

**CITY COUNCIL RESOLUTION 99-27  
CONDITIONS OF APPROVAL - FINAL  
TENTATIVE TRACT MAP 28964  
FEBRUARY 2, 1999**

**CONDITIONS OF APPROVAL**

**GENERAL**

1. Upon their approval by the City Council, the City Clerk is directed to file these Conditions of Approval with the Riverside County Recorder for recordation against the properties to which they apply.
2. The subdivider agrees to defend, indemnify, and hold harmless the City of La Quinta (the "City"), its agents, officers and employees from any claim, action or proceeding to attack, set aside, void, or annul the approval of this tentative map or any final map thereunder. The City shall have sole discretion in selecting its defense counsel.

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

3. Tentative Tract Map No. 28964 shall comply with the requirements and standards of §§ 66410 through 66499.58 of the California Government Code (the Subdivision Map Act) and Chapter 13 of the La Quinta Municipal Code (LQMC). The tentative map shall expire on February 2, 2001, unless an extension of time is applied for and granted.
4. Prior to the issuance of a grading permit or building permit for construction of any building or use contemplated by this approval, the applicant shall obtain permits and/or clearances from the following public agencies:
  - Fire Marshal
  - Public Works Department (Grading Permit, Improvement Permit)
  - Community Development Department
  - Riverside Co. Environmental Health Department
  - Desert Sands Unified School District
  - Coachella Valley Water District (CVWD)
  - Imperial Irrigation District
  - California Regional Water Quality Control Board (NPDES Permit)

The applicant is responsible for any requirements of the permits or clearances from those jurisdictions. If the requirements include approval of improvement plans, applicant shall furnish proof of said approvals prior to obtaining City approval of the plans.

The applicant shall comply with applicable provisions of the City's NPDES stormwater discharge permit. For projects requiring project-specific NPDES construction permits, the applicant shall include a copy of the application for the Notice of Intent with grading plans submitted for plan checking. Prior to issuance of a grading or site construction permit, the applicant shall submit a copy of the proposed Storm Water Pollution Protection Plan for review by the Public Works Department.

## PROPERTY RIGHTS

5. All easements, rights of way and other property rights required of the tentative map or otherwise necessary to facilitate the ultimate use of the development and functioning of improvements shall be dedicated, granted or otherwise conferred, prior to approval of a final map or parcel map or a waiver of parcel map. Conferrals shall include irrevocable offers to dedicate or grant easements to the City for emergency vehicles and for access to and maintenance, construction, and reconstruction of essential improvements located on street, drainage or common lots or within utility and drainage easements.
6. Prior to approval of a final map, parcel map or grading plan, the applicant shall furnish proof of easements or written permission, as appropriate, from owners of any abutting properties on which grading, retaining wall construction, permanent slopes, or other encroachments are to occur.
7. If the applicant proposes vacation or abandonment of any existing rights of way or access easements which will diminish access rights to any properties owned by others, the applicant shall provide approved alternate rights of way or access easements to those properties or notarized letters of consent from the property owners.
8. The applicant shall dedicate or grant public and private street right of way and utility easements in conformance with the City's General Plan, Municipal Code, applicable specific plans, and as required by the City Engineer.
9. Dedications required of this development include:
  - A. 50th Avenue - Primary Arterial; remainder of applicant's half of 100-foot wide right-of-way.
  - B. Entry Street - Lot B - 80-foot wide right-of-way.
  - C. Shared Entry Street - Lot F - applicant's half of a shared entry street between the applicant and the adjacent property owner, centered on the westerly Tract boundary. Shared entry street shall be configured to the satisfaction of the City Engineer and as mutually agreed between the applicant and the adjacent property owner with one entrance lane and two exit lanes (one left lane and one through-right lane), and a denied access turnaround.

Applicant shall grant access across their half of the shared entry street to the adjacent property owner. The easement shall be conditional upon completion of the westerly portion of the shared entry street by the adjacent property owner.
  - D. Interior Streets - Lots C, D, & E - 42-foot wide right-of-way, (36-foot wide right-of-way for Lot F behind the proposed security gate), plus suitable right-of-way for knuckle turns and offset culs-de-sac per Riverside County Standards.

