

**PLANNING COMMISSION RESOLUTION 2003-031
CONDITIONS OF APPROVAL - FINAL
SITE DEVELOPMENT PERMIT 2003-770 - MICHAEL SHOVLIN
ADOPTED: JUNE 10, 2003**

GENERAL

1. The applicant agrees to defend, indemnify, and hold harmless the City of La Quinta (the "City"), its agents, officers and employees from any claim, action or proceeding to attack, set aside, void, or annul the approval of this site development plan. The City shall have sole discretion in selecting its defense counsel.

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

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

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

The applicant is responsible for any requirements of the permits or clearances from those jurisdictions. If the requirements include approval of improvement plans, applicant shall furnish proof of said approvals prior to obtaining City approval of the plans.

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

Permits issued under this approval shall be subject to the provisions of the Infrastructure Fee Program and Development Impact Fee program in effect at the time of issuance of building permit(s).

PROPERTY RIGHTS

4. Prior to issuance of any permit(s), the applicant shall acquire or confer easements and other property rights necessary for 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.
5. The applicant shall dedicate or grant public and private street right of way and utility easements in conformance with the City's General Plan, Municipal Code, applicable specific plans, and as required by the City Engineer.
6. Right of way dedications required of this development include:

PUBLIC STREETS

- A. Highway 111 (Major Arterial – State Highway, 140' Right of Way) – No additional street right of way is required to comply with the General Plan street widths.
7. If the City Engineer determines that access rights to proposed street rights of way shown on the approved Site Development Plan are necessary prior the applicant dedicating the rights of way, the applicant shall grant the necessary rights of way within 60 days of written request by the City.
8. The applicant shall dedicate ten-foot public utility easements contiguous with and along both sides of all private streets. The easements may be reduced to five feet with the express concurrence of IID.
9. The applicant shall create perimeter setbacks along public rights of way as follows (listed setback depth is the average depth if meandering wall design is approved):

Highway 111 (Major Arterial – State Highway) – 50-foot from the R/W – P/L.

The setback requirement applies 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 dedicate blanket easements for those purposes.

10. The applicant shall dedicate easements necessary for placement of and access to utility lines and structures, drainage basins, mailbox clusters, park lands, and common areas.
11. Direct vehicular access to and from Highway 111 from lots with frontage along said street is restricted, except for those existing access points identified on the approved Parcel Map. The applicant shall furnish proof of easements or written permission, as appropriate, from owners of any abutting properties on which grading, retaining wall construction, permanent slopes, or other encroachments are to occur.
12. If the applicant proposes vacation or abandonment of any existing rights of way or access easements which will diminish access rights to any properties owned by others, the applicant shall provide approved alternate rights of way or access easements to those properties or notarized letters of consent from the property owners.

IMPROVEMENT PLANS

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

13. "Site Development Plans" shall normally include all surface improvements, including but not limited to: parking lot improvements, finish grades, curbs & gutters, ADA requirements, retaining and perimeter walls, etc.

Site Development Plan: 1" = 30' Horizontal

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

14. The City may maintain standard plans, details and/or construction notes for elements of construction. For a fee established by City Resolution, the applicant may acquire standard plan and/or detail sheets from the City.
15. When final plans are approved by the City, the applicant shall furnish accurate AutoCad files of the complete, approved plans on storage media acceptable to the City Engineer. The files shall utilize standard AutoCad menu items so they may be fully retrieved into a basic AutoCad program. At the completion of construction and prior to final acceptance of improvements, the applicant shall update the files to reflect as-constructed conditions.

If the plans were not produced in AutoCad or a file format which can be converted to AutoCad, the City Engineer may accept raster-image files of the plans.

IMPROVEMENT AGREEMENT

16. In the event that any of the improvements required herein are constructed by the City, the applicant shall, at the time of approval of the development or building permit, reimburse the City for the cost of those improvements.

