

**CITY COUNCIL RESOLUTION 2004-011
CONDITIONS OF APPROVAL - FINAL
SITE DEVELOPMENT PERMIT 2002-754 – JEFFERSON-WARING, LLC
JANUARY 20, 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 Parcel Map, or any Parcel 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. The applicant shall submit an application for a parcel map to subdivide the property as conceptually shown in the Specific Plan. Said Parcel Map will require a public hearing by the Community Development Director at a future date and time. Any Parcel Map recorded thereunder, 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 the necessary 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 improvement plans for City approval.

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; 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 five (5) acres or more of land, or that disturbs less than five (5) acres of land, but which is a part of a construction project that encompasses more than five (5) acres of land, the applicant shall be required to submit a Storm Water Pollution Protection Plan ("SWPPP").
 - B. The applicant's SWPPP shall be approved by the City Engineer prior to any on or off-site grading being done in relation to this project.
 - C. The applicant shall ensure that the required SWPPP is available for inspection at the project site at all times through and including acceptance of all improvements by the City.
 - D. The applicant's SWPPP shall include provisions for all of the following Best Management Practices ("BMPs") (8.70.020 (Definitions), LQMC):
 1. Temporary Soil Stabilization (erosion control).
 2. Temporary Sediment Control.
 3. Wind Erosion Control.
 4. Tracking Control.
 5. Non-Storm Water Management.
 6. Waste Management and Materials Pollution Control.
 - E. All erosion and sediment control BMPs proposed by the applicant shall be approved by the City Engineer prior to any onsite or off-site 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.

5. Permits issued under this approval shall be subject to the provisions of the 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 Parcel 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. Jefferson Street (Major Arterial, 120' ROW) – 60-foot from the centerline of Jefferson Street, for a total 120-foot ultimate developed right of way.
2. Fred Waring Drive (Major Arterial, 120' ROW) – 60 feet from the centerline of Fred Waring Drive for a total 120-foot ultimate developed right of way; additional 5 foot dedication will be required measured from the existing 55 foot right of way along Fred Waring Drive. Additional right of way dedication is required as needed at the Jefferson Street intersection to accommodate 200-foot long dual left turn lanes (10 feet each, 20 feet total), three through eastbound lanes (eleven feet each, 33 feet total), a 4-foot bike lane and a deceleration/right turn only lane (11 feet). The additional right of way dedication shall be 9 feet wide and 100 feet long, plus a variable width dedication of an additional 50 feet to accommodate the curb transition.

9. When the City Engineer determines that access rights to the proposed street right-of-ways shown on the approved Tentative Parcel Map are necessary prior to approval of the Parcel Map dedicating such right-of-ways, 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. Jefferson Street and Fred Waring Drive (Major Arterial) - 20-foot from the R/W-P/L. The applicant shall supplement the landscaped set back as needed to reflect the new right of way configuration.

The listed setback depth shall be the average depth where a meandering wall design is approved.

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 Parcel Map.

11. The applicant shall offer for dedication those easements necessary for the placement of, and access to, utility lines and structures, drainage basins, mailbox clusters, park lands, and common areas on the Parcel Map.

12. Direct vehicular access to Jefferson Street and Fred Waring Drive from any portion of the site from frontage along Jefferson Street and Fred Waring Drive are restricted, except for those access points identified on the circulation plan of the approved Specific Plan, or as otherwise conditioned in these conditions of approval. The vehicular access restriction shall be shown on the recorded parcel map.

13. 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.

14. When an applicant proposes the vacation, or abandonment, of any existing right-of-way, or access easement, which will diminish the access rights to any properties owned by others, the applicant shall provide an alternate right-of-way or access easement, to those properties, or notarized letters of consent from the affected property owners.
15. 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 Parcel Map and the date of recording of any Parcel Map, unless such easement is approved by the City Engineer.

PARCEL MAPS

16. The applicant shall apply and receive approval for a Parcel Map. Prior to the City's approval of a Parcel Map, the applicant shall furnish accurate AutoCAD files of the Parcel Map that was approved by the City's map checker on a storage media acceptable to the City Engineer. Such files shall be in a standard AutoCAD format so as to be fully retrievable into a basic AutoCAD program.

