

**RESOLUTION 2001-133
CONDITIONS OF APPROVAL - FINAL
SITE DEVELOPMENT PERMIT 2001-709 - BART RINKER
OCTOBER 16, 2001**

EXHIBIT AA@

(PC changes in legislative text)

GENERAL CONDITIONS OF APPROVAL

1. Site Development Permit 2001-709 (SDP 2001-709) shall be developed in compliance with these conditions and all approved site plan, elevation, color, materials and other approved exhibits submitted for this application, and any subsequent amendment(s). In the event of any conflicts between these conditions and the provisions of SDP 2001-709, the conditions shall take precedence.
2. 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 development application or any application thereunder. The City shall have sole discretion in selecting its defense counsel.
3. Prior to the issuance of a grading, construction or building permit, the applicant shall obtain permits and/or clearances from the following public agencies:
 - C Riverside County Fire Marshal
 - C La Quinta Public Works Department
 - C La Quinta Community Development Department
 - C Riverside County Environmental Health Department
 - C Desert Sands Unified School District
 - C Coachella Valley Water District (CVWD)
 - C Southern California Gas Company
 - C Imperial Irrigation District (IID)
 - C California Water Quality Control Board (CWQCB)
 - C Waste Management of the Desert

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.

4. A plan for refuse storage and recycling bin space(s) shall be submitted to the Community Development Department for review/approval prior to any building permit issuance. Said plan shall be and submitted with written clearance from Waste Management of the Desert as to design detail provisions.

5. All aspects of this project (plan preparation, all construction phases, operations, etc.) shall be subject to and comply with the adopted Mitigation Monitoring Program and Negative Declaration (EA 96-328), as certified by the La Quinta City Council.
6. All applicable conditions of approval for SDP 2001-709 shall be incorporated into the revised text for Specific Plan 96-028, as amended, in the appropriate sections. The revised document shall be submitted to the Community Development Department for compliance review prior to issuance of the first building permit.

PROPERTY RIGHTS

7. Prior to issuance of any permit(s), the applicant shall acquire or confer easements and other property rights required of this approval or otherwise 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.
8. The applicant shall dedicate or grant public and private street right-of-way and utility easements in conformance with the City's General Plan, Municipal Code applicable specific plans, and as required by the City Engineer.
9. The applicant shall dedicate or grant access and drainage easements over the northerly and southerly driveways off of Dune Palms Road to the owner(s) of the abutting properties to the north and south. The applicant may propose easement language requiring a reciprocal easement and participation in maintenance costs from abutting property owners.
10. The applicant shall dedicate ten-foot public utility easements contiguous with and along both sides of all private streets. The easements may be reduced to five feet, with the express concurrence of IID
11. The applicant shall dedicate easements necessary for placement of and access to utility lines and structures, drainage basins, mailbox clusters, park lands, and common areas.
12. The applicant shall vacate abutter's rights of access to public streets and properties from all frontage along the streets and properties, except at access points as shown on the approved site plan.

13. The applicant shall furnish proof of easements or written permission, as appropriate, from owners of any abutting properties on which grading, retaining wall construction, permanent slopes, or other encroachments are to occur.
14. If the applicant proposes vacation or abandonment of any existing rights of way or access easements which will diminish access rights to any properties owned by others, the applicant shall provide approved alternate rights of way or access easements to those properties or notarized letters of consent from the property owners.

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.

15. Improvement plans shall be prepared by or under the direct supervision of qualified engineers and landscape architects, as appropriate. Plans shall be submitted on 24" x 36" media in the categories of "Rough Grading," "Precise Grading," "Streets & Drainage," and "Landscaping." Precise grading 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.

"Streets and 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. Precise Grading plans shall normally include perimeter walls.

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

16. 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.
17. 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.

FIRE PROTECTION

18. The applicant/developer shall furnish one blueline copy of the water system plans to the Fire Department for review and approval. Plans will conform to the fire hydrant types, location and spacing, and the system will meet the fire flow requirements. Plans will be approved and signed by a registered civil engineer and the local water company with the following certification: A certify that the design of the water system is in accordance with the requirements prescribed by the Riverside County Fire Department.@NOTE ON PLANS: AAll buildings will be equipped with an automatic fire sprinkler system approved by the Fire Department@ Prior to the issuance of building permits, system plans will be submitted for approval.

The required water system, including fire hydrants, will be installed and accepted by the appropriate water agency prior to any combustible building material being placed on an individual lot.

Automatic fire sprinkler systems are required in all new structures 5,000 square feet or greater, in accordance with La Quinta Municipal Code 8.08.090. Minimum fire flow is 2,000 gpm for a 4-hour duration at 20 PSI residual.