Dedications shall include additional widths as necessary for dedicated right and left turn lanes, bus turnouts, and other features contained in the approved construction plans.

If the City Engineer determines that access rights to proposed street rights of way shown on the tentative map are necessary prior to approval of final maps dedicating the rights of way, the applicant shall grant interim easements to those areas within 60 days of written request by the City.

10. The applicant shall dedicate 10-foot wide public utility easements contiguous with and along both sides of all private streets.
11. The applicant shall create a 20-foot wide perimeter landscape setback along 50th Avenue. Landscape setback depth is the average depth if a meandering perimeter wall design is approved. Setbacks shall apply to all frontage including, but not limited to, remainder parcels, well sites and power substation sites.

Where public facilities (e.g., sidewalks) are placed on privately-owned setbacks, the applicant shall dedicate blanket easements for those purposes.

12. The applicant shall vacate abutter's rights of access to Avenue 50 from all frontage except for the main entry street (Lot B), the shared entry street (Lot F), and adjacent to Lot K if developed as a well site, as shown on the approved Tentative Map or as approved by the City Engineer.
13. The applicant shall dedicate easements necessary for placement of and access to utility lines and structures, drainage basins, mailbox clusters, park lands, and common areas.
14. The applicant shall cause no easements to be granted or recorded over any portion of this property between the date of approval by the City Council and the date of recording of any final map(s) covering the same portion of the property unless such easements are approved by the City Engineer.

#### FINAL MAP(S) AND PARCEL MAP(S)

15. Prior to approval of a final map, the applicant shall furnish accurate AutoCad files of the complete map, as approved by the City's map checker, on storage media and in a program format acceptable to the City Engineer. The files shall utilize standard AutoCad menu items so they may be fully retrieved into a basic AutoCad program.

If the map was not produced in AutoCad or a file format which can be converted to AutoCad, the City Engineer may accept raster-image files of the map.

## IMPROVEMENT PLANS

16. Improvement plans submitted to the City for plan checking shall be submitted on 24" x 36" media in the categories of "Rough Grading," "Precise Grading," "Streets & Drainage," and "Landscaping." All plans except precise grading plans shall have signature blocks for the City Engineer. Precise grading plans shall have signature blocks for Community Development Director and the Building Official. Plans are not approved for construction until they are signed.

"Streets and Drainage" plans shall normally include signals, sidewalks, bike paths, gates and entryways, and parking lots. "Landscaping" plans shall normally include landscape improvements, irrigation, lighting, and perimeter walls.

Plans for improvements not listed above shall be in formats approved by the City Engineer.

17. The City may maintain standard plans, details and/or construction notes for elements of construction. For a fee established by City resolution, the applicant may acquire standard plan and/or detail sheets from the City.
18. When final plans are approved by the City, the applicant shall furnish accurate AutoCad files of the complete, approved plans on storage media acceptable to the City Engineer. The files shall utilize standard AutoCad menu items so they may be fully retrieved into a basic AutoCad program. At the completion of construction and prior to final acceptance of improvements, the applicant shall update the files to reflect as-constructed conditions.

If the plans were not produced in AutoCad or a file format which can be converted to AutoCad, the City Engineer may accept raster-image files of the plans.

## IMPROVEMENT AGREEMENT

19. The applicant shall construct improvements and/or satisfy obligations, or furnish an executed, secured agreement to construct improvements and/or satisfy obligations required by the City prior to approval of a final map or parcel map or issuance of a certificate of compliance for a waived parcel map. For secured agreements, security provided, and the release thereof, shall conform with Chapter 13, LQMC.

Improvements to be made or agreed to shall include removal of any existing structures or obstructions which are not part of the proposed improvements.

20. If improvements are secured, the applicant shall provide estimates of improvement costs for checking and approval by the City Engineer. Estimates shall comply with the schedule of unit costs adopted by City resolution or ordinance. For items not listed in the City's schedule, estimates shall meet the approval of the City Engineer.

Estimates for utilities and other improvements under the jurisdiction of other agencies shall be approved by those agencies. Security is not required for telephone, gas, or T.V. cable improvements. However, tract improvements shall not be agendized for final acceptance until the City receives confirmation from the telephone authority that the applicant has met all requirements for telephone service to lots within the development.

