - B. Highway 111 Entry - Shared right-in/right-out access with the adjacent property to the east.
  - C. Private industrial drive - Full access drive at the northern property line.

38. Improvements shall include appurtenances such as traffic control signs, markings and other devices, raised medians if required, street name signs, and sidewalks. Mid-block street lighting is not required.
39. 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).
40. 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.
41. 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.
42. Streets shall have vertical curbs or other approved curb configurations which convey water without ponding and provide lateral containment of dust and residue for street sweeping. Unused curb cuts on any lot shall be restored to normal curbing prior to final inspection of permanent building(s) on the lot.
43. 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"

44. 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.

#### LANDSCAPING

45. The applicant shall provide landscaping in required setbacks.
46. Landscape and irrigation plans shall be signed and stamped by a licensed landscape architect.

The applicant shall submit plans for approval by the Community Development Department prior to plan checking by the Public Works Department. When plan checking is complete, the applicant shall obtain the signatures of CVWD and the Riverside County Agricultural Commissioner prior to submitting for signature by the City Engineer. Plans are not approved for construction until signed by the City Engineer.

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

#### PUBLIC SERVICES

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

#### QUALITY ASSURANCE

49. The applicant shall employ construction quality-assurance measures which meet the approval of the City Engineer.

50. 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.
51. 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. Where retention basins are installed, testing shall include a sand filter percolation test, as approved by the City Engineer, after required tract improvements are complete and soils have been permanently stabilized.
52. 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

53. The applicant shall make provisions for continuous, perpetual maintenance of perimeter landscaping and drainage outfalls. This shall include formation of a property owner's association or other arrangement acceptable to the City for maintenance of common areas, perimeter landscaping and drainage improvements.

#### FEES AND DEPOSITS

54. 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.

#### COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS

55. Any Site Development Permit applications submitted to the City for review shall substantially conform to the text and exhibits contained in the Specific Plan.

56. Total number of parking spaces shall not be less than 318. Should a different land use be proposed for any or all of the project site(s), a supplemental parking analysis shall be prepared to justify the parking requirement and/or reductions or additions to same.
57. No structure or land use shall be permitted within the landscape setback on either Adams Street (20 feet) or Highway 111 (50 feet). This prohibition includes but is not limited to outdoor dining or seating areas, customer waiting areas, or perimeter walls.
58. A bus turnout shall be provided on Adams Street, near the intersection with Highway 111. The design and location of the turnout shall be approved by the City Engineer and Sunline Transit Agency. Additional amenities, including a concrete bus stop pad, construction of a shelter, trash receptacle and similar improvements shall be reviewed and approved by Sunline Transit Agency.
59. A final archaeological resource report shall be submitted for review and approval by the City prior to the issuance of a grading permit on any portion of the property.
60. All earth disturbing activities shall be monitored by a qualified archaeological monitor. A report on the archaeological monitoring activities shall be submitted to the Historic Preservation Commission for review and approval prior to the issuance of the first building permit.
61. All plans for storm drainage which is to discharge into the Coachella Valley Stormwater Channel are to be submitted to the City Engineer and the Coachella Valley Water District for review and approval. In no case shall nuisance water or any other non-storm related discharge be allowed to be conveyed to the Channel.
62. The Coachella Valley Water District may require the dedication of land for wells, reservoirs, booster stations and sewerage facilities. Prior to the submittal of the first Site Development Permit, the project proponent shall secure from the District a letter indicating which, if any of these facilities are required, and shall provide a map as part of the Site Development Permit submittal detailing the location of such facilities, if any.

63. Any development proposal which includes either a restaurant or a laundry facility shall secure approval from the City Engineer, the Coachella Valley Water District and all other responsible agencies for grease interceptors and lint traps, respectively.
64. All school mitigation fees shall be paid as required prior to the issuance of any building permit.
65. Prior to the approval of the first Site Development Permit, the project proponent shall establish or cause to be established, a property owner and/or tenant association, which will be responsible for the maintenance of parking areas, interior roadways, sidewalks, landscaping and other common area amenities.
66. 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.
67. No sign program is approved with this Specific Plan approval. A master sign program shall be submitted, reviewed and approved with the first Site Development Permit application.
68. The applicant shall comply with the mitigation measures contained in Environmental Assessment 98-373.
69. Drive-through restaurants shall require a conditional use permit within the boundaries of this Specific Plan.
70. All trees shall be eight to 10 feet tall (minimum 24 inch box container size with a minimum 1.5 inch caliper).