

CONDITIONS OF APPROVAL

Specific Plan 01-04, Conditional Use Permit 02-04

This approval is for Specific Plan 01-04 and Conditional Use Permit 02-04, to allow development of a 184,146 square foot Super WalMart, a 3,500 square foot retail building, and a 4,000 square foot fast food restaurant on a 28 acre site located at the southeast corner of SR 62 and Avalon. The property is identified as Assessor Parcel Number 601-201-37.

1. The project proponent/owner shall agree to defend at his sole expense any action brought against the Town, its agents, officers, or employees, because of the issuance of such approval, or in the alternative, to relinquish such approval, in compliance with the Town of Yucca Valley Development Code. The owner shall reimburse the Town, its agents, officers, or employees for any court costs, and attorney's fees which the Town, its agents, officers or employees may be required by a court to pay as a result of such action. The Town may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve owner of his obligations under this condition.

2. This Conditional Use Permit application shall become null and void if construction has not been commenced within two (2) years of the Town of Yucca Valley date of approval. Extensions of time may be granted by the Planning Commission and/or Town Council. The project proponent is responsible for the initiation of an extension request.

Approval date: (Town Council action date)
Expiration date: (Town Council action date)

3. The project proponent/owner shall ascertain and comply with requirements of all State, County, Town and local agencies as are applicable to the project area. These include, but are not limited to, Environmental Health Services, Transportation/Flood Control, Fire Warden, Building and Safety, State Fire Marshal, Caltrans, High Desert Water District, Airport Land Use Commission, California Regional Water Quality Control Board, the Federal Emergency Management Agency, MDAQMD-Mojave Desert Air Quality Management District, Community Development, Engineering, and all other Town Departments.

4. All conditions are continuing conditions. Failure of the project proponent to comply with any or all of said conditions at any time shall result in the revocation of the approval on the property.

5. **As soon as WalMart has relocated to the project site, WalMart shall keep the landscape, hardscape and building exterior at the existing WalMart site well maintained. The physical condition of the structure and hardscape shall be kept, at**

a minimum, at the level of condition that exists as of the date of approval of this Specific Plan and Conditional Use Permit. The physical condition of the landscaping shall be maintained to the reasonable satisfaction of the Community Development Director. The determination of the Community Development Director shall be subject to appeal to the Planning Commission in accordance with the Town's Development Code. In addition, nothing shall be done to the existing structure that would give the appearance that the building has been vacated. Any graffiti shall be removed within two business days. The site shall not be used for storage.

WalMart shall actively market the existing building and shall make every effort to assure that it is reoccupied within 24 months of its being vacated.

6. After final plan check by the Town, original mylars (4 mil) shall be submitted to the Town for signature by the Town Engineer. All original mylars submitted for Town Engineer's signature must contain the design engineer's wet signature and stamp and all other required signatures.
7. An exterior lighting plan, in conformance with Town Outdoor Lighting Ordinance, and including a photometric plan, shall be submitted to the Town for approval prior to the issuance of building permits.
8. The project proponent shall pay all fees charged by the Town as required for processing, plan checking, construction and/or electrical inspection. The fee amounts shall be those which are applicable and in effect at the time the work is undertaken and accomplished.
9. All improvements shall be inspected by the Town's Building and Safety Division, as appropriate. Any work completed without proper inspection may be subject to removal and replacement under proper inspection.
10. Site shall be kept clean at all times. Scrap materials shall be consolidated, and a container must be provided to contain trash that can be carried away by wind.
11. At the time of permit issuance the project proponent shall be responsible for the payment of fees associated with electronic file storage of documents.
12. **The project proponent shall pay Development Impact Fees in place at the time of issuance of Building Permits prior to the pre-final inspection. The fees have been adjusted to reflect a credit for qualifying street and traffic improvements funded as part of this proposed development. The fees for General Facility (1.74 cents per square foot) and Storm Drainage (17.48 cents per square foot) improvements will be assessed, as they are not part of a qualifying improvement associated with this development.**

