

**RESOLUTION 2008-034  
CONDITIONS OF APPROVAL - FINAL  
SITE DEVELOPMENT PERMIT 2007-898  
REGENCY MARINITA LA QUINTA, LLC  
MAY 6, 2008**

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. 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
- 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

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.

A project-specific NPDES construction 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"), prior to the issuance of a grading or site construction permit by the City.

3. 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; and the State Water Resources Control Board's Order No. 99-08-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").

The applicant or design professional can obtain the California Stormwater Quality Association SWPPP template at [www.cabmphandbooks.com](http://www.cabmphandbooks.com) for use in their SWPPP preparation.

- B. The applicant's SWPPP shall be approved by the City Engineer prior to any on or off-site grading being done in relation to this project.
- C. 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.
- D. 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.

- E. All erosion and sediment control BMPs proposed by the applicant shall be approved by the City Engineer prior to any onsite or offsite grading, pursuant to this project.
  - F. The approved SWPPP and BMPs shall remain in effect for the entire duration of project construction until all improvements are completed and accepted by the City.
- 4. This Site Development Permit is valid for two years from the City Council date of approval, unless an extension is applied for and granted by the City Council pursuant to Section 9.200.080 of the La Quinta Municipal Code.
  - 5. 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

- 6. 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.
- 7. The applicant shall offer for dedication 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.
- 8. The public street right-of-way offers for dedication required for this development include:
  - A. PUBLIC STREETS
    - 1) Jefferson Street (Major Arterial, 120' ROW) – The standard 60 feet from the centerline of Jefferson Street for a total 120-foot ultimate developed right of way except an additional variable right

of way dedication at the existing Fred Waring Drive intersection required by the constructed Jefferson Street Improvements CIP 2000-019 measured 65 feet west of the centerline of Jefferson Street, unless said right of way has already been dedicated. Also, additional variable right of way dedication for a deceleration/right turn only lane at the existing north entry drive constructed pursuant to the Jefferson Street Improvements CIP 2000-019 measured 77 feet west of the centerline of Jefferson Street and additional variable right of way dedication for a deceleration/right turn only lane at the existing south entry drive constructed pursuant to the Jefferson Street Improvements CIP 2000-019 measured 67.5 feet west of the centerline, unless said right of way has already been dedicated.

- 2) Fred Waring Drive (Major Arterial, 120' ROW) – A Focused Traffic Study shall be prepared which shall analyze impacts from the project at opening year on the intersections of Jefferson/Fred Waring, Dune Palms/Fred Waring and all project driveways accessing public streets. Impacts shall be determined and mitigated per Engineering Bulletin #06-13. Study shall also review and comment on acceptability of project's on-site circulation.

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 at the existing Jefferson Street intersection required by the constructed Jefferson Street Improvements CIP 2000-019 measured 69 feet south of the centerline of Fred Waring Drive to accommodate dual left turn lanes, three through lanes, a bike lane and a deceleration lane/right turn only lane. The exclusive right turn only lane shall be for the length of the project frontage to accommodate improvements conditioned under STREET AND TRAFFIC IMPROVEMENTS as approved by the City Engineer. Additionally, an additional variable right of way dedication on Fred Waring Drive at the proposed easterly access drive measured sixty nine feet south of the centerline of Fred Waring Drive and length to be determined by the focused traffic. As a minimum, the required right of way shall be for a length from the westerly access drive to accommodate improvements conditioned under STREET AND TRAFFIC IMPROVEMENTS.

As the Focused Traffic Study for the proposed development has not been submitted and mitigation measures have not been established for Fred Waring Drive or Dune Palms Road, the applicant may be required to dedicate additional right of way based on the aforementioned study to accommodate improvements as required by the City Engineer. Also, additional right of way at the corner of Fred Waring Drive and Jefferson Street may be needed to provide a free right turn movement lane for eastbound Fred Waring Drive to southbound Jefferson Street in addition to the deceleration lanes for the project access driveways required of this Site Development Permit as approved by the City Engineer. The design shall be performed by a Licensed Traffic Engineer and approved by the City Engineer.

