

**CITY COUNCIL RESOLUTION NO. 2007-085  
CONDITIONS OF APPROVAL - FINAL  
TENTATIVE TRACT MAP 34968  
EAST OF MADISON, LLC  
ADOPTED: SEPTEMBER 18, 2007**

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 Tentative Tract Map, or any Final Map recorded thereunder. 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 Tentative Tract Map, and any Final Map recorded thereunder, shall comply with the requirements and standards of Government Code §§ 66410 through 66499.58 (the "Subdivision Map Act"), and Chapter 13 of the La Quinta Municipal Code ("LQMC").

The City of La Quinta's Municipal Code can be accessed on the City's Web Site at [www.la-quinta.org](http://www.la-quinta.org).

3. This tentative tract map shall expire two years after City Council approval, unless recorded or granted a time extension pursuant to the requirements of La Quinta Municipal Code 9.200.080 (Permit expiration and time extensions).

4. 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:

- 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)

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- Imperial Irrigation District (IID)
- California Water Quality Control Board (CWQCB)
- SunLine Transit Agency
- SCAQMD Coachella Valley

The applicant is responsible for all requirements of the permits and/or clearances from the above listed agencies. When the requirements include approval of improvement plans, the applicant shall furnish proof of such approvals when submitting those improvements plans for City approval.

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

5. The applicant shall comply with applicable provisions of the City's NPDES stormwater discharge permit, Sections 8.70.010 et seq. (Stormwater Management and Discharge Controls), and 13.24.170 (Clean Air/Clean Water), LQMC; Riverside County Ordinance No. 457; and the State Water Resources Control Board's Order No. 99-08-DWQ.
  - A. For construction activities including clearing, grading or excavation of land that disturbs one (1) acre or more of land, or that disturbs less than one (1) acre of land, but which is a part of a construction project that encompasses more than one (1) acre of land, the Permittee shall be required to submit a Storm Water Pollution Protection Plan ("SWPPP").

The applicant or design professional can obtain the California Stormwater Quality Association SWPPP template at [www.cabmphandbooks.com](http://www.cabmphandbooks.com) for use in their SWPPP preparation.
  - B. The applicant's SWPPP shall be approved by the City Engineer prior to any on or off-site grading being done in relation to this project.
  - C. The applicant shall ensure that the required SWPPP is available for inspection at the project site at all times through and including acceptance of all improvements by the City.

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- D. The applicant's SWPPP shall include provisions for all of the following Best Management Practices ("BMPs") (8.70.020 (Definitions), LQMC):
  - 1) Temporary Soil Stabilization (erosion control).
  - 2) Temporary Sediment Control.
  - 3) Wind Erosion Control.
  - 4) Tracking Control.
  - 5) Non-Storm Water Management.
  - 6) Waste Management and Materials Pollution Control.
- E. All erosion and sediment control BMPs proposed by the applicant shall be approved by the City Engineer prior to any onsite or offsite grading, pursuant to this project.
- F. The approved SWPPP and BMPs shall remain in effect for the entire duration of project construction until all improvements are completed and accepted by the City.
- 6. 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).
- 7. Approval of this Tentative Tract Map 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**

- 8. Prior to issuance of any permit(s), the applicant shall acquire or confer easements and other property rights necessary for the construction or proper functioning of the proposed development. Conferred rights shall include irrevocable offers to dedicate or grant access easements to the City for emergency services and for maintenance, construction and reconstruction of essential improvements.
- 9. The applicant shall retain for private use on the Final Map all private street