13. A plan identifying all protected plants under the California Food and Agriculture Code as well as a Joshua Tree Relocation Plan with any area proposed to be disturbed in accordance with the Town's Native Plant Protection Ordinance shall be submitted for approval prior to issuance of grading permits for the project. A minimum 60 day adoption period before land disturbance in accordance with the grading plan may commence.
14. An irrigation system shall be installed in the landscaping areas around the project site, with an electric timer.
15. A final landscaping and irrigation plan shall be submitted to the Town for review and approval.
16. Prior to the delivery of combustible materials, the following items shall be accepted as complete:
 - a) The water system is functional from the source of water past the lots on which permits are being requested (i.e. All services are installed, valves are functional and accessible, etc.); and
 - b) Fire hydrants are accepted by the Fire Marshal and the Department of Public Works.
17. In conjunction with the preparation of improvement plans, the project proponent shall cause to be formed or shall not protest the formation of a maintenance district(s) for landscape, lighting, streets, drainage facilities or other infrastructure as required by the Town. The project proponent shall initiate the maintenance and benefit assessment district(s) formation by submitting a landowner petition and consent form (provided by the Town of Yucca Valley) and deposit necessary fees concurrent with application for street and grading plan review and approval and said maintenance and benefit assessment district(s) shall be established concurrent with the approval of the final map in the case of subdivision of land, or prior to issuance of any certificate of occupancy where there is no subdivision of land.
18. The project proponent shall form a public safety assessment district on the properties subject to Town Council adoption of a fiscal impact model.
19. Utility undergrounding shall be required for all new service and distribution lines that provide direct service to the property being developed; existing service and distribution lines that are located within the boundaries being developed that provide direct service to the property being developed; existing service and distribution lines between the street frontage property line and the centerline of the adjacent streets of the property being developed; existing Service and Distribution lines located along or within 10 feet of the

lot lines of the property being developed; or existing service and distribution lines being relocated as a result of a project.

20. **Separate Site Plan Review(s) or Conditional Use Permit(s), as appropriate, shall be required for Outparcel A and Outparcel B.**
21. **The Specific Plan shall be amended as follows:**
 - a. **The Commercial Use section shall be amended to include a provision that any use altering the outside of the structure approved under CUP 02-04 shall require review and approval by the Planning Commission as an amendment to the CUP.**
 - b. **Section 3.2, Permitted Uses, shall be amended to delete item 3.2.1.b., "Retail Use."**
 - c. **A Section 3.4 shall be added, titled "Parking Requirements" which enumerates a standard of 1 space per 200 square feet for the Super Walmart, and compliance with the Development Code for other land uses.**
 - d. **Section 3.2.2.a. shall be amended to read "...except for the holiday season, including ~~but not limited to~~ the period from Thanksgiving through New Years Day."**
 - e. **Section 3.2.2.b. shall be amended to read "...along the front of the store overnight, *in specified areas as shown in Figure 3-1....*"**
 - f. **Table 4-2 shall be amended to require 36 inch box trees as the minimum required for Parkway Canopy Trees.**
 - g. **Section 6.1, Phase 1: the fourth bullet shall be amended to sewage treatment system instead of septic system; the 9th bullet shall be amended to add Palisade Drive to the landscaping; and the 10th bullet shall be deleted.**
 - h. **Section 6.2, Site Plan Review shall be amended to clearly state that the appropriate criteria are those of the Specific Plan, not the Development Code (line 3); that the Site Plan Review will be approved by the Planning Commission, not the Director of Community Development (line 7); and that review by the Traffic Advisory Committee will occur "if necessary" (line 8).**
 - i. **Section 6.2, Conditional Use Permit will be amended to clearly state that CUPs and amendments to CUPs will be approved by the Planning Commission.**
 - j. **The Exhibits in the document shall be amended to reflect the corrected exhibits approved for the CUP.**
22. **Within 30 days of approval of the Specific Plan, 5 paper copies and one (1) electronic copy (on a CD in PDF format) of a Final Specific Plan, including all required amendments and approved Conditions of Approval included as an Appendix, shall be delivered to the Town.**
23. **The chain link fence shown on the CUP site plan is to be removed from the site plan, and prohibited within the project, consistent with the Specific Plan.**

