



City of La Quinta

CITY / SA / HA / FA MEETING DATE: May 5, 2015

AGENDA CATEGORY:

ITEM TITLE: ADOPT RESOLUTION FOR TIME EXTENSION FOR A CONDITIONAL USE AND SITE DEVELOPMENT PERMIT FOR A RETAIL AND MEDICAL OFFICE DEVELOPMENT LOCATED AT THE NORTHEAST CORNER OF WASHINGTON STREET AND FRED WARING DRIVE

BUSINESS SESSION:

CONSENT CALENDAR:

STUDY SESSION:

PUBLIC HEARING: 2

RECOMMENDED ACTION:

Adopt a resolution approving a fourth time extension to Conditional Use Permit 2015-0001 and Site Development Permit 2015-0001.

EXECUTIVE SUMMARY:

- The applicant for the commercial/medical office complex, Mayer Villa Capri L.P., has requested a two-year time extension of the conditional use permit ("CUP") and site development permit ("SDP"), originally approved in 2009. This will be the fourth extension for this project.
- The project has not progressed due to economic conditions and the applicant has expressed interest in waiting for new mixed-use development regulations, which would apply to the project site and may result in a different development proposal.
- Revisions to the conditions of approval are minimal and limited to updates based on changes in codes, procedures, and other requirements. The applicant has accepted the updated conditions of approval.

FISCAL IMPACT:

None.

BACKGROUND/ANALYSIS:

The project, located at the northeast corner of Washington Street and Fred Waring Drive, was originally approved by City Council on March 17, 2009 (Attachment 1). The first time extension was approved on May 3, 2011, the second on May 15, 2012, and the third on May 7, 2013.

On February 19, 2015, the applicant applied for a fourth extension which, if approved, will extend the CUP and SDP to March 17, 2017. The Municipal Code provides for granting an extension for up to two years, which is what the applicant has requested.

In a letter dated April 6, 2015, the applicant represented that the project has not been built due to economic conditions (Attachment 2). The applicant has also expressed an interest in waiting for the City's mixed-use overlay regulations to be finalized, which would apply to the project site and most likely result in a different development proposal. The applicant has yet to represent to staff any development interest beyond the entitled project.

Project Description

The approved project is a commercial and medical office complex (Attachment 3). The approximately 104,000 square-foot commercial complex will be constructed on the existing westerly 12.3-acre parcel, and an approximately 130,450 square-foot medical office complex is proposed on the eastern 12.7-acre parcel. While the projects are separate, there will be vehicular and pedestrian connection provided between them.

Tentative Parcel Map Extension

Tentative Parcel Map 35088 was approved by City Council along with CUP 2007-105 and SDP 2006-875 on March 17, 2009, proposing to divide the existing two lots into 10 parcels. The map's original expiration date was the same as the CUP and SDP (March 17, 2011); however, Assembly Bills 333, 208, and 116 have automatically extended the expiration date an additional six years to March 17, 2017.

Revisions to Conditions of Approval

As with the prior extension requests, there are no changes proposed to the project. Staff-recommended revisions to the conditions of approval are minimal and limited to updates based on changes in codes, procedures, and other requirements. All referenced conditions relate to their renumbered format, as reflected in the recommended conditions. Riverside County Fire Department conditions are not included as they were not included in the original approval and will be addressed when complete building plans are reviewed.

The applicant has accepted the updated Conditions of Approval.

AGENCY AND PUBLIC REVIEW:

Public Agency Review:

This request was sent to all applicable City departments and affected public agencies on March 3, 2015. All written comments received are on file and available for review in the Community Development Department. All applicable comments are incorporated in the recommended Conditions of Approval.

Public Notice:

This project was advertised in *The Desert Sun* newspaper on April 24, 2015, and mailed to all property owners within 500 feet of the site. To date, no comments have been received from adjacent property owners. Any written comments received will be distributed at the City Council meeting.

ENVIRONMENTAL REVIEW:

The Community Development Department has determined that the environmental effects of the project have been previously assessed in conjunction with Environmental Assessment 2008-582 prepared for this project. In addition, an Environmental Impact Report was certified on March 17, 2009. None of the circumstances that would trigger the preparation of subsequent environmental analysis pursuant to Public Resources Code Section 21166 have occurred.

ALTERNATIVES:

Council may incorporate any adjustments deemed appropriate in order to approve the proposed time extension request.

Report prepared by: Jay Wu, AICP, Associate Planner

Approved for submission by: Les Johnson, Community Development Director

- Attachments:
1. March 17, 2009 staff report and excerpt of minutes
 2. Letter from owner/applicant
 3. Previously-approved plan exhibits

CITY COUNCIL RESOLUTION 2015 -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA QUINTA, CALIFORNIA, APPROVING A FOURTH TIME EXTENSION FOR A MEDICAL OFFICE COMPLEX AND RETAIL STORES LOCATED ON THE NORTHEAST CORNER OF WASHINGTON AND FRED WARING DRIVE

CASE NUMBERS: CONDITIONAL USE PERMIT 2015-001, EXTENSION 4 (CUP 2007-105); SITE DEVELOPMENT PERMIT 2015-0001, EXTENSION 4 (SDP 2006-875)

APPLICANT: MAYER VILLA CAPRI, L.P.

WHEREAS, the City Council of the City of La Quinta, California did, on the 5th day of May, 2015, hold a duly noticed Public Hearing to consider a request by Mayer Villa Capri, L.P. for approval of a fourth extension of time for an approximately 104,000 square foot retail complex and 130,450 square foot medical office complex on 25 acres located on the northeast corner of Washington Street and Fred Waring Drive, more particularly described as:

APN: 609-070-053 and 609-070-054

WHEREAS, the City Council of the City of La Quinta, California, did on the 17th day of March, 2009, hold a duly noticed Public Hearing and approved a request by Mayer Villa Capri, L.P. for approval of a Conditional Use Permit and Site Development Permit; and,

WHEREAS, the City Council of the City of La Quinta, California, did on the 3rd day of May, 2011, hold a duly noticed Public Hearing and approved a request by Mayer Villa Capri, L.P. for approval of a time extension for Conditional Use Permit and Site Development Permit; and,

WHEREAS, the City Council of the City of La Quinta, California, did on the 15th day of May, 2012, hold a duly noticed Public Hearing and approved a request by Mayer Villa Capri, L.P. for approval of a second time extension for Conditional Use Permit and Site Development Permit; and,

WHEREAS, the City Council of the City of La Quinta, California, did on the 7th day of May, 2013, hold a duly noticed Public Hearing and approved a request by Mayer Villa Capri, L.P. for approval of a third time extension for Conditional Use Permit and Site Development Permit; and,

WHEREAS, the applicant, on the 19th day of February, 2015, applied for a fourth time extension; and

WHEREAS, the Community Development Department has determined that the request has been assessed in conjunction with Environmental Assessment 2008-582 prepared for this project for which an Environmental Impact Report was certified on March 17, 2009. No changed circumstances or conditions are proposed, nor has any new information been submitted which would trigger the preparation of a subsequent environmental review in accordance with Section 15162 of the Guidelines for Implementation of the California Environmental Quality Act; and

WHEREAS, the Community Development Department published a public hearing notice for this request in *The Desert Sun* newspaper on April 24, 2015, as prescribed by the Municipal Code. Public hearing notices were also mailed to all property owners within 500 feet of the site; and

Conditional Use Permit 2015-0001, Extension 4 (CUP 2007-105)

WHEREAS, at said Public Hearing, upon hearing and considering all testimony and arguments of all interested persons desiring to be heard, the City Council did make the following mandatory findings to justify approval of the Conditional Use Permit time extension:

1. Conditional Use Permit 2015-0001, Extension 4 is consistent with the La Quinta General Plan, in that the project site is designated as General Commercial, which is intended to be developed with commercial uses similar to the Convalescent/Rehabilitation and retail uses proposed herein. These commercial/medical uses will therefore help achieve the goals and uses of the General Commercial designation.
2. Conditional Use Permit 2015-0001, Extension 4 is consistent with the La Quinta Zoning Code in that it is conditionally permitted under the Community Commercial ("CC") zoning designation. The project's proposed uses are consistent with the uses identified in the CC district and have been designed and is conditioned to comply with the development standards of the CC district and other Zoning Code requirements such as parking, setbacks, building heights, and landscaping.

3. Processing and approval of Conditional Use Permit 2015-0001, Extension 4 is in compliance with the requirements of the California Environmental Quality Act. The Community Development Department has determined that the time extension request has been previously assessed in conjunction with Environmental Assessment 2008-582 prepared for this project for which an Environmental Impact Report was certified on March 17, 2009. No changed circumstances or conditions are proposed which would trigger the preparation of subsequent environmental analysis pursuant to Public Resources Code Section 21166.
4. Approval of Conditional Use Permit 2015-0001, Extension 4 will not create conditions materially detrimental to the public health, safety and general welfare or be injurious to or be incompatible with other properties or land uses in the vicinity in that the commercial use is self-contained in a building that has been designed to be compatible with the adjacent medical office buildings and commercial complex surrounding the property. Furthermore, it is a significant distance from nearby residential and school uses and will not create conditions, such as noise, odors, traffic, etc., that will be detrimental to adjacent properties. The use of 10,000+ square foot retail buildings will not be detrimental to the surrounding existing and proposed land uses.

Site Development Permit 2015-0001, Extension 4 (SDP 2006-875)

WHEREAS, at said Public Hearing, upon hearing and considering all testimony and arguments of all interested persons desiring to be heard, the City Council did make the following mandatory findings to justify approval of the Site Development Permit time extension:

1. Site Development Permit 2015-0001, Extension 4 is consistent with the La Quinta General Plan, in that the project site is designated as General Commercial, which permits and anticipates the retail and office uses as proposed. The commercial uses will therefore help achieve the goal and permitted uses of the General Commercial designation.
2. Site Development Permit 2015-0001, Extension 4 is consistent with the La Quinta Zoning Code in that it proposes commercial uses permitted under the Community Commercial ("CC") zoning designation. The

- project's proposed uses are consistent with the uses identified in the CC district and have been designed or are conditioned to comply with the development standards of the CC district and other Zoning Code requirements such as parking, setbacks, building heights, and landscaping.
3. Processing and approval of Site Development Permit 2015-0001, Extension 4 is in compliance with the requirements of the California Environmental Quality Act. The Community Development Department has determined that the time extension request has been previously assessed in conjunction with Environmental Assessment 2008-582 prepared for this project for which an Environmental Impact Report was certified on March 17, 2009. No changed circumstances or conditions are proposed which would trigger the preparation of subsequent environmental analysis pursuant to Public Resources Code Section 21166.
 4. The architectural design of Site Development Permit 2015-0001, Extension 4, including, but not limited to the architectural style, scale, building mass, materials, colors, architectural details, roof style, and other architectural elements, are compatible with surrounding development and with the quality of design prevalent in the City. The proposed Desert Contemporary architectural style, which incorporates flat roofs, stone veneer, metal canopies, and earth tone colors, is internally consistent in architectural design and materials used throughout the project site.
 5. The site design of Site Development Permit 2015-0001, Extension 4, including, but not limited to project entries, interior circulation, pedestrian amenities, and other site design elements will be compatible with surrounding development and with the quality of design prevalent in the City. Although the multiple access points along Washington Street and Fred Waring Drive may present some circulation issues, a number of traffic-related mitigation measures to reduce circulation impacts were included as part of the environmental review of the project.
 6. Site Development Permit 2015-0001, Extension 4 landscaping, including but not limited to the location, type, size, color, texture, and coverage of plant materials is designed and conditioned so as to provide relief, complement buildings, visually emphasize prominent design elements and

vistas, screen undesirable views, and provide a harmonious transition between adjacent land uses. The project will serve to establish an overall unifying influence, enhance the visual continuity of the project, complement the surrounding project area and comply with City and Coachella Valley Water District water efficiency requirements, ensuring efficient water use.

