

**CITY COUNCIL RESOLUTION NO. 2008-062
CONDITIONS OF APPROVAL – FINAL
CONDITIONAL USE PERMIT 2003-074, EXTENSION NO. 2
WESTPORT LA QUINTA LP
ADOPTED: OCTOBER 7, 2008**

GENERAL

1. The use of the subject property for a congregate care facility (senior retirement community complex) shall be in conformance with the approved exhibits and conditions of approval contained in Conditional Use Permit 2003-074 Extension #2, Specific Plan 2004-071, Site Development Permit 2003-762 Extension #2 and Environmental Assessment 2003-470, unless otherwise amended by the following conditions.
2. The Conditional Use Permit shall be expire on September 18, 2009 and shall become null and void in accordance with La Quinta Municipal Code Section 9.220.020, unless a building permit has been issued. A time extension may be requested per LQMC Section 9.200.080.
3. Developer agrees to indemnify, defend, and hold harmless the City of La Quinta in the event of any legal claim or litigation arising out of the City's approval of this Conditional Use Permit. The City of La Quinta shall have the right to select its defense counsel in its sole discretion.

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

End of conditions

**CITY COUNCIL RESOLUTION NO. 2008-063
CONDITIONS OF APPROVAL - FINAL
SITE DEVELOPMENT PERMIT 2003-762, EXTENSION NO. 2
WESTPORT LA QUINTA LP
ADOPTED: OCTOBER 7, 2008**

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. This Site Development Permit shall comply with the requirements and standards of Government Code §§ 66410 through 66499.58 (the "Subdivision Map Act"), and Chapter 13 of the La Quinta Municipal Code ("LQMC").

The City of La Quinta's Municipal Code can be accessed on the City's Web Site at www.la-quinta.org.

3. 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:

- 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
- South Coast Air Quality Management District Coachella Valley

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

A project-specific NPDES construction permit must be obtained by the applicant; and who then shall submit a copy of the Regional Water Quality Control Board's ("RWQCB") acknowledgment of the applicant's Notice of Intent ("NOI"), prior to the issuance of a grading or site construction permit by the City.

4. 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; the California Regional Water Quality Control Board – Colorado River Basin Region Board Order No. R7-2008-0001 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) acre or more of land, or that disturbs less than one (1) acre of land, but which is a part of a construction project that encompasses more than one (1) acre of land, the Permittee shall be required to submit a Storm Water Pollution Protection Plan ("SWPPP").

The applicant or design professional can obtain the California Stormwater Quality Association SWPPP template at www.cabmphandbooks.com for use in their SWPPP preparation.

- 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") (LQMC Section 8.70.020 (Definitions)):

- 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.

Additionally, the applicant shall comply with applicable provisions for post construction runoff per 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 California Regional Water Quality Control Board – Colorado River Basin (CRWQCB-CRB) Region Board Order No. R7-2008-001.

- G. For post-construction urban runoff from New Development and Redevelopments Projects, the applicant shall implement requirements of the NPDES permit for the design, construction and perpetual operation and maintenance of BMPs per the approved Water Quality Management Plan (WQMP) for the project as required by the California Regional Water Quality Control Board – Colorado River Basin (CRWQCB-CRB) Region Board Order No. R7-2008-001.
- H. The applicant shall implement the WQMP Design Standards per (CRWQCB-CRB) Region Board Order No. R7-2008-001 utilizing BMPs approved by the City Engineer.

5. 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).

PROPERTY RIGHTS

6. 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. Pursuant to the aforementioned, the applicant shall submit an "AUTHORIZATION TO REMOVE GRAFFITI FROM PRIVATE PROPERTY" form located at the Public Works Department Counter prior to Certificate of Occupancy.
7. The applicant shall offer for dedication all public street right-of-ways in conformance with the City's General Plan, Municipal Code, applicable site development permit, and/or as required by the City Engineer.
8. The public street right-of-way offers for dedication required for this development include:
 - A. PUBLIC STREETS
 - 1) Washington Street (Major Arterial, 120' ROW) – The standard 60 feet from the centerline of Washington Street for a total 120-foot ultimate developed right of way except for:

Additional right of way is required on Washington Street north of Avenue 50 to provide for the realignment of Washington Street in order to construct dual left turn lanes for southbound Washington Street to eastbound Avenue 50 as approved by the City Engineer in the plan check process.