24. The four foot fence proposed around the detention basin shall be constructed of wrought iron or tubular steel painted in an earth tone, to blend with the environment, and not of chain link, consistent with the requirements of the Specific Plan.
25. The palette storage area on the south property line shall be screened by a 6 foot high decorative block wall, painted stucco, or similar on the south, west and east sides of the storage area. A solid metal gate shall be located on the north side of the area. The gates shall be painted to match the decorative block wall.
26. The fencing on the Garden Center, and on the "Fenced Area" immediately east of the garden center, shall be constructed of tubular steel or wrought iron, painted or treated to integrate into the architecture of the building. No chain link fencing shall be permitted.
27. The project shall be required to connect to regional sanitary sewer facilities, and properly close the on-site treatment plant, immediately when regional service is available.
28. The landscape plan shall be amended to distribute the relocated Joshua trees in all portions of the site, except the detention basin.

CIRCULATION

Twenty-Nine Palms Highway (SR 62)

29. A reciprocal access agreement shall be executed between the YVRC and Home Depot for the access from SR 62.
30. The SR 62 right-of-way dedication was obtained and improvements from Avalon Avenue to the east were constructed with the development of the Home Depot.
31. Complete the construction of the right in/out only driveway for YVRC east of the Avalon intersection.

Avalon Avenue

32. A Conceptual Alignment Plan for the ultimate improvements on Avalon Avenue from Yucca Trail to SR 62 was developed by AGA & Associates for the Home Depot project submittal. The project proponent's Engineer shall develop a precise alignment plan for Avalon Avenue from 200 feet south of Palisade Drive to SR 62 based upon the plan developed by AGA.

33. The project proponent shall dedicate the necessary right-of-way for the ultimate width of 96 feet for Avalon Avenue from SR 62 to Palisade Drive.
34. Complete an "As-Built" plan for the Avalon Avenue improvements from SR 62 to the end of the improvements south of Palisade Drive.
35. From Palisade Drive to SR 62 in the northbound direction, the Project proponent shall design and construct the ultimate paved width, with a 10 foot parkway including curb and gutter and sidewalk. The roadway design shall include the following all meeting the approval of the Town Engineer:
 - a) Two northbound through lanes transitioning to one through lane, two northbound left turn lanes and an exclusive right turn lane at the SR 62 intersection.
 - b) An exclusive right turn lane shall be installed for the YVRC entrance between SR 62 and Palisade Drive.
36. From SR 62 to the YVRC Driveway in the southbound direction, the Project proponent shall design and construct the following on the ultimate alignment meeting the approval of the Town Engineer:
 - a) Two southbound through lanes and a left turn lane for the YVRC driveway;
 - b) Improvements shall include curb, gutter and sidewalks
37. From the YVRC Driveway to Palisade Drive in the southbound direction, the Project proponent shall design and construct the following on the ultimate alignment meeting the approval of the Town Engineer:
 - a) Transition the two southbound lanes to one southbound lane and widen the west side pavement within the existing right-of-way to provide width for a left turn for Palisade Drive;
 - b) Improvements shall include curb, gutter and sidewalks.
38. The interim improvements on Avalon Avenue for the north bound approach at Palisade Drive shall include one north bound through lane and one north bound left turn lane (if adequate right-of-way is obtained to make this configuration possible). The interim improvements on Avalon Avenue south of Palisade Drive in the southbound direction shall provide enough paved lane width within the right-of-way to adequately transition to the existing lanes from the configuration on the north side of Palisade.

Palisade Drive

39. Design and construct the Palisade Drive west bound approach improvements to join the ultimate width geometric improvements for Avalon Avenue. Construct a 35 foot

radius curb return for the northbound turning movement from Palisade Drive onto Avalon Avenue to facilitate truck turning movements.