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- rights-of-way in conformance with the City's General Plan, Municipal Code, applicable specific plans, and/or as required by the City Engineer.
10. The private street rights-of-way to be retained for private use required for this development include:
- A. PRIVATE STREETS (Per Final Tract Map No. 33076-1 and 33076-2 and Tentative Tract Map No. 34969)
- 1) Meriwether Way (28' ROW) - Private Residential Street measured at gutter flow line to gutter flow line shall have a 28-foot travel width measured at gutter flow line to gutter flow line with on-street parking prohibited, and provided there is adequate off-street parking for residents and visitors, and the applicant establishes provisions for ongoing enforcement of the parking restriction in the CC&R's. The CC&R's shall be reviewed by the Engineering and Planning Departments and approved by the Planning Department prior to recordation. The flush curb street section shall have a full 28 feet of travelable roadway as approved by the City Engineer and the Fire Department and provided the method of drainage conveyance is acceptable to the City Engineer.
  - 2) Humboldt Blvd. (28' ROW): Private Residential Street with a flush curb street section shall have a full 28 feet of travelable roadway as approved by the City Engineer and the Fire Department and provided the method of drainage conveyance is acceptable to the City Engineer and on-street parking is prohibited, and provided there is adequate off-street parking for residents and visitors, and the applicant establishes provisions for ongoing enforcement of the parking restriction in the CC&R's. The CC&R's shall be reviewed by the Engineering and Planning Departments and approved by the Planning Department prior to recordation.
  - 3) De Soto Avenue (28' ROW): Private Residential Street with a flush curb street section shall have a full 28 feet of travelable roadway as approved by the City Engineer and the Fire Department and provided the method of drainage conveyance is acceptable to the City Engineer and on-street parking prohibited, and provided there is adequate off-street parking for residents and visitors, and the applicant establishes provisions for ongoing enforcement of the

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parking restriction in the CC&R's. The CC&R's shall be reviewed by the Engineering and Planning Departments and approved by the Planning Department prior to recordation.

- B. PRIVATE AUTO COURT – Sufficient right of way shall be provided for the Auto Courts per the following conditions:
- 1) Driveways shall have a minimum travel width of 20 feet as approved by the Riverside County Fire Department and the City Engineer, provided that parking is prohibited, there is adequate off-street parking for residents and visitors, and provisions are established for ongoing enforcement of the parking restriction in the CC&R's. The CC&R's shall be reviewed by the Engineering and Planning Departments and approved by the Planning Department prior to recordation.
  - 2) The turn around shall conform to the shape shown on Tentative Tract No. 34968 except for minor revisions as may be required by the City Engineer. At a minimum, the applicant's engineer or architect will be required to demonstrate vehicular back out from garages at dead end courtyard driveways are acceptable to the Engineering Department during the plan review process. The applicant's engineer should provide a turning template exhibit during the plan check submittal process.
  - 3) The configurations shall be redesigned to comply with the requirements of the Riverside Fire Department and the City Engineer.
11. When the City Engineer determines that access rights to the proposed street rights-of-way shown on the approved Tentative Tract Map are necessary prior to approval of the Final Map dedicating such rights-of-way, the applicant shall grant the necessary rights-of-way within 60 days of a written request by the City.
12. The applicant proposes to utilize shared Auto Court Drives for access to units, therefore language pursuant to reciprocal access agreements shall be documented in the CC&R's of all property owners of this tentative tract map. Additionally, the applicant or the appropriate HOA shall provide perpetual maintenance of the Auto Court Drives.

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13. The applicant shall offer for dedication on the Final Map a twenty two foot (22') wide combination public utility easement and landscape/drainage easement contiguous with, and along both sides of all private streets consistent with existing easements for Final Map No. 33076-1 and 33076-2. Such easement may be reduced to five feet in width with the express written approval of IID.
14. The applicant shall offer for dedication those easements necessary for the placement of, and access to, utility lines and structures, drainage basins, mailbox clusters, park lands, and common areas on the Final Map.
15. The applicant shall furnish proof of easements, or written permission, as appropriate, from those owners of all abutting properties on which grading, retaining wall construction, permanent slopes, or other encroachments will occur.
16. The applicant shall cause no easement to be granted, or recorded, over any portion of the subject property between the date of approval of the Tentative Tract Map and the date of recording of any Final Map, unless such easement is approved by the City Engineer.

