

**PLANNING COMMISSION RESOLUTION 2005-017
CONDITIONS OF APPROVAL – ADOPTED
SITE DEVELOPMENT PERMIT 2005-832
ALFRED H. COOK, AIA
MAY 24, 2005**

EXHIBIT "A"

GENERAL CONDITIONS OF APPROVAL

1. Site Development Permit (SDP) 2005-832 shall be developed in compliance with these conditions and all approved site plan, elevation, color, materials and other approved exhibits submitted for this application, and any subsequent amendment(s). In the event of any conflicts between these conditions and the provisions of SDP 2005-832, these conditions shall take precedence.
2. SDP 2005-832 shall comply with all applicable conditions and/or mitigation measures for the following related approvals:
 - Environmental Assessment 2000-405
 - Specific Plan 2000-049
 - Tentative Parcel Map 29889

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

3. This approval shall expire two years after its effective date, as determined pursuant to Section 9.200.060.C of the Zoning Code, unless extended pursuant to the provisions of Section 9.200.080.
4. 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 Permit. The City shall have sole discretion in selecting its defense counsel. The City shall promptly notify the developer of any claim, action or proceeding and shall cooperate fully in the defense.
5. Prior to the issuance of a grading, construction or building permit, the applicant shall obtain permits and/or clearances from the following public agencies:

- Riverside County Fire Marshal
- La Quinta Building and Safety Department
- La Quinta Public Works Department
(Grading/Improvement/Encroachment Permits)
- La Quinta Community Development Department
- Riverside County Environmental Health Department
- Desert Sands Unified School District
- Coachella Valley Water District (CVWD)
- Southern California Gas Company
- Imperial Irrigation District (IID)
- California Water Quality Control Board (CWQCB)
- Waste Management of the Desert
- SCAQMD 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; and 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.

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.
 - 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 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") (8.70.020 (Definitions), LQMC):
 - 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.
7. All aspects of this project (plan preparation, all construction phases, operations, etc.) shall be subject to and comply with the adopted Mitigation Monitoring Program and Negative Declaration (EA 2000-405), as certified by the La Quinta City Council.

PROPERTY RIGHTS

8. Prior to the issuance of any permit(s), the applicant shall acquire, or confer, those easements, and other property rights necessary for the construction and/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 the maintenance, construction and reconstruction of essential improvements.
9. The applicant shall create perimeter landscaping setbacks along all public right-of-ways as follows:
 - A. Washington Street (Augmented Major Arterial – 120' R.O.W) – 20-foot from the R/W-P/L.

The setback requirements shall apply to all frontages including, but not limited to, remainder parcels and sites dedicated for utility purposes.

Where public facilities (e.g., sidewalks) are placed on privately-owned setbacks, the applicant shall offer for dedication blanket easements for those purposes on the Final Map.

10. Direct vehicular access to Washington Street is restricted, except for those access points identified on the approved Parcel Map No. 29889, or as otherwise conditioned in these conditions of approval. The vehicular access restrictions are as shown on the recorded Parcel Map No. 29889.
11. 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.
12. The applicant shall enter into a reciprocal easement agreement with all parcel within Parcel Map No. 29889 for all common use access driveways and parking lot infrastructures.

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.

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.

13. 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.

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|----|---|---------------------|
| A. | On-Site Commercial Precise Grading Plan | 1" = 30' Horizontal |
| B. | PM10 Plan | 1" = 40' Horizontal |
| C. | SWPPP | 1" = 40' Horizontal |

Note. A thru C to be submitted concurrently.

Other engineered improvement plans prepared for City approval that are not listed above shall be prepared in formats approved by the City Engineer prior to commencing plan preparation.

The applicant shall prepare an accessibility assessment on annotated print of the building floor plan identifying every building egress and notes the 2001 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.

"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, retaining and perimeter walls, etc. **ADA accessibility to public streets, adjacent buildings and existing and proposed handicap parking shall be shown on the Precise Grading Plans at a scale to be determined by the**

Public Works Department. Precise Grading Plans shall also require approval by the Community Development and Building and Safety Departments.

14. The City maintains standard plans, detail sheets and/or construction notes for elements of construction on the Public Works Online Engineering Library at http://www.la-uinta.org/publicworks/tract1/z_onlinelibrary/Ointropage.htm.
15. The applicant shall furnish a complete set of the AutoCAD files of all approved improvement plans on a storage media acceptable to the City Engineer. The files shall be saved in a standard AutoCAD format so they may be fully retrievable through a basic AutoCAD program.

At the completion of construction, and prior to the final acceptance of the improvements by the City, the applicant shall update the AutoCAD files in order to reflect the as-built conditions.

16. Where the improvement plans were not produced in a standard AutoCAD format, or a file format that can be converted to an AutoCAD format, the City Engineer will accept raster-image files of the plans

IMPROVEMENT SECURITY AGREEMENTS

17. 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.

FIRE PROTECTION

18. Applicant shall comply with all requirements of the Fire Marshal. More specific, detailed requirements shall be addressed at time plans are submitted for plan checking. Building plans shall be submitted to the Fire Department for plan review, to run concurrent with City plan checking.

GRADING

19. The applicant shall comply with the provisions of Section 13.24.050 (Grading Improvements), LQMC.
20. 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.

21. 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 Chapter 6.16, (Fugitive Dust Control), LQMC, and
 - D. A Best Management Practices report prepared in accordance with Sections 8.70.010 and 13.24.170 (NPDES stormwater discharge permit and Storm Management and Discharge Controls), LQMC.