9. Dedications shall include additional widths as necessary for dedicated right and left turn lanes, and other features contained in the approved construction plans and the Focused Traffic Study required for this Site Development Permit.

Pursuant to this requirement, the Applicant shall include in the Off-Site Street submittal packet 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.

10. The applicant shall create perimeter landscaping setbacks along all public rights-of-way as follows:
  - A. Jefferson Street and Fred Waring Drive (Major Arterial) - 20-foot from the R/W-P/L.

The listed setback depth shall be the average depth where a meandering wall design is approved.

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.

11. 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.
12. Direct vehicular access to Jefferson Street and Fred Waring Drive from lots with frontage along Jefferson Street and Fred Waring Drive is restricted, except for those access points identified on the Site Development Permit Conceptual Grading Plan, or as otherwise conditioned in these conditions of approval. Pursuant to the afore mentioned, requirements or mitigation measures of the Focused Traffic Study as approved by the City Engineer may require additional design changes along Fred Waring Drive.
13. 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.

#### STREET AND TRAFFIC IMPROVEMENTS

14. The applicant shall comply with the provisions of LQMC Sections 13.24.060 (Street Improvements), 13.24.070 (Street Design - Generally) & 13.24.100 (Access For Individual Properties And Development) for public streets; and Section 13.24.080 (Street Design - Private Streets), where private streets are proposed.
15. The applicant shall construct the following street improvements to conform with the General Plan (street type noted in parentheses.)

##### A. OFF-SITE STREETS

- 1) Jefferson Street (Major] Arterial; 120'R/W):

No additional widening of the west side of the street along all frontage adjacent to the Site Development Permit site boundary to its ultimate width on the west side as specified in the General Plan is required as the Jefferson Street Improvements CIP 2000-019 has performed the necessary widening The constructed curb, gutter and driveway approaches are not expected to change.

Other improvements required of the applicant in the Jefferson Street right-of-way and/or adjacent landscape setback areas include:

- a) All appurtenant components such as, but not limited to: traffic control striping, legends, and signs.
  - b) 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.
  - c) Modification of the existing Traffic Signal System as required by the City Engineer.
- 2) Fred Waring Drive(Major Arterial; 120'R/W):

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

- a) An exclusive right turn only lane on Fred Waring Drive at the Jefferson Street intersection. The south curb face shall be located sixty feet (60') south of the centerline. The exclusive right turn only lane shall be for the length of the project frontage unless the traffic study shows otherwise, as approved by the City Engineer. The design shall be performed by a Licensed Traffic Engineer and be approved by the City Engineer.
- b) In addition to 2a above, a deceleration/right turn only lane into the project shall be constructed on Fred Waring Drive at

the proposed easterly access drive unless the traffic study shows otherwise, as approved by the City Engineer. The deceleration/right turn only lane shall be for a length extending from the proposed westerly access drive to a variable dedication as approved by the City Engineer.

- c) Reconstruct the median opening at the proposed westerly access drive to accommodate large truck turning radius as required by the City Engineer.
- d) The dual left turn lane on Fred Waring Drive at the Jefferson Street intersection has been constructed by the Jefferson Street Improvements CIP 2000-019. The south curb face shall be located sixty feet (60') of the centerline.

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

- e) All appurtenant components such as, but not limited to: curb, gutter, traffic control striping, legends, and signs.
- f) 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.
- g) Modification of the existing Traffic Signal System as required by the Focused Traffic Study required of this Site Development Permit and/or as required by the City Engineer.

**B. PROJECT FAIR-SHARE IMPROVEMENTS (OFF-SITE PUBLIC STREETS )**

- 1) Dune Palms Road.



- a) Per the Focused Traffic Study required of this Site Development Permit, the applicant shall design and construct mitigation measures evaluated as contributory to this project as required by the City Engineer. In lieu of the design and construction of said improvements, the applicant may pay his fair-share for the improvements. The amount of the applicant's fair share for the above mentioned improvements shall be as approved by the City Engineer. The applicant shall pay to the City of La Quinta this fair share prior to the issuance of the building permit.

