

**RESOLUTION NO. 2003-030
ST. FRANCIS OF ASSISI
SITE DEVELOPMENT PERMIT 2002-755
CONDITIONS OF APPROVAL - FINAL
ADOPTED: MAY 20, 2003**

GENERAL

1. 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 plan. 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 a grading, construction or building permit, the applicant shall obtain permits and/or clearances from the following public 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)

The applicant is responsible for any requirements of the permits or clearances from those jurisdictions. If the requirements include approval of improvement plans, applicant shall furnish proof of said approvals prior to obtaining City approval of the plans.

The applicant shall comply with applicable provisions of the City's NPDES stormwater discharge permit. For projects requiring project-specific NPDES construction permits, the applicant shall submit a copy of the CWQCB acknowledgment of the applicant's Notice of Intent prior to issuance of a grading or site construction permit. The applicant shall ensure that the required Storm Water Pollution Protection Plan is available for inspection at the project site.

3. 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

4. Prior to issuance of any permit(s), the applicant shall acquire or confer easements and other property rights necessary for 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.
5. Unless the ultimate developed right-of-way can be documented, the public street right-of-way offers for dedication required for this development include:

A. PUBLIC STREETS

- 1) Washington Street - Additional right-of-way shall be acquired and dedicated as follows:

- a. If the pending General Plan Amendment that proposes to change the street classification of Washington Street from an Augmented Arterial to a Major Arterial is approved by the City Council, the right of way dedication shall consist of providing additional right of way to accommodate a deceleration/right turn only lane at the Washington Street/Lake La Quinta Drive intersection. The right of way dedication shall be 12 feet wide and length to be determined pursuant to a traffic study prepared during the design phase of the street improvements.

- b. If the pending General Plan Amendment is not approved, the right of way dedication shall be 6 feet wide across the entire frontage of the subject development site from the south limit of the property approximately 450-feet north to the south end of the frontage road divider island.

c. The right of way dedication for the west leg of the Washington Street/lake La Quinta Drive intersection shall extend approximately 230-feet west and 200-feet south to the north property line of the La Quinta Arts Foundation property. The dedication width shall be 6-feet wider than the proposed drive width. Reasonable adjustments to the alignment will be allowed to accommodate onsite grading and improvement layout proposed by the applicant.

6. 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.
7. The applicant shall create perimeter setbacks along public rights of way as follows:
 1. Washington Street - 20-Foot from the R/W-P/L

The setback requirement applies to all frontage 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 dedicate blanket easements for those purposes.

8. The applicant shall dedicate easements necessary for placement of and access to utility lines and structures, drainage basins, and common areas.
9. Direct vehicular access to Washington Street is restricted. Except for those access points identified on the Conceptual Site Plan, or as otherwise conditioned in these conditions of approval.
10. The applicant shall grant a recorded license agreement necessary for the adjoining parcel(s) to construct and use the shared entry drive on Washington Street. The license agreement may not be terminated without the consent of the City Council. The form of the license agreement shall be subject to the approval of the Public Works Director and the City Attorney.

11. If the approved access drives are located in whole or in part on the adjoining parcel(s), the applicant shall furnish proof of easements for construction and use of drives on those parcels, including the recordation of a reciprocal access agreement.
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.

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.

13. 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 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.

1. Off-Site Street 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.

1. Landscape Plan: 1" = 20' Horizontal
2. Storm Drain Plan: 1" = 40' Horizontal, 1" = 4' Vertical
3. Site Development Plan: 1" = 40' 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.

Site Development 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 to include ADA requirements for parking stalls, access to the building and access to public transportation.

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.

Storm Drain plans shall normally include all hydrologic and hydraulic analysis including but not necessarily limited to hydraulic grade lines, Pipe flows, and inlet structure sizing.

15. 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.
16. 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.

IMPROVEMENT SECURITY AGREEMENT

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.

GRADING

18. The applicant shall comply with the provisions of Section 13.24.050 (Grading Improvements), LQMC.
19. 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.
20. To obtain an approved grading permit, the applicant shall submit and obtain approval of all of the following:
 1. A grading plan prepared by a qualified engineer or architect,
 2. A preliminary geotechnical (Soils) report prepared by a qualified engineer, and
 3. A Fugitive Dust Control Plan prepared in accordance with Chapter 6.16, (Fugitive Dust Control), LQMC.
 4. 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 Site Development plan 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.

21. 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.
22. 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 back slope (ie 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.
23. 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 plan, the applicant shall submit the proposed grading changes to the City Staff for a substantial conformance finding review.

DRAINAGE

The applicant shall comply with the provisions of Engineering Bulletin No. 97.03 and the following:

24. Stormwater falling on site during the peak 24-hour period of a 100-year storm (the design storm) shall be retained within the development unless otherwise approved by the City Engineer. The tributary drainage area shall extend to the centerline of adjacent public streets.