**STREET AND TRAFFIC IMPROVEMENTS**

17. The applicant shall comply with the provisions of Sections 13.24.060 (Street Improvements), 13.24.070 (Street Design - Generally) & 13.24.100 (Access For Individual Properties And Development), LQMC for public streets; and Section 13.24.080 (Street Design - Private Streets), where private streets are proposed.
18. The applicant shall construct the following street improvements to conform with the General Plan (street type noted in parentheses.)PRIVATE STREETS (Per Final Tract Map No. 33076-1 and 33076-2 and Tentative Tract Map No. 34969)
  - 1) Meriwether Way (28' ROW) - Private Residential Street measured at gutter flow line to gutter flow line shall have a 28-foot travel width measured at gutter flow line to gutter flow line with on-street parking prohibited, and provided there is adequate off-street parking for residents and visitors, and the applicant establishes provisions for ongoing enforcement of the parking restriction in the CC&R's. The CC&R's shall be reviewed by the Engineering and Planning Departments and approved by the Planning Department

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prior to recordation. The flush curb street section shall have a full 28 feet of travelable roadway as approved by the City Engineer and the Fire Department and provided the method of drainage conveyance is acceptable to the City Engineer.

- 2) Humboldt Blvd. (28' ROW): Private Residential Street with a flush curb street section shall have a full 28 feet of travelable roadway as approved by the City Engineer and the Fire Department and provided the method of drainage conveyance is acceptable to the City Engineer and on-street parking prohibited, and provided there is adequate off-street parking for residents and visitors, and the applicant establishes provisions for ongoing enforcement of the parking restriction in the CC&R's. The CC&R's shall be reviewed by the Engineering and Planning Departments and approved by the Planning Department prior to recordation.
- 3) De Soto Avenue (28' ROW): Private Residential Street with a flush curb street section shall have a full 28 feet of travelable roadway as approved by the City Engineer and the Fire Department and provided the method of drainage conveyance is acceptable to the City Engineer and on-street parking prohibited, and provided there is adequate off-street parking for residents and visitors, and the applicant establishes provisions for ongoing enforcement of the parking restriction in the CC&R's. The CC&R's shall be reviewed by the Engineering and Planning Departments and approved by the Planning Department prior to recordation.

**C. PRIVATE AUTO COURT – Construct the Auto Court per the following conditions:**

- 1) Driveways shall have a minimum travel width of 20 feet as approved by the Riverside County Fire Department and the City Engineer, provided that parking is prohibited, there is adequate off-street parking for residents and visitors, and provisions are established for ongoing enforcement of the parking restriction in the CC&R's. The CC&R's shall be reviewed by the Engineering Department prior to recordation.
- 2) The turn around shall conform to the shape shown on Tentative Tract No. 34968 except for minor revisions as may be required by

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the City Engineer. At a minimum, the applicant's engineer or architect will be required to demonstrate vehicular back out from garages at dead end courtyard driveways are acceptable to the Engineering Department during the plan review process. The applicant's engineer should provide a turning template exhibit during the plan check submittal process.

FINAL MAPS

19. Prior to the City's approval of a Final Map, the applicant shall furnish accurate mylars of the Final Map that were approved by the City's map checker on a storage media acceptable to the City Engineer. The Final Map shall be 1" = 40' scale.

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.

20. Improvement plans shall be prepared by or under the direct supervision of qualified engineers and/or architects, as appropriate, and shall comply with the provisions of Section 13.24.040 (Improvement Plans), LQMC.
21. The following improvement plans shall be prepared and submitted for review and approval by the Public Works Department. A separate set of plans for each line item specified below shall be prepared. The plans shall utilize the minimum scale specified, unless otherwise authorized by the City Engineer in writing. Plans may be prepared at a larger scale if additional detail or plan clarity is desired. Note, the applicant may be required to prepare other improvement plans not listed here pursuant to improvements required by other agencies and utility purveyors.

