

**PLANNING COMMISSION RESOLUTION 2004-025
CONDITIONS OF APPROVAL - FINAL
SITE DEVELOPMENT PERMIT 2004-800
WASHINGTON PARK 111, LTD. – TRADER JOES
ADOPTED: MARCH 23, 2004**

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 Tentative Tract Map, or any Final Map recorded thereunder. 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 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 the **applicable** clearances and/or permits from the following agencies:

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

The applicant is responsible for 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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4. 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; the State Water Resources Control Board's Order No. 99-08-DWQ and the approved Storm Water Pollution Protection Plan prepared for Specific Plan 1987-011, Amendment No. 4 and Parcel Map No. 30903.
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.
7. The applicant shall offer for dedication on the Final Map 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. The public street right-of-way offers for dedication required for this development include:
 - A. PUBLIC STREETS
 - 1) Washington Street (Augmented Major Arterial, 132' ROW) – No additional right of way is required.
 - 2) Simon Drive (Non-Conforming Local Street, 88' ROW) – No additional right of way is required.
9. 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.

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10. The applicant shall create perimeter landscaping setbacks along all public right-of-ways as follows:
 - A. Washington Street (Major Arterial) - 20-foot from the R/W-P/L.
 - B. Simon Drive (Non-Conforming Local Street) - 10-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.

11. Direct vehicular access to Washington Street and Simon Drive are restricted, except for those access points identified on the Site Plan for Site Development Permit 2004-800, or as otherwise conditioned in these conditions of approval.
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 Site Development Permit, 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.

14. 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.
15. The following improvement plans shall be prepared and submitted for review and approval by the City. 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. Off-Site Street/ Signing and Striping Plan: 1" = 40' Horizontal, 1" = 4' Vertical

The street improvement plans shall include permanent traffic control and 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.

- B. On-Site Precise Grading Plan 1" = 30' Horizontal
C. Traffic Signal Plan 1" = 20' Horizontal

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.

On-Site 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.

16. The City maintains standard plans, detail sheets and/or construction notes for elements of construction. For a fee, established by City Resolution, the applicant may purchase such standard plans, detail sheets and/or construction notes from the City.
17. 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.

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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.

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

18. 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

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 the Final Map 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. 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 (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.
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 Rough Grading Plan for Tract Map No. 30903, 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

26. The applicant shall comply with the provisions of Section 13.24.120 (Drainage), LQMC, Engineering Bulletin No. 97-03, and **the approved Hydrology Study and Storm Drainage System for Tract No. 30903.**
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.

UTILITIES

28. The applicant shall comply with the provisions of Section 13.24.110 (Utilities), LQMC.
29. 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.
30. 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

31. 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.

32. The applicant shall construct the following street improvements:

A. OFF-SITE STREETS

1) Washington Street (Augmented Major Arterial; 132' R/W):

No additional widening on the east side of the street along all frontage adjacent to the Site Development Permit boundary, except at locations where additional street width is needed to accommodate:

- a) **A deceleration/right turn only lane at the Simon Drive intersection and a deceleration lane at the driveway on Washington Street just south of Simon Drive servicing the proposed project. The east curb face shall be located 58 feet (58') east of the centerline. The length of the deceleration/right turn lane shall be a minimum of 100 feet long plus a variable transition taper of 50 feet with the actual length and taper determined and designed by a licensed traffic engineer when street improvement plan are submitted and approved by the Public Works Department.**

Other required improvements in the Washington Street right of way and/or adjacent landscape setback area include:

- a) **All appurtenant components such as, but not limited to: curb, gutter, 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) **A County of Riverside benchmark in the Washington Street right of way established by a licensed surveyor.**
- d) **If demonstrated by the Traffic Study prepared in Condition No. 56, the applicant shall be responsible for its fair share (but not to exceed 25 %) of the cost of the cost for design and installation of a traffic signal at the Washington Street and Simon Drive intersection if required of Tentative Tract No. 31348 on the west side of Washington Street and when warranted. The applicant shall enter upon an agreement with the developer of Tentative Tract No. 31348, Madison Development, LLC, for their prorated share obligation.**

2) **Simon Drive (Non-Conforming Local Street)**

No additional widening on the east side of the street along all frontage adjacent to the Site Development Permit boundary.

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

- a) **All appurtenant components such as, but not limited to: curb, gutter, traffic control striping, legends, and signs.**

33. 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 Facilities	3.0" a.c./4.5" c.a.b.
Major Arterial	5.5" a.c./6.5" c.a.b.

or the approved equivalents of alternate materials.

34. 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.

35. General access points and turning movements of traffic are limited to the following:
 - A. Washington Street
 - 1) Primary Entry: Right turn in and out movements are permitted. Left turn in and out movements are prohibited.
 - B. Simon Drive
 - 1) Primary Entry (Westerly Access Driveway): Full movements are permitted.
36. Improvements shall include appurtenances such as traffic control signs, markings and other devices, raised medians if required, street name signs and sidewalks. Mid-block street lighting is not required.
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.

PARKING LOTS and ACCESS POINTS

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

Entry drives, main interior circulation routes, corner cutbacks, bus turnouts, dedicated turn lanes, ADA accessibility route to public streets and other features shown on the approved construction plans, may require additional street widths and other improvements as may be determined by the City Engineer.

- A. General access points and turning movements of traffic to off site public streets are limited to the access locations approved in **these conditions of approval**.

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

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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.

CONSTRUCTION

39. 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. 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.

LANDSCAPING

40. The applicant shall comply with Sections 13.24.130 (Landscaping Setbacks) & 13.24.140 (Landscaping Plans), LQMC.
41. The applicant shall provide landscaping in the required setbacks, retention basins, common lots and park areas.
42. Landscape and irrigation plans for landscaped lots and setbacks, medians, retention basins, and parks shall be signed and stamped by a licensed landscape architect.
43. 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.

44. 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.

PUBLIC SERVICES

45. The applicant shall provide public transit improvements as required by SunLine Transit Agency and approved by the City Engineer.

QUALITY ASSURANCE

46. The applicant shall employ construction quality-assurance measures that meet with the approval of the City Engineer.
47. 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.
48. 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.
49. 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

50. The applicant shall comply with the provisions of Section 13.24.160 (Maintenance), LQMC.
51. 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

52. The applicant shall comply with the provisions of Section 13.24.180 (Fees and Deposits),

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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.

53. 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).

COMMUNITY DEVELOPMENT

54. The applicant shall provide a meandering sidewalk at the corner of Washington Street and Simon Drive.
55. Landscaping plans shall comply with the City's Water Efficient Landscaping Ordinance for this project. Said landscaping plans shall include a complete irrigation system showing location and size of water lines, valves, clock timers, type of sprinklers, etc. Prior to the issuance of any building permits the landscape plans shall also be approved by the Coachella Valley Water District before final approval by the Community Development Department.
56. Applicant shall pay for and provide to the City a traffic study to determine the nexus, if any, of the requisite signal at Simon Drive and Washington Street; and an analysis of the use pattern of the signal to assist in the determination of need for deceleration lanes on all three access points, on Washington Street, for the commercial development, Washington Park.

FIRE DEPARTMENT

57. Fire Department plan check is to run concurrent with the City plan check. Specific fire protection measures will be determined at the time of plan check.

SHERIFF DEPARTMENT

58. 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's Department should be directed to the Deputy at (760) 863-8950.