For all improvements, the applicant shall extend improvements beyond the subdivision 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).

The applicant is responsible for construction of all improvements mentioned above.

16. 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:

Major Arterial	6" a.c./6.5" c.a.b.
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or the approved equivalents of alternate materials.

17. 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.
18. General access points and turning movements of traffic are limited to the following:
  - A. Jefferson Street.

- 1) Primary entry (southerly portion of site): Right turn movements in and out and left turn movements in are permitted. Left turn movement out is restricted. Appropriate signing and striping shall be provided. The applicant shall redesign and reconstruct the existing access drive and median island and associated signing and striping to provide 20 feet of paved surface as required by the Riverside County Fire Department and subject to the review and approval of the Riverside County Fire Department and the City Engineer.
  - 2) Secondary entry (northerly portion of site): Right turn movements in and out are permitted. Left turn movements in and out are restricted. Appropriate signing and striping shall be provided. The applicant shall redesign and reconstruct the existing access drive and the proposed median island and associated signing and striping to provide 20 feet of paved surface as required by the Riverside County Fire Department and subject to the review and approval of the Riverside County Fire Department and the City Engineer. The median island shall be extended west past the proposed access drives to Pad A and the Drug Store Pad.
- B. Fred Waring Drive.
- 3) Primary entry (easterly portion of site): Right turn movements in and out are permitted. Left turn movements in and out are restricted. Appropriate signing and striping shall be provided. The design of access drive and any proposed median island and associated signing and striping to provide 20 feet of paved surface as required by the Riverside County Fire Department and subject to the review and approval of the Riverside County Fire Department and the City Engineer.
  - 4) Secondary entry (westerly portion of site): Right turn movements in and out and left turn movement in are permitted. Left turn movement out is restricted. Appropriate signing and striping shall be provided.
- C. Improvements shall include appurtenances such as traffic control signs, markings and other devices, raised medians if required, street name signs and sidewalks.

19. 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

20. The design of parking facilities shall conform to LQMC Chapter 9.150 and in particular the following:
  - A. The parking stall and aisle widths and the double hairpin stripe parking stall design.
  - 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. Accessibility routes to public streets and adjacent development shall be shown on the Precise Grading Plan.
  - E. 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.
  - F. Drive aisles between parking stalls shall be a minimum of 26 feet with access drive aisles to Public Streets a minimum of 30 feet as shown on the Site Development Plan site plan or as approved by the City Engineer. A minimum of 20 feet on each side of approach drives shall be provided where divided by median islands and as approved by the City Engineer and Riverside County Fire Department.

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. In particular, non curvilinear access drives may require redesign to eliminate sight distance and traffic conflict issues.

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:

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.

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. Improvements shall include appurtenances such as traffic control signs, markings and other devices, raised medians if required, street name signs and sidewalks.
24. 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.

#### 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.

25. 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 LQMC Section 13.24.040 (Improvement Plans).
26. 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

NOTE: A through C to be submitted concurrently.

- D. Off-Site Street Improvement/Storm Drain Plan (Jefferson Street and Fred Waring Drive) 1" = 40' Horizontal, 1" = 4' Vertical
- E. Off-Site Signing & Striping Plan 1" = 40' 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.

- F. On-Site Commercial Precise Grading Plan 1" = 20' Horizontal

NOTE: D through F to be submitted concurrently.

- G. Traffic Signal Modification Plan\* 1" = 20' Horizontal

\* Per the Focused Traffic Study required of this Site Development and/or as required by the City Engineer.

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 2007 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 Site Development Plan when it is submitted for plan checking.

In addition to the normal set of improvement plans, an "On- Site Commercial Precise Grading" plan is required to be submitted for approval by the Building Official, Planning Director and the City Engineer.

"On-Site Commercial 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.