Where a Parcel Map was not produced in an AutoCAD format, or produced in a file that can be converted to an AutoCAD format, the City Engineer will accept a raster-image file of such Parcel Map.

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.

17. 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. Plans shall be submitted on 24" x 36" media in the following categories. 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.

Off-Site Street Plan: 1" = 40' Horizontal

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.

Perimeter Landscape Plan:	1" = 20'	Horizontal
On-Site Rough Grading/Drainage Plan:	1" = 40'	Horizontal
Site Development Plan:	1" = 30'	Horizontal
Signing and Striping Plan:	1" = 40'	Horizontal

18. "Site Development Plans" shall have signature blocks for Community Development Director and the Building Official. All other plans shall have signature blocks for the City Engineer. Plans are not approved for construction until they are signed.

"Site Development Plans" shall normally include all surface improvements, including but not limited to: parking layout, finish grades, curbs & gutters, ADA requirements, retaining and perimeter walls, etc. "Street & Drainage Plans" shall normally include signals, sidewalks, bike paths, entry drives, gates, and parking lots. "Landscaping" plans shall normally include irrigation improvements, landscape lighting and entry monuments.

Off-Site Street and Signing and 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.

Plans for improvements not listed above shall be in formats approved by the City Engineer.

The City may maintain standard plans, details and/or construction notes for elements of construction. For a fee established by City Resolution, the applicant may acquire standard plan and/or detail sheets from the City.

19. When final plans are approved by the City, the applicant shall furnish accurate AutoCad files of the complete, approved plans on storage media acceptable to the City Engineer. The files shall utilize standard AutoCad menu items so they may be fully retrieved into a basic AutoCad program. At the completion of construction and prior to final acceptance of improvements, the applicant shall update the files to reflect as-constructed conditions.

If the plans were not produced in AutoCad or a file format which can be converted to AutoCad, the City Engineer may accept raster-image files of the plans.

IMPROVEMENT AGREEMENTS

20. Depending on the timing of development of the lots or parcels created by this map and the status of off-site improvements at that time, the applicant may be required to construct improvements, to construct additional improvements subject to reimbursement by others, to reimburse others who construct improvements that are obligations of this map, to secure the cost of the improvements for future construction by others, or a combination of these methods.

In the event that any of the improvements required herein are constructed by the City, the applicant shall, at the time of approval of a map or other development or building permit, reimburse the City for the cost of those improvements.

21. The applicant shall construct improvements, install survey monumentation, and/or satisfy obligations, or furnish an executed, secured agreement to construct improvements and/or satisfy obligations required by the City prior to approval of a final map or parcel map or issuance of a certificate of compliance for a waived parcel map. For secured agreements, security provided, and the release thereof, shall conform with Chapter 13, LQMC.
22. If improvements and/or monumentation installation are secured, the applicant shall provide estimates of improvement and monumentation installation costs for checking and approval by the City Engineer. Estimates shall comply with the schedule of unit costs adopted by City resolution or ordinance. For items not listed in the City's schedule, estimates shall meet the approval of the City Engineer.

Estimates for improvements under the jurisdiction of other agencies shall be approved by those agencies. Security is not required for telephone, gas, or T.V. cable improvements. However, development-wide improvements shall not be agendized for final acceptance until the City receives confirmation from the telephone authority that the applicant has met all requirements for telephone service to lots within the development.

23. If improvements are phased with multiple final maps or other administrative approvals (e.g., Site Development Permits), off-site improvements and common improvements (e.g., retention basins, perimeter walls & landscaping, gates) shall be constructed or secured prior to approval of the first phase unless otherwise approved by the City Engineer. Improvements and obligations required of each phase shall be completed and satisfied prior to completion of homes or occupancy of permanent buildings within the phase and subsequent phases unless a construction phasing plan is approved by the City Engineer.
24. If the applicant fails to construct improvements or satisfy obligations in a timely manner or as specified in an approved phasing plan or in an improvement agreement, the City shall have the right to halt issuance of building permits or final building inspections, withhold other approvals related to the development of the project or call upon the surety to complete the improvements.

GRADING

25. 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.
26. 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, and
- C. A Fugitive Dust Control Plan prepared in accordance with Chapter 6.16, (Fugitive Dust Control), LQMC.
- 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 Parcel 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.

