

**CITY COUNCIL RESOLUTION 2005-091
CONDITIONS OF APPROVAL - FINAL
SPECIFIC PLAN 2002-062, AMENDMENT #1
REGENCY-MARINITA LA QUINTA, LLC
NOVEMBER 15, 2005**

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. All public agency letters received for this case are made part of the case file documents for plan checking processes.
3. Approval of this Specific Plan is subject to compliance with Section 9.240.010 of the Zoning Code, as applicable.
4. Within 30 days of City Council approval, the applicant shall deliver five copies of the amended Specific Plan to the Community Development Department, with all changes incorporated to reflect these Conditions of Approval.
5. The Specific Plan shall be amended to provide a minimum 70 feet of restricted access on all driveways accessing Fred Waring Drive and Jefferson Street. A reduction in the restricted access may be allowed where deceleration lanes are provided and the length of the deceleration lane is sufficient to allow a car to come to a full stop.
6. The reference to Fred Waring Drive on Page 7 shall be changed from Primary Arterial to Major Arterial, as designated in the General Plan.
7. The second sentence of the "Pedestrian" section on Page 22 shall be amended to read: "Sidewalks will be designed eight feet wide and on-street bicycle lanes will be eight **feet except when adjacent to right turn only/deceleration lanes, where they may be four feet wide.**"
8. The last sentence of the second paragraph of the "Grading Plan" section on Page 23 shall be amended to read: "**Rough and** Precise Grading Plans are subject to review and approval by the City according to standard engineering

protocols and recommendations of the Geotechnical Report, as approved by the Public Works Department.”

9. The following shall be added to the “Drainage” section on Page 23.

The design of the underground retention shall consider the potential location of the underground storage tanks per Riverside County Flood Control and Water Conservation District guidelines.

Tributary and upstream stormwater flow on Fred Waring Drive presently is diverted to the site. Future site modification may be necessary to accept tributary flow and upstream stormwater. Historical flow paths will be identified and routing provided in the hydrology analysis equivalent to historical flow direction. As local topography allows, tributary areas may exceed limits of property lines adjacent to public roads. Verification of the proposed storm water retention system is presently under review by the Public Works Department. If the proposed retention capacity or pass through storm water flow is found to be inadequate during final design based on the approved hydrology study for the project, adjustments to the site layout to accommodate the increased retention/detention or pass through capacity required to satisfy safety issues of the Public Works Department may be required.

10. All references to drive-thru restaurants shall be removed from the Specific Plan.
11. The minimum landscaped setback adjacent to Park and Open Space designations shall be 7.5 feet, with an average of 15 feet.
12. The landscaping palette shall eliminate crepe myrtle as a parking lot tree.
13. The Jefferson Street landscaping plans shall incorporate berming and screen walls of up to 40 inches in height to screen the parking lot areas from public view.
14. Hours of operation on Page 38 of the Specific Plan shall be amended to read:

The retail uses on site will operate from 6.00 AM to 12.00 AM, Monday through Sunday. All uses in Shop 1 and Pad C shall be determined during

Site Development Permit review. The Market, Drug Store, bank ATM(s) and fuel station would be open 24 hours a day, seven days a week.

15. The project proponent shall reserve an area behind the corner cutback at the intersection of Fred Waring Drive and Jefferson Street, of sufficient size to allow for improvements associated with a Secondary Gateway designation for this intersection, as referenced in the La Quinta General Plan. The area should be between 300 and 600 square feet and consistently shaped in relation to the ultimate right-of-way. The project proponent shall be responsible for design and installation of improvements necessary to define a Secondary Gateway, utilizing specific design elements which may include, but not be limited to, low-profile City entry monument signing, upgraded theme landscaping, decorative hardscape, enhanced lighting for design features, small scale water feature(s), and similar aesthetic enhancements. The maintenance of the Secondary Gateway improvements shall be the responsibility of the land owner or Business Association formed to maintain other common areas within the project. This requirement may be satisfied through a performance bond that sets forth general unit costs for design, materials and installation, based on an inventory of specific improvement items to be incorporated into the design. The inventory of bonded items, unit and design cost estimates shall be subject to acceptance by the Community Development and Public Works Directors. The improvements shall be made, or the bonds secured, prior to occupancy of the first building on the project site.
16. The wall height at the southern property line shall be maintained as it currently exists on the Monticello project. Should a new wall be constructed, it shall be reconstructed or replaced so that the rear yards of the lots on Monticello maintain their 6 foot walls on 2 foot berm from their grade.
17. Lighting on the western and southern sides of the Market, Shops 2 and 3, Shop 1 and Pad C shall be limited to building-mounted fixtures at no more than 12 feet above grade, or low-impact lighting which does not spill over onto adjacent properties. The fixtures shall fully conform to the City's lighting standards for shielding. All lighting plans shall clearly demonstrate conformance with the City's lighting ordinance.

18. Development of this site shall be in conformance with the Exhibits approved and contained in the files for Specific Plan 2002-062, Amendment #1, as amended by these conditions.

19. The site plan shown in the Specific Plan is for reference purposes and is not approved pursuant to the city's Site Development Permit process. Additional recommendations and site plan adjustments may be required during the City's review pursuant to Section 9.210.010-Site Development Permits, LQMC.
20. The project proponent shall consider increased setbacks, massing, and perspective on Jefferson Street in the final design of the building for Pad C.