27. 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](http://www.la-quinta.org)). Please navigate to the Public Works Department home page and look for the Standard Drawings hyperlink.
28. The applicant shall furnish a complete set of the mylars of all approved improvement plans on a storage media acceptable to the City Engineer.
29. 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," "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.

### IMPROVEMENT SECURITY AGREEMENTS

30. 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.

31. 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, 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 or this Site Development Permit.

E. To agree to any combination of these actions, 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 20 % Building Permit.

In the event that any of the improvements required for this development are constructed by the City, the applicant shall, prior to the issuance of any permit related thereto, reimburse the City for the costs of such improvements.

32. Should the applicant fail to construct the improvements for the development, or fail to satisfy its obligations for the development in a timely manner, the City shall have the right to halt issuance of building permits, and/or final building inspections, withhold other approvals related to the development of the project, or call upon the surety to complete the improvements.

#### GRADING

33. The applicant shall comply with the provisions of LQMC Section 13.24.050 (Grading Improvements).
34. 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.
35. 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 qualified engineer,
  - B. A preliminary geotechnical ("soils") report prepared by a qualified engineer,
  - C. A Fugitive Dust Control Plan prepared in accordance with LQMC Chapter 6.16, (Fugitive Dust Control), and
  - D. A Best Management Practices report prepared in accordance with LQMC Sections 8.70.010 and 13.24.170 (NPDES stormwater discharge permit and Storm Management and Discharge Controls).

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 Rough Grading and Precise Grading Plans 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.

36. 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.
37. 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 backslope (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.
38. 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 Conceptual Grading Plans, unless the pad elevations have other requirements imposed elsewhere in these Conditions of Approval.
39. Building pad elevations of perimeter lots shall not differ by more than one foot higher from the building pads in adjacent developments.
40. 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.

41. 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 Site Development Permit Conceptual Grading Plans, the applicant shall submit the proposed grading changes to the City Staff for a substantial conformance finding review.

42. 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

43. 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 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. The proposed underground storage system piping layouts, overflow strategy and design is subject to the City Engineer's review and approval.
44. 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.
45. 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.
46. 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.

47. No fence or wall shall be constructed around any retention basin unless approved by the Planning Director and the City Engineer.
48. 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 or as approved by the City Engineer.
49. 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).
50. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development.
51. 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.
52. Storm drainage historically received from adjoining property shall be received and retained or passed through into the historic downstream drainage relief route.

#### UTILITIES

53. The applicant shall comply with the provisions of LQMC Section 13.24.110 (Utilities).
54. 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.
55. 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

56. The City will conduct final inspections of habitable buildings only when the buildings have parking lot improvements and (if required) sidewalk access to publicly-maintained streets. The improvements shall include required traffic control devices, pavement markings and street name signs. If on-site streets in residential developments are initially constructed with partial pavement thickness, the applicant shall complete the pavement prior to final inspections of the last ten percent of homes within the development or when directed by the City, whichever comes first.

### LANDSCAPE AND IRRIGATION

57. The applicant shall comply with LQMC Sections 13.24.130 (Landscaping Setbacks) & 13.24.140 (Landscaping Plans).
58. The applicant shall provide landscaping in the required setbacks, retention basins, and common lots. Said landscaping shall be constantly maintained by the center owner with damaged, dead or dying plant material immediately replaced with healthy plant material of equivalent size.
59. Landscape and irrigation plans for landscaped lots and setbacks, medians, retention basins, and parks shall be signed and stamped by a licensed landscape architect.
60. The final landscaping and irrigation plans shall be prepared by a licensed landscape professional, be reviewed by the Architecture and Landscape Review Committee 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 and be in compliance with Chapter 8.13 (Water Efficient Landscaping) of the Municipal Code. 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.

Final landscape plans for on-site planting shall be reviewed by the ALRC and approved by the Planning 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 Planning Director.

