



City of La Quinta

November 14, 2007

Mr. Mark Raber
Tarlos & Associates
17802 Mitchell
Irvine, CA 92314

RE: SITE DEVELOPMENT PERMIT 2007-892 APPROVAL, SOUPLANTATION

Dear Mr. Raber:

This is to notify you that on November 13, 2007, the La Quinta Planning Commission did, by a 5-0 decision, adopt Resolution 2007-45, granting approval of Site Development Permit 2007-892. A copy of the final conditions of approval has been included with this letter. If you have any questions, please contact me at (760) 777-7125.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrew J. Mogensen', with a long horizontal line extending to the right.

Andrew J. Mogensen
Principal Planner

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NOV 15 2007
760 777 7125



**PLANNING COMMISSION RESOLUTION 2007-45
CONDITIONS OF APPROVAL- FINAL
SITE DEVELOPMENT PERMIT 2007-892
TARLOS AND ASSOCIATES (SOUPLANTATION)
NOVEMBER 13, 2007**

GENERAL

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

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

2. This Site Development Permit shall comply with the requirements and standards of Government Code §§ 66410 through 66499.58 (the "Subdivision Map Act"), and Chapter 13 of the La Quinta Municipal Code ("LQMC"). All Conditions of Approval for Site Development Permit 2006-874 for the Komar Development shall apply to this Site Development Permit.

The City of La Quinta's Municipal Code can be accessed on the City's Web Site at www.la-quinta.org.

3. This Site Development Permit is valid for two years, unless an extension is applied for and granted by the Planning Commission pursuant to Section 9.200.080 of the La Quinta Municipal Code.
4. Site Development Permit 2007-892 shall comply with all applicable conditions and/or mitigation measures for the following approvals:

- Komar Desert Center Specific Plan 05-075
- Tentative Parcel Map 33960
- Environmental Assessment 05-539

5. 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):

- Fire Marshal

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- Public Works Department (Grading Permit, Green Sheet (Public Works Clearance) for Building Permits, Improvement Permit)
- Planning 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
- South Coast Air Quality Management District Coachella Valley
- Caltrans

The applicant is responsible for all requirements of the permits and/or clearances from the above listed agencies, if applicable. When the requirements include approval of improvement plans, the applicant shall furnish proof of such approvals when submitting those improvements plans for City approval.

6. 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.
7. 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

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

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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.

9. Direct vehicular access to Highway 111 from lots with frontage along Highway 111 is restricted, except for those access points identified on Parcel Map No. 33960, or as otherwise conditioned in these conditions of approval.
10. 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.
11. The applicant shall provide reciprocal access easements necessary for the adjoining parcel(s) for access to proposed parking and access drive associated with this Site Development Permit. Additionally, the applicant shall enter into a maintenance agreement with Costco and/or other parcel owners/occupants for the perpetual maintenance of the parking areas, drive aisles and drainage system within Parcel Map No. 33960.

HARDSCAPE ACCESS TO PARKING LOTS

12. The precise grading design for this Site Development Permit shall conform to the approved Site Development Permit 2006-874 and shall conform to LQMC Chapter 9.150 (Parking). In particular, the following are conditioned with the approval of this Site Development Permit.
 - 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.

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- C. Building access points shall be shown on the Precise Grading Plans to better evaluate ADA accessibility issues.
- 13. 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.
- 14. Improvements shall include appurtenances such as signs, markings and other devices, and sidewalks.
- 15. 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 parking areas shall be stamped and signed by qualified engineers.

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.

- 16. 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.
- 17. 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 Precise Grading Plan 1" = 40' Horizontal
 - B. PM10 Plan 1" = 40' Horizontal

NOTE: A and B to be submitted concurrently.

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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.

The applicant shall prepare an accessibility assessment on a marked up print of the building floor plan identifying every building egress and that notes the most current 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 Engineering Department in conjunction with the Precise Grading Plan when it is submitted for plan checking.

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.