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

SECTION 1. That the above recitations are true and constitute the Findings of the City Council in this case.

SECTION 2. That the Environmental Impact Report for the project was certified on March 17, 2009, and no changed circumstances or conditions are proposed, nor has any new information been submitted, which would trigger the preparation of a subsequent environmental review in accordance with Section 15162 of the Guidelines for Implementation of the California Environmental Quality Act.

SECTION 3. That it does hereby approve a fourth time extension to March 17, 2017, for Conditional Use Permit 2015-0001 (CUP 2007-105), for the reasons set forth in this Resolution and subject to the attached Conditions of Approval (Exhibit A).

SECTION 4. That it does hereby approve a fourth time extension to March 17, 2017, for Site Development Permit 2015-0001 (SDP 2006-875), for the reasons set forth in this Resolution and subject to the attached Conditions of Approval (Exhibit B).

PASSED, APPROVED and ADOPTED at a regular meeting of the La Quinta City Council held this 5th day of May, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Resolution 2015-
Conditional Use Permit 2015-0001, Extension 4 (CUP 2007-105)
Site Development Permit 2015-0001, Extension 4 (SDP 2006-875)
Applicant: Mayer Villa Capri, L.P.
Project: Living Waters
Adopted: May 5, 2015
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LINDA EVANS, Mayor
City of La Quinta, California

ATTEST:

SUSAN MAYSELS, City Clerk
City of La Quinta, California

(CITY SEAL)

APPROVED AS TO FORM:

WILLIAM H. IHRKE, City Attorney
City of La Quinta, California

EXHIBIT A

**RESOLUTION NO. 2015-
CONDITIONS OF APPROVAL - RECOMMENDED
CONDITIONAL USE PERMIT 2015-0001, EXTENSION 4 (CUP 2007-105)
MAYER VILLA CAPRI, L.P.
LIVING WATERS
ADOPTED: MAY 5, 2015**

GENERAL

1. The use of the subject property for a convalescent/rehabilitation facility as part of a medical complex shall be in conformance with the approved exhibits and conditions of approval contained in Conditional Use Permit 20073-105 Extension 4, Site Development Permit 2006-875 Extension 4, Tentative Parcel Map 35088 and Environmental Assessment 2006-582, unless otherwise amended by the following conditions.
2. The Conditional Use Permit shall expire on March 17, 2017 and shall become null and void in accordance with La Quinta Municipal Code Section 9.200.080, unless a building permit has been issued. A time extension may be requested per LQMC Section 9.200.080.
3. Developer agrees to indemnify, defend, and hold harmless the City of La Quinta in the event of any legal claim or litigation arising out of the City's approval of this project. The City of La Quinta shall have the right to select its defense counsel in its sole discretion.

The City shall promptly notify the developer of any claim, action or proceeding and shall cooperate fully in the defense.

EXHIBIT B

**RESOLUTION NO. 2015-
CONDITIONS OF APPROVAL - RECOMMENDED
SITE DEVELOPMENT PERMIT 2015-0001, EXTENSION 4 (SDP 2006-875)
MAYER VILLA CAPRI, L.P.
VING WATERS
ADOPTED: MAY 5, 2015**

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, or any Final Map recorded thereunder. 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. The Site Development Permit shall expire on March 17, 2017 and shall become null and void in accordance with La Quinta Municipal Code Section 9.200.080, unless a building permit has been issued. A time extension may be requested per LQMC Section 9.200.080.
3. Site Development Permit 2006-875 Extension 4 shall comply with all applicable conditions for the following related approvals:

Tentative Parcel Map 31876

In the event of any conflict(s) between approval conditions and/or provisions of these approvals, the Community Development Director shall adjudicate the conflict by determining the precedence.

4. Prior to the issuance of any grading, construction, or building permit by the City, the applicant shall obtain any necessary clearances and/or permits from the following agencies, if required:
 - Riverside County Fire Marshal
 - La Quinta Public Works Department (Grading Permit, Green Sheet (Public Works Clearance) for Building Permits, Water Quality Management Plan (WQMP) Exemption Form – Whitewater River Region, Improvement Permit)
 - La Quinta Community Development Department
 - Riverside Co. Environmental Health Department

- Desert Sands Unified School District
- Coachella Valley Water District (CVWD)
- Imperial Irrigation District (IID)
- California Regional Water Quality Control Board (CRWQCB)
- SunLine Transit Agency
- South Coast Air Quality Management District Coachella Valley
- State Water Resources Control Board

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.

Coverage under the State of California Construction General Permit must be obtained by the applicant, who then shall submit a copy of the Regional Water Quality Control Board's ("RWQCB") acknowledgment of the applicant's Notice of Intent ("NOI") and Waste Discharge Identification (WDID) number to the City prior to the issuance of a grading or building permit.

5. The applicant shall comply with applicable provisions of the City's NPDES stormwater discharge permit, LQMC Sections 8.70.010 et seq. (Stormwater Management and Discharge Controls), and 13.24.170 (Clean Air/Clean Water); Riverside County Ordinance No. 457; the California Regional Water Quality Control Board – Colorado River Basin Region Board Order No. R7-2013-0011 and the State Water Resources Control Board's Order No. 2009-0009-DWQ and Order No. 2012-0006-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") to the State Water Resources Control Board.

The applicant or design professional can obtain the California

Stormwater Quality Association SWPPP template at www.cabmphandbooks.com for use in their SWPPP preparation.

- B. 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.
 - C. The applicant's SWPPP shall include provisions for all of the following Best Management Practices ("BMPs") (LQMC Section 8.70.020 (Definitions)):
 - 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.
 - D. The SWPPP and BMPs shall remain in effect for the entire duration of project construction until all improvements are completed and accepted by the City Council.
 - E. The inclusion in the Master HOA Conditions, Covenants, and Restrictions (CC&Rs), a requirement for the perpetual maintenance and operation of all post-construction BMPs as required.
6. Approval of this Site Development Permit shall not be construed as approval for any horizontal dimensions implied by any site plans or exhibits unless specifically identified in the following conditions of approval.
7. Developer shall reimburse the City, within thirty (30) days of presentment of the invoice, all costs and actual consultant's fees incurred by the City for engineering and/or surveying consultants to review and/or modify any documents or instruments required by this project. This obligation shall be paid in the time noted above without deduction or offset and Developer's failure to make such payment shall be a material breach of the Conditions of Approval.

PROPERTY RIGHTS

8. 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. Said conferred rights shall also include grant of access easement to the City of La Quinta for the purpose of graffiti removal by City staff or assigned agent in perpetuity and agreement to the method to remove graffiti and to paint over to best match existing. The applicant shall establish the aforementioned requirements in the CC&R's for the development or other agreements as approved by the City Engineer. Pursuant to the aforementioned, the applicant shall submit an "AUTHORIZATION TO REMOVE GRAFFITI FROM PRIVATE PROPERTY" form located at the Public Works Department Counter prior to Certificate of Occupancy.
9. Pursuant to the aforementioned condition, conferred rights shall include approvals from the master developer over easements and other property rights necessary for construction and proper functioning of the proposed development not limited to access rights over proposed and/or existing private streets that access public streets and open space/drainage facilities of the master development.
10. The applicant shall offer for dedication on the Final Map all public street rights-of-way in conformance with the City's General Plan, Municipal Code, applicable specific plans, and/or as required by the City Engineer.
11. The public street right-of-way offers for dedication required for this development include:
 - A. PUBLIC STREETS
 - 1) Washington Street (Major Arterial, 120' ROW) – The standard 60 feet from the centerline of Washington Street for a total 120-foot ultimate developed right of way except an additional variable right of way dedication on Washington Street:
 - a) at the intersection of Fred Waring Drive to provide for three southbound through lanes (existing), a dual southbound left turn lanes to eastbound Fred Waring Drive (existing), a three

foot wide raised median, three northbound lanes consisting of a 13-foot wide inside lane, a 12-foot wide middle lane, a 13-foot wide curb lane and a 9-foot wide parkway as approved by the City Engineer, and

- b) a 12-foot deceleration/right turn only lane at the Southerly Entry to extend south toward the intersection of Fred Waring Drive to accommodate improvements conditioned under STREET AND TRAFFIC IMPROVEMENTS and as approved by the City Engineer.

Pursuant to the aforementioned conditions, the applicant or his design professional shall properly align said improvements with existing laneage to the south of the Washington Street and Fred Waring Drive intersection as required by the City Engineer.

- 2) Fred Waring Drive (Major Arterial, 120' ROW) – The standard 60 feet from the centerline of Fred Waring Drive for a total 120-foot ultimate developed right of way except an additional variable right of way dedication on Fred Waring Drive:

- a) at the intersection of Washington Street to provide for a 12-foot parkway, 12-foot deceleration/right turn only lane, three westbound through lanes, a dual westbound left turn lanes to southbound Washington Street, and a raised median as approved by the City Engineer. The proposed right of way shall be measured 75 feet north of the centerline of Fred Waring Drive as shown on the approved Site Plan for this Site Development Permit and as approved by the City Engineer.
- b) for a deceleration/right turn only lane at the westerly most driveway on Fred Waring Drive to provide measured 87 feet north of the centerline of Fred Waring Drive for a length of 248 feet plus storage length and a transition taper of an additional 150 feet (or length as approved by the City Engineer) to accommodate improvements conditioned under

STREET AND TRAFFIC IMPROVEMENTS.

- c) for a deceleration/right turn only lane at the easterly most driveway on Fred Waring Drive as approved by the City Engineer.
 - 3) Palm Royale Drive (Pursuant to Parcel Map No. 27131 - Collector Street, 72' ROW) – Street right of way has been dedicated with recorded Parcel Map 27131. No additional right of way is required to comply with General Plan street widths, except an additional variable right of way dedication 1) at the northerly limits of the Parcel Map of 44 feet from the centerline to align with Palm Royale Drive right-of-way at the Desert Sands Unified School District boundary and to transition as required to 36 feet from the centerline at the Rome Drive intersection and 2) on Palm Royale Drive at the Fred Waring Drive intersection measured 42 feet west of the centerline to accommodate one left turn lane, one through lane and one right turn lane and as conditioned under STREET AND TRAFFIC IMPROVEMENTS.
12. 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.

