

**RESOLUTION NO. 2002-136  
CONDITIONS OF APPROVAL - FINAL  
SPECIFIC PLAN 2000-043, AMENDMENT NO. 2  
ADOPTED OCTOBER 1, 2002**

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 permit. 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:

- C Fire Marshal
- C Public Works Department (Grading Permit, Improvement Permit)
- C Caltrans
- C Community Development Department
- C Riverside Co. Environmental Health Department
- C Desert Sands Unified School District
- C Coachella Valley Water District (CVWD)
- C Imperial Irrigation District (IID)
- C 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. This development shall be subject to the Infrastructure Fee Program and Development Impact Fee program in effect at the time of permit approval.

## PROPERTY RIGHTS

4. Prior to issuance of a grading or building permit, the applicant shall acquire or confer easements and other property rights necessary for construction or proper functioning of the proposed development.
5. The applicant may be required by Caltrans to furnish additional Highway 111 right of way to accommodate the proposed bus turnout and dedicated right-turn-in lane. If so, the right of way shall be deeded to the City in fee simple.
6. If the applicant cannot obtain permission from CVWD for location of the bikepath (required below) within the Coachella Valley Stormwater Channel, the applicant shall grant an easement across the north end of this property for that purpose.
7. The applicant shall dedicate or deed cross-access easements to all private lots or parcels existing or created on this property. The easements shall cover all parking and circulation areas and routes within the development.
8. The applicant shall create perimeter setbacks along public rights of way as follows:
  - A. Highway 111 - 50 feet.
  - B. Washington Street - 20 feet.

Where public facilities (e.g., sidewalks) are placed on privately-owned setbacks, the applicant shall dedicate blanket easements for those purposes.
9. The applicant shall dedicate easements necessary for placement of and access to utility lines and structures.
10. The applicant shall vacate abutter's rights of access to public streets from all frontage except access points described herein.
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. Prior to placement of any privately-owned buildings or other costly structures in the City's drainage easement along Washington Street, the applicant shall obtain an encroachment permit for that purpose. The permit will require that in the event the City finds it necessary to construct, reconstruct or maintain facilities therein, the applicant shall indemnify the City from expenses exceeding those which would have been incurred with hardscape or landscaping.

### 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 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.

14. 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.
15. When final plans are approved by the City, the applicant shall furnish accurate AutoCad files of the complete, approved plans for any public street improvements 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 AGREEMENT

16. 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 subdivider 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 after the date of approval of the original conditions of approval for this property, 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.

17. The applicant shall construct improvements 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.

Improvements to be made or agreed to shall include removal of any existing structures or obstructions which are not part of the proposed improvements.

18. If improvements are secured, the applicant shall provide estimates of improvement 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.

19. 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., access drives, traffic signal improvements & perimeter landscaping) shall be constructed or secured prior to approval of the first phase unless otherwise approved by the City Engineer.
20. 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

21. 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.
22. 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.
23. 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.
24. 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 and wind control measures soil stabilizing binders approved by the Community Development and Public Works Departments.

25. 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

26. If the applicant proposes discharge of stormwater directly or indirectly to the Coachella Valley Stormwater Channel, the applicant shall indemnify the City from the costs of any sampling and testing of the development's drainage discharge which may be required under the City's NPDES Permit or other City- or area-wide pollution prevention program, and for any other obligations and/or expenses which may arise from such discharge. The indemnification shall be executed and furnished to the City prior to issuance of any grading, construction or building permit and shall be binding on all heirs, executors, administrators, assigns, and successors in interest in the land within this tentative map excepting therefrom those portions required to be dedicated or deeded for public use. The form of the indemnification shall be acceptable to the City Attorney. If such discharge is approved for this development, the applicant shall make provisions in the CC&Rs for meeting these potential obligations.
27. If the applicant does not discharge stormwater to the Coachella Valley Stormwater Channel, stormwater shall be retained on-site and disposed of in facilities approved by the City Engineer.
28. Nuisance water shall be retained on site and disposed of in facilities approved by the City Engineer.

### UTILITIES

29. 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.
30. 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.

30. 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

32. 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 AND BIKEPATH

- 1) Highway 111 - Complete construction of north side of the street. Construct eight-foot sidewalk/bikepath. Modify traffic signal, median, traffic signs, and traffic markings at the west access drive to accommodate a fourth leg on the intersection.
- 2) Washington Street (Major Arterial) - Construct eight-foot sidewalk/bike path. Modify traffic signal, median, traffic signs, and traffic markings at the north access drive to accommodate a fourth leg on the intersection.

If a hotel use is selected as described in Alternative Use #2, the applicant shall construct a right turn lane for south bound traffic from Washington Street onto Highway 111, including necessary modifications to the existing traffic signal, curbs and gutters, traffic signs and traffic markings. The design of the right turn lane shall be subject to Caltrans and the City Engineer's approval.

Additional right of way may be required to accommodate the approved right turn lane design and shall be dedicated to the City and the State as necessary.

- 3) Bike path- Pay pro-rata share of Bike Path adjacent to project site. Prorate share shall not exceed \$30 per lineal foot of 8-foot wide PCC bike path.