21. If improvements are phased with multiple final maps or other administrative approvals (plot plans, conditional use permits, etc.), off-site improvements and common improvements (e.g., retention basins, perimeter walls & landscaping, gates) shall be constructed or secured prior to approval of the first phase unless otherwise approved by the City Engineer. Improvements and obligations required of each phase shall be completed and satisfied prior to completion of homes or occupancy of permanent buildings within the phase and subsequent phases unless a construction phasing plan is approved by the City Engineer.
22. If the applicant fails to construct improvements or satisfy obligations in a timely manner or as specified in an approved phasing plan, the City shall have the right to halt issuance of building permits or final building inspections or otherwise withhold approvals related to the development of the project until the applicant makes satisfactory progress on the improvements or obligations or has made other arrangements satisfactory to the City.
23. The applicant shall pay cash or provide security for applicant's required share of improvements which have been or will be constructed by others (participatory improvements).

Participatory improvements for this development include:

- A. 50th Avenue and Shared Entry Street (Lot F) - 25% of the cost to design and construct traffic signal improvements.
- B. 50th Avenue - 50% of the cost to design and construct a 12-foot wide raised, landscaped median in that portion adjacent to this Tentative Map.

The applicant's obligations for all or a portion of the participatory improvements may, at the City's option, be satisfied by participation in a major thoroughfare improvement program if this development becomes subject to such a program.

## GRADING

24. Graded, undeveloped land shall be maintained to prevent dust and blowsand nuisances. The land shall be planted with interim landscaping or provided with other wind and water erosion control measures approved by the Community Development and Public Works Departments.
25. Prior to occupation of the project site for construction purposes, the Applicant shall submit and receive approval of a fugitive dust control plan prepared in accordance with Chapter 6.16, LQMC. The Applicant shall furnish security, in a form acceptable to the city, in an amount sufficient to guarantee compliance with the provisions of the permit.
26. The applicant shall furnish a preliminary geotechnical ("soils") report with the grading plan.
27. The grading plan shall be prepared by a registered civil engineer and must be approved by the City Engineer prior to issuance of a grading permit. The grading plan shall conform with the recommendations of the soils report and shall be certified as adequate by a soils engineer or an engineering geologist. A statement shall appear on final maps (if any are required of this development) that a soils report has been prepared pursuant to Section 17953 of the Health and Safety Code.
28. The applicant shall endeavor to minimize differences in elevation at abutting properties and between separate tracts and lots within this development. Building pad elevations on contiguous lots shall not differ by more than three feet except for lots within a tract, but not sharing common street frontage, where the differential shall not exceed five feet. If compliance with this requirement is impractical, the City will consider and may approve alternatives which minimize safety concerns, maintenance difficulties and neighboring-owner dissatisfaction with the grade differential.
29. Prior to issuance of building permits, the applicant shall provide building pad certifications, stamped and signed by a California registered civil engineer or surveyor. The certifications shall list approved pad elevations, actual elevations, and the difference between the two, if any. The data shall be organized by lot number and shall be listed cumulatively if submitted at different times.

## DRAINAGE

The applicant shall comply with the provisions of Engineering Bulletin No. 97.03 and the following:

30. The design of the development shall not cause any increase in flood boundaries, levels or frequencies in any area outside the development.

31. Stormwater falling on site during the peak 24-hour period of a 100-year storm (the design storm) shall be retained in common retention basins within the development unless otherwise approved by the City Engineer. The tributary drainage area shall extend to the centerline of adjacent public streets.
32. Storm flow in excess of retention capacity shall be routed through a designated, unimpeded overflow outlet and into the historic drainage relief route.
33. Storm drainage historically received from adjoining property shall be received and retained or passed through into the historic downstream drainage relief route.
34. The applicant shall provide easements to on-site retention facilities for periodic "blow off" and flushing of water from well site(s) dedicated within this Tentative Map. Drainage improvements for the well site(s) shall provide direct drainage to common retention basins.
35. Retention facility design shall be based on site-specific percolation data which shall be submitted for checking with the basin plans. The design percolation rate shall not exceed two inches per hour.
36. Retention basin slopes shall not exceed 3:1. Maximum retention depth shall be six feet for common basins and two feet for lot-by-lot retention.
37. Nuisance water shall be retained on site. A trickling sand filter and leachfield of a design approved by the City Engineer shall be installed to percolate nuisance water. The sand filter(s) shall be designed to infiltrate 5 gallons per day/1,000 square feet (of landscape area) and to accommodate surges of 3 gph/1,000 sq. ft.
38. In developments for which security will be provided by public safety entities (e.g., the La Quinta Safety Department or the Riverside County Sheriff's Department), retention basins shall be visible from the adjacent street(s). No fence or wall, other than the Tract's perimeter wall, shall be constructed around basins unless approved by the Community Development Director and the City Engineer.