25. Stormwater shall normally be retained in common retention basins. Individual-lot basins or other retention schemes may be approved by the City Engineer for lots 2 acres in size or larger or where the use of common retention is impracticable
26. Storm flow in excess of retention capacity shall be routed through a designated, unimpeded overflow outlet to the historic drainage relief route.
27. Storm drainage historically received from adjoining property shall be retained on site or passed through to the overflow outlet.
28. Retention facility design shall be based on site-specific percolation data which shall be submitted for checking with the retention facility plans. The design percolation rate shall not exceed two inches per hour.
29. Retention basin slopes shall not exceed 3:1. Maximum depth of retention basin (at overflow weir location) shall be six feet for common basins
30. Nuisance water shall be retained on or disposed of in an approved method.
31. Applicant shall accept historical off-site drainage from the Highland Palms subdivision that exceeds the capacity of the retention basins located in the street closure area east of the site. In consideration of the need to oversize the on-site retention basin, the City will pay the Applicant the appraised value of the subject raw vacant land, on a per square foot basis, for any additional land required to accommodate the off-site drainage. The retention basin shall be sized to accommodate the 100-year storm. The Applicant shall submit a drainage report for review by the City Engineer that identifies the incremental land area needed to accommodate the increased retention basin as a result of the excess off-site drainage.

UTILITIES

32. The applicant shall obtain the approval of the City Engineer for the location of all utility lines within the right of way and all above-ground utility structures including, but not limited to, traffic signal cabinets, electrical vaults, water valves, and telephone stands, to ensure optimum placement for practical and aesthetic purposes.

33. Existing aerial lines within or adjacent to the proposed development and all proposed utilities shall be installed underground. Power lines exceeding 34.5 kv are exempt from this requirement.
34. Utilities shall be installed prior to overlying hardscape. For installation of utilities 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 trench compaction for approval of the City Engineer.

STREET AND TRAFFIC IMPROVEMENTS

35. 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.
36. The applicant shall install the following street improvements to conform with the General Plan street type noted in parentheses. (Public street improvements shall conform with the City's General Plan in effect at the time of construction.)

A. OFF-SITE STREETS

- 1) Washington Street – The west half (60-feet) of a 120-foot street improvement.

Widen the west side of the street along all frontage adjacent to the property from the frontage road divider island to the south limits of the 29 acre site – approximately 450-feet. Street widening improvements shall include all appurtenant components such as, but not limited to, curb, gutter, traffic control striping, legends, and signs, except for street lights. Other significant new improvements required for installation in, or adjacent, to the subject right of way include:

- (a) 8-foot wide meandering sidewalk along the entire frontage of the 29 acre site – approximately 760-feet.

The meandering sidewalk shall have an arrhythmic horizontal layout that utilizes concave and convex curves with respect to the curbline 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.

(b) Deceleration/stacking lane at both entrances.

The length of each deceleration/stacking lane shall be determined pursuant to a traffic study prepared during the design phase of the street improvements.

B. PARKING LOTS

- 1) The design of parking facilities shall conform to LQMC Chapter 9.150

C. TRAFFIC SIGNAL

The Applicant shall install the traffic signal at the project's main Washington Street and Lake La Quinta Drive when warrants are met. Applicant is responsible for 25% of cost to design and install traffic signal.

D. STREET CLOSURE AREA

The site layout proposed by the applicant can not be implemented, unless the City Council approves the proposed street closure application. If the street closure is approved, the applicant shall design and install additional improvements (to be identified by City staff) in the street closure area at City expense subject to a reimbursement agreement. This reimbursement agreement will be drafted and approved by the City Council at a future date, but before the applicant can commence onsite construction.

37. General access points and turning movements of traffic are limited to the following:

1. Washington Street and Lake La Quinta Drive - One 60-foot wide shared entry approximately 110-feet north of the La Quinta Arts Foundation's festival site - deceleration lane. Aligned with Lake La Quinta Drive - Signalized intersection, full turning movements allowed. This access driveway cannot be used until the frontage road is closed and the intersection is signalized.
 2. Washington Street - One 64-foot wide entry drive approximately 600-feet south of Highland Palms Drive - deceleration lane right in only and right out only.
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, access gates and parking areas shall be stamped and signed by qualified engineers.
 39. The applicant shall extend improvements beyond the site boundaries to ensure they safely integrate with existing improvements. (E.g., grading, traffic control devices, alignment transitions, elevations or dimensions of streets and sidewalks.)
 40. Entry drives, main interior circulation routes, standard knuckles, corner cutbacks, bus turnouts, dedicated turn lanes and other features shown on the approved construction plans, may require additional street widths as may be determined by the City Engineer.
 41. Streets shall have vertical curbs or other approved curb configurations that will convey water without ponding, and provide lateral containment of dust and residue during street sweeping operations. If a wedge or rolled curb design is approved, the lip at the flowline shall be near vertical with a 1/8" batter and a minimum height of 0.1'. Unused curb cuts on any lot shall be restored to standard curb height prior to final inspection of permanent building(s) on the lot.
 42. 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:

Washington Street, per Caltrans requirements.

