

**PLANNING COMMISSION RESOLUTION 2008-024
CONDITIONS OF APPROVAL - FINAL
SITE DEVELOPMENT PERMIT 2004-821 EXTENSION 1
MAZDA AUTO DEALERSHIP
SEPTEMBER 9, 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. 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").

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

3. 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:

- 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.

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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.

4. The applicant shall comply with applicable provisions of the City's NPDES stormwater discharge permit, LQMC Sections 8.70.010 et seq. (Stormwater Management and Discharge Controls), and 13.24.170 (Clean Air/Clean Water); Riverside County Ordinance No. 457; the California Regional Water Quality Control Board – Colorado River Basin Region Board Order No. R7-2008-001. 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") (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.

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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.

Additionally, the applicant shall comply with applicable provisions for post-construction runoff per the City's NPDES stormwater discharge permit, LQMC Sections 8.70.010 et seq. (Stormwater Management and Discharge Controls), and 13.24.170 (Clean Air/Clean Water); Riverside County Ordinance No. 457; and the California Regional Water Quality Control Board – Colorado River Basin (CRWQCB-CRB) Region Board Order No. R7-2008-0001.

- G. For post-construction urban runoff from New Development and Redevelopments Projects, the applicant shall implement requirements of the NPDES permit for the design, construction and perpetual operation and maintenance of BMPs per the approved Water Quality Management Plan (WQMP) for the project as required by the California Regional Water Quality Control Board – Colorado River Basin (CRWQCB-CRB) Region Board Order No. R7-2008-001.
- H. The applicant shall implement the WQMP Design Standards per (CRWQCB-CRB) Region Board Order No. R7-2008-0001 utilizing BMPs approved by the City Engineer.

- 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

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dedicate or grant access easements to the City for emergency services and for maintenance, construction and reconstruction of essential improvements.

7. The applicant shall offer for dedication all public street right-of-ways in conformance with the City's General Plan, Municipal Code, applicable specific plans, and/or as required by the City Engineer.
8. Dedications shall include additional widths as necessary for dedicated right and left turn lanes, bus turnouts, and other features contained in the approved construction plans.

Pursuant to this requirement, the Applicant shall include in the submittal packet containing the draft final map submitted for map checking, an offsite street geometric layout, drawn at 1" equals 40 feet, detailing the following design aspects: median curb line, outside curb line, lane line alignment including lane widths, left turn lanes, deceleration lane(s) and bus stop turnout(s). The geometric layout shall be accompanied with sufficient professional engineering studies to confirm the appropriate length of all proposed turn pockets and auxiliary lanes that may impact the right of way dedication required of the project and the associated landscape setback requirement

9. When the City Engineer determines that access rights to the proposed street right-of-ways shown on the approved Parcel Map No. 28525-2, the applicant shall grant the necessary right-of-ways within 60 days of a written request by the City.
10. The applicant shall create perimeter landscaping setbacks along all public right-of-ways as follows:
 - A. A 20-foot landscape setback along the east side of Adams Street (Lot C of Parcel Map No. 28525-2) and a 16-foot sidewalk/landscape easement along the north side of Auto Centre Drive and the west side of Auto Centre Way South has been provided for Parcel 1 of PM 28525-2.

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.

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11. The vehicular access restriction are as shown on the recorded Parcel Map No. 28525-2.
12. 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.
13. The applicant shall cause no easement to be granted, or recorded, over any portion of the subject property between the date of approval of the Tentative Tract Map and the date of recording of any Final Map, unless such easement is approved by the City Engineer.

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.

14. 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 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.

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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 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.

15. The City maintains standard plans, detail sheets and/or construction notes for elements of construction which can be accessed via the "Plans, Notes and Design Guidance" section of the Public Works Department at the City website (www.la-quinta.org). Please navigate to the Public Works Department home page and look for the Standard Drawings hyperlink.
16. The applicant shall furnish a complete set of the mylars of all approved improvement plans on a storage media acceptable to the City Engineer.