#### UTILITIES

39. Existing and proposed utilities within or adjacent to the proposed development shall be installed underground. Power lines exceeding 34.5 kv are exempt from this requirement.
40. Where hardscape improvements are planned, underground utilities shall be installed prior to the hardscape. The applicant shall provide certified reports of trench compaction for approval of the City Engineer.

## STREET AND TRAFFIC IMPROVEMENTS

41. The City is contemplating adoption of a major thoroughfare improvement program. Any property within this development which has not been subdivided in accordance with this tentative map 60 days after the program is in effect shall be subject to the program.

42. The applicant shall install the following street improvements to conform with the General Plan street type noted in parentheses:

### A. OFF-SITE STREETS

- 1) 50th Avenue (Primary Arterial) -- Applicant's half of a 76-foot wide travel section (curb face to curb face) with a 6-foot wide meandering sidewalk. If applicant's side of the street is constructed first, improvements shall include a striped median and a 20-foot wide eastbound lane. If the other side of the street is constructed first, improvements shall include a 12-foot wide raised, landscaped median, unless otherwise deferred by the City at that time.

### B. PRIVATE STREETS AND CULS-DE-SAC

- 1) Entry Street - Lot B - 20-foot wide travel sections (curb face to curb face) divided by a 20-foot wide raised median with a gated entry layout acceptable to the City Engineer.
- 2) Shared Entry Street - Lot F - Applicant's half of a shared entry street between the applicant and the adjacent property owner, centered on the westerly Tract boundary. Shared entry street shall be configured to the satisfaction of the City Engineer and as mutually agreed between the applicant and the adjacent property owner with one entrance lane and two exit lanes (one left lane and one through-right lane), and a denied access turnaround.

If constructed first, the applicant's half of the shared entry street shall be constructed in an interim condition to provide two-way access from 50th Avenue to the Tract to the satisfaction of the City Engineer prior to the issuance of the 36<sup>th</sup> residential building permit within the Tentative Map.

- 3) Typical Interior Streets - Lots C, D, & E - 40-foot wide (curb face to curb face); Lot F (behind the proposed security gate) - 28-foot wide (curb face to curb face); adjacent 6-foot wide sidewalks not required.



- 4) Cul-de-sac curb radius - 45', or as approved by the City Engineer.

Entry drives, main interior circulation routes, turn knuckles, corner cutbacks, bus turnouts, dedicated turn lanes, and other features contained in the approved construction plans may warrant additional street widths as determined by the City Engineer.

43. Access points and turning movements of traffic are limited to the following:
- A. Entry Street on 50th Avenue - Lot B - right-in/right-out movements allowed. A left-in movement may be approved if the applicant installs approved traffic control markings and devices within the painted median. Left-out movement is not allowed.
  - B. Shared Entry Street on 50th Avenue - Lot F - all-way access allowed.
44. Improvements shall include appurtenances such as traffic control signs, markings and other devices, raised medians if required, street name signs, and sidewalks. Mid-block street lighting is not required.
45. The applicant may be required to extend improvements beyond development boundaries to ensure they safely integrate with existing improvements (e.g., grading; traffic control devices and transitions in alignment, elevation or dimensions of streets and sidewalks).
46. Improvements shall be designed and constructed in accordance with the LQMC, adopted standards, supplemental drawings and specifications, and as approved by the City Engineer. Improvement plans for streets and access gates shall be stamped and signed by California-registered professional engineer(s).
47. Street right of way geometry for culs de sac, knuckle turns and corner cutbacks shall conform with Riverside County Standard Drawings #800, #801, and #805 respectively unless otherwise approved by the City Engineer.
48. Streets shall have vertical curbs or other approved curb configurations which convey water without ponding and provide lateral containment of dust and residue for street sweeping. Unused curb cuts on any lot shall be restored to normal curbing prior to final inspection of permanent building(s) on the lot.
49. The applicant shall design street pavement sections using Caltrans' design procedure (20-year life) and site-specific data for soil strength and anticipated traffic loading (including construction traffic). Minimum structural sections are as follows:

Residential & Parking Areas	3.0" a.c./4.50" a.b.
Collector	4.0"/5.00"
Secondary Arterial	4.0"/6.00"
Primary Arterial	4.5"/6.00"
Major Arterial	5.5"/6.50"

50. The applicant shall submit current mix designs (<two years old at the time of construction) for base, paving and curb/gutter materials. Submittals 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 (<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.
51. The City will conduct final inspections of homes and other habitable buildings only when the buildings have improved street and sidewalk access to publicly-maintained streets. The improvements shall include required traffic control devices, pavement markings and street name signs. If on-site streets 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 tract or when directed by the City, whichever comes first.

### LANDSCAPING

52. The applicant shall provide landscaping in required setbacks, retention basins, common lots, and park areas.
53. Landscape and irrigation plans for landscaped lots and setbacks, medians, retention basins, front yards, and parks shall be signed and stamped by a licensed landscape architect and be prepared based on the water conservation measures addressed in Chapter 8.13 of the Municipal Code.

The applicant shall submit plans for approval by the Community Development Department prior to plan checking by the Public Works Department. When plan checking is complete, the applicant shall obtain the signatures of CVWD and the Riverside County Agricultural Commissioner prior to submitting for signature by the City Engineer. Plans are not approved for construction until signed by the City Engineer.

54. Slopes shall not exceed 5:1 within public rights of way and 3:1 in landscape areas outside the right of way unless otherwise approved by the City Engineer.

55. Landscape areas shall have permanent irrigation improvements meeting the requirements of the City Engineer. Use of lawn shall be minimized with no lawn or spray irrigation within 18" of curbs along public/private streets.
56. Unless otherwise approved by the City Engineer, common basins and park areas shall be designed with grades and turf grass surface which can be mowed with standard tractor-mounted equipment.
57. The applicant shall ensure that landscaping plans and utility plans are coordinated to provide visual screening of aboveground utility structures.
58. The applicant shall construct perimeter walls and required landscaping to enclose the entire perimeter prior to final inspection of any homes within the tract unless a phasing plan or construction schedule is approved by the City Engineer and Community Development Director.
59. Landscape berms of 24" to 36" high shall be used throughout the parkway landscaping as required by Section 9.60.240(F) of the Zoning Ordinance.
60. Mature landscaping shall be installed in the perimeter landscaping parkways. No less than 75 percent of the trees on 50th Avenue shall be 24"- or 36"-box specimen trees (e.g., minimum 1.75" to 3" diameter trunk width per tree type) with remaining trees 15 gallon in size with one inch diameter trunk. Vandal proof ground mounted lighting shall be used periodically to accent the parkway trees. Shrubs shall be clustered to form distinctive design themes.
61. Front yard landscaping for future houses shall consist of a minimum of two shade trees (i.e., one tree @ 15 gallon with 1" diameter trunk and one tree @ 24" box with 1.75" diameter trunk) and 10 five-gallon shrubs. Three additional 15 gallon trees shall be required for corner lot houses. All trees shall be double staked to prevent wind damage. Trees and shrubs shall be watered with emitters or bubblers. The developer is encouraged to use plants that are native to this area and drought tolerant.
62. Landscape and irrigation improvements shall be installed prior to occupancy of the house. The developer and subsequent property owner shall continuously maintain all required landscaping in a healthy and viable condition.