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 applicable improvement 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.

22. 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.
23. 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 Plan, unless the pad elevations have other requirements imposed elsewhere in these Conditions of Approval.

24. 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 Tentative Tract Map, the applicant shall submit the proposed grading changes to the City Staff for a substantial conformance finding review.
25. 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.

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

"Stormwater handling shall conform with the approved hydrology and drainage report for Parcel Map No. 29889 and as revised for this site development permit. Nuisance water shall be disposed of in an approved manner." The applicant shall demonstrate to the Public Works Department's satisfaction, the ability of the existing drainage system to accept the stormwater flow in Lake La Quinta.

26. Nuisance water shall be disposed of in a trickling sand filter and leach field or equivalent system approved by the City Engineer. The sand filter and leach field shall be designed to contain first flush storm water and nuisance water surges from landscape area, commercial activity and off-site street nuisance water. The sand filter design shall be per La Quinta Standard 370 with the equivalent of 137.2 gph of water feed per sand filter to accept the abovementioned nuisance water requirements. Leach line requirements are 1.108 feet of leach line per gph of flow.
27. 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 Section 9.100.040(B)(7), LQMC.
28. The design of the development shall not cause any increase in flood

boundaries, levels or frequencies in any area outside the development.

29. 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.
30. Storm drainage historically received from adjoining property shall be received and retained or passed through into the historic downstream drainage relief route.

UTILITIES

31. The applicant shall comply with the provisions of Section 13.24.110 (Utilities), LQMC.
32. 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.
33. 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.

STREET AND TRAFFIC IMPROVEMENTS

34. The applicant shall comply with the provisions of Sections 13.24.060 (Street Improvements), 13.24.070 (Street Design - Generally) & 13.24.100 (Access For Individual Properties And Development), LQMC for public streets; and Section 13.24.080 (Street Design - Private Streets), where private streets are proposed.
35. 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

3.0" a.c./4.5" c.a.b.

or the approved equivalents of alternate materials.

36. 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.
37. 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.
38. The applicant shall remove and replace the existing sidewalk as needed at all locations where it is cracked, uneven at joints, or otherwise damaged pursuant to Streets & Highways Code Section 5610. This requirement applies to all sidewalk located in the public right of way adjacent to the property being developed.
39. The applicant shall be advised of its continuing obligation to maintain all sidewalk located in the public right of way adjacent to its property in a good state of repair pursuant to Streets & Highways Code Section 5610.

PARKING LOTS and ACCESS POINTS

40. The design of parking facilities shall conform to LQMC Chapter 9.150 (Parking). In particular, the following are conditioned with this approval. The applicant shall restripe the parking lot striping to the City of La Quinta standard double hairpin stripe.

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 in the approved Parcel Map No. 29889 and these conditions of approval.

41. The applicant is required to reconstruct the access driveway at the east boundary adjacent to Parcel 11 (Louise's Pantry) as required by the Public Works Department. At a minimum, the applicant shall redesign and construct the access driveway per Public Works Department design requirements.

CONSTRUCTION

42. The City will conduct final inspections of habitable buildings only when the buildings have improved street and (if required) sidewalk access to publicly-maintained streets. The improvements shall include required traffic control devices, pavement markings and street name signs.

LANDSCAPING

43. The applicant shall comply with Sections 13.24.130 (Landscaping Setbacks) & 13.24.140 (Landscaping Plans), LQMC.
44. The applicant shall provide landscaping in the required setbacks, retention basins, common lots and parking lot areas.
45. Landscape and irrigation plans for landscaped lots and setbacks, retention basins, common lots and parking lot areas shall be signed and stamped by a licensed landscape architect.
46. The applicant shall submit the landscape plans for approval by the Community Development Department (CDD), prior to plan checking by the Public Works Department. When plan checking has been completed by CDD, the applicant shall obtain the signatures of CVWD and the Riverside County Agricultural Commissioner, prior to submittal for signature by the City Engineer.

NOTE: Plans are not approved for construction until signed by the City Engineer.

47. Landscape areas shall have permanent irrigation improvements meeting the requirements of the City Engineer. Use of lawn areas shall be minimized

with no lawn, or spray irrigation, being placed within 18 inches of curbs along public streets or private parking areas.

48. Final landscape plans shall be coordinated and designed to integrate a transitional landscape approach with the proposed SDP 2005-830 site immediately south of this project.

QUALITY ASSURANCE

49. The applicant shall employ construction quality-assurance measures that meet with the approval of the City Engineer.
50. 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.
51. 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.
52. Upon completion of construction, 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 AutoCAD or raster-image files previously submitted to the City, revised to reflect the as-built conditions.

MAINTENANCE

53. The applicant shall comply with the provisions of Section 13.24.160 (Maintenance), LQMC.
54. 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

55. 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.
56. 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).

MISCELLANEOUS

56. The applicant shall submit a detailed building lighting plan, to include exterior fixture details and outdoor perimeter walkway and accent lighting. Details and specifications for each fixture to be used shall be provided with said plan. The lighting plan shall be approved by the Community Development Department prior to issuance of the building permit.
57. 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.
58. The "Spring Leaves Green" accent color shall be replaced with a bronze finish accent color.
59. Approval of SDP 2005-832 shall constitute approval of a minor change under Condition 6 of the approved SP, to allow a 4,600 s.f. medical office use on Parcel 12 in lieu of the originally approved 4,600 s.f. of general office use.