43. 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.

LANDSCAPING

44. The applicant shall provide landscaping in 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.

The applicant shall submit plans for approval by the Community Development Department prior to plan checking by the Public Works Department. When plan checking is complete, the applicant shall obtain the signatures of CVWD and the Riverside County Agricultural Commissioner prior to submitting for signature by the City Engineer. Plans are not approved for construction until signed by the City Engineer.

46. Landscape areas shall have permanent irrigation improvements meeting the requirements of the City Engineer. Use of lawn shall be minimized with no lawn or spray irrigation within 18 inches of curbs along public streets.

PUBLIC SERVICES

47. The applicant shall provide public transit improvements as required by Sunline Transit and approved by the City Engineer.

QUALITY ASSURANCE

48. The applicant shall employ construction quality-assurance measures which meet the approval of the City Engineer.

49. The applicant shall employ or retain qualified civil engineers, geotechnical engineers, surveyors, or other appropriate professionals to provide sufficient construction supervision to be able to furnish and sign accurate record drawings.
50. The applicant shall arrange and bear the cost of measurement, sampling and testing procedures not included in the City's inspection program but required by the City as evidence that construction materials and methods comply with plans, specifications and applicable regulations.
51. Upon completion of construction, the applicant shall furnish the City reproducible record drawings of all improvement plans which were signed by the City. Each sheet shall be clearly marked "Record Drawings," "As-Built" or "As-Constructed" and shall be stamped and signed by the engineer or surveyor certifying to the accuracy of the drawings. The applicant shall revise the CAD or raster-image files previously submitted to the City to reflect as-constructed conditions.

MAINTENANCE

52. The applicant shall make provisions for continuous, perpetual maintenance of all on-site improvements, perimeter landscaping, access drives, and sidewalks. The applicant shall maintain required public improvements until expressly released from this responsibility by the appropriate public agency.

FEES AND DEPOSITS

53. The applicant shall pay the City's established fees for plan checking and construction inspection. Fee amounts shall be those in effect when the applicant makes application for plan checking and permits.

COMMUNITY DEVELOPMENT

54. The conditions of approval for this Site Development Permit (SDP 2002-755) are binding with the conditions of approval of Conditional Use Permit (CUP 2002-073) for the same project.
55. All public agency letters received for this case are made part of the case file documents for plan checking processes.

56. Approval of this Conditional Use Permit is subject to compliance with Section 9.210.010 of the Zoning Code, as applicable.
57. The approved Site Development Permit shall be used within two years of approval, otherwise, it shall become null and void and of no effect whatsoever.

“Used” means the issuance of a building permit. A time extension may be requested as permitted in Municipal Code Section 9.200.080 (D).

58. 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 Conditional Use 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.

59. Development of this site shall be in conformance with the Exhibits approved and contained in the files for Site Development Permit 2002-755 and Conditional Use Permit 2002-073.
60. The applicant shall comply with all the mitigation measures listed in the Environmental Assessment to reduce impacts to a less than significant level.

COACHELLA VALLEY WATER DISTRICT

61. Grading, landscaping and irrigation plans shall be submitted to the Coachella Valley Water District for review to ensure efficient water management techniques.
62. Appropriate fees, if any, shall be paid to the Coachella Valley Water District in accordance with their current regulations for service to the site.

RIVERSIDE COUNTY FIRE DEPARTMENT

63. Approved super fire hydrants shall be spaced 330 feet and shall be located not less than 25 feet, nor more than 165 feet, from any portion of the buildings as measured along vehicular travel ways.

64. Blue dot reflectors shall be placed in the street 8 inches from the centerline to the side that the fire hydrant is located, so as to identify fire hydrant locations during an emergency.

65. Fire Department connections shall be not less than 15 feet, nor more than 50 feet from a fire hydrant and shall be located on the street side of the buildings.

66. The water mains shall be capable of providing a potential fire flow of 4500 gpm and actual fire flow from any two adjacent hydrants shall be 2250 gpm for a 4-hour duration at 20-psi residual operating pressure.

67. Water plans for the fire protection system (fire hydrants, etc.) shall be submitted to the Fire Department for approval prior to issuance of a building permit.

68. The applicant or developer shall prepare and submit to the Fire Department for approval, a site plan designating required fire lanes with appropriate lane painting and/or signs. Streets shall be a minimum 20 feet wide with a height of 13'-6" clear and unobstructed.

LIGHTING

69. A detailed lighting plan shall be submitted for review and approval by the Community Development Department prior to issuance of any building permit. Said plan shall show the type of standard, manufacturer's specifications and locations on the site. Low sodium pressure lighting shall be utilized throughout the parking lot so as to reduce glare to the surrounding area. In no case shall lighting standards for the parking lot be taller than 12 feet.

SIGNS

70. A sign application shall be submitted for review and approval by the Community Development Department prior to issuance of a grading permit. All signs shall be in compliance with Section 9.160 of the Zoning Code.