18. The City maintains standard plans, detail sheets and/or construction notes for elements of construction which can be accessed "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.
19. The applicant shall furnish a complete set of mylars of all approved improvement plans on a storage media acceptable to the City Engineer.
20. At the completion of construction, and prior to the final acceptance of the improvements by the City, the applicant shall update the mylars in order to reflect the as-built conditions.

PRECISE GRADING

21. The applicant shall comply with the provisions of Section 13.24.050 (Grading Improvements), LQMC.
22. The applicant shall cooperate with the Komar Development in regards to improvements required of Site Development Permit 2006-874 and this Site Development Permit.

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23. 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.
24. To obtain an approved grading permit, the applicant shall submit and obtain approval of all of the following:
 - A. A precise grading plan prepared by a qualified engineer,
 - B. A preliminary geotechnical ("soils") report prepared by a qualified engineer,
 - C. A Fugitive Dust Control Plan prepared in accordance with Chapter 6.16, (Fugitive Dust Control), LQMC, and

All grading shall conform to the recommendations contained in the Preliminary Soils Report, and shall be certified as being adequate by a soils engineer, or by an engineering geologist. The Precise Grading Plan for this Site Development Permit shall tie to KOMAR DESERT CENTER (COSTCO REMAINDER) Precise Grading Plans for SDP 2006-874 (Plan Set Number 07126).

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.

25. 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.
26. Prior to any site grading or regrading that will raise or lower any portion of the site by more than plus or minus three tenths of a foot from the elevations shown on the approved Site Development Permit site plan, the applicant shall submit the proposed grading changes to the City Staff for a substantial conformance finding review.
27. Prior to the issuance of a building permit for the 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.

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The 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

28. Stormwater handling shall conform with the approved hydrology and drainage report for Tentative Parcel Map No. 33960 and as modified for Site Development Permit 2006-874 for the Komar Development. 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.

UTILITIES

29. The applicant shall comply with the provisions of Section 13.24.110 (Utilities), LQMC.
30. 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.
31. 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. Additionally, grease traps and the maintenance thereof shall be located as to not conflict with access aisles/entrances.

CONSTRUCTION

32. The City will conduct final inspections of habitable buildings only when the buildings have improved street and (if required) sidewalk access to publicly-

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maintained streets. The improvements shall include required traffic control devices, and pavement markings.

33. All trash enclosures shall have a color and finish consistent with the building.
34. Any building mounted mechanical equipment shall be fully screened from view by an architectural feature, wall, or parapet of sufficient height to fully screen such equipment above its horizontal plane.
35. All building colors and materials shall be consistent with the remainder of the buildings within Komar Desert Center.

LANDSCAPE AND IRRIGATION

36. The applicant shall comply with Sections 13.24.130 (Landscaping Setbacks) & 13.24.140 (Landscaping Plans), LQMC.
37. The applicant shall provide landscaping in the required setbacks, retention basins, common lots and park areas. Measures shall be taken to replace and repair any landscaping or irrigation equipment which is damaged.
38. Landscape and irrigation plans for landscaped lots and setbacks, medians, retention basins, and parks shall be signed and stamped by a licensed landscape architect.
39. Final landscaping and irrigation plans shall be prepared by a licensed landscape professional, shall be reviewed by the ALRC and Public Works Director, and approved by the Planning Director prior to issuance of the first building permit. An application for Final Landscape Plan Check shall be submitted to the Planning Department for final landscape plan review. Said plans shall include all landscaping associated with this project, including perimeter landscaping, and be in compliance with Chapter 8.13 (Water Efficient Landscaping) of the Municipal Code and the Coachella Valley Water District's Landscaping and Irrigation Design Ordinance. The landscape and irrigation plans shall be approved by the Coachella Valley Water District and Riverside County Agriculture Commissioner prior to submittal of the final plans to the Planning Department. Landscape areas shall have permanent irrigation improvements meeting the requirements of the Planning Director.

