

**PLANNING COMMISSION RESOLUTION 2007-033  
CONDITIONS OF APPROVAL - FINAL  
SITE DEVELOPMENT PERMIT 2007-889  
KERR PROJECT SERVICES FOR APPLEBEE'S  
ADOPTED: JULY 24, 2007**

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 Site Development 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. This Site Development Permit shall comply with the applicable Conditions of Approval for Specific Plan 2001-055 and Amendments No. 1 and 2, and Tentative Parcel Map No. 31116.

The City of La Quinta's Municipal Code can be accessed on the City's Web Site at [www.la-quinta.org](http://www.la-quinta.org).

3. This Site Development Permit is valid for two years, unless an extension is applied for and granted by the Planning Commission pursuant to Section 9.200.080 of the La Quinta Municipal Code.

4. Prior to the issuance of any grading, construction, or building permit by the City, the applicant shall obtain any necessary clearances and/or permits from the following agencies (if required):

- Fire Marshal
- Public Works Department (Grading Permit, Green Sheet (Public Works Clearance) for Building Permits, Improvement Permit)
- Planning 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
- SCAQMD Coachella Valley

The applicant is responsible for all requirements of the permits and/or clearances from the above listed agencies, if applicable. When the requirements include approval of

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improvement plans, the applicant shall furnish proof of such approvals when submitting those improvements plans for City approval.

5. The applicant shall comply with applicable provisions of the City's NPDES stormwater discharge permit, LQMC Sections 8.70.010 et seq. (Stormwater Management and Discharge Controls), and 13.24.170 (Clean Air/Clean Water); Riverside County Ordinance No. 457; and the State Water Resources Control Board's Order No. 99-08-DWQ.
6. Permits issued under this approval shall be subject to the provisions of the Infrastructure Fee Program and Development Impact Fee program in effect at the time of issuance of building permit(s).
7. Approval of this Site Development Permit shall not be construed as approval for any horizontal dimensions implied by any site plans or exhibits unless specifically identified in the following conditions of approval.

**PROPERTY RIGHTS**

8. Prior to issuance of any permit(s), the applicant shall acquire or confer easements and other property rights necessary for the 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. Said conferred rights shall also include grant of access easement to the City of La Quinta for the purpose of graffiti removal by City staff or assigned agent in perpetuity and agreement to the method to remove graffiti and to paint over to best match existing. The applicant shall establish the aforementioned requirements in the maintenance agreements for the development or other agreements as approved by the City Engineer.
9. The public street right-of-way offers for dedication required for this development include:

**A. PUBLIC STREETS**

- 1) Washington Street (Major Arterial, 120' ROW) – No additional right-of-way is required. Variable right-of-way has been dedicated per Parcel Map No. 31116 along the Site Development Permit boundary measured 32 feet east of the existing curb face constructed under CIP Project 98-07 except for an additional variable right-of-way dedication for a deceleration/right turn only lane at the Seeley Drive intersections of 44 feet per the recorded Parcel Map No. 31116.

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- 2) Seeley Drive (Non-conforming Collector Street, 80' ROW) – No additional right-of-way is required of this Site Development Permit. Eighty feet (80') right-of-way has been dedicated for a total 80-foot ultimate developed right-of-way along the Site Development Permit boundary per Parcel Map No. 31116.
10. The required perimeter landscaping setbacks along all public rights-of-way as follows have been dedicated on Parcel Map No. 31116.
    - A. Washington Street (Major Arterial) – The perimeter landscaping setback of 20 feet required by the General Plan has been retained by the City of La Quinta Redevelopment Agency along the Washington Street right of way. Seeley Drive (Non-conforming Collector Street, 80' ROW) – 20-foot from the R/W-P/L.

Where public facilities (e.g., sidewalks) are placed on privately-owned setbacks, the applicant shall offer for dedication blanket easements for those purposes.

11. Direct vehicular access to Washington Street and Seeley Drive from lots with frontage along Washington Street and Seeley Drive is restricted, except for those access points identified on Parcel Map No. 31116 and Specific Plan 2001-055, Amendment No. 2, or as otherwise conditioned in these conditions of approval.
12. 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.
13. The applicant shall provide reciprocal access easements necessary for the adjoining parcel(s) for access to proposed parking and access drive associated with this Site Development Permit. Additionally, the applicant shall enter into a maintenance agreement with other parcel owners/occupants for the perpetual maintenance of the parking areas and drive aisles within Parcel Map No. 31116.

**STREET AND TRAFFIC IMPROVEMENTS**

14. The applicant shall comply with the provisions of LQMC Sections 13.24.060 (Street Improvements), 13.24.070 (Street Design - Generally) & 13.24.100 (Access For Individual Properties And Development) for public streets; and Section 13.24.080 (Street Design - Private Streets), where private streets are proposed.
  - A. OFF-SITE STREETS

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15. The applicant shall construct the following street improvements to conform with the General Plan (street type noted in parentheses.)