#### PUBLIC SERVICES

63. The applicant shall provide public transit improvements along 50th Avenue as required by Sunline Transit Agency.

### QUALITY ASSURANCE

64. The applicant shall employ construction quality-assurance measures which meet the approval of the City Engineer.
65. The applicant shall employ or retain California registered civil engineers, geotechnical engineers, surveyors, or other licensed professionals, as appropriate, to provide sufficient construction supervision to be able to furnish and sign accurate record drawings.
66. The applicant shall arrange and bear the cost of measurement, sampling and testing procedures not included in the City's inspection program but required by the City as evidence that construction materials and methods comply with plans and specifications. Where retention basins are installed, testing shall include a sand filter percolation test, as approved by the City Engineer, after required tract improvements are complete and soils have been permanently stabilized.
67. Upon completion of construction, the applicant shall furnish the City reproducible record drawings of all plans which were signed by the City Engineer. Each sheet shall be clearly marked "Record Drawings," "As-Built" or "As-Constructed" stamped and signed by the engineer or surveyor certifying to the accuracy of the drawings. The applicant shall revise the CAD or raster-image files previously submitted to the City to reflect as-constructed conditions.

### MAINTENANCE

68. The applicant shall make provisions for continuous, perpetual maintenance of all required improvements until expressly released from said responsibility by the City.

### FEEES AND DEPOSITS

69. The applicant shall pay the City's established fees for plan checking and construction inspection. Fee amounts shall be those in effect when the applicant makes application for plan checking and permits.
70. The applicant shall comply with the terms and requirements of the Infrastructure Fee program in effect at the time of issuance of building permits.
71. Prior to issuance of a grading permit, the property owner shall pay a fee of \$600.00 per acre for disturbing the habitat area of the Coachella Valley Fringe-Toed Lizard.

72. Within 24 hours after review by the City Council, the property owner/developer shall submit to the Community Development Department two checks made out to the County of Riverside in the amount of \$78.00 and \$1,250.00 to permit the filing and posting of the Notice of Determination for EA 98-365.
73. Prior to building permit issuance, the developer shall pay school mitigation fees to the Desert Sands Unified School District based on the State imposed fee in effect at that time. The school facilities fee shall be established by Resolution (i.e., State of California School Facilities Financing Act).
74. Prior to final map approval by the City Council, the property owner/developer shall meet the Parkland Dedication requirements by payment of in-lieu fees as set forth in Section 13.48 of the La Quinta Municipal Code.

#### FIRE DEPARTMENT

75. Fire hydrants in accordance with CVWD Standard W-33 shall be located at each street intersection spaced not more than 330 feet apart in any direction with no portion of any lot frontage more than 165 feet from a fire hydrant. Minimum fire flow shall be 1,500 g.p.m. for a 2-hour duration at 20 psi. Blue dot reflectors shall be mounted in the middle of the streets directly in line with fire hydrants.
76. Applicant/developer will provide written certification from the appropriate water company that the required fire hydrants are either existing or that financial arrangements have been made to provide them.
77. Prior to recordation of the final map, applicant/developer will furnish one blue-line copy of the water system plans to the Fire Department for review/approval. Plans will conform to the fire hydrant types, location and spacing, and the system will meet the fire flow requirements. Plans will be signed/approved by a registered civil engineer and the local water company with the following certification: "I certify that the design of the water system is in accordance with the requirements prescribed by the Riverside County Fire Department."
78. The required water system including fire hydrants will be installed and accepted by the appropriate water agency prior to any combustible building materials being placed on an individual lot.
79. A temporary water supply for fire protection may be allowed for the construction of the model units only. Plans for a temporary water system must be submitted to the Fire Department for review prior to issuance of building permits.

80. Gates installed to restrict access shall be power operated and equipped with a Fire Department override system consisting of Knox Key Operated switches, series KS-2P with dust cover, mounted per recommended standard of the Knox Company. Improvement plans for the entry street and gates shall be submitted to the Fire Department for review and approval prior to installation.
81. Gate entrances shall be at least two feet wider than the width of the traffic lane(s) serving that gate. All gates providing access from a road to a driveway shall be located at least 30 feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Where a one-way road with a single traffic lane provides access to a gate entrance, a 40 foot turning radius shall be used.
82. After site preparation work has been completed, the applicant shall contact the Fire Department (Planning and Engineering Department) for an inspection of the property to insure all conditions listed have been met by calling 760-863-8886.
83. Phased improvements shall be approved by the Fire Department.