Note: Final landscaping plans are not approved for construction until approved

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and signed by the Planning Director.

40. Landscape areas shall have permanent irrigation improvements meeting the requirements of the Planning Director. Spray irrigation shall be placed no closer than 24 inches to curbs along public streets.
41. 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.
42. Should any landscaping utilized for screening purposes be deemed insufficient by the Planning Director following an initial period of growth, the applicant shall replace or provide additional landscaping with significant foliage.
43. Tubular-steel "ribbon-type" or other securable, foundation-inset bicycle parking racks shall be provided, large enough to accommodate at least three bicycles, as per Section 9.150.060 of the Parking Ordinance. Bicycle racks shall be placed upon a hard surface in a shaded location out of the way of pedestrian flows. Final placement shall be approved by the Planning Department.

QUALITY ASSURANCE

44. The applicant shall employ construction quality-assurance measures that meet with the approval of the City Engineer.
45. The applicant shall employ, or retain, qualified engineers, surveyors, and such other appropriate professionals as are required to provide the expertise with which to prepare and sign accurate record drawings, and to provide adequate construction supervision.
46. The applicant shall arrange for, and bear the cost of, all measurements, sampling and testing procedures not included in the City's inspection program, but which may be required by the City, as evidence that the construction materials and methods employed comply with the plans, specifications and other applicable regulations.
47. Upon completion of construction, the applicant shall furnish the City with reproducible record drawings of all improvement plans which were approved by

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the City. Each sheet shall be clearly marked "Record Drawing," "As-Built" or "As-Constructed" and shall be stamped and signed by the engineer or surveyor certifying to the accuracy and completeness of the drawings. The applicant shall have all 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 As Built drawings. However, if subsequent approved revisions have been approved by the City Engineer and reflect said "As-Built" conditions, the Engineer Of Record may submit a letter attesting to said fact to the City Engineer in lieu of mylar submittal.

MAINTENANCE

48. The applicant shall comply with the provisions of Section 13.24.160 (Maintenance), LQMC.
49. The applicant shall make provisions for the continuous and perpetual maintenance of all private on-site improvements, perimeter landscaping, access drives, and sidewalks.

FEES AND DEPOSITS

50. 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.
51. 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).

OUTDOOR LIGHTING

52. Exterior lighting shall comply with Section 9.100.150 (Outdoor Lighting) of the La Quinta Municipal Code. An exterior lighting plan with manufacturers cut sheets shall be approved by the Planning Director prior to issuance of first building permit for project.

FIRE DEPARTMENT

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53. Provide or show there exists a water system capable of delivering a fire flow 1500 gallons per minute for a two hours duration at 20 psi residual operating pressure, which must be available before any combustible material is placed on the construction site.
54. Approved accessible on-site fire hydrants shall be located not to exceed 330 feet apart in any direction and within any portion of the facility or of an exterior wall of the first story of the building is located more than 150 feet from fire apparatus as measured by an approved route around the complex, exterior of the facility or building, and no portion of a building further than 165 feet from a fire hydrant. Fire hydrants shall provide the required fire flow.
55. Prior to building plan approval and construction, applicant/developer shall furnish two copies of the water system fire hydrant plans to Fire Department for review and approval. Plans shall be signed by a registered civil engineer, and shall confirm hydrant type, location, spacing, and minimum fire flow. Once plans are signed and approved by the local water authority, the originals shall be presented to the Fire Department for review and approval.
56. Prior to issuance of building permits, the water system for fire protection must be provided as approved by the Fire Department and the local water authority.
57. Applicant/Developer shall mount blue dot retro-reflectors pavement markers on private streets, public streets and driveways to indicated location of the fire hydrant. It should be 8 inches from centerline to the side that the fire hydrant is on, to identify fire hydrant locations.
58. Fire Apparatus access road shall be in compliance with the Riverside County Fire Department Standard number 06-05 (located at www.rvcfire.org). Access lanes will not have an up, or downgrade of more than 15%. Access roads shall have an unobstructed vertical clearance not less than 13 feet and 6 inches. Access lanes will be designed to withstand the weight of 80 thousand pounds over 2 axles. Access will have a turning radius capable of accommodating fire apparatus. Access lane shall be constructed with a surface so as to provide all weather driving capabilities.
59. Driveway loops, fire apparatus access lanes and entrance curb radius should be designed to adequately allow access of emergency fire vehicles. The applicant or developer shall include in the building plans the required fire lanes and include

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the appropriate lane printing and/or signs.