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 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

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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.

GRADING

17. The applicant shall comply with the provisions of Section 13.24.050 (Grading Improvements), LQMC.
18. 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.
19. 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.

20. 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

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either be planted with interim landscaping, or stabilized with such other erosion control measures, as were approved in the Fugitive Dust Control Plan.

21. 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.
22. Prior to any site grading or regrading that will raise or lower any portion of the site by more than plus or minus five tenths of a foot (0.5') from the elevations shown on the approved Site Development Permit site plan, the applicant shall submit the proposed grading changes to the City Staff for approval by the City Engineer.
23. 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 Specific Plan No. 97-029 and Parcel Map No. 28525-2 and as revised for this site development permit. 100-year storm overflow shall be routed to public streets/Right of Way. Nuisance water shall be disposed of in an approved manner."

24. 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.

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25. 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.
26. 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.
27. 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.
28. No fence or wall shall be constructed around any retention basin unless approved by the Planning Director and the City Engineer.
29. 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.
 - A. 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).
 - B. The design of the development shall not cause any increase in flood boundaries and levels in any area outside the development.
 - C. 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.
 - D. Storm drainage historically received from adjoining property shall be

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received and retained or passed through into the historic downstream drainage relief route.

UTILITIES

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

33. 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.
34. 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.
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or the approved equivalents of alternate materials.

35. 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

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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.

36. The applicant shall reconstruct existing curb and gutter on Auto Centre Drive at the approved access drive location. Additionally, sidewalks shall be redesigned at the access drive location to provide ADA accessibility across the driveway or provide curb ramps.
37. The public street right-of-way offers for dedication required for this development include:
 - A. PUBLIC STREETS
 - 1) Auto Centre Way South (Collector Street)

The master developer, Stamko Development, is conditioned to construct street improvements for Auto Centre Way to a 54 foot curb to curb full width improvements as shown on the Parcel Map 30420 and approved in Specific Plan No. 97-029 and all applicable amendments. The applicant for this Site Development Permit shall work with Stamko Development to construct all necessary improvements along the boundary of the site to provide access to La Quinta Centre Drive to the north. Stamko Development has constructed partial improvements to include the full width street improvements to the west side of Auto Centre Way along the Site Development Permit boundary and partial street widening on the east side of Auto Centre Way South per Plan Set Number 99027.

The applicant shall reconstruct the improvements shown on PSN 99027 for the access driveway to the southerly portion of this Site Development Permit.
38. 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 and parking areas shall be stamped and signed by qualified engineers.

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39. 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.
40. The applicant shall advise any prospective buyer of any parcel on this Site Development Permit of its continuing obligation to maintain all sidewalks 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

41. The design of parking facilities shall conform to LQMC Chapter 9.150 (Parking). In particular, the following are conditioned with this approval.
 - A. Two-way accessways shall have a minimum width of twenty-eight feet.
 - B. Customer parking stall lengths shall be a minimum of 19 feet where no curbs are provided.
 - C. Two-way parking aisles along routes where customer vehicle may traverse such as to customer and service parking shall be a minimum of 26 feet.
 - D. Accessibility routes to public streets shall be shown on the Precise Grading Plan.
 - E. Cross slopes should be a maximum of 2% where ADA accessibility is required including accessibility routes between buildings.
 - F. Building access points shall be shown on the Precise Grading Plans to better evaluate ADA accessibility issues.
 - G. Design parking stalls using hairpin striping.

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.

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- A. General access points and turning movements of traffic to off site public streets are limited to the access locations approved in the approved Parcel Map No. 28525-2 and these conditions of approval.

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.

