

**PLANNING COMMISSION RESOLUTION 2005-040
CONDITIONS OF APPROVAL - FINAL
SITE DEVELOPMENT PERMIT 2005-840
ONE ELEVEN LA QUINTA, LLC.
ADOPTED: SEPTEMBER 27, 2005**

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 the necessary clearances and/or permits from the following agencies:

- Fire Marshal
- Public Works Department (Grading Permit, Green Sheet (Public Works Clearance) for Building Permit, Improvement Permit)
- Community Development Department
- Riverside Co. Environmental Health Department
- Desert Sands Unified School District
- Coachella Valley Water District (CVWD) Encroachment Permit, Stormwater Discharge Fee, Other Fees
- 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.

3. 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.

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4. 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

5. 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.
6. 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.

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.

7. 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.
8. 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.

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

NOTE: A and B to be submitted concurrently.

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“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, retaining and perimeter walls, etc. ADA accessibility to public streets, adjacent buildings and existing handicap parking shall be shown on the Site Development Plans at a scale to be determined by the Public Works Department.

The applicant shall prepare an accessibility assessment on a marked up 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.

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.

9. 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.
10. 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.

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.

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PRECISE GRADING

11. The applicant shall comply with the provisions of Section 13.24.050 (Grading Improvements), LQMC.
12. 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.
13. 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 or architect,
 - 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.

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.

14. 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.
15. Prior to any site grading or regrading that will raise or lower any portion of the site by more than plus or minus three tenths of a foot from the elevations shown on the approved Site Development Permit site plan, the applicant shall submit the proposed grading changes to the City Staff for a substantial conformance finding review.

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16. 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 as approved by the City Engineer.

DRAINAGE

17. Stormwater handling shall conform with the approved hydrology and drainage plan for ONE ELEVEN/LA QUINTA CENTER and as modified for this Site Development Permit. Storm and nuisance water shall be conveyed into a drywell or other approved filtration system prior to being discharged into the Coachella Valley Stormwater Channel. All nuisance water shall be contained within the approved system. The applicant shall submit to the Public Works Department the aforementioned modified Hydrology Report for approval.
18. The 100-year stormwater flow HGL shall be assumed at 2 feet below the 500 year Project Storm Design.
19. When an applicant proposes discharge of storm water directly, or indirectly, into the Coachella Valley Stormwater Channel, the applicant shall indemnify the City from the costs of any sampling and testing of the development's drainage discharge which may be required under the City's NPDES Permit or other City- or area-wide pollution prevention program, and for any other obligations and/or expenses which may arise from such discharge. The indemnification shall be executed and furnished to the City prior to the issuance of any grading, construction or building permit, and shall be binding on all heirs, executors, administrators, assigns, and successors in interest in the land within this tentative parcel map excepting therefrom those portions required to be dedicated or deeded for public use. The form of the indemnification shall be acceptable to the City Attorney. If such discharge is approved for this development, the applicant shall make provisions in the final development CC&Rs for meeting these potential obligations.

UTILITIES

20. 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.

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21. 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.
22. The applicant shall provide certified reports of all utility trench compaction for approval by the City Engineer.

PARKING LOTS AND LOADING DOCKS

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

Entry drives, main interior circulation routes, corner cutbacks, 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.
24. 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.
25. The design of parking facilities and loading docks shall conform to LQMC Chapter 9.150 (Parking) and as approved by the Department of Public Works. In particular, the following are conditioned with this approval.
 - A. Cross slopes should be a maximum of 2% where ADA accessibility is required including accessibility routes between buildings.
 - B. Building access points shall be shown on the Precise Grading Plans to better evaluate ADA accessibility issues.
 - C. Parking stalls shall be restriped to the City of La Quinta double striped hairpin design.
 - D. A minimum 26-foot wide aisle shall be afforded along the northerly loading dock/trash enclosure area.

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- E. Access to public streets, public transit facilities and adjacent buildings shall be provided for this Site Development Permit.
 - F. The applicant may be required to modify the existing Big 5 employee parking area to the westerly back of the building and as approved by the Public Works Department with the Precise Grading Plan submittal.
26. 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:
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| Parking Areas (Parking and Low Traffic) | 3.0" a.c./4.5" c.a.b. |
| Parking Areas (High Traffic) | 4.5" a.c./5.5" c.a.b. |
| Loading Dock and Trash Enclosure Service Area | 6.0" p.c.c. |
- or the approved equivalents of alternate materials.
27. 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.
28. 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.

QUALITY ASSURANCE

- 29. The applicant shall employ construction quality-assurance measures that meet with the approval of the City Engineer.
- 30. 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.

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31. 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.
32. 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

33. The applicant shall comply with the provisions of Section 13.24.160 (Maintenance), LQMC.
34. 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

35. 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.
36. 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).

LANDSCAPING

37. The applicant shall comply with Sections 13.24.130 (Landscaping Setbacks) & 13.24.140 (Landscaping Plans), LQMC.

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38. Landscaping shall be installed along the storefront. Bougainvilleas shall be attached to the front columns as a vertical element. Plantings shall be placed between the front columns.
39. Landscape and irrigation plans for landscaped lots and setbacks, medians, retention basins, and parks shall be signed and stamped by a licensed landscape architect.
40. 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.

41. Landscape areas shall have permanent irrigation improvements meeting the requirements of the City Engineer.

COMMUNITY DEVELOPMENT

42. Trash enclosures shall be relocated to be parallel to the truck loading well.
43. All roof top mechanical equipment shall be fully screened per Section 9.100.050 of the Zoning Ordinance.
44. Tubular-steel "ribbon-type" or other securable, foundation-inset bicycle parking racks shall be provided, large enough to accommodate five bicycles. Bicycle racks shall be placed in shaded locations, out of the way of pedestrian flows and shopping cart storage and shall be provided with a mechanism which permits locking a bicycle onto the rack.

FIRE DEPARTMENT

45. Prior to issuance of a building permit, applicant shall review building plans with the Fire Department. 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.
46. Approved super fire hydrants, shall be spaced every 330 feet and shall be located not less than 25 feet nor more than 165 feet from any portion of the building as measured along outside travel ways.

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47. Blue dot reflectors shall be placed in the street eight inches from centerline to the side that the fire hydrant is on, to identify fire hydrant locations.
48. City of La Quinta ordinance requires all commercial buildings 5,000 sq. ft. or larger to be fully sprinkled. NFPA 13 Standard. Sprinkler plans will need to be submitted to the Fire Department.
49. Fire Department connections (FDC) shall be not less than 25 feet nor more than 50 feet from a fire hydrant and shall be located on the front side of the buildings. FDC's and PIV's may not be located at the rear of buildings. Note also that FDC's must be at least 25 feet from the building and may not be blocked by landscaping, parking stalls or anything that may restrict immediate access.
50. Building plans shall be submitted to the Fire Department for plan review to run concurrent with the City plan check.
51. The required water system, including fire hydrants, shall be installed and accepted by the appropriate water agency prior to any combustible building material being placed on an individual lot.
52. Fire Department street access shall come to within 150 feet of all portions of the 1st. floor of all buildings, by path of exterior travel.
53. Install a KNOX key box on each commercial building and/or suite. (Contact the Fire Department for an application)
54. Install portable fire extinguishers as required by the California Fire Code.
55. Any submissions to the Fire Department are the responsibility of the applicant.

SHERIFF DEPARTMENT

56. 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.