

**RESOLUTION 2001-15  
CONDITIONS OF APPROVAL - RECOMMENDED  
SITE DEVELOPMENT PERMIT 2000-687  
JACK IN THE BOX RESTAURANT - APPEAL  
MARCH 6, 2001**

**GENERAL**

1. Upon approval by the City Council, a memorandum noting that the City Conditions of Approval for this application exist and are available for review at City Hall shall be recorded against the property with Riverside County by the applicant.
2. The Site Development Permit shall be used (beginning of construction) by March 6, 2002, pursuant to Section 9.200.080 of the Municipal Zoning Code, unless a one year time extension is granted, prior to expiration.
3. The proposed restaurant development shall comply with all applicable conditions of Specific Plan 96-027 (Jefferson Plaza).
4. Parking lot light standards shall match those used in the construction of Phase 1 of the Shopping Center and not exceed 25-feet in overall height pursuant to Condition 2 of Specific Plan 96-027.
5. Prior to the issuance of a grading, improvement 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 County Environmental Health Department
  - Desert Sands Unified School District (DSUSD)
  - 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.

6. Developer agrees to indemnify, defend and hold harmless the City of La Quinta in the event of any legal claim or litigation arising out of the City's approval of this project. The City of La Quinta shall have the right to select its defense counsel in its sole discretion.

#### PROPERTY RIGHTS

7. The applicant shall vacate abutter's rights of access to public streets from all frontage along the streets and properties except access drives described herein.
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 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.
10. 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.
11. 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.
12. 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.

13. 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.

### GRADING

14. This development shall comply with Chapter 8.11 of the LQMC (Flood Hazard Regulations). If any portion of any proposed building lot 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 ensure that all floors and exterior fill (at the foundation) are above the level of the project (100-year) flood 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 permits for lots which are so located, the applicant shall furnish certifications as required by FEMA that the above conditions have been met.
15. 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.

A statement shall appear on final maps (if any are required of this development) that a soils report has been prepared pursuant to Section 17953 of the Health and Safety Code.

16. 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.

17. Prior to occupation of the project site for construction purposes, the applicant shall submit and receive approval of a fugitive dust control plan prepared in accordance with Chapter 6.16, LQMC. The Applicant shall furnish security, in a form acceptable to the city, in an amount sufficient to guarantee compliance with the provisions of the permit.
18. The applicant shall maintain graded, undeveloped land to prevent wind and water erosion of soils. The land shall be planted with interim landscaping or provided with other erosion control measures approved by the Community Development and Public Works Departments.
19. Prior to issuance of building permits, 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 lot number and listed cumulatively if submitted at different times.

#### DRAINAGE

20. Stormwater drainage shall comply with the approved Hydrology Plan for the Jefferson Plaza Shopping Center.
21. Nuisance water shall be retained and disposed of on-site in an approved facility. The facility shall be designed to infiltrate five gallons per day per 1,000 square feet (of landscape area) and to accommodate a surge rate of three gallons per hour per 1,000 square feet.

#### UTILITIES

22. To ensure optimum placement for practical and aesthetic purposes, 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, electrical vaults, water valves, and telephone stands.
23. All proposed utilities within or adjacent to the proposed development shall be installed underground.

24. 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

25. Parking lot design shall conform with the City's Off-Street parking Ordinance as delineated in Chapter 9.150 of the LQMC.
26. The applicant may be required to extend improvements beyond development boundaries to ensure they safely integrate with existing improvements (e.g., grading; traffic control devices and transitions in alignment, elevation or dimensions of streets and sidewalks).
27. The applicant shall design street pavement sections using Caltrans' design procedure (20-year life) and site-specific data for soil strength and anticipated traffic loading (including construction traffic). Minimum structural sections shall be as follows (or approved equivalents for alternate materials):

Residential & Parking Areas      3.0" a.c./4.50" c.a.b.

#### LANDSCAPING

28. The applicant shall provide landscaping in required setbacks, retention basins, common lots, and park areas.
29. Landscape and irrigation plans 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.

30. 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.

