

**PLANNING COMMISSION RESOLUTION 2007-016  
CONDITIONS OF APPROVAL - FINAL  
SITE DEVELOPMENT PERMIT 2006-882 – MIMI’S CAFÉ  
ADOPTED: APRIL 10, 2007**

**GENERAL**

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. 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)
  - 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
  - SCAQMD Coachella Valley
  - Caltrans

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 improvement plans, the applicant shall furnish proof of such approvals when submitting those improvements 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.
4. 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

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identified in the following conditions of approval.

**PROPERTY RIGHTS**

5. 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 CC&R's for the development or other agreements as approved by the City Engineer.

6. The public street right-of-way offers for dedication required for this development include:

**A. PUBLIC STREETS**

1) Highway 111 (Major Arterial – State Highway, 140' Right-of-Way) – No additional right-of-way is required along the Site Development Permit boundary on Highway 111 as per the recorded Parcel Map No. 33960.

7. The required perimeter landscaping setbacks along all public rights-of-way as follows have been dedicated on Parcel Map No. 33960:

**A. Highway 111 (Major Arterial – State Highway) - 50-foot from the R/W-P/L.**

The setback requirements shall apply to all frontages including, but not limited to, remainder parcels and sites dedicated for utility purposes.

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

8. Direct vehicular access to Highway 111 from lots with frontage along Highway 111 is restricted, except for those access points identified on Parcel Map No. 33960, or as otherwise conditioned in these conditions of approval.

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9. 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.
10. 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 Costco and/or other parcel owners/occupants for the perpetual maintenance of the parking areas and drive aisles within Parcel Map No. 33960.

**STREET AND TRAFFIC IMPROVEMENTS**

11. The applicant shall construct the following street improvements to conform with the General Plan (street type noted in parentheses.)
  - A. OFF-SITE STREETS
    - 1) Highway 111 (Major Arterial – State Highway; 140'R/W):

No additional widening is required on the south side of the street along all frontage adjacent to the Site Development Permit boundary to its ultimate width on the south side as specified in the General Plan and per Conditions of Approval for Specific Plan 2005-075, Conditional Use Permit 2005-833 and Tentative Parcel Map No. 33960 are required of this Site Development Permit.

**PARKING LOTS AND ACCESS POINTS**

12. The design of parking facilities for the approved Site Development Permit 2006-874 shall conform to LQMC Chapter 9.150 (Parking). In particular, the following are conditioned with the approval of this Site Development Permit.
  - A. Accessibility routes to public streets and adjacent development shall be shown on the Precise Grading Plan.
  - B. Cross slopes should be a maximum of 2% where ADA accessibility is required including accessibility routes between buildings.
  - C. Building access points shall be shown on the Precise Grading Plans to better evaluate ADA accessibility issues.

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13. Entry drives, main interior circulation routes, corner cutbacks, bus turnouts, dedicated turn lanes, ADA accessibility route to public streets and other features shown on the approved construction plans, may require additional street widths and other improvements as may be determined by the City Engineer.

Pursuant to the above and conditions for Site Development Permit 2006-874 for the Komar Development, the applicant is advised of the possible reconstruction of existing curb and gutter along the easterly alignment of the Costco main entry drive to provide a smoother curvature to the existing curb and gutter as required by the City Engineer. The applicant may be required to design proposed in-fill improvements for this Site Development Permit resulting from said reconstruction of the existing curb and gutter along the Costco main entry drive.

14. General access points and turning movements of traffic to off site public streets are limited to the access locations approved for Parcel Map No. 33960 and these conditions of approval.
15. Improvements shall include appurtenances such as traffic control signs, markings and other devices, raised medians if required, street name signs and sidewalks.
16. 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," refers to persons currently certified or licensed to practice their respective professions in the State of California.

17. 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.
18. 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

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pursuant to improvements required by other agencies and utility purveyors.

- A. On-Site Precise Grading Plan 1" = 30' 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 Engineering Department in conjunction with the Precise Grading Plan when it is submitted for plan checking.

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

"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.

- 19. 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.
- 20. The applicant shall furnish a complete set of mylars of all approved improvement plans on a storage media acceptable to the City Engineer.
- 21. 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**

- 22. The applicant shall comply with the provisions of Section 13.24.050 (Grading Improvements), LQMC.