1) Washington Street (Major Arterial; 120' R/W):

No additional street widening or street improvements are required of this Site Development Permit pursuant to Conditions of Approval for Parcel Map No. 31116. Pursuant to said Parcel Map No. 31116, construction of a deceleration/right turn only lane to the Hotel parcel is pending evaluation and negotiation between CP Development La Quinta LLC and the City of La Quinta.

2) Seeley Drive – Non-Conforming Collector Street, 80' ROW.

No additional street widening of Seeley Drive from Washington Street to Miles Avenue to its ultimate 56-foot width pursuant to Conditions of Approval for Parcel Map No. 31116.

PARKING LOTS and ACCESS POINTS

The design of parking facilities per the approved Hotel Precise Grading and Paving Plans (City of La Quinta Plan Set Number 05115) conforms to LQMC Chapter 9.150 (Parking). The applicant shall provide for a minimum six-foot path of travel between the existing curb face and the proposed garden wall on the east side of the building, adjacent to parking stalls as approved by the City Engineer.

16. General access points and turning movements of traffic to off site public streets are limited to the access locations approved for Parcel Map No. 31116 Specific Plan 2001-055, Amendment No. 2 and these conditions of approval.

A. Washington Street Entry (Hotel Parcel Main Entry north of Seeley Drive) – Right turn in and out movements are permitted. Left turn movements in and out are restricted.

B. Secondary Entry (Seeley Drive, approximately 450 feet east of Washington Street) – Right turn in and out movements are permitted. Full turn movements are permitted upon ultimate street improvement construction per City of La Quinta Plan Set Number 06021 and 06022 and as determined by the City Engineer.

C. Secondary Entry (Miles Street, east of Washington Street) – Right turn in and out movements are permitted. Left turn movements in and out are restricted.

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17. Improvements shall include appurtenances such as traffic control signs, markings and other devices, raised medians if required, street name signs and sidewalks.
18. Improvements shall be designed and constructed in accordance with City adopted standards, supplemental drawings and specifications, or as approved by the City Engineer. Improvement plans for streets, access gates and parking areas shall be stamped and signed by qualified engineers.

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.

19. 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 LQMC Section 13.24.040 (Improvement Plans).
20. The following improvement plans shall be prepared and submitted for review and approval by the Public Works Department. 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 Commercial Precise Grading Plan 1" = 40' Horizontal
  - B. PM10 Plan 1" = 40' Horizontal

NOTE: A and B to be submitted concurrently.

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.

The applicant shall prepare an accessibility assessment on a marked up print of the building floor plan identifying every building egress and that notes the most current California Building Code accessibility requirements associated with each door. The assessment must comply with submittal requirements of the Building & Safety Department. A copy of the reviewed assessment shall be submitted to the

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Engineering Department in conjunction with the Precise Grading Plan when it is submitted for plan checking.

An "On-site Commercial Precise Grading" plan is required to be submitted for approval by the Building Official and the City Engineer.

"On-site Commercial Precise Grading" plans shall normally include all on-site surface improvements including but not necessarily limited to finish grades for curbs & gutters, building floor elevations, parking lot improvements and ADA requirements.

21. The City maintains standard plans, detail sheets and/or construction notes for elements of construction which can be accessed via the Online Engineering Library at the City website ([www.la-quinta.org](http://www.la-quinta.org)). Please navigate to the Public Works Department home page and look for the Standard Drawings hyperlink.
22. The applicant shall furnish a complete set of mylars of all approved improvement plans on a storage media acceptable to the City Engineer.
23. At the completion of construction, and prior to the final acceptance of the improvements by the City, the applicant shall update the mylars in order to reflect the as-built conditions.

PRECISE GRADING

24. The applicant shall comply with the provisions of LQMC Section 13.24.050 (Grading Improvements).
25. Prior to occupancy of the project site for any construction, or other purposes, the applicant shall obtain a grading permit approved by the City Engineer.
26. 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,
  - B. A preliminary geotechnical ("soils") report prepared by a qualified engineer,
  - C. A Fugitive Dust Control Plan prepared in accordance with LQMC Chapter 6.16, (Fugitive Dust Control), and

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

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engineering geologist. Grading Plan shall tie the Hotel Precise Grading and Paving Plans (City of La Quinta Plan Set Number 05115).

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 as submitted with its application for a grading permit.

27. 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.
28. Prior to any site grading or regrading that will raise or lower any portion of the site by more than plus or minus three tenths of a foot from the elevations shown on the approved Site Development Permit site plan, the applicant shall submit the proposed grading changes to the City Staff for a substantial conformance finding review.
29. 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 with applicable compaction tests and over excavation documentation.

Each pad certification shall list the pad elevation as shown on the approved grading plan, the actual pad elevation and the difference between the two, if any. Such pad certification shall also list the relative compaction of the pad soil. The data shall be organized by lot number, and listed cumulatively if submitted at different times.