40. **The Project proponent shall locate the right-of-way for Palisade Drive on the west side of Avalon Avenue. The Project proponent shall design and construct the realignment of the Palisade Drive east bound approach within the existing right-of-way to more closely align with the west bound approach.**

SITE PLAN

41. **Interior traffic control markings shall follow Manual of Uniform Traffic Control Design (MUTCD) standards, including directional lane markings, pavement legends, signing, chevrons, and other installations.**
42. **At the western entrance on-site, place stop signs on the north drive aisle for east and west bound traffic. The entering traffic does not stop. Place a stop sign at the exit to SR 62. Place a stop sign at the exit to Outparcel A.**
43. **At the main entrance place a stop sign on the north road for east bound through and left turn traffic. Place a stop sign at the north bound approach at this intersection. On the east road, place a stop sign for northbound traffic at the main Home Depot parking lot driveway south of the main entrance.**
44. **At the Avalon Avenue driveway, place a stop sign for exiting vehicles. Place stop signs at the Outparcel B exits. Place stop signs on the west road intersecting this entry road. The entry road does not stop.**
45. **Place stop signs at the Palisade Drive exits.**
46. **The Project proponent shall install stop bars at the end of each aisle-way where it intersects with conflicting traffic.**

TRAFFIC

47. **A traffic impact analysis was completed for the YVRC that found significant impacts for the opening day scenario. The following mitigations will reduce potential impacts related to this issue to a less than significant level. As detailed in the Traffic Report for the YVRC, prior to issuance of certificates of occupancy, the project Project proponent shall construct the following improvements:
a) **Inca Trail/Twenty-nine Palms Highway (SR-62). Install traffic signal.**
b) **Joshua Lane/Yucca Trail. Install traffic signal.****

- c) **Joshua Lane/Onaga Trail.** The re-striping of a southbound shared lane to a southbound shared left-turn/through lane, and the addition of a southbound shared through/right-turn lane.
 - d) **Palomar Avenue/Yucca Trail.** Install traffic signal.
48. **Eighteen study intersections are forecast to exceed the Town's level of service threshold in the year 2030 plus project scenario, creating a potentially significant cumulative impact. In order to mitigate these future levels of service deficiencies, the following improvements will be necessary. Note that the improvements previously identified for the opening day plus project conditions have been repeated.**
- a) **Inca Trail/ Twentynine Palms Highway (SR-62).** Installation of a traffic signal.
 - b) **Pioneer Road/Deer Trail/SR-62.** Addition of a southbound left-turn lane, re-striping of the eastbound right-turn lane to an eastbound shared through/right-turn lane, re-striping the westbound right-turn lane to a westbound shared through/right-turn lane.
 - c) **Sage Avenue/SR-62/Yucca Trail.** Re-striping the eastbound shared through/right-turn lane to an eastbound through lane, addition of an eastbound through lane, addition of an eastbound right-turn lane, addition of a westbound through lane, and addition of a northbound left-turn lane.
 - d) **Old Woman Springs Road (SR-247)/Aberdeen Drive.** Installation of a traffic signal.
 - e) **Old Woman Springs Road (SR-247)/Buena Vista Drive.** Installation of a traffic signal and add one northbound left turn lane and one southbound left turn lane.
 - f) **Old Woman Springs Road (SR-247)/Twentynine Palms Highway (SR-62).** Addition of one eastbound through lane, one eastbound left-turn lane, one dedicated eastbound right-turn lane, one dedicated westbound right-turn lane, one westbound through lane, one dedicated southbound right-turn lane, one southbound left-turn lane, one northbound left-turn lane, and one dedicated northbound right-turn lane. The re-striping of a southbound shared through/right-turn lane to a southbound through lane, the re-striping of a northbound through-right to a northbound through lane, the re-striping of an eastbound through right to an eastbound through lane and the re-striping of an westbound through right to an westbound through lane. Modification of signal phasing to provide northbound and southbound protected left turns and a right-turn overlap in all directions.
 - g) **Joshua Lane/Yucca Trail.** Installation of a traffic signal with permission left turns in all directions.
 - h) **Joshua Lane/Onaga Trail.** Installation of a traffic signal, the addition of one southbound left-turn lane, the re-striping of a southbound shared lane to a shared through/right-turn lane, the addition of one northbound left-turn lane, and the re-striping of a northbound shared lane to a northbound shared though/right-turn lane.
 - i) **Balsa Avenue/Hanford Avenue/SR-62.** The addition of one eastbound through lane, one dedicated eastbound right-turn lane, the re-striping of an eastbound shared through/right-turn lane to an eastbound through lane, the addition of one westbound