- |    |                            |                     |
|----|----------------------------|---------------------|
| A. | On-Site Rough Grading Plan | 1" = 40' Horizontal |
| B. | PM10 Plan                  | 1" = 40' Horizontal |
| C. | SWPPP                      | 1" = 40' Horizontal |

NOTE: A through C to be submitted concurrently.



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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.

**D. On-Site Residential Precise Grading Plan 1" = 30' Horizontal**

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

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

The applicant shall prepare an accessibility assessment on a marked up print of the building floor plan identifying every building egress and notes the 2001 California Building Code accessibility requirements associated with each door. The assessment must comply with submittal requirements of the Building & Safety Department. A copy of the reviewed assessment shall be submitted to the Engineering Department in conjunction with the Site Development Plan when it is submitted for plan checking.

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

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

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24. At the completion of construction, and prior to the final acceptance of the improvements by the City, the applicant shall update the mylars in order to reflect the as-built conditions.

**IMPROVEMENT SECURITY AGREEMENTS**

25. Prior to approval of any Final Map, the applicant shall construct all on and off-site improvements and satisfy its obligations for same, or shall furnish a fully secured and executed Subdivision Improvement Agreement ("SIA") guaranteeing the construction of such improvements and the satisfaction of its obligations for same, or shall agree to any combination thereof, as may be required by the City.
26. Any Subdivision Improvement Agreement ("SIA") entered into by and between the applicant and the City of La Quinta, for the purpose of guaranteeing the completion of any improvements related to this Tentative Tract Map, shall comply with the provisions of Chapter 13.28 (Improvement Security), LQMC.
27. Improvements to be made, or agreed to be made, shall include the removal of any existing structures or other obstructions which are not a part of the proposed improvements; and shall provide for the setting of the final survey monumentation.

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

28. Depending on the timing of the development of this Tentative Tract Map, and the status of the off-site improvements at the time, the applicant may be required to:
- A. Construct certain off-site improvements.
  - B. Construct additional off-site improvements, subject to the reimbursement of its costs by others.
  - C. Reimburse others for those improvements previously constructed that are considered to be an obligation of this tentative tract map.

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- D. Secure the costs for future improvements that are to be made by others.
  - E. To agree to any combination of these actions, as the City may require.
29. If the applicant elects to utilize the secured agreement alternative, the applicant shall submit detailed construction cost estimates for all proposed on-site and off-site improvements, including an estimate for the final survey monumentation, for checking and approval by the City Engineer. Such estimates shall conform to the unit cost schedule adopted by City resolution, or ordinance.

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

At the time the applicant submits its detailed construction cost estimates for conditional approval of the Final Map by the City Council, the applicant shall also submit one copy each of an 8-1/2" x 11" reduction of each page of the Final Map, along with a copy of an 8-1/2" x 11" Vicinity Map.

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

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

30. Should the applicant fail to construct the improvements for the development, or fail to satisfy its obligations for the development in a timely manner, the City shall have the right to halt issuance of building permits, and/or final building inspections, withhold other approvals related to the development of the project, or call upon the surety to complete the improvements.

**GRADING**

- 31. The applicant shall comply with the provisions of Section 13.24.050 (Grading Improvements), LQMC.
- 32. 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.
- 33. To obtain an approved grading permit, the applicant shall submit and obtain

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approval of all of the following:

- A. A grading plan prepared by a qualified engineer,
- B. A preliminary geotechnical ("soils") report prepared by a qualified engineer,
- C. A Fugitive Dust Control Plan prepared in accordance with Chapter 6.16, (Fugitive Dust Control), LQMC, and
- D. A Best Management Practices report prepared in accordance with Sections 8.70.010 and 13.24.170 (NPDES stormwater discharge permit and Storm Management and Discharge Controls), LQMC.