- 27. 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.
- 28. Building pad elevations on contiguous interior lots shall not differ by more than three feet except for lots that do not share a common street frontage, where the differential shall not exceed five feet.

Where compliance within the above stated limits is impractical, the City may consider alternatives that are shown to minimize safety concerns, maintenance difficulties and neighboring-owner dissatisfaction with the grade differential.

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

31. 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.
32. 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.
33. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development.
 - A. The applicant shall comply with the provisions of Section 13.24.120 (Drainage), LQMC, Engineering Bulletin No. 97.03. 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 tributary drainage area shall extend to the centerline of adjacent public streets. Particularly, the applicant shall coordinate the drainage design with the City sponsored improvement project on Jefferson Street for applicable curb and gutter grades and catch basin

requirements. The design storm shall be either the 3 hour, 6 hour, or 24 hour event producing the greatest total run off.

The design and construction of the underground retention system for the project shall be approved by the City Engineer in the improvement plan review process prior to the issuance of any building permits. The approved design shall incorporate mechanisms for perpetual maintenance and operation of the system by the applicant or his successors.

UTILITIES

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

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.

35. Existing overhead utility lines within, or adjacent to the proposed development, and all proposed utilities shall be installed underground.

All existing utility lines attached to joint use 92 KV transmission power poles are exempt from the requirement to be placed underground.

36. 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

37. Improvements shall be designed and constructed in accordance with City adopted standards, supplemental drawings and specifications, or as approved by the City Engineer. Improvement plans for streets, access gates and parking areas shall be stamped and signed by qualified engineers.

38. The applicant shall construct the following street improvements to conform with the General Plan street type noted in parentheses.

A. OFF-SITE STREETS

1. Jefferson Street -(Major Arterial; 120' R/W) – Jefferson Street is scheduled to be improved as part of a City sponsored improvement project. The applicant shall pay a cash fee to the City for the outside 20 feet of improvements, including the curb and gutter. In addition to the cash fee, the applicant shall construct the following:

8-foot wide meandering sidewalk from intersection at Fred Waring Drive southerly to the south boundary of the property to match existing improvements.

2. Fred Waring Drive -(Major Arterial; 120' R/W) – Widen the south side of the street along the project boundary to comply with the amended General Plan and requirements of these conditions listed below. 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:

Construct 72-foot roadway improvements (4-foot median nose, travel width to include two 10-foot left turn lanes, three 11-foot eastbound through lanes, 4-foot bike lane and 11-foot deceleration/right turn only lane, excluding curbs). The applicant is advised of conditions of approval for Tentative Tract Map No. 29323 as amended.

Construct an 8-foot meandering sidewalk along the project frontage. The meandering sidewalk shall have an arrhythmic horizontal layout that utilizes concave and convex curves with respect to the curblines 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.

Construct 14-foot wide raised landscape median, plus variable width median transition as needed to accommodate the dual left turn lane mentioned above.

Modify the Traffic signal at Fred Waring Drive and Jefferson Street. Construct necessary modifications to accommodate the improved roadway section.

(The pavement/restoration improvement work located beyond 20 feet from the outer curb face (i.e. in the arterial core) is eligible for reimbursement from the City's Development Impact fee fund in accordance with policies established for that program).

39. The applicant shall design street pavement sections using CalTran's design procedures 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 (or approved equivalents of alternate material):

Major Arterial	5.5" a.c./6.50" c.a.b.
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40. 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.

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

- A. Jefferson Street - Primary Entry (southerly portion of site): Left turn in, right turn in, right turn out. Left turn movements out are prohibited. The applicant shall design the median island on the Entry Street to direct traffic to the right to facilitate a right turn only movement. Appropriate signing and striping shall be provided. The design of the

median island and associated signing and striping shall be subject to the review and approval of the City Engineer. If the previously mentioned Jefferson Street Improvements project is not constructed, the applicant shall design and construct a temporary median to facilitate the left turning, only, movement to the satisfaction of the City Engineer. Associated signing/striping is subject to the review and approval by the City Engineer.

- Secondary Entry (northerly portion of site): Right turn in, right turn out. Left turn movements in and out are prohibited. The median island on the Entry Street shall be designed to direct traffic to the right to facilitate right turn only movement.