- a) North of Avenue 50, an additional variable right of way dedication at the proposed primary project entry measured seventy six feet (76') east of the centerline of Washington Street and deceleration length of 248 feet plus a transition length of 150 feet to accommodate improvements conditioned under STREET AND TRAFFIC IMPROVEMENTS
 - 2) Avenue 50 (Primary Arterial, Option B 100' ROW) – The standard 50 feet from the centerline of Avenue 50 for a total 100-foot ultimate developed right of way except an additional variable right of way dedication at the Secondary entries and at the Avenue 50 intersection with Washington Street measured sixty feet (60') north of the centerline of Avenue 50 and deceleration length of 248 feet plus a transition length of 150 feet to accommodate improvements conditioned under STREET AND TRAFFIC IMPROVEMENTS.
9. The applicant shall retain for private use all private street right-of-ways in conformance with the City's General Plan, Municipal Code, applicable site development permit, and/or as required by the City Engineer.
 10. The private street right-of-ways to be retained for private use required for this development include:
 - A. PRIVATE STREETS

The applicant shall redesign private circulation streets measured at flow line to flow line to have 28 feet of travel width and on-street parking prohibited, and provided there is adequate off-street parking for residents and visitors, and the applicant establishes provisions for ongoing enforcement of the parking restriction in the CC&R's. The CC&R's shall be reviewed and approved by the Engineering Department prior to recordation.
 11. Dedications shall include additional widths as necessary for dedicated right and left turn lanes, bus turnouts, and other features contained in the approved construction plans.
 12. Pursuant to these requirements, the Applicant shall include in the submittal packet containing the rough grading plans submitted for plan checking, an

offsite street geometric layout, drawn at 1" equals 40 feet, detailing the following design aspects: median curb line, outside curb line, lane line alignment including lane widths, left turn lanes, deceleration lane(s) and bus stop turnout(s). The geometric layout shall be accompanied with sufficient professional engineering studies to confirm the appropriate length of all proposed turn pockets and auxiliary lanes that may impact the right of way dedication required of the project and the associated landscape setback requirement.

13. When the City Engineer determines that access rights to the proposed street right-of-ways shown on the approved Site Development Permit are necessary prior to approval of improvement dedicating such right-of-ways, the applicant shall grant the necessary right-of-ways within 60 days of a written request by the City.
14. The applicant shall offer for dedication a ten-foot wide public utility easement contiguous with, and along both sides of all private streets. Such easement may be reduced to five feet in width with the express written approval of IID.
15. The applicant shall create perimeter landscaping setbacks along all public right-of-ways as follows:
 - A. Washington Street (Major Arterial) - 20-foot from the R/W-P/L.
 - B. Avenue 50 (Primary Arterial) - A minimum 20-foot from the R/W-P/L. Additional landscape easement is required along the northerly side of Avenue 50 between the roadway right of way and the property line.

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.

16. At locations where the onsite finished grade adjacent to the landscaped setback lot has an elevation differential with respect to the arterial street top of curb exceeding 11.0 feet, the applicant shall comply with, and accommodate, the maximum slope gradients in the parkway/setback area and meandering sidewalk requirements by either: 1) increasing the landscape setback size as needed, or

- 2) installing retaining walls between the sidewalk and the back of the landscaped area as needed.
17. The applicant shall offer for dedication those easements necessary for the placement of, and access to, utility lines and structures, drainage basins, mailbox clusters, park lands, and common areas.
 18. Direct vehicular access to Washington Street and Avenue 50 from lots with frontage along Washington Street and Avenue 50 is restricted, except for those access points identified on the Site Development Permit, or as otherwise conditioned in these conditions of approval.
 19. 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.
 20. The applicant shall cause no easement to be granted, or recorded, over any portion of the subject property after the date of approval of the Site Development 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," refers to persons currently certified or licensed to practice their respective professions in the State of California.

21. 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.
22. 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 Rough Grading Plan 1" = 40' Horizontal
- B. PM10 Plan 1" = 40' Horizontal
- C. SWPPP 1" = 40' Horizontal
- D. Storm Drain Plans 1" = 40' Horizontal

Note: Submittal of A thru D to be concurrent.