Pursuant to this requirement, the Applicant shall include in the submittal packet containing the draft final map submitted for map checking, an offsite street geometric layout, drawn at 1" equals 40 feet, detailing the following design aspects: median curb line, outside curb line, lane line alignment including lane widths, left turn lanes, deceleration lane(s) and bus stop turnout(s). The geometric layout shall be accompanied with sufficient professional engineering studies to confirm the appropriate length of all proposed turn pockets and auxiliary lanes that may impact the right of way dedication required of the project and the associated landscape setback requirement
13. When the City Engineer determines that access rights to the proposed street rights-of-way shown on the approved Site Development Permit prior to approval of grading, dedicating such rights-of-way, the applicant shall grant the necessary rights-of-way within 60 days of a written request by the City.
14. The applicant shall offer for dedication a ten-foot wide public utility easement contiguous with, and along both sides of all public streets. Additional on-site utility easements shall be dedicated for this Site Development Permit approval as required by the utility purveyors.

15. The applicant shall create perimeter landscaping setbacks along all public rights-of-way as follows:
 - A. Washington Street and Fred Waring Drive (Major Arterial) - 20-foot from the R/W-P/L.
 - B. Palm Royale Drive (Collector Street) - 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 on the Final Map.

16. 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 on the associated Final Map.
17. Direct vehicular access to Washington Street, Fred Waring Drive and Palm Royale Drive from lots with frontage along Washington Street, Fred Waring Drive and Palm Royale Drive is restricted, except for those access points identified on the Site Plan, or as otherwise conditioned in these conditions of approval. The vehicular access restriction shall be shown on the recorded final parcel map.
18. 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.
19. The applicant shall cause no easement to be granted, or recorded, over any portion of the subject property between the date of approval of the Tentative Tract Map and the date of recording of any Final Map, unless such easement is approved by the City Engineer.

STREET AND TRAFFIC IMPROVEMENTS

20. 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 (Major Arterial; 120' R/W):

Widen the east side of the street along all frontage adjacent to the Site Development Permit boundary to its ultimate width on the east side as specified in the General Plan and the requirements of these conditions. The east curb face shall be located fifty one feet (51') east of the centerline, except at locations where additional street width is needed to accommodate:

- a) at the intersection of Fred Waring Drive to provide for three southbound through lanes (existing), a dual southbound left turn lanes to eastbound Fred Waring Drive (existing), a raised median, three northbound lanes consisting of a 13-foot wide inside lane, an 12-foot wide middle lane, a 13-foot wide curb lane and a 9-foot wide parkway as approved by the City Engineer, and
- b) a 12-foot deceleration/right turn only lane at the Southerly Entry to extend south toward the intersection of Fred Waring Drive and as approved by the City Engineer.

Pursuant to the aforementioned conditions, the applicant shall submit plans and construct improvements south of Fred Waring Drive to align with and safely transition to the improvements in a) and b) above as required by the City Engineer.

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

- c) All appurtenant components such as, but not limited to curb, gutter, traffic control striping, legends, and signs,
- d) 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. Said sidewalk shall be separated from curb a minimum distance of 1 foot.

- e) Reconstruct the existing 14 - foot wide raised landscaped median at the Primary Access Drive Aisle on Washington Street to provide for left turn movement into the Primary Access Driveway while restricting left turn movement out of the Primary Access Driveway and left turn movement out of Calle Las Brisas on the westerly side of Washington Street as approved by the City Engineer.
- f) Design and construct traffic signal interconnect improvements along the project frontage to include conduit, pull boxes and other appurtenances for the interconnection of the traffic signals.
- g) Establish a benchmark in the Washington Street right of way and file a record of the benchmark with the County of Riverside.
- h) Relocate the SunLine Transit Agency Bus Stop and Shelter as required to incorporate the SunLine Transit Agency requirements within the proposed deceleration lane.

The applicant shall extend improvements beyond the property 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).

2) Fred Waring Drive (Major Arterial; 120' R/W):

Widen the north side of Fred Waring Drive along all frontages adjacent to the Site Development Permit boundary to its ultimate width on the north side as specified in the General Plan and the requirements of these conditions. The north curb face shall be located fifty one feet (51') north of the centerline, except at locations where additional street width is needed to accommodate:

- a) at the intersection of Washington Street to provide for a 12-

foot parkway, 12-foot deceleration/right turn only lane, three westbound through lanes, a dual westbound left turn lanes to southbound Washington Street, and a raised median as approved by the City Engineer. The proposed right of way shall be measured 75 feet north of the centerline of Fred Waring Drive as shown on the approved Site Plan for this Site Development Permit and as approved by the City Engineer.

- b) for a deceleration/right turn only lane at the westerly most driveway on Fred Waring Drive to provide measured 87 feet north of the centerline of Fred Waring Drive for a length of 248 feet plus storage length and a transition taper of an additional 150 feet or length as approved by the City Engineer.
- c) For a deceleration/right turn only lane at the easterly most driveway on Fred Waring Drive to the satisfaction of the City Engineer.

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

- d) All appurtenant components such as, but not limited to : curb, gutter, traffic control striping, legends, and signs,
- e) An 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. Said sidewalk shall be separated from curb a minimum distance of 1 foot.
- f) A 14 - foot wide raised landscaped median along the entire boundary of the Site Development Permit plus variable

width as needed to accommodate 1) a raised median for the dual left turn pockets for the eastbound traffic of Fred Waring Drive to southbound Washington Street and left turn in movements at Palm Royale Drive.

- g) Reconstruct the raised median at the shared drive aisle at Parcels 5 and 10 for a left turn deceleration lane with a left turn out restrictor for a length and taper up to the dual left turn lanes at the Fred Waring Drive and Washington Street intersection as approved by the City Engineer.
 - h) Modification of the existing traffic signal at the Washington Street and Fred Waring Drive intersection as required by the abovementioned improvements and as approved by the City Engineer and the City of Palm Desert. Applicant shall submit plans and fees required for the City of Palm Desert concurrent approval.
 - i) Class II Bike Lane as approved by the City Engineer.
- 3) Palm Royale Drive (Pursuant to Parcel Map No. 27131 - Collector Street, 72' ROW):

Widen the west side of the street along all frontage adjacent to the Site Development Permit boundary to its ultimate width on the west side as specified in the General Plan and the requirements of these conditions. The west curb face shall be located twenty four feet (24') west of the centerline, except at locations where additional street width is needed to accommodate:

- a) Transitional street width required from 32 feet at the northerly boundary adjacent to the Colonel Mitchell Page Middle School to 24 feet at Rome Drive as approved by the City Engineer.
- b) A deceleration/right turn only lane on Palm Royale at the Fred Waring Drive intersection. The west curb face shall be located thirty two (32') west of the centerline and length to be as approved by the City Engineer to extend from the Access Drive across Rome Drive to Fred Waring Drive. to

accommodate one left turn lane, one through lane and one right turn lane,

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

- c) All appurtenant components such as, but not limited to : curb, gutter, traffic control striping, legends, and signs,
- d) 6-foot wide sidewalk with a planter next to the curb.
- e) Class II Bike Lane to connect with the existing Bike Lane to the north and as required by the City Engineer.
- f) The applicant is responsible for 25 % share of the cost to design and install the traffic signal at the intersection of Palm Royale Drive and Fred Waring Drive to be installed by the City of La Quinta with the CIP 2007-06 Project. Additionally, the applicant is responsible to design and construct all traffic signal interconnect equipment including pull boxes, conduit and other appurtenances along the project frontage for the interconnection of this traffic signal with the existing traffic signal at the Washington Street and Fred Waring Drive intersection.
- g) The applicant shall install interconnect/loop conduits as required.

The applicant shall extend improvements beyond the parcel map 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).

21. 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:

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.

22. 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.
23. General access points and turning movements of traffic are limited to the following:
 - A. Washington Street
 - 1) Primary Access Drive (between Parcel 1 and 2): Right turn movements in and out and left turn movements in are permitted. Left turn movement out is prohibited.
 - 2) Secondary Access Drive (northerly end of Site Development Permit): Right turn movements in and out are permitted. Left turn movements in and out are prohibited.
 - B. Fred Waring Drive
 - 1) Service Access Drive: Right turn movements in and out and left turn movements in are permitted. Left turn movements out are prohibited.
 - 2) Westerly most driveway: Right turn movements in and out turn movements are permitted. Left turn movements in and out are prohibited.
 - 3) Secondary most easterly Access Drive: Right turn movements in and out are permitted. Left turn movements in and out are prohibited.
 - C. Palm Royale Drive
 - 1) Access Drive across Rome Drive: Full turn movements are permitted.

24. 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.
25. 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 LOTS and ACCESS POINTS

26. The design of parking facilities shall conform to LQMC Chapter 9.150 (Parking). In particular, the following are conditioned with this approval.
 - A. Accessibility routes to public streets and adjacent development shall be shown on the Precise Grading Plan.
 - B. Cross slopes should be a maximum of 2% where ADA accessibility is required including accessibility routes between buildings.
 - C. Building access points shall be shown on the Precise Grading Plans to better evaluate ADA accessibility issues.
 - D. Parking stall lengths shall be according to LQMC Chapter 9.150 and be a minimum of 17 feet in length with a 2-foot overhang for standard parking stalls and 18 feet with a 2-foot overhang for handicapped parking stall or as approved by the City Engineer. One van accessible handicapped parking stall is required per 8 handicapped parking stalls.
 - E. Drive aisles between parking stalls shall be a minimum of 26 feet with egress drive aisles a minimum of 30 feet or as approved by the City Engineer.
 - F. Drive-thru aisles shall be a minimum of 12 feet along straight away portions and increased to a minimum 14 feet at bends (to accommodate turning movements). The minimum dimensions shall be paved roadway surface. Additionally for the drive-thru proposed at Building 10, a seven-car minimum stacking capacity is required from the order window to the drive-thru entrance off of the east-west drive aisle or as approved by the City Engineer. Additionally, the applicant shall construct signage and

pavement markings to prevent vehicles blocking this east-west drive aisle as approved by the City Engineer.

- G. The parking stall and aisle widths and the double hairpin stripe parking stall design shall conform to LQMC Chapter 9.150.

Entry drives, main interior circulation routes, corner cutbacks, bus turnouts, dedicated turn lanes, ADA accessibility route to public streets and other features shown on the approved construction plans, may require additional street widths and other improvements as may be determined by the City Engineer. Site Plan dated January 14, 2009 requires additional revisions based on Public Works Department plan review of said Site Plan.

27. General access points and turning movements of traffic to off-site public streets are limited to the access locations approved for Parcel Map No. 35088 and these conditions of approval.
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 Lot & Aisles (Low Traffic)	3.0" a.c./4.5" c.a.b.
Parking Lot & Aisles (High Traffic)	4.5" a.c./5.5" c.a.b.
Loading Areas	6" P.C.C./4" 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 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.

31. 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.
32. The applicant is required to eliminate parking stalls along the main entry drive aisle along the Primary Entry off of Washington Street up to Building 5 as shown on the Site Plan dated January 14, 2009 and as approved by the City Engineer.
33. The applicant is required to redesign the parking lot layout between Buildings 4 and 5 as required by the City Engineer.
34. The applicant is required to address the westerly edge of the westerly parking stalls adjacent to Office Building 11 as approved by the City Engineer.