GRADING

17. Prior to issuance of a grading permit, the applicant shall furnish a preliminary geotechnical ("soils") report and an approved grading plan prepared by a qualified engineer. The grading plan shall conform with the recommendations of the soils report and be certified as adequate by a soils engineer or engineering geologist.
18. Prior to occupation of the project site for construction purposes, the applicant shall submit and receive approval of a Fugitive Dust Control Plan prepared in accordance with Chapter 6.16, LQMC. The applicant shall furnish security, in a form acceptable to the City, in an amount sufficient to guarantee compliance with the provisions of the permit.
19. The applicant shall maintain graded, undeveloped land to prevent wind and water erosion of soils. The land shall be planted with interim landscaping or provided with other erosion control measures approved by the Community Development and Public Works Departments.
20. Prior to issuance of building permits, the applicant shall provide building pad certifications stamped and signed by qualified engineers or surveyors. For each pad, the certification shall list the approved elevation, the actual elevation, the difference between the two, if any, and pad compaction. The data shall be organized by lot number and listed cumulatively if submitted at different times.

DRAINAGE

21. Stormwater handling shall conform with the approved hydrology and drainage plan for ONE ELEVEN LA QUINTA CENTER. Nuisance water shall be retained on site and disposed of in a manner acceptable to the City Engineer.
22. If the applicant proposes discharge of stormwater directly or indirectly to the Coachella Valley Stormwater Channel, the applicant shall indemnify the City from

the costs of any sampling and testing of the development's drainage discharge which may be required under the City's NPDES Permit or other City- or area-wide pollution prevention program, and for any other obligations and/or expenses which may arise from such discharge. The indemnification shall be executed and furnished to the City prior to issuance of any grading, construction or building permit and shall be binding on all heirs, executors, administrators, assigns, and successors in interest in the land within this Site Development Permit excepting therefrom those portions required to be dedicated or deeded for public use. The form of the indemnification shall be acceptable to the City Attorney. If such discharge is approved for this development, the applicant shall make provisions in the CC&Rs for meeting these potential obligations.

23. The project shall be designed to accommodate purging and blowoff 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.

UTILITIES

24. The applicant shall obtain the approval of the City Engineer for the location of all utility lines within the right of way and all above-ground utility structures including, but not limited to, traffic signal cabinets, electrical vaults, water valves, and telephone stands, to ensure optimum placement for practical and aesthetic purposes.
25. Existing aerial lines within or adjacent to the proposed development and all proposed utilities shall be installed underground. Power lines exceeding 34.5 kv are exempt from this requirement.
26. Utilities shall be installed prior to overlying hardscape. For installation of utilities in existing, improved streets, the applicant shall comply with trench restoration requirements maintained or required by the City Engineer. The applicant shall provide certified reports of trench compaction for approval of the City Engineer.

PARKING LOT AND ACCESS POINTS

27. The design of parking facilities shall conform to LQMC Chapter 9.150 (Parking).

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.

- A. General access points and turning movements of traffic to off site public streets are limited to the access locations approved in Specific 89-014.
28. The applicant shall submit current mix designs (less than two years old at the time of construction) for base, asphalt concrete and Portland cement concrete. The submittal shall include test results for all specimens used in the mix design procedure. For mix designs over six months old, the submittal shall include recent (less than six months old at the time of construction) aggregate gradation test results confirming that design gradations can be achieved in current production. The applicant shall not schedule construction operations until mix designs are approved.

LANDSCAPING

29. The applicant shall provide landscaping in required setbacks, retention basins, common lots, and park areas.
30. Landscape and irrigation plans for landscaped lots and setbacks, medians, retention basins, and parks shall be signed and stamped by a licensed landscape architect.

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

31. Landscape areas shall have permanent irrigation improvements meeting the requirements of the City Engineer. Use of lawn shall be minimized with no lawn or spray irrigation within 18 inches of curbs along public streets.
32. The plans shall provide for pocket planters around three columns at the front of the building. The planters shall include shrubs, and/or vines, and groundcover.
33. Two parking islands, as shown on Exhibit "A" shall be shortened by two feet.

