

PLANNING COMMISSION RESOLUTION 2009-024
CONDITIONAL USE PERMIT 2009-085 A.1
ROYAL STREET COMMUNICATIONS
CONDITIONS OF APPROVAL - ADOPTED
SEPTEMBER 8, 2009

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 council.

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

2. This permit shall expire on September 8, 2011, unless building plans have been approved by for construction by the Building and Safety Department, or unless a one-year time extension is applied for and granted by the Planning Commission pursuant to Section 9.200.080 of the Zoning Code.
3. The Conditional Use 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 Municipal Code can be accessed on the City' Web Site at www.la-quinta.org.

4. Prior to the issuance of a grading, construction or building permit, the applicant shall obtain applicable permits and/or clearances from the following agencies, if applicable or required:

- Riverside County Fire Marshall
- Planning Department
- Public Works Department (Grading Permit, Green Sheet (Public Works Clearance) for Building Permits, Improvement Permit)
- Riverside County Environmental Health Department
- Coachella Valley Unified School District (CVUSD)
- Coachella Valley Water District (CVWD)
- Imperial Irrigation District (IID)
- Sunline Transit Agency

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CONDITIONAL USE PERMIT 2009-085 A.1
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SEPTEMBER 8, 2009

- California Water Quality Control Board (CWQCB)
- South Coast Air Quality Management District Coachella Valley
- Public Utilities Commission (PUC)
- Federal Communication Commission (FCC)
- Federal Aviation Agency (FAA)

The applicant is responsible for all requirements of the permits or clearances from the above listed agencies and departments. If the requirements include approval of improvement plans, the applicant shall furnish proof of said approvals prior to obtaining City approval.

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.

5. 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).
6. 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 Precise Grading Plan 1" = 20' Horizontal

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

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plans not listed here pursuant to improvements required by other agencies and utility purveyors.

B. On-Site Non-Residential/ Commercial Precise Grading Plan

1" = 20' 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.

The applicant shall prepare an accessibility assessment on a marked up print of the building floor plan identifying every building egress and notes the 2007 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 improvement plans when it is submitted for plan checking.

In addition to the normal set of improvement plans, a "On-Site Precise Grading" plan is required to be submitted for approval by the Building Official, Planning Director and the City Engineer.

"On-Site 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.

7. Upon completion of construction, and prior to record drawing submittal 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" 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 Record Drawings. However, if subsequent approved revisions have been approved by the City Engineer and reflect said

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"As-Built" conditions, the Engineer Of Record may submit a letter attesting to said fact to the City Engineer in lieu of mylar submittal.

PRECISE GRADING

8. The applicant shall comply with the provisions of LQMC Section 13.24.050 (Grading Improvements).
9. 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.
10. 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,

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.

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.

11. 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.
12. 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)

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CONDITIONAL USE PERMIT 2009-085 A.1
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CONDITIONS OF APPROVAL - ADOPTED
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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.

13. 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 of Approval.
14. Building pad elevations of perimeter lots shall not differ by more than one foot higher from the building pads in adjacent developments.
15. Prior to the issuance of a building permit for any building lot, the applicant shall provide a lot pad certification stamped and signed by a qualified engineer or surveyor 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

16. Stormwater handling shall conform with the approved hydrology and drainage report for Fire Station # 70. Nuisance water shall be disposed of in an approved manner.

PROPERTY RIGHTS

17. 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 installation. The applicant shall allow City staff or assigned agent in perpetuity and agreement to the method to remove graffiti and to paint over to best match existing. Pursuant to the

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CONDITIONAL USE PERMIT 2009-085 A.1
ROYAL STREET COMMUNICATIONS
CONDITIONS OF APPROVAL - ADOPTED
SEPTEMBER 8, 2009

aforementioned, the applicant shall submit and execute an "AUTHORIZATION TO REMOVE GRAFFITI FROM PRIVATE PROPERTY" form located at the Public Works Department Counter prior to Certificate of Occupancy.

18. Pursuant to the aforementioned condition, conferred rights shall include approvals from the City of La Quinta over easements and other property rights necessary for construction and proper functioning of the proposed development not limited to access rights over the existing parking lot facilities and entry access drives. Additionally, the applicant shall enter into agreements with all users within the property for reciprocal access rights and/or as specified in the lease agreement.