#### ENVIRONMENTAL

84. Prior to the issuance of a grading permit or building permit, the property owner/developer shall prepare and submit a written report to the Community Development Department demonstrating compliance with those Conditions of Approval and mitigation measures of TTM 28964 and EA 98-365. Mitigation monitoring of the project site during grading is required.
85. The Archaeological Data Recovery Plan shall be required to consist of 100% hand excavation or mechanical excavation to allow precise incremental removals up to two to five centimeters subject to documentation from qualified archaeologists. Said documentation shall be subject to peer review by a qualified expert(s) acceptable to the Community Development Director or his designee.

The Data Recovery Plan shall clearly state that the excavation will continue until sterile levels are reached, regardless of depth, and that it shall be clearly stated that Phase II will consist of a total recovery program of areas with a final designation as significant by the project archaeologist as the result of on-going field work subject to approval by the Community Development Director or his designee.

The Data Recovery Plan shall include a detailed discussion connecting the significance determinations and the stated research goals given in the Phase II Interim Testing Report with the proposed Phase III data recovery plan methodology.

The Data Recovery Plan shall include a discussion of proposed procedures of the laws pertaining to the treatment of human remains. In addition, the report shall provide a discussion of proposed provisions for the scientific study of the remains prior to final disposition.

The Data Recovery Plan shall clarify what is included in the \$5,000 line item for testing with the consideration that radiocarbon testing and obsidian hydration tests be included in this line item.

The resumes of all proposed crew members shall be placed in an appendix to the Data Recovery Plan. Documentation by the Native American Heritage Commission for Mr. Marc Benitez shall be included in another appendix.

The Data Recovery Plan shall include a discussion of the proposed provisions for publication and dissemination of the final report of the Phase III component of work.

The map prepared by RBF shall be revised to factor for depth of the cultural deposits where known, and reviewed for accuracy by the consulting archaeologist. This map shall be submitted to the Community Development Department for review and approval.

The applicant shall provide current tribal boundaries for the purposes of correct disposition of any human remains.

The potentially human cremation bone material referenced in the Phase II Interim Testing report and subsequently determined "not large enough for a positive identification" as human by Consulting Biological Anthropologist Debbie Gray shall be submitted with all other bone material to a qualified zooarchaeologist for study and possible identification. The results of this study are to be included in the final Phase III Data Recovery report.

86. The approved Data Recovery Plan field work shall be completed prior to issuance of any project-related grading permits or ground disturbance. Progress reports for the data recovery field work, certified by the Principal Investigator, shall be submitted to the Community Development Department every two weeks beginning with the on-set of field work. A draft of the final report for the Data Recovery Plan shall be submitted to the Community Development Department within 60 days from the conclusion of the field work and prior to the issuance of any grading permits. A final report shall be submitted to the Community Development Department prior to issuance of any building permits or within 6 months of completion of the Data Recovery Plan. Draft and Final Reports for the Phase III Data Recovery shall follow the "Archaeological Resource Management Reports (ARMR): Recommended Format and Contents" for completeness and organization. Prior to issuance of a grading permit, the completed Final Report for the Phase II Testing Investigation shall be submitted for review and acceptance by the City's Historic Preservation Commission. This report shall also follow the ARMR format.

Archaeological monitoring of the entire project site shall be required. Prior to issuance of a grading permit, the name and qualifications of the archaeological monitors shall be submitted to the Community Development Department. The archaeological monitors shall be notified of, and attend all, pre-grade meetings conducted by the developer/contractors. The developer shall notify the archaeological monitors of the intent to begin grading within 72 hours of on-set. A report of the results of the monitoring activities shall be submitted to the Community Development Department for review by the Historic Preservation Commission, prior to the first final building inspection conducted for the project.

### MISCELLANEOUS

87. All agency letters received for this case are made part of the case file documents for plan checking purposes.
88. Prior to final map approval, proposed street names shall be submitted to the Community Development Department for review and approval. Three names shall be submitted for each proposed private street.
89. Prior to final map approval, the applicant shall submit to the Community Development Department for review a copy of the proposed Covenants, Conditions, and Restrictions (CC and R's) for the project. Approval of the C. C. and R's by the City Attorney is required.