QUALITY ASSURANCE

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

35. The applicant shall employ or retain qualified civil engineers, geotechnical engineers, surveyors, or other appropriate professionals to provide sufficient construction supervision to be able to furnish and sign accurate record drawings.
36. The applicant shall arrange and bear the cost of measurement, sampling and testing procedures not included in the City's inspection program but required by the City as evidence that construction materials and methods comply with plans, specifications and applicable regulations.
37. Upon completion of construction, the applicant shall furnish the City reproducible record drawings of all improvement plans which were signed by the City. Each sheet shall be clearly marked "Record Drawings," "As-Built" or "As-Constructed" and shall be stamped and signed by the engineer or surveyor certifying to the accuracy of the drawings. The applicant shall revise the CAD or raster-image files previously submitted to the City to reflect as-constructed conditions.

MAINTENANCE

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

FEES AND DEPOSITS

39. The applicant shall pay the City's established fees for plan checking and construction inspection. Fee amounts shall be those in effect when the applicant makes application for plan checking and permits.
40. permits issued under this approval shall be subject to the provisions of the Infrastructure Fee Program and Development Impact Fee program in effect at the time of issuance of building permit(s).
41. Prior to completion of any approval process for modification of boundaries of the property or lots subject to these conditions, the applicant shall process a reapportionment of any bonded assessment(s) against the property and pay the cost of the reapportionment.

MISCELLANEOUS

42. Applicant shall comply with the approved Conditions of Approval for Specific Plan 89-014.
43. Prior to issuance of a building permit, final working drawings shall be approved by the Community Development Department.
44. All roof-mounted mechanical equipment must be screened and installed using compatible architectural materials and treatments, in a manner so as not to be visible from surrounding properties and streets. Working drawings showing all such equipment and locations shall be submitted to the Building and Safety Department along with construction plan submittal for building permits. Method and design of screening must be approved by the Community Development Department prior to any issuance of building permits related to structures requiring such screening.
45. Vines shall be added to the trash enclosure.
46. "People spaces" shall be thoughtfully developed.
47. Roof elements shall be limited to a height of 22'-0", excluding the roof structure over the tower element, which is allowed to be up to 30'- 9" high.

SIGNS

48. Signs shall comply with the approved sign program.

LIGHTING

49. Rear elevation wall mounted lights for the building shall use non-adjustable shoebox type down shining light fixtures with recessed or flush mounted lenses.

FIRE DEPARTMENT

50. Approved super fire hydrants shall be installed not less than 25 feet, nor more than 165 feet from any portion of the buildings as measured along vehicular travel ways. Fire Department connection and post indicator valve shall be located at the front of the building.
51. Blue dot reflectors shall be placed in the street 8 inches from the centerline to the side that the fire hydrant is on, to identify fire hydrant locations.

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52. Minimum fire flow 1500 GPM for a 2-hour duration. Fire flow is based on type VN construction and a complete fire sprinkler system.
53. Building plans shall be submitted to the Fire Department for plan review to run concurrent with the City plan check.
54. Water plans for the fire protection system (fire hydrants, FDC, PIV, etc.) shall be submitted to the Fire Department for approval prior to issuance of a building permit.
55. City of La Quinta Ordinance requires all commercial buildings 5,000 square feet or larger to be fully sprinkled, NFPA 13 Standard. Sprinkler plans will need to be submitted to the Fire Department for plan check.
56. The required water system, including fire hydrants will be installed and accepted by the appropriate water agency prior to any combustible building material being placed on an individual lot.
57. The applicant or developer shall prepare and submit to the Fire Department for approval a site plan designating required fire lanes with appropriate lane painting and/or signs.
58. Install a KNOX key box on the building. Contact the Fire Department for an application.