- through lane, one dedicated westbound right-turn lane, and the re-striping of a westbound shared through/right-turn lane to a westbound through lane.
- j) **Avalon Avenue/Driveway 1.** Addition of one westbound shared left-right lane, and one southbound through lane.
 - k) **Avalon Avenue/Palisade Drive.** Addition of one southbound through lane.
 - l) **Avalon Avenue/Palomar Avenue/Yucca Trail.** Installation of a traffic signal.
 - m) **Palomar Avenue/Joshua Lane** Change intersection stop control to an all-way stop control intersection, addition of one eastbound left-turn lane and the re-striping of eastbound shared through/left-turn lane to an eastbound through lane.
 - n) **Yucca Mesa Road/Buena Vista Drive.** Addition of one dedicated eastbound right-turn lane and the re-striping of a shared eastbound shared lane to a left-turn lane.
 - o) **Yucca Mesa Road/La Contenta Road/SR-62.** Addition of one eastbound through lane, one dedicated eastbound right-turn lane, one westbound through lane, and one southbound left-turn lane, and the re-striping of an eastbound shared through/right-turn lane to an eastbound through lane.
 - p) **La Contenta Road/Yucca Trail.** Installation of a traffic signal. The modification of signal phasing to provide permissive northbound and southbound left turns.
 - q) **Sunny Vista Road/Alta Loma Drive.** The addition of an eastbound shared through/left-turn lane and the re-striping of an eastbound shared lane to an eastbound shared through/right-turn lane. The addition of a westbound shared through/left-turn lane, and the re-striping of a westbound shared through/right-turn lane to a westbound shared through/right-turn lane.
 - r) **Park Boulevard/Alta Loma Road.** Installation of a traffic signal.

In accordance with CMP procedures, the project will be responsible for contributing its fair share toward the funding of the future improvements, resulting in a less than significant cumulative impact. Prior to issuance of certificates of occupancy, the project proponent shall pay all applicable CMP fair-share fees as determined by the TIA (\$676,097).

- 49. No staging of construction equipment or parking of worker's vehicles shall be allowed within the public right-of-way.
- 50. The development of the property shall be in conformance with FEMA and the Town's Floodplain Management Ordinance requirements. Adequate provision shall be made to intercept and conduct the existing tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties at the time the site is developed.