60. An approved Fire Department access key lock box (Minimum Knox Box 3200 series model) shall be installed next to the approved Fire Department access door to the building. If the buildings are protected with an alarm system, the lock box shall be required to have tampered monitoring. Required order forms and installation standards may be obtain at the Fire Department.
61. Display street numbers in a prominent location on the address side of building(s) and/or rear access if applicable. Numbers and letters shall be a minimum of 12" in height for building(s) up to 25' in height. In complexes with alpha designations, letter size must match numbers. All addressing must be legible, of a contrasting color, and adequately illuminated to be visible from street at all hours.
62. Install a complete commercial fire sprinkler system (per NFPA 13 1999 Edition). Fire sprinkler system(s) with pipe sizes in excess of 4" in diameter will require the project Structural Engineer to certify with a "wet signature", that the structural system is designed to support the seismic and gravity loads to support the additional weight of the sprinkler system. All fire sprinkler risers shall be protected from any physical damage. The PIV and FCD shall be located to the front, within 25 to 50 feet of hydrant, and a minimum of 25 feet from the building(s). Sprinkler riser room must have indicating exterior and/or interior door signs. A C-16 licensed contactor must submit plans, along with current \$307.00 deposit based fee, to the Fire Department for review and approval prior to installation. Guideline handouts are available for the Fire Department.
63. Install an alarm monitoring system for fire sprinkler system(s) with 100 or more heads (20 or more in Group I, Division 1.1 and 1.2 occupancies). Valve monitoring, water-flow alarm and trouble signals shall be automatically transmitted to an approved central station, remote station or proprietary monitoring station in accordance with 2001 CBC, Sec. 904.3.1. An approved audible sprinkler flow alarm shall be provided on the exterior in an approved location and also in the interior in a normally occupied location. A C-10 licensed contractor must submit plans designed in accordance with NFPA 72, 1999 Edition, along with the current \$192.00 deposit based fee, to the Fire Department for review and approval prior to installation. Guideline handouts are available from the Fire Department.

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64. Install a portable fire extinguisher, with a minimum rating of 2A-10BC, for every 3,000 sq. ft. and/or 75 feet of travel distance. Fire extinguishers shall be mounted 3.5 to 5 ft above finished floor, measured to the top of the extinguisher. Where not readily visible, signs shall be posted above all extinguishers to indicate their locations. Extinguishers must have current CSFM service tags affixed.
65. A UL 300 hood/duct fire extinguishing system must be installed over the cooking equipment. The extinguishing system must automatically shutdown gas and /or electricity to all cooking appliances upon activation. A C-16 licensed contractor must submit plans, along with the current permit fee, to the Fire Department for review and approval prior to installation. Alarm system supervision is only required if the building has an existing fire alarm system.
66. No hazardous materials shall be stored and/or used within the building, which exceeds quantities listed in UBC Table 3-D and 3-E. No class I, II or IIIA of combustible/flammable liquid shall be used in any amount in the building.
67. Exit designs, exit signs, door hardware, exit markers, exit doors, and exit path marking shall be installed per the 2001 California Building Code.
68. Electrical room doors if applicable shall be posted "ELECTRICAL ROOM" on outside of door.
69. Access shall be provided to all mechanical equipment located on the roof as required by the Mechanical Code.
70. Air handling systems supplying air in excess of 2000 cubic feet per minute to enclosed spaces within buildings shall be equipped with an automatic shutoff. Ref CMC 609.0