61. Two additional trees shall be planted adjacent to the south property line next to the retention basis and all trees along the south property line shall be of a variety that does not produce an excess of leaf debris. Additionally, all landscape areas shall have permanent irrigation improvements meeting the requirements of the Planning Director.
62. 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, 5<sup>th</sup> 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.
63. The front and side walkway areas of all buildings shall be provided with small planters for shrub, groundcover, vines, decomposed granite and where possible small growing trees, the number and variety of which shall be to the satisfaction of the Planning Director.
64. The parking lot surface shall be screened by minimum earthen berming of three feet height or a decorative masonry wall of equivalent height, the design of which shall be to the satisfaction of the Planning Director.

#### PUBLIC SERVICES

65. The applicant shall provide public transit improvements as required by SunLine Transit Agency and approved by the City Engineer and in particular, the bus turnout and bus shelter with water and power connection as required by SunLine Transit on Jefferson Street south of the most northerly access drive to the Site Development Permit site and as approved by the City Engineer.

#### MAINTENANCE

66. The applicant shall comply with the provisions of LQMC Section 13.24.160 (Maintenance).
67. The applicant shall make provisions for the continuous and perpetual

maintenance of all private on-site improvements, perimeter landscaping, access drives, underground and above ground retention basin and facilities and sidewalks.

#### FEES AND DEPOSITS

68. The applicant shall comply with the provisions of LQMC Section 13.24.180 (Fees and Deposits). 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.
69. 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).
70. Applicant shall pay the applicable mitigation fees, related to the Multi-Species Habitat Conservation Plan program, as in effect and at the appropriate point in the permit process.

#### FIRE DEPARTMENT:

71. The Fire Department requires the listed fire protection measures be provided in accordance with the City of La Quinta Municipal Code and/or the Riverside County Fire Department Fire Protection Standards. Final conditions will be addressed when complete buildings plans are reviewed:
72. Provide or show there exists a water system capable of delivering a fire flow 2750 gallons per minute for a four hours duration at 20 psi residual operating pressure, which must be available before any combustible material is placed on the construction site.
73. Approved accessible on-site super fire hydrant(s) (6x4 2 ½ x 2 ½) shall be provided There shall be a minimum number of 3 hydrants with 450 feet spacing between them. The maximum distance from any point on street or road frontage to a hydrant shall be 225 feet. Fire hydrants shall provide the required fire flow.
74. 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.

75. 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.
76. 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.
77. Fire Apparatus access road shall be in compliance with the Riverside County Fire Department Standard number 06-05 (located at [www.rvcfire.org](http://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.
78. 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 the appropriate lane printing and/or signs.
79. 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.
80. 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.
81. 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.

82. Install an alarm monitoring system for fire sprinkler system(s) with 20 or more heads. Valve monitoring, water-flow alarm and trouble signals shall be automatically transmitted to an approved central station, remote station or proprietary monitoring station. 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.
83. 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.
84. 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.
85. 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.
86. Exit designs, exit signs, door hardware, exit markers, exit doors, and exit path marking shall be installed per the 2001 California Building Code.
87. Electrical room doors if applicable shall be posted "ELECTRICAL ROOM" on outside of door.



88. Access shall be provided to all mechanical equipment located on the roof as required by the Mechanical Code.
89. 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
90. Gate(s) shall be automatic or manual operated. Install Knox key operated switches, series KS-2P with dust cover, mounted per recommended standard of the Knox Company. Building plans shall include mounting location/position and operating standards for Fire Department approval. Special forms are available from this office for ordering the Key Switch.
91. The project proponents/developers will be expected to pay the appropriate development impact fees for the project.
92. Nothing in our review shall be construed as encompassing structural integrity. Review of this plan does not authorize or approve any omission or deviation from all applicable regulations. Final approval is subject to field inspection. All questions regarding the meaning of the code requirements should be referred to Fire Department at 760-863-8886.