31. Landscaping within the Jefferson Plaza Shopping Center shall be commonly maintained under a single maintenance contract pursuant Condition 59 of Specific Plan 96-027.
32. Prior to building permit issuance, the applicant shall submit to the Community Development Department for review and approval a landscape and irrigation plan showing the following:
  - A. African Sumac trees shall replace Olive trees to match the existing parking lot trees at the Home Depot facility (24" box with 2.5" caliper).
  - B. A minimum of three California Fan Palms, averaging 20 feet high, shall be installed at the southeast side of the parking lot to conform with the City's Highway 111 Landscape Guidelines in lieu of installing new shade trees at this location. These parkway palm trees shall be uplighted with fixtures mounted eight foot above the finished grade level to deter vandalism. A minimum of two palms shall be lighted for decorative purposes.
  - C. The proposed California Pepper trees in the Highway 111 parkway shall be removed and replaced with a tree type as specified in the Highway 111 Design Guidelines.
  - D. The applicant shall ensure that landscaping plans and utility plans are coordinated to provide visual screening of aboveground utility structures pursuant to Condition 56 of SP 96-027.
  - E. Parking lot trees shall be 24" box tree or larger with 2-1/2" to 3" diameter (caliper) trunks pursuant to Condition 60 (D) of SP 96-027. Newly planted trees shall be staked with lodge poles to prevent damage from gusts of wind, etc.
  - F. The parking lot shall be screened by using a combination of berms, walls, and landscaping so that the vehicles will not be visible from Highway 111, consistent with requirements identified in SP 96-027 (i.e., Condition 61) and Chapter 9.150 (Parking) of the Zoning Ordinance. The height of the screen wall for the drive-through lane shall be measured from the curb height.

- G. A low profile wall (two foot high) shall be constructed along the west property line to ensure blowing sand does not overrun and destroy the landscaping improvements adjacent to the drive-through lane.
- H. Replace the turf areas north of the building with less demanding water use materials (i.e., desertscape).

### QUALITY ASSURANCE

- 33. The applicant shall employ construction quality-assurance measures which meet the approval of the City Engineer.
- 34. 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.
- 35. 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.

### MAINTENANCE

- 36. The applicant shall make provisions for continuous, perpetual maintenance of all on-site improvements, perimeter landscaping, access drives, and sidewalks.

### FEEES AND DEPOSITS

- 37. 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.
- 38. Prior to on-site grading or building permit issuance, Fringe-toed Lizard mitigation fees shall be paid to the City (i.e., \$600.00/acre) unless proof of payment can be provided to the Community Development Department.
- 39. A plan check fee must be paid to the Fire Department at the time building plans are submitted.

40. Provisions shall be made to comply with the terms and requirements of the City's adopted Infrastructure Fee program in effect at the time of issuance of building permits.

#### SIGN PROGRAM

41. Prior to sign permit issuance, the following sign modifications shall be made, subject to approval of the Community Development Director:
  - A. Directional signs for the drive-through lane shall be limited to three square feet per Table 9-17 of the Sign Ordinance, and the sign copy shall read "Drive-thru" with directional arrow. The logo shall be deleted.
  - B. One of the three building mounted signs shall be deleted.
  - C. Only one freestanding menu board sign is permitted, unless otherwise determined by the Community Development Department based on a survey of other existing fast food restaurants on Highway 111. All menu board signs shall have monument bases.

#### FIRE MARSHAL

42. Complete building plans will be required for review and approval by the Fire Department prior to issuance of building permits.
43. Fire hydrants in accordance with Coachella Valley Water District (CVWD) Standard W-33 shall be located at each street intersection spaced not more than 330 feet apart in any direction with no portion of any lot frontage more than 165 feet from a fire hydrant. Minimum fire flow shall be 2,000 g.p.m. for a 2-hour duration at 20 psi. Blue dot reflectors shall be mounted in the middle of the streets directly in line with the fire hydrants.
44. Prior to the issuance of a building permit, the applicant/developer shall furnish one blue line copy of the water system plans to the Fire Department for review and approval. Plans shall conform to the fire hydrant types, location and spacing, and the system shall meet the fire flow requirements. Plans must be signed by a registered Civil Engineer and the local water company with the following certification: "I certify that the design of the water system is in accordance with the requirements prescribed by the Riverside County Fire Department."



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45. 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.
46. Final conditions will be addressed when building plans are reviewed. All questions regarding the meaning of these conditions should be referred to the Fire Department Planning and Engineering staff at (760) 863-8886.

#### MISCELLANEOUS

47. The developer shall provide a bicycle rack at the front of the building pursuant to Section 9.150.060(D3b) of the Zoning Ordinance. The rack shall accommodate a minimum of five bicycles and be shaded by building and/or landscape features.
48. Landscape and irrigation improvements in the Highway 111 parkway frontage of the associated parcel shall be repaired and replaced prior to final inspection and thereafter shall be maintained.

