

PLANNING COMMISSION RESOLUTION 2009-020
CONDITIONS OF APPROVAL – FINAL
CONDITIONAL USE PERMIT 2003-075 AMENDMENT NO. 1
MILAN INSTITUTE OF COSMETOLOGY
JULY 28, 2009

1. By operating this beauty school, the applicant agrees to indemnify, defend and hold harmless the City of La Quinta, its agents, officers, and employees from any claim, action, or proceeding to attack, set aside, void, or annul the approval of this Conditional Use Permit. The City of La Quinta shall have the right to select its defense counsel at its sole discretion.

The City of La Quinta shall promptly notify the applicant of any claim, action, or proceeding and shall cooperate fully in the defense.
2. The applicant shall comply with all applicable provisions of the La Quinta Municipal Code (LQMC).
3. A building permit will be required for any tenant improvement for the beauty school. Prior to issuance of a building permit, all plans must comply with the 2007 California Building Code (CBC).
4. The City of La Quinta reserves the right to review and monitor the operation of this facility and modify Conditions of Approval regarding hours of operation, occupancy, and other operational conditions.
5. Any expansion of this use or substantial modifications to the approved floor plan may require an amendment of this Conditional Use Permit. Minor modifications to this Conditional Use Permit may be approved by the Planning Director, provided notification of existing tenants may be required prior to such approval.
6. Each session shall have no more than 20 students at any time in order to mitigate parking impacts on the property.
7. The tenant improvement shall not exceed the 7,593 square feet as shown on the plans.
8. Employees and students shall utilize the parking area at the rear of the building in order to mitigate parking impacts for tenants within the building.
9. All signage shall comply with the La Quinta Municipal Code and the approved Sign Program for the center.

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GENERAL

1. The applicant agrees to defend, indemnify, and hold harmless the City of La Quinta (the "City"), its agents, officers and employees from any claim, action or proceeding to attack, set aside, void, or annul the approval of this 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 July 28, 2011, 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. 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:

- Fire Marshall
- Planning Department
- Building and Safety Department
- Riverside County Environmental Health Department
- Coachella Valley Unified School District (CVUSD)
- Coachella Valley Water District (CVWD)
- Imperial Irrigation District (IID)
- California Water Quality Control Board (CWQCB)
- Waste Management of the Desert
- 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 of the plans.

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The applicant shall comply with applicable provisions of the City's NPDES stormwater discharge permit.

FEE AND DEPOSITS

4. 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.
5. The applicant shall comply with CEQA Article 19 §15301 Class 1, and shall pay to the City a \$64 filing fee for the cost of recording the Notice of Exemption with the County Recorder.

PLANNING

6. Improvements to the buildings' roof shall conform to the plans on file with the Planning Department as Conditional Use Permit 2009-119. The applicant is permitted a total of six (6) antennas, one (1) parabolic antenna and associated equipment.
7. The applicant shall protect all existing roof-mounted equipment in-place. Placement of antennas shall not interfere with the use or function of existing roof-mounted equipment.
8. The antennas shall not exceed a height of three (3) feet and shall be mounted securely to the buildings' roof. No antenna shall be visible from above the roof line of the building. All antennas shall be screened from public view, in compliance with L.Q.M.C Section 9.100.150, through the construction of RF transparent cornice walls.
9. Equipment associated with this permit and mounted to the building roof shall not be visible from above the parapets of the building. All associated equipment shall comply with screening requirements set in L.Q.M.C Section 9.100.150.
10. Architectural improvements to the building shall be limited to the construction of RF transparent cornice screens. The screens shall be designed and painted to match the existing cornice and parapets on the building.

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11. RF transparent screens shall not exceed a width of five (5) feet and a length of five (5) feet. The RF transparent screens shall not exceed a height greater than the existing cornice wall. Construction and design of the RF transparent screens shall conform with the architectural renderings provided in this Conditional Use Permit.
12. Prior to issuance of any building permits or improvements, the applicant shall provide evidence of all required licenses to the Planning Department.
13. Prior to issuance of any building permits or improvements, the applicant shall secure a lease agreement with the property owner and provide a copy of said agreement to the Planning Department.
14. 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.

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GENERAL

1. The applicant agrees to defend, indemnify, and hold harmless the City of La Quinta (the "City"), its agents, officers and employees from any claim, action or proceeding to attack, set aside, void, or annul the approval of this 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 July 28, 2011, 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. 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:

- 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
- 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 of the plans.

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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.

4. 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).
5. 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 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.

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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 Site Development Plan 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.

6. 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 "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

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

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9. 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.

10. 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.
11. 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.
12. 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.

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13. Building pad elevations of perimeter lots shall not differ by more than one foot higher from the building pads in adjacent developments.
14. 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

15. Stormwater handling shall conform with the approved hydrology and drainage report La Quinta Self Storage as shown on Plan Set No. 97006. Nuisance water shall be disposed of in an approved manner.
16. As the applicant proposes discharge of storm water directly, or indirectly, into the Coachella Valley Stormwater Channel, he 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 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 in the final development CC&Rs for meeting these potential obligations. The 100-year storm water HGL shall be 3 feet below the channel lining and 2 feet below the Project Storm HGL.

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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 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.

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PARKING/ACCESS POINTS

22. General access points and turning movements of traffic to the site are limited to those approved for the existing access drive from Corporate Center Drive and these conditions of approval.
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 make provisions for continuous, perpetual maintenance of all on-site improvements. The applicant shall maintain required public improvements until expressly released from its responsibility by the appropriate public agency.

FEE AND DEPOSITS

26. 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.
27. The applicant shall comply with CEQA Article 19 §15301 Class 1, and shall pay to the City a \$64 filing fee for the cost of recording the Notice of Exemption with the County Recorder.

LANDSCAPE AND IRRIGATION

28. The applicant shall submit a landscaping plan, to the Planning Department at the time of submittal for building permit plan check. The plan shall identify the type, height and location of the palm tree and any necessary irrigation improvements. Landscape areas shall have permanent irrigation improvements meeting the requirements of the Planning Director.

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PLANNING

29. The panel antennas shall not exceed a height of three (3) feet and shall be mounted securely to the monopalm tower. All antennas shall be painted to match the existing monopalm tower.
30. The applicant shall replace the 'dead' palm tree at the site and replace it with one (1) forty (40) foot tall palm tree in close proximity to the existing monopalm tower. The applicant is responsible for the health and maintenance of the palm tree and shall be responsible for the palm trees replacement if determined necessary by the City.
31. Heavy gauge, opaque metal gates shall be installed. Chain link fencing is prohibited.
32. 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.
33. Prior to issuance of any building permit or improvement, Royal Street Communications shall secure a lease agreement with the property owner, a copy of which shall be submitted to the Planning Department.
34. 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.