#### PLANNING DEPARTMENT

93. This approval includes the building elevations for the drug store pad as originally submitted and included in the May 6, 2008 City Council Staff Report Attachments 4 and 5.
94. A sign program in compliance with Chapter 9.160 of the Zoning Code shall be submitted for Planning Commission approval prior to issuance of first building permit.
95. Exterior parking lot lights shall not exceed a height of 18 feet above finish grade. The light fixtures shall be a down shining box type with flush or recessed lenses and shall use low pressure sodium bulbs. Building mounted lights shall also have down shining box type fixtures with flush or recessed lenses and low pressure sodium bulbs. Any lighting fixtures adjacent or near residential areas shall also be provided with down hanging shields as required by the Planning Director.
96. The design and location of all cart return areas and equipment shall not be placed in parking spaces, shall be approved by the Planning Department, and

shown on the precise grading plans.

97. Location of all trash and recycling enclosures shall be approved by the Planning Director and Burrtec Waste and Recycling Services prior to approval of precise grading plan.
98. Parking spaces adjacent to perimeter landscape areas shall be a minimum 17 feet in length with two additional feet added to, and improved as part of, the adjacent landscape area.
99. The screen wall adjacent to the drive-thru lane of Pad A shall be a minimum 5 feet high from the drive-thru lane finish grade and shall be of a design that will adequately shield the view of cars queuing in the drive-thru lane from Jefferson Street. The overall design of the wall shall be subject to approval by the Planning Director and shall include a step down treatment at the both ends of the wall.
100. Deliveries to Shops 1, the Fresh & Easy food store, and the 42,500 square foot general retail pad or subsequent tenants shall not occur between 9 pm and 8 am.
101. Temporary and permanent storage and display of goods for sale or rent, etc., outside the buildings shall not be permitted unless specifically approved by permit.
102. The final grading for the area adjacent to the wall along the south property line shall provide a minimum existing wall height of six feet measured from the project side, where possible.
103. All roof-mounted mechanical equipment shall be fully screened, preferably by the building walls. If not, screening shall be installed using compatible architectural materials and treatments, in a manner so that the equipment is not 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 Planning Department prior to any issuance of building permits related to structures requiring such screening.
104. The specific size, shape, and dimension of the area for the City entry monument shall be determined by the City and either transferred to the City or otherwise reserved for exclusive use by the City in a manner approved by the Planning Director prior to approval of the precise grading plan or approval of the final

landscape plan, whichever occurs first. Additionally, electrical and water stub outs shall be provided by the applicant to the proposed location of the monument.

105. This approval does not constitute approval to subdivide the property.

#### MISCELLANEOUS

106. If deemed feasible by the City, finish grades near the southwest corner of the project site shall be lowered to be compatible with that of the adjacent properties.

107. Adequate parking lot and security lighting shall be provided throughout the project site.

108. If deemed feasible by the City, direct pedestrian access shall be provided between the park to the west and the project site. The design and location of the access and associated pathway, which shall extend onto the park property and connect with the park's existing paved parkway, shall be approved by the Planning Director prior to approval of the precise grading plan or approval of the final landscape plan, whichever occurs first.

109. The drive aisle adjacent to the north side of Pad A leading to the driveway entry on Jefferson Street closest to Fred Waring Drive shall be closed. Resulting parking spaces in that closed access area shall be designed to provide acceptable back-up provisions.

110. The building pads designed with drive-thru lanes shall not be used for a restaurant use.

111. Architectural design and building footprint size and location for the general retail pad identified as "Major" on the Site Plan is not a part of this approval and shall require separate Site Development Permit application, review and approval.

112. The design of the proposed pedestrian access way shall include a lockable wrought iron gate. The gate shall be constructed in a manner that provides visibility through the gate and shall be reviewed and approved by the Planning Director to insure compliance with the intent of this condition.

113. The project landscaping plans shall be designed in such a manner as to facilitate high visibility of the proposed pedestrian access way and its associated pedestrian path from Shops 3 and the adjacent customer parking area. The

landscaping plans shall be reviewed and approved by the Planning Director to insure compliance with the intent of this condition.

114. The project shall meet the intent of the Leeds Green Building and Landscaping Standards.