PRIOR TO ISSUANCE OF GRADING PERMIT

51. The Project proponent shall cause a site specific soils investigation and report to be completed and submitted to the Town Engineer for approval prior to issuance of a grading permit. Recommendations for onsite and offsite pavement structural section design, pavement mix design and any requirement for base material beneath the concrete improvements shall be included. Prior to the issuance of a grading permit a soils report shall be prepared and stamped by a registered soils engineer and submitted along with the grading plan.
52. The geotechnical/soils engineer shall review and approve the design and installation of septic systems within the area of the fault lines.
53. Prior to the issuance of a grading permit, a grading plan prepared by a recognized professional shall be submitted by the Project proponent for Town review and approval. No clearing or grading shall commence without issuance of a grading permit by the Town. Prepared grading plan shall conform to the approved site plan. The final grading plan shall be reviewed and approved by the Engineering Division prior to issuance of grading permits. No grading on his property may begin without an approved grading plan and grading permit. The project proponent is responsible for all fees incurred by the Town.
54. Prior to the issuance of a grading permit the Project proponent shall submit written proof to the Building Official, that the conditions of approval or comments, as required, from the High Desert Water District for landscaping, and Colorado Regional Water Quality Control Board and sewer/septic have been satisfied. Project proponent shall comply with requirements of NPDES (Non-Point Pollution Discharge Elimination System) as applicable.
55. Project proponent shall comply with NPDES requirements as applicable. The Project proponent shall develop and submit for review and approval a SWPPP prior to grading plan issuance. Erosion control devices shall be included on the grading plan and installed and maintained by the Contractor to the satisfaction of the Town Engineer. Prior to rough grading erosion control devices shall be installed at all perimeter openings and slopes. No sediments are to leave the job site. This information shall be provided as part of the grading plan subject to approval by the Town Engineer.
56. The Project proponent shall submit a final Hydrology/Drainage Report with the submittal of the grading plans. The analysis shall be performed to conform to the San Bernardino County Hydrology Manual and the Town of Yucca Valley ordinances, policies, and engineering standards and subject to the review and approval of the Town Engineer. The Report shall include but not be limited to the following:
Hydrology Report

- a) Report Outline: The Hydrology Report shall be a professionally engineered and written document and include the items listed in the following outline and conform to the following requirements as applicable.
- b) A hydrology study report of the property's tributary area, amount of property run-off and location of "drainage "pick-up" points. The project shall retain the required incremental increase in runoff generated by the improvements.
- c) Provide an introductory section in the hydrology report that summarizes the master planned facilities tributary to this development according to the Town's Master Plan of Drainage. Include a discussion of the tributary area to the development and how the project area discharges into the master planned facilities.
- d) Provide a complete, clear, and accurate overall drainage map of the project. Clearly show the tributary areas to the project including the retention basins, the master planned regional/local facilities, the ten year Q, the 25 year Q, the 100 year Q, the on-site and off-site drainage patterns, both the existing and the proposed. Show all off-site tributary areas referenced in the report on the drainage map and the Q's resulting from those areas.
- e) Provide the hydrology and hydraulic analysis/calculations for the drainage generated from each area tributary to the project including the regional/local facilities and the sizing of those proposed facilities.
- f) Justification of specific assumptions, issues and items within the report requires a reference to the table, exhibit, or calculations developed in the report regarding the assumption, issue or item and an explanatory narrative about how the results were obtained from the basis of the reasoning behind your justification.
- g) Review all required drainage facilities offsite and onsite within the master plan area tributary to this project to eliminate any impact to adjacent or downstream properties in excess of Town policies, ordinances, or requirements from this project. Add a statement to the conclusion of this report that the analysis has been accomplished.
- h) Provide detailed analysis of flow entering the retention basin and the analysis of flows within the drainage easements. Show all escape-ways and drainage easements. Show that the conveyance systems will be able to handle a 10 year, 25 year and 100 year Q. Include maintenance issues, no-build areas, and enforcement requirements. The retention basin will require maintenance by the Project proponent and ongoing by the owners.
- i) On the grading plan, show the water surface elevation, bottom elevation and freeboard for all retention basins based upon maximum Q for critical peaks for 1 hour, 3 hour, 6 hour, and 24 hours during the 100 year event as required by the San Bernardino Hydrology Manual. One foot of freeboard (minimum) shall be provided when the 100 year storm is contained. Freeboard is the elevation differential between the 100 year water surface and the nearest street flow line elevation. Show the elevation at the entrance to the basin and the slope protection.
- j) Retention basins should be designed to overflow to Town arterial highways or the adjacent local street. Follow the historical flow routes but consideration should be

given to direct flow concentrations away from adjacent open land or off-site developments to adjacent streets.

k) Coordinate the results of the hydrology study for the YVRC with the previous hydrology study prepared for the easterly Home Depot site.

