

**PLANNING COMMISSION RESOLUTION 2009-019  
CONDITIONS OF APPROVAL - FINAL  
CONDITIONAL USE PERMIT 2009-912  
NADADOR, LLC  
JULY 14, 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 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 is valid for two years from the date of approval of this Site Development Permit unless an extension is applied for and granted by the Planning Commission pursuant to Section 9.200.080 of the La Quinta Municipal Code.
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, if required:

- Riverside County Fire Marshal
- Public Works Department (Grading Permit, Green Sheet (Public Works Clearance) for Building Permits, Improvement Permit)
- Planning Department
- Riverside Co. Environmental Health Department
- Coachella Valley 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.

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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.
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).
6. Approval of this Site Development Permit shall not be construed as approval for any horizontal dimensions implied by any site plans or exhibits unless specifically identified in the following conditions of approval.

**PROPERTY RIGHTS**

7. Prior to issuance of any permit(s), the applicant shall confer a 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. 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.

**STREET AND TRAFFIC IMPROVEMENTS**

8. The applicant shall comply with the provisions of LQMC Sections 13.24.060 (Street Improvements), 13.24.070 (Street Design - Generally) & 13.24.100 (Access for Individual Properties and Development) for public streets; and Section 13.24.080 (Street Design - Private Streets), where private streets are proposed.
9. The gated entry shall provide for a two-car minimum stacking capacity for inbound traffic and shall provide for a full turn-around outlet for non-

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accepted vehicles. The configuration and location should be similar to that shown on the city approved Site Development Plan submitted to the City on June 10, 2009.

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.

10. 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	3.0" a.c./4.5" c.a.b.
Collector	4.0" a.c /5.0" c.a.b.

or the approved equivalents of alternate materials.

11. 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 as applicable. 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.
12. Improvements shall include appurtenances such as traffic control signs, markings and other devices, raised medians if required, street name signs and sidewalks.
13. 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 engineers registered in California.

14. General access points and turning movements of traffic are limited to the access locations approved for Tract Map No. 31627, these Conditions of Approval, and Site Plan received at the City on June 10, 2009.

#### 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.

15. 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).
16. 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. | Precise Grading Plan                      | 1" = 20' Horizontal |
| B. | PM10 Plan (if disturbed area > 5000 sqft) | 1" = 20' Horizontal |

NOTE: A and B to be submitted concurrently.

Other engineered improvement plans prepared for City approval that are not listed above shall be prepared in formats approved by the City Engineer prior to commencing plan preparation.

17. 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.

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18. The applicant shall furnish a complete set of the mylars of all approved improvement plans on a storage media acceptable to the City Engineer.
19. 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" 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 Drawing". However, if subsequent approved revisions have been approved by the City Engineer and reflect said "Record Drawing" conditions, the Engineer Of Record may submit a letter attesting to said fact to the City Engineer in lieu of mylar submittal.

GRADING

20. The applicant shall comply with the provisions of LQMC Section 13.24.050 (Grading Improvements).
21. Prior to occupancy of the project site for any construction, or other purposes, the applicant shall obtain a precise grading permit approved by the City Engineer.
22. To obtain an approved precise grading permit, the applicant shall submit and obtain approval of all of the following:
  - A. A precise grading plan prepared by a qualified engineer,
  - B. A preliminary geotechnical ("soils") report prepared by a qualified engineer,
  - C. A Fugitive Dust Control Plan (if required) prepared in accordance with LQMC Chapter 6.16, (Fugitive Dust Control).

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.

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The applicant shall furnish \$500 cash security for Fugitive Dust Control and shall be submitted with its application for a grading permit.

23. 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.
24. Prior to the issuance of a building permit for any building, the applicant shall provide a pad certification stamped and signed by a qualified engineer or surveyor with applicable compaction tests and over excavation documentation.

The pad certification shall list the pad elevation as shown on the approved precise 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.

**DRAINAGE**

25. Stormwater handling shall conform to the approved hydrology and drainage report for the "Residence Club at PGA West, TM 31627" of the underlying development and Engineering Bulletin No. 06-16.
26. Storm water 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).
27. The design of the development shall not cause any increase in flood boundaries and levels in any area outside the development.