LANDSCAPE AND IRRIGATION

43. The applicant shall comply with LOMC Sections 13.24.130 (Landscaping Setbacks) & 13.24.140 (Landscaping Plans). Although the approved conceptual landscaping plans may not comply with these standards, final landscaping plans, when submitted, shall be in compliance.
44. The applicant shall provide landscaping in the required setbacks, retention basins, common lots and park areas.
45. Landscape and irrigation plans for landscaped lots and setbacks, medians, retention basins, and parks shall be signed and stamped by a licensed landscape architect.
46. The applicant shall submit the landscape plans for approval by the Planning Department and green sheet sign off by the Public Works Department. When plan checking has been completed by the Planning Department, the applicant shall obtain the signatures of CVWD and the Riverside County Agricultural Commissioner, prior to submittal for signature by the Planning Director, however landscape plans for landscaped median on public streets shall be approved by both the Planning Director and the City Engineer. Where City Engineer approval is not required, the applicant shall submit for a green sheet approval by the Public Works Department.

Final landscape plans for on-site planting shall be reviewed by the ALRC and approved by the Planning Director. Said review and approval shall occur prior to issuance of first building permit unless the Planning Director determines extenuating circumstances exist which justify an alternative processing schedule.

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Final plans shall include all landscaping associated with this project.

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

47. Landscape areas shall have permanent irrigation improvements meeting the requirements of the Planning Director. Use of lawn areas shall be minimized with no lawn, or spray irrigation, being placed within 24 inches of curbs along public streets.
48. 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.

MAINTENANCE

49. The applicant shall comply with the provisions of Section 13.24.160 (Maintenance), LQMC.
50. 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

51. 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. 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).

FIRE MARSHALL

52. Final conditions will be addressed when building plans are reviewed. A plan check

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fee must be paid to the Fire Department at the time building plans are submitted. All questions regarding Fire Marshall conditions should be directed to the Fire Department Planning & Engineering staff at (760) 863-8886.

SHERIFF DEPARTMENT

53. Final conditions will be addressed when building plans are reviewed. Prior to issuance of a building permit, applicant shall review building plans with the Sheriff's Department regarding vehicle code requirements, defensible space, and other law enforcement and public safety concerns. All questions regarding the Sheriff Department should be directed to the Senior Deputy at (760) 863-8950.

PLANNING DEPARTMENT

54. Prior to issuance of a building permit, the applicant shall provide samples of actual precision and aggregate block types to the Community Development Department for final approval.
55. Top band to be precision block with a thinned band of smooth trowel stucco concrete block. Bottom band is a split-face block type to be worked out with staff.
56. The architectural plans shall be revised to provide an architectural canopy over service bay.
57. The architectural plans shall be revised to provide more detail on left elevation by wrapping the "green" block wall around the stair well.
58. Light fixtures along the west (adjacent to Adams Street) and south perimeter property line shall be adequately shielded to eliminate light glare and/or spillage within Lake La Quinta residential development. Applicant shall revise lighting plan by lowering the light poles to 18 feet in height along the south property line with a single box using 250 watt metal halide fixtures, and lower the light poles on the west property line for a distance of 170 feet, from the south property line to 18 feet in height using 250 watt metal halide fixtures. Applicant shall also revise the landscape plan by adding non-deciduous trees along the south and west property line which are clustered around the light poles. All lighting along the west (adjacent to Adams Street) and south perimeter property line shall be shielded.

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59. Public address/paging systems are prohibited; available alternatives include pagers and personal telecommunication systems.
60. Service departments shall operate only between the hours of 7:00 a.m. and 6:00 p.m. up to six days per week excluding Sundays. Lighting after 10:00 p.m. shall be reduced to a security level. The final lighting plan shall include a wiring control diagram which clearly demonstrates compliance with this condition.
61. Applicant is required to install a 6 foot wall on a 2 foot berm along the entire west property line (i.e. Adams Street).
62. Site Development Permit 2004-821 Extension 1 shall expire on September 9, 2009, one year from the date of this Planning Commission approval, unless granted an additional time extension pursuant to the requirements of La Quinta Municipal Code 9.200.080 (Permit expiration and time extensions).