B. Fred Waring Drive – Primary Entry (westerly portion of site): Left turn in, right turn in, right turn out. Left turn movements out are prohibited. The applicant shall design and construct the Fred Waring Drive median to facilitate the left turn in, only, movement to the satisfaction of the City Engineer. The median island on the Entry Street shall be designed to direct traffic to the right to facilitate a right turn only movement. Appropriate signing and striping shall be provided. The design of the median island and associated signing and striping shall be subject to the review and approval of the City Engineer.

- Secondary Entry (easterly portion of site): Right turn in, right turn out. Left turn movements in and out are prohibited. The median island on the Entry Street shall be designed to direct traffic to the right to facilitate right turn only movement.

42. 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.
43. 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.
44. Applicant shall extend improvements beyond the subdivision boundaries to ensure they safely integrate with existing improvements.

CONSTRUCTION

45. 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

46. The applicant shall comply with Sections 13.24.130 (Landscaping Setbacks) & 13.24.140 (Landscaping Plans), LQMC.
47. The applicant shall provide landscaping in the required setbacks, retention basins, common lots and park areas.
48. 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 the landscape plans, consistent with the Water Efficient Landscape Ordinance, 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.

49. 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

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

QUALITY ASSURANCE

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

52. 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.
53. 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.
54. 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

55. The applicant shall comply with the provisions of Section 13.24.160 (Maintenance), LQMC.
56. 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

57. 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.
58. Permits issued under this approval shall be subject to the provisions of the Development Impact Fee program in effect at the time of issuance of building permit(s).

59. Prior to completion of any approval process for modification of boundaries of the property or lots subject to these conditions, the applicant shall process a reapportionment of any bonded assessment(s) against the property and pay the cost of such reapportionment.

MISCELLANEOUS

60. The applicant shall submit detailed plans showing the proposed signage for the site to be brought back to the Planning Commission for approval under a Planned Sign Program. In addition, the applicant shall provide an area at the southwest corner of Jefferson Street and Fred Waring Drive for future improvements associated with a secondary gateway sign into the City.
61. The applicant shall be required to comply with the provisions of the City's Dark Sky Ordinance. Lighting for the building facades shall be low-level lighting and be compatible with the building architecture. Parking lot light standards shall be equipped with a recessed lamp, a flush lens, and shall not to exceed eighteen (18) feet in height. Said standards shall be shielded so as to prevent light from spilling onto adjacent land uses.
62. The applicant shall comply with all Riverside County Fire Department requirements.
63. The applicant will be required to pay a school mitigation fee at the time a building permit is issued.
64. The applicant shall comply with the requirements of the Unlimited Area Section (505.2) of the California Building Code, 2001 edition ("CBC"). The applicant may comply with this condition by entering into a "No Build" Covenant Agreement with the City, on terms satisfactory to the City and the City Attorney in their absolute and sole discretion, for the purpose of using a portion of the adjacent City park known as Monticello Park in calculating the 60-foot yard requirement. Should the City and the applicant enter into a No Build Covenant Agreement, the applicant shall compensate the City the fair market value of the restricted property. The form of such compensation (whether payment of funds, provision of improvements, or such other compensation as the City shall determine) shall be left to discretion of the City. Any agreement satisfying this condition shall be brought back to the City Council for approval prior to the applicant obtaining a building permit and failure of the City to approve such an agreement shall not relieve the

applicant of its obligation to comply with the Unlimited Area Section (505.2) of the CBC.

65. The truck loading docks shall be moved to the north side of the market to minimize impacts to the residential uses south of the site.
66. The applicant shall work Staff to improve the design of the west and south elevations. At a minimum, stone veneer shall be added to the bottom of the facade on the south and west elevations.
67. The applicant shall be required to submit Site Development Permits for the development of the remainder pads (Pads A, B, and C) prior to the issuance of building permits for those pads.
68. The applicant shall submit a copy of the Covenants, Conditions & Restrictions (CC&Rs) to the City Attorney's office for review and approval prior to issuance of building permits.
69. Deliveries to Shops 1 & 2 and Pad C shall be prohibited between 9:00 p.m. and 8:00 a.m.