19. The minimum dimensions for fire apparatus access roads entering and exiting this project shall have an unobstructed width of not less than 20 feet in each direction and an unobstructed vertical clearance of not less than 13 feet, 6 inches. Parking is permitted on one side of roadways with a minimum width of 28 feet. Parking is permitted on both sides of roadways with a minimum width of 36 feet.
20. All water mains and fire hydrants providing required fire flows shall be constructed in accordance with the appropriate sections of CVWD Standard W-33, subject to approval by Riverside County Fire Department.
21. Ultimate fire flows and hydrant locations will be stipulated when building plans are reviewed by the Fire Department.
22. Specific fire protection requirements for each occupancy will be determined when final building plans are submitted for review. Final conditions will be addressed when building plans are submitted. A plan check fee must be paid to the Fire Department at the time building plans are submitted.

IMPROVEMENT AGREEMENT

23. The applicant shall pay cash or provide security in guarantee of cash payment for applicant's required share of improvements which have been constructed by others (participatory improvements) for the required improvements for Parcel Map 28422. Those improvements consist of off-site streets and signal modifications, domestic water, sanitary sewer, electrical, landscaping, irrigation, drainage and monumentation. These improvements are now complete, with a final construction cost of \$638,647.71, of which \$61,817.71 was funded by the developer of Parcel Map 28422.

The applicant's share has been determined to be \$14,216.92, or 23% of the additional funds required to complete the improvements. This percentage has been determined based on parcel acreage and street frontage ratios.

GRADING

24. This development shall comply with Chapter 8.11 of the LQMC (Flood Hazard Regulations). If any portion of any proposed building parcel in the development is or may be located within a flood hazard area, as identified on the City's Flood Insurance Rate Maps, the development shall be graded to insure that all floors and exterior fill (at the foundation) are above the level of the project flood (100-year storm event) and building pads are compacted to 95% Proctor Density, as required in Title 44 of the Code of Federal Regulations, Section 65.5(a)(6). Prior to issuance of building permit(s) for parcels so located, the applicant shall furnish certifications as required by FEMA that the above conditions have been met.
25. Prior to issuance of a grading permit, the applicant shall furnish a preliminary geotechnical ("soils") report and an approved grading plan prepared by a qualified engineer. The grading plan shall conform with the recommendations of the soils report and be certified as adequate by a soils engineer or engineering geologist.
26. Slopes shall not exceed 5:1 within public rights of way and 3:1 in landscape areas outside the right of way unless otherwise approved by the City Engineer.
27. The applicant/developer shall comply with the existing approved Fugitive Dust Control Plan (FDCP 97-15). the applicant may be required to furnish a renewal security, in a form acceptable to the Public Works Department, in an amount sufficient to guarantee compliance with the provisions of the permit for the Parcel 2 site.
28. The applicant shall maintain graded, undeveloped land to prevent wind and water erosion of soils, commencing from the date of grading permit application. The land shall be planted with interim landscaping or provided with other erosion control measures acceptable under the approved FDCP.
29. Prior to issuance of building permit(s), the applicant shall provide building pad certifications stamped and signed by qualified engineers or surveyors. For each pad, the certification shall list the approved elevation, the actual elevation, the difference between the two, if any, and pad compaction. The data shall be organized by parcel number and listed cumulatively if submitted at different times.

DRAINAGE

30. The applicant shall comply with the provisions of Engineering Bulletin No. 97-03 and the following:

1. Storm water falling on-site during the peak 24-hour period of a 100-year storm event (the design storm) shall be retained within the development. The tributary drainage area shall extend to the centerline of adjacent public streets.
2. Nuisance and storm waters shall be retained in retention basin(s) or other approved retention/infiltration system(s). In design of retention facilities, the soil percolation rate shall be considered to be zero, unless the applicant provides site-specific data that indicates otherwise. The design percolation rate shall not exceed two inches per hour.

If retention is in an open basin, nuisance water shall be disposed of in a trickling sand filter and leach field approved by the City Engineer. The sand filter and leach field shall be designed to contain surges of 3 gpd/1,000 s.f. of landscaped area, and infiltrate 5 gpd/1,000 s.f.

3. Storm flow in excess of retention capacity shall be routed through a designated, unimpeded overflow outlet to the historic drainage relief route.
 4. Storm drainage historically received from adjoining property shall be retained on-site or passed through to the overflow outlet. If storm flows are directed off-site, written permission or drainage easements from adjacent property owners will be required.
 5. Retention basin slopes shall not exceed 3:1. Maximum retention depth shall be six feet for common basins and two feet for individual lot retention.
 6. In developments for which security will be provided by public safety entities (e.g. La Quinta Building and Safety, Riverside County Sheriff), retention basins shall be visible from adjacent street(s). No fence or wall shall be constructed around basins unless approved by the Community Development Department and the City Engineer.
31. The applicant/developer 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

insure that the required Storm Water Pollution Protection Plan (SWPPP) is available for inspection at the project site.

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 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 trench compaction for approval of the City Engineer.