- E. On-Site Non-Residential/Commercial Precise Grading Plan
1" = 20' Horizontal
- F. Off-Site Street Plan 1" = 40' Horizontal, 1" =
4' Vertical
- G. Off-Site Signing & Striping Plan 1" = 40' Horizontal

The Off-Site street improvement plans shall have separate plan sheet(s) (drawn at 20 scale) that show the meandering sidewalk, mounding, and berming design in the combined parkway and landscape setback area.

- H. On-Site Street/Signing & Striping Plan 1" = 40' Horizontal, 1" = 4'
Vertical

The following plans shall be submitted to the Building and Safety Department for review and approval. The plans shall utilize the minimum scale specified, unless otherwise authorized by the Building and Safety Director 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.

- I. On-Site Residential Precise Grading Plan 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.

All Off-Site Plan & Profile Street Plans and Signing & Striping Plans shall show all existing improvements for a distance of at least 200-feet beyond the project limits, or a distance sufficient to show any required design transitions.

All On-Site Signing & Striping Plans shall show, at a minimum; Stop Signs, Limit Lines and Legends, No Parking Signs, Raised Pavement Markers (including Blue RPMs at fire hydrants) and Street Name Signs per Public Works Standard Plans and/or as approved by the Engineering Department.

"Rough Grading" plans shall normally include perimeter walls with Top Of Wall & Top Of Footing elevations shown. All footings shall have a minimum of 1-foot of cover, or sufficient cover to clear any adjacent obstructions.

The applicant shall prepare an accessibility assessment on a marked up print of the building floor plan identifying every building egress and notes the 2001 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 Site Development Plan when it is submitted for plan checking.

In addition to the normal set of improvement plans, a "Site Development" plan is required to be submitted for approval by the Building Official and the City Engineer.

"On-site residential and 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.

23. The City maintains standard plans, detail sheets and/or construction notes for elements of construction which can be accessed via the "Plans, Notes and Design Guidance" section of the Public Works Department at the City website (www.la-quinta.org). Please navigate to the Public Works Department home page and look for the Standard Drawings hyperlink.
24. The applicant shall furnish a complete set of the mylars of all approved improvement plans on a storage media acceptable to the City Engineer.

- 24A. Upon completion of construction, and prior to final acceptance of the improvements by the City, 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 approved mylars previously submitted to the City, revised to reflect the as-built conditions. The applicant shall employ or retain the Engineer Of Record during the construction phase of the project so that the EOR. can make site visits in support of preparing As Built drawings. However, if subsequent approved revisions have been approved by the City Engineer and reflect said "As-Built" conditions, the Engineer Of Record may submit a letter attesting to said fact to the City Engineer in lieu of mylar submittal.

IMPROVEMENT SECURITY AGREEMENTS

25. Improvements to be made, or agreed to be made, shall include the removal of any existing structures or other obstructions which are not a part of the proposed improvements; and shall provide for the setting of the final survey monumentation.

When improvements are phased through a "Phasing Plan," or an administrative approval (e.g., Site Development Permits), all off-site improvements including street, traffic signal and storm drain improvements and common on-site improvements (e.g., backbone utilities, retention basins, perimeter walls, landscaping and gates) shall be constructed, or secured through a SIA, prior to the issuance of any permits in the first phase of the on-site development, or as otherwise approved by the City Engineer.

Improvements and obligations required of each subsequent phase shall either be completed, or secured through a SIA, prior to the completion of homes or the occupancy of permanent buildings within such latter phase, or as otherwise approved by the City Engineer.

In the event the applicant fails to construct the improvements for the development, or fails to satisfy its obligations for the development in a timely manner, pursuant to the approved phasing plan, the City shall have the right to halt issuance of all permits, and/or final inspections, withhold other approvals related to the development of the project, or call upon the surety to complete the improvements.

26. Depending on the timing of the development of this Site Development Permit, and the status of the off-site improvements at the time, the applicant may be required to:
- A. Construct certain off-site improvements.
 - B. Construct additional off-site improvements, subject to the reimbursement of its costs by others.
 - C. Reimburse others for those improvements previously constructed that are considered to be an obligation of this Site Development Permit.
 - D. Secure the costs for future improvements that are to be made by others.
 - E. To agree to any combination of these means, as the City may require.

Off-Site Improvements should be completed on a first priority basis.

In the event that any of the improvements required for this development are constructed by the City, the applicant shall, prior to issuance of any permit related thereto, reimburse the City for the costs of such improvements.