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28. 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.
29. Storm drainage historically received from adjoining property shall be received and retained or passed through into the historic downstream drainage relief route.

**UTILITIES**

30. The applicant shall comply with the provisions of LQMC Section 13.24.110 (Utilities).
31. The applicant shall obtain the approval of the City Engineer for the location of all utility lines within any right-of-way, and all above-ground utility structures including, but not limited to, traffic signal cabinets, electric vaults, water valves, and telephone stands, to ensure optimum placement for practical and aesthetic purposes.
32. Underground utilities shall be installed prior to overlying hardscape. For installation of utilities in existing improved streets, the applicant shall comply with trench restoration requirements maintained, or required by the City Engineer.

The applicant shall provide certified reports of all utility trench compaction for approval by the City Engineer.

**MAINTENANCE**

33. The applicant shall comply with the provisions of LQMC Section 13.24.160 (Maintenance).
34. The applicant shall make provisions for the continuous and perpetual maintenance (at developer expense) of all perimeter landscaping up to the curb. Perimeter landscaping includes all landscaping up to the roadway curb regardless of the ownership of the underlying right of way.

FEES AND DEPOSITS

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

LANDSCAPING

36. 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 the 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 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. Irrigation design and water use shall comply with the efficiency requirements of Chapter 8.13 of the Municipal Code.

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

37. The guardhouse water feature shall be designed to minimize "splash", and use high efficiency pumps and lighting to the satisfaction of the Planning Director. It shall be included in the landscape plan water efficiency calculations per Municipal Code Chapter 8.13.



FIRE MARSHAL

38. The minimum dimension for gates is 20 feet clear and unobstructed width and a minimum vertical clearance of 13 feet 6 inches in height.
39. Any gate providing access from a road shall be located at least 35 feet setback and provide 20 feet of access from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road.
40. Blue dot retro-reflectors pavement markers on private streets, public streets and driveways to indicated location of the fire hydrant. 06-05 (located at [www.rvcfire.org](http://www.rvcfire.org))
41. Fire Apparatus access road shall be in compliance with the Riverside County Fire Department Standard number 06-05 (located at [www.rvcfire.org](http://www.rvcfire.org)). Access lanes will not have an up, or downgrade of more than 15%. Access roads shall have an unobstructed vertical clearance not less than 13 feet and 6 inches. Access lanes will be designed to withstand the weight of 80 thousand pounds over 2 axles. Access lane shall be constructed with a surface so as to provide all weather driving capabilities.
42. Driveway loops, fire apparatus access lanes and entrance curb radius should be designed to adequately allow access of emergency fire vehicles. The applicant or developer shall include in the building plans the required fire lanes and include the appropriate lane printing and/or signs.
43. Display street numbers in a prominent location on the address side of building(s) and/or rear access if applicable. Numbers and letters shall be a minimum of 12" in height for building(s) up to 25' in height. In complexes with alpha designations, letter size must match numbers. All addressing must be legible, of a contrasting color, and adequately illuminated to be visible from street at all hours.
44. Install a portable fire extinguisher, with a minimum rating of 2A-10BC, for every 3,000 sq. ft. and/or 75 feet of travel distance. Fire extinguishers shall be mounted 3.5 to 5 ft above finished floor, measured to the top of the

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extinguisher. Where not readily visible, signs shall be posted above all extinguishers to indicate their locations. Extinguishers must have current CSFM service tags affixed.

45. No hazardous materials shall be stored and/or used within the building, which exceeds quantities listed in 2007 CBC. No class I, II or IIIA of combustible/flammable liquid shall be used in any amount in the building.
46. Exit designs, exit signs, door hardware, exit markers, exit doors, and exit path marking shall be installed per the 2007 California Building Code.
47. Electrical room doors if applicable shall be posted "ELECTRICAL ROOM" on outside of door.
48. Gate(s) shall be automatic or manual operated. Install Knox key operated switches, with dust cover, mounted per recommended standard of the Knox Company. Building plans shall include mounting location/position and operating standards for Fire Department approval.

**PLANNING**

49. The height of the guardhouse and any architectural features and/or projections shall be limited to one-story/23 feet.