STREET AND TRAFFIC IMPROVEMENTS

35. 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.
36. The applicant may be required to extend improvements beyond development boundaries to ensure they safely integrate with existing improvements (e.g., grading).
37. Improvements shall be designed and constructed in accordance with the LQMC, adopted standards, supplemental drawings and specifications, and as approved by the City Engineer. Improvement plans for access and parking areas shall be stamped and signed by qualified engineers.
38. 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.

39. The City will conduct final inspections only when the buildings have improved street and (if required) sidewalk access to publicly-maintained streets. The improvements shall include required traffic control devices and pavement markings. If on-site improvements are initially constructed with partial pavement thickness, the applicant shall complete the pavement prior to final inspections.
40. General access points and turning movements of traffic are limited to the following:
1. One 30-foot right-in/right-out driveway, centered about the northerly property line of Parcel 2 (existing driveway approach to the existing service station).
 2. One 30-foot right-in/right-out/left-in driveway, centered about the southerly property line of Parcel 2 (existing driveway approach to Allstate Storage).

Any necessary modifications to existing improvements, including curbs, gutters, sidewalks, driveway approaches and street improvements along Dune Palms Road shall be designed and constructed in accordance with the LQMC., adopted standards, supplemental drawings and specifications, and as approved by the City Engineer. Improvement plans for streets, access gates, and parking areas shall be stamped and signed by qualified engineers.

LANDSCAPING

41. The applicant shall provide landscaping in required setbacks, retention basins, common lots, and parking 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.

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.

43. 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.
44. The applicant shall ensure that landscaping and utility plans are coordinated to provide visual screening of above-ground utility structures.
45. Landscaping within the overall project area shall be commonly maintained under a single maintenance contract. Prior to issuance of any Certificate of Occupancy, documentation necessary to demonstrate compliance with this requirement shall be submitted for review and acceptance by the Community Development/Public Works Departments. Said documentation must include that landscape materials shall be maintained as planted in perpetuity, and that dead, dying or otherwise missing landscape improvements shall be replaced, re-planted or provided within 30 calendar days.

QUALITY ASSURANCE

46. The applicant shall employ construction quality-assurance measures which meet the approval of the City Engineer.
47. 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.

48. 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.
49. 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

50. 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.

CULTURAL RESOURCES

51. Prior to issuance of a grading permit or any earth disturbance, the applicant shall have prepared and obtained approval from the Community Development Department for an archaeological monitoring program for the project site (Parcel 2). The program shall be prepared by a qualified archaeologist, and shall include provisions for strictly controlled archaeological monitoring and data recovery, including research and field methods, lab analysis methodology, Native American consultation and monitoring, curation procedures, report preparation and disposition of artifacts and records.

FEES AND DEPOSITS

52. 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.

53. Provisions shall be made to comply with the terms and requirements of the City's adopted Art in Public Places program in effect at the time of issuance of building permits.
54. Prior to approval of a final map or 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 the reapportionment.
55. This approval shall be subject to the provisions of the Infrastructure Fee Program and Development Impact Fee program in effect at the time of building permit issuance.

MISCELLANEOUS

56. The applicant shall submit a detailed project area lighting plan, based on the following parameters:
 1. All pole-mounted light standards shall be limited in height to ~~18~~ **20** feet maximum.
 2. Shielding shall be placed on the west side light standards, along Dune Palms Road, so as to eliminate any light washover beyond the right-of-way line (property line).
 3. The plan shall be in compliance with the standards set forth in the Zoning Code, Sections 9.100.150 and 9.150.080.K, working within these parameters.

The lighting plan shall be approved prior to issuance of the main building permit.

57. No tenant signs are approved as part of this application. Individual tenants shall submit for sign permit approval, based on the approved Sign Program 2000-502. Any deviations from the Sign Program may require Planning Commission review and/or a sign program amendment request, to be determined by the Community Development Director.

58. All roof-mounted mechanical equipment must be screened and installed using compatible architectural materials and treatments, in a manner so as not to be visible from surrounding properties and streets. Specifically, the roof line along parapet areas shall be of sufficient height, relative to the ceiling height, to screen such equipment from view along the west side of Dune Palms road. Overall parapet height shall conform to Condition 59. Working drawings showing all such equipment and locations shall be submitted to the Building and Safety Department along with the construction plan submittal for building permits. Method and design of screening must be approved by the Community Development Department prior to any issuance of building permits.
59. The retail commercial building shall not exceed ~~22~~ **23** feet in height, as measured from finish grade to its highest roof point or projection that is part of the roof structure.
60. Prior to issuance of a building permit, the building elevations shall be revised to incorporate a stone veneer (e.g. split face block, non-ceramic tiles, etc.) wainscot treatment on the column features, similar in color/texture to those provided on the existing buildings. ***In addition, the east (rear) elevation shall be architecturally enhanced through use of tiles, plant-on treatments, stucco joints/banding, additional coloring, and other cost-effective methods. These shall be incorporated into the building plans and shall be approved by staff prior to issuance of any building permit for this project.***