27. If the applicant elects to utilize the secured agreement alternative, the applicant shall submit detailed construction cost estimates for all proposed on-site and off-site improvements, including an estimate for the final survey monumentation, for checking and approval by the City Engineer. Such estimates shall conform to the unit cost schedule adopted by City resolution, or ordinance.

For items not listed in the City's unit cost schedule, the proposed unit costs shall be approved by the City Engineer.

Estimates for improvements under the jurisdiction of other agencies shall be approved by those agencies and submitted to the City along with the applicant's detailed cost estimates.

Security will not be required for telephone, natural gas, or Cable T.V. improvements.

GRADING

28. The applicant shall comply with the provisions of Section 13.24.050 (Grading Improvements), LQMC.
29. 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.
30. To obtain an approved grading permit, the applicant shall submit and obtain approval of all of the following:
 - A. A 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
 - D. A Best Management Practices report prepared in accordance with Sections 8.70.010 and 13.24.170 (NPDES stormwater discharge permit and Storm Management and Discharge Controls), LQMC.

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. As previously submitted soils information submitted to the Public Works Department regarding loose soil conditions encountered in the Site Development Permit area, the soils report shall be revised to address this issue and mitigation measures submitted for approval by the City Engineer.

A statement shall appear on the applicable improvement plans that a soils report has been prepared in accordance with the California Health & Safety Code § 17953.

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.

31. 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.

32. Grading within the perimeter setback and parkway areas shall have undulating terrain and shall conform with the requirements of LQMC Section 9.60.240(F) except as otherwise modified by this condition requirement. The maximum slope shall not exceed 3:1 anywhere in the landscape setback area, except for the backslope (i.e. the slope at the back of the landscape lot) which shall not exceed 2:1 if fully planted with ground cover. The maximum slope in the first six (6) feet adjacent to the curb shall not exceed 4:1 when the nearest edge of sidewalk is within six feet (6') of the curb, otherwise the maximum slope within the right of way shall not exceed 3:1. All unpaved parkway areas adjacent to the curb shall be depressed one and one-half inches (1.5") in the first eighteen inches (18") behind the curb.
33. Building pad elevations on the rough grading plan submitted for City Engineer's approval shall conform with pad elevations shown on the tentative map, unless the pad elevations have other requirements imposed elsewhere in these Conditions. Pursuant to the aforementioned, the applicant is advised of the Coachella Valley Water District letter dated September 2, 2008 to the Planning Department requiring the development to have a finish floor elevation of 50.0 feet MSL.
34. Building pad elevations of perimeter lots shall not differ by more than one foot higher from the building pads in adjacent developments.
35. Prior to any site grading or re-grading that will raise or lower any portion of the site by more than plus or minus 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.
36. 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.

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.

- 36A. This development shall comply with LQMC Chapter 8.11 (Flood Hazard Regulations). If any portion of any proposed building lot in the development is or may be located within a flood hazard area as identified on the City's Flood Insurance Rate Maps, the development shall be graded to ensure that all floors and exterior fill (at the foundation) are above the level of the project (100-year) flood and building pads are compacted to 95% Proctor Density as required in Title 44 of the Code of Federal Regulations, Section 65.5(a) (6). Prior to issuance of building permits for buildings which are so located, the applicant shall furnish elevation certifications, as required by FEMA, that the above conditions have been met.

DRAINAGE

37. The tributary drainage area shall extend to the centerline of adjacent public streets. Nuisance water from landscaping and off and on-site streets shall be disposed of in a manner approved by the City Engineer.
38. If permitted by CVWD, when an applicant proposes discharge of storm water directly, or indirectly, into the La Quinta Evacuation 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 applicant is required to construct required discharge treatment Best Management Practice facilities per the NPDES Permit per Supplement A but at a minimum shall install a CDS Unit or equal system as approved by the City Engineer. 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 this tentative parcel 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 for meeting these obligations. The 100-year storm water HGL shall be at 48 foot elevation ± or as determined by CVWD.

Additionally, the applicant shall submit verification to the City of CVWD acceptance of the proposed discharge of storm water directly, or indirectly, into the La Quinta Evacuation Channel with the initial submittal of storm drain improvement plans.