IMPROVEMENT PLANS

As used throughout these Conditions of Approval, professional titles such as "engineer," "surveyor," and "architect," refers to persons currently certified or licensed to practice their respective professions in the State of California.

35. 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.
36. The following improvement plans shall be prepared and submitted for review and approval by the Public Works Department. 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. On-Site Rough Grading Plan 1" = 40' Horizontal
 - B. PM10 Plan 1" = 40' Horizontal
 - C. SWPPP 1" = 40' Horizontal
 - D. WQMP (Plan submitted in Report Form)

NOTE: A through D to be submitted concurrently.

E. Off-Site Street Improvement/Storm Drain Plan

1" = 40' Horizontal,
1" = 4' Vertical

F. Off-Site Signing & Striping Plan

1" = 40' Horizontal

G. Washington Street/Fred Waring Drive Traffic Signal Modification Plan

1" = 20' Horizontal

The Off-Site street improvement plans shall have 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.

H. Traffic Signal Interconnect Plan

1" = 40' Horizontal

I. Precise Grading Plan

1" = 30' Horizontal

NOTE: E through I to be submitted concurrently.

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 and Signing & Striping 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.

"Rough Grading" plans shall normally include perimeter walls with Top Of Wall & Top Of Footing elevations shown. All footings shall have a minimum of 1-foot of cover, or sufficient cover to clear any adjacent obstructions.

The applicant shall prepare an accessibility assessment on a marked up print of the building floor plan identifying every building egress and notes the 2010 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 Public Works Department in conjunction with the Site Development Plan when it is submitted for plan checking.

In addition to the normal set of improvement plans, a "Precise Grading" plan is required to be submitted for approval by the Building Official and the City Engineer.

"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.

37. The City maintains standard plans, detail sheets and/or construction notes for elements of construction which can be accessed via the "Plans, Notes and Design Guidance" section of the Public Works Department at the City website (www.la-quinta.org). Please navigate to the Public Works Department home page and look for the Standard Drawings hyperlink.
38. The applicant shall furnish a complete set of the mylars of all approved improvement plans on a storage media acceptable to the City Engineer.
39. Upon completion of construction, and prior to final acceptance of the improvements by the City, 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" 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 approved mylars previously submitted to the City, revised to reflect the as-built conditions. The applicant shall employ or retain the Engineer Of Record during the construction phase of the project so that the EOR can make site visits in support of preparing "Record Drawing". However, if subsequent approved revisions have been approved by the City Engineer and reflect said "Record Drawing" conditions, the Engineer Of Record may submit a letter attesting to said fact to the City Engineer in lieu of mylar submittal.

IMPROVEMENT SECURITY AGREEMENTS

40. Prior to approval of any Final Map, the applicant shall construct all on and off-site improvements and satisfy its obligations for same, or shall furnish a fully secured and executed Subdivision Improvement Agreement ("SIA") guaranteeing

the construction of such improvements and the satisfaction of its obligations for same, or shall agree to any combination thereof, as may be required by the City.

41. Any Subdivision Improvement Agreement ("SIA") entered into by and between the applicant and the City of La Quinta, for the purpose of guaranteeing the completion of any improvements related to this Site Development Permit, shall comply with the provisions of Chapter 13.28 (Improvement Security), LQMC.
42. Improvements to be made, or agreed to be made, shall include the removal of any existing structures or other obstructions which are not a part of the proposed improvements; and shall provide for the setting of the final survey monumentation.

When improvements are phased through a "Phasing Plan," or an administrative approval (e.g., Site Development Permits), all off-site improvements and common on-site improvements (e.g., backbone utilities, retention basins, perimeter walls, landscaping and gates) shall be constructed, or secured through a SIA, prior to the issuance of any permits in the first phase of the development, or as otherwise approved by the City Engineer.

Improvements and obligations required of each subsequent phase shall either be completed, or secured through a SIA, prior to the occupancy of permanent buildings within such latter phase, or as otherwise approved by the City Engineer.

In the event the applicant fails to construct the improvements for the development, or fails to satisfy its obligations for the development in a timely manner, pursuant to the approved phasing plan, the City shall have the right to halt issuance of all permits, and/or final inspections, withhold other approvals related to the development of the project, or call upon the surety to complete the improvements.

43. Depending on the timing of the development of this Site Development Permit, and the status of the off-site improvements at the time, the applicant may be required to:
 - A. Construct certain off-site improvements.
 - B. Construct additional off-site improvements required for development of this project, subject to the reimbursement of its costs by others.

- C. Reimburse others for those improvements previously constructed that are considered to be an obligation of this Site Development Permit.
- D. Secure the costs for future improvements that are to be made by others.
- E. To agree to any combination of these means, as the City may require.

Off-Site Improvements should be completed on a first priority basis. The applicant shall complete Off-Site Improvements in the first phase of construction or by the issuance of the first building occupancy.

In the event that any of the improvements which this project is conditioned to provide required for this development are constructed by the City, the applicant shall, prior to the approval of the Final Map, or the issuance of any permit related thereto, reimburse the City for the project's proportionate share of the costs of such improvements to the satisfaction of the City Engineer.

44. If the applicant elects to utilize the secured agreement alternative, the applicant shall submit detailed construction cost estimates for all proposed on-site and off-site improvements, including an estimate for the final survey monumentation, for checking and approval by the City Engineer. Such estimates shall conform to the unit cost schedule adopted by City resolution, or ordinance.

For items not listed in the City's unit cost schedule, the proposed unit costs shall be approved by the City Engineer.

At the time the applicant submits its detailed construction cost estimates for conditional approval of the Final Map by the City Council, the applicant shall also submit one copy each of an 8-1/2" x 11" reduction of each page of the Final Map, along with a copy of an 8-1/2" x 11" Vicinity Map.

Estimates for improvements under the jurisdiction of other agencies shall be approved by those agencies and submitted to the City along with the applicant's detailed cost estimates.

Security will not be required for telephone, natural gas, or Cable T.V. improvements.

GRADING

45. The applicant shall comply with the provisions of Section 13.24.050 (Grading

Improvements), LQMC.

46. 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.
47. 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 civil engineer registered in the State of California,
 - B. A preliminary geotechnical ("soils") report prepared by an engineer registered in the State of California,
 - 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.
 - E. WQMP prepared by an engineer registered in the State of California.

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.

A statement shall appear on the Final Map that a soils report has been prepared in accordance with the California Health & Safety Code § 17953.

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.

48. 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.
49. 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 back slope (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 feet (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.

50. Building pad elevations on the rough grading plan submitted for City Engineer's approval shall conform with pad elevations shown on the Site Development Permit, unless the pad elevations have other requirements imposed elsewhere in these Conditions of Approval.
51. The applicant shall minimize the differences in elevation between the adjoining properties and the lots within this development.

Where compliance within the above stated limits is impractical, the City may consider alternatives that are shown to minimize safety concerns, maintenance difficulties and neighboring-owner dissatisfaction with the grade differential.

52. Prior to any site grading or regrading that will raise or lower any portion of the site by more than plus or minus five tenths of a foot (0.5') from the elevations shown on the approved Site Plan for this Site Development Permit, the applicant shall submit the proposed grading changes to the City Staff for a substantial conformance review.
53. 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 with applicable compaction tests and over excavation documentation.

Each pad certification shall list the pad elevation as shown on the approved grading plan, the actual pad elevation and the difference between the two, if any. Such pad certification shall also list the relative compaction of the pad soil. The data shall be organized by lot number, and listed cumulatively if submitted at different times.

DRAINAGE

54. The applicant shall comply with the provisions of LQMC Section 13.24.120

(Drainage), Retention Basin Design Criteria, Engineering Bulletin No. 06-16 – Hydrology Report with Preliminary Hydraulic Report Criteria for Storm Drain Systems and Engineering Bulletin No. 06-015 - Underground Retention Basin Design Requirements. More specifically, stormwater falling on site plus offsite water to the street centerline tributary area during the 100 year storm shall be retained within the development, unless otherwise approved by the City Engineer. The design storm shall be either the 1 hour, 3 hour, 6 hour or 24 hour event producing the greatest total run off. Retention volume requirements are documented in the MSA October 15, 2006 Hydrology Report to equal 8.18 acre-feet.

55. Nuisance water shall be retained on site. Nuisance water shall be disposed of per approved methods contained in Engineering Bulletin No. 06-16 – Hydrology Report with Preliminary Hydraulic Report Criteria for Storm Drain Systems and Engineering Bulletin No. 06-015 - Underground Retention Basin Design Requirements.
56. In design of retention facilities, the maximum percolation rate shall be two inches per hour. The percolation rate will be considered to be zero unless the applicant provides site specific data indicating otherwise and as approved by the City Engineer.
57. The project shall be designed to accommodate purging and blow off water (through underground piping and/or retention facilities) from any on-site or adjacent well sites granted or dedicated to the local water utility authority as a requirement for development of this property.
58. No fence or wall shall be constructed around any retention basin unless approved by the Community Development Director and the City Engineer.
59. For on-site above ground common retention basins, retention depth shall be according to Engineering Bulletin No. 06-16 – Hydrology Report with Preliminary Hydraulic Report Criteria for Storm Drain Systems. Side slopes shall not exceed 3:1 and shall be planted with maintenance free ground cover. Additionally, retention basin widths shall be not less than 20 feet at the bottom of the basin.
60. 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 LQMC Section 9.100.040(B)(7).

61. The design of the development shall not cause any increase in flood boundaries and levels in any area outside the development.
62. 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.
63. Storm drainage historically received from adjoining property shall be received and retained or passed through into the historic downstream drainage relief route.
64. The applicant shall comply with applicable provisions for post construction runoff per the City's NPDES stormwater discharge permit, LQMC Sections 8.70.010 et seq. (Stormwater Management and Discharge Controls), and 13.24.170 (Clean Air/Clean Water); Riverside County Ordinance No. 457; and the California Regional Water Quality Control Board – Colorado River Basin (CRWQCB-CRB) Region Board Order No. R7-2013-0011 and the State Water Resources Control Board's Order No. 2009-0009-DWQ and Order No. 2012-0006-DWQ.
 - a. For post-construction urban runoff from New Development and Redevelopments Projects, the applicant shall implement requirements of the NPDES permit for the design, construction and perpetual operation and maintenance of BMPs per the approved Water Quality Management Plan (WQMP) for the project as required by the California Regional Water Quality Control Board – Colorado River Basin (CRWQCB-CRB) Region Board Order No. R7-2013-0011.
 - b. The applicant shall implement the WQMP Design Standards per (CRWQCB-CRB) Region Board Order No. R7-2013-0011 utilizing BMPs approved by the City Engineer. A project specific WQMP shall be provided which incorporates Site Design and Treatment BMPs utilizing first flush infiltration as a preferred method of NPDES Permit Compliance for Whitewater River receiving water, as applicable.
 - c. The developer shall execute and record a Stormwater Management/BMP Facilities Agreement that provides for the perpetual maintenance and operation of stormwater BMPs.

UTILITIES

65. 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.

66. Existing overhead utility lines within, or adjacent to the proposed development, and all proposed utilities shall be installed underground.

All existing utility lines attached to joint use 92 KV transmission power poles are exempt from the requirement to be placed underground.

67. 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.