57. The Project proponent shall establish a mechanism to maintain any retention/detention basins and keep them free from brush and other debris. They shall be cleaned and scraped on a regularly scheduled maintenance program.
58. Any grading or drainage onto private off-site or adjacent property shall require a written permission to grade and/or a permission to drain letter from the affected property owner.
59. Any off-site stockpile/borrow location within the Town shall require the approval of the Town Engineer. Any stockpile in excess of 200 cubic yards shall require a Grading Plan and permit.
60. For any import or export of material, the Project proponent shall provide the following for review by the Town Engineer: the route of travel, number of trucks, daily schedule, and length of time required. No hauling of material shall begin without the Town Engineer's approval.
61. Prior to any work being performed in the public right-of-way, fees shall be paid and an encroachment permit shall be obtained from the Town. The Project proponent shall apply for an encroachment permit from the Town for utility trenching, utility connection, or any other encroachment onto public right-of-way. The Project proponent shall be responsible for the associated costs and arrangements with each public utility.
62. Prior to any work being performed within the public right-of-way, the Project proponent shall provide the name, address, telephone, facsimile number, and e-mail address of the Contractor to perform the work. A description of the location, purpose, method of construction, and surface and subsurface area of the proposed work shall be supplied. A plat showing the proposed location and dimensions of the excavation and the facilities to be installed, maintained, or repaired in connection with the excavation, shall be provided and such other details as may be required by the Town Engineer.

PRIOR TO THE ISSUANCE OF A BUILDING PERMIT

63. The Project proponent shall retain a qualified Civil Engineer to design and prepare construction plans and specifications for all improvements. The plans shall include a block for the Town Engineer's approval.

64. The Project proponent shall construct all street improvement plans designed and stamped by a California licensed civil engineer for the construction of the required improvements. The final improvement plans shall be reviewed and approved by the Engineering Division prior to issuance of encroachment permits. The plans shall include an approval block for the Town Engineer's signature indicating plan approval.
65. **The Project proponent shall design necessary street improvements for Avalon Avenue conforming to Town Standard Drawings and the requirements in these conditions. Ultimate Improvements on the east and west side shall be designed beginning at the south curb of Palisade Drive to SR 62. Improvements shall include concrete curb and gutter, concrete sidewalk, landscape, street lighting, drainage improvements, wheel chair ramps, sewer and other infrastructure. The widened portion shall include the full-depth asphalt concrete section adjacent to the gutter as recommended by the Soils Engineer's Report.**
66. **The Project proponent shall design and construct Avalon Avenue south of Palisade to the requirements in these conditions.**
67. **The Project proponent's Engineer shall design and construct Palisade Drive east bound approach on the west side of Avalon Avenue to align as closely as possible to the Palisade Drive west bound approach on the east side of Avalon. Pavement mix and structural section design shall be provided by a Soils Engineer for review by the Town Engineer.**
68. **A traffic control plan for construction of Avalon Avenue improvements shall be designed and stamped by a Traffic Engineer and submitted for review and approval by the Town Engineer.**
69. The Engineer-of-Record shall survey and certify that the site grading was completed in substantial conformance with the approved grading plans.

PRIOR TO CERTIFICATE OF OCCUPANCY

70. Prior to final inspection all street improvements shall be constructed and finalized by the appropriate agency prior to the issuance of a Certificate of Occupancy.
71. The Project proponent shall retain the services of a recognized soils engineering firm to analyze the soils and base materials within **Avalon Avenue and Palisade Drive** to provide recommendations for the trenching requirements, asphalt pavement structural section (AC/Base and full depth), pavement mix design, overlay thickness based upon the pavement condition, and requirements for any base material beneath the concrete improvements. The section shall be rounded up to the next whole number (minimum 3" AC/ 4" AB) or 0.05 feet. The Soils Engineer's report, including a narrative with project

recommendations, backup material, and sealed by the Civil Engineer in responsible charge, shall be submitted to the Town Engineer for review with the submittal of the engineered Grading Plan. The Project proponent's Contractor shall not begin work on the street improvements prior to the Town Engineer's approval of the report. The Project proponent shall construct the following:

- a) **The Project proponent shall complete the construction of the improvements for Avalon Avenue from south of Palisade Drive to SR 62 as required by these conditions. The pavement structure shall be constructed as recommended by the Soils Engineer and approved by the Town Engineer. The overlay thickness determined by the Soils Engineer shall be rounded up to the nearest inch or 0.05 feet. The widened area shall include the recommended structural section approved by the Town Engineer. The trenching for subsurface improvements shall conform to the Soils Engineer's requirements. Install the striping and pavement legends required, including the right turn lane for the YVRC and SR 62.**
 - b) **Construct full width street improvements for the realignment of Palisade Drive on the west side of Avalon Avenue conforming to Town Standard Drawing #101, including curb and gutter, sidewalk, street lights, and drainage improvements. The Contractor shall construct the Palisade Drive pavement section as recommended by the approved Soils Engineer's pavement analysis. Install the striping and pavement legends required.**
72. The Project proponent shall install all required water and sewer systems necessary to serve the project.
 73. All existing street and property monuments within or abutting this project site shall be preserved consistent with AB 1414. If during construction of onsite or offsite improvements monuments are damaged or destroyed, the Project proponent shall retain a qualified licensed land surveyor or civil engineer to reset those monuments per Town Standards and file the necessary information with the County Recorder's office as required by law (AB 1414).
 74. All property corners, lots, easements, street centerlines, and curve radii shall be monumented and horizontally tied to identified control points. A copy of the monumentation survey and centerline tie notes shall be provided to the Town Engineer prior to certificate of occupancy.
 75. The Project proponent shall restore any pavement cuts required for installation or extension of utilities for his project within the public right-of-way. In all cases where cuts are allowed, the Project proponent is required to patch the cuts to Town standards and the approval of the Town Engineer. The patching shall include a grinding of the pavement to a depth of 0.10 feet width four feet beyond the edge of the trench on each side, or as

determined by the Town Engineer, and replacement with the full-depth asphalt concrete determined by the Soils Engineer.

76. The Project proponent shall observe the construction of this project to make certain that no damage or potential for damage occurs to adjacent roadway, existing improvements, adjacent property and other infrastructure. The Project proponent shall be responsible for the repair of any damage occurring to offsite infrastructure as determined by the Town Engineer. The Project proponent shall repair any such damage prior to Certificate of Occupancy. If the damage is such that it is not repairable within a reasonable amount of time as determined by the Town Engineer, the Project proponent may petition the Town Engineer for additional conditions that may allow him the time, amount of surety and other requirements to repair the damage.
77. The Project proponent shall be responsible for all improvements that he has constructed within the public right-of-way as required by the conditions of approval. The improvements shall be constructed to the standards and requirements as determined and approved by the Town Engineer. Any improvements not considered to be to the required standards shall be replaced by the Project proponent. The Project proponent shall be required to maintain and repair those improvements prior to and after acceptance by the Town Council for the length of time required by the applicable conditions, standards and ordinances.
78. **"No parking" restriction signs or red curb shall be placed on Avalon Avenue and Palisade Drive adjacent to the project.**
79. Prior to Certificate of Occupancy, the Project proponent shall cause the beginning of proceedings or shall not protest the formation of a maintenance district(s) for landscape, lighting, streets, drainage facilities and/or other infrastructure as required by the Town.
80. The Project proponent shall record a non-opposition agreement to the future formation of a public safety assessment district on the property.

I HEREBY CERTIFY THAT THE APPROVED CONDITIONS OF APPROVAL WILL BE SATISFIED PRIOR TO OR AT THE TIMEFRAMES SPECIFIED AS SHOWN ABOVE. I UNDERSTAND THAT FAILURE TO SATISFY ANY ONE OF THESE CONDITIONS WILL PROHIBIT THE ISSUANCE OF ANY PERMIT OR ANY FINAL MAP APPROVAL.

Applicant's Signature _____ Date _____