

**PLANNING COMMISSION RESOLUTION 2004-107
CONDITIONS OF APPROVAL -- ROB CAPTIZ
VILLAGE USE PERMIT 2004-026
ADOPTED: DECEMBER 28, 2004**

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 Village Use Permit. The City shall have sole discretion in selecting its defense counsel.

The City shall promptly notify the developer of any claim, action or proceeding and shall cooperate fully in the defense.

2. Prior to the issuance of any permit by the City, the applicant shall obtain the necessary permits and/or clearances 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, applicant shall furnish proof of such approvals when submitting the improvement plans for City approval.

3. 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 one (1) acres or more of land, or that disturbs less than one (1) acres of land, but which is a part of a construction project that encompasses more than one (1) acres of land, the Permittee shall be required to submit a Storm Water Pollution Protection Plan ("SWPPP").

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Planning Commission Resolution 2004-107
Conditions of Approval – Rob Captiz
Village Use Permit 2004-026
Adopted: December 28, 2004

- 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 offsite 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.

PROPERTY RIGHTS

- 4. Prior to the issuance of any permit(s), the applicant shall acquire, or confer, those easements, and other property rights necessary for the construction and/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 the maintenance, construction and reconstruction of essential improvements.
- 5. The applicant shall offer for dedication those easements necessary for the placement of, and access to, utility lines and structures, drainage basins, mailbox clusters, and common areas on the final site plan.

Planning Commission Resolution 2004-107
Conditions of Approval – Rob Captiz
Village Use Permit 2004-026
Adopted: December 28, 2004

6. 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.
7. The applicant shall cause no easement to be granted, or recorded, over any portion of the subject property between the date of approval of this Village Use Permit and the date of final acceptance of the on-site and off-site improvements for this Village Use Permit, unless such easement is approved by the City Engineer.

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.

8. 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.
9. The following improvement plans shall be prepared and submitted for review and approval by the City. 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.

A. On-Site Precise Grading Plan (Commercial) 1" = 30' Horizontal

Other engineered improvement plans prepared for City approval that are not listed above shall be prepared in formats approved by the City Engineer prior to commencing plan preparation.

On-Site Precise Grading Plans shall normally include all on-site surface improvements including but not necessarily limited to finish grades for curbs & gutters, sidewalks, building floor elevations, parking lot improvements and ADA requirements for the parking lot and access to the building; and showing the existing street improvements out to at least the center lines of adjacent existing streets including ADA accessibility route to surrounding buildings, parking facilities and public streets. The ADA access route between adjacent buildings shall not be through parking lot areas as well as not be behind parked vehicles other than that of the user. The applicant shall redesign

Planning Commission Resolution 2004-107
Conditions of Approval – Rob Captiz
Village Use Permit 2004-026
Adopted: December 28, 2004

existing handicap striping accordingly. ADA access shall also be provided from the proposed building to Calle Amigo.

10. The City maintains standard plans, detail sheets and/or construction notes for elements of construction on the Public Works Online Engineering Library at http://www.la-quinta.org/publicworks/tract1/z_onlinelibrary/0_intropage.htm.
11. The applicant shall furnish a complete set of the AutoCAD files of all complete, approved improvement plans on a storage media acceptable to the City Engineer. The files shall be saved in a standard AutoCAD format so they may be fully retrievable through a basic AutoCAD program.

At the completion of construction, and prior to the final acceptance of the improvements by the City, the applicant shall update the AutoCAD files in order to reflect the as-built conditions.

Where the improvement plans were not produced in a standard AutoCAD format, or a file format which can be converted to an AutoCAD format, the City Engineer will accept raster-image files of the plans.

GRADING

12. Prior to occupancy of the project site for any construction, or other purposes, the applicant shall obtain a precise grading permit approved by the City Engineer.
13. To obtain an approved grading permit, the applicant shall submit and obtain approval of all of the following:
 - A. A precise grading plan prepared by a qualified engineer or architect,
 - B. A preliminary geotechnical ("soils") report prepared by a qualified engineer,
 - C. A Fugitive Dust Control Plan prepared in accordance with Chapter 6.16 (Fugitive Dust Control), LQMC, and
 - D. Approved Best Management Plan that includes storm water pollution prevention and erosion control plans prepared by a qualified engineer.

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.

Planning Commission Resolution 2004-107
Conditions of Approval – Rob Captiz
Village Use Permit 2004-026
Adopted: December 28, 2004

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 submitted with its application for a grading permit.

14. 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.
15. 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.

DRAINAGE

16. Nuisance water shall be retained on site and disposed of in a manner acceptable to the City Engineer.

STREET AND TRAFFIC IMPROVEMENTS

17. The applicant shall comply with the provisions of Sections 13.24.060 (Street Improvements), 13.24.070 (Street Design - Generally) & 13.24.100 (Access For Individual Properties And Development), LQMC for public streets; and Section 13.24.080 (Street Design - Private Streets), where private streets are proposed.
18. No additional street improvements are required, except for:
Calle Amigo
 - 1) Construct a 6-foot wide sidewalk and perimeter landscaping adjacent to curb along the Calle Amigo boundary. The sidewalk and landscape design shall be approved by the Public Works Department and Community Development Department.
19. Improvements shall be designed and constructed in accordance with City adopted standards.

PARKING LOTS AND ACCESS POINTS

20. The applicant shall conform to LQMC Chapter 9.150, particularly drive isle width, parking stall dimensions, and parking stall marking design requirements.

Planning Commission Resolution 2004-107
Conditions of Approval – Rob Captiz
Village Use Permit 2004-026
Adopted: December 28, 2004

21. 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):

Parking Areas

3.0" a.c./4.5" c.a.b.

22. 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.
23. General access points and turning movements of traffic are limited to the existing access points on Desert Club Drive through the existing parking lot/access drives of the existing property to the east.

UTILITIES

24. 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.
25. 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.

QUALITY ASSURANCE

26. The applicant shall employ construction quality-assurance measures that meet with the approval of the City Engineer.
27. The applicant shall employ, or retain, qualified engineers, surveyors, and such or 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.

Planning Commission Resolution 2004-107
Conditions of Approval – Rob Captiz
Village Use Permit 2004-026
Adopted: December 28, 2004

28. 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.
29. 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.

FEES AND DEPOSITS

30. 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).

MISCELLANEOUS

31. Either a lot merger or a reciprocal access easement with joint maintenance responsibility (subject to City Attorney approval) shall be recorded on Assessor's Parcel Number 770-182-008 and the adjacent lot to the east prior to issuance of building permits for the proposed project.
32. Landscaping and hardscape plans for the courtyard shall be submitted for approval by the Architecture and Landscape Review Committee. Landscaping plans shall comply with City and CVWD water efficiency requirements with clearance from the Riverside County Agricultural Commissioner provided.
33. Applicant shall secure approval of all plans, prior to the issuance of grading permits, from the Fire Department.