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

CONSTRUCTION

68. 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. Temporary occupancy permits, for the purpose of allowing fixture interior improvements will be allowed.

LANDSCAPE AND IRRIGATION

69. The applicant shall comply with LQMC Sections 13.24.130 (Landscaping Setbacks) & 13.24.140 (Landscaping Plans).

70. The applicant shall provide landscaping in the required setbacks, retention basins, and common lots areas.

71. Landscape and irrigation plans for landscaped lots and setbacks, medians and retention basins shall be signed and stamped by a licensed landscape architect.

72. The applicant shall submit the final landscape plans for preliminary approval by the Community Development Department and green sheet sign off by the Public Works Department. After plan checking has been completed by the Community Development Department, the applicant shall obtain the signatures of CVWD and the Riverside County Agricultural Commissioner, prior to submittal for signature by the Community Development Director, however landscape plans for landscaped median on public streets shall be approved by the both the Community Development Director and the City Engineer. Where City Engineer approval is not required, the applicant shall submit for a green sheet approval by the Public Works Department.

Final irrigation and landscape plans for on-site planting shall be reviewed by the Community Development Department and approved by the Community Development Director prior to issuance of first building permit. Final plans shall include all landscaping associated with this project.

NOTE: Plans are not approved for construction until signed by both the Community Development Director and/or the City Engineer.

73. Landscape areas shall have permanent irrigation improvements meeting the requirements of the Community Development Director. Use of lawn areas shall be minimized with no lawn, or spray irrigation, being placed within 24 inches of curbs along public streets.
74. The applicant or his agent has the responsibility for proper sight distance requirements per guidelines in the AASHTO "A Policy on Geometric Design of Highways and Streets, 5th Edition" or latest, in the design and/or installation of all landscaping and appurtenances abutting and within the private and public street right-of-way.
75. In both the medical complex and commercial complex diamond shaped tree planters and/or regular planters shall be provided between head of parking spaces and buildings or in adjacent sidewalks to provide code required parking lot shading and soften the buildings appearance.

PUBLIC SERVICES

76. The applicant shall provide and/or modify public transit improvements as required by SunLine Transit Agency and as approved by the City Engineer.

MAINTENANCE

77. The applicant shall comply with the provisions of Section 13.24.160 (Maintenance), LQMC.
78. The applicant shall make provisions for the continuous and perpetual maintenance of all private on-site improvements, perimeter landscaping, access drives, and sidewalks. The applicant will prepare and submit documentation that "runs with the land" for approval by the City Engineer and City Attorney for this continuous and perpetual maintenance obligation.

FEES AND DEPOSITS

79. 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.
80. Permits issued under this approval shall be subject to the Development Impact Fee program in effect at the time of issuance of building permit(s).
81. The applicant shall pay the Coachella Valley Multi-Species Habitat Conservation Plan/Natural Community Habitat Conservation Plan Mitigation Fee, in accordance with Chapter 3.34 of the Municipal Code.
82. Permits issued under this approval shall be subject to the Transportation Uniform Mitigation fee program (TUMF) in effect at the time of issuance of building permit(s).

MISCELLANEOUS

83. The commercial complex and medical office complex projects may be considered separate projects for plan checking purposes.
84. An exterior lighting plan (parking lot, carports, walkway, building, landscaping) shall be submitted to the Community Development Department for approval prior to issuance of first building permit. A photometric study for the parking lot shall be included with the lighting plan complying with Zoning Code Section 9.100.150.

Parking lot fixture height shall not exceed 20' above parking lot grade. Side shielding of fixtures shall be provided on all perimeter parking lot fixtures and

any other fixture that may glare onto adjacent residential properties, to the satisfaction of the Community Development Director. Carport lighting shall be recessed and not readily visible from the side view.

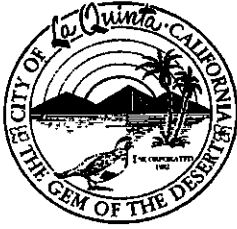
Parking lot lights shall be dimmed or partially turned off to "night mode" within one hour of closing. Dimmed lights shall be at a level to maintain safety.

85. Sign programs for each complex shall be submitted to the Community Development Department for approval and comply with the requirements of Zoning Code Chapter 9.160.
86. The parking lot perimeter shall be screened from view of public streets through the use of +3' berming and/or 3'-6" high decorative masonry wall to the satisfaction of the Community Development Director.
87. Prior to submission of first plan check of architectural, improvement plan, precise plan or grading plan, the applicant shall submit the plans to the Fire Marshal for their review and approval.
88. Height, design and location for all trash enclosures and loading screen walls shall be approved by the Community Development Director during plan check of working drawings.
89. The carport design for the medical complex shall be compatible in design, material and color to the approved buildings. Preliminary design plans for the carport shall be submitted to the Community Development Director for review and approval prior to building permit submittal. The Community Development Director may approve the plans or have the discretion to forward them to the Planning Commission for consideration as a business item.
90. Medical complex buildings 11, 12, 13 and 15 shall be architecturally consistent (including design, material and color) with approved building 14. Preliminary plans for buildings 11, 12, 13 and 15 shall be submitted to the Community Development Director for review and approval. The Director may approve the plans or have the discretion to forward them to the Planning Commission for consideration as a business item.
91. Height of Buildings 11 and 12 shall be no higher than 22' (except limited tower elements) as stipulated in the Image Corridor requirements.
92. The medical complex water feature shall be re-designed to be more water

- efficient, use less energy, and be more interactive with the general public, pedestrians, and other people using the facilities. The final plans for the water feature shall be included in the final landscaping plans submitted to the City and shall be reviewed by the Planning Commission as a business item prior to approval by the Community Development Director.
93. The two story high windows of the medical complex shall be provided with solar protection for summer sun to the satisfaction of the Community Development Director.
 94. A sample or detailed photographs of the roof equipment screen material for the medical complex shall be submitted to the Community Development Director for approval at the time of working drawing plan check.
 95. The planters in areas adjacent to the school building grounds shall be heavily planted with canopy trees (minimum 36" box, 2.5" caliper) to provide a visual screen of the commercial complex. All planters along north property line shall be a minimum 10 feet wide to accommodate trees and planting.
 96. Design and location plans for all cart returns within the parking lot shall be approved by the Community Development Director.
 97. Plans for building 1 of the commercial complex shall be architecturally compatible the other commercial complex buildings. Preliminary plans for the building shall be submitted to the Community Development Director for review and approval. The Director may approval the plans or have the discretion to forward them to the Planning Commission for consideration as a business item.
 98. A palette of designs, colors and materials for the awnings by tenant shall be submitted to and approved by the Community Development Director prior to issuance of first commercial complex building permit. The developer shall consider providing "awnings by tenant" as part of initial construction.
 99. The proposed water feature at the northeast corner of Washington Street and Fred Waring Drive shall be removed and, in its place, an art piece shall be explored, as part of the City's Art in Public Places Program.
 100. All mechanical equipment shall be screened to the satisfaction of the Community Development Director.
 101. All applicable requirements of CUP 2007-105 Extension 3 and TPM 35088 shall

be complied with.

102. All mitigation measures contained in the Final Environmental Impact (EIR) Report for EA 2006-582 shall be complied with. Said EIR is on file in the Community Development Department of the City of La Quinta.
103. Adjacent to the east side of Building 13 of the Medical Complex, substantial landscaping shall be provided to screen and soften the building
104. The applicant shall consider eliminating parking spaces in each complex to provide additional pedestrian-friendly outdoor public spaces and a pedestrian scale fountain(s). Areas provided shall be included in the final landscaping plans.
105. The applicant shall, to the satisfaction of the City Engineer, comply with all recommendations contained within the Transportation System Management/Transportation Demand Management Study for the Washington Street and Highway 111 Corridors.



City of La Quinta

COUNCIL/RDA MEETING DATE: March 17, 2009

ITEM TITLE: Public Hearing to Consider Adoption of Resolutions for: 1) Certification of Environmental Impact Report for Environmental Assessment 2008-582, Adoption of Findings Pursuant to California Environmental Quality Act, Adoption of Statement of Overriding Consideration, Adopt a Mitigation Monitoring Program for an Environmental Impact Report, 2) Approval of Site Development Permit 2006-875 to Allow a Retail Complex and Medical Office Complex on 25+ Acres with Approximately 234,450 ± Square Feet of Building Area, 3) Approval of Conditional Use Permit 2007-105 and 4) Approval of Tentative Parcel Map 35088 to Divide the Site into 10 Parcels (with 5 Lots for Condominium Purposes) for Property Located on the North Side of Fred Waring Drive, between Washington Street and Palm Royale Drive Applicant: Mayer Villa Capri, L.P.

AGENDA CATEGORY:

BUSINESS SESSION: _____

CONSENT CALENDAR: _____

STUDY SESSION: _____

PUBLIC HEARING: 2

_____:

RECOMMENDATION:

1. Adopt a Resolution of the City Council certifying an Environmental Impact Report (SCH#2007121009) including adoption of CEQA Findings and Statement of Facts, and Statement of Overriding Considerations for Environmental Assessment 2006-582.
2. Adopt a Resolution of the City Council approving Site Development Permit 2006-875, subject to Conditions.
3. Adopt a Resolution of the City Council approving Conditional Use Permit 2006-105, subject to Conditions.
4. Adopt a Resolution of the City Council approving Tentative Parcel Map 35088, subject to Conditions.

FISCAL IMPLICATIONS:

None

CHARTER CITY IMPLICATIONS:

None

BACKGROUND AND OVERVIEW:

Zoning:

Community Commercial (CC)

General Plan Designation:

Community Commercial (CC)

Surrounding Zoning and Land Uses:

North: CO (Commercial Office), CC (Community Commercial) / vacant land and public middle school

South: RL (Low Density Residential)/ country club development

East: RL (Low Density Residential)/ Single Family Residential and Coachella Valley Water District (CVWD) well site

West: Commercial and residential development in the City of Palm Desert

Property Description and History:

The property is located on the north side of Fred Waring Drive between Washington Street and Palm Royale Drive in north La Quinta (Attachment 1). The vacant site consists primarily of sand dunes and desert shrubs. A curb and sidewalk exist along Washington Street. Power poles and overhead lines also exist along the northern two-thirds of Washington Street. Improvements to Fred Waring Drive in front of the project and at the intersection with Palm Royale Drive, including signalization and raised center medians and curbs, are presently being completed. The subject property was divided into the existing 2 parcels by Parcel Map 31876 in 2003.

In early 2004, Mayer Villa Capri proposed a residential subdivision consisting of 48 single family lots on the easterly 15 acre parcel. Additionally, at that time a General Plan Amendment and Zone Change from Community Commercial to Neighborhood Commercial was proposed for the westerly 10 acre parcel. Those applications were recommended for denial by the Planning Commission on March 23, 2004, and eventually withdrawn by the applicant prior to City Council review without any further public hearings (Attachment 2). A lot line adjustment in 2007 revised the westerly lot to 12.3+ acres and the easterly lot to 12.7+ acres.