UTILITIES

19. The applicant shall comply with the provisions of LQMC Section 13.24.110 (Utilities).
20. 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.
21. Underground utilities shall be installed prior to overlaying hardscape. For installation of utilities in existing improved streets, the applicant shall comply with trench restoration requirements as 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 so as to not conflict with access aisles/entrances.

PARKING/ACCESS POINTS

22. General access points and turning movements of traffic to the site are limited those approved for the existing access drive from Madison Street and these conditions of approval.

PLANNING COMMISSION RESOLUTION 2009-024
CONDITIONAL USE PERMIT 2009-085 A.1
ROYAL STREET COMMUNICATIONS
CONDITIONS OF APPROVAL - ADOPTED
SEPTEMBER 8, 2009

23. Improvements shall include appurtenances such as traffic control signs, markings and other devices, raised medians if required, street name signs and sidewalks.
24. 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.

MAINTENANCE

25. The applicant shall comply with the provisions of LQMC Section 13.24.160 (Maintenance).
26. The applicant shall make provisions for continuous, perpetual maintenance of all on-site improvements.

FEE AND DEPOSITS

27. The applicant shall pay the City's established fees for plan checking and construction inspection. Fee amounts shall be those in effect when the applicant makes application for plan checking and permits.

LANDSCAPE AND IRRIGATION

28. The applicant shall comply with LQMC Sections 13.24.130 (Landscaping Setbacks) & 13.24.140 (Landscaping Plans).
29. The applicant shall provide landscaping in the required setbacks, retention basins, common lots and park areas.
30. Landscape and irrigation plans for landscaped lots and setbacks, medians, retention basins, and parks shall be signed and stamped by a licensed landscape architect.
31. The applicant shall submit the landscape plans for approval by the Planning 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

PLANNING COMMISSION RESOLUTION 2009-024
CONDITIONAL USE PERMIT 2009-085 A.1
ROYAL STREET COMMUNICATIONS
CONDITIONS OF APPROVAL - ADOPTED
SEPTEMBER 8, 2009

by the Planning Director. However, landscape plans for landscaped medians on public streets shall be approved by both the Planning Director and the City Engineer.

Final landscape plans for on-site planting shall be reviewed by the Architectural and Landscaping Review Committee (ALRC) and approved by the Planning Director prior to issuance of first building permit. Final plans shall include all landscaping associated with this project.

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

32. 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 24 inches of curbs along public streets.

PLANNING

33. Improvements for the ground-lease shall be limited to equipment cabinets and equipment associated with the collocation of the antennas on the existing tower. All proposed equipment, except for the GPS antenna, shall not be visible above the surrounding wall.
34. The wall construction shall be stucco and painted to match existing wall improvement at the site. Additional landscaping shall be installed around the wall improvements.
35. The applicant shall provide and make improvements for a permanent access-way from the existing sidewalk to the entrance to the ground-lease area.
36. The coax cable shall be contained within the monopalm tower unit, and shall not be placed on the surface of the pole. The coax cable shall not be visible from surrounding public views.
37. The panel antennas shall not exceed a height of five (5) feet and shall be mounted securely to the monopalm tower. All antennas and supporting

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CONDITIONS OF APPROVAL - ADOPTED
SEPTEMBER 8, 2009

equipment mounted to the tower shall be painted to match the existing monopalm tower.

38. The mid-point of the antennae shall not exceed fifty (50) feet, measured from finished floor.
39. The applicant shall install additional screening material to the monopalm tower to screen the additional antennas. The screening material shall be approved by the Planning Director prior to issuance of a building permit. A visual inspection by the Planning Department shall be required before final inspection is performed by the Building and Safety Department.
40. The applicant shall negotiate in good faith for shared use by third parties; an owner generally will negotiate in the order in which requests for information are received, except an owner generally will negotiate with a party who has received an FCC license or permit before doing so with other parties.
41. Royal Street Communications shall secure a lease agreement with the property owner prior to any improvements. Once the lease agreement is secured a copy shall be submitted to the Planning Department for placement in the file.
42. Royal Street Communications shall have a continuing obligation to respond to and resolve any and all complaints associated with any potential interference with frequencies related to residential and/or life safety communications and operations. Response shall be within 48 hours of receipt of notice of any such complaints.
43. The applicant shall comply with all Conditions of Approval for Conditional Use Permit 2004-085. The conditions of approval, as listed above, shall not supersede or impede existing Conditions of Approval for the existing tower and wall enclosure.