39. The applicant shall landscape the Coachella Valley Stormwater Channel along its easterly boundary of the project site as approved by CVWD.
40. If the development is not able to discharge storm or nuisance water from the project into the La Quinta Evacuation Channel, the applicant or design professional shall retain all storm water and nuisance water on site and the following conditions shall be applicable. The 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.
41. 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.
42. In design of retention facilities, the maximum percolation rate shall be two inches per hour. The percolation rate will be considered to be zero unless the applicant provides site specific data indicating otherwise.
43. The project shall be designed to accommodate purging and blowoff water (through underground piping and/or retention facilities) from any on-site or adjacent well sites granted or dedicated to the local water utility authority as a requirement for development of this property.
44. No fence or wall shall be constructed around any retention basin unless approved by the Planning Director and the City Engineer.
45. For on-site above ground common retention basins, retention depth shall be according to Engineering Bulletin No. 06-16 – Hydrology Report with Preliminary Hydraulic Report Criteria for Storm Drain Systems. Side slopes shall not exceed 3:1 and shall be planted with maintenance free ground cover. Additionally, retention basin widths shall be not less than 20 feet at the bottom of the basin.

46. Stormwater may not be retained in landscaped parkways or landscaped setback lots. Only incidental storm water (precipitation which directly falls onto the setback) will be permitted to be retained in the landscape setback areas. The perimeter setback and parkway areas in the street right-of-way shall be shaped with berms and mounds, pursuant to LQMC Section 9.100.040(B)(7).
47. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development.
48. The development shall be graded to permit storm flow in excess of retention capacity to flow out of the development through a designated overflow and into the historic drainage relief route.

Storm drainage historically received from adjoining property shall be received and retained or passed through into the historic downstream drainage relief route.

- 48A. Since the preliminary rough grading plans previously submitted to the Public Works Department did not demonstrate how storm water would be adequately discharged into the La Quinta Evacuation Channel during major storm events resulting in possible flooding of the site, the applicant is hereby notified that future site modifications may be necessary including, but not limited to building and street reconfiguration and additional improvements to the existing drainage facilities. Verification of the proposed storm water retention system is subject to review and approval by the Coachella Valley Water District and the City Engineer. The Applicant shall revise what is currently proposed and make adjustments to the site layout as needed to accommodate the increased retention/detention or pass through capacity required to satisfy safety issues of the Public Works Department and CVWD. Pursuant to the aforementioned, the applicant may be required to construct additional underground and above ground drainage facilities to convey on site and off site stormwater as well as stormwater from the adjacent La Quinta Evacuation Channel that historically flows onto and/or through the project site.
- 48B. The applicant shall install suitable facilities to prohibit access to the La Quinta Evacuation Channel along the easterly boundary to prohibit access to this right of way. Additionally, the applicant shall work with CVWD to construct a perpetual maintenance access to the La Quinta Evacuation Channel as required by CVWD and approved by the City Engineer.

UTILITIES

49. The applicant shall comply with the provisions of Section 13.24.110 (Utilities), LQMC.
50. 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.
51. Existing overhead utility lines within, or adjacent to the proposed development, and all proposed utilities shall be installed underground.

All existing utility lines attached to joint use 92 KV transmission power poles are exempt from the requirement to be placed underground.

52. 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.

STREET AND TRAFFIC IMPROVEMENTS

53. 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.
54. The applicant shall construct the following street improvements to conform with the General Plan (street type noted in parentheses.)

A. OFF-SITE STREETS

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

Widen the east side of the street along all frontage adjacent to the project boundary to its ultimate width on the east side as specified in the General Plan and the requirements of these conditions. The east curb face shall be located fifty-one feet (51') east of the centerline, except at locations where additional street width is needed to accommodate:

- a) The applicant shall construct a concrete bus stop pad, La Quinta bus shelter with night lighting equipped with bench and trash receptacle at the existing bus stop located on the northeast corner of Washington Street and Avenue 50. Bus turnout if required by Sunline Transit at the existing bus stop shall be provided.
- b) The deceleration/right turn only lane with bus turnout incorporated as part of the lane (if approved by SunLine Transit and the City Engineer) shall be provided on Washington Street at the north side primary entrance. At a minimum, the east curb face shall be located sixty four feet (64') east of the centerline and deceleration length of 248 feet plus a taper transition length of 150 feet or as approved on the Off-Site Street Improvement Plans.
- c) A dual left turn lane on southbound Washington Street at the Avenue 50 intersection. The east curb face shall be located fifty seven six (56') east from the centerline of Washington Street and for a length and transition as approved by the City Engineer.