Surrounding the project site to the east is the Bella Vista single family residential subdivision and a CVWD well site across Palm Royale Drive, with Colonel Mitchell Paige Middle School and vacant commercial land (proposed for a self-service car wash) located to the north, a commercial office complex and Desert Breezes residential project in Palm Desert to the west across Washington Street, and Palm Royale Country Club to the south across Fred Waring Drive. The middle school to the north has installed a steel picket type fence adjacent to their play yard areas along their common boundary with the subject property.

PROPOSAL:

A commercial complex and medical office complex are proposed to be developed on the subject property. Mayer Villa Capri currently owns the entire site; However, the medical complex is proposed be developed and owned by a different party. The 104,000± square foot commercial complex will be constructed on the existing westerly 12.3+ acre parcel, while a 130,450± square foot medical office complex is proposed on the eastern 12.7+ acre parcel. While the projects are separate, there will be vehicular and pedestrian connection provided between the two via east-west drives and a common north-south drive adjacent to the projects common boundary connecting to Fred Waring Drive.

Commercial Complex

The commercial complex will consist of a market with attached retail shop spaces, a freestanding drugstore, and six additional freestanding retail buildings (Attachment 3). The 39,709 square foot market is in the northeast corner of the commercial center site with the 12,900 square foot freestanding drugstore proposed at the southwest corner. In accordance with the permitted uses identified for Community Commercial zoning district, both of these buildings require conditional use permit approval as they exceed 10,000 square feet. Four freestanding retail shops are located near Washington Street, with the two remaining freestanding shops along Fred Waring Drive. The connected shops extend from the east side of the market and run south adjacent to the east property boundary. Though shown on exterior elevations and the landscaping plans, signs will be reviewed under a separate sign program to be considered at a future date.

Retention of on-site storm water will occur in three small basins as well as an underground retention system proposed underneath a portion of the parking lot. The three basins will be landscaped with low water use plants and covered with decomposed granite. The basins are located east of the drugstore, east of the market behind the attached shops, and north of Building 9. The underground retention system is just north of the building 9 basin in the parking lot.

Parking and Circulation:

The commercial complex proposes two driveways along the Fred Waring Drive frontage and two driveways along the Washington Street frontage. The easterly driveway on Fred Waring Drive will be shared with the proposed medical office complex to the east. Offset east-west drive aisles will connect to this driveway and provide access between the commercial and medical complexes.

The northern-most driveway on Washington Street, adjacent to the north boundary of the site will provide right-in and right-out access and is intended primarily to provide access for market delivery vehicles. This driveway runs along the north and east commercial complex boundaries and heads south connecting to Fred Waring Drive, essentially separating the commercial complex from the medical complex. It is anticipated that large market delivery trucks will enter the site from the northern-most Washington Street driveway, back into the market loading dock, and pull forward and exit onto Fred Waring Drive. This Fred Waring Drive driveway will provide right-in, right-out and left-in access.

The southern-most driveway and main entrance on Washington Street will permit right-in, right-out and left-in access and will lead incoming traffic to the center of the commercial complex. The westerly most driveway access on Fred Waring Drive will also serve as a primary customer access to the commercial complex and will permit right-in and right-out access.

The majority of customer parking is located in the center of the site between the market and drugstore. Parking is provided at a ratio of one space per 250 square feet of building area as permitted by City Code for centers of this type. The following is a summation of the parking:

Parking required: 415 spaces
Parking provided: 507 spaces (including handicap and 24 compact spaces)

A preliminary pedestrian ADA (Americans with Disabilities Act) circulation plan has been submitted to the Public Works Department to show how access to the various buildings can be achieved. In addition, pedestrian connectivity to the meandering sidewalks along Washington Street and Fred Waring Drive as well as within the project is identified in several locations, such as at the Washington Street and Fred Waring Drive intersection as well as between buildings 2 & 3, 8 & 9, and 6 & 7. Pedestrian connectivity is also provided to the medical office complex to the east.

Architecture:

The commercial complex is designed in a desert contemporary style of architecture, utilizing flat roofs, square edges at corners, pop-outs and recesses, varying colors of smooth plaster walls, stone veneer on towers and walls, metal canopies and

trellis', awnings and curved roof towers. Exterior plaster colors include up to five shades of tan to brown plus a deep green. Metal work and accents will be dark brown with the stone veneer multi earth tone colors. Curved metal roofs, where used, will be standing seam metal in a clear anodized aluminum color. No architectural plans have been submitted for retail building 1 located along Washington Street. This building will require separate review at a later date.

Retail Shops:

Building heights are proposed at primarily 20' for the retail shops, but some areas vary slightly. Tower structures are shown on these buildings which are several feet higher than the adjacent building walls (the highest tower being 26'-6"). These buildings utilize vertical and horizontal planes of varying colors and depths. Pop-out columns and soffits create the appearance that the windows and doors are recessed into the suite. All of these retail buildings have at least one freestanding perforated steel shade cover provided over walkway or entry areas. Along shop fronts the plans allow for awnings over most windows, which are to be decided on by the tenant when they move in. In certain areas steel trellises will be provided over windows and doors.

Market:

The market, located at the northeast corner of the commercial complex site, is proposed with the same architectural style, colors and materials as the retail shops. The building storefront uses smooth exterior plaster and stone veneer accents. The remaining sides are primarily exterior plaster and integral color precision block, proposed in two colors. The market height varies to a maximum 29'-6" for a small portion of the building at the entry. Much of the balance of the building varies from approximately 24' to 26' in height. A covered two lane drive-through pharmacy window is provided on the northwest end of the building. A screened delivery dock and trash enclosure is provided at the rear of the building.

Drugstore:

A drugstore is proposed near the intersection of Washington Street and Fred Waring Drive and has been designed consistent in architecture, colors and material with the other buildings in the center. The primary building height is 22' with towers extending up to a maximum 27'-6" at the store entry. A covered two lane drive-through pharmacy window is provided on the east side of the building. A screened delivery dock and trash enclosure is located on the north side of the building.

Medical Office Complex

The proposed medical office complex will consist of five freestanding buildings on

12.7+ acres, with the northern three buildings proposed to be two stories and the southern two buildings closest to Fred Waring Drive proposed at one story (Attachment 4). Specific design detail has only been provided for one building (building 14) at this time. The total building square footage of the complex will be 130,450 square feet, with the center two-story "flagship" building (building 14) being the largest at 44,850 square feet. Signs will be reviewed under a separate sign program at a future date.

A convalescent/rehabilitation facility is proposed to be located in the "flagship" building. The facility will provide elective surgeries, primarily for joint repair and similar operations and would include a maximum of 50 private suite rehabilitation rooms, capable of accommodating both long and short term rehabilitation patients. In addition to the beds, the facility will include a dietary/cafeteria space, one or more gym/rehabilitation rooms, therapy pools and nursing stations. The operating room in the facility is designed for elective outpatient surgeries. Total staffing is not yet known. It has yet to be determined if the facility will use all of the building space. If it does not, other medical offices will occupy the balance of the building. This facility requires a Conditional Use Permit in the Community Commercial zone, which has been applied for and is included in your review.

The applicant has identified that in addition to the convalescent/rehabilitation facility the balance of the buildings in the complex are expected to contain sports medicine outpatient surgical facilities, medical office space, dialysis, orthopedic offices, family practices and various other specialists.

Retention of on-site storm-water will be provided in a large basin at the northeast corner of the site and in an adjacent underground retention system underneath a portion of the parking lot. The unfenced basin will be landscaped with low water use plants and covered with decomposed granite.

Parking and Circulation:

The medical complex will have one driveway along the Palm Royale Drive frontage and two driveways along Fred Waring Drive, the westerly one being the aforementioned drive to be shared with the commercial complex. The easterly Fred Waring Drive driveway, which will provide right-in and right-out access, leads to the front door of the "flagship" medical building where a circular drive with an entry water feature in the center and drop off area and several close handicap parking spaces are shown. The circular drive intersects an east-west drive that provides access to Palm Royale Drive to the east and the commercial complex to the west.

The driveway on Palm Royale Drive will be a full turn access and align with Rome Drive to the east. Rome Drive provides access to the adjacent Bella Vista residential neighborhood.

Parking for the medical complex is required at the convalescent hospital requirement of one space per four beds for the 44,850 square foot convalescent/rehabilitation facility and one space per 200 square feet of the first 2,000 medical office square footage plus one space per 175 square feet of the balance of the medical office square footage over 2,000 square feet.

Using these ratios, the parking required and provided is:

Parking required: 483 spaces
Parking provided: 717 spaces (including handicap and six compact spaces)

The site plan was originally designed for the entire project to be medical offices only. This requires more parking than a project with a convalescent facility. When the 44,850 square foot convalescent/rehabilitation facility was added to the project, the parking lot plan was not revised. Therefore, a large number of excess parking spaces remain. They are provided in case the convalescent/rehabilitation facility leaves and the space is converted back to medical offices. The applicant has also noted that a similar convalescent/rehabilitation facility in Rancho Mirage provides two parking spaces per bed, which would increase the required parking from 13 to 100 spaces for this 50 bed facility.

Buildings proposed for office use require a minimum thirty percent of the parking spaces be covered by a carport or trellis. The plan proposes 30% of the spaces be covered, with carports located near each building. However, the majority of the carports are located north and west of the central building.

Architecture:

Architectural plans for the medical complex buildings focus on and are limited to the main "flagship" 44,850 square feet two-story building. This medical building is designed in a desert contemporary style of architecture utilizing similar architectural features as the retail complex. Exterior colors and materials will be consistent with those proposed in the commercial complex. Metal work and accents, including a curved standing seam metal roof over the tower feature, are to be clear anodized aluminum color, with a stone veneer face on the tower.

Entries are provided on all four sides of the building with the main entry facing Fred Waring Drive where the water feature and circular drive are shown. On the south side of the building, following the curve of the circular drive and adjacent to the front door is a covered arcade over the sidewalk.

The building parapet is proposed at 30' high, which is lower than the 40' maximum height allowed in the Community Commercial zone. Inside of the parapet wall and mounted to the roof will be a painted louvered equipment screen which will add an

additional four feet of height to the structure. This screen is set approximately 10 feet behind the exterior walls of the building. In addition to providing a necessary screen for the roof equipment, the applicant has also identified that the screen is designed to be an integral architectural feature of the building. A tower (with the curved metal roof) over the north and south building entries will have a parapet wall height of 30 feet, screen wall height of 34 feet, with a maximum height of 43 feet at the entry tower.

Plans for the carports have not been submitted, but the applicant has indicated they will be compatible with the desert contemporary architectural style and materials used for the medical buildings.

The applicant has submitted a rendering and cross section drawings to show the relative relationships between the northeasterly two story medical office building (Building 13) and the four closest homes that back up to Palm Royale Drive north of Rome Drive. The drawings indicate the 34 foot high (including mechanical screening) office building would vary from approximately 198-238 feet away from the back wall of the neighboring homes to the east. Because of the height of the existing rear yard perimeter wall of the homes and their lower pad grades along Palm Royale Drive the first three homes north of Rome Drive should not see the future two story medical building across the street. As one moves north (from the fourth home north of Rome Drive and beyond), due to the lower perimeter wall height, the building will be seen.