All grading shall conform to the recommendations contained in the Preliminary Soils Report, and shall be certified as being adequate by a soils engineer, or by an engineering geologist.

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

The applicant shall furnish security, in a form acceptable to the City, and in an amount sufficient to guarantee compliance with the approved Fugitive Dust Control Plan provisions as submitted with its application for a grading permit.

- 34. 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.
- 35. 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.
- 36. The applicant shall minimize the differences in elevation between the adjoining properties and the lots within this development.

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Where compliance within the above stated limits is impractical, the City may consider alternatives that are shown to minimize safety concerns, maintenance difficulties and neighboring-owner dissatisfaction with the grade differential.

37. Prior to any site grading or regrading that will raise or lower any portion of the site by more than plus or minus five tenths of a foot (0.5') from the elevations shown on the approved Tentative Tract Map, the applicant shall submit the proposed grading changes to the City Staff for a substantial conformance finding review.
38. 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**

39. Stormwater handling shall conform with the approved hydrology and drainage report for The Madison Club development and this tentative tract map. Nuisance water shall be disposed of in an approved manner.
40. The applicant shall comply with the provisions of Section 13.24.120 (Drainage), LQMC, Retention Basin Design Criteria, Engineering Bulletin No. 06-16 – Hydrology Report with Preliminary Hydraulic Report Criteria for Storm Drain Systems and Engineering Bulletin No. 06-015 - Underground Retention Basin Design Requirements. More specifically, stormwater falling on site during the 100 year storm shall be retained within the Madison Club development, unless otherwise approved by the City Engineer. The appropriate drainage easements must be conveyed for any drainage facilities that are intended to convey storm water outside the boundaries of Tentative Tract Map 34968, as approved by the City Engineer. The design storm shall be either the 3 hour, 6 hour or 24 hour event producing the greatest total run off.
41. Nuisance water shall be retained on site. Nuisance water shall be disposed of per approved methods contained in Engineering Bulletin No. 06-16 – Hydrology

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Report with Preliminary Hydraulic Report Criteria for Storm Drain Systems and Engineering Bulletin No. 06-015 - Underground Retention Basin Design Requirements.

42. In design of retention facilities, the maximum percolation rate shall be two inches per hour. The percolation rate will be considered to be zero unless the applicant provides site specific data indicating otherwise.
43. The project shall be designed to accommodate purging and blowoff water (through underground piping and/or retention facilities) from any on-site or adjacent well sites granted or dedicated to the local water utility authority as a requirement for development of this property.
44. No fence or wall shall be constructed around any retention basin unless approved by the Planning Director and the City Engineer.
45. For on-site above ground common retention basins, retention depth shall be according to Engineering Bulletin No. 06-16 – Hydrology Report with Preliminary Hydraulic Report Criteria for Storm Drain Systems. Side slopes shall not exceed 3:1 and shall be planted with maintenance free ground cover. Additionally, retention basin widths shall be not less than 20 feet at the bottom of the basin.
46. Stormwater may not be retained in landscaped parkways or landscaped setback lots. Only incidental storm water (precipitation which directly falls onto the setback) will be permitted to be retained in the landscape setback areas. The perimeter setback and parkway areas in the street right-of-way shall be shaped with berms and mounds, pursuant to Section 9.100.040(B)(7), LQMC.
47. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development.
48. The development shall be graded to permit storm flow in excess of retention capacity to flow out of the development through a designated overflow and into the historic drainage relief route.
49. Storm drainage historically received from adjoining property shall be received and retained or passed through into the historic downstream drainage relief route.

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UTILITIES

50. The applicant shall comply with the provisions of Section 13.24.110 (Utilities), LQMC.
51. 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.
52. Underground utilities shall be installed prior to overlying hardscape. For installation of utilities in existing improved streets, the applicant shall comply with trench restoration requirements maintained, or required by the City Engineer.

The applicant shall provide certified reports of all utility trench compaction for approval by the City Engineer. Additionally, grease traps and the maintenance thereof shall be located as to not conflict with access aisles/entrances.