Other required improvements in the Washington Street right of way and/or adjacent landscape setback area include:

- d) All appurtenant components such as, but not limited to: curb, gutter, traffic control striping, legends, and signs.
- e) 8-foot wide meandering sidewalk. The meandering sidewalk shall have an arrhythmic horizontal layout that utilizes concave and convex curves with respect to the curb line that either touches the back of curb or approaches within five feet of the curb at intervals not to exceed 250 feet. The sidewalk curvature radii should vary between 50 and

300 feet, and at each point of reverse curvature, the radius should change to assist in creating the arrhythmic layout. The sidewalk shall meander into the landscape setback lot and approach within 5 feet of the perimeter wall at intervals not to exceed 250 feet.

- f) An 18' - foot wide raised landscaped median on Washington Street north of Avenue 50 along the entire boundary of the Site Development Permit plus variable width as needed to accommodate the dual left turn lanes and installation of a median nose for the southbound Washington Street traffic turning east on to Avenue 50.
- g) Establish a benchmark in the Washington Street right of way and file a record of the benchmark with the County of Riverside.
- h) Modify the existing traffic signal system at the Washington Street and Avenue 50 intersection for the abovementioned improvements. The applicant shall design and install modification of the existing traffic signal equipment and appurtenances as needed and approved by the City Engineer.

2) Avenue 50 (Primary Arterial – Option B; 100' R/W):

Widen the north side of the street along all frontages adjacent to the Site Development Permit boundary to its ultimate width in the General Plan and the requirements of these conditions. Rehabilitate and/or reconstruct existing roadway pavement as necessary to augment and convert it from a rural county-road design standard to La Quinta's urban arterial design standard. The north curb face shall be located thirty eight feet (38') north of the centerline, except at locations where additional street width is needed to accommodate:

- a) A deceleration/right turn only lane on Avenue 50 at the Avenue 50/Washington Street intersection. The north curb face shall be located forty eight feet (48') north of the centerline of Avenue 50 and deceleration length of 248 feet plus a taper transition length of 150 feet.

- b) A deceleration/right turn only lane on Avenue 50 at access driveway. The north curb face shall be located forty eight feet (48') north of the centerline of Avenue 50 and deceleration length of 248 feet plus a taper transition length of 150 feet.

The above condition for a deceleration/right turn only lane at the Avenue 50 Residential Project Secondary Entry intersection is contingent on the applicant obtaining the additional right of way dedication from CVWD for said deceleration/right turn only lane at the residential project entry on Avenue 50.

Other required improvements in the Avenue 50 right of way and/or adjacent landscape setback area include:

- c) All appurtenant components such as, but not limited to: curb, gutter, traffic control striping, legends, and signs.
- d) 8-foot wide meandering sidewalk. The meandering sidewalk shall have an arrhythmic horizontal layout that utilizes concave and convex curves with respect to the curb line that either touches at intervals not to exceed 250 feet. The sidewalk curvature radii should vary between 50 and 300 feet and at each point of reverse curvature, the radius should change to assist in creating the arrhythmic layout. The sidewalk shall meander into the landscape setback lit and approach 5 feet of the perimeter wall at intervals not to exceed 250 feet.
- e) A 12- foot wide raised landscaped median along the entire boundary of the Site Development Permit plus variable width as needed to accommodate for a left turn lane for the eastbound Avenue 50 traffic at the Project entry on the north side and for a left turn lane for westbound Avenue 50 traffic at the intersection of Washington Street and Avenue 50.

B. PRIVATE STREETS

- 1) The applicant shall redesign private circulation streets measured at flow line to flow line to have 28 feet of travel width with on-street

parking prohibited, and provided there is adequate off-street parking for residents and visitors, and the applicant establishes provisions for ongoing enforcement of the parking restriction in the CC&R's. The CC&R's shall be reviewed and approved by the Engineering Department prior to recordation.

On the north site minimum four-foot wide sidewalks shall be constructed on the inside of the private circulation streets adjacent to the main buildings.

- 2) The primary entry for the north side property and porte cochere shall be redesigned to accommodate for possible stacking for functional activities and/or special occasion traffic to prevent back up onto Washington Street as approved by the City Engineer. If adequate stacking in the porte cochere is not achievable, a deceleration lane shall be installed on Washington Street.
- 3) The location of driveways of corner lots shall not be located within the curb return and away from the intersection when possible.