Landscape Design (both complexes)

A landscape plan for the entire site has been submitted showing specific trees and shrub types (In Attachments 3 and 4). The plan includes a plant palette with sizes for the project. Trees are shown at 24" to 36" box size (with a minimum 2" caliper), with Date Palms at 14' and Mexican Fan Palms at 25' high. Shrubs are shown at 15, five and one gallon sizes (some grasses at one gallon) with groundcovers at five and one gallon size. The landscape design is desertscape in nature with no use of turf indicated. Decomposed granite or gravel will be used in all planters for groundcover.

Additionally, landscape plan details are provided for the area around buildings 2-4 of the commercial complex (Attachment 3) and the area around the proposed medical building entry with its proposed water feature (Attachment 4).

Along the Washington Street and Fred Waring Drive perimeters an 8' wide meandering sidewalk is shown. Along Palm Royale Drive, a 6' wide sidewalk is shown with a 6' wide planter located between the sidewalk and curb. At the corner of Washington Street and Fred Waring Drive a fountain-type water feature is proposed. Planted retention basins are shown at the northeast corner of the medical complex site adjacent to Palm Royale Drive, and in the commercial

complex to the east of building 10, to the southeast of the market and in the triangular area north of building 9.

In front of the medical complex "flagship" building's main entry, south of the circular driveway, an oblong shaped waterfall style water feature is proposed surrounded by planting and the circular drive. Decorative paving is also proposed in the circular drive area of this entry and at the aisle crossing to the south in the main driveway leading to Fred Waring Drive. Water fountain and paver details have not been provided to date.

Exterior Lighting (both complexes)

Typical parking lot lighting will be provided for both commercial projects. This will consist of standard box fixtures on a pole. Lighting will be provided for the carports in the medical complex. No specific fixture details or photometric plans have been submitted to date.

Tentative Parcel Map

The Tentative Parcel Map proposes to divide the existing two lots into 10 parcels (Attachment 5). Five parcels would be created for the commercial complex with five parcels for the medical complex. In the commercial complex the market and drugstore will each be on a separate parcel with the balance of the three retail buildings on the remaining three parcels. Street perimeters are shown as part of the parcel they are adjacent to and not as common parcels.

Each of the five medical complex buildings will be on an individual parcel. The interior parcel lines between the parcels will run down the middle of the driveways surrounding the buildings. The retention basin at the northeast corner of the site and street perimeters are included within the parcels versus being identified as common area lots.

The applicant has indicated that all or some medical buildings may be sold as condominiums. Therefore, the five medical complex parcels are identified for condominium purposes.

PUBLIC AGENCY REVIEW

Staff transmitted a copy of the applicant's project request to responsible public agencies. All agency comments received have been made part of the Conditions of Approval for this case to the extent they are applicable.

PUBLIC NOTICE

The proposed project applications were advertised in The Desert Sun newspaper on

February 13, 2009 for the February 24, 2009 Planning Commission hearing and on March 6, 2009 for this City Council hearing. One written comment was received prior to the Planning Commission hearing (Attachment 6), and to date none have been received for the City Council hearing.

ENVIRONMENTAL REVIEW

Draft Environmental Impact Report

A Draft Environmental Impact Report (DEIR) has been prepared, consistent with CEQA requirements (previously passed out to the City Council). The City of La Quinta is the Lead Agency and has the authority for preparation and certification of the DEIR.

The DEIR includes a detailed project description and a description of the environmental setting of this project. The DEIR addresses the topics of Aesthetics, Air Quality, Biological Resources, Cultural Resources, Soils and Geology, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Population and Housing, Public Services and Utilities, Recreational Resources, Transportation and Traffic. Potentially significant impacts were identified with respect to Air Quality, Cultural Resources, Geology and Soils, Noise, and Transportation. With the adoption of the mitigation measures proposed in the Draft EIR, the majority of the project impacts can be reduced to less than significant levels. However, a number of traffic impacts and temporary air quality impacts (during the construction phases) remain significant after mitigation measures are required.

A number of traffic related mitigation measures are included in the DEIR to reduce impacts associated with the proposed project (page III-111 of the DEIR). However, even with these mitigation measures some impacts cannot be mitigated to less than significant levels. Those are:

1. In 2010 the implementation of the proposed project will result in traffic impacts which cannot be mitigated (page M-12 of the DEIR). This is due to the fact that street improvements, such as adding a turn lane, cannot be feasibly accomplished at the following intersections:
 - A. Washington Street at Hovley Lane
 - B. Adams Street at Fred Waring Drive
 - C. Washington Street at Miles Avenue
 - D. Washington Street at Highway 111
 - E. Washington Street and Avenue 48
2. In 2020 cumulative impacts associated with build out of the General Plan standards will be unmitigatable. To mitigate these impacts widening Washington Street from Hovley Drive to Avenue 48, Fred Waring Drive west

of Washington Street, and Highway 111 east of Washington Street to eight lanes would need to be done. This is not deemed feasible due to existing development along the streets.

CEQA requires an alternatives analysis as part of the EIR process. Four alternatives were identified for consideration in the DEIR: 1) No Project (required); 2) General Plan Build Out/All Retail Development; 3) Reduced Intensity Alternative; and 4) Alternate Land Use Mix Alternative. Analysis of each of these alternatives is detailed in Section V of the DEIR. Only the no project alternative would result in significantly fewer impacts. However, traffic impacts with this alternative would still be significant and unavoidable due to regional traffic growth and cumulative projects in the area. This alternative would not accomplish any of the applicant's project goals. The other alternatives would achieve some of the applicant's project goals, but all would result in significant and unavoidable traffic impacts. Additionally, any of the development alternatives would result in short term grading and construction air quality impacts.

CEQA allows public agencies to make findings to approval projects, despite the fact that certain potentially significant adverse environmental impacts identified in the DEIR are not mitigated to a level of insignificance. To do so, the Agency must state in writing the reasons to support its action based upon the EIR and any information in the public record. Such a written statement is called a Statement of Overriding Considerations (SOC) and requires Council consideration and adoption should the Council wish to approve the project.

Final EIR and Comments Received on the Draft EIR

The DEIR was circulated for public review as required by CEQA with the comment period ending February 27, 2009, three days after the February 24 Planning Commission hearing. Therefore, comments on the DEIR received by the deadline, including at the Planning Commission hearing are included in the Final Environmental Impact Report (FEIR) (Attachment 7). The Planning Commission considered the information in the DEIR in making its recommendations to the City Council. Certification of the FEIR is an action to be considered by the City Council.

The following comments were received from agencies and interested parties during the public review period:

1. Riverside County Fire Department
2. Coachella Valley Water District
3. Time Warner Cable
4. Native American Heritage Commission
5. Riverside County Transportation Commission
6. The Robert Mayer Corporation
7. Department of Toxic Substances Control

8. Regional Water Quality Control Board

Responses to these comments have been prepared and are part of the Final Environmental Impact Report.

The Fire Department provided several general comments pertaining to fire planning, services and requirements, as well as one correction to the DEIR text pertaining to fire standards.

Comments from the Coachella Valley Water District only include two corrections to the DEIR text pertaining to water resources.

The applicant questioned the air quality mitigation measure (MM 3) requiring all structures within the proposed project shall demonstrate energy efficiency which exceeds the standards of Title 24 of the Uniform Building Code by 20%. This mitigation measure was included in the EIR to address greenhouse gases and global warming. Although there are no thresholds established for greenhouse gases as of yet, the City is required to work towards reducing its greenhouse gas emissions 1990 levels. While no uniform threshold of significance has been officially adopted in California, numerous proposed thresholds have been developed. The greenhouse gas emission from this project [7.458 metric tons of combined carbon dioxide equivalent (CO₂e) per year at build out, not including construction emissions] would be above some of the lower thresholds and below some of the higher proposed thresholds. The suggested thresholds of significance range from a low of 900 metric tons per year of CO₂e (the California Air Pollution Control Officers Association suggested threshold) to a high of 38,477 metric tons per year (the San Joaquin Valley Pollution Control District adopted standard). The SCAQMD has adopted a threshold of 10,000 metric tons of CO₂e per year, but requires the inclusion of construction emissions amortized over 30 years. The City has not adopted a specific numeric threshold. However, City Staff and its environmental consultant believe that the CO₂e emissions from the operation of this project are large enough that they warrant specific reduction efforts. Currently, the site produces no CO₂e emissions as it is undeveloped. The project as proposed will increase greenhouse gas emissions, and although the impact is not been labeled "significant," this in part is because La Quinta had not adopted a numeric threshold. For this reason, reductions should be applied wherever possible to meet the State mandated targets. The 20% reduction is consistent with guidelines being published, and other legislation and programs being implemented in California to reduce greenhouse gases.

As there is no threshold established, the 20% recommended an alternate mitigation measure is recommended as follows:

"Unless determined to be an unreasonable hardship by the City Planning Director, all structures shall exceed the minimum standards set forth in the 2007 California Energy Code (Title 24,

Part 6) by 20%. If it is determined by the Planning Director that compliance with this measure creates an unreasonable hardship, the measure may be reduced to the highest level determined feasible by the Planning Director but in no case shall it be reduced below the minimum standard set forth by the California Energy Code in effect at the time of building permit submittal."

Staff envisions including a similar standard in the General Plan during the next update. This revision will allow the project to be constructed even if the 20% reduction in energy consumption is not reached as long as it shown that a valid attempt has been made. This change in the mitigation measure would not significantly change the intent of the measure, would not represent a significant change in the analysis or conclusions of the EIR, and would not require recirculation of the document.

Other comments were general or standard in nature and are included as noted items.

CEQA Findings and Statement of Facts

The California Environmental Quality Act and particularly the CEQA Guidelines require that:

"No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects on the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

1. Changes or alterations have been required in, or incorporated into, the Project which avoid, or substantially lessen the significant environmental effect as identified in the final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or Project alternatives identified in the final EIR."

In short, CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to avoid or mitigate significant environmental impacts

that would otherwise occur with implementation of the Project. Project mitigation or alternatives are not required, however, where they are infeasible or where the responsibility for modifying the project lies with another agency.

For those significant effects that cannot be mitigated to a less-than-significant level, the public agency is required to find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment. The Guidelines state in Section 15093 that: "If the specific economic, social, technological, or other benefits of a propos[ed] project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable."

The required CEQA Findings and Statement of Facts for the Proposed Project are incorporated into the City Council Resolution for the Final Environmental Impact Report 2008-582 as Exhibit "B."

Benefits of Implementing the Proposed Project and Statement of Overriding Considerations

CEQA requires the City as Lead Agency, to balance the benefits of the proposed Project against its unavoidable significant adverse impacts, and to determine whether the Project related significant impacts can be acceptably overridden by the Project benefits when the impacts and benefits are compared and balanced. The proposed Project is anticipated to cause Project specific or contribute to cumulative unavoidable significant adverse environmental impacts as described the EIR.

The required CEQA Statement of Overriding Considerations is incorporated into the City Council Resolution for the Final Environmental Impact Report 2008-582 as Exhibit "A." The benefits of the proposed Project resulting from the implementation of the proposed Project, as detailed in Exhibit "A," outweigh the Project specific and cumulative unavoidable adverse environmental effects.