**DRAINAGE**

30. Stormwater handling shall conform with the approved hydrology and drainage report for the Centre Pointe Development, Specific Plan 2001-055 and Amendments No. 1 and 2, and Tentative Parcel Map No. 31116 and Storm Drain Improvement Plans, Phase I as modified for this Site Development Permit. Nuisance water shall be disposed of in an approved manner.
31. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development.
32. Storm drainage historically received from adjoining property shall be received and retained or passed through into the historic downstream drainage relief route.
33. When an applicant proposes discharge of storm water directly, or indirectly, into the Coachella Valley Stormwater Channel, the applicant shall indemnify the City from the

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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 the 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 Parcel Map No. 31116 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 for meeting these potential obligations. The 100-year storm water HGL shall be 3 feet below the channel lining and 2 feet below the Project Storm HGL.

**UTILITIES**

34. The applicant shall comply with the provisions of LQMC Section 13.24.110 (Utilities).
35. 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.
36. 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. Additionally, grease traps and the maintenance thereof shall be located as to not conflict with access aisles/entrances.

**CONSTRUCTION**

37. The City will conduct final inspections of habitable buildings only when the buildings have improved street and (if required) sidewalk access to publicly-maintained streets. The improvements shall include required traffic control devices, pavement markings and street name signs..

**LANDSCAPE AND IRRIGATION**

38. The applicant shall comply with LQMC Sections 13.24.130 (Landscaping Setbacks) & 13.24.140 (Landscaping Plans).



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39. The applicant shall provide for the perpetual maintenance of all landscaping along Washington Street and Seeley Drive as required by LQMC Section 9.100.040 and requirements of the Development Agreement and Disposition and Development Agreement for the Centre Pointe Development including Amendments and applicable Amendments to the Purchase and Sale Contract.
40. The applicant shall provide landscaping in the required setbacks, retention basins, common lots and park areas.
41. Landscape and irrigation plans for landscaped lots and setbacks, medians, retention basins, and parks shall be signed and stamped by a licensed landscape architect.
42. Final landscaping and irrigation plans (and precise grading plans relevant to landscape areas) shall be prepared by a licensed landscape professional and shall be reviewed by the ALRC and approved by the Planning Director prior to issuance of the first building permit. An application for Final Landscape Plan Check shall be submitted to the Planning Department for final landscape plan review. Said plans shall include all landscaping associated with this project, including perimeter landscaping, and be in compliance with Chapter 8.13 (Water Efficient Landscaping) of the Municipal Code. The landscape and irrigation plans shall be approved the Coachella Valley Water District and Riverside County Agriculture Commissioner prior to submittal of the final plans to the Planning Department.

The applicant shall submit the landscape plans for approval by the Planning Department and green sheet sign off by the Public Works Department. Landscape plans for landscaped median on public streets shall be approved by the both the Planning Director and the City Engineer. Where City Engineer approval is not required, the applicant shall submit for a green sheet approval by the Public Works Department.

NOTE: Plans are not approved for construction until signed by both the Planning Director and/or the City Engineer.

43. Landscape areas shall have permanent irrigation improvements meeting the requirements of the Planning Director. Use of lawn areas shall be minimized with no lawn, or spray irrigation, being placed within 18 inches of curbs along public streets.
44. The applicant or his agent has the responsibility for proper sight distance requirements per guidelines in the AASHTO "A Policy on Geometric Design of Highways and Streets, 5<sup>th</sup> Edition or latest, in the design and/or installation of all landscaping and appurtenances abutting and within the private and public street right-of-way.

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45. Prior to issuance of a Certificate of Occupancy permit the restaurant and street perimeter planting and irrigation shall be completed per approved plans, to the satisfaction of the Planning Director.
46. Five Gallon shrubs and/or vines shall be provided on the back side of the trash enclosure along Washington Street.
47. Five gallon medium size shrubs shall be added on the south and west sides of the building. The applicant shall coordinate with the master developer who is responsible for the planting between the proposed building (property line) and the Washington Street and Seeley Drive curbs.

QUALITY ASSURANCE

48. The applicant shall employ construction quality-assurance measures that meet with the approval of the City Engineer.
49. The applicant shall employ, or retain, qualified engineers, surveyors, and such 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.
50. 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.
51. 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 mylars submitted to the City, revised to reflect the as-built conditions.

MAINTENANCE

52. The applicant shall comply with the provisions of LQMC Section 13.24.160 (Maintenance).
53. The applicant shall make provisions for the continuous and perpetual maintenance of all private on-site improvements, perimeter landscaping, access drives, and sidewalks.

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FEES AND DEPOSITS

54. The applicant shall comply with the provisions of LQMC Section 13.24.180 (Fees and Deposits). These fees include all deposits and fees required by the City for plan checking and construction inspection. Deposits and fee amounts shall be those in effect when the applicant makes application for plan check and permits.
55. Permits issued under this approval shall be subject to the provisions of the Infrastructure Fee Program and Development Impact Fee program in effect at the time of issuance of building permit(s).

MISCELLANEOUS

56. Roof tile shall be clay "S" tile.
57. Exterior light fixtures shall be energy-efficient and have a bulb wattage not exceeding 75 watts.
58. All applicable conditions and requirements of the Disposition and Development Agreement (DDA) and Development Agreement (DA) for Centre Pointe shall be complied with prior to issuance of a building permit or as determined by the Planning Director.