33. 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).
34. 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 streets, access gates and parking areas shall be stamped and signed by qualified engineers.
35. 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.
Collector	4.0"/5.00"
Secondary Arterial	4.0"/6.00"
Primary Arterial	4.5"/6.00"
Major Arterial	5.5"/6.50"

36. 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.

37. General access points and turning movements of traffic are limited to the following:
- A. Highway 111
    - 1) Full-access drive at existing traffic signal at the southwest corner of this property.
    - 2) Right-in/Right-out drive centered approximately 435 feet east of the centerline of the westerly drive.
  - B. Washington Street
    - 1) Full-access drive at existing traffic signal at the northeast corner of this property.

#### LANDSCAPING

38. The applicant shall provide landscape improvements in landscape setbacks and in on-site areas as designated in the landscape plan for this Specific Plan.
39. 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.

40. 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

41. The applicant shall provide an improved bus turnout with a City approved Bus Shelter design on Highway 111 as required by Sunline Transit and approved by the City Engineer and Community Development Director.

The applicant shall provide an improved bus turnout with a City approved Bus Shelter design on Washington Street between the Coachella Valley Storm Water Channel and Washington Street, if needed by Sunline Transit and approved by the City Engineer and Community Development Director.

The applicant shall install electric power connection to provide electricity to bus shelter on Highway 111. The electric power may be connected to an existing circuit owned by the City if there is one conveniently available in the vicinity, or at applicant's expense request IID to install a new electric meter to power the circuit. The City will accept the electric meter and power circuit when completed.

#### QUALITY ASSURANCE

42. The applicant shall employ construction quality-assurance measures which meet the approval of the City Engineer.
43. 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.
44. 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.
45. Upon completion of construction, the applicant shall furnish the City reproducible record drawings of all improvements constructed within City or Caltrans' right of way. 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

46. 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

47. 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.

## FIRE MARSHAL

48. All water mains and fire hydrants providing required fire flows shall be constructed in accordance with the appropriate sections of the water district, subject to the approval by the Riverside County Fire Department.
49. Automatic fire sprinklers providing required fire flows shall be constructed in accordance with La Quinta City Ordinance 8.08.090.
50. All interior fire apparatus access roads shall be a minimum of 20 feet unobstructed width and an unobstructed vertical clearance of 13 feet 6 inches. Any portion of an exterior wall of the first story of any building shall be located within 150 feet from apparatus access as measured by an approved route around the exterior of the building.

## MISCELLANEOUS

51. Prior to issuance of a Site Development Permit, the final Conditions of Approval shall be incorporated in the Final Specific Plan document. Applicant shall work with staff to correct internal document inconsistencies prior to final publication of five copies of the Specific Plan document.
52. On Page 39 of the Specific Plan under General Criteria, add a new item to read: "Detailed sign plan shall be submitted for each tenant or building consistent with the Specific Plan Sign Program prior to issuance of a building permit."
53. On Page 35 of the Specific Plan under Architectural Features and Details, add a new bullet point to read: "Design articulation and enhanced landscaping of all buildings along on all north elevations (i.e., rear elevations facing the Channel) shall be required. A five foot wall consisting of wrought iron and block shall be constructed along the Channel. In addition, a combination of a wall and berming shall be installed along Washington Street in front of Del Taco to hide the menu board. The wall, wrought iron and berming design is subject to approval of the Community Development Director. The property owner's permission shall be obtained prior to construction."

54. On Page 36 of the Specific Plan under Carports, add a new bullet point to read: "All carport structures shall be made of wood." Delete the word steel in the second bullet point under Carports regarding acceptable materials.
55. Prohibit Date Palms trees in high use activity locations including pedestrian corridors and courtyards.
56. Delete Date Palm trees in high use activity locations including pedestrian corridors and courtyards.
57. Add lighting bollards to Landscape Details, Figure 10 per the adopted Point Happy Specific Plan and the Highway 111 Design Guidelines.
58. Delete the Point Happy Parking Analysis from the Final Specific Plan as it is not relevant until submittal for a Site Development Permit and Conditional Use Permit to allow a hotel.
59. Allow a street name change to "Point Happy Drive" on the east side of the property on Washington Street into the One Eleven La Quinta Shopping Center; a street name change to "Point Happy Drive" at the signal on Highway 111 at the south driveway into the property shall be allowed only after obtaining the express written permission (and presented to the City) from the La Quinta Plaza Shopping Center owners (the shopping center on the south side of Highway 111).
60. Prior to issuance of a Site Development Permit, the applicant shall submit a revised Final Specific Plan with an adjusted Land Use Plan Summary Table with actual building square footage for Parcel 4 of 6,711 square feet; and decreasing the allowable building square footage on the undeveloped Parcels (8 through 12) by 1,405 square feet allowing an overall 81,407 square feet at the commercial center to meet the 389 parking spaces required by use (Zoning Code Parking Chapter 9.150).
61. Applicant shall complete the approved revised bus shelter design plan for the Highway 111 bus shelter that is limited to additional sidewalk paving behind the shelter for transit user access, a landscaping plan (consistent with the Highway 111 Design Guidelines) that includes at least three additional shade trees and boulders appropriately placed for safety, and a color sample that matches the buildings in the Point Happy commercial center to be used to re-paint the bus shelter.

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