The benefits from approving the proposed Project, as outlined below and in Exhibit "A", can be considered by the City Council in performing the balancing test with those unavoidable significant adverse environmental impacts previously described. The following benefits can be found to outweigh and make acceptable the unavoidable significant adverse impacts of the proposed Project as described in the Final EIR, this document and other information in the record. Each benefit can constitute an overriding consideration warranting approval of the Project, independent of other benefits, despite each and every unavoidable impact.

Expansion of retail, commercial and service opportunities - Implementation of the Project will enhance the retail and service experience for costumers and clients, and attract new businesses to the City, which will promote investment and create new employment opportunities within the City of La Quinta. The Project will add

to the total square footage of community retail and medical office space in the City needed to achieve the benchmarks in the Economic Development Plan; the Project anticipates building 104,000 square feet of retail and 130,450 square feet of medical office space.

Enhancement of retail and service experience and expansion of employment opportunities – The Project will enhance the quality of life in the City of La Quinta by enhancing the retail and service experience as well as promoting investment and creating new employment opportunities in La Quinta associated with retail and medical office businesses.

Sales tax revenue and fees - The Project would generate development that will contribute to future sales tax revenues and Development Impact (DIF) Fees for the City of La Quinta. The DIF Fees will contribute to implementation of the public infrastructure improvements included in the City's Capital Improvement Program.

Expansion of and proximity to professional services – The Project will provide opportunity for additional conveniently located professional services in La Quinta. The rehabilitation facility will allow opportunity for La Quinta residents to utilize such services locally.

In conclusion, the benefits identified, collectively and individually, outweigh the unavoidable, Project specific and cumulative significant unavoidable adverse impacts.

PLANNING COMMISSION ACTION

The Planning Commission considered this request at their meeting of February 24, 2009 (Attachment 8). One person from the Bella Vista neighborhood spoke. The resident lives on the east side of Milan Court, which is one block east of Palm Royale Drive and commented that he felt his view to the west would be detrimentally affected by the construction of the medical complex.

The major concerns brought up by the applicant focused upon the recommended conditions of approval that called for Building 13 of the medical center to be limited to one story rather than two stories as proposed, the requirement for a city entry sign at the Fred Waring Drive and Washington Street intersection and the requirement for tower height of the drugstore be limited to not exceed 26 feet. The applicant also expressed concern with the mitigation measure identified in the DEIR relevant to greenhouse gas emissions. The measure as written in the DEIR requires all structures within the proposed project demonstrate energy efficiency exceeding the standards of Title 24 of the Uniform Building Code by 20%. The applicant identified that this measure would be financially infeasible.

The Planning Commission raised a number of issues pertaining to the proposed project. Those issues included energy efficiency, especially with regard to the

extensive glass use in the medical complex, water use from the corner fountain and medical entry area water feature, the feasibility of the recommended city entry sign on the corner of Washington Street and Fred Waring Drive and replacement with public art, the lack of a deceleration lane into the medical complex on the easterly Fred Waring Drive, lack of public gathering areas and pedestrian scale, in general, as well as in conjunction with the medical complex water feature and concerns brought up by the applicant pertaining to the recommended conditions.

After closing the public hearing and deliberating, the Planning Commission ultimately concluded that two stories for Building 13 and the extra tower height for the drugstore was acceptable and have included this in their recommendation to the City Council.

Since the DEIR comment period did not conclude until after the Planning Commission meeting, the Commission did not take action specifically on the applicants request regarding the greenhouse gas emissions mitigation measure.

With regard to the medical center water feature the Commission concluded that it should be re-designed to be more water efficient, use less energy, and be located to where it could be in immediate proximity to pedestrians.

To enhance pedestrian friendliness the Commission has made a recommendation for the removal of some of the excess parking spaces in order to provide additional public area in both complexes.

The Commission concluded that the condition for a city entry sign should be deleted as the sign is best suited for the southeast corner of this intersection. Commissioners recommended the fountain proposed for the same corner of the project be replaced with a public art piece.

Due to the heavy traffic on Fred Waring Drive, the Commission felt a deceleration lane should be added for the easterly medical complex driveway and has recommended this to the City Council. This would result in two of the three driveways along Fred Waring Drive having deceleration lanes. The other is for the westerly driveway serving the commercial complex.

The Planning Commission recommended to the City Council approval of all applications, on 5-0 votes for the Conditional Use Permit and Tentative Parcel Map and 4-1 with Commissioner Weber voting no on the Site Development permit.

TRANSPORTATION DEMAND MANAGEMENT

On September 18, 2007, during a Study Session item discussing the traffic impacts of development projects to the Washington Street and Highway 111 corridors, City Council directed staff to complete two items: 1) optimize traffic signal operation at Highway 111 and Washington Street, and 2) commission a

report to study alternatives for improvements to the northern portion of the Washington Street Corridor.

The City's takeover of Highway 111 has allowed greater flexibility coordinating signals on both Highway 111 and Washington Street. However, improving the northern portion of Washington Street has required coordination with Palm Desert, Indian Wells and Riverside County as all have jurisdiction over this roadway. Coachella Valley Association of Governments (CVAG) has agreed to participate in this project by funding 75% of the cost of a corridor study.

On March 17, 2009, City Council will be asked to consider the award of a consultant services contract for the study of Transportation System Management (TSM) and Transportation Demand Management (TDM) for the Washington Street Corridor. This study will develop and evaluate TSM/TDM alternatives to reduce travel delays either through: a) a more effective use of existing capacity, b) adding capacity (if feasible), c) traffic signal synchronization, d) encouraging motorists to use transit, car/van pooling, etc., e) encouraging motorists to travel at less congested times, and/or f) encouraging pedestrian and bicycle alternatives.

The TSM/TDM Study will identify options to address existing and anticipated congestion along the Washington Street Corridor.

Since the subject project is located within a critical link in this corridor, The Public Works Department recommends the following condition of approval be added to the recommended conditions of approval for the tentative parcel map and site development permit for the subject project:

The applicant shall at a minimum establish and administer a transportation demand management plan in accordance with LQMC 9.180 – Transportation Demand Management. In addition, the applicant shall, as directed by the City Engineer, implement all TDM programs identified in the Transportation System Management/Transportation Demand Management Study for the Washington Street and Highway 111 Corridors.

Since it would have been inappropriate for them to consider a condition of approval on an item that had not yet been considered by City Council, this condition of approval was not included in the agenda packet for the Planning Commission meeting of February 24, 2009 when the Commission considered the Mayer Villa Capri project. For your consideration, this condition has been included as Condition #102 in the recommended Site Development Permit Resolution and Conditions of Approval and as Condition #82 in the recommended Tentative Parcel Map Resolution and Conditions of Approval.

FINDINGS AND ALTERNATIVES:

The Findings, as noted in the attached Resolution, required by the Zoning and Subdivision Ordinance, and CEQA, can be made, subject to the recommended Conditions of Approval.

The City has identified all of the adverse environmental impacts and feasible mitigation measures which can reduce potential adverse environmental impact to insignificant levels where feasible, or to the lowest achievable levels where significant adverse unavoidable adverse environmental impacts remain. The findings have also analyzed three alternatives to determine whether they are reasonable or feasible alternatives to the proposed Project, or whether these alternatives might reduce or eliminate the significant adverse impacts of the proposed Project.

The Final EIR presents evidence that implementing the proposed Project will contribute to significant adverse impacts which cannot be substantially mitigated to an insignificant level. All feasible alternatives and mitigation measures are recommended for adoption or identified for implementation by the City and other agencies where appropriate. The City finds that the Project's benefits are substantial as outlined, and that these benefits justify overriding the unavoidable significant adverse impacts associated with the proposed Project. The City further finds that the benefits, when balanced against the unavoidable significant adverse impacts, outweigh these impacts because of the environmental, social and economic benefits which accrue to the City.

The alternatives available to the City Council include:

1. Adopt a Resolution of the City Council certifying an Environmental Impact Report (SCH#2007121009) including adoption of CEQA Findings and Statement of Facts, and Statement of Overriding Considerations for Environmental Assessment 2006-582.


Adopt a Resolution of the City Council approving Site Development Permit 2006-875, subject to Conditions.

Adopt a Resolution of the City Council approving Conditional Use Permit 2006-105, subject to Conditions.

Adopt a Resolution of the City Council approving Tentative Parcel Map 35088, subject to Conditions; or

2. Do not adopt the Resolutions approving the Project; or
3. Provide staff with alternative direction.

Respectfully submitted,



Les Johnson,
Planning Director

Approved for submission by:



Thomas P. Genovese, City Manager

- Attachments:
1. Location Map
 2. Planning Commission minutes for the meeting of March 23, 2004
 3. Commercial Complex plans
 4. Medical Complex plans
 5. Tentative Parcel Map exhibit
 6. Letter received via e-mail
 7. Final Environmental Impact Report
 8. Draft Planning Commission Minutes for the Meeting of February 24, 2009



ATTACHMENT 2

April 6, 2015

Mr. Jay Wu
Associate Planner
City of La Quinta
78-495 Calle Tampico
La Quinta, CA 92253

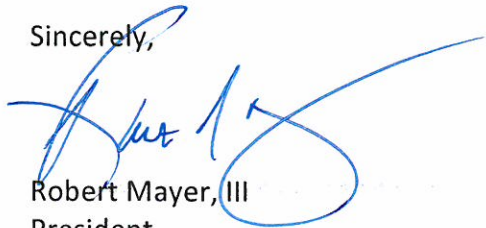
Subject: Justification for Extension of SDP 2006-875 and CUP 2007-105

Dear Mr. Wu,

As requested, we are providing the City with this letter of justification for the 4th extension request for SDP 2006-875 and CUP 2007-105. The project market remains problematic at this time for both commercial centers as well as medical/non-medical offices properties. We have been waiting for the City's follow up regulations on mixed-use, which we understand would apply to our property before making a decision on the future of this very important project.

We thank you for the consideration of keeping the commercial & office entitlements in place for another two years.

Sincerely,



Robert Mayer, III
President

Encl: Market Conditions Letter



April 6, 2015

Mr. Bob Mayer, III
Mayer Villa Capri, LLC
8951 Research Drive
Irvine, CA 92618

**RE: “Villa Capri” 25.06 Acres Fred Waring Dr. & Washington St., La Quinta, CA
Site Development Permit 2006-875 & Parcel Map #35088
Commercial & Medical Office Market Update**

Dear Mr. Bob Mayer III,

The Hoffman Company represents the “Villa Capri” Owner, Mayer Villa Capri LLC in marketing the subject property to commercial and medical office developers. The property consists of 25.06 acres in the city of La Quinta entitled for 103,832 sq. ft. of commercial use and 130,450 sq. ft. of medical office use. We contracted with Villa Capri, LLC in July of 2014 to market, and despite significant marketing efforts, the commercial and medical office developers we spoke with did not find economic conditions to have significantly improved enough to where they could make a commercially reasonable profit by starting construction on a large commercial, retail, or medical office project at Villa Capri at this time.

As this relates to the expiration of the Site Development Permit, the economic conditions have not sufficiently changed for this property since the real estate recession; therefore we support the extension of Site Development Permit 2006-875 & Parcel Map #35088.

Sincerely,

The Hoffman Company

By: _____
Erik Christianson, Senior Land Broker