CONSTRUCTION

53. The City will conduct final inspections of habitable buildings only when the buildings have improved street and (if required) sidewalk access to publicly-maintained streets. The improvements shall include required traffic control devices, pavement markings and street name signs. If on-site streets in residential developments are initially constructed with partial pavement thickness, the applicant shall complete the pavement prior to final inspections of the last ten percent of homes within the development or when directed by the City, whichever comes first.

LANDSCAPE AND IRRIGATION

54. The applicant shall comply with Sections 13.24.130 (Landscaping Setbacks) & 13.24.140 (Landscaping Plans), LQMC.
55. The applicant shall provide landscaping in the required setbacks, retention basins, common lots and park areas.
56. Landscape and irrigation plans for landscaped lots and setbacks, medians,

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retention basins, and parks shall be signed and stamped by a licensed landscape architect.

57. 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. Where City Engineer approval is not required, the applicant shall submit for a green sheet approval by the Public Works Department.

Final landscape plans for on-site planting shall be reviewed by the ALRC and approved by the Planning Director 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 the Planning Director.

58. 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 18 inches of curbs along public streets.
59. The applicant or his agent has the responsibility for proper sight distance requirements per guidelines in the AASHTO "A Policy on Geometric Design of Highways and Streets, 5<sup>th</sup> Edition" or latest, in the design and/or installation of all landscaping and appurtenances abutting and within the private and public street right-of-way.

PUBLIC SERVICES

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

QUALITY ASSURANCE

61. The applicant shall employ construction quality-assurance measures that meet with the approval of the City Engineer.
62. The applicant shall employ, or retain, qualified engineers, surveyors, and such



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other appropriate professionals as are required to provide the expertise with which to prepare and sign accurate record drawings, and to provide adequate construction supervision.

63. The applicant shall arrange for, and bear the cost of, all measurements, sampling and testing procedures not included in the City's inspection program, but which may be required by the City, as evidence that the construction materials and methods employed comply with the plans, specifications and other applicable regulations.
64. Upon completion of construction, the applicant shall furnish the City with reproducible record drawings of all improvement plans which were approved by the City. Each sheet shall be clearly marked "Record Drawing," "As-Built" or "As-Constructed" and shall be stamped and signed by the engineer or surveyor certifying to the accuracy and completeness of the drawings. The applicant shall have all approved mylars previously submitted to the City, revised to reflect the as-built conditions. The applicant shall have all approved mylars previously submitted to the City, revised to reflect the as-built conditions. 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.

**MAINTENANCE**

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

**FEES AND DEPOSITS**

67. The applicant shall comply with the provisions of Section 13.24.180 (Fees and Deposits), LQMC. These fees include all deposits and fees required by the City for plan checking and construction inspection. Deposits and fee amounts shall be those in effect when the applicant makes application for plan check and permits.

**CITY COUNCIL RESOLUTION NO. 2007-085  
CONDITIONS OF APPROVAL - FINAL  
TENTATIVE TRACT MAP 34968  
EAST OF MADISON, LLC  
ADOPTED: SEPTEMBER 18, 2007**

68. 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).
69. Tentative Tract 34968 shall provide for parks through payment of an in-lieu fee, as specified in Chapter 13.48, LQMC. The in-lieu fee (sometimes referred to as the "Quimby Fee") shall be based on the fair market value of the land within the subdivision. Land value information shall be provided to the Planning Director, via land sale information, a current fair market value of land appraisal, or other information on land value within the subdivision. The Planning Director may consider any subdivider-provided or other land value information source for use in calculation of the parkland fee.

**FIRE DEPARTMENT**

70. Final Fire Department conditions will be addressed prior to final map. A plan check fee must be paid to the Fire Department at the time building plans are submitted. All questions regarding Fire Marshal conditions should be directed to the Fire Department Planning & Engineering staff at (760) 863-8886.