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23. As no preliminary precise grading plans have been submitted with the Site Development Permit, the Applicant is hereby notified that future site modifications may be necessary including, but not limited to building pad elevations, reduced building foot print and revision to hardscape and landscape elements as approved by the City Engineer. Verification of the precise grading and ADA accessibility as applicable to improvements per the approved Site Development Permit 2006-874 for the Komar Development is subject to review and approval by the Public Works and Building and Safety Department. If in the event, the proposed hardscape such as sidewalks, walkways, curb ramps and building access points are found to be inadequate during final design, the Applicant shall revise what is currently proposed in the site layout as required to satisfy the precise grading and ADA compliance by the Public Works Department and Building and Safety Department.

The applicant shall cooperate with the Komar Development in regards to improvements required of Site Development Permit 2006-874.

24. 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.
25. 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 Chapter 6.16, (Fugitive Dust Control), LQMC, 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 engineering geologist. Grading Plan shall tie to Komar Site Development Permit 2006-876 (currently in plan check – Plan Check No. 07074).

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.

26. 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

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either be planted with interim landscaping, or stabilized with such other erosion control measures, as were approved in the Fugitive Dust Control Plan.

27. Prior to any site grading or regrading that will raise or lower any portion of the site by more than five tenths of a foot (0.5') 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.
28. 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**

29. Stormwater handling shall conform with the approved hydrology and drainage report for Tentative Parcel Map No. 33960 and as modified for Site Development Permit 2006-874 for the Komar Development. Nuisance water shall be retained on site. Nuisance water shall be disposed of per approved methods contained in Engineering Bulletin No. 06-16 – Hydrology Report with Preliminary Hydraulic Report Criteria for Storm Drain Systems and Engineering Bulletin No. 06-015 - Underground Retention Basin Design Requirements.

**UTILITIES**

30. The applicant shall comply with the provisions of Section 13.24.110 (Utilities), LQMC.
31. 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.
32. 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.

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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**

33. 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**

34. The applicant shall comply with Sections 13.24.130 (Landscaping Setbacks) & 13.24.140 (Landscaping Plans), LQMC.
35. The applicant shall provide landscaping in the required setbacks, retention basins, common lots and park areas.
36. Landscape and irrigation plans for landscaped lots and setbacks, medians, retention basins, and parks shall be signed and stamped by a licensed landscape architect.
37. The applicant shall submit the landscape plans for approval to plan checking by the Community Development Department. When plan checking has been completed by the Community Development Department, the applicant shall obtain the signatures of CVWD and the Riverside County Agricultural Commissioner, prior to submittal for signature by the Community Development Director.

NOTE: Plans are not approved for construction until signed by the Community Development Director.

38. 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.
39. The final landscaping plans shall be revised to include the following: Pink Crape Myrtle shall be replaced with Evergreen Pear.



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40. All trees shall be a minimum 36-inch box trees. All shrubs shall be a minimum five-gallon size. One-gallon size for the groundcover is acceptable.
41. Applicant shall make an effort to work with Imperial Irrigation District (IID) to have utility boxes located in the service/delivery area.
42. Additional landscaping shall be added to the area north of the electrical room on the west building elevation.

**QUALITY ASSURANCE**

43. The applicant shall employ construction quality-assurance measures that meet with the approval of the City Engineer.
44. 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.
45. 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.
46. 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**

47. The applicant shall comply with the provisions of Section 13.24.160 (Maintenance), LQMC.
48. 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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**FEEES AND DEPOSITS**

49. The applicant shall comply with the provisions of Section 13.24.180 (Fees and Deposits), LQMC. 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.
50. 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).

**COMMUNITY DEVELOPMENT CONDITIONS**

51. Gooseneck lights shall only be located above the service doors as shown on the elevations and be in a color that is compatible to the building.
52. The metal posts in the outdoor dining area should be increased to six-inch diameter. Currently they are being proposed as four-inch metal posts.
53. The ground-mounted floodlights located north of the outdoor dining shall be removed.
54. Signage for the restaurant will be reviewed as part of the Sign Program for the Komar Desert Center shopping center to address quantity, square footage, mounting, and electrical details.
55. Screen wall shall be extended to provide more complete screening of the service yard/storage/ electric area and delivery area.