C. KNUCKLE

- 1) Construct the knuckle to conform to the lay-out shown in the Site Development Permit, except for minor revisions as may be required by the City Engineer.

D. DRIVEWAYS/INTERSECTIONS TO PUBLIC STREETS

- 1) All right-turn only street intersections shall have a splitter median island located in the side street that adequately channelizes the right-turn vehicles turning onto the arterial street to eliminate illegal left turns. The splitter island shall be designed in conformance with design concepts approved by the City Engineer.

55. All gated entries shall provide for a three-car minimum stacking capacity for inbound traffic to be a minimum length of 62 feet from call box to the street; and shall provide for a full turn-around outlet for non-accepted vehicles.

Where a gated entry is proposed, the applicant shall submit a detailed exhibit at a scale of 1" = 10', demonstrating that those passenger vehicles that do not

gain entry into the development can safely make a full turn-around (minimum radius to be 24 feet) out onto the main street from the gated entry.

Two lanes of traffic shall be provided on the entry side of each gated entry, one lane shall be dedicated for residents, and one lane for visitors. The two travel lanes shall be a minimum of 20 feet of total paved roadway surface or as approved by the Fire Department.

Entry drives, main interior circulation routes, standard knuckles, corner cutbacks, bus turnouts, dedicated turn lanes and other features shown on the approved construction plans, may require additional street widths as may be determined by the City Engineer.

56. The applicant shall design street pavement sections using CalTrans' design procedure for 20-year life pavement, and the site-specific data for soil strength and anticipated traffic loading (including construction traffic). Minimum structural sections shall be as follows:

Residential/Parking Area	3.0" a.c./4.5" c.a.b.
Primary Arterial	4.5" a.c./6.0" c.a.b.
Major Arterial	5.5" a.c./6.5" c.a.b.

or the approved equivalents of alternate materials.

57. 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.
58. General access points and turning movements of traffic are limited to the following:
- A. Washington Street:
- 1) North Facility Entry (Washington Street): Right turn movements in

2) and out are allowed. Left turn movements in and out are prohibited.

B. Avenue 50:

1) North Facility Entry (Avenue 50): Right turn in and out and left turn in movements are allowed. Left turn movements out are prohibited.

59. Improvements shall include appurtenances such as traffic control signs, markings and other devices, raised medians if required, street name signs and sidewalks. Mid-block street lighting is not required.
60. 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.
61. Standard knuckles and corner cut-backs shall conform to Riverside County Standard Drawings #801 and #805, respectively, unless otherwise approved by the City Engineer.

CONSTRUCTION

62. 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. If on-site streets in residential developments are initially constructed with partial pavement thickness, the applicant shall complete the pavement prior to final inspections of the last ten percent of buildings within the development or when directed by the City, whichever comes first.

LANDSCAPING AND IRRIGATION

63. The applicant shall comply with Sections 13.24.130 (Landscaping Setbacks) & 13.24.140 (Landscaping Plans), LQMC.
64. The applicant shall provide landscaping in the required setbacks, retention basins, common lots and park areas.

65. Landscape and irrigation plans for landscaped lots and setbacks, medians, retention basins, and parks shall be signed and stamped by a licensed landscape architect.
66. The applicant shall submit the landscape plans for approval by the Planning Department and green sheet sign off by the Public Works Department. When plan checking has been completed by the Planning Department, the applicant shall obtain the signatures of CVWD and the Riverside County Agricultural Commissioner, prior to submittal for signature by the Planning Director, however landscape plans for landscaped median on public streets shall be approved by 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.

Final landscape plans for on-site planting shall be reviewed by the ALRC and approved by the Planning Director. Said review and approval shall occur prior to issuance of first building permit unless the Planning Director determines extenuating circumstances exist which justify an alternative processing schedule. Final plans shall include all landscaping associated with this project.

67. Landscape areas shall have permanent irrigation improvements meeting the requirements of the Planning Director and the City Engineer. Use of lawn areas shall be minimized with no lawn, or spray irrigation, being placed within 24 inches of curbs along public streets.
- 67A. 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, 5th 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.

PUBLIC SERVICES

68. The applicant shall provide public transit improvements as required by SunLine Transit Agency and approved by the City Engineer.

MAINTENANCE

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

FEES AND DEPOSITS

71. 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.
72. 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).
73. Coachella Valley Multiple Species Habitat mitigation fee shall be paid in accordance with City of La Quinta Ordinance No. 453.

FIRE MARSHAL

74. Approved super fire hydrants, shall be spaced every 330 feet and shall be located not less than 25 feet nor more than 165 feet from any portion of the buildings 1st. floor as measured along outside travel ways.
75. Blue dot reflectors shall be placed in the street 8 inches from centerline to the side that the fire hydrant is on, to identify fire hydrant locations.
76. The water mains shall be capable of providing a potential fire flow of 4000 gpm and the actual fire flow from any two adjacent hydrants shall be 2000 gpm for a 4-hour duration at 20-psi residual operating pressure.
77. City of La Quinta ordinance requires all commercial buildings 5,000 sq. ft. or larger to be fully sprinkled. NFPA 13 Standard. Sprinkler plans will need to be submitted to the Fire Department.

78. Fire Department connections (FDC) shall be not less than 25 feet nor more than 50 feet from a fire hydrant and shall be located on the front street side of the buildings. FDC's and PIV's may not be located at the rear of buildings. Note also that FDC's must be at least 25 feet from the building and may not be blocked by landscaping, parking stalls or anything that may restrict immediate access.
79. This project will require a full life safety monitored alarm system. Alarm plans will need to be submitted to the Fire Department.
80. Building plans shall be submitted to the Fire Department for plan review to run concurrent with the City plan check.
81. Water plans for the fire protection system (fire hydrants, fdc, etc.) shall be submitted to the Fire Department for approval prior to issuance of a building permit.
82. The required water system, including fire hydrants, shall be installed and accepted by the appropriate water agency prior to any combustible building material being placed on an individual lot.
83. Fire Department street access shall come to within 150 feet of all portions of the 1st. floor of all buildings, by path of exterior travel. Minimum road width is 20 feet clear and unobstructed with a vertical clearance of 13½ feet clear. Turning radiuses shall be no less than 38 feet outside.
84. Any commercial operations that produce grease-laden vapors will require a Hood/duct system for fire protection.
85. The applicant or developer shall prepare and submit to the Fire Department for approval, a site plan designating required fire lanes with appropriate lane painting and/or signs. Streets shall be a minimum 20 feet wide with a height of 13"6" clear and unobstructed.
86. Install a KNOX key box on each commercial building and/or suite. (Contact the fire department for an application).
87. Install portable fire extinguishers as required by the California Fire Code.
88. Any submissions to the fire department are the responsibility of the applicant.

MISCELLANEOUS

89. The Site Development Permit shall be expire on September 18, 2009, and shall become null and void in accordance with La Quinta Municipal Code Section 9.210.020, unless a building permit has been issued. A time extension may be requested per LQMC Section 9.200.080.
90. This facility is approved for use as a senior retirement community with independent, assisted and skilled nursing components that are licensed by the State of California. Any change of use where any or all of the above components are replaced with a market rate rental project must be approved by the Planning Commission and City Council at public hearings.
91. Sign permit shall be submitted for staff approval for proposed monument signs specified in Specific Plan 2004-071.
92. Roof tiles shall consist of a least three colors.
93. Flat roofs shall be finished in an attractive finish and color to the satisfaction of the Plar
94. Railings shall be provided with decorative treatment to complement architectural style of project.
95. Window arches shall be provided over large first floor windows at the ends of the two story independent living building.
96. Long term easement or other legally binding agreement shall be obtained for use, landscaping and access over CVWD owned property along east end of project sites along Avenue 50.
97. The northern-most carports shall be enclosed on the north elevation with architecturally compatible materials and shall have a sloped or mansard concrete tile roof to the satisfaction of the Planning Director.
98. Roof tiles shall be concrete "S" tile.
99. The perimeter wall along the north property line may be a maximum eight feet high as measured from the north side. The design of this wall, including the

north-facing finish, demolition, and prevention of dead space between walls (new and existing) shall be to the satisfaction of the Building Official and City Engineer.

100. Open wrought iron type fencing in conjunction with masonry walls shall be allowed along Washington Street and Avenue 50 to the satisfaction of the Planning Director. Should a sound study or wall be required or desired, the associated costs for the study and walls shall be borne entirely by the applicant/operator of the facility. This condition shall be recorded against the properties to